

BOARD OF ADJUSTMENT
OF THE CITY OF SUNSET HILLS, MISSOURI

THURSDAY, FEBRUARY 27, 2020

BE IT REMEMBERED that the Board of Adjustment of the City of Sunset Hills, Missouri met in regular session on Thursday, February 27, 2020. The meeting convened at 7:00 p.m.

ROLL CALL

Present:	William Weber	-Member
	Larry Smith	-Member
	Mark Naes	-Member
	Jerome Cox	-Member
	Robert E. Jones	-City Attorney
	Lynn Sprick	-Assistant Planner
	Bryson Baker	-City Engineer
Absent:	Joshua Arnold	-Member

APPROVAL OF MINUTES

Copies of the minutes of the January 23, 2020 Board of Adjustment meeting were distributed to the members for their review. Mr. Smith made a motion to approve the minutes, as submitted. Mr. Cox seconded the motion, and it was unanimously approved.

NEW BUSINESS

A-07-20 Notice of appeal, submitted by Dr. Kurt Eichholz, to vary the side setback from the required fifteen feet (15') to five feet (5') for the construction of a medical office at 4590 South Lindbergh Boulevard (per Appendix B, Section 4.9-4).

Ms. Sprick stated Dr. Eichholz would like to vary the side setback from 15 feet to

5 feet. The existing building does not meet this requirement. A full site plan review has not been completed, at this time, so there may be other variances necessary in the future for this project.

Dr. Kurt Eichholz, property owner, was present and stated the side of the building that he would like a setback variance adjoins another commercial property. The office building has outgrown its usefulness. Two years ago a surgery center was constructed at the rear of the property. The new building will be a medical office, physical therapy facility, and imaging center. Everything else will comply with Sunset Hills Code requirements. The new Zoning Code is proposing a zero foot side setback on properties such as these. Currently, the building is 5 feet from the property line. The closest the new building will be is 5 feet. It will be at an angle out to 14 feet away from the property line. So, the new building will be less non-conforming than the old building. Sunset Hills Medical office, which is adjacent to the side setback in question, sent a supportive letter for the project.

Mr. Weber stated the Board cannot base their decision on the future Zoning Code.

Mr. Naes asked if the Fire Department can fit a fire truck to the back of the property.

Ms. Sprick stated the drive aisle has to be 24 feet wide. If it is not, he will have to come back for another variance in which a condition would be requested for Fire Department approval.

Mr. Smith asked if the property satisfies parking requirements.

Ms. Sprick stated it does not, but there are certain calculations that can be done when the building is planned. It was close enough that it may meet requirements at that point.

Mr. Weber stated he does not see a hardship in this case.

Dr. Eicholz stated the extra width is for an MRI machine. If they cannot have a wide enough building, they may not be able to have the imaging that they had planned.

Mr. Weber listed the hardship requirements and stated these do not apply in this case.

Mr. Smith agreed and stated once the building is torn down, they are starting with a clean site, which should be considered for approval or denial of the variance.

Ms. Sprick asked about the existing mechanical equipment.

Dr. Eicholz stated the mechanical equipment will be located on the roof of the new building. Without a variance they may not be able to continue the project, as planned.

Mr. Naes asked if the building could be moved to the north.

Dr. Eicholz stated the parking would have to be moved and would not meet Fire Department requirements.

Mr. Cox asked if the building could be elongated.

Dr. Eicholz stated they would not be able to have the MRI machine.

Mr. Weber called for a vote on petition A-07-20 Notice of appeal, submitted by Dr. Kurt Eichholz, to vary the side setback from the required fifteen feet (15') to five feet (5') for the construction of a medical office at 4590 South Lindbergh Boulevard (per Appendix B, Section 4.9-4). With 3 aye votes and 1 nay votes, the motion was denied.

It should be noted that the following petitions were heard at the same time, but voted on separately.

- A-08-20 Notice of appeal, submitted by Bank Star, to vary the width of four (4) drive aisles from the required twenty four feet (24') to twenty three feet (23') and one (1) drive aisle from the required twenty four feet (24') to twenty two feet (22') for an existing parking lot at 9717 Landmark Parkway Drive (per Appendix B, Section 6.3-5A).

- A-09-20 Notice of appeal, submitted by Bank Star, to vary the front setback of parking areas from the required ten feet (10') to five feet (5'), the side setback from the required five feet (5') to zero feet (0') and the rear setback from the required five feet (5') to two feet (2') for an existing parking lot at 9717 Landmark Parkway Drive (per Appendix B, Section 6.3-4).

- A-10-20 Notice of appeal, submitted by Bank Star, to vary the number of stacking spaces for an automated teller machine (ATM) from the required five (5) spaces to two (2) spaces for the installation of an ATM at 9717 Landmark Parkway Drive (per Appendix B, Section 6.5).

- A-11-20 Notice of appeal, submitted by Bank Star, to vary the landscaping requirements for parking areas adjacent to streets from the required fifteen (15) trees and sixty (60) shrubs to six (6) trees and zero (0) shrubs for an existing development at 9717 Landmark Parkway Drive (per Appendix B, Section 5.13-5).

- A-12-20 Notice of appeal, submitted by Bank Star, to waive the requirement for an underground irrigation system for required landscape areas greater than 150 square feet for an existing development at 9717 Landmark Parkway

Drive (per Appendix B, Section 5.13-6).

A-13-20 Notice of appeal, submitted by Bank Star, to vary the minimum lighting standard from the required 0.5 minimum foot-candles to 0.0 foot-candles in an existing parking lot at 9717 Landmark Parkway Drive. (per Appendix B, Section 6.3-7).

Ms. Sprick stated the petitioner has submitted an application to the Planning and Zoning Commission for an Amended Development Plan, which is treated like an entirely new development. This gives the City a chance to look at the property. They would like to remove four parking spaces, construct an ATM, and install a landscape island. They would like the five drive aisles that do not meet current requirements, to remain as is. The entrance onto the property, on the southeast end, is one foot short of the requirement. Three drive aisles near the ATM are short, as well. The parking lot does not meet setback requirements either. Stacking spaces for a service window are required to have five spaces and they are asking to take that requirement down to two spaces. They are also asking for a variance on the landscape requirements. They would like to waive the requirement for irrigation and lighting requirements, as well.

Mark Doering, President of Doering Engineering representing Joe Stewart, was present and stated the building conformed to the requirements when it was built. It is not expected to be a busy ATM, so they do not believe the required five stacking spaces are necessary. Even if there were a lot of people using the ATM, it would not back into City right of way.

Mr. Weber stated the turn where the ATM is being proposed is very tight.

Mr. Doering stated he expects traffic to be coming from the other direction. The patrons using the machine will be using it often and will get used to circling around to go the other direction.

Mr. Smith asked why they cannot increase to minimum standards for landscaping.

Mr. Doering stated the petitioner is not the property owner.

Mr. Smith stated the petitioner is going to do some work and is responsible for the monetary costs. He asked why he is not willing to do some landscaping.

Mr. Doering stated finances limit that aspect.

Ms. Sprick stated they are adding landscaping around the construction site, but the tenant does not want to pay to add landscaping to the entire property.

Mr. Smith stated he has a problem with approving things that do not meet regulations.

Mr. Doering stated there is a scale when dealing with these things on whether it is dealing with an entire site or small project renovations, such as this. This should be taken into consideration.

Mr. Naes asked if the variance is approved and there is another project in the future, would the petitioner not be required to meet these requirements.

Mr. Jones stated as a Planned Development, they would have to come back and landscaping would be addressed again if any changes were being made on the site.

Ms. Sprick stated the new Code allows some variances to be addressed at the Planning & Zoning Commission if it is a Planned Development or an Amended Development Plan.

Mr. Smith asked if the property was part of Sunset Hills when it was built.

Mr. Jones stated it was part of St. Louis County and annexed into the City.

Mike Hunter, of 9620 Hidden Valley Drive, stated he lives down the hill from Landmark Parkway and there is no fencing or lighting in the area. There is nothing to prevent people using the ATM at night from walking down the hill straight to his back patio. He has some safety concerns.

Mr. Weber asked if lighting meets requirements near the area Mr. Hunter is speaking of.

Ms. Sprick stated the readings that did not meet requirements were on the northwest of the property, in front of the building.

Mr. Hunter stated if the ATM is a 24 hour use, he requests a fence be installed, so that people cannot walk down onto his property.

Mr. Jones asked if the buffer and possibility of a fence has been addressed.

Ms. Sprick stated the fence will need to be addressed.

Mr. Smith asked if the fence would have to be along the entire development.

Ms. Sprick stated the City cannot make the entire development install a fence due to this application.

Mr. Smith asked if the Board would be able to require a fence, even though the building was constructed before it was annexed into the City.

Ms. Sprick stated yes, and some of the houses were built after the commercial development was constructed.

Mr. Naes asked about the variance being requested by the tenant instead of the owner.

Ms. Sprick stated the owner gave approval for the tenant to submit the applications.

Mr. Baker stated the fence will only be required for the one parcel in question.

Mr. Weber asked if the residents could petition to have a fence installed along the entire development.

Mr. Baker replied no.

Mr. Doering stated there is a wood buffer of established trees.

Mr. Baker stated when a fence is required, it has to be placed at the property line. The property line for this parcel is deep into the woods.

Mr. Cox stated he understands the residents' concerns and asked if this is something the Board needs to consider.

Mr. Baker stated it is more of a concern to the Planning and Zoning Commission and the Board of Aldermen.

Mr. Smith stated the petitioner is unwilling to provide the irrigation for landscaping, which is a requirement.

Mr. Doering stated it would cost \$40,000-\$50,000 to irrigate the property. They could irrigate the island being installed.

Mr. Weber called for a vote on petition A-08-20 Notice of appeal, submitted by Bank Star, to vary the width of four (4) drive aisles from the required twenty four feet (24') to twenty three feet (23') and one (1) drive aisle from the required twenty four feet (24') to twenty two feet (22') for an existing parking lot at 9717 Landmark Parkway Drive (per Appendix B, Section 6.3-5A). With 4 aye votes and 0 nay votes, the motion was approved.

Mr. Weber called for a vote on petition A-09-20 Notice of appeal, submitted by Bank Star, to vary the front setback of parking areas from the required ten feet (10') to five feet (5'), the side setback from the required five feet (5') to zero feet (0') and the rear setback from the required five feet (5') to two feet (2') for an existing parking lot at 9717 Landmark Parkway Drive (per Appendix B, Section 6.3-4). With 4 aye votes and 0 nay votes, the motion was approved.

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Mr. Weber called for a vote on petition A-11-20 Notice of appeal, submitted by Bank Star, to vary the landscaping requirements for parking areas adjacent to streets from the required fifteen (15) trees and sixty (60) shrubs to six (6) trees and zero (0) shrubs for an existing development at 9717 Landmark Parkway Drive (per Appendix B, Section 5.13-5). With 4 aye votes and 0 nay votes, the motion was approved.

Mr. Weber called for a vote on petition A-12-20 Notice of appeal, submitted by Bank Star, to waive the requirement for an underground irrigation system for required landscape areas greater than 150 square feet for an existing development at 9717 Landmark Parkway Drive (per Appendix B, Section 5.13-6). With 4 aye votes and 0 nay votes, the motion was approved.

Mr. Weber called for a vote on petition A-13-20 Notice of appeal, submitted by Bank Star, to vary the minimum lighting standard from the required 0.5 minimum foot-candles to 0.0 foot-candles in an existing parking lot at 9717 Landmark Parkway Drive. (per Appendix B, Section 6.3-7). With 4 aye votes and 0 nay votes, the motion was approved.

OTHER MATTERS DEEMED APPROPRIATE

Mr. Naes asked about the irrigation requirement.

Ms. Sprick stated it is not a common requirement and it is not very effective. A member at some point suggested the requirement be added.

Mr. Smith stated there should be some way to make sure the plants get watered. There have been several cases recently of old buildings where there is no record whether the plan was approved as is or if any modifications to the rules were made.

Mr. Weber stated William Groth has resigned from the committee.

Ms. Sprick stated Joshua Arnold is the new member that was appointed.

ADJOURNMENT

Mr. Smith made a motion to adjourn the meeting at 7:55 P.M. Mr. Naes seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape