

MINUTES OF THE ZONING CODE UPDATE MEETING
OF THE PLANNING AND ZONING COMMISSION
OF THE CITY OF SUNSET HILLS, MISSOURI
HELD ON MONDAY, JULY 8, 2019

BE IT REMEMBERED that the Planning and Zoning Commission of the City of Sunset Hills, Missouri met in the Robert C. Jones Chambers of City Hall, 3939 S. Lindbergh Blvd., in said City on Monday, July 8, 2019. 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

Present:	Terry Beiter	-Chairman
	Roger Kaiser	-Member
	Mike Svoboda	-Member
	Brian VanCardo	-Member
	Rich Gau	-Member
	Michael Hopfinger	-Member
	Frank Pellegrini	-Member
	Bryson Baker	-City Engineer
	Lynn Sprick	-City Planner
Absent:	Todd Powers	-Member
	Steve Young	-Member
	Robert E. Jones	-City Attorney

Mr. Beiter stated in 2017, the City retained Houseal Lavigne to help prepare a zoning ordinance for the City of Sunset Hills. The current Ordinance was prepared in 2002. It does not meet contemporary planning and zoning criteria and is difficult to interpret. Text changes are frequently be made to accommodate new developments. The draft Zoning Ordinance includes a sign ordinance, subdivision regulations, and design guidelines. This version came about after a series of meetings with the Board of Aldermen, the Planning and Zoning Commission, City staff, the business community, and residents. The draft has been posted on the website since February and is a work in progress. It was replaced in May with a more current version. It now incorporates changes and comments that have been made since the May document was released. The review process of the current document will be done by the Planning and Zoning Commission in three separate meetings. First, will be the current public discussion. On July 10th, a workshop discussing comments made by residents and the Commission will be held. The public can sit in at the meeting, but no comments will be heard. The next opportunity for residents to speak will be on

July 17th. The consultant, with Houseal Lavigne, will be in attendance to answer questions that the Commission and staff could not answer. At that point, the draft can be tabled for further discussion, recommended to the Board of Aldermen for approval as is, recommended with changes, or recommended for denial. The City wants to make sure the residents can be heard.

Mr. Pellegrini asked what has been changed since the May draft.

Mr. Baker stated small changes have been made and definitions have been added. Nothing substantial has been altered.

Bill Behrens, of 8 Collar Court, stated he is representing the sign industry. The draft contains no explanation of how square footage will be measured and defined. Signage is an important aspect of retail businesses. His biggest concerns are that pole signs are banned, which are crucial in high traffic areas. Within seven years, the City can remove non-conforming signs and charge the property owner. If a change is made to a multi-tenant sign, the entire sign must comply with the new Ordinance. Monument signs are required to have rock and stone bases, which will make numerous current signs have to be reconstructed, including the City's. Multi-tenant office buildings may not have tenants' names on signage, which will be a problem.

Mr. Gau asked if Mr. Behrens has a recommendation of a certain City's sign ordinance that would be a decent comparison for a good example.

Mr. Behrens will forward suggestions to Mr. Gau.

Mr. Beiter stated pole signs are generally not favored. They are not good for the landscape & there are a lot of other issues with them.

Mr. Behrens stated they may be a problem in residential areas, but in commercial areas commercial signage should be allowed.

Mr. Baker stated the Board of Aldermen unanimously approved the removal of pole signs. All non-conforming signs will not have to be removed, although future sign changes will have to meet the new Code requirements. Raised letters are currently counted separately and this needs to be better defined in the new Code.

Mr. Pellegrini asked if it would be helpful to have samples and formulas in the new Code to help define how square footage is measured.

Mr. Behrens replied yes.

Mr. Gau asked about the multi-tenant retail pole signs, like Sunset Hills Plaza.

Mr. Baker stated if it is considered to be a pole sign, it will have to be removed when changes are made. The Sunset Hills Plaza sign is still considered to be a pole sign. The definition is in the new version and it can be altered, if necessary. Definitions are one of the very last things added to a zoning code.

Mr. Pellegrini stated if one tenant leaves the plaza, the whole sign has to come down and that causes problems with the other businesses.

Mr. Beiter stated businesses will do whatever they have to do to attract customers, but the City needs to have some control over signage.

Mr. Baker stated a lot of pole signs can be modified to be made into a monument sign.

Gary Vincent, of 9456 Sunny Creek Lane, stated there has been virtually no outreach to the residents for this important change in the Zoning Code. If the Comprehensive Plan is a policy guide and it took a year to complete, the same, if not more, should be spent on the new Code. He does not feel adequate notice was given to residents for the meetings. More citizen input through workshops and committees should be done. He asked about the non-conformities analyses in Section 3, district regulations. He does not agree that lot size should be changed in residential districts and reducing the number of residential districts. He feels Section 8, planned development, is not explained well and correlates with the raise in cluster home proposals. He is concerned that with the way it is written, cluster homes will invade Sunset Hills and residents will have less chance of protesting them. He mentioned that the new Code eliminates the 10 acre lot size requirements, the building setbacks, buffer requirements, floor space requirements, maximum site coverage requirements, and density requirements. They are replaced with soft guidelines. Specific, hard standards need to be made for planned developments. He disagrees that the right for a hearing before the Board of Aldermen is being eliminated if the Planning and Zoning Commission approves a planned development. The right to protest is a right of the residents and is being made difficult in the new Code. The flexible guidelines of the new Code make text amendments unnecessary for a planned development. The concept of planned development overlay, which does not change the underlying zoning, makes zoning amendments unnecessary for planned developments, as well. This makes the right to protest useless and allows cluster homes and multi-family communities in all residential districts. The relevant distance for protests has increased from 30% of the land within 185 feet of the development to 600 feet. He asked why the City is reducing

resident input, which makes it more difficult for them to oppose new planned development communities. Reasonable protest provisions need to be added.

Kermit Starner, of 9521 Fringe Court, agreed with Mr. Vincent.

Sandra Jo Ankney, of 12938 Baalbek Drive, stated she expected a presentation to be done for the new Code. Residents are adamant about lot size not being reduced from the current zoning standards. Higher density only benefits developers. The proposed zoning map colors make comparing to the old map difficult. A better, clearer design needs to be made available. She would like to see a key that shows color, zoning district, and lot size.

Mr. Beiter agreed the new zoning map is confusing. He suggested having a larger map mounted in a few different locations with residential single family labeled for further meetings.

Mr. Gau asked Mr. Baker to address the reduction of zoning districts.

Mr. Baker stated Sunset Hills currently has 17 districts. Staff wanted to minimize the amount, based on effective planning practices and professional standards. The consultant did a thorough analysis, which showed non-conforming properties and how productive combining R-2 and R-3, along with R-3 and R-4 would be. Decreasing the lot size prevents more lots from being subdivided.

Mr. Gau stated this plan was not made to allow more cluster homes.

Mr. Baker stated the revision has been discussed for a long time; cluster homes did not trigger the change.

Mr. Beiter stated street names on larger maps would be helpful.

Mr. Baker stated with the new Code, the Board of Aldermen still have to approve cluster homes before they are developed. Planned development districts, as an overlay, do not make cluster homes easier.

Ms. Sprick stated the industry standard is for planned districts to be an overlay. The underlying zoning still determines the development standards. Large developments are currently required to do numerous steps for one project, whereas with the new Code these projects will be easier on everyone, in general.

Mr. Baker stated they are directed more for commercial development; they will rarely be used for residential.

Mr. Pellegrini stated the summary of the goals of the zoning code update, which include to make the document align with the Comprehensive Plan, modernize zoning standards, and to create a user friendly document. The changes include re-development focusing on internal growth and improving the appearance of commercial areas, evaluating zoning and permitting to identify opportunity to encourage infill development, housing diversity to provide more housing options, to increase quality of development, and amend zoning regulations to include local commercial districts to development requirements particularly tailored to smaller parcels. He would like lots' zoning to remain as was intended when they were purchased, not be developed in a different way once the lot sells. He feels the Planned Unit Development (PUD) makes zoning changes easier and contesting these changes harder for residents.

Mr. Baker stated the definition of contesting needs to be made clearer. 185 feet will remain the distance and a formula should be added.

Cathy Friedmann, of 9515 Country Club Green Drive, stated she agrees with Mr. Behrens' and Mr. Vincent's comments. She feels the new Code is being rushed. Residents like the way the City currently is. She was told the new Code would not change residential standards by one person and that the goal of the new code is to encourage infill re-development of housing diversity options by another. She asked about public hearings being eliminated in Section 8 for Planned Developments at the Board of Aldermen level.

Mr. Baker stated the City is only required to have one public hearing. Houseal Lavigne put it at the Planning and Zoning level in the draft. There will still be one at the Board of Aldermen level, as well.

Mrs. Friedmann would like these changes to be red-lined.

Mr. Beiter stated a red-lined copy will need to be posted on the website.

Mrs. Friedmann stated the summary of Section 3 fails to mention that lot size is being reduced and multi-family residences will be permitted. It states that certain vacant parcels in R-1 can be re-assigned as commercial and she is concerned that this refers to the Court Drive property. She does not feel like there was enough public input for the

revisions and she does not agree with section 8 streamlining the approval process for developments that deviate from zoning standards.

Mr. Baker stated the City has caught many discrepancies, but this version is still a draft. The City wanted to make sure it was available for the public to see and comment on.

Mr. Beiter stated things will still be addressed on July 10th and 17th, and the Board of Aldermen will have input, as well. There is plenty of review to still be done and these meetings are to hear what the residents have to say.

Phil Martin, of 12755 St. Lazare Lane, stated he agreed with other residents' comments and he is concerned that with the new proposed zoning, R-1 properties can be changed without public input.

Mr. Baker stated the City can change zoning of a parcel, but the owner has a right to appeal. This is not a change to the Code; anyone can request a change of zoning, but it will still be heard by the Board of Aldermen.

Joan Martin, 12755 St. Lazare Lane, stated residents are disappointed at how unorganized the code change has been. Residents should be able to voice their concern more.

Mr. Beiter stated there will be a public hearing on July 17th and at the Board of Aldermen meeting.

Mr. Baker stated in June 2017 resident meetings were held, which were low attended. Between June 2017 and now, Houseal Lavigne has presented at Planning and Zoning and Board of Aldermen meetings numerous times. Getting the word out is not always easy, but effort has been made.

Don Hagen, of 13020 Sunny Dawn Court, stated he agrees with the importance of being able to see the red-lined version of the code. He was told the new Code would minimize density and traffic congestions. R-2 now includes single family attached, which is concerning. He asked how that minimizes density. He feels there is a lot of misunderstanding behind the scenes with the Code revision and a decision is not ready to be made.

Mr. Beiter stated July 10th's meeting is about discussing and resolving questions and concerns.

Mr. Baker stated all concerns are addressed, as necessary. Each requested change cannot be made. City staff tries to use their best judgement on what are the best changes to be submitted.

Mr. Pellegrini stated comparing the two versions was very time consuming. The red-lined document will be helpful.

Doug Neier, of 13044 Sunny Dawn Court, agrees with what other residents have stated.

Steve Balee, of 23 Flagstick Court, agrees with others' comments, as well.

Michael Hope, of 12704 St. Lazare Lane, agrees with residents' concerns.

Dennis Kohut, of 12403 Robyn Road, asked why (PUD) keep being presented as an option when residents are completely against it. The residents do not want condensed housing. He asked how much the Code revision is costing the City.

Mr. Baker stated the zoning code re-write is approximately \$125,000. PUD is part of a zoning code and PD districts were part of the Code before. They will be directed more toward commercial development.

Mr. Kohut asked why they are being addressed.

Mr. Baker stated they are for difficult districts, especially along Watson Road, that do not meet zoning requirements. When they are being re-developed, the applicant currently has to apply for many different petitions. The PUD allows them to bring their plan one time and get feedback from staff and Commission members. It is more of a tool for staff, the Boards, and developers to use instead of numerous applications being presented.

Mr. Kohut stated residents may be more agreeable if they knew the primary reason for the PUD's is to be used as a tool to make planning easier; not about increasing the amount of unit developments.

Ms. Sprick stated when cities adopt a new Comprehensive Plan, a new Zoning Code re-write comes hand in hand to update regulations accordingly.

Mr. Gau stated the revision process started a long time ago. The current Code is extremely out of date. The modern tools of a searchable document and an updated map are extremely helpful. A total re-write was necessary to bring it up to date.

Ms. Sprick stated with all of the text amendments and changes being made to the old Code, some sections contradicted other sections and a re-write was crucial.

Mr. Pellegrini asked where the re-write started from.

Mr. Baker stated it started with a standardized document with the most successful standards being used. Discussions were held about which items would be carried over from the old Code and what changes needed to be made.

Mr. Gau stated there was an in depth search, meetings, and public input was used to hire the professional firm.

Navin Choudhary, of 9336 Lincoln Drive, stated resident opinion needs to be addressed for appropriate changes to be made to make things more balanced.

Mr. Beiter stated many issues heard will be brought up and discussed at the July 10th meeting. The Commission needs to consider what recommendations will be made.

Mr. Pellegrini asked if the meeting dates are flexible.

Ms. Sprick stated the consultant will be at the July 17th meeting.

Mr. Beiter stated a vote does not have to be made that day.

Mr. Pellegrini stated he is not comfortable voting at that meeting.

Mr. Beiter stated the Board of Aldermen would like a recommendation from the Commission on July 17th.

Mr. Hopfinger stated it is difficult to make decisions beyond July 10th's meeting. The red-line document and that meeting will determine what the next step will be.

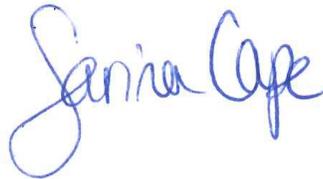
Mr. Pellegrini would like revisions to be completed before a recommendation is made.

Mr Gau motioned that no vote will be made for the new Zoning Code on July 17, 2019 by the Planning and Zoning Commission. Mr. Hopfinger seconded the motion, and it was unanimously approved.

ADJOURNMENT

Mr. Gau made a motion to adjourn the meeting at 7:57 P.M. Mr. Pellegrini seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape

DRAFT