

MINUTES OF THE ZONING CODE UPDATE MEETING  
OF THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF SUNSET HILLS, MISSOURI  
HELD ON WEDNESDAY, JULY 10, 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 Wednesday, July 10, 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

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

Mr. Beiter stated July 8, 2019 was a productive town hall meeting, which allowed residents to voice their concerns on the Zoning Code revision. The current work session's purpose is to discuss residents' and the Planning and Zoning Commissions' comments. John Houseal, the consultant from Houseal Lavigne, will do a presentation and there will be a public hearing on July 17, 2019.

Mr. Beiter stated each section will be discussed, in order, and the residents' comments will be reviewed within the appropriate section. A consensus will be taken for significant changes.

## **Table of Contents**

Mr. Beiter stated he would like a complete Table of Contents with further subdivision, including a table for figures, maps, and tables.

### **Section 1**

Mr. Svoboda asked if there is another section in the code which states if a “building is more than 50% destroyed, it has to be demolished” that would contradict Section 1.7.

Ms. Sprick stated in the non-conforming and the flood plain sections it is stated that in those situations, the structure would have to be brought into compliance or demolished.

Mr. Baker stated there is nothing in the Ordinance that can prevent the owner from strengthening and restoring an unsafe building if it conforms to City standards.

### **Section 2**

Mr. Beiter stated there is a reduction in the number of residential districts and the residents were concerned about this consolidation. He would like to hear the consultant’s explanation in regards to it.

Mr. Baker stated Mr. Houseal is prepared to discuss these changes.

Mr. Pellegrini stated he is against the consolidation and reduction in lot sizes because it makes way for attached developments.

Mr. Baker stated this is the residents’ main concern.

Mr. Beiter stated this is an important item.

Ms. Sprick stated at the beginning of the Code revision, she was concerned at the number of potential lot splits that would be created. After a comparison analysis of new potential lot splits to the number of non-conforming lots that would be brought into compliance, more lots came into compliance than potential lot splits were created.

Mr. Hopfinger asked what the concern with zoning consolidation is.

Mr. Pellegrini stated the basis for shrinking the lot sizes is to bring non-conforming lots into compliance. When lot sizes are changed in residential districts, cluster home developments become more possible. He is not against cluster homes, but he is against allowing them in historical or larger homed areas. These developments destroy trees, the environment, and the nature of the surrounding landscape.

### **Section 3**

Mr. Beiter stated Mr. Houseal needs to give a further explanation of what is permitted in each district.

Mr. Svoboda stated Section 3.3 reads that the Director of Public Works may allow the minimum setback to be reduced by up to 20%. He asked if this is usually the Board of Adjustments duty.

Mr. Baker stated yes, the City would like some flexibility in the Code, so more can be taken care of administratively, in turn, requiring the applicant to be to go through less processes. This is standard practice in most municipalities.

Mr. Beiter stated he sees advantages in this, but he asked where the line would be drawn on what is done administratively. He asked if the Board is overwhelmed with applications.

Mr. Baker replied no.

Mr. Pellegrini stated the Board is available for applicants' appeal against staffs' decisions.

Mr. Baker stated if the City staff denies a setback reduction, the applicant can appeal to the Board.

Mr. Pellegrini stated this language needs to be clarified. He asked why reducing lot sizes and consolidating zoning districts is being done in a city that is mostly developed. He, also, asked if this was done solely to address non-conforming lots.

Mr. Baker stated that is one of the main reasons for it.

Mr. Pellegrini stated they could be addressed by grandfathering them in or a simple paragraph addition. The Comprehensive Plan states nothing about changing lot sizes, reducing the number of residential districts, or about non-conforming lots. There is not much new residential available for this to be an issue. He is against the proposed changes in lot sizes and condensing districts. He feels it opens the door to development in those areas.

Mr. Svoboda asked why on page 41, the side yard is completely excluded for a permitted location for accessory structures in R-3. They were allowed in the side yard, behind the rear building line in the old Code.

Mr. Baker stated this change is to be more restrictive. The City receives numerous complaints that accessory structures are too close to neighboring properties.

Mr. Svoboda asked why it cannot be kept the same.

Mr. Baker stated this was added according to current zoning standards. It can be kept the way it was, if the Commission would like it to be.

Mr. Svoboda stated he would like the rule to be more lenient and does not think the side yard should be excluded.

Mr. Beiter stated he would like to be more restrictive with this rule. All other Commission members agreed.

Mr. Svoboda asked why assisted living facilities and nursing homes are in R-3 and R-4, but not in R-1 and R-2.

Mr. Beiter stated they should be in higher density areas.

Mr. Hopfinger asked where the City's most controversial areas are.

Mr. Pellegrini stated the Krueger property, at Robyn Road and Lindbergh Boulevard, and the Neff property.

Mr. Baker stated the tornado property on Court Drive, is controversial, as well.

Mr. Hopfinger asked if these areas can be addressed directly.

Mr. Pellegrini suggested putting a clause in Section 8, which states Planned Unit Development (PUD) is only allowed in commercial areas.

Mr. Baker stated a developer could still develop a subdivision on these properties, but they would have to meet zoning requirements for a new subdivision. A PUD has to go through Planning and Zoning and the Board of Aldermen with a public hearing at each level.

Mr. Pellegrini stated the residents do not want cluster homes. The Code Revision Summary is misleading because there is no mention of lot size reduction.

Mr. Hopfinger stated there is a lot of misunderstanding of the new ordinance by the residents.

Mr. Svoboda stated schools are listed as a conditional use for residential districts, but they are not listed in any other districts. He asked if Vatterot College was in a commercial district.

Mr. Baker stated they were located in an industrial district.

Mr. Svoboda asked why the other districts are left out.

Mr. Powers stated in the red-line version, educational facilities are permitted in LC and RC districts. They are a conditional use in residential districts. Nurseries and preschools are a conditional use in PO. Vocational and trade schools are conditional in LI, but he asked why other schools are not allowed in that district.

Mr. Baker stated currently, they are not allowed, but this can be changed.

Mr. Beiter stated schools do not produce much in taxes.

Mr. Svoboda stated there is no explanation for the asterisks on the use table.

Ms. Sprick agreed and made note of it.

Mr. Powers asked if colleges and universities can be changed to permitted in LI or PO districts, along with LC and RC districts.

Ms. Sprick made note of it.

Mr. Svoboda stated major utility uses are only permitted in LI. He asked if Ameren substations, to provide power to residences, and sewage lift stations, for residential areas, are not allowed.

Ms. Sprick made a note for the consultant to review.

Mr. Pellegrini stated the table looks like a standard form that no one gave thought to.

Mr. Beiter disagreed saying that substantial thought goes behind production of these tables. Typically, an existing, standard table is used, and then it is changed to make sense with the specific city. Tables are based on best practices.

Mr. Baker stated the City's current Use Table is small. When a new use wants to come to the City it has to be added. The City is trying to cover everything that can potentially be added. If the City wants to protect itself from certain unfavorable things, they need to place them somewhere or it is more difficult to keep the use from being placed where the applicant wants it to go.

#### **Section 4**

Mr. Svoboda stated in Section 4.1.7(2)a, the maximum width of a driveway is 24 feet. He asked if this is measured at the curb or at the house.

Mr. Baker stated it is 24 feet at the roadway. It is a rare occasion that it would be otherwise and those will be dealt with on a case by case basis.

Ms. Sprick stated it is shown in the graphic that it is measured at the right of way.

Mr. Svoboda asked for an explanation of the table in Section 4.1.13, in regards to higher density areas like the Sunset Manor subdivision.

Mr. Baker stated "two per dwelling unit" means one car in the driveway, and one in the garage.

Mr. Svoboda asked about lots where the garage is converted.

Mr. Baker stated this is directed towards future builds. If someone came in with plans for no garage and only one parking space, it would not be allowed.

Mr. Svoboda asked if a modification is made to the home, would the owner have to meet the new standards, in regards to this.

Mr. Baker stated no, that rule is directed more toward planned developments; not residential.

Mr. Svoboda asked if the City will start enforcing bypass lanes on drive-thrus.

Ms. Sprick stated yes, this has become a standard with new constructions.

Mr. Svoboda asked if the two recent City developments could have handled this rule.

Ms. Sprick stated Tidal Wave Car Wash has included one.

Mr. Beiter requested all future versions of the Code include page numbers to make discussing and navigating easier. The red-line version does not include them.

Mr. Pellegrini stated the Public Works Director is being referred to in a few different ways and this needs to be addressed.

Mr. Baker stated in the future, there may be more than one person for each of these positions, so it is being kept this way.

Mr. Svoboda asked why wire and chain link fences are being prohibited in Section 4.4.4.

Ms. Sprick stated all existing conditions will remain, so there will be some non-conformities. When the fence is removed, anything new has to meet the current requirements.

Mr. Beiter agrees that chain link should not be permitted in residential areas.

Mr. Baker stated they will be allowed in the LI district for a planned development, but there are other similar, cost effective materials that can be used.

Mr. Hopfinger agreed that chain link does not need to be permitted for new builds.

Mr. Pellegrini stated chain link should be allowed for deer control.

Mr. Baker stated residents can maintain an existing chain link fence without having to remove it.

Mr. Svoboda asked that this language on chain link fence maintenance be added.

Mr. Beiter asked if Section 4.3.2, outdoor storage & display areas, prohibits Home Depot from asking for outdoor storage during planting and Christmas seasons.

Mr. Baker replied it will most likely prohibit it. The City will look into adding an approval process for this.

Mr. Powers asked if there can be a provision added for temporary or seasonal needs.

Mr. VanCardo stated that temporary needs to be defined, as well.

## **Section 5**

Mr. Beiter asked if the Commission agrees that in Section 5, carwash locations shall not be closer than 120 feet to residential. He feels this is too close and referenced the Tidal Wave Car Wash.

Mr. Baker stated Tidal Wave would not meet this requirement, but there are not many places a car wash could go in the City that would meet the 120 foot requirement.

Mr. Powers stated in Section 4.6.2(2)d, no outdoor display of merchandise is permitted, except business in premises of at least 100,000 square feet is listed, so this covers Home Depot's issue and the outdoor storage section does not need to be altered.

Mr. Baker stated there is a medical marijuana section in the use table, but the City is working on a new ordinance for it, as well, so that it is directly addressed. Since the new Ordinance has not been passed yet, it's requirements cannot be added to the new Code.

Mr. Hopfinger asked if the post extraction retail sales facility and dispensaries can be changed to a conditional use instead of permitted under both commercial districts.

All Commission members agreed to this change.

Mr. Svoboda stated the definition of Class A-3 should be added for Section 5.4.2, roadways.

Mr. Baker stated it will be added.

Mr. Svoboda asked if "Portland Cement" concrete should be added to Section 5.9.3, vehicular areas.

Ms. Sprick noted that it should be added.

Mr. VanCardo asked if the City uses a certain company for traffic studies and if the developer is required to reimburse the City.

Mr. Baker replied yes and the developer is required to pay this with a deposit.

Mr. VanCardo stated, in regards to Section 5.9.4, ingress and egress, left and right turn only signs are added in unnecessary areas throughout the City. He referenced the Grandview subdivision.

Mr. Baker stated when that development was presented, residents opposed it, so that condition was made.

Mr. VanCardo stated it is not a safety issue. Most residents do not understand the engineering behind these situations. Proper turning movements should be allowed. The Public Works Director should have more say on proper engineering, in cases such as these. He asked if these conditions can be prohibited in the future.

Mr. Baker stated it is the Board of Aldermen's decision.

Mr. Svoboda stated the word garage needs to be added to the graphic in Section 5.10.

Ms. Sprick made note of the addition.

## **Section 6**

Mr. Svoboda asked a period to be added and the word "and" to be removed at the end of the sentence on Section 6.1.4(4).

Mr. Beiter stated good points were made by Bill Behrens at the town hall meeting. He stated there are different types of pole signs throughout the City, but they are all considered pole signs. He stated the Ordinance needs to identify them as different items.

Mr. Baker stated Mr. Behrens' comments were communicated to Houseal Lavigne. The ban on pole signs cannot be changed, but modifications will be made for pole signs like the one at Sunset Hills Plaza. Some monument signs will be allowed to be taller than the standard 8 feet. City staff feels comfortable with changes that are being made. In regards to wall sign percentage being reduced from 10% to 5%, the City would like the community to look nicer and have less signage. Mr. Houseal will speak to this change. Signage will be measured based on the smallest area that can be put around the sign. Currently there is a 1/3 reduction for raised letters, but the new Code does not allow this.

Mr. Pellegrini asked if a calculation example for square footage will be added.

Ms. Sprick replied yes.

Mr. Pellegrini asked if a non-conforming subdivision monument sign is destroyed in an accident, will it be required to meet the new standards when it is repaired.

Ms. Sprick stated this situation would be addressed by the non-conforming regulations. If the sign is damaged up to 50%, it will have to meet current Code requirements when it is repaired.

Mr. Baker stated with monument signs, the lettering is the only area that is limited, not the structure itself.

Mr. Beiter stated some illustrations in the new Code show pole signs. They are prohibited, so no graphic should show them. He asked for an explanation of Section 6.2.4, window signs.

Mr. Baker stated this will be addressed by Mr. Houseal. Currently, window signage is limited to 20% coverage. Most commercial businesses in the City exceed this percentage. The City needs to decide if this rule needs to be enforced or if the percentage needs to be raised.

Mr. Beiter stated he does not think the percentage should be raised.

Mr. Hopfinger asked how the non-conforming signs will be addressed according to Section 6.7.

Mr. Baker stated they will be sent a letter. The owner can be cited and sent to court, if they do not comply.

Mr. Beiter stated he does not favor animated signs because they are distracting and dangerous.

Ms. Sprick stated in Section 6.9.4, non-conforming signs can exist as long as they are advertising the current business, but they must be removed after seven years.

## **Section 7**

Mr. Svoboda asked if the words “public and private” should be added to Section 7.1.3(3)d, paving engineering standards, and if new private streets have to conform to public street standards.

Mr. Baker stated they are not required to be the same width, but they are required to be concrete.

Ms. Sprick added the clarification.

Mr. Beiter stated in the last sentence of 7.1.3(1)a, the connectivity index, the amount of links and nodes on the illustration that was referred to does not match the explanation.

Ms. Sprick noted the discrepancy.

Mr. Pellegrini stated the diagram is not in the red-lined version.

Mr. Svoboda asked if the word “easements” should be changed to right of way in Section 7.1.3(10)c, lots, since an easement is included in lot area.

Ms. Sprick replied yes and this was noted.

Mr. Pellegrini asked how right of way is defined.

Mr. Baker stated the resident owns an easement, but the right of way is government owned.

Mr. Pellegrini stated, in regards to Section 7.2.5, he would like companies to be required to provide proof of insurance that covers adjacent properties, in case their property is damaged during construction.

Mr. Baker stated Mr. Houseal should address that topic. The City attorney says this is illegal.

Ms. Sprick made the note for the consultant.

Mr. Beiter agreed.

## **Section 8**

Mr. Pellegrini recited residents’ comments that were made at the town hall meeting, in regards to planned developments. He strongly agrees with the residents’ opposition to the changes. He would like the right to protest to be added into the Planned Development, the Subdivision Code, and the Conditional Use permit sections. He would, also, like the addition of a formula for how “30% of property owners within 185 feet” is calculated for the right to protest. He prefers to have hard standards for planned developments.

Mr. Beiter stated Mr. Houseal will address his concerns.

Mr. Baker asked if Mr. Pellegrini wants to eliminate PUD's in residential districts or if he wants a protest provision added for them.

Mr. Pellegrini stated the protest provision should be in each section.

Mr. Baker stated the protest provision is not written in the current Code for planned districts.

Mr. Pellegrini stated Sections 8.3 and 8.4 are confusing from a resident's point of view. He asked when adjacent land owners receive a notification.

Ms. Sprick stated residents within 300 feet, receive a notification for conditional use permits, change of zoning, and text amendments 15 days prior to the first Commission meeting.

Mr. Pellegrini requested the postcards be sent as soon as the application is received.

Mr. Hopfinger stated in Section 8.4.1e, the applicant is required to schedule a neighborhood meeting to discuss the Planned Development, before applying.

Mr. Baker stated this is a new requirement, added for planned developments.

Mr. Hopfinger stated older residents would like to stay in Sunset Hills, but they need to downsize and there is no place designated for those situations. The City loses them as residents because other residents oppose cluster homes so strongly. The Commission needs to be mindful of this.

Mr. Pellegrini stated planned developments are a vehicle for developers to pick off small property and develop cluster homes. He has no issue with placing them in appropriate areas.

Mr. Hopfinger stated because they were presented in one area, it does not make sense to say it affects the entire city. He is concerned that controversial issues are generalizing the entire city. The Code is sound, but these controversial areas need to be addressed directly. He suggested adding a specific zoning district for them.

Mr. Pellegrini stated he would like to eliminate those types of homes in districts that have larger lot sizes.

Mr. Hopfinger stated Section 8.4 is an open and transparent process. If the protest provision is written in, the citizens' concerns will be heard.

Mr. VanCardo stated making a proposal to the City is a big investment. If the City is clear with what they will or will not allow, it would make things more definitive. There is no reason for residents to continuously fight for the same arguments. Smaller developers may take the smaller parcels to develop.

Mr. Beiter stated there will be a further discussion on this topic on July 17<sup>th</sup>.

Mr. Pellegrini asked if the protest provision is being added to Section 8.

Mr. Baker stated no.

Ms. Sprick stated it is being added to re-zoning and conditional use permits.

Mr. Pellegrini made a motion that the residential protest provision, stating "In case of a protest petition against any proposed residential, planned development signed and acknowledged by a minimum of 30% of the owners of real adjacent property within 185 feet of the parcel of land for which the planned development is proposed(example calculation shall be included), such planned development shall not become effective except by the favorable vote of two-thirds of all the members of the Board of Aldermen" be recommended to the Board of Aldermen for approval. Mr. Young seconded the motion, and it was unanimously approved.

### **Section 10**

Mr. Svoboda stated Section 10.4.2 states the Mayor, members of the Board of Aldermen, members of the Planning and Zoning Commission, the Zoning Officer, and the Director of Public Works can enter any property in Sunset Hills.

Mr. Baker stated he is looking into having this removed. This does not currently happen.

### **Section 11**

Mr. Svoboda stated Section 11.1.1(2) states all members and alternates of the Board of Adjustment may be removable for cause by the Board of Aldermen upon written charges and after a public hearing. He asked if the Board of Adjustment is a separate entity, by state law, and cannot be removed.

Mr. Baker stated he will check State law, in regards to this.

### **Definitions**

Mr. Beiter stated there is redundancy in some of the definitions listed.

Mr. Pellegrini made a motion that the word "adjacent" is added to all protest provisions. Mr. Hopfinger seconded the motion, and it was unanimously approved.

Mr. Svoboda stated the definitions of wireless facilities, wireless support structure, and equipment compound are too generic.

Ms. Sprick suggested having the City Attorney look at the wireless section.

Mr. Svoboda stated the 500 year floodplain is not mentioned.

Ms. Sprick stated the 500 year floodplain is not really an issue, but she will look into adding it.

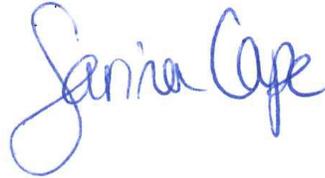
Mr. Svoboda stated lot area and net acreage excludes easements.

Mr. Baker stated that will be looked into.

**ADJOURNMENT**

Mr. Young made a motion to adjourn the meeting at 9:15 P.M. Mr. Powers seconded the motion, and it was unanimously approved.

Recording Secretary

A handwritten signature in blue ink that reads "Sarina Cape". The signature is written in a cursive style with a large initial 'S'.

Sarina Cape