

MINUTES OF THE REGULAR MEETING
OF THE PLANNING AND ZONING COMMISSION
OF THE CITY OF SUNSET HILLS, MISSOURI
HELD ON WEDNESDAY, NOVEMBER 3, 2021

BE IT REMEMBERED that the Planning and Zoning Commission of the City of Sunset Hills, Missouri met by Zoom Meeting on Wednesday, November 3, 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

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

Mr. Beiter introduced the new City Attorney, Jim Hetlage. Mr. Hetlage introduced himself.

APPROVAL OF THE MINUTES

Copies of the minutes of the October 6, 2021 Planning and Zoning Commission meeting were distributed to the members for their review. Mr. Svoboda made a motion to approve the minutes as submitted. Mr. Kaiser seconded the motion, and it was unanimously approved.

NEW BUSINESS

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

- P-21-21 Petition for a Change of Zoning, submitted by Whalen Custom Homes, Inc., from R-1 Single Family Residential - 1 acre minimum lot size to R-2 Single Family Residential – 20,000 square foot minimum lot size for the property at 13270 Maple Drive.
- P-22-21 Petition for a Change of Zoning, submitted by Whalen Custom Homes, Inc., from R-2 Single Family Residential – 20,000 square foot minimum lot size to PD-R Planned Development – Residential for the property at 13270 Maple Drive.
- P-23-21 Preliminary Development Plan, submitted by Whalen Custom Homes, Inc., for a single family residential development at 13270 Maple Drive.

Ms. Sprick stated the site is a 10.41 acre tract within the Tapawingo development. It was originally developed in 1910 as a vacation property. It was purchased by the Moore family in 2012. The PD-R zoning district gives petitioners and developers more flexibility by allowing them to propose their own setbacks. It also allows them to meet a lot average, instead of a minimum lot size. It gives the City more control over the project by allowing more conditions and requirements to be placed on the project. There are 11 lots for single family detached dwellings being proposed with a common ground area where the carriage house is currently located. The chapel will be relocated behind the carriage house and converted into a pavilion. There will be another common ground area at the end of the cul-de-sac. Staff recommends approval. The site meets the overall density of the Tapawingo subdivision. Tapawingo Place has larger lots than what is being proposed, but across Maple Drive, the properties range between $\frac{3}{4}$ of an acre to $\frac{1}{3}$ of an acre.

Mike Whalen, owner of Whalen Custom Homes, and Mike Vonderheide, civil engineer, were present. Mr. Whalen stated he built six or seven homes in the Tapawingo subdivision. The Moores reached out to him with strict requirements in a developer. He would like to preserve, conserve, improve, and ensure a single family residential community. Preservation of the historical structures and the trees is important to Mr. Moore. They would like to maintain the basic tree perimeter, so the five

acres of trees surrounding the site will remain. They will only be removing spot trees that conflict with development. They would like to preserve the single family residential community of Tapawingo. The site is currently zoned R-1, which could be used for group homes, religious retreats, libraries, or city service buildings. There will be 11 lots on 10 ½ acres. Currently, there are old buildings, environmental hazards, and no stormwater management. They will be implementing a stormwater management plan. The old buildings are full of asbestos, so they will be implementing a hazardous material abatement plan. The entire plan will add value and stability to the neighborhood.

Mr. Gau stated the surrounding residents are interested in seeing something happen to the property, but there are concerns with the change of zoning from R-1 to R-2, with the density. They would rather keep it R-1 with the planned development. 17 residents that own property touching the proposed development signed letters in opposition.

Mr. Hetlage stated there are no rules of evidence. Identifying, for the record, the source of the letters is necessary.

Ms. Sprick read the group of letters that were pre-written by trustees and signed by numerous property owners opposing the development. The letter stated they were disappointed the City turned down the donation of the property to be turned into green space and a park. They oppose the change of zoning and feel the development would change the character of the neighborhood. These letters were signed by Jim Wright and Cynthia Meiners, Don and Jan Monroe, Joe and Leigh Rolnicki, Steve and Linda Dybus, Gary and Shirley Howard, Karen & Ken Vonderahe, Thomas and Susan Cox, David and Nicole Crank, Pat and Beth Lawson, Dean and Erica Eggerding, George and Penny Crowley, Rich and Julie Gau, Mark and Charlotte Sorum, Jamie and Jackie McGinness, Greg and Kay Erb, Julia and Jim Stecher, and Joe and Lisa Loyet.

Mr. Gau stated the neighbors are not against the development; just against the density. The biggest issue is the water runoff coming downhill to Tapawingo Place. He showed pictures of water runoff in the area. It has caused damage to the Anderson's pool house. They are concerned about the new homes' downspouts pointing down the hill. There is an ongoing debate, as far as private streets, and the amount of traffic going to the streets. The developer should consider working with the homeowner's association because construction will cause problems with the streets. He requested they enter through Gary Player Drive for construction. He suggested a monetary contribution be given to each homeowner's association for maintenance to the streets on a regular basis.

Mr. Beiter asked if that is due to the additional residents moving in.

Mr. Gau stated yes. The two retention ponds are closer to Maple Drive. Those neighbors do not want to see them. They would like to see something done to make them less visible. They would like to know if the retaining wall on lot four will be visible on Maple Drive, as well. The residents behind lot six are concerned about trees being cut down and being able to see the wall that is placed on that lot. He suggested a bond that can ensure the development gets completed in a timely manner.

Ms. Sprick read other letters that were sent in. The first letter was from Tom and Sue Cox, stating they are opposed to the development. The preliminary plan proposes homes that are similar to cluster homes, but they should provide homes that are similar to the existing market value. A foliage plan should be submitted. They have a strong preference that existing barriers should remain and that timely construction is necessary. Robert Flynn, trustee of the Manors of Tapawingo, stated the residents are opposed. The additional traffic on Maple Drive will be a financial burden to the current residents, so no additional traffic should use these streets. They should access through West Watson Road. There is no justification for re-zoning other than greed. Jim and Julia Stecher sent a letter stating they are concerned about the retaining wall proposed near their property. They requested that the tree canopy remain. Steve Young and Frank Pellegrini, Planning and Zoning Commission members, sent e-mails stating they agree with the comments made by Mr. Gau and the property should remain R-1. John Stephens sent an e-mail stating R-1 is consistent with the size and green space characteristics. The configuration of the lots is for maximizing the number of the lots; not for maintaining the characteristics of the neighborhood. The values of the new homes will benefit from the existing homes. They should not hinder the value of the existing homes. The construction will be disruptive and the duration should be minimized. Timely completion should be ensured and construction hours should be defined. There should also be no parking, loading, or unloading allowed on Maple Drive. Natural vegetation barriers may lead to erosion and drainage issues. Tree preservation is important. The house orientation should be provided for lot 11 and portable toilets should be kept out of view. The e-mail was also signed by Tom and Sue Cox, Doug and Tracy Neier, Mike and Lisa Hillyer, Robert and Barbara Flynn, Gena and John Stephens, Tim and Gail Strege, Rafif Ghabdan and Samer Alkaade, Tim Friedman, Kim and Jason Arnold, Ted and Cheryl Calcaterra, George and Cheralyn Rezebek, John and Laura Wilber, and William Truong.

Mr. Beiter asked if the residents were opposed to the park that was proposed years ago.

Ms. Sprick stated a cultural center was proposed and denied.

Mr. Baker stated the Moores offered to give the property to the City to maintain as a park, but the cost would have been very high to maintain it.

Mr. Gau stated there was no vote or survey from the residents in regards to the park.

Mr. Beiter stated two members sent in e-mails with their vote, but they were not present.

Mr. Hetlage stated it is important to not pre-judge an application before a meeting. Their vote does not count.

Mr. Beiter stated stormwater is a huge issue for the residents and something has to be done. Metropolitan Sewer District (MSD) will enforce requirements that the developer will have to deal with.

Mr. Whalen stated there is no existing stormwater infrastructure on the site. Tapawingo Place is 100 feet lower than the proposed development and water naturally runs downhill. MSD has requirements for a stormwater differential. There is a lot of impervious surface existing on the site and they are going to change that as it is developed. The plans will be submitted to MSD. Their plan must, at a minimum, not cause any issues for the neighbors. In all likelihood, it will relieve some of the issues. They will not use a detention basin. A rain garden, which is a plant filled bio retention basin, will be used. This cleans the water, before it seeps into the ground. The standards are now more rigorous than when any other part of Tapawingo was developed.

Ms. Sprick stated MSD does not just review impervious surfaces; the entire development will be reviewed.

Mr. Whalen stated the retaining walls on lot four and lot six will be placed in those locations to preserve trees. The development is the most tree sensitive development Tapawingo has ever seen. They will be knocking down dilapidated, old buildings and replacing them with multi-million dollar homes that have beautiful yards and landscaping. The tree buffers on those lots will remain. They are proposing to give \$1,500 per building permit application, to the homeowner's association for wear and tear on the roads. All homes would contribute for road maintenance, as well. Private streets mean privately maintained, which is a lesser specification than if they were public. He proposed the trustees do a neighborhood development district, to improve the streets, and then give the City a certain amount of money to take over the maintenance. They are publicly used streets, so they would like to contribute. The way the land lays, will not allow an R-1 development. Their goal is to present a development cohesive to the neighborhood. The plan is much closer to the density of Tapawingo Place, than Tapawingo on the Green is. When Tapawingo was first developed it changed it's zoning from R-1 to R-2 and then to PD-R, as well. Every resident has benefited from exactly what they are opposed to with this development. They are using

R-2 to get setback lines and home locations where they need them to be with the topography to make it look nice. They are taking an abandoned campus and turning it into exactly what surrounds it. An escrow is required for subdivision completion, which is an incentive to get the project done in a timely manner. No money is made until the project is complete, either. Tapawingo has been under construction for 20 years. The houses will be built and sold within a year. People are already calling to see if they can get on a list or pick a lot. The residents will be protected with the escrow money.

Mr. Gau asked if the City requires an escrow for completion.

Ms. Sprick stated the City requires an improvement escrow for streets and a \$500.00 escrow on each home building permit.

Mr. Beiter stated a performance bond could help.

Ms. Sprick stated Mr. Pellegrini wanted a performance bond to ensure no damage would be done to neighboring properties.

Mr. Beiter added this was to ensure job completion, as well.

Mr. Whalen stated he has never heard of a completion bond for a single family residential development. It seems inappropriate. Their proposal improves the site in every single aspect.

Mr. Gau stated the main issue is lot size.

Mr. Whalen stated there are four, one acre lots in the development. The average lot size is $\frac{3}{4}$ of an acre. This is closer than most other existing homes in the area and the same as Tapawingo Place.

Ms. Sprick asked if the carriage house and chapel are the only structures that will be left on the property.

Mr. Whalen replied yes.

Mr. Gau asked how lot 11's house will be situated.

Mr. Whalen stated it could be oriented either way. It is likely that it will be oriented toward Maple Drive. If the Moores turned it into a group home, they would have every right to drive up the Tapawingo streets and use the property. They are not required to contribute anything. He is offering to contribute and help the community. There is no way to preserve the castle and develop lot 11 to not face Maple Drive. As long as the house is set within the setbacks, it is legal and the orientation does not matter. Anything that is done will have to comply with City ordinances.

Mr. Gau asked if lot 11's driveway came out on Maple Drive, which is part of a certain homeowner's association, if they could choose to put up a gate.

Mr. Hetlage stated he would have to look into the subdivision regulations further.

Mr. Gau stated the complications of street ownership in Tapawingo is a mess.

Mr. Whalen asked if they actually own the deed to the street.

Mr. Gau replied yes.

Mr. Whalen stated that is very unusual. When there is an easement to a road and it is privately maintained, it does not mean they own it. The public has the right to use it.

Mr. Gau stated a gate could be put up to make it into a gated community. He asked for clarification on lot 11's orientation.

Mr. Whalen stated it would face Maple Drive and they would contribute to the maintenance of the road.

Mr. Gau stated in the past, the homeowner's association denied a builder access to their street and they had to face the home toward the other street.

Mr. Whalen stated any homeowner's association would have the right to charge a fee, especially during construction, but it is illegal to land lock a property.

Mr. Hopfinger asked if there is public comment.

Ms. Sprick asked Mr. Whalen to talk about the existing wells and other old infrastructure.

Mr. Whalen stated they would use a geotechnical engineer. The old well would have to be capped and abandoned. The septic system would have to be pumped, punctured, and filled with inert material under observation of the geotechnical engineer. They would follow the standard protocol for them.

Richard Counts, of 13002 Tapawingo Place, agreed about the concerns for water containment. He lives at the bottom of the hill and could not contain the water when building his own home. He asked Mr. Whalen to fix the water issue. There was an issue with the form letter that was sent out and signed by numerous residents. There was not enough information on it for the neighbors to understand what the issues were. The neighbors did not truly understand the issues when signing it. Maple Drive residents had workers parked on that street consistently when pools were being built. Traffic on the streets is mainly due to the golf course. If Mr. Whalen is willing to put money in and build, he is in support.

Mr. Whalen stated the development will be MSD compliant. Their restrictions today are rigorous and the development will not have any negative impact. It should mitigate the neighbors' problems. A lot of infrastructure will be taken out that has poor water runoff planning. Water is going in all different directions, currently.

Cynthia Meiners, of 13014 Tapawingo Place, stated her signature was not falsified. She knew exactly what she was signing and she agrees with no rezoning to R-2.

Gina Stephens, of 7 Kahlia Way, asked how the construction traffic will be routed.

Mr. Whalen stated that is unknown at this point. It is still early in the planning stages. A neighborhood improvement district would have been smarter than all of the separate homeowner's associations. He had a meeting with trustees to discuss this and other safety concerns. It would be safer to come through Caddyshack Circle and Maple Drive, than the back entrance, but he is open to whatever the homeowner's association or the City feels is the best path.

Mr. Beiter stated Mr. Gau's comments will be taken into consideration and the City will work with the developer.

Mr. Gau asked Ms. Sprick to give an overview of the process.

Ms. Sprick stated first the change in zoning and preliminary development plan would need to be recommended to the Board of Aldermen. If approved by the Board, the developer will submit improvement plans and a final development plan. That would be the appropriate time to put conditions and restrictions on the project.

Mr. Gau stated the property could stay R-1, but there would be fewer lots.

Mr. Whalen stated there would be seven lots that could fit under R-1, but that is not economically feasible. There are tools within the zoning code to allow this type of development and that is what was used to develop Tapawingo in the first place.

Mr. Gau stated he could do a planned development in R-1.

Mr. Hetlage stated there could only be seven lots.

Mr. Whalen stated there is no reason to do a Planned Development district under R-1. Mr. Moore cares about the historical preservation of the carriage house and he is being generous.

Mr. Beiter stated the renderings of the homes are not impressive. Mr. Whalen is on the right track, but he would like to see a few more alternatives of more inspiring and more attractive homes.

Mr. Svoboda asked if the homes would be built to customer specifications.

Mr. Whalen stated yes. He currently has 35 homes under construction and the least expensive one is 1.5 million dollars. They are one of the top ten home builders in St. Louis and their homes are exquisite.

Ms. Sprick stated she asked for examples of elevations of typical homes. Mr. Whalen should not be held to those designs because they are just basic examples.

Charlotte Sorum, of 13011 Tapawingo Place, stated she fully understood the letter and is in full support of it, opposing the development.

Mr. Gau stated he is a trustee of the subdivision, so the letter came from the trustees.

Mark Sorum, of 13011 Tapawingo Place, stated a house in the neighborhood that costed 1.5 million dollars took over a year to sell. He asked if Mr. Whalen was sure they would sell fast.

Mr. Whalen stated the luxury home market is different than existing homes being sold.

Mr. Hetlage asked Ms. Sprick to summarize the second petition.

Ms. Sprick stated it is for the front yard setback only. The proposed setbacks are 25 foot front, 30 foot back, and 10 foot side. In a planned zoning district, the developer is allowed to propose what setbacks they would like. The R-2's setbacks are 40 foot front, 30 foot rear, and 10 foot side. This is typical throughout Tapawingo.

Mr. Whalen stated the primary reason for a house being closer to the street is tree preservation.

Mr. VanCardo asked if the R-2 single family will be immediately changed to PD-R. and set with 11 lots.

Ms. Sprick stated if the Commission recommended approval for all three petitions, the Board could only approve the first change of zoning, if they wanted to. If they only approved the first change of zoning and denied changing it to PD-R, then it could be stuck as R-2. The intention is that it is only R-2 for a second.

Mr. VanCardo stated drainage will be mitigated, they will not be importing or exporting a lot of material, and the basin on Maple Drive will receive most of the water. This will improve the situation.

Mr. Whalen stated the impervious surface area is going to change completely. The stormwater is not being managed right now. It will be and it will have to be approved by MSD.

Mr. Beiter stated Mr. Gau's comments need to be forwarded to the Board, but he does not want to place conditions on the project, yet.

Ms. Sprick stated everything has been made part of the record. All information will be passed along to the Board.

Mr. Beiter stated the written e-mail is a good summary of the items.

Mr. Gau made a motion that petition P-21-21 Petition for a Change of Zoning, submitted by Whalen Custom Homes, Inc., from R-1 Single Family Residential - 1 acre minimum lot size to R-2 Single Family Residential – 20,000 square foot minimum lot size for the property at 13270 Maple Drive be recommended to the Board of Aldermen for approval. Mr. Svoboda seconded the motion. With 6 aye votes and 1 nay vote, the motion was approved.

Mr. Gau made a motion that petition P-22-21 Petition for a Change of Zoning, submitted by Whalen Custom Homes, Inc., from R-2 Single Family Residential – 20,000 square foot minimum lot size to PD-R Planned Development – Residential for the property at 13270 Maple Drive be recommended to the Board of Aldermen for approval. Mr. Svoboda seconded the motion. With 6 aye votes and 1 nay vote, the motion was approved.

Mr. Gau made a motion that petition P-23-21 Preliminary Development Plan, submitted by Whalen Custom Homes, Inc., for a single family residential development at 13270 Maple Drive be recommended to the Board of Aldermen for approval. Mr. Svoboda seconded the motion. With 6 aye votes and 1 nay vote, the motion was approved.

Mr. Svoboda asked if the two, small strips of property along Maple Drive are included.

Ms. Sprick replied yes.

Mr. Baker stated the City is only going to order chassis for the snow plow. In 2023, the rest will be completed. In 2022, the City Hall entrance into administration will be upgraded. In 2023, the public works side will be upgraded. In 2024, the lobby of City Hall and technology equipment will be upgraded. Larger items, such as asphalt road maintenance and concrete slab replacement take place every year. West Watson Road from Gravois Road to Weber Hill will be re-surfaced and the sidewalk trail project will take place. Engineering for this has already been started, next will be right of way acquisition, and then the construction will take place. Phase two will take the sidewalks from Weber Hill Road to Robyn Road and Rott Road. Eddie and Park Road will have sidewalks added from Lindbergh Boulevard to the dog park. Stormwater intake grates that need improvements will be repaired, as well in 2022.

Mr. Svoboda asked about Kennerly Road and Old Gravois Road repairs.

Mr. Baker stated part of that area is Missouri Department of Transportation's to maintain, but the City will improve a lot of the rutting.

Mr. Gau made a motion that the Capital Improvements Program (CIP) Budget for 2022 be recommended to the Board of Aldermen for approval. Mr. Svoboda seconded the motion, and it was unanimously approved.

ANY OTHER MATTERS DEEMED APPROPRIATE

Mr. Beiter asked for an update on the Zoning Code update.

Ms. Sprick stated the Board sent it back to the Commission for a new recommendation.

Mr. Baker stated they are requesting major changes.

Mr. VanCardo asked if they are reasonable changes.

Mr. Baker stated the main recommendation is to not allow any overlays in residential areas. They also want to keep existing planned development designations on the map.

Mr. VanCardo asked how much the update has costed the City.

Mr. Baker stated originally, the contract was for \$125,000. About \$150,000 has been spent.

ADJOURNMENT

Mr. Powers made a motion to adjourn the meeting at 8:23P.M. Mr. Kaiser seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape