

AGENDA

PLANNING AND ZONING COMMISSION

CITY OF SUNSET HILLS, MISSOURI

WEDNESDAY, AUGUST 3, 2016

7:00 P.M.

There will be a meeting of the Planning and Zoning Commission in the Robert C. Jones Chambers of City Hall located at 3939 S. Lindbergh Blvd., Sunset Hills, Missouri 63127 on August 3, 2016 at 7:00 p.m. The Commission will consider the following:

Pledge of Allegiance

Approval of the minutes of the July 6, 2016 meeting.

NEW BUSINESS:

Election of a Planning & Zoning Commission Chairman.

Partial escrow release for Maret Pointe grading and siltation control.

P-21-16 Amended Development Plan, submitted by Patrick Bennett, for the construction of a gas station and convenience store on "Tract A" of 12852 Maurer Industrial Drive.

This petition has been removed from the agenda at this time by the City Attorney.

P-23-16 Amended Development Plan, submitted by Dakota Blenders LLC, for the construction of a silo at 12927 Gravois Road.

This petition has been withdrawn by the applicant.

P-24-16 Petition for a text amendment to Appendix B Zoning Regulations, Section 10 Non-Conforming Situations, 10.5 Damage or substandard conditions to allow restoration to condominiums developed under Chapter 448 RSMo. et seq.

ANY OTHER MATTERS DEEMED APPROPRIATE:

Should you be unable to attend, please call City Hall at 314-849-3400 no later than 1:00 p.m. on August 3, 2016.

City of Sunset Hills, Missouri

Public Works Department

MEMORANDUM

To: Planning and Zoning Commission

From: Bryson E. Baker, P.E.
City Engineer/Public Works Director

Date: July 28, 2016

Subject: Maret Pointe Request For Escrow Release (partial)

Maret Pointe has requested partial release of their escrow for the completion of grading and siltation control. Both items are completed and have been inspected and approved by the City.

In accordance with Appendix A, Section 3.5 (e):

- (1) The chairman, upon recommendation of the city engineer and the city attorney, shall release the surety or escrow agent from all or any part of its obligation only upon receipt of the requisite written notification from the inspecting agency; and
- (2) In no case shall the chairman authorize the release of more than ninety (90) percent of the amount held as the bond or escrow sum until said improvements have been completed in a satisfactory manner, approved by the commission and accepted or approved by the appropriate authority.

VANDERBILT
HOMES

July 5th, 2016

Bryson E. Baker, PE
Director Public Works
City of Sunset Hills
3939 South Lindbergh Boulevard
Sunset Hills, Missouri 63127

RE: Maret Pointe - Escrow

Dear Mr. Baker,

We are respectfully requesting a partial release of our established escrow for Grading (\$4,061.00) and Siltation Control (\$2,954.00). Both items have been completed.

Should you need any further information to process this request, please feel free to contact me at 314-713-8716.

Sincerely,

Scott Paul
Vice President

CC. Colby Schmidt, CNB Bank & Trust



THD Design Group
 148 Chesterfield Industrial Blvd, Suite G
 Chesterfield, MO 63005
 PHONE: (636) 294-2972
 FAX: (636) 294-3027

ENGINEERS COST ESTIMATE

PROJECT NAME:	12529, 12537 & 12541 Maret Drive		
PROJECT NUMBER:	14-0989		
ENGINEER/DESIGNER:	Gabe DuBois		
DATE COMPLETED:	October 13, 2015	REVISED:	
CLIENT/DEVELOPER:	Vanderbilt Homes		

IMPROVEMENT DESCRIPTION	UNIT TYPE	UNIT QTY.	UNIT PRICE (\$)	AMOUNT (\$)
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Siltation				
	Silt Control	L.S.	1.00	2,954.00
				2,954.00
				Sub total- Siltation
				2,954.00
			Sub Total	
			Streets	59,177.25
			Storm Sewers	11,994.90
			Water	8,540.55
			Grading	4,061.00
			Siltation	2,954.00
			Grand Total	\$86,727.70

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IMPROVEMENT DESCRIPTION	UNIT TYPE	UNIT QTY.	UNIT PRICE (\$)	AMOUNT (\$)
Streets				
4" Type "X" Asphalt	Sq. Yd.	1,270.00	25.20	32,004.00
2" Type C Wearing Surface	Sq. Yd.	1,270.00	12.30	15,621.00
8" Type 5 Aggregate	Sq. Yd.	1,270.00	8.80	11,176.00
Cut Subgrade	Cu. Yd.	111.00	2.25	249.75
Sawcut Exist Pavement	L.F.	22.00	5.75	126.50
Sub total - Streets				59,177.25

Storm Sewers				
24" F.E.S w/cut off wall	Each	2.00	724.00	1,448.00
24" RCP	L.F.	210.00	36.80	7,728.00
Rip Rap	Sq. Yd.	40.00	47.00	1,880.00
Additional Granular fill (Right-of-way crossings)	Tons	197.00	3.70	728.90
Water jetting	L.F.	210.00	1.00	210.00
Sub total - Storm				11,994.90

Water				
Connect to Ex. Water Main	Each	1.00	600.00	600.00
6" PVC	LF	388.00	9.55	3,705.40
3 - way fire hydrants w/valve, box & tee	Each	1.00	2,255.00	2,255.00
Water Jetting	L.F.	388.00	1.00	388.00
Granular fill	Tons	29.00	8.35	242.15
Bacteria test	Each	1.00	500.00	500.00
6" Valve and box	Each	2.00	425.00	850.00
Sub total - Water				8,540.55

Grading				
Earth Work	L.S.	1.00	4,061.00	4,061.00
Sub total - Grading				4,061.00



3939 S. Lindbergh Blvd.
314-849-3400

FILE NO. P-24-16
DATE 7-13-16
FEE N/A

**AMENDMENT TO ZONING REGULATIONS
(TEXT AMENDMENT)**

1. Applicant's Name City of Sunset Hills

2. Mailing Address _____ Phone _____

3. Agent's Name and Address _____
(If different than Applicant)

4. Existing Text Appendix B Sec 10.5-2 & 10.5-3

5. Proposed Text _____

6. Address/Location of Property that would be affected (if applicable) Benbury Condos

7. Remarks and Reasons _____

8. Fee: \$150 for zoning (text) amendments without any regard to a specific piece of property

I hereby state that I have read all applicable sections of the Zoning and Subdivision Ordinances of the City of Sunset Hills which are related to the proposed amendment. I also certify that all statements made on this application are true and that I have a legal right to make this application.

Signature: _____

- **10.5 - Damage or substandard conditions.**

10.5-1

Damage less than fifty (50) percent of replacement value: Nothing in this Section shall be deemed to prohibit the restoration of any structure and its use where such structure has been damaged, by any means, to an extent less than fifty (50) percent of its replacement value (excluding the value of the land, the cost of preparation of land, and the value of any reusable foundation associated with such structure) at the time of damage, as determined by the zoning enforcement officer; provided, however, that the restoration of such structure and its use in no way increases any former non-conformity, and provided that restoration of such structure is begun within six (6) months of such damage and diligently prosecuted to completion within two (2) years following such damage.

10.5-2

Damage greater than fifty (50) percent of replacement value: Whenever such structure has been damaged, by any means, to an extent of more than fifty (50) percent of its replacement value (excluding the value of the land, the cost of preparation of land and the value of any reusable foundation associated with such structure) at the time of damage, as determined by the zoning enforcement officer, the structure and use thereof shall not be restored except in full conformity with the regulations of this ordinance. Notwithstanding the foregoing, the prohibition on restoration shall not apply to condominiums developed under Chapter 448 RSMo. et seq.

10.5-3

Substandard conditions: When a structure is determined by the zoning enforcement officer, to be in violation of the building code or any applicable health or safety code, and the cost of placing the structure in condition to satisfy the standards under such codes exceeds fifty (50) percent of its replacement value (excluding the value of the land, the cost of preparation of land and the value of any reusable foundation associated with such structure), as determined by the zoning enforcement officer, the structure and use thereof shall not be restored except in full conformity with the regulations of this ordinance. Notwithstanding the foregoing, the prohibition on restoration shall not apply to condominiums developed under Chapter 448 RSMo. et seq.

P-24-16

Title: Amendment to Zoning Regulations (Text Amendment) to Appendix B, Section 10.5 Non-Conforming Situations, Damage or Substandard Conditions, to allow restoration/repair to condominiums developed under Chapter 448 RSMo et seq.

Petitioner: City of Sunset Hills
3939 South Lindbergh Boulevard
Sunset Hills, Missouri 63127

Date: August 2016

Summary:

This petition is for an Amendment to the Zoning Regulations, known as a text amendment. The City is proposing revisions to Section 10 Non-Conforming Situations, 10.5 Damage or substandard conditions. It would apply to various properties throughout the City.

Staff analysis:

There are a number of condominium developments in the City, a few of which were constructed prior to the property being annexed. At the time of annexation, cities apply the most appropriate zoning district to the property. At the time of annexation into the City of Sunset Hills, these properties were given a zoning designation of either Single Family Residential or Commercial. The City of Sunset Hills does not have a multi family zoning designation. Any multi family developments created in the City have been part of a Planned Development. As a result of these actions, the properties are non-conforming.

Per Appendix B Zoning Regulations, Section 10 Non-Conforming Situations,
10.5 Damage or substandard conditions:

10.5-1 Damage less than fifty (50) percent of replacement value: Nothing in this Section shall be deemed to prohibit the restoration of any structure and its use where such structure has been damaged, by any means, to an extent less than fifty (50) percent of its replacement value (excluding the value of the land, the cost of preparation of land, and the value of any reusable foundation associated with such structure) at the time of damage, as determined by the zoning enforcement officer; provided, however, that the restoration of such structure and its use in no way increases any former non-conformity, and provided that restoration of such structure is begun within six (6) months of such damage and diligently prosecuted to completion within two (2) years following such damage.

10.5-2 Damage greater than fifty (50) percent of replacement value: Whenever such structure has been damaged, by any means, to an extent of more than fifty (50) percent of its replacement value (excluding the value of the land, the cost of preparation of land and the value of any reusable foundation associated with such structure) at the time of damage, as determined by the zoning enforcement officer, the structure and use thereof shall not be restored except in full conformity with the regulations of this ordinance. Notwithstanding the foregoing, the prohibition on restoration shall not apply to condominiums developed under Chapter 448 RSMo et seq.

(text in red is proposed)

10.5-3 Substandard conditions: When a structure is determined by the zoning enforcement officer, to be in violation of the building code or any applicable health or safety code, and the cost of placing the structure in condition to satisfy the standards under such codes exceeds fifty (50) percent of its replacement value (excluding the value of the land, the cost of preparation of land and the value of any reusable foundation associated with such structure), as determined

by the zoning enforcement officer, the structure and use thereof shall not be restored except in full conformity with the regulations of this ordinance.

Notwithstanding the foregoing, the prohibition on restoration shall not apply to condominiums developed under Chapter 448 RSMo et seq.

(text in red is proposed)

Therefore, any existing condominium, developed under Chapter 448 RSMo et seq, receiving damage or requiring repairs exceeding (fifty percent) 50% the replacement value of the structure (as determined by the St. Louis County Assessor's Office), would be considered non-conforming and demolition would be required, because the repaired condominium could not "be in full conformity with the regulations of this ordinance." To reiterate, the properties are zoned Single Family Residential or Commercial and those districts *do not* allow multi family or attached dwellings.

The City is requesting a text amendment to Section 10.5, which would allow repair and/or restoration to existing condominiums, which were developed under Chapter 448 RSMo et seq. The amendment is an addition (shown in red above) to the existing ordinance. The amendment will not affect other non-conforming situations or properties in violation of current zoning requirements.

NOTICE

NOTICE IS HEREBY GIVEN THAT AT 7:00 P.M. ON WEDNESDAY, AUGUST 3, 2016, THE PLANNING AND ZONING COMMISSION WILL MEET IN THE ROBERT C. JONES CHAMBERS OF CITY HALL AT 3939 S. LINDBERGH BLVD. SUNSET HILLS, MO. THE COMMISSION WILL CONSIDER AND DISCUSS A PETITION FOR AN AMENDED TO APPENDIX B, SECTION 10.5 NON-CONFORMING SITUATIONS, DAMAGE OR SUBSTANDARD CONDITIONS TO ALLOW RESTORATION TO CONDOMINIUMS DEVELOPED UNDER CHAPTER 448 RSMO ET SEQ. ANYONE INTERESTED IN THE PROCEEDINGS WILL BE GIVEN AN OPPORTUNITY TO BE HEARD. FURTHER INFORMATION ON THIS PROPOSAL IS AVAILABLE AT CITY HALL, 3939 S. LINDBERGH BLVD. IN THE PUBLIC WORKS DEPARTMENT OR BY CALLING 314-849-3400.

PLANNING & ZONING COMMISSION
CITY OF SUNSET HILLS, MISSOURI