

MINUTES OF THE REGULAR MEETING
OF THE PLANNING AND ZONING COMMISSION
OF THE CITY OF SUNSET HILLS, MISSOURI
HELD ON WEDNESDAY, AUGUST 3, 2016

BE IT REMEMBERED that the Planning and Zoning Commission of the City of Sunset Hills, Missouri met in regular session in the Robert C. Jones Chambers of City Hall, 3939 S. Lindbergh Blvd., in said City on Wednesday, August 3, 2016. The meeting convened at 7:00 p.m.

The meeting began with those present standing for the reciting of the Pledge of Allegiance.

ROLL CALL

Present:

Patricia Otto	-Chairman
Thomas Ortmann	-Member
Bill Hopfinger	-Member
Roger Kaiser	-Member
Terry Beiter	-Member
Joseph Niemeyer	-Member
Lynn Sprick	-Assistant Planner
Robert E. Jones	-City Attorney

Absent:

Thomas Lynch	-Member
Steve Young	-Member
Dan Werner	-Member
Al Koller	-Member
Bryson Baker	-City Engineer

APPROVAL OF THE MINUTES

Copies of the minutes of the July 6, 2016 Planning and Zoning Commission meeting were distributed to the members for their review. Mr. Hopfinger made a motion to approve the minutes as submitted. Mr. Kaiser seconded the motion, and it was unanimously approved.

Election of a Planning and Zoning Commission Chairman

Mrs. Otto stated there were numerous members absent and asked Mr. Beiter to speak.

Mr. Beiter made a motion to table the election until the next meeting. Mr. Hopfinger seconded the motion, and it was unanimously approved.

NEW BUSINESS

P-21-16 Petition for an Amended Development Plan for construction of a gas station at Maurer Industrial Dr.

Mrs. Otto stated the petition has been removed from the agenda.

Mr. Beiter asked why the City Attorney removed the petition from the agenda.

Mr. Jones replied it is a petition for an amended development plan and it involves a motor vehicle oriented business, which is under a special section in the conditional use permit ordinance. There was no application for a conditional use permit. In chapter seven, it states that a conditional use permit is required with any motor vehicle oriented business. The petitioners were asked to apply for the conditional use permit and it will be seen at the next meeting.

Partial escrow release for Maret Pointe grading and siltation control

Mrs. Otto asked how the partial escrow release would be handled.

Mrs. Sprick replied their grading is complete and the siltation control is in place. The inspector made sure everything is working correctly. They are requesting the release of \$7,015.00 out of the \$86,727.70.

Mr. Jones stated it is strictly up to the Planning and Zoning Commission to decide whether the escrow can be released.

Mr. Beiter made a motion to release the partial escrow as requested. Mr. Lynch seconded the motion, and it was unanimously approved.

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

Mrs. Otto stated the petition has been withdrawn by the applicant.

P-24-16 Petition for a Text Amendment submitted by the City of Sunset Hills to Appendix B Zoning Regulations, Section 10 Non-Conforming situations, 10.5 Damage or substantial conditions to allow restoration to condominiums developed under Chapter 448 RSMo et seq.

Mr. Jones stated the City received a request from a resident that owns a condominium, off of Benbury Place, for an amendment to the City's ordinance regarding reconstruction of non-conforming uses. The City of Sunset Hills does not have a multiple family zoning district. When the condominiums were annexed into the City, they were put into the closest zoning district that was applicably possible. This particular condominium is in a single family residential zoning district and is a non-conforming use. According to the ordinance, if more than fifty percent of the structure is destroyed, it cannot be rebuilt without being brought up to the City's standards of being a conforming use. This provision was making it impossible for the owners to obtain financing. They are asking the City to consider exempting condominiums. One way to do this would be to create a multiple family district. He suggested they add a sentence that exempts condominiums under Chapter 448. This would only apply to condominiums the Missouri State statutes a non-conforming use that has been destroyed more than fifty percent.

Mr. Hopfinger asked why they were considered non-conforming.

Mr. Jones replied a residential zoning district would not allow multi-family housing.

Mrs. Sprick stated there are situations where a large home will be turned into a two family dwelling. There are also situations within an apartment complex where the owner will start selling apartments and call them condominiums. She asked if Chapter 448 prevents them from being part of this ordinance.

Mr. Jones replied Chapter 448 is called the Uniform Condominium Act. If someone is going to create a condominium, which is where the person owns from the inside wall to the inside wall and from the floor to the ceiling; it must be plotted as a condominium. It also has to have a declaration of a condominium and it has to meet all of the statutory requirements. The house being turned into a two family dwelling would not be considered a condominium per Chapter 448. If it is an apartment conversion, it would have to go through all of the same plotting processes to become a condominium.

Mr. Ortmann stated if the condominium falls in disrepair and it exceeds fifty percent of the cost of the building, then the sentence that would be added would allow them to rebuild in a non-conforming way. He wanted to know why they would let someone have leniency when they have let their building fall into disrepair. He agrees if the building is damaged, the added sentence would be acceptable, but if the owner neglects to take care of the property, he wanted to know if it was necessary to allow them this advantage.

Mr. Jones replied the comments that were made by the loan office did not differentiate whether it was from damage or housing code violations. They stated that if condominiums cannot be re-built, that the loans would not qualify. He stated condominiums are the least likely to fall into disrepair since there are monthly assessments due from each unit and because the City of Sunset Hills keeps up on housing code violations.

Mr. Ortmann stated his concern was that when they hire consultants to look over the zoning regulations, this special circumstance would be one of the items that would be reviewed. He would rather wait until the zoning regulations have been reviewed on this topic.

Mr. Jones stated it would cause a hardship because they are asking for immediate action. It also applies to others that own condominiums and are looking to refinance or purchase.

Mrs. Otto asked if this petition would go to the Aldermen.

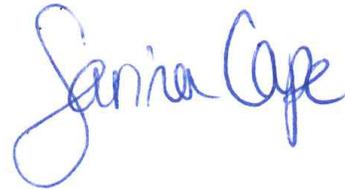
Mr. Jones replied yes, the Commission's recommendation, whether negative or positive, will go on to the Board of Aldermen.

Mr. Hopfinger made a motion that P-24-16 Petition for a Text Amendment submitted by the City of Sunset Hills to Appendix B Zoning Regulations, Section 10 Non-Conforming situations, 10.5 Damage or substantial conditions to allow restoration to condominiums developed under Chapter 448 RSMo et seq. be recommended to the Board of Aldermen for approval. Mr. Beiter seconded the motion and it was unanimously approved.

ADJOURNMENT

Mr. Kaiser made a motion to adjourn the meeting at 7:14 p.m. Mr. Ortmann seconded the motion, and it was unanimously approved.

Sarina Cape

A handwritten signature in blue ink that reads "Sarina Cape". The signature is written in a cursive, flowing style.

Recording Secretary