

**MEETING MINUTES OF THE
PLANNING & ZONING COMMISSION
TWIN OAKS, MISSOURI
TUESDAY, MAY 24, 2022**

The Planning and Zoning Meeting was called to order at 6:35 p.m.

Members:	Frank Venturella, Chairman	X	Joe Krewson	X
	Roger Loesche	X	Craig Cwiklowski	X
	Jeff Graves	X	Lisa Eisenhauer, Alderman	X
	Ray Slama		Shazia Brown	
	Russ Fortune, Mayor	X		

Also, in attendance was Frank Johnson, City Clerk/Administrator; Paul Rost, City Attorney.

APPROVAL OF THE AGENDA

Commissioner Graves moved, seconded by Commissioner Krewson, to approve the Agenda. Motion passed with the unanimous consent of the Commission.

APPROVAL OF THE CONSENT AGENDA

Mayor Fortune moved to approve the Consent Agenda consisting of the meeting minutes from January 25, 2022. Commissioner Cwiklowski seconded the motion and on voice vote, the motion was announced passed.

NEW BUSINESS

Consideration of amendments to Chapter 410, Sign Regulations, of the Twin Oaks Code of Ordinances

City Clerk/Administrator Frank Johnson stated that the intent of the changes is to clarify when a permit is required for temporary signs. The proposed changes would clearly state that no permit is required for temporary signs and flags on lots with single-family attached or detached uses, and for temporary window signs in commercial districts. Commissioner Krewson asked if the code defines what is considered a temporary sign. City Clerk/Administrator Johnson stated that it does. Chairman Venturella motioned for the Commission to recommend approval of the changes to the sign regulations as proposed. Commissioner Loesche seconded, and the motion passed by unanimous voice vote.

Consideration of amendments to Chapter 400, Section 400.520, of the Twin Oaks Code of Ordinances

City Clerk/Administrator Johnson stated that the proposed amendment would revise the number of citizens on the Planning and Zoning Commission from nine to seven, bringing the total number on the commission with the inclusion of the Mayor and a Board of Aldermen liaison from 11 to nine. Commissioner Loesche asked for clarification on how a quorum is determined. City Attorney Paul Rost stated that it is defined as a majority of the members, i.e. half of the membership plus

one. The quorum is also based on the total number of seats on the commission, regardless of whether they are all filled or not. For example, with 11 members, the quorum is six. If the membership is revised down to nine members, the quorum would be five.

In response to a question from Commissioner Loesche, Mayor Russ Fortune stated the City had recently increased the number to allow for more residents to join the Commission, but the residents appointed to the spots had subsequently backed out. Discussion ensued regarding the reasoning behind expanding the Commission, the difficulty of filling the vacancies, and the impact this has on establishing a quorum for meetings.

Chairman Venturella motioned for the Commission to recommend approval of changing the citizen members on the Planning and Zoning Commission from nine to seven. Commissioner Loesche seconded, and the motion passed by unanimous voice vote.

Consideration of Amendments to Zoning Regulations Pertaining to Off-Street Parking

City Clerk/Administrator Johnson stated that the current parking regulations in the zoning code contain a possible inconsistency with the traffic code. The zoning regulations stipulate that no recreational vehicles, off-road vehicles, trailers, etc. can be parked in any portion of a front yard. However, the traffic code states allows for a vehicle of any kind to be parked in the roadway for up to 72 hours. He stated that, in practice, this mean that residents cannot park such vehicles in their driveway, but they can park them in front of their house for up to three days. In addition, he stated that it can be difficult to enforce the zoning provision, as often by the time a complaint can be responded to, the vehicle in question has already been moved.

Given this, City Clerk/Administrator Johnson asked the Commission if they would be in favor of modifying the zoning regulation to be in line with the traffic code to allow for more consistent enforcement and treatment of recreational vehicles and trailers within the City.

Commissioner Loesche asked for clarification on how much control the City has over the traffic code. City Attorney Rost stated that the City has full control over the traffic code as it pertains to City-maintained streets, which would be all streets in the City limits with the exception of Big Bend Road.

Commissioner Loesche then stated that if such a change was made, it could potentially allow someone to park a recreational vehicle or trailer in their driveway every day, provided it was moved at least once. He also expressed concern over the difficulty of enforcing the 72-hour rule, citing the potential for conflicting accounts of a vehicle's history between the City and residents. Discussion ensued.

Alderman Lisa Eisenhower suggested the zoning regulation be changed to allow for temporary parking of recreational vehicles and trailers in driveways located in the front yard of a residential property for the purposes of loading and unloading. The Commission agreed that this could help address some of the enforcement issues cited by staff, and that they were not in favor of taking the 72-hour rule for on-street parking from the traffic code and adopting it for on-street parking as well.

Chairman Venturella motioned for the Commission to recommend approval of amending the zoning regulations as suggested by Alderman Eisenhower. Commissioner Graves seconded, and the motion passed by unanimous voice vote.

Consideration of Amendments to Zoning Regulations Pertaining to Rear-Yard Setbacks

City Clerk/Administrator Johnson provided a review of the Commission's previous discussion on the issue of residential lot setbacks. In 2019, the City had its engineer perform a GIS analysis of every residential lot. This analysis showed that there are at least 47 residential properties where the primary structure has at least some level of encroachment on the building setbacks. Of these, 11 could be classified as severe, with two cases where there is no buildable space on the lot per the setbacks.

City Clerk/Administrator Johnson stated these cases are considered to be legal non-conforming uses, and so don't pose any active problem. However, a homeowner who makes any change, extension or alteration of the footprint of the existing structure loses the grandfathered status of the property and therefore must comply with the setback or request a variance. This applies even if the expansion itself is not an encroachment. It also applies to decks that are attached to the primary structure.

City Clerk/Administrator Johnson stated that staff is requesting the Commission's input on whether the variance process is sufficient for addressing these issues as they arise without creating an undue burden on property owners, or if the City should explore some potential revisions to the setback requirements that could lessen the number of legal non-conforming properties in the City.

In response to a question from Commissioner Loesche, discussion ensued regarding the total number of homes in the City and what percentage are impacted by the setback issue. Commissioner Loesche estimated there could be approximately 5 percent of homes in the City severely impacted and that it would be difficult to come up with setback requirements that accommodated every single property. Alderman Eisenhower stated that she was more concerned about homes that had any level of encroachment, since they could potentially need a variance for any kind of work to the footprint of the home, which she estimated as more in the 25-33 percent range.

Commissioner Loesche expressed concern that changing the setback requirements could have unanticipated effects. Discussion ensued regarding the history of how lots were laid out in the City and why the setbacks were established that caused so many non-conforming uses. The Commission also discussed the variance process and how it works, and agreed that for many of the severe cases, a variance would likely be granted.

City Attorney Rost suggested that the City could change its laws on legal non-conforming uses to say that an expansion or alteration of the house that does not increase the amount of the encroachment is okay. The Commission agreed that this would help address the problem for houses with minor encroachments. City Clerk/Administrator Johnson asked if the Commission wanted to make any further changes to address the issues where properties had severe encroachments. The Commission agreed that the variance process was sufficient for handling such cases.

Chairman Venturella motioned for the Commission to recommend amending the Zoning regulations to allow for properties to retain their legal non-conforming status when expanding or


altering the property, providing that such changes do not increase the amount of encroachment. Alderman Eisenhower seconded, and the motion passed by unanimous voice vote.

MISCELLANEOUS BUSINESS

Commissioner Cwiklowski asked staff for assistance with determining the responsibility for fixing a pothole located on Crescent Avenue. The Commission also discussed an issue regarding the placement of trash cans on City streets.

ADJOURNMENT

Chairman Venturella moved, seconded by Commissioner Graves, to adjourn the meeting. Upon voice vote, the motion was announced passed. The meeting adjourned at 7:39 p.m.




Frank Venturella, Chairman
Planning & Zoning Commission
ROGER W. LOESCHE, ACTING CHAIRMAN

3/28/23

Date of Approval

ATTEST:



Frank Johnson, City Clerk/Administrator