

**MINUTES OF MEETING**  
**ZONING AND PLANNING COMMISSION**  
**CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI**  
**WEDNESDAY, JUNE 22, 2016, 4:00 P.M.**

Chairman Moore called the meeting of the Zoning and Planning Commission to Order at 4:11 P.M. The following members were present:

Chairman McPherson Moore  
Vice-Chair Thomas Kahn  
Commissioner Tim Crowley  
Commissioner Robbye Toft  
Commissioner Margaret Holtman  
Commissioner John Lochhead

Also present were Mayor Nancy Spewak, Public Works Director Anne Lamitola, City Attorney Erin Seele, Councilman John Fox, Building Official Will Penney, and City Planning Consultant Andrea Sukanek.

Chairman Moore introduced himself and announced some basic procedures for the meeting.

**APPROVAL OF MINUTES**

Chairman Moore stated there were two sets of minutes to approve; from the open and closed session of the May 25, 2016 meeting of the commission.

Commissioner Crowley moved to approve the minutes as amended from the May 25, 2016 meeting and the motion was seconded by Commissioner Toft. All those present were in favor and the minutes were approved.

Commissioner Toft moved to approve the minutes as amended from the closed session of the May 25, 2016 meeting and the motion was seconded by Commissioner Kahn. All those present were in favor and the minutes were approved.

## **PUBLIC FORUM**

Chairman Moore asked if anyone had other business in addition to the agenda subjects and no one came forward.

### **ZPC 16-06**

Request for a Special Use Permit submitted by MOD Pizza to operate a restaurant with the sale of alcohol by the glass (beer and wine), outdoor seating, and with the use of joint parking at 8855K Ladue Road

Mr. Ben Paskiet, project architect for MOD Pizza, came forward to explain the proposed project to the Commission. He explained that the business model for MOD pizza is a fast casual dining venue that sells pizza and salads as well as beer and wine by the glass. Typical patrons are in and out of the restaurant within 30 minutes. The restaurant will be 3400 square feet, will have 90 total seats, 24 of which will be outdoor seats.

Commissioner Holtman asked for an explanation on the location of the outdoor seating. Mr. Paskiet explained that there will be seating up against the outside of the building with two patrons per table at each of the 12 tables.

Commissioner Kahn asked if tables of four will be accommodated and Mr. Paskiet stated that due to space constraints that tables of four cannot be accommodated. Commissioner Kahn inquired about the safety of the patrons in the outdoor dining area.

Mr. William Klein, 12 Edgewood, representative of Desco came forward. He explained that there is a large column on the corner which will protect patrons from vehicles as well as the landscape buffer that exists in the area. He added that there are four MOD locations in the region and it is a family oriented restaurant.

Chairman Moore asked Mr. Klein for clarification on the parking study. Mr. Klein explained that there is no one present from Lochmueller Group who performed the traffic study, to explain their findings.

Chairman Moore called on Andrea Sukanek with regard to the petition and she stated that restaurants are a permitted use, but that outdoor dining, alcohol sales, as well as joint parking trigger the requirement for a Special Use Permit. Furthermore, she stated that there is inadequate parking on the site to accommodate this new use. During the peak hour volumes, the site is anticipated to be 15 parking spaces short. She explained that the applicant has proposed methods to address the parking shortfall including off-site employee parking and the identification of

phantom parking that are identified locations where parking could be developed in the future should it be determined that a parking problem exists. It was also stated by the applicant that some patrons access the site on foot from the trail and some employees access the site via mass transit. Ms. Sukanek added that green space is limited on the site and an expansion of parking would negatively impact the open space.

Chairman Moore made observations in response to his review of the parking study with regard to the use of the parking. Chairman Moore and Commissioner Crowley both asked if employee parking could be required to be located behind the Schnucks store. A discussion ensued regarding where parking is most heavily utilized on the site and where employees of the various portions of the development currently park. Mr. Klein agreed that employees of the MOD pizza could be required to park behind Schnucks which is parking area A1.

City Attorney Erin Seele stated that the ghost parking should be considered as a condition of the Special Use Permit (SUP) with periodic reevaluation periods of the site with regard to the parking. The condition would give the City additional flexibility to reevaluate the SUP in the future.

Commissioner Crowley asked what would be the criteria for parking reevaluation and Erin Seele stated that the City staff could monitor the traffic and report on complaints received. He also asked if the open space would be negatively impacted with a future parking expansion. Previous parking options were then discussed.

Mr. Klein stated that some additional parking spaces could be added to the rear of the tenant space and that in the future, additional parking spaces could be constructed immediately north of the easternmost parking lot.

Commissioner Holtman asked about the proposed exhaust and ventilation system. Mayor Spewak added that the City required a more robust exhaust system for Pei Wei. Mr. Paskiet stated he would take that request into consideration when completing the design.

Chairman Moore asked Ms. Sukanek for specific recommendations for incorporation into the SUP. Ms. Sukanek stated that due to the lack of parking, that some specific recommendations need to be crafted to address the potential parking shortage.

Commissioner Kahn stated that he has rarely observed the parking lots to be full at the development. Commissioner Kahn stated that the SUP should provide for phantom parking spaces that would be previous if developed.

Commissioner Toft asked if a variance is needed for the parking shortfall and Ms. Sukanek stated that a variance would not be required if restrictions were outlined in the SUP that require reevaluation of parking after six months or one year. Mr. Klein stated they would stripe in additional parking at this time behind the tenant spaces and that he finds phantom parking to be acceptable as a solution.

Commissioner Kahn made a motion recommending approval to City Council for the issuance of a Special Use Permit for MOD Pizza to operate a restaurant with the sale of alcohol by the glass (beer and wine), outdoor seating, and with the use of joint parking at 8855K Ladue Road with the following conditions: identify phantom parking on a revised site plan for potential future development and that the applicant submit an updated traffic evaluation to the City twice per year for two years after the issuance of the SUP to aid staff in determining if there are parking shortfall issues, and that if phantom parking is developed, that it be pervious pavement. Commissioner Crowley seconded the motion. The vote was as follows:

Chairman McPherson Moore-“aye”  
Vice-Chair Thomas Kahn-“aye”  
Commissioner Margaret Holtman-“aye”  
Commissioner Timothy Crowley-“aye”  
Commissioner Jim Howe – “aye”  
Commissioner Robbye Toft-“aye”  
Commissioner John Lochhead-“aye”

There were seven (7) “ayes” and zero (0) “nays”. The recommendation for a Special Use Permit for MOD Pizza to operate a restaurant with the sale of alcohol by the glass (beer and wine), outdoor seating, and with the use of joint parking at 8855K Ladue Road, contingent on the conditions listed in the motion was approved.

**ZPC 16-07**

Request for Improvement Subdivision Plans for re-subdivision plat of McPheeters Subdivision, re-subdivison involving Lot 1, otherwise known as 6 Ladue Lane, being subdivided into three residential lots

Ms. Anne Lamitola, explained that Fire Marshal comments were received after distribution of the packets and have been placed at the dais. The Fire Marshall report was based on information supplied by the applicant who has indicated that the size of the homes will be restricted to 6000 – 7000 square feet which will require an eight-inch water main serving the site. A discussion ensued regarding whether the plat should restrict the size of the homes in order to

meet the water line requirements. Ms. Erin Seele stated that deed restrictions could be placed on the plat, but would difficult to enforce by the City.

Ms. Lamitola then reviewed the staff report that she prepared which was based on guidance from Chapter 94-34 of the subdivision regulations for the City of Ladue and recommended that due to a lack of approvals from MSD with regard to storm and sanitary sewers and Missouri American Water with regard to the water main serving the site, that the Commission table this petition until further progress is made regarding these approvals.

Mr. Eric Vietmeier, Volz Engineering, civil engineer for the petitioner came forward to explain the request for approval of the improvement plans for the proposed three lot subdivision. He stated that on the common ground, less than 1 acre is being disturbed, but that a cumulative disturbance, through the development of each lot, will have to address MSD's requirements for water quality. Mr. Vietmeier explained that water quality could be based on assumed disturbance and addressed by the petitioner, but that Mr. McPheeters desires to construct the roadway improvements then sell the lots to individuals for development. Additionally, Mr. McPheeters prefers for each individual lot owner to hold the responsibility for storm water control. Furthermore, Mr. Vietmeier stated that the common ground disturbance of 0.9 acres could be divided by three to distribute the common ground disturbance evenly to the three lots.

Commissioner Crowley inquired about timing issues should the development of the individual lots be delayed, thus delaying storm water control. Mr. Vietmeier concurred that water quality would only be addressed as each individual lot is development. Commissioner Crowley asked about what assumptions have been made about the development of each lot and Mr. Vietmeier stated that the drainage design is based on an estimated 15,000 square feet of disturbance per lot.

Mr. Vietmeier stated that besides the proposed private pipe at the roadway turn around, there would be no new storm sewer infrastructure constructed as part of the development. He added that MSD is in the process of reviewing the plans and will provide feedback.

Mr. Kroeger, 50 Glen Eagles, stated that during heavy rain events that mulch runs off the property. Ms. Jan Mackey, 48 Glen Eagles, stated that the flow of water runs through the property at a significant velocity. Chairman Moore asked Mr. Kroeger if the Commission could schedule a site visit to better understand the drainage issues and site conditions and Mr. Kroeger agreed.

Commissioner Toft asked the applicant for other examples of similar development situations and how storm water was addressed at those locations. Mr. Vietmeier stated that storm water management for water quality typically consists of a best management practice (BMP) such as individual rain gardens which are required by other communities.

Mr. Penney asked if some lots would have less than one acre of disturbance and Mr. Vietmeier stated that was possible. Ms. Lamitola stated that with the scenario as proposed by the applicant, that three land disturbance permits could be required.

Commissioner Toft expressed concerns about passing on the development costs to the individual lot owners to address storm water. Mr. Vietmeier stated that more will be known after MSD reviews the plans and provides their comments.

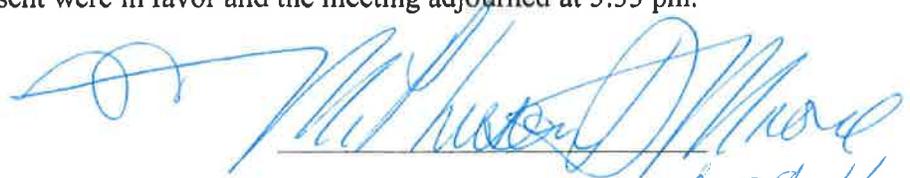
Mr. Kroeger stated that a total of 12 acres are present in the entire McPheeters subdivision and that the drainage area is larger than this tract of land. Mr. Kroeger asked for storm water to be addressed for the entire tract of land.

A discussion ensued with regard to how storm water can be addressed and how a global plan can be devised.

It was concluded that the Commission would not be voting on the improvement plans due to unresolved issues with storm water and MSD approval as well as Missouri American Water approval. The Request for Improvement Subdivision Plans for re-subdivision plat of McPheeters Subdivision, re-subdivision involving Lot 1, otherwise known as 6 Ladue Lane, being subdivided into three residential lots was tabled.

Chairman Moore announced that the next meeting is scheduled for July 27, 2016 at 4:00pm.

Commissioner Crowley made a motion to adjourn the meeting and Commissioner Toft seconded the motion. All present were in favor and the meeting adjourned at 5:33 pm.

  
Chairman McPherson Moore 9-29-16