

MINUTES OF MEETING
ZONING AND PLANNING COMMISSION
CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI
WEDNESDAY, AUGUST 24, 2016, 4:00 P.M.

Chairman Moore called the meeting of the Zoning and Planning Commission to Order at 4:06 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 Public Works Director Anne Lamitola, City Attorney Erin Seele, 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 was one set of minutes to approve from the July 27, 2016 meeting of the commission.

Commissioner Kahn moved to approve the minutes as written from the July 27, 2016 meeting and the motion was seconded by Commissioner Holtman. All those present were in favor and the minutes were approved.

PUBLIC FORUM

Chairman Moore asked if anyone from the audience would like to approach the commission about non-agenda items and no one came forward.

ZPC 16-07

Request for approval of Subdivision Improvement Plans for re-subdivision plat of McPheeters Subdivision, Lot 1 into three residential lots, to be known as Ladue Lane Subdivision. Property address: 6 Ladue Lane.

Mr. Eric Vietmeyer from Volz Engineering came forward to provide an update with regard to the petition for improvements plans for the McPheeters Subdivision. He stated that the required Missouri American Water and MSD approvals have not yet been obtained, but that there have been verbal agreements with regard to the methodology to which storm water will be addressed on the site. Mr. Vietmeyer stated detention and water quality features will be installed on the common ground areas in addition to storm water Best Management Practices on each individual property. Mr. Vietmeyer stated that an assumption of 20,000 square foot disturbances per lot was utilized to size the storm water system.

Commissioner Crowley asked for an explanation with regard to how the common ground will be addressed with regard to storm water. Mr. Vietmeyer explained that there will be a piped section adjacent to the roadway with discharge into an existing storm water channel on lot 3. A detention basin is being proposed for the common ground areas.

Margaret Williams, 2 Ladue Lane came forward to view the storm water plan.

Jay Feinberg, 550 Barnes Road came forward. Mr. Feinberg stated that he and his wife Cookie Feinberg, are not opposed to the development, but have storm water concerns. Mr. Feinberg provided a map that attempts to outline the proposed McPheeters development. Mr. Feinberg stated that his property is at the lowest point in the vicinity of the project. The water travels through the property and through their basement. He has been working on having the water diverted away from his rear-yard to divert the water from the primary structure.

Commissioner Kahn sought clarification with regard to where the waterways are located on his property, and Mr. Feinberg stated that the creek is along the property line.

Mr. Feinberg stated three concerns; mud during grading and construction, the timeframe for construction which could span for numerous years, and basins developed on each individual lot by individual lot builders that could clog. Mr. Feinberg suggested that a concrete or rock swale be constructed along Barnes Road that would intercept the water from the site and drain it

to the west. He suggested that a bridge may be required for the southernmost lot. He requested that a storm water mitigation plan be required for the project, because he is concerned about mud runoff.

Ms. Anne Lamitola explained that the City will require a land disturbance permit and accompanying storm water pollution prevention plan, because the site disturbance will exceed one acre. The land disturbance permit will address siltation control during construction. Mr. Feinberg stated his concern about permanent storm water solutions. Ms. Lamitola suggested that Volz Engineering look into those suggestions and report back to the Commission.

Ms. Sukanek reported on the required Missouri American Water Company and Fire Marshal approvals and reported that the easement located at the northern property line has been vacated.

Commissioner Toft pointed out that there are potential multiple developers and suggested that the land disturbance permit be issued to one developer: Mr. McPheeters. Staff stated that an escrow agreement will be required for the subdivision improvements on the common ground.

Ms. Williams expressed additional concerns about the amount of water that drains through the property. She wants to ensure that additional storm water problems are not created due to this development.

Commissioner Moore stated that this matter is tabled until a future meeting.

ZPC 16-09

Request for Rezoning from B-Residential (1.8-acre minimum lot size) to C-Residential (30,000 square feet minimum lot size) for the Clayprice subdivision. Property address: 3, 4, 5, & 6 Clayprice Court.

ZPC 16-10

Request for preliminary subdivision plat for the Clayprice subdivision for the purpose of creating one additional lot, for a total of five lots of record. Property address: 3, 4, 5, & 6 Clayprice Court.

Mr. John Saleeby, 4 Clayprice Court, came forward to explain the proposed petition to the commission. He stated that he has lived in the Clayprice subdivision since 2003. He stated that the proposed development, which includes rezoning to add one additional lot, enhances the subdivision and surrounding areas. He stated that should this petition be approved, \$350,000 will be spent on subdivision improvements. Mr. Saleeby described existing non-conforming lots

in areas adjacent to the Clayprice subdivision that do not meet the minimum lot size. Mr. Saleeby stated that he and his partner want to beautify the area. He stated that the Fair Oaks subdivision has much smaller lot sizes that are selling for more because the atmosphere has been improved. Mr. Saleeby stated that his proposed project would result in an improved atmosphere with smaller lots and larger homes. He provided additional information regarding the value of the lots in the subdivision that he has purchased. He reiterated that he wants to invest in the neighborhood, but in order to do so, must add an additional lot.

Mr. David Volz from Volz Engineering came forward and explained the layout of the proposed development to the Commissioners.

Mr. Saleeby stated that the subdivision is burdened by adjacent commercial properties and that homeowners must drive past the commercial parking lot to access the subdivision. Mr. Saleeby stated that in order to construct \$3 - \$4 Million homes, they will not be marketable without landscaping and berms to buffer the site from the adjacent commercial property.

Commissioner Kahn inquired about how the development would be buffered from the commercially zoned properties. Mr. David Volz stated that a decorative fence and landscaping will be added between the Clayprice shopping center and the residential lots. The roadway would be widened, two sets of entry monuments with lights would be constructed, as would decorative curbs and a landscaped entrance that will be more welcoming.

Commissioner Moore asked why the improvements could not be constructed with the existing four lots of record intact, and Mr. Saleeby stated that the economics do not work without the additional lot.

Mr. Saleeby stated that the roadway alignment needs to be addressed due to safety concerns. He explained proposed beautification improvements to the cul-de-sac that include benches, a bronze fountain, and gaslight square street lighting.

A discussion ensued with regard to the total number of lots that could be constructed should the Clayprice subdivision be rezoned. Mr. Volz stated due to constraints from setbacks and lot widths, seven lots could be physically constructed with the "C" residential zoning which requires 30,000 minimum square footage.

Chairman Moore stated that the comprehensive plan stresses open vistas, open spaces, and a balance of lot sizes. He stated that the City has held to the zoning density for various petitions including the planned development currently under construction at Lindbergh and

Conway. Commissioner Kahn stated that flexibility has been incorporated into the zoning ordinance for planned developments and stated that the Clayprice subdivision does not meet the zoning requirements for planned developments.

Mr. Saleeby reiterated that smaller, more expensive homes are being proposed. Chairman Moore responded that the zoning commission cannot be concerned with the price points of the homes and must use the comprehensive plan and zoning ordinance as guiding documents.

Chairman Moore stated that in the course of reviewing City records, that a similar request was made in 1950 for this subdivision and that request was denied.

Chairman Moore stated that a precedent would be set if the rezoning were approved and that the option to rezone subdivisions could open up for the entire community.

Commissioner Moore called on City Planning Consultant Andrea Sukanek to provide the City's perspective on this application. Ms. Sukanek stated that she has reviewed the proposed development and stated that rezoning in Ladue is extremely rare, if not non-existent in Ladue, as there is no written process in the code with regard to rezoning. Ms. Sukanek referred to the comprehensive plan and requirements for special use permits for guidance with regard to rezoning. She stressed that the needs of the community as a whole must be reviewed prior to the requests of one or two property owners. Ms. Sukanek referred to the comprehensive plan's goals of preserving open space.

City Attorney Erin Seele stated that impacts to surrounding property must be evaluated, and the City must consider whether the existing zoning is appropriate and that rezoning should occur only if the existing zoning is deemed to be inappropriate.

Commissioner Toft asked if there are equivalent locations where another request could come before the City. Ms. Toft stated that the properties in the Clayprice subdivision are not being maintained.

Commissioner Kahn stated that the homes in the Glen Cairn subdivision prior to redevelopment were in need of maintenance.

Mr. Volz stated that he understands that that City would not want an abuse of rezoning, but he stressed the nature of the surrounding properties which are commercial, institutional, a golf course, and C zoned residential property, which he believes are compelling arguments for this rezoning.

Commissioner Toft inquired about the ability to distribute the subdivision improvement costs to three properties in lieu of the proposed four properties. She commented that the difference would not be significant compared with the stated price points of the proposed homes.

Mr. Volz stated that the original layout is not something that would be approved currently as the lot widths do not meet current zoning requirements.

A discussion ensued regarding the vacation of the original roadway right-of-way that serves the Clayprice subdivision. Further review of the file documents would be necessary to adequately understand the details of the easement vacation which took place many years ago.

Mr. Bernard Huger, attorney for the Carmelite Monastery, stated that his client prefers for the area to remain zoned as is.

The caretaker for the Carmelite, who lives at 6 Clayprice, came forward and stated that the property he lives in within the subdivision is not dilapidated. He expressed concerns about mud and debris on the roadway from recent clearing efforts by the petitioner. He stated that he is not in favor of the development. He is concerned about the rezoning and future impacts to garner additional lots.

Mr. Crowley asked if there are trustees. Mr. Saleeby stated that there are none.

Commissioner Kahn referenced the comprehensive plan that sets the standards for decision making. He stated that the plan does not include any information about making a change of this nature. He stated he is opposed to the rezoning of Clayprice. Commissioners Crowley and Holtman agreed with Commissioner Kahn. Commissioner Holtman stated that she is surprised there would not be buyers who would want to construct new homes on the existing lots.

Mr. Scott Runyon, builder, came forward to address the commissioners and summarized the details of the proposed development. He stated that he has constructed a home in the Fair Oaks subdivision, and that he is proposing this development in response to the needs of potential clients who prefer larger homes on smaller lots. He stated that the adjacent properties will not be negatively impacted by this rezoning, in his opinion. He reiterated the description of surrounding properties and stressed that the proposed rezoning is necessary when taking economics into consideration.

Chairman Moore stated that Mr. Runyon's comments are based on the economics of the proposed development. He stressed that the economics do not dictate the decision making of the commission which must follow the comprehensive plan for the City of Ladue.

Commissioner Crowley stated that they must consider the reasonableness of the petition.

Ms. Sukanek stated that the proposed plan is not consistent with the comprehensive plan.

Commissioner Toft asked if the City can evaluate potential changes when the comprehensive plan is reevaluated, and Commissioner Kahn stated that the comprehensive plan will be reevaluated soon.

Commissioner Kahn made a motion recommending approval to City Council for the two petitions for the Clayprice subdivision; Request for Rezoning from B-Residential (1.8-acre minimum lot size) to C-Residential (30,000 square feet minimum lot size) for the Clayprice subdivision. Property address: 3, 4, 5, & 6 Clayprice Court and Request for preliminary subdivision plat for the Clayprice subdivision for the purpose of creating one additional lot, for a total of five lots of record. Property address: 3, 4, 5, & 6 Clayprice Court. Commissioner Holtman seconded the motion. The vote was as follows:

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

There were zero (0) "ayes" and six (6) "nays". The recommendation for rezoning of Clayprice subdivision and the related preliminary subdivision plat were both denied.

ZPC 16-11

Request for a Special Use Permit submitted by Truffles Restaurant to add an outdoor patio to their existing restaurant in the Clayprice Shopping Center. Property address: 9202 Clayton Road.

Mr. Aleksandar Jovanovic came forward to explain the proposed additional of outdoor dining at Truffles Restaurant at 9202 Clayton Road. He explained that outdoor dining is a desirable amenity for the patrons of Truffles. The area will include 32 seats with tables with umbrellas. No entrances or doors to the building will be impacted. Two parking spaces will be eliminated to accommodate this outdoor seating area, but there is an excess amount of parking on the property.

Commissioner Toft asked about access to Truffles from the patio and Alex stated that it will be through the front door.

Chairman Moore asked about ADA improvements and Alex provided an explanation with how ADA will be addressed. Ramps will be needed to comply with ADA requirements.

Commissioner Moore called on City Planning Consultant Andrea Sukanek to provide the City's perspective on this application. Ms. Sukanek stated that she has reviewed the proposed plan and recommends that the ADA accessible parking spaces for the entire development should be addressed. Mr. Jovanovic stated that he is willing to make the necessary changes. Ms. Sukanek stated that she will have the Fire Marshall look at this plan.

Commissioner Crowley made a motion recommending approval to City Council for the issuance of a Special Use Permit for Truffles Restaurant to add an outdoor patio to their existing restaurant in the Clayprice Shopping Center. Property address: 9202 Clayton Road contingent on fire marshal approval and ADA compliance. Commissioner Toft seconded the motion. The vote was as follows:

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

There were six (6) "ayes" and zero (0) "nays". The recommendation for a Special Use Permit for Truffles Restaurant to add an outdoor patio to their existing restaurant in the Clayprice Shopping Center was approved.

Chairman Moore announced that the next meeting is scheduled for September 28, 2016 at 4:00 pm.

Commissioner Toft made a motion to adjourn the meeting and Commissioner Lochhead seconded the motion. All were in favor and the meeting adjourned at 6:11 pm.



Chairman McPherson Moore 9-27-16