

## MINUTES OF MEETING

### ZONING AND PLANNING COMMISSION

#### CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI

WEDNESDAY, FEBRUARY 22, 2017, 4:00 P.M.

Chairman Moore called the meeting of the Zoning and Planning Commission to Order at 4:00 P.M. The following members were present:

Chairman McPherson Moore  
Vice-Chair Thomas Kahn  
Commissioner Jim Howe  
Commissioner Robbye Toft

Also present were Public Works Director Anne Lamitola, City Attorney Erin Seele, Building Official Will Penney, and City Planner 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 January 25, 2017 meeting of the commission. Commissioner Kahn moved to approve the minutes as written and the motion was seconded by Commissioner Toft. All those present were in favor and the meeting minutes as amended 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 16-16

Request for a Special Use Permit for a stealth communication tower at a height of 85'. Proposed tower will be designed to look like a pine tree and will be located at 9810 S. Outer Forty Road (west side of property) in the D Residential Zoning District.

Mr. Doug Dolan, Dolan Realty, came forward to provide an overview with regard to the project which consists of the installation of a stealth communication tower at Edie's mulch site, which is owned by the City. He provided photo renderings of the site as it exists today and with the proposed tower. The tower will be constructed to accommodate four wireless carriers. He stressed that there is demand in the area for improved cellular coverage. He explained that there are restrictions on the site due to MSD easements and that the location meets the requirements of the City's Public Works Department. He added that the tower will look very similar to the

previously approved tower located on the Village Lutheran property on Clayton Road adjacent to Fire House Number One.

Commissioner Moore called on City Planner Andrea Sukanek to provide the City's perspective on this application. Ms. Sukanek stated that the required variances for the project were obtained through the Zoning Board of Adjustment; for the proposed height of 88 feet, the height differential above the surrounding trees, the fence material being vinyl which is disallowed in the zoning ordinance, and the fact that the property is not a church, cemetery, or school as required for towers in residentially zoned properties. Ms. Sukanek stressed that access to the site should be solidified with the City. Ms. Sukanek read the conditions imposed on the Village Lutheran disguised evergreen tower and Mr. Dolan agreed that those conditions are acceptable for the Edie's mulch site tower. Ms. Seele added that a lease will be required with the City for the construction of the facility on City owned property.

Commissioner Kahn inquired about the zoning on the property and Ms. Sukanek stated that the zoning is D Residential.

Commissioner Toft asked if cellular coverage will be improved as a result of this tower and Mr. Dolan stated that coverage will be improved for a half-mile radius from the tower for the vendors that install antennas on the facility. There are four cellular vendors that are currently in the St. Louis market that could be added to this location.

Commissioner Kahn asked if the height and appearance of this proposed tower will be similar to the Village Lutheran disguised tower and Mr. Dolan stated that it would be.

Chairman Moore read the requirements for the issuance of special use permits and he stated that all conditions are met.

Commissioner Toft made a motion to recommend approval of this Special Use Permit to the City Council subject to a maintenance agreement for the site, a lease with the City, and the conditions as read by City Planner Andrea Sukanek. Commissioner Kahn seconded the motion. All present were in favor and the motion to recommend approval was approved.

The vote was as follows:

Chairman McPherson Moore-"aye"  
Vice-Chair Thomas Kahn-"aye"  
Commissioner Jim Howe - "aye"  
Commissioner Robbye Toft- "aye"

There were four (4) "ayes" and zero (0) "nays". The motion was approved.

**ZPC 16-01**

Request for approval of a revision to a preliminary subdivision plat to be known as East Ladue Lane, involving Lot 1 of McPheeters Subdivision being subdivided into three residential lots. Proposed

subdivision also includes the resubdivision of certain adjacent lots.  
Address of property: 6 Ladue Lane.

**ZPC 16-07**

Request for approval of improvement plans for subdivision plat of East Ladue Lane – a subdivision to create 3 additional building lots.  
Address of property: 6 Ladue Lane

Mr. John McPheeters, petitioner, came forward and stated that the improvement plans were recently reviewed by MSD, but that approval has not yet been obtained. He described the remaining MSD issues as being minor, and not related to the content of the storm water design itself.

Chairman Moore asked Mr. McPheeters for a description of the changes on the plan compared to what was previously approved. Mr. McPheeters stated that there is no longer common ground for this project as that land has been incorporated into the various lots of the subdivision. Mr. McPheeters stated that MSD is requiring stacked bio-retention basins as part of the development. Each individual lot owner will be required to construct basins on their individual properties.

Chairman Moore stated that surrounding neighbors are concerned about storm water. Chairman Moore asked if the engineer is present and Mr. McPheeters said that he is not. Mr. McPheeters explained how storm water control will be addressed on the development and explained that the responsibility for storm water will be for each individual property owner. Chairman Moore asked whether storm water facilities will be constructed at the beginning of the project if the lots are not developed for a period of time and Mr. McPheeters stated that the storm water facilities will be constructed at the time the lots are being developed. He did state that some storm water improvements will be constructed adjacent to the roadway as shown on plan sheet C10. Commissioner Toft asked why the Commission should vote on the improvement plans prior to MSD approval. Mr. McPheeters asked for the Commission to approve the plans contingent on MSD approval.

Commissioner Kahn asked for an explanation with regard to the modifications to the lot configurations. Mr. McPheeters stated that in response to the green space requirements, modifications were made to increase the size of the lots to allow for additional development and impervious coverage. In addition, the owner of 11 Ladue Lane desired to purchase some of the land within the McPheeters subdivision and incorporate that land into their property. Some other lot lines were modified in response to storm water management.

Ms. Jody Finney, 551 Barnes Road, came forward. She stated that lots 2 and 3 adjoin her property and she is concerned about storm water control. She requested a set of plans for the project from the petitioner.

Mr. Richard Gray, attorney for Ms. Cookie Potter, came forward to express concerns on behalf of his client with regard to storm water control. The Potters are requesting a concrete swale be constructed adjacent to Barnes Road to handle the flow of water through that portion of the property. They want the debris to continue to flow off the site. They are stating that the pipe will

not be adequately sized. Commissioner Toft asked Mr. Gray if they have any written documentation about the storm water concerns and they stated that they did not. Commissioner Toft explained to Mr. McPheeters that the storm water solutions should not be piece-meal on this development.

Mr. McPheeters stated that he cannot address existing storm water problems. He stated that there are existing drainage-ways on and near the property that are draining St. Louis Country Club and other surrounding properties. He stated that existing drainage-ways will accommodate that drainage. A discussion ensued amongst several neighbors expressing storm water concerns and posing questions about the development as it relates to storm water conveyance including Mr. Mike Dierberg, 564 Barnes, and Ms. Margaret Williams, 2 Ladue Lane

Ms. Sukanek reviewed the development with the Commission. She stressed that there was a small segment of land that will contain the road that is not part of any other lot. Ms. Sukanek stated that three of the lots have more than five sides to the lot which will require a special vote to provide approval. Mr. Kahn stated he does not have an issue with the lots having more than five sides. Ms. Sukanek asked about different lot configurations and Mr. McPheeters stated that the changes were based on proposed open space requirements.

Commissioner Toft noted that the lots are large and that may result in less of an impact to the number of sides of the lot as compared to smaller sized lots.

Ms. Sukanek stated that a portion of the subdivision is being proposed for incorporation into 11 Ladue Lane. Ms. Sukanek asked what will be contained on that land. Mr. Thomas Erb, 11 Ladue Lane, stated that no development will occur on that part of the property, and he offered to deed restrict that area.

Ms. Sukanek reviewed the approval status on the property with regard to the various utilities and noted that most approvals have obtained.

Mr. McPheeters showed a plan with tree removal stating that 85% of trees on the site will remain. He stated that the roadway will be landscaped. Mr. McPheeters produced a newly developed landscape plan that he will formally submit to the City.

Ms. Sukanek stated that MSD and Missouri American Water Company approvals are still needed. Mr. McPheeters asked for the project to be approved contingent upon these remaining approvals.

Commissioner Toft asked if the engineer can be present and the next meeting and whether the petitioner would consider meeting with neighbors in advance of the next city meeting with regard to storm water. Chairman Moore stated that he is not in favor of a vote. Commissioner Toft stated that she is not in favor of voting.

Commissioner Toft moved to continue these petitions and Commissioner Howe seconded the motion. All present were in favor and the two petitions for the McPheeters subdivision were continued.

Commissioner Kahn left the meeting at 5:20 pm.

**ZPC 16-15**

Proposed amendment to Zoning Ordinance (#1175) and Ladue Code of Ordinances regarding development standards for stormwater management and erosion control. Proposed changes to the ordinance include green space requirements for residential development, definition of green space, stormwater management requirements for new construction, and erosion control requirements during construction. Amendment also includes a proposed change to Chapter 94 of the Ladue Code of Ordinances regarding requirements for stormwater management in subdivisions.

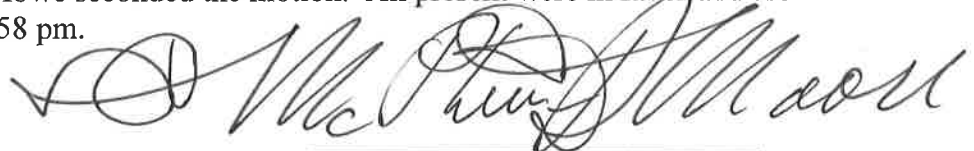
Ms. Sukanek reviewed the changes that have been made since the last meeting. Many of the changes were related to the organization of where the proposed language will be incorporated into existing ordinances.

Ms. Sukanek did explain proposed credits for perviousness have been proposed for grass pavers at 50% of the area, gravel pavers at 25%, and porous & permeable pavers at 25% which was in response to feedback obtained from the Commissioners at the January meeting. Pervious asphalt and concrete pavement have not been included for a credit. Chairman Moore reiterated that some of these types of pavements can be overlaid which deems them non-functional. Ms. Sukanek reviewed the proposed language about maintenance of permeable surfaces. Ms. Sukanek continued to review the various modifications and proposed code language to various code sections including Zoning Ordinance #1175, to Chapter 94, Subdivision, Chapter 110 with regard to Land Disturbance requirements and Post Construction Storm Water Control.

Mr. Ray Potter came forward with comments about the coverage limits established previously for the E-1 zoning district. He is suggesting that the side yard coverage, that allows an entire side yard to be covered in E-1 zoning, be allowed only for properties with rear-entry garages. Ms. Sukanek will review this suggestion for modification separately.

Commissioner Toft expressed concern about the language in Chapter 110-131(a) that states, 'Storm water should not flow onto neighboring properties such that it adversely affects or causes hazardous conditions on those properties.' She wished to clarify that actions should be taken by developers to control stormwater, but residents should not be penalized for pre-existing stormwater runoff conditions.

The Commission decided to continue the discussion of the stormwater amendments at the next meeting when a quorum would be present. Chairman Moore announced that the next meeting is scheduled for March 22, 2017 at 4:00 pm. Commissioner Toft made a motion to adjourn and Commissioner Howe seconded the motion. All present were in favor and the meeting was adjourned at 5:58 pm.



Chairman McPherson Moore