

## MINUTES OF MEETING

### ZONING AND PLANNING COMMISSION

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

WEDNESDAY, MARCH 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 Robbye Toft  
Commissioner Timothy Crowley  
Commissioner John Lochhead

Also present were City Attorney Erin Seele, Building Official Will Penney, and City Planner Andrea Sukanek. Mayor Nancy Spewak and Administrative Assistant Ashley Quinn.

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 February 22, 2017 meeting of the commission. Commissioner Lochhead moved to approve the minutes as written and the motion was seconded by Vice-Chair Kahn. All those present were in favor and the meeting 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 16-01

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.

Mr. John McPheeters, petitioner, was present and had no new information to report.

Chairman Moore called on Andrea Sukanek, City Planner, for the most recent staff report. Ms. Sukanek stated that the preliminary plat under review was the revision to the previously approved plat. Ms. Sukanek stated her biggest concerns were regarding some of the lots having more than 4 sides. There had been some changes which included the previously depicted common ground becoming part of lot 5 and an increase to lot 4. Ms. Sukanek also

stated there were improvement plans that needed to be completed and no work could be done on the project until those plans were finished.

Chairman Moore asked if the approval of this preliminary plat application would have a negative impact on drainage and storm water and Ms. Sukanek stated it would have no impact.

Chairman Moore asked for clarification on the lots having more than 4 sides.

Ms. Sukanek explained that 5-sided lots are discouraged, to make sure that the properties remain regular.

Mr. McPheeters explained that there were two primary reasons for the lots having more than 4 sides. One reason was in response to the considerations for green space requirements. Considering those requirements, it was decided to increase the size of some of the lots so that future owners would not run into restrictions based on the requirement for 75% green space. The second reason was due to parts of common ground being incorporated into parcels 4 and 5. Lot 2 was increased in size and would remain 4-sided and lot 1 had more than 4 sides to accommodate a stormwater basin.

Vice Chair Kahn asked if all the plans had gone through the Ladue Fire Department with regards to egress and emergency access. Mr. McPheeters stated that they had; there would be a water main throughout the property to service a fire hydrant to be install by St. Louis County.

Vice Chairman Kahn made a motion to accept the preliminary plat as submitted and Commissioner Lochhead 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 Toft – “aye”

Commissioner Crowley – “aye”

Commissioner Lochhead – “aye”

There were five (5) “ayes” and zero (0) “nays”. The motion was approved.

## **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 stated there were very few changes made since the prior meeting. There was the addition of credits to green space for pervious pavers such as grass pavers (50% credit), gravel pavers and porous permeable pavers (25% credit), as stated on 1175-6 Sec.3 as well as language stating that it must be maintained. Stronger wording regarding permeable-surface, was suggested by Ms. Seele on 1175-7(d) to read as, "Failure to maintain a greenspace-approved permeable surface, resulting in a substantial decrease of the infiltration of water is a violation of this ordinance. Each day a violation continues shall be a separate offense."

Ms. Sukanek noted the change in language on page 1175-4 (m) regarding garage access in E-1 District based on a recommendation by Mr. Ray Potter. The wording was clarified that the paving of a side yard would only be allowable for the purposes of accessing a garage not simply for the desire for a larger patio or paved area.

Commissioner Toft suggested stating a "30% maximum rear yard coverage limit" be added after the word "driveway" in the final wording on 1175-4 (m), not after "side yard" because it might be interpreted incorrectly.

Mr. Ray Potter, 13 Midpark Ln. addressed the commission about whether they had considered the idea that people were going to be able to have a front entrance garage, and then because of the wording also have a rear entrance garage. Ms. Sukanek stated that she and the Building Official, Mr. Penney, had discussed if someone had a small front facing garage and wanted to add on to create a larger garage, they would prefer that the space be added on in the rear of the garage, not in the front. She felt that it was acceptable if they wanted to add an additional area for parking if they had a front facing garage.

Mr. Potter stated that the issue came up because of some people wanting a rear facing garage and it was thought that the side yard paving restrictions would keep them from being able to access it. However, he felt that this new wording would allow for a rear facing garage. He felt the purpose was to keep the total impervious surface amount down. He felt it should be stated that a front yard garage would be fine, or a rear yard garage would be fine, but he did not find it reasonable that someone could have both.

Commissioner Toft stated that the wording was never intended to allow for two separate garages/parking areas. The original wording was to address space concerns and impervious coverage with regards to paving in a side yard. She felt that allowing two separate parking areas would be an issue, particularly in E-1 district because there is so little land.

A discussion ensued regarding proposed wording to make clear that only a front entrance garage or a rear entrance garage, not both, was allowed. Commissioner Toft felt that the context of the of the problem was that within the E-1 district there was not enough space for homes to have a rear entry garage, therefore the lesser of two-evils would be to have a front facing garage in the rear year not a front facing garage at the street line. There simply would not be enough space to have a front entry garage and a rear entry.

Chairman Moore asked that the committee make a motion on this section's wording changes before making a motion to accept all changes in their entirety.

Ms. Sukanek read the following proposed wording for page 1175-4, Paragraph C, 1m, "In the E-1 District, if deemed necessary by the Building Official for rear or side garage access, in lieu of a front yard garage, a driveway not to exceed ten (10) feet in width may be placed in one (1) side yard. In such a situation, the 25% maximum side yard coverage limit may be waived for one (1) side yard. Additional paving or construction may take place in the rear yard up to the 30% maximum rear yard coverage limit. A separate rear or side yard garage shall not be allowed in addition to a front access garage."

Commissioner Toft made a motion to recommend the proposed wording presented by Ms. Sukanek. Vice-Chair Kahn seconded the motion.

All present were in favor to recommend the amended wording and the motion was approved.

The vote was as follows:

Chairman McPherson Moore – "aye"

Vice-Chair Thomas Kahn – "aye"

Commissioner Toft – "aye"

Commissioner Crowley – "aye"

Commissioner Lochhead – "aye"

There were five (5) "ayes" and zero (0) "nays". The motion was approved.

Commissioner Crowley asked for clarification on the asterisk portion regarding floor area ratios (FARs) stating that lot sizes greater than 9,000 sq ft could exceed the allowable area under roof with an approved Special Use Permit, and why this did not apply to the smaller lot sizes as well.

Councilman Fox clarified that the reason was to avoid the building of boxy buildings that went straight up, while still occupying all airspace possible. It was a concern over mass.

Ms. Sukanek stated that there were not proposed changes to this section other than some general formatting. She recommended that further discussion be taken up at a future meeting if deemed necessary.

There was a brief discussion regarding pervious pavers and their viability. Areas of Clayton were cited as examples of having these pervious pavers along Wydown. Ms Sukanek stated that these were not a new product and had been utilized in different areas for some time.

Mr. Potter asked why the drainage openings in the permeable pavers has a 10% open surface area but allowed for a 25% green space credit.

Ms. Sukanek stated that was a standard definition of the pervious pavers.

Mr. McPheeters addressed the Commission to explain that pervious pavers are installed with space in between that is not grouted; they are laid atop a layer of specific gravel so that it accepts the water and can percolate through. Therefore, even if they only have 10% of open space they may accept a greater percentage of water.

Ms. Sukanek reported that there were almost no changes to Chapter 94 since the last discussion. There may have been minor wording changes, but no content changes.

Commissioner Toft asked if we were violating any of the wording of Article VI, Sec. 94-115 with their approval of the preliminary plat for Ladue Lane (ZPC 16-01). Ms. Sukanek did not feel that was a concern with the preliminary plat but may need to be addressed with the Improvement Plans.

Mr. McPheeters stated that there would be a water retention basin in the East Ladue Lane Subdivision for storm water along Barnes Road. The location would be maintained by 2 owners in the subdivision and each individual property would also have its own detention basin/rain garden.

Discussion ensued regarding whether the wording of Sec. 94-115 (d) meant that all rain gardens to be built within a subdivision must be located in common ground or an easement even if they are being built to manage runoff from construction of the residence. The consensus was that stormwater management built by the developer to manage runoff of the overall subdivision improvements, including roads and general grading, should be placed in common ground or an easement, but stormwater management structures to be built by the homeowner to manage runoff from residential construction can remain on private property.

Commissioner Toft made a motion to amend Chapter 94, Article VI, Sec, 94-115 (4) to state “Retention/detention basins, swales, and other major stormwater collection devices designed for a subdivision *improvement* shall be designated as common ground or located in an easement and maintained by the subdivision.”

Vice Chair Kahn seconded the motion. All present were in favor to recommend the amended wording and the motion was approved.

The vote was as follows:

Chairman McPherson Moore – “aye”

Vice-Chair Thomas Kahn – “aye”

Commissioner Toft – “aye”

Commissioner Crowley – “aye”

Commissioner Lochhead – “aye”

There were five (5) “ayes” and zero (0) “nays”. The motion was approved.

Ms. Sukanek reported that there had been no changes other than formatting to Chapter 110 since the last discussion. It consisted of pulling together erosion control requirements from different sections of the code.

Mr. Potter had comments regarding Chapter 110-141. He felt the wording was very vague, general and open to interpretation. It pertained to a very real problem in the E-1 district. Seventeen new homes had been built in E-1 and all have caused water run off issues for neighboring properties. There are issues when builders want to raise the grade of a home and it causes problems. There needed to be wording that is very specific for builders. Mr. Potter felt the whole page could be accomplished with simply the phrase "The level of a house shall not be raised above existing grade, if it results in any increase in storm water runoff onto adjacent properties."

A discussion ensued regarding stormwater issues arising as a result of new construction. Potential wording regarding regulations, and enforcement was discussed. The following wording was suggested for Sec. 110-142. Insert as (a) "No improvements shall increase stormwater runoff onto adjacent properties." Vice Chair Kahn made a motion to recommend these changes. Commissioner Crowley seconded the motion. All present were in favor to recommend the amended wording and the motion was approved.

The vote was as follows:  
Chairman McPherson Moore – "aye"  
Vice-Chair Thomas Kahn – "aye"  
Commissioner Toft – "aye"  
Commissioner Crowley – "aye"  
Commissioner Lochhead – "aye"

There were five (5) "ayes" and zero (0) "nays". The motion was approved.

The second recommended change to the stormwater regulations was in Section 110-142(c) which would be relettered to subsection (d) and read as "Developers shall include stormwater control measures on the site plan submitted for the Building Department review of proposed construction in addition to submittal to MSD for appropriate permits. The Building Commissioner may require a stormwater study, commissioned by the City at the cost of the Developer, when it appears from the plan, at the discretion of the Building Commissioner, that there could be an increase in velocity or volume of stormwater onto adjacent properties."

This proposed change would cause the former subsection (d) to be relettered as subsection (e).

Commissioner Toft made a motion to recommend the proposed changes to Sec. 110-142a-e. Commissioner Crowley seconded the motion. All present were in favor to recommend the amended wording and the motion was approved.

The vote was as follows:  
Chairman McPherson Moore – "aye"  
Vice-Chair Thomas Kahn – "aye"  
Commissioner Toft – "aye"  
Commissioner Crowley – "aye"

Commissioner Lochhead – “aye”

There were five (5) “ayes” and zero (0) “nays”. The motion was approved.

In order to ensure that the Building Department has enough information to review building applications for stormwater runoff concerns, the following changes to Sec. 110-148 (c) were proposed: the addition of the word “and” at the end of number 13 and the addition of a number 14 stating the requirement of “Stormwater runoff calculations”.

Commissioner Toft made a motion to recommend the changes to Sec. 110-148 (c). Vice Chair Kahn seconded the motion. All present were in favor to recommend the amended wording and the motion was approved.

The vote was as follows:

Chairman McPherson Moore – “aye”

Vice-Chair Thomas Kahn – “aye”

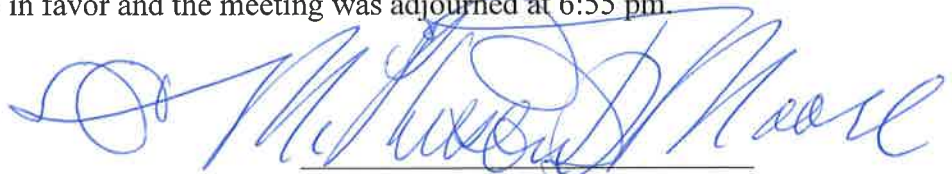
Commissioner Toft – “aye”

Commissioner Crowley – “aye”

Commissioner Lochhead – “aye”

There were five (5) “ayes” and zero (0) “nays”. The motion was approved.

Chairman Moore announced that the next meeting was scheduled for April 26, 2017 at 4:00 pm. Commissioner Toft made a motion to adjourn and Commissioner Crowley seconded the motion. All present were in favor and the meeting was adjourned at 6:55 pm.



Chairman McPherson Moore