

**MINUTES OF MEETING**

**ZONING AND PLANNING COMMISSION**

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

**WEDNESDAY, JULY 26, 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
- Commissioner Tim Crowley
- Commissioner Margaret Holtman
- Commissioner John Lochhead

Also present were Public Works Director Anne Lamitola, City Attorney, Erin Seele, 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 June 28, 2017 meeting of the commission. Commissioner Toft made a motion to approve the minutes as written, the motion was seconded by Commissioner Lochhead. All those present were in favor and the meeting minutes were approved.

**PUBLIC FORUM**

None

**ZPC 17-05**

**Proposed text amendment to Zoning Ordinance (#1175), Section V regarding floor area ratio requirements and other proposed construction requirements in the E-1 Zoning District.**

Ms. Sukanek summarized the review from the past meeting. The Commission received a packet of information prepared by Ms. Sukanek. Some of the suggestions in the packet included maintaining the character of the neighborhood, upholding the integrity of the Master Plan, keeping a consistent scale of new homes, potential historic preservation of older homes and reduction of Floor Area Ratio (FAR) to .38 or .40. FAR and site coverage impacts the storm water runoff. The FAR calculation would not include basements, garages would be set back at least five feet behind the front door of the house, the use of brick should be encouraged and houses should

avoid a tall boxy appearance. Webster Groves storm water regulations do not allow for any increase in storm water at all, unlike Ladue that allows for up to 2 CFS. This would include some type of retention on site or whatever needed to be done to ensure there was no increase in storm water runoff.

A discussion followed regarding these recommendations. The Commission did not feel that the ordinance needed to specify building materials, as that should be handled by the Architectural Review Board (ARB) process, they also felt that any review for historic preservation be taken care of through the ARB process as well.

Mayor Spewak encouraged them to address the coverage and massing issues in the ordinance to give it more impact. The ARB is trying to keep homes consistent to a clear architectural style and prefer homes be built to suit the lot. Zoning can control some of that and will generally make sure the home that is properly suited for the area and parcel. ARB will review the style, predominant feature, details and materials.

The Commission was in favor of the zoning requirement for garages being recessed behind the front door of the building.

Mr. Bruce Bartlett addressed the Commission on behalf of MRM Manlin. Mr. Manlin is the current owner of 28 Magnolia in the E-1 District. They have concern over the inclusion of the garage, covered front porches and patios in the FAR calculations. They feel this makes the square footage too small to be marketable.

Ms. Elizabeth Little, owner of Elizabeth Real Estate Group, felt that restricting the amount of living space it will impact the feasibility of the lot prices in this district. It would cause purchasers to absorb an exorbitant price per square foot.

Commissioner Toft stated that at one time the area did not even accommodate having a one car garage, but the area cannot accommodate the 4 bedroom/2 car garage homes that Ms. Little suggests are appropriate for the area.

A discussion ensued that the main concern for the Floor Area Ratio is to manage storm water in this zoning district.

Commissioner Toft made a motion that the requirements for development in the E-1 Zoning District be amended to allow a floor area ratio (FAR) of .42; to require that there be no increase in storm water runoff for new development; that the definition of floor area be changed to "above grade floors of the structure, all covered porches and covered patios that lie under the roofline"; that front entry garages must be set back more than five (5) feet from the front door of the house; that second story additions should be of a style consistent with the balance and the mass of the house and may not exceed two-thirds of the area of the first floor; and any portion of the house that exceeds twenty-four (24) feet above grade shall be set back thirty-five (35) feet from the front property line.

Commissioner Lochhead seconded the motion.

The vote was as follows:

Chairman McPherson Moore	“in favor”
Vice-Chair Thomas Kahn	“in favor”
Commissioner Jim Howe	“in favor”
Commissioner Robbye Toft	“in favor”
Commissioner Tim Crowley	“in favor”
Commissioner Margaret Holtman	“in favor”
Commissioner John Lochhead	“in favor”

With seven (7) votes in favor, the motion passed unanimously.

### **ZPC 17-06**

### **Request for approval of a Special Use Permit for a Stealth Communication Tower in the “C” Residential District. Tower is proposed to be located at 9551 Litzinger Road in Tilles Park.**

Mr. Matt Lueders, engineer for Missouri American Water, addressed the Commission. They are rolling out a new metering system that would eliminate the need for meter readers to walk their routes. This monitoring system transmits data to the collection units and modernizes the data collection. This will allow for issues such as leaks for a faulty line to be identified earlier. They need 417 data collection units around the County. They are in parks, on school properties and at police and fire stations to avoid placement in residential neighborhoods. Per code, it is a communications tower but the equipment is on a 34 foot, above grade, utility pole. The equipment cannot co-locate on the large cellular poles as the frequency of those poles would drown out the signal needed for the equipment.

Commissioner Toft asked if the pole could be made to look like a pine tree as other stealth towers in the City have done. Mr. Lueders was not aware of any masking apparatus used on this type of pole but he could look into that.

Ms. Barb Cross, resident of Brentwood, addressed the Commission to ask if Ladue regulates what is in a County park. Ms. Seele explained that it is a private facility and our zoning code does apply. Ms. Cross asked Mr. Lueders if their request were denied by the City of Ladue what would their alternative location be.

Mr. Lueders stated that they had no other options. The proposed location is the best placement along that route. They had exhausted all other resources at this time.

A discussion ensued about other placement locations within the park.

Commissioner Toft asked if plantings could be done around the tower to provide vegetative screening. Mr. Lueders felt that would be acceptable.

Commissioner Toft made a motion to grant a Special Use Permit (SUP), subject to ZBA approval, that the applicant be granted approval for installing a thirty-four (34) foot pole with attached antenna and equipment, located in Tilles Park, subject to the requirement that the utility pole be surrounded by evergreen trees being planted and maintained by the applicant, at their expense.

Chairman Moore read the following regarding Special Use Permit.

Special Use Permits are regulated by Section VII of the Zoning Ordinance. General criteria are described in Subsection C., as follows:

In considering whether or not such application should be granted, it shall be the duty of the City Zoning and Planning Commission and of the City Council to give consideration to the effect of the requested use on health, safety, morals, and the general welfare of the residents of the area in the vicinity of the property in question, and the residents of the city generally, including the effect on:

1. Traffic in the streets;
2. Fire hazards;
3. Overcrowding of land or undue concentration of people;
4. Fire, police, and utility services;
5. Municipal expenditures;
6. The character of the district, and property values in the area; and
7. The general suitability of the property in question for the proposed use.

Commissioner Holtman seconded the motion.

The vote was as follows:

Chairman McPherson Moore	“in favor”
Vice-Chair Thomas Kahn	“in favor”
Commissioner Jim Howe	“in favor”
Commissioner Robbye Toft	“in favor”
Commissioner Tim Crowley	“in favor”
Commissioner Margaret Holtman	“in favor”
Commissioner John Lochhead	“in favor”

With seven (7) votes in favor, the motion passed unanimously.

**ZPC 17-07****Proposed text amendment to Zoning Ordinance (#1175), Section II, Section IV-A (4) (d) and Section XIV, regarding short term rental bans in all residential districts.**

Ms. Sukanek presented information on short term rentals. These types of residential rentals have become increasingly popular in the past few years. Banning short term rentals serves to preserve the single-family characteristics of the City as stated in the Comprehensive Plan. In Ladue, most of the streets are privately maintained and excess traffic from short term renters has raised concerns from residents. Staff are recommending a ban in all zoning districts. Many other communities in the St. Louis area are banning them as well. In addition to banning short term rentals the ordinance would also prohibit the rental of accessory structures as a dwelling.

Commissioner Lochhead asked if that meant accessory structures do not allow any type of rental, even long term. Ms. Sukanek clarified that they would not be allowed. The City cannot prohibit the long-term rental of an entire property but we can prohibit the rental of an accessory building if the main dwelling is already occupied. The specific changes proposed would be short term rentals would be listed as strictly prohibited and the section that talks about accessory structures would be changed to say that they shall not be used for dwelling purposes, except by members of the family as defined by Sec. XIV, and accessory structures shall not be used as rental property. A short-term rental shall be defined as property or portion of property thereof, that is rented for dwelling purposes for a period of less than thirty (30) days. A motel is also listed as a prohibited use and was not defined, therefore the definition as “any facility designed to provide short term rental units to accommodate travelers” was added. Under the definition of home occupation the statement “short term rentals shall not be allowed in conjunction with a home occupation” was added.

A discussion ensued about whether a definition of single family dwelling was needed. It was decided that it was not because the City only allows single family dwellings.

Commissioner Toft made a motion to approve the proposed changes to the Zoning Ordinance 1175, as follows: paragraph II shall state that accessory buildings or structures shall not be used for dwelling purposes, except by members of the family or domestic help; under paragraph III the definition of “single family dwelling” shall be removed; under the definition of motel the term “travelers” shall be replaced with the term “guests”; and under IV, Subparagraph IX (9) it shall state short term rentals shall not be allowed.

Commissioner Lochhead seconded the motion.

The vote was as follows:

Chairman McPherson Moore	“in favor”
Vice-Chair Thomas Kahn	“in favor”
Commissioner Jim Howe	“in favor”
Commissioner Robbye Toft	“in favor”
Commissioner Tim Crowley	“in favor”
Commissioner Margaret Holtman	“in favor”

Commissioner John Lochhead "in favor"

With seven (7) votes in favor, the motion passed unanimously.

Ms. Sukanek stated that there were no items for the August agenda. The next meeting would be September 27<sup>th</sup>.

Commissioner Crowley made a motion to adjourn, Commission Lochhead seconded the motion. All members voted in favor.

Meeting adjourned at 6:00pm.

A handwritten signature in cursive script, reading "McPherson Moore". The signature is written in dark ink and is positioned above a horizontal line.

Chairman McPherson Moore