

**MINUTES OF MEETING  
ZONING AND PLANNING COMMISSION  
CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI  
WEDNESDAY, JUNE 28, 2017, 4:00 P.M.**

Chairman Moore called the meeting of the Zoning and Planning Commission to Order at 4:05 P.M. The following members were present:

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

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

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

**APPROVAL OF AGENDA**

Chairman Moore asked for an approval of the agenda. All Commissioners voted unanimously to approve the agenda as submitted.

**APPROVAL OF MINUTES**

Chairman Moore stated there was one set of minutes to approve from the May 24, 2017 meeting of the Commission. A discussion ensued about the draft minutes that were distributed. Ms. Lamitola provided the final draft to the Commission and noted a difference on page 3 that was amended from the version distributed in the packet.

Commissioner Toft made a motion to approve the draft minutes that were submitted.

Commissioner Kahn seconded the motion.

All members present unanimously voted "aye" to approve the minutes as submitted.

**PUBLIC FORUM**

Chairman Moore asked if anyone from the audience would like to approach the commission about non-agenda items. Seeing none, the public forum was closed.

**ITEMS FOR CONSIDERATION**

**ZPC 16-07**

Request for approval of Subdivision Improvement Plans for re-subdivision plat of McPheeters Subdivision to be known as East

Ladue Lane Subdivision. Two lots are being modified and re-subdivided into four (4) lots. Property is located at 6 Ladue Lane and is in the B Residential Zoning District.

**ZPC 16-01**

Request for approval of final subdivision plat to be known as East Ladue Lane, involving Lot 1 of McPheeters Subdivision, otherwise known as East Ladue Lane subdivision, being subdivided into three residential lots. Proposed subdivision also includes the re-subdivision of certain adjacent lots.

Mr. John McPheeters, 410 N. Newstead, introduced himself as the representative for the development which would be known as East Ladue Lane, if the subdivision were approved. He stated that the subdivision had submitted a record plat that divided the property into three buildable parcels, and two smaller pieces that would be adding to adjoining properties. Approved MSD and development plans had also been submitted.

**AUDIENCE COMMENTS**

None

Chairman Moore stated that a letter had been received from Mr. Feinberg, 550 Barnes Rd., that stated his suggestions for storm water management for the driveway at parcel #3 and his satisfaction with these notations being added to the plans. He no longer had objections to the project.

Chairman Moore asked for clarification on storm water detention basins being done at one time or if they would be done on a lot by lot basis.

Ms. Sukanek stated that when the subdivision was developed there would be one detention basin put in place, with the subsequent homeowners developing the other basins as those lots were developed. There would be a detention basin put in when the road was developed to address runoff from roadway. Each individual detention basin would be responsible for managing the impact from the impervious surface of that lot. It should not impact the other sites if they are developed at different times.

Commissioner Toft asked if any of the lots were so low that it would be considered the most undesirable and potentially sit undeveloped. Ms. Sukanek did not feel that was a foreseeable problem. There were three lots to be developed and 2 parcels that would be added on to the buildable lots. Mr. McPheeters stated that two of the three buildable lots were already under contract.

Chairman Moore said that this project was split into two (2) agenda items for consideration and should be two (2) motions.

Vice-Chair Kahn asked for an update on MSD approval. Ms. Sukanek stated that it was given final approval from MSD.

Commissioner Toft made a motion for approval of the Subdivision Improvement Plans for re-subdivision plat of Mc Pheeters Subdivision, otherwise known as East Ladue Lane Subdivision.

Vice Chair Kahn seconded the motion.

The vote was as follows:  
Chairman McPherson Moore – “aye”  
Vice-Chair Thomas Kahn – “aye”  
Commissioner Toft – “aye”  
Commissioner Howe – “aye”

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

Vice Chair Kahn made a motion to approve the request for approval of final subdivision plat to be known as East Ladue Lane, involving Lot 1 of McPheeters Subdivision, otherwise known as East Ladue Lane subdivision, being subdivided into three residential lots. Proposed subdivision also includes the re-subdivision of certain adjacent lots.

Commissioner Toft seconded the motions.

The vote was as follows:  
Chairman McPherson Moore – “aye”  
Vice-Chair Thomas Kahn – “aye”  
Commissioner Toft – “aye”  
Commissioner Howe – “aye”

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

**ZPC 17-03** Proposed Text Amendment to the Zoning Ordinance (#1175) regarding requirements for outdoor display and sale of materials.

Ms. Sukanek said that the section of code that required a permit for a sidewalk sale had been removed, and a list of what steps needed to be taken for a sale was added.

A letter was received from Frank Blair, the owner of Schnarr’s Hardware store, regarding the storage of goods on wood pallets outside a business. Mr. Blair expressed concern regarding such items as potting soil, ice melt, mulch and other items that pose an issue for businesses to have delivered and stored inside without rearranging store space and delivery. He asked the Commission to please consider his comments when deliberating on the matter.

A discussion ensued about the outdoor storage and display of such items at the hardware store, as well as at Ladue Market, and Schnucks Markets. It was suggested that items not be allowed to be stores in cardboard boxes that were left outside to eliminate unsightly boxes that get wet and disintegrate or attract bugs, rodents, etc. Also, not allowing the storage of any type of food materials, i.e. dog food, bird seed, etc.

Mr. Howe did not feel that was practical. Banning any type of cardboard box with items in it could be prohibiting to such items such as seasonal pumpkins and décor that are too hard to transport inside every night at closing.

Mr. Kahn felt that it was too hard to predict what issues might arise, and it was not necessary to address that specific regulation unless it became a consistent problem in the future.

Ms. Sukanek asked for a consensus on removing #6 from the proposed ordinance. All members felt comfortable with its deletion.

A discussion ensued about the term “outdoor lighting” and if that seemed restrictive and included parking lot lighting or outside lighting. The term “no light displays” or “no additional lighting” was suggested.

The deletion of paragraphs 13 and 15 was discussed as it was felt that those were too limiting. Vice-Chair Kahn felt that the physical layout of businesses would limit the amount of square footage available for outdoor sales and did not need to be specified in the wording.

Ms. Toft felt that there was already business that were non-conforming to regulations of outdoor displays being located a minimum distance from the Right-of-Way and from the primary structure.

Ms. Lamitola said that they want to make sure that nothing is impeding the sight distance for vehicles. Added wording to paragraph 9 stating that no display may impeded sight distance for pedestrians or vehicular traffic was recommended.

Vice Chair Kahn would like it stipulated that there should be no registers outside for transactions. Wording was suggested for all sale transactions to take place in the physical store.

Mayor Spewak felt that paragraph 17 should be omitted, there should not be anything allowed in the parking areas.

Commissioner Toft made a motion to approve that proposed text, deleting paragraphs 6, 13, 15 and 17, adding the phrase “no additional” to paragraph 8, rewording paragraph 9 to state “under no circumstances shall an outdoor merchandise display impede the required visibility for pedestrian or vehicular traffic” and paragraph 16 to read “any outdoor display transactions shall take place within the store”.

Vice Chair Kahn seconded the motions.

The vote was as follows:  
Chairman McPherson Moore – “aye”  
Vice-Chair Thomas Kahn – “aye”  
Commissioner Toft – “aye”  
Commissioner Howe – “aye”

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

**ZPC 14-04** Request to extend the existing Special Use Permit for an additional 5 years for Rock Hill Quarries, 1200 N. Rock Hill Rd.

Kate Stock of Stock and Associates Engineers presented the request for the extension of the Special Use Permit (SUP) at Rock Hill Quarries. Their current SUP expires in December 2017, they are requesting a 5-year extension. The quarry has been granted SUP’s dating back to 1975. An information packet was distributed by Ms. Stock stating these dates and their permit length. All existing conditions for the SUP granted in 2012 would remain in effect. The quarry has been in contact with MSD regarding a sewer relief project. They have been made aware of the landscape berm requirement condition, and MSD is in agreement that if that berm is disturbed that it will be restored.

Chairman Toft asked if the planned development for the future of the quarry was residential.

Ms. Stock said that the quarry ultimately will be rezoned from Industrial to something else, they constantly work with a development consultant on potential development opportunities. The City of Ladue would be a part of any future plans for the quarry’s redevelopment when the time came to find the best fit for the City and the land.

Commissioner Toft asked if there were assurances that materials were not toxic or impacting the watershed.

Ms. Stock stated that they are under strict regulations by the Missouri Department of Natural Resources (DNR).

Bruce Dresser from Rock Hill Quarries addressed the Commission stating that they had not had any citations by DNR since 1997. They have constant inspections by DNR, MSD and St. Louis County. They can do testing and site inspections at any time without notifying the quarry. The materials going into the quarry consist of demolition materials and things from storm damage. They get a lot of roofing, rock, and dirt. They receive no commercial materials. There is no asbestos or dioxin. They inspect every load.

Mark Rosso, resident on Park Lane, asked how large of a structure could be built without foundation concerns, once the quarry was full.

Mr. Dresser said that they are constantly crushing the material in the quarry so there is minimal settling.

A discussion ensued about the types of structures that could be supported on that type of fill. Zoning would be a driving factor of the development. A multitude of structures could be built on the quarry once full. It would be subject to geo-technical reviews and recommendation, but could support a 2-3 story building.

Vice Chair Kahn made a motion to grant the extension for the Special Use Permit for 1200 N. Rock Hill Rd. for a period of five years.

Ms. Sukanek suggested adding the condition of the berm replacement if disturbed by MSD improvements.

Vice Chair Kahn accepted the condition as part of his motion.

Chairman Moore seconded the motion.

The vote was as follows:  
Chairman McPherson Moore – “aye”  
Vice-Chair Thomas Kahn – “aye”  
Commissioner Toft – “aye”  
Commissioner Howe – “aye”

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

#### **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 explained that there were some discrepancies in the code for including basements when calculating floor area ratio (FAR). One section stated that you would count the basement and another section states that you would not. The main definition states that you should include the basement which is what the Building Department has been using most recently. However, there is the concern that this limits the rest of the structure too harshly. Most homes in this district are single story homes with modest square footage. Homes that have been torn down are being replaced with taller, larger homes and garages.

A discussion ensued about the intention of the Comprehensive Plan to preserve the existing scale and aesthetics of that area. Ms. Sukanek did not feel that the current wording supported the intention of the Comprehensive Plan. She suggested the following:

- Reducing the FAR to 0.38 rather than the current 0.42 which would allow for the most common lot size to accommodate a home that was 2,736 sq. ft.
- Change the definition of floor area to include garages, covered porches and/or patios but not to include basements.
- Garages be set back at least 5 feet behind the front door.

- Brick shall be required for all new homes accompanied by other accent materials comprising no more than 25% of any wall elevation.
- Buildings should avoid a tall, boxy appearance. New homes shall transition in height by “stepping-down” to meet the approximate height of neighboring structures.
- Sloping roofs and dormers are encouraged
- Second-story additions should be the correct style and mass for the house and may not exceed 2/3 of the area of the first floor.
- Any portion of the home that exceeds 24 feet above grade shall be set back at least 30 feet from the front property line.
- Primary entrances shall face the street with a connecting walkway to the sidewalk.
- If demolition is proposed, house built prior to 1950 shall be reviewed by the Architectural Review Board to determine their historic and architectural value. The Board may recommend renovations or additions instead of demolition in certain cases.

Ms. Sukanek was not suggesting an ordinance or legislative change at this time, but wanted to discuss whether the proposed wordings were appropriate.

Vice Chair Kahn felt that the newer homes were now the norm not the exception. He felt that some of the proposed wording was too restrictive.

Mayor Spewak was concerned that large homes on the smaller lots creates too much impervious surface.

A discussion ensued about the architectural elements being addressed by Architectural Review Board and not in an ordinance, mandating that new homes be brick seemed too strict and subjective. The Commission felt that restrictions on homes built prior to a certain date was very restrictive and not entirely necessary. They also discussed the maximum square footage and maximum building heights.

Commissioner Toft asked if they were excluding basements from the ratio but a house is built up for a walk out basement, if that is then considered an additional story.

Ms. Lamitola said that there was a 28-foot height limit from original grade in the E-1 district.

Mr. Penney added that if 40% or more was exposed it would count as a story. The height restrictions should take care of any issues of homes being three stories. [Sec. 5-a (7)]

Mayor Spewak suggested that the Building Department consider the last 5 or 10 homes that were built in the area and see what is the demand, what people are wanting for square footage, main floor master suites, etc.

Vice Chair Kahn said that he was not aware that there were water issues in that district and green space requirements but he agreed it was worth looking at.

A discussion followed about including basements in the ratio creating homes that are too large for the lots, but not including them prohibits development or growth.

Matt Postin, THD Design Group addressed the commission with plan sets from other areas with storm water solutions that could be utilized in the area.

Mike Manlin, a developer addressed the Commission stating that buyers in that area were looking for a 2500-3000 sq. ft. home. Depending on the configuration they could get a 3-4 bedroom and 2.5 bath.

Mr. Penney stated that in that area the water runoff has nowhere to go. He strongly felt that there needed to be smaller footprints created by the homes in E-1.

Mayor Spewak said they needed to consider serious storm water constraints.

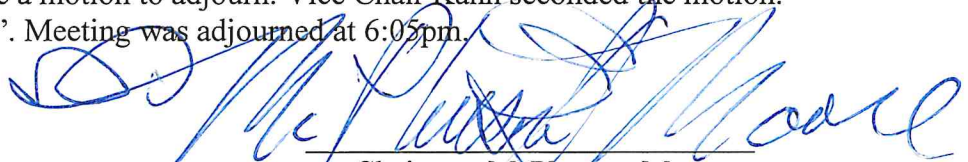
Mr. Manlin said that the systems for storm water retention that Mr. Postin presented were used in 90% of his projects.

A discussion followed about the storm water issue driving this rather than a square footage issue. Commissioner Toft felt that these regulations should not just apply to new homes but to additions or construction seeking a variance.

Ray Potter, 13 Midpark, stated that there were plenty that have added on that didn't create issues but something needed to be done to make sure that improvements were not adding to the storm water issues.

Ms. Sukanek summarized next steps for the Floor Area Ratio text amendment, gathering information on recent homes developed in E-1 and input from ARB.

Commissioner Toft made a motion to adjourn. Vice Chair Kahn seconded the motion. All members voted "aye". Meeting was adjourned at 6:05pm.



Chairman McPherson Moore