

MINUTES OF THE MEETING  
ZONING AND PLANNING COMMISSION  
CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI

WEDNESDAY November 18, 2015, 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 John Lochhead

Commissioner Margaret Holtman

Commissioner Tim Crowley

Commissioner Robbye Toft

Commissioner James Howe IV

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

**APPROVAL OF MINUTES**

Chairman Moore asked if there were any changes to the minutes of the October 28, 2015 meeting. Ms. Toft made several corrections and Mr. Moore asked her to confer with Ms. Lamitola to get corrections made for approval at the next meeting.

Chairman Moore asked if anyone had other business in addition to the agenda subjects and no one came forward.

Commissioner Margaret Holtman stated she is recusing herself from this hearing on the MICDS Special Use Permit.

**ZPC 15-03**

Chairman Moore gave a brief overview of the amendment to the Special Use Permit requested by MICDS.

Ms. Lisa Lyle reviewed MICDS's response to the City's draft of the proposed amended Special Use Permit. She stated there were several areas of the draft SUP that MICDS would like added or amended. Her specific points were:

- Clarification of site plan date which is November 10, 2015.
- The permanent bleachers seating capacity is a maximum of 1000.
- MICDS requests that MSD approve the storm water management plans and confirm storm water issues caused by this development, in lieu of this being determined by the City.
- The proposed facilities also be available for summer and athletic camps
- Use of the facilities also include limited and occasional use for the purposes reasonably related or incidental to customary elementary and secondary school uses for which fees may be charged by MICDS only for the purpose of recouping operational costs for such use.
- Spectator use of air horns can be prohibited on all MICDS fields and official use of air horns is not allowed on O'Hara or McCreery Fields. They suggested that official air horn use be allowed on all other fields. They suggested that amplified music will be prohibited on all fields after 5:00 p.m., but be permitted prior to 5:00 PM.
- The forty foot netting at O'Hara Stadium shall be retractable and raised no sooner than one hour prior to a game or practice and retracted within one hour after a game or a practice, however the Soccer and lacrosse twenty foot netting will not be taken down between games and practices.
- The Hospitality Pavilion at O'Hara shall be used primarily for student events and amplified exterior music is prohibited. They indicated that games will be shown inside the hospitality building on wall mounted screens so that patrons in line and concession workers can view the games taking place.

- Logistics for construction traffic needs to be addressed since issues were raised with the City suggested that portions of the construction be accessed from Ladue Road or Warson Road. MICDS would like for all construction traffic to access MICDS from Lindbergh Blvd.

Mr. John Hessel, attorney for MICDS, stated extensive discussions and hearings have been ongoing for a period of seven months and MICDS appreciates the considerable time and effort the Commission members have spent on this subject. He then addressed a letter submitted by Mr. Billy, attorney for the Tealbrook residents, which stated that MICDS was unable to show that a hardship existed and therefore should not be granted an amendment to their current Special Use Permit without further research and discussion. Mr. Hessel stated that per City of Ladue ordinance, there is no requirement for the presence of a hardship in the matter of a Special Use permit. He stated that the City had done its due diligence on the subject and requested the Zoning and Planning Commissioners call for a vote of recommendation on the matter.

Mr. John Maupin suggested the Commission go into closed session at 4:35 p.m. Mr. Crowley made a motion to go into closed session, pursuant to R.S.MO 610.021(1) communications with City Attorney, which was seconded by Mr. Lochhead, the vote was as follows:

Chairman McPherson Moore – “aye”

Vice-Chair Thomas Kahn – “aye”

Commissioner John Lochhead - “aye”

Commissioner Margaret Holtman – abstained

Commissioner Tim Crowley – “aye”

Commissioner Robbye Toft – “aye”

Commissioner James Howe IV – “aye”

The Commissioners returned from closed session at 5:04 p.m.

Chairman Moore asked if any resident would like to give any additional testimony on this matter. Mr. Billy expressed that he would like to submit a response in writing at a later date and Chairman Moore replied he should make any comments now during this hearing. Mr. Billy stated that the Tealbrook residents feel that the pattern of storm water management has not been successful in the past; they would like a revised traffic study of the area; and more clarity on construction activities. Chairman Moore asked if there were any other concerns. Mr. Billy stated his concerns whether the commission felt pressured by MICDS to take a vote; Chairman Moore assured this was not the case.

Mr. Ted Dearing, attorney representing 18 S. Tealbrook, stated the frequent changes by MICDS were disconcerting, for example: the addition of summer camps and athletics camps, renting out facilities and charging rental fees, amplified music, and storm water run-off.

Chairman Moore then addressed MICDS'S requested changes to the Draft of the proposed amended Special Use Permit.

- MICDS requests that MSD approve the storm water management plans and manage any storm water issues caused by this development. Chairman Moore stated the City of Ladue and MSD would be responsible for confirming whether storm water issues are caused by this development.
- Chairman Moore specified that fees charged for the use of MICDS must only cover operational costs and not be for a profit.
- Mr. Kahn asked Ms. Lyle to clarify "amplified music". She stated that amplified music would be only through the sound system for pre-game warm-ups and the National Anthem.
- Mr. Crowley requested wording to be added that there "should be no lighting now or in the future"

Chairman Moore called for a motion to recommend approval to the City Council with all changes discussed. Mr. Crowley made the motion, which was seconded by Mr. Lochhead, the vote was as follows:

Chairman McPherson Moore – “aye”

Vice-Chair Thomas Kahn – “aye”

Commissioner John Lochhead - “aye”

Commissioner Margaret Holtman – abstained

Commissioner Tim Crowley – “aye”

Commissioner Robbye Toft – “aye”

Commissioner James Howe IV – “aye”

The recommendation for approval of the amended Special Use Permit for MICDS, 101 N. Warson Road, to City Council, was approved.

#### **ZPC 15-04**

Chairman Moore gave a brief overview of the Special Use Permit submitted by St. Peter’s Episcopal Church, 110 N. Warson Road, to construct a concealed cellular telephone antenna within a church spire (replace existing spire with new spire approximately 12’ taller with compatible appearance).

Mr. Mike Minton presented the church’s request along with photographs of the existing spire and a rendering of the proposed taller spire. He stated that it will be made to look very similar to the existing appearance, and that the antennae will be fully concealed within the spire, and it was designed to protect the integrity of the architecture and the church. He also stated the need for a cell tower in the northeast corner of Ladue due to poor cellular reception in the area.

Ms. Seele requested that as a condition of the SUP, language should be added to state that antennae proposed for the outside of the spire could be requested, and Ladue zoning ordinances would apply and therefore not be permitted.

Chairman Moore called for a motion to recommend approval to the City Council of the St. Peter's Special Use Permit for the concealed cellular antennas. Ms. Holtman made the motion, which was seconded by Mr. Lochhead, the vote was as follows:

Chairman McPherson Moore – “aye”

Vice-Chair Thomas Kahn – “aye”

Commissioner John Lochhead - “aye”

Commissioner Margaret Holtman – “aye”

Commissioner Tim Crowley – “aye”

Commissioner Robbye Toft – “aye”

Commissioner James Howe IV – “aye”

The recommendation for approval of the amended Special Use Permit for St. Peter's Episcopal Church to construct concealed cellular antennas at 110 N. Warson Road, to City Council, was approved.

Chairman Moore announced that the next meeting of the Zoning & Planning Commission would be Wednesday, December 23, 2015 at 4:00 pm.

Mr. Crowley moved to adjourn the meeting, seconded by Mr. Howe and the motion unanimously passed. The meeting was adjourned at 5:40 P.M.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "McPherson Moore". The signature is written in a cursive style with a large initial "M".

McPherson Moore, Chairman