

**MINUTES OF MEETING
ZONING AND PLANNING COMMISSION
CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI
WEDNESDAY, JANUARY 25, 2023 4:00 P.M.**

Chairman Moore introduced himself, covered the basic procedures, and called the meeting of the Zoning and Planning Commission to order at 4:01 P.M. The following members were present:

Chairman McPherson Moore *via zoom*
Commissioner Tim Crowley
Vice Chairman Thomas Kahn
Commissioner Maggie Holtman *via zoom*
Commissioner Susan Gausnell *via zoom*

Also present were Mayor Spewak, *via zoom*; Erin Seele, City Attorney *via zoom*; Anne Lamitola, Director of Public Works *via zoom*; Andrea Sukanek, City Planner; and Lori Mullins, Deputy City Clerk.

Approval of the Minutes from the meeting on November 30, 2022

The minutes were approved unanimously upon motion by Commissioner Gausnell and second by Commissioner Holtman.

Items for Consideration

ZPC 23-02 Proposed text amendment to add certain language to Section VII regarding Special Use Permits.

Ms. Sukanek reported the proposed additional language regarding Special Use Permits is intended to protect Special Use Permit decisions from challenges, that are primarily denials. The City Attorney recommends additional language clarifying that the final discretion to deny or revoke Special Use Permits with cause is a charge of the City Council.

Section VII.F presently details the process by which the City Council can issue a Special Use Permit. Proposed additional language clarifies that the City Council may also deny, revoke, and impose additional conditions to a Special Use Permit.

The amended Section VII.F would read as follows:

VII.F. After report by the City Zoning and Planning Commission, and after such public hearing, and after consideration of all of the factors hereinabove set forth, and subject to such protective restrictions as it may deem necessary in conjunction with such factors, the City Council may issue a special permit authorizing the location, erection, reconstruction, or structural alteration of the land uses or structures that require a Special Use Permit according to Section III of this Zoning Ordinance. However, the City Council reserves full authority to deny any request for a special use, to impose conditions on the use or to revoke approval at any time, upon a finding that the permitted special use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.”

This Section F immediately follows the Section that lists the 7 criteria that should be considered when determining if a SUP may be approved. This new language provides support for denials due to unsuitable uses, locations or nuisances.

After discussion, Commissioner Crowley moved to amend by adding the word "non-compliant" and accept the text amendment as follows:

VII.F. After report by the City Zoning and Planning Commission, and after such public hearing, and after consideration of all of the factors hereinabove set forth, and subject to such protective restrictions as it may deem necessary in conjunction with such factors, the City Council may issue a special permit authorizing the location, erection, reconstruction, or structural alteration of the land uses or structures that require a Special Use Permit according to Section III of this Zoning Ordinance. However, the City Council reserves full authority to deny any request for a special use, to impose conditions on the use or to revoke approval at any time, upon a finding that the permitted special use will or has become unsuitable and incompatible in its location as a result of any nuisance or "non-compliant" activity generated by the use.

The motion passed unanimously upon second by Commissioner Kahn.

ZPC 23-01 Request for Special Use Permit amendment for an addition to the clubhouse at the Bogey Club. Property is located at 9266 Clayton Road in the B Residential Zoning District.

Mr. Matt Wolfe of the Bogey Club presented the proposed amendment to the Special Use Permit to expand the kitchen by 1,050 square feet onto the back side of the clubhouse kitchen. The expansion is planned to replace an existing patio, and not create any additional storm water runoff. There will be no additional employees or changes in the current use. The addition will not be readily visible from Clayton Road.

After discussion, Commissioner Gausnell moved approval of the amendment of the Bogey Club S.U.P. amendment. The motion passed unanimously upon second by Commissioner Crowley.

ZPC 23-03 Discussion of potential text amendment regarding a new Planned Development procedure.

Ms. Sukanek shared information for options to increase flexibility of the Zoning Ordinance. The Comprehensive Plan included Planned Mixed-Use Developments however, this type of development is currently restricted.

The Comprehensive Plan calls for developing guidelines for permitting high-quality mixed use districts including condos and townhomes in the City's commercial areas, in the G1 commercial areas, the Clayton Road Business District and the commercial area at the intersection of Clayton and Price. Mixed-use development with a variety of retail, service, dining, and office ground floor uses should be permitted and encouraged.

The plan states, for the Clayton Road Business District, "Along primary street frontage, permit commercial ground floor uses including retail and office; permit condos on upper floors only." Similar language is included in the recommendations for the intersection of Clayton and Price, with the Plan stating that condos should be permitted on upper floors only.

For the G2 commercial area at Ladue and I-170, the Plan states that mixed-use should be "permitted and encouraged," using similar language to the recommendations in G1, but it also states that regulations should "remain flexible to respond to the market." Active ground floor uses are recommended along Ladue Road. Similar recommendations are also included in the other G2 zoned areas along Lindbergh Road.

The current Zoning Ordinance allows for the formation of a Planned Development District (PDD), allowing mixed-use, in developments of 40 acres or larger, limiting the number of applicable properties. Objectives listed for PDDs, such as the open space requirements are only applicable to large sites. In addition to large scale planned development, the City should provide flexibility for smaller mixed use developments.

Ladue has a process to create a Planned Unit Development (PUD) overlay allowing cluster or open space development encouraging open space preservation and environmentally sensitive use of land. This process was used to create the Woods of Ladue Subdivision. The existing PUD section of the code can be adapted to create a Mixed-Use Overlay option for commercial zoning districts, retaining the basic existing zoning with the addition of residential properties.

Allowing mixed use encourages redevelopment and can improve the success of the business districts, by adding to the tax base and additional offering services. More flexibility will add to the desirability for redevelopment in Ladue's business districts.

Ms. Sukanek shared definitions, and the specific language proposed in the new "Planned Unit Development Regulations" section of the code.

Discussion ensued. Looking at developments case by case was debated, and Ms. Sukanek shared the advantages of having the ordinance in place, and not basing changes on submitted plans. Reporting the new section is an instrument to move forward.

Mayor Spewak reported on the importance of being open minded and far sighted in order to keep the City vital and up to date. The proposal allows intent and developers will not invest in a proposal with no mechanism to move forward.

Ms. Lamitola commended Ms. Sukanek's efforts in drafting the Comprehensive Plan, and the Strategic Plan, and applying the priorities of both plans with the new "Planned Unit Development Regulations" section of the code.

Commissioner Kahn moved to accept text amendment regarding a new Planned Development Procedure as written by the City Planner, which passed unanimously upon second by Commissioner Gausnell.

ZPC 23-04 Discussion of potential text amendment regarding the regulation of solar panels.

Ms. Sukanek presented information regarding currently permitted solar panels in Ladue. The panels are not regulated by the Ladue Zoning Ordinance, and not mentioned in the Architectural Guidelines.

There have been several installed in the City without ARB review. Without regulations, future solar installations may detract from the aesthetics of Ladue's residential neighborhoods.

The City's Comprehensive Plan reads as follows: Encourage the use of renewable energy and support the installment of electric vehicle charging infrastructure through incentives and zoning. Review zoning code to consider whether regulations are hindering or incentivizing the provision of new sustainable technology and renewable energy. Consider developing community + architectural guidelines for PV solar panels.

Another of the goals in the City's Comprehensive Plan is to "Preserve and Enhance the City-Wide Community Character of Ladue."

The Architectural Review Board reviews every external architectural change and requires that construction be well-considered, thoughtfully planned, and high-quality. It seems reasonable to expect solar installations to be treated in a similar manner.


Ms. Sukanek presented several examples of solar panels, suggested guidelines, and a proposed approval process.

Discussion included glare, visibility, materials, placement options and impact mature trees have on panel placement.

After discussion, Commissioner Moore made the suggestion that Ms. Sukanek draft a proposed ordinance to present to the Commissioners at the next meeting.

Adjournment

Commissioner Gausnell moved adjournment at 5:35. The motion passed unanimously upon second by Commissioner Kahn.



Chairman McPherson Moore