PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
DECEMBER 12, 2016

The meeting was called to order at 7:00 p.m.

I. ROLL CALL

PRESENT	ABSENT
Ms. Wendy Geckeler	
Ms. Merrell Hansen	
Ms. Allison Harris	
Ms. Laura Lueking	
Mr. John Marino	
Ms. Debbie Midgley	
Mr. Nathan Roach	
Mr. Steven Wuennenberg	
Chair Stanley Proctor	

Mayor Bob Nation
Councilmember Dan Hurt, Council Liaison
Mr. Christopher Graville, City Attorney
Ms. Aimee Nassif, Planning & Development Services Director
Ms. Jessica Henry, Senior Planner
Mr. Justin Wyse, Senior Planner
Ms. Mary Ann Madden, Recording Secretary

Chair Proctor acknowledged the attendance of Mayor Bob Nation; Councilmember Dan Hurt, Council Liaison; Councilmember Barb McGuinness, Ward I; Councilmember Bridget Nations, Ward II; Councilmember Guy Tilman, Ward II; and Councilmember Randy Logan, Ward III.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

Commissioner Wuennenberg made a motion to amend the Meeting Agenda to move *Item VII. Site Plan, Building Elevations and Signs* ahead of *Item VI. Public Comment*. The motion was seconded by Commissioner Hansen and **passed by a voice vote of 9 to 0.**

Commissioner Wuennenberg made a motion to end the meeting no later than 11:00 p.m. and, if necessary, to continue the meeting next Monday, December 19 at 6:30 p.m. The motion was seconded by Commissioner Marino and **passed by a voice vote of 9 to 0.**

Chair Proctor addressed those in the audience who were attending because of their interest in the three petitions related to 40 West Luxury Living. He announced that the Commission would not be voting on these petitions this evening but would be reviewing the issues that were raised at the May 23rd and September 12th Public Hearings. Individuals wanting to address the Commission may do so during the "Public Comment" portion of the meeting after filling out a Speaker's Card.

IV. PUBLIC HEARINGS – Commissioner Wuennenberg read the "Opening Comments" for the Public Hearings.

A. P.Z. 14-2016 18331, 18333 & 18335 Chesterfield Airport Rd. (LSL I, LLC and LSLII, LLC.): A request for a zoning map amendment from a "M3" Planned Industrial District to a "PC" Planned Commercial District for a 16.0 acre area of land at 18331, 18333 and 18335 Chesterfield Airport Rd., located at the northwest side of the intersection of Chesterfield Airport Rd. and Spirit of St. Louis Blvd. (17V410060, 17V410026 and 17V410037).

STAFF PRESENTATION:
Senior Planner Justin Wyse gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Wyse also provided the following information about the subject site.

Comprehensive Land Use Plan
The City's Comprehensive Land Use Plan designates the area as *Mixed Commercial* use. Appropriate land uses within this designation include *retail, low density office,* and *limited office/warehouse facilities*.

Proposed Uses
1. Church and other places of worship
2. Community Center
3. Arena and Stadium
4. Art Gallery
5. Art Studio
6. Auditorium
7. Banquet Facility
8. Recreation Facility
9. Office-dental
10. Office-general
11. Office-medical
12. Automobile dealership
13. Automotive retail supply
14. Bakery
15. Bar
16. Brewpub
17. Coffee Shop
18. Coffee Shop, drive thru
19. Grocery-community
20. Grocery-neighborhood
21. Grocery-Supercenter
22. Restaurant – sit down
23. Restaurant – Fast Food
24. Restaurant – Take Out
25. Retail Sales Establishment – Community
26. Retail Sales Establishment – Neighborhood
27. Retail Sales Establishment – Regional
28. Animal Grooming Service
29. Barber or Beauty Shop
30. Check Cashing Facility
31. Drug Store and Pharmacy
32. Drug Store and Pharmacy, with Drive Thru
33. Dry Cleaning Establishment
34. Dry Cleaning Establishment, with Drive Thru
35. Financial Institution, No Drive Thru
36. Financial Institution, Drive Thru
37. Hotel and Motel
38. Hotel and Motel-Extended Stay
39. Laundromat
40. Oil Change Facility
41. Theatre, Indoor
42. College/University
43. Kindergarten or Nursery School
44. Specialized Private School
45. Vocational School

Preliminary Plan
The Preliminary Plan depicts five buildings with associated parking. A new roadway is proposed along the northern frontage of the site. This roadway is consistent with both the City's and County's long-range plans for a connector that will ultimately connect Spirit of St. Louis Boulevard to the intersection of Olive Street Road and Chesterfield Airport Road. Access is shown off of this future roadway with another access point on Spirit of St. Louis Drive. There will be no access to Chesterfield Airport Road from this development.

Items under Review
1. Awaiting agency comments
2. Uses
    a) Consistency of land uses proposed with each other
    b) Appropriateness of drive-thru uses (various uses)
    c) Automotive sales
    d) Restrictions on location of permitted uses
    e) "Regional" land uses
    f) Outdoor storage/sales
3. Roadway improvements (e.g. Olive Street Rd. / Spirit of St. Louis Blvd. connector)
4. Cross Access
5. Perimeter Setbacks – Building and Parking
6. Review of density with City's travel demand model
7. Inclusion of public art
8. Hours of operation
9. Building height – location within tract and based on use
10. Landscape buffer requirements

PETITIONER'S PRESENTATION:
Mr. Eric Kirchner, Cochran Engineering representing the owner/applicant, 8 East Main Street, Wentzville, MO.

Mr. Kirchner stated that they are requesting a rezoning on approximately 16 acres from an "M3" Planned Industrial District to a "PC" Planned Commercial District. The subject site consists of three parcels with three separate addresses on Chesterfield Airport Road. The requested uses are a conglomerate of office and retail in order to attract different users to get a diverse-mixed development. The lots are subject to 30-foot front setbacks, 10-foot rear setbacks, and 10-foot side setbacks. The Preliminary Plan takes into account the County's plan for the future extension of Olive Street through the northern portion of the site. Cross access will be provided to the properties to the west and north. The plan shows approximately 35% tree preservation, which exceeds the City's 30% tree preservation requirement. Access will be from Spirit of St. Louis Boulevard and the future Olive Street; the existing access point on Chesterfield Airport Road will be closed.

Mr. Kirchner added that the Applicant is agreeable to working with Staff on those items still under review.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

A. P.Z. 16-2016 EJ Properties (16625 & 16635 Old Chesterfield Rd): A request for an amendment to City of Chesterfield Ordinance 2791 to modify permitted uses within an existing "PI" Planned Industrial District (LPA) for a 1.95 acre tract of land located at 16625 and 16635 Old Chesterfield Road.

Senior Planner Justin Wyse gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Wyse also provided the following information about the subject site:

Site History
The site is part of the original 21-acre tract of land platted in 1877 by Christian Burkhardt. In 1965, the site was zoned "C-7" General Extensive Commercial District by St. Louis County. A change in zoning to "PI" Planned Industrial District was granted in 1999 by the City of Chesterfield. In 2006, an ordinance amendment was approved allowing additional uses on the site and establishing the Landmark and Preservation Area (LPA) Overlay. Finally, in 2013 an ordinance amendment was approved which added *Gymnasium* as a permitted use.

LPA Designation
Several properties along this corridor, including the subject site, have the LPA Overlay in place, which preserves unique and important characteristics of buildings, sites, or areas.

Comprehensive Land Use Plan
The City's Comprehensive Land Use Plan designates the subject site within the *Urban Core*.

Existing Permitted Uses
1. Gymnasium;
2. Business, professional and technical training schools;
3. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services related to floral or interior design, artwork, crafts for the home or other similar and related items are being offered for sale or hire to the general public on the premises;
4. Business service establishment;
5. Cafeterias for employees and guests only;
6. Laundries and dry cleaning plants, which include dry cleaning drop-off and pickup stations;
7. Offices or office buildings;
8. Plumbing, electrical, air conditioning and heating equipment sales, warehousing and repair facilities;
9. Restaurants, sit down;
10. Sales, servicing, repairing, cleaning, renting, leasing and necessary outdoor storage of equipment and vehicles used by business, industry and agriculture;
11. Service facilities, studios or work areas for antique salespersons, artists, candy makers, craftpersons, dressmakers, tailors, music teachers, dance teachers, typists and stenographers, including cabinet makers, film processors, fishing

tackle and bait shops and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on premises;
12. Warehousing, storage or wholesaling of manufactured commodities;
13. Or other uses which may be sought under the Chesterfield Zoning Ordinance after future public hearings.

Request
The Applicant is requesting the following three additional uses:

- Retail sales, outdoor
- Farmer's Market
- Restaurant, fast food – limited to establishments which serve beverages and desserts. No drive-thru service permitted. *The Applicant has indicated that this use would pertain to a sno-cone stand or a facility that would serve hot chocolate.*

The Applicant is also requesting a modification of the parking standards, which requires that all parking be on a stable, dust-proof surface. The Applicant is requesting that the three proposed uses be allowed to provide parking on the existing gravel surface on the west side of the site.

Mr. Wyse stated that the LPA Overlay on the property allows the City to grant incentives, including the request to allow parking on a gravel lot, in order to achieve the goal to preserve and protect the heritage of the City. The LPA Overlay requires that requests for any incentives be sent to the Chesterfield Historic and Landmark Preservation Committee (CHLPC) for comment on the proposal. The CHLPC's recommendation will be provided to the Planning Commission at a future meeting.

Items under Review
1. Awaiting agency comments
2. Input from CHLPC
3. Restriction of areas for proposed uses

Discussion
During discussion, the Commission requested clarification on the following:

- Potential dust that could be created by driving/parking on the graveled area and its impact on the neighboring properties
- Provide more information on the requested use of *outdoor sales*
- Provide more information on the requested use of *farmer's market*
- Provide more information on *outdoor storage* of items related to service facilities, studios or work areas for antique salespersons, artists, candy makers, craftpersons, dressmakers, tailors, music teachers, dance teachers, typists and stenographers, including cabinet makers, film processors, fishing tackle and bait shops and souvenir sales

PETITIONER'S PRESENTATION:
Mr. Eddie Struckman, 296 Brook Lane, O'Fallon, MO.

Mr. Struckman stated that he owns and operates Chesterfield Antique Mall located at 16635 Old Chesterfield Road. He and his wife also own a few other properties located across the street from the Antique Mall. They have invested in these properties as they love the location and have the hope that the area will develop similarly to Old

Town St. Charles, Kirkwood, and Webster Grove. Because the Antique Mall has been successfully operating for approximately two years, they are now requesting modified uses for the empty lot adjacent to it. Their goal is to request uses that are compatible to the Antique Mall and that will fit the overall theme of the area.

The Farmer's Market would be a weekend's only event during the warmer months where different vendors could sell handmade craft items, produce, baked goods, and specialty items.

Outdoor sales would be similar to those items seen at an outdoor emporium such as statues, fountains, outdoor furniture, and handcrafted, homemade items.

Discussion

Commissioner Wuennenberg asked if there would be any change to the hours of operation. Mr. Struckman indicated that he does not anticipate changing hours of operation and noted that the current hours of operation are 10 a.m. to 6 p.m. with hours from 11:00 a.m. to 5 p.m. on Sunday. The Farmer's Market would probably run from 8:00 a.m. to 12:00 noon.

Responding to an inquiry from Councilmember Hurt, Mr. Struckman confirmed that his intent is to request uses that correspond to the historical nature of the area.

Mr. Struckman then addressed the concern raised about dust being generated from vehicles parking on the gravel lot. He clarified that they intend to place for-sale items on the gravel lot and that vehicles will not be allowed to drive on the graveled area. He also noted that the current dust factor comes from the adjacent concrete company.

Commissioner Wuennenberg advised Mr. Struckman that the City typically places restrictions on outdoor storage with respect to the amount and size of items to be stored.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES:

1. Insure that the Farmer's Market and outdoor sales and storage are quality items.
2. Historical emphasis
3. Hours of operation
4. Since a sno-cone stand is intended for the site, can it be referred to something other than a *Restaurant-fast-food* use?

Commissioner Wuennenberg read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING SUMMARY

Commissioner Lueking made a motion to approve the Meeting Summary of the November 28, 2016 Planning Commission Meeting. The motion was seconded by Commissioner Wuennenberg and **passed by a voice vote of 9 to 0.**

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

A. The Wedge McGrath Plaza (Energy Express): A Site Development Plan, Landscape Plan, Lighting Plan, Architectural Elevations and Architect's Statement of Design for a 5.26 acre tract of land zoned "PC" Planned Commercial District located on the south side of Chesterfield Airport Road west of its intersection with Wings of Hope Boulevard.

PETITIONER:

1. **Mr. Brad Goss**, law firm of Smith, Amundsen, 120 S. Central, St. Louis, MO.

Mr. Goss stated the following:

- The Site Development Plan shows access from the site onto Chesterfield Airport Road with full access opposite the Comfort Inn & Suites hotel's access point. There is also a right-in, right-out access onto Chesterfield Airport Road closer to the signalized intersection of relocated Olive Street Road.
- St. Louis County has jurisdiction over Chesterfield Airport Road and the Applicant is complying with County's requirements to provide full access onto Chesterfield Airport Road from their easternmost access point.
- On August 11, 2014, Planning Commission recommended approval of the Preliminary Plan which supported a right-in, right-out access on the easternmost entrance in exchange for the Applicant giving up access on to relocated Olive Street Road, and giving up another building on the site.
- A traffic impact study from Dustin Reichmann of Bernardin, Lochmueller & Associates was also provided in 2014, which recommended in favor of the access, as proposed for the site, and concluded that all the entrances were safe.

2. **Ms. Julie Nolfo**, Professional Traffic Operation Engineer, Lochmueller Group, 411 Washington Ave., St. Louis, MO.

Ms. Nolfo stated the following:

- In 2014, she was asked to do an independent review of Mr. Reichmann's traffic impact study wherein she focused predominantly on access.
- After reviewing the proposed Site Plan, she concluded that the access as proposed, with a right-in, right-out at the west end of Chesterfield Airport Road, a full access opposite the hotel at the eastern end of the site, and access off of Old Olive, was appropriate and consistent with the access management standards.
- In addition, she noted that eliminating the left out opposite the Comfort Inn would place a greater traffic burden on those attempting to make a left turn

onto Relocated Olive Street Road from Old Olive Street Road as this would be the only way for someone who had entered the site to continue west from the site.

3. **Mr. Steve Madras**, 2130 Kienlen Ave., St. Louis, MO.

Mr. Madras stated the following:

- He opposes the lighting that is requested on Chesterfield Airport Road and Relocated Olive.
- Two competitors are constructing in Chesterfield - one at Long Road and Edison and the other directly across the street from the subject site – and neither one of them are required to have as much as lighting as is being required for the subject site.
- He feels the amount of lighting being required will be "aesthetically unpleasing" because, to his knowledge, no other street lights are being mandated on Chesterfield Airport Road or Relocated Olive so it will make their development stand out.

4. **Mr. Doug Tiemann**, Engineer with Pickett, Ray & Silver, 22 Richmond Center Ct, St. Peters, MO.

Mr. Tiemann stated the following:

- When St. Louis County redid the intersection at relocated Olive Street Boulevard with the Blue Valley improvements, they reconstructed the entrances into the subject site and built two full access points into the property.
- St. Louis County has told the Applicant repeatedly that they are requiring two full-access entrances onto Chesterfield Airport Road.
- St. Louis County has also advised the Applicant that they are not requiring street lights in the right-of-way.

5. **Mr. Richard Hayden**, Peiker Piatchek Associates – a lighting design company, 4134 Crescent Ave., St. Louis, MO.

Mr. Hayden stated they meet all the lighting requirements of the City and that he was available for questions regarding the site lighting.

Discussion

Mayor Nation asked for clarification on the lighting requirements per City Code. Ms. Nassif replied that the code requires street lights along roadways, which are not currently being shown on the plans. Mr. Hayden clarified that the lighting for the site meets City requirements; however, the roadway lights are a different issue that will have to be addressed.

Ms. Nassif asked for clarification on whether the Applicant is requesting that the proposed architectural archways be withdrawn at this time. Mr. Goss replied that they are willing to withdraw that portion of their request and will resubmit them to the Architectural Review Board for consideration. They are also formally requesting that the two conditions regarding the limitation on access and the street lights be eliminated.

Commissioner Hansen, representing the Site Plan Committee, made a motion recommending approval of the Site Development Plan, Landscape Plan, Lighting Plan, Architectural Elevations and Architect's Statement of Design for The Wedge McGrath Plaza (Energy Express) with the following conditions:

1. **That the easternmost access point comply with Attachment B of Ordinance 2820; and**

2. **That street lights be provided along Chesterfield Airport Road and Relocated Olive Street Road with a note on the Site Development Plan requiring installation and maintenance be the responsibility of the Developer; and**

3. **That the architectural archways be excluded.**

The motion was seconded by Commissioner Wuennenberg and **passed by a voice vote of 8 to 1** with Commissioner Lueking voting "no".

Chair Proctor called for a five-minute recess at this point with the meeting re-convening at 8:00 p.m.

VI. PUBLIC COMMENT

A. 40 West Luxury Living (KU Development, LLC)

Speakers in Opposition:
1. **Ms. Mary Ann Mastorakos**, 1410 Schoettler Road, Chesterfield MO.

Ms. Mastorakos stated that her property consists of 3.8 acres, is zoned Non-Urban, and is directly adjacent to the proposed 252-apartment development. She and her husband bought the property in 1962 and have lived there for over 50 years.

Speaker noted the following reasons for opposing the proposed apartment complex:
- The proposed development will have a negative impact on her property and will permanently alter the Schoettler Road residential community.
- She feels the proposal violates the Comprehensive Plan Policy on existing land use patterns in that the Comprehensive Plan states: *Multiple-family residences tend to be located along roads with high traffic volumes, such as Olive Boulevard, Chesterfield Parkway, Clayton Road, Baxter Road, and Woods Mill Road*. *These housing complexes are also clustered together in large developments near other dense land uses, such as commercial and office, as opposed to being scattered throughout neighborhoods.*
- KU Development is asking approval to build a 252-apartment complex in an existing residential, single-family neighborhood, which is not compatible with the existing homes as multi-family and single-family residences are two different and incompatible kinds of housing.
- Single-family attached developments should serve as a transitional land use between single-family detached land use and multi-family residential and commercial uses.

- She does not think that the addition of green space to the west of her property negates the fact that there will still be 252 apartments in four- and five-story buildings next door.
- The Comprehensive Plan states that: *New multiple-family residences should be located in or near the Urban Core.* The proposed development is not in the Urban Core.

2. **Mr. John Green,** 14632 Pine Orchard Ct., Chesterfield Trails, Chesterfield, MO.

Speaker noted the following reasons for opposing the proposed apartment complex:

- **Increased Density**: The subject site is surrounded by subdivisions zoned "R2" with 2.9 dwellings per acre. The proposed development will consist of 126 units on 3.75 acres resulting in 34 units per acre, which is 12 times the density of the surrounding area. The proposed plan also shows 126 units on 10.55 acres resulting in 12 units per acre, which is 4 times the density of the surrounding area.
- **Transitional Land Use**: The Comprehensive Plan requires transitional land use of which green buffers, as shown on the Developer's plan, are not considered such.
- **Building Heights:** It appears the proposed structures are 5-6 stories in height violating City Code (Sec. 03-03 c), which states: *No building elevation of any dwelling structure, or building accessory to a dwelling structure, shall exceed four stories in height, including any basement dwelling space.* In addition, the two buildings facing Highway 40 are in excess of 60 feet in height
- **Green Space:** Green space is not dispersed throughout the entire development. The Developer's documentation states that the six buildings sit clustered together on 2.12 acres out of the total available area of 14.298 acres, which is less than 15% of the total area for the footprint of the buildings and constitutes 119 units per acre.

3. **Mr. Ray Bosenbecker,** 1920 Lanchester Court, Scarborough West, Chesterfield, MO.

Mr. Bosenbecker stated that there are currently 13 apartment complexes in Chesterfield with 3,321 rental units. In addition, the approved Watermark project permits a 345-unit apartment complex situated on 13 acres on Lydia Hill Drive, west of Chesterfield Mall. When completed, this development will increase the total apartment rental units in Chesterfield by 10%.

Mr. Bosenbecker then compared the proposed 40 West Luxury Living complex to the approved Watermark complex, noting the following:

	40 West Luxury Living	Watermark
Zoning	R-2, R-4, and NU and	R-8
Location	Isolated from the business area	In the Urban Core adjacent to business area and Central Park

As of 2013, the average gross monthly rent for apartments in Chesterfield was $1,113 compared to proposed monthly rentals of $1,400-$2,200 for 40 West Luxury Living.

Speaker noted the following reasons for opposing the proposed apartment complex:

- It is isolated from the Business District.
- It is not compatible with neighborhood density.

- It violates the Unified Development code *(Max Height 4 Stories).*
- It affords inadequate transition to neighbors.
- The apartments are too expensive and are not needed in Chesterfield.

4. **Mr. Dean Daniels,** 14747 Mill Spring Dr., Chesterfield Trails, Chesterfield, MO.

Speaker noted the following reasons for opposing the proposed apartment complex:
- The PUD, as submitted, is not contiguous and Schoettler Road does not make the two properties contiguous.
- The Petitioner's offer to donate 5.25 acres of green buffer to the City would manifest in no taxes or maintenance for the developer while the City would be obligated to maintain land which has no access.
- It was suggested that the Petitioner provide a traffic study but this suggestion was ignored. Traffic studies taken by the County in July, 2016 indicate 11,000 cars on South Outer 40 in 13 hours equating to 14.5 cars/minute or a car every 4 seconds. Traffic in the area will be further compromised when a total of 770 jobs from Bunge and Rabo Agrifinance, with an additional 235 to follow, move to Chesterfield in 2017. The County statistics do not address an estimated 500 cars from the proposed 40 West Luxury Living complex.
- A 2015 study conducted by Lochmueller Group at Timberlake Manor Drive indicated that the eastbound through movement on South Outer 40 has nearly doubled since 2008 during both the a.m. and p.m. peak hours.
- The unique traffic patterns created by one-way roads, the Chesterfield Parkway Spur, and the sheer volume of cars soon to be a reality mean roads like Conway will see traffic increases.

5. **Ms. Rosie Fisher,** 1300 Colony Way, Westchester Place, Chesterfield, MO.

Ms. Fischer explained that since April she has attended several meetings hosted by the Petitioner where different information was presented at each meeting. She noted that the current plan now has 1410 Schoettler Road squeezed in the middle of a proposed PUD.

Speaker noted the following reasons for opposing the proposed apartment complex:
- Traffic congestion that will occur from the proposed development.
- Two entrances/exits on the South Outer Road.
- An entrance/exit on Schoettler Road.
- Four-story apartment buildings visible along Schoettler Road.
- Scraping the land, along with disturbing and destroying wildlife.
- Concern that if the subject site is rezoned to multi-family or PUD, it could set a precedent for other developers building apartment complexes in single-family neighborhoods.

6. **Mr. Michael Moore,** 14650 Fairfield Farm Dr., Fairfield Farm, Chesterfield, MO.

Speaker noted the following reasons for opposing the proposed apartment complex:
- **Violation of Chesterfield Comprehensive Plan:** The Comprehensive Plan indicates that multi-family residences are typically physically and visually isolated from single-family residences in Chesterfield, which the proposed development is not.

- **Inappropriate Density:** The density of the proposed complex violates Chesterfield Code in that the maximum number of units allowed under R6-AA zoning is 207, while the number of units proposed is 252. In addition, the proposed density is inappropriate when compared to the density of neighborhoods along Schoettler Road. The density also significantly exceeds densities in the nearby multi-family apartment complexes of Village Green and Schoettler Village.
- **High Rise Apartments in a Single-Family Neighborhood:** The City's Issues Report notes that in no instance does the Comprehensive Plan reserve the site for construction of high-rise apartments and that the proposed development is differentiated from surrounding neighborhoods by proposing such large building masses.
- **Violation of PUD Requirements:** The proposed PUD request violates Chesterfield Code in that the 5.25 acre open space is not accessible and is completely isolated from the residents.
- **Traffic Impact Assessment Only after Approval of Zoning:** The development team has not addressed significant traffic concerns raised by residents. The traffic study submitted in June is flawed and a recommendation by the City to have the Petitioner provide a full Traffic Study has been ignored.

7. **Mr. Bruce Geiger**, 14787 Greenlock Court, Greenleaf Estates, Chesterfield, MO.

Mr. Geiger stated that at the May 23, 2016 Public Hearing, the development began as a straight zoning for a proposed multi-family development containing 282 units on a 14.29 acre tract of land. At that Public Hearing, numerous residents spoke in opposition stressing that it is not consistent with the Comprehensive Plan, along with numerous other issues. Since then, modifications have been made and presented at the September 12th Public Hearing, which drew over 500 residents in opposition.

The current proposal is for a PUD with the developer having the option to purchase an additional six unattached and inaccessible acres, which they propose to donate to the City, bringing the total acreage to 20.29 acres. The current plan is for 252 units in six buildings, with a maximum height of five stories, and all to be constructed on the original 14.29 acres.

Mr. Geiger stated that he is in full agreement with the statements made by the previous six Speakers as to their reasons for opposition. Since the original Public Hearing in May, the plans have been modified a number of times but the development continues to be "an extremely dense, massive multi-family project on 14.29 acres in a single-family neighborhood that does not comply with the intent of the Comprehensive Plan".

8. **Mr. David Kaiser,** 14820 Pleasant Ridge Court, Westchester Place, Chesterfield, MO.

Speaker noted the following reasons for opposing the proposed apartment complex:
- He and the 2000 residents opposed to the development do not want this project in their neighborhood.
- The proposed project will not enhance the neighborhood where the residents have raised their families.
- KU Development has never developed any residential properties.

9. **Mr. Bob Atchison,** 14703 Mill Spring Drive, Chesterfield Trails, Chesterfield, MO.

Mr. Atchison cited several street and subdivisions names from the neighborhoods along Schoettler Road, *(Mill Spring, Big Timber, Pine Orchard, Brookhill, Summer Blossom, Greenleaf, Deerhorn, Westfield Farm, Oaktree Estates, and Sycamore Manor)* which he feels are indicative of green space, countryside, nature, wildlife, and single-family homes vs. high-density apartments.

Speaker then noted the following:

- The subdivisions along Schoettler Road were built for single families 40-50 years ago and the intent of the land use is still single-family.
- Schoettler Road was built for the residents to access their subdivisions. Apartments are generally built on parkways or boulevards to afford easy access for large numbers of residents as these types of roadways are built to handle more traffic. The proposed development requires Schoettler Road and a highway on-ramp to meet its requirements and these roadways were not designed to handle the density and traffic from 500 new apartment tenants.
- There are over 2,000 residents who have banded together to stop the proposed rezoning and they are working in unity in their opposition.

10. **Mr. Ben Keathley,** 14920 Rutland Circle, Shenandoah, Chesterfield, MO.

Mr. Keathley stated that even though he lives in a subdivision that is on the other side of Highway 40 from where the proposed development is, he is opposed to it as "it is such a gross deviation from what has been approved in the past."

Speaker noted the following reasons for opposing the proposed apartment complex:

- The proposed development is not in, or adjacent to, the Urban Core nor is it located along one of the high-trafficked roads mentioned in the Land Use Element – Clayton Road, Chesterfield Parkway, Olive Boulevard, Baxter Road, or Woods Mill Road.
- The proposed development is not clustered with any other dense land uses and would be built around a single-family home sandwiched between two pieces of property.
- There is concern that approving this project could set a precedent for allowing more high-density developments in other areas of the City where it would not be appropriate and would fundamentally change the character of the City.
- The proposed five-story buildings violate the height restrictions outlined in the Unified Development Code.

11. **Mr. James Higgins**, 14720 Windsor Valley, Windsor Place, Chesterfield, MO.

Mr. Higgins stated that he and his wife moved to the area seven years ago after spending 5½ months searching for the right place to raise their family.

Speaker noted the following reasons for opposing the proposed apartment complex:

- Density of the proposed development.
- Increased traffic from the proposed development.

12. **Mr. Philip Zena**, 14260 Cedar Springs, Town & Country, MO.

Mr. Zena was not present when his name was called to speak.

City Attorney Chris Graville then explained that because the Preserve Schoettler group was allowed to have several residents give separate presentations, representatives of the Petitioner are being allowed to cede their time to Mr. Stock.

Petitioner:

1. **Mr. Nicholas Cook,** 1415 Elbridge Payne, Chesterfield, MO.

Mr. Cook stated he would pass on speaking and cede his time to Mr. Stock.

2. **Mr. Kevin Hoffman,** 657 Wyndham Crossing Circle, St. Louis, MO.

Mr. Hoffman stated he would pass on speaking and cede his time to Mr. Stock.

3. **Mr. John King,** Attorney representing the Petitioner, 7701 Forsyth, Clayton, MO.

Mr. King stated the following:

- The Comprehensive Plan was established when Chesterfield became a city and has been in effect since that time.
- The subject property was designated as multi-family development at that time. After the Comp Plan was reviewed a number of times over the years, the designation for this site has remained multi-family. The multi-family designation was put on this property because it is adjacent to Highway 40.
- The Petitioner chose this piece of property for development because of its multi-family designation and its adjacent location to Highway 40.
- It is not up to the multi-family owner to develop the transition; it is up to the City to force people to develop the transitional zoning and the transitional uses.

Commissioner Wuennenberg stated that the Issues Report clearly addresses transition and he agrees it is the City's responsibility to make sure the transition does occur for the residents.

4. **Mr. Casey Urkevich**, 1415 Elbridge Payne Drive, Chesterfield, MO.

Mr. Urkevich stated he would pass on speaking and cede his time to Mr. Stock.

5. **Mr. George Stock**, Stock & Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO.

Mr. Stock stated that the 14.3 acre tract is zoned R-1, R-2, and NU which are non-compliant with the City's definition of multi-family and the Comprehensive Plan Land Use designation of the property as multi-family residential. The City Code states that multi-family residential is defined as four or more separate families living in a single building. The only residential zoning categories available to accommodate this definition are R-6A, R-6AA, R-6, R-7, and R-8. The request to rezone the 14.3 acres to R-6AA and the 6-acre site to R-6A is consistent with the City Code and policy.

They have chosen the second lowest density zoning category, R-6AA, for the property adjacent to the interstate, Schoettler Road, and the Non-Urban-zoned property to the south, which is designated as multi-family. They have chosen the lowest density

category, R-6A, for the six-acre site which is adjacent to I-64, Schoettler Road, and the Non-Urban-zoned property to the north and designated multi-family.

Transitional Zoning
Mr. Stock then responded to that portion of the Issues Report which discusses transitional zoning and references Village Green and Schoettler Valley.

Mr. Stock provided the following information about **Village Green**:
- It contains R6 and R2 zoning, fronts Clayton Road and a commercial development.
- The Village Green governing ordinance describes separate single-family dwelling structures, common ground, and common ground around its north and western boundaries.
- Scarborough subdivision is located to the north of this complex.
- The complex contains five-story apartment buildings (four levels of living above a garage level) and are adjacent to the commercial development.
- The complex also contains three-story apartment buildings, which are located along Cannon Heights Drive, which abuts single-family residences on Gatemont Drive and Buckington Drive located in Scarborough subdivision and separated by open space only, without public right-of-way or transitional homes.

Mr. Stock provided the following information about **Schoettler Village**:
- It contains R6A fronting I-64, R6 fronting Chesterfield Parkway and Schoettler Valley Drive. It abuts R3 and R2.
- Mr. Stock provided photographs depicting the transition between three-story apartment buildings and single-family residential that exists on Schoettler Valley Drive, Schoettler Valley Court, Spring Branch Court and Heffington Drive with no transitional land use or transitional zoning.

Mr. Stock provided the following information about the proposed **40 West Luxury Living** complex:
- Similar to Village Green which has five-story apartment buildings, they are proposing two five-story mid-rise buildings which would front I-64.
- Similar to Schoettler Village, 40 West Luxury Living transitions from the mid-rise buildings to garden-style buildings, which are three stories facing Schoettler Road and the southeast.
- They provide greater horizontal and vertical separation than Village Green and Schoettler Village.
- There are actually two stories facing Schoettler Road because one is lower. From the south property line, Buildings D and E are one story-buildings in relation to 1410 Schoettler. Consequently, they believe they have demonstrated transitional land use by the design consistent with other projects.
- Buffering is provided along Schoettler Road and is greater than the buffering that exists in Village Green and Schoettler Village.

Mr. Stock stated that they are now proposing to amend their petitions for P.Z. 03-2016 and P.Z. 09-2016 to rezone to R-6 and R-4. He presented an exhibit showing the R-6 zoning on 8.5 acres of the 14.3 parcel with R-4 zoning on the remaining 5.8 acres along a band adjacent to the south property line and along Schoettler Road. R-4 zoning would also be placed on the 6-acre lot. This guarantees that 1410 Schoettler

Road would not be a multi-family zoning but would be an R-4 zoning with future attached houses. The petition provides the 6-acre parcel as green space in perpetuity.

Density

- Their proposal concentrates the density on the 14.3 acres in order to provide access to the development from South Outer 40 with no access to Schoettler Road.
- The density will be facing I-64 in compliance with the Comprehensive Plan which states: *Multi-Family Residential is generally based on locations along Arterial and Collector Roads adjacent to commercial uses. Primary locations are at . . . South Highway 40 Outer Road and Schoettler Road.*
- The density of Village Green and Schoettler Village complexes are 8.66 units/acre and 11.39 units/acre respectively, which he believes grossly exceed the densities of the subdivisions to which they abut.
- The proposed density of 40 West Luxury Living is 12.41 units/acre and fronts I-64, which is more intense than Clayton Road and Schoettler Valley.

Comprehensive Plan

Mr. Stock stated that the Comprehensive Plan was developed through extensive meetings with the Citizens Advisory Committee and community meetings with three updates to the report, which still retained the multi-family designation for the subject site.

Proposed Development

- This is a $60 million development.
- The exterior of the buildings include stone and Hardie board. The interiors will have high-end finishes.

5.25 Acres to be Dedicated to the City

- They are offering to dedicate 5.25 acres to the City in accordance with the Comprehensive Plan which states: *The City is concerned about the continuing loss of natural open space in Chesterfield because of residential and commercial development. The Parks and Open Space Policies encourage the preservation or creation of park-like amenities by both the public and private sectors. The Policies further suggest more acquisition of park and open space by the City, developer dedications for parkland, . . ."*
- If the City does not want the land, the Petitioner will provide a deed restriction for this property.
- Responding to concerns that the open space would not be available for the residents' use, Mr. Stock stated that a sidewalk could be built allowing access to the open space with a mulch trail through the 5.25 acres. However, this was not proposed because the residents of Westchester Place had indicated they did not want people having access to that property as it backs up to their back yards.

Discussion

Councilmember Hurt pointed out that the zonings of Village Green and Schoettler Village occurred prior to the City's incorporation.

Ms. Aimee Nassif, Planning & Development Services Director asked for clarification as to whether the Petitioner will be amending their proposal. Mr. Stock confirmed that this is their intention as they were previously of the understanding that they could not

rezone to classifications less than R-6, but the Issues Report has clarified that they can rezone to R-4 or R-5.

Ms. Nassif then advised that since the proposed zoning to R-4 is a change to what was previously advertised, State statute requires a new public hearing. In addition, the Applicant will need to provide a new application.

The following Speakers, representing the Petitioner, passed on speaking:

6. **Mr. Tom Kaiman**, 7 Baxter Lane, Chesterfield, MO.
7. **Mr. James Kaiman**, 14525 Welllington Estates Manor, Chesterfield, MO.
8. **Ms. Kate Stock**, 257 Chesterfield Business Parkway, Chesterfield, MO.

Chair Proctor called for a five-minute recess at this point with the meeting re-convening at 9:16 p.m.

VIII. UNFINISHED BUSINESS

A. **P.Z. 03-2016 40 West Luxury Living (KU Development, LLC)**: A request for a zoning map amendment from the "R-1" Residence District, "R-2" Residence District, and "NU" Non-Urban District to an "R-6" Residence District for a 14.296 acre tract of land located on the south side of South Outer 40 Road east of its intersection with Schoettler Road (19S640668, 19S640657, and 19S640152).

B. **P.Z. 09-2016 40 West Luxury Living (KU Development, LLC)**: A request for a zoning map amendment from the "NU" Non-Urban District to an "R-6A" Residence District for a 6.0 acre tract of land located on the south side of South Outer 40 Road east of its intersection with Schoettler Road (19S640262 and 19R430165).

C. **P.Z. 10-2016 40 West Luxury Living (KU Development, LLC)**: A request for a zoning map amendment from the "R-6A" Residence District and "R-6AA" Residence District to a "PUD" Planned Unit Development District for five tracts of land totaling 20.296 acres and located on the south side of South Outer 40 Road east of its intersection with Schoettler Road (19S640668, 19S640657, 19S640152, 19S640262, and 19R430165).

Chair Proctor announced that the Petitioner has confirmed that they are going to amend the petitions for P.Z 03-2016 and P.Z. 09-2016. Mr. Stock then requested feedback from the Planning Commission on the three petitions before the Commission this evening.

STAFF REPORT

Senior Planner Jessica Henry stated that while there have been many issues and questions raised in conjunction with these petitions, Staff wants to specifically address the Petitioner's proposed land dedication to the City. Although the City's Unified Development Code allows land to be dedicated for public parks, the City has not

agreed at this time to accept these 5.25 acres. It was noted that this tract of land has no access or amenities that currently makes it suitable for use as a public park.

Three separate Issues Reports were prepared for these petitions because they are separate individual petitions but discussion will be held on all the petitions concurrently.

Discussion

Commissioner Wuennenberg stated that the Issues Report did a great job discussing the appropriate transition from single-family to multi-family. He added that the current plan, and the glimpse at the future plan, do not provide for a clear transition from the single-family homes into the subject property.

Commissioner Hansen stated that the proposed four-story structures do not seem to have a place in this particular area. Commissioner Lueking pointed out that the structures are actually four stories of living space and one story of a garage level.

Councilmember Hurt asked Mr. Stock to clarify what the Petitioner is trying to achieve.

Mr. Stock stated their objective is to build a 252-unit apartment complex with the larger five-story buildings adjacent to and facing the highway. Transitioning away from these two buildings are three-story buildings along Schoettler Road and along the south. Four-story buildings would be placed internally. They are trying to exceed the performance criteria that exists on open space, trails, and amenities. They are also trying to avoid future development of the multi-family land by providing the six acres to the south as green space in perpetuity.

Mr. Stock added that they are now proposing R-6 zoning on 8.5 acres of the 14.3 parcel with R-4 zoning on the remaining 5.8 acres along a band adjacent to the south property line and along Schoettler Road. R-4 zoning would also be placed on the 6-acre lot.

After further discussion, City Attorney Graville confirmed that if the Petitioner is now seeking R-4 zoning, a new public hearing would have to be held after being advertised.

Mr. Stock then asked for additional feedback from the Commission.

Commissioner Lueking pointed out that there is a single-family home sitting in between the Petitioner's two pieces of property and she feels very strongly about this as this resident has been living on the property for over fifty years. She does not agree with the R-6 zoning for this site. Mr. Stock responded that in an attempt to buffer this residential property, they are providing six acres to the south of the property that would not be allowed to be developed. They are also buffering the property to the north with three acres.

Commissioner Midgley stated that the greatest opposition being expressed against these petitions relate primarily to density and increased traffic concerns because of the density. She noted that changing the zoning is not going to decrease the density or traffic.

With respect to traffic concerns, Mr. Stock pointed out that neither St. Louis County nor MoDOT requested a traffic study in conjunction with this development because they do not see traffic as an issue. They already have conceptual approval from MoDOT who agrees with allowing access onto South Outer 40 and no access onto Schoettler Road.

With respect to density, Mr. Stock stated that they are providing over 70% open space and preserving 47% of the trees.

Ms. Nassif then stated that Staff has no further questions.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 9:45 p.m.

Steve Wuennenberg, Secretary