

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
JUNE 27, 2016**

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

I. ROLL CALL

PRESENT

Ms. Wendy Geckeler
Ms. Merrell Hansen
Ms. Allison Harris
Ms. Laura Lueking
Ms. Debbie Midgley
Mr. Steven Wuennenberg
Chair Stanley Proctor

ABSENT

Ms. Amy Nolan

Mayor Bob Nation
Councilmember Dan Hurt, Council Liaison
Interim City Attorney Christopher Graville
Ms. Aimee Nassif, Planning & Development Services Director
Mr. Jonathan Raiche, Senior Planner
Mr. Simon Nogin, Planning Intern
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 Bruce DeGroot, Ward IV.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

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

Ms. Aimee Nassif, Planning & Development Services Director informed the audience of the process related to the two public hearings. The public hearing is the first public meeting for these projects. There will not be any vote taken tonight on either of these petitions – the public hearing is an opportunity to receive comments and allow discussion of any issues raised. The second meeting on these petitions will be an Issues Meeting but the date cannot be determined until all the required information has been received from the Applicant. The third meeting is when the Planning Commission will vote and make its recommendation. When the meeting dates are set, they will be

posted on the City's website. The Planning Commission's recommendation is forwarded to the City's Planning & Public Works Committee, which is a sub-committee of the City Council. The Committee's recommendation is then forwarded to the full City Council for two separate readings and final vote. Tonight's process is for the zoning only where discussions are held concerning the appropriate land uses, any development criteria, and development conditions.

If the zoning is approved, the second step in the process is the Site Development Plan stage when the City receives all the detailed information about the site, such as architectural drawings, lighting, landscaping, and traffic, along with the specific use.

- A. P.Z. 04-2016 US Ice Sports Complex & Valley Gates (Topgolf USA Chesterfield LLC):** A request for a zoning map amendment from an existing "PC" Planned Commercial District to a new "PC" Planned Commercial District for 22.22 acres located north of North Outer 40 Road and east of Boone's Crossing (17T510041, 17T520062, 17T520095, 17T520084).

STAFF PRESENTATION:

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

Site History

The subject site is located within two subdivisions – the Hardee's Iceplex and the Valley Gates Subdivision.

Hardee's Iceplex:

- The site was originally zoned "NU" Non-Urban by St. Louis County.
- 1993 - Conditional Use Permit (CUP) approved by the City of Chesterfield for operation of an indoor ice arena, sports pro shop, snack bar, game room, ancillary seating facilities, and offices.
- 1994 - Site Plan approved for 76,320 sq. ft. ice complex.
- 1995 - Original structure built.
- 1996 - CUP amended to increase maximum floor area from 100,000 sq. ft. to 110,000 sq. ft. to allow for an addition which was later built.
- 1999 - Rezoning from "NU" Non-Urban with a CUP to "PC" Planned Commercial which kept the use of the ice complex as well as adding additional commercial uses.

Valley Gates Subdivision (*vacant parcels on the eastern portion of the site*):

- 2005 - Rezoning from "NU" Non-Urban to "PC" Planned Commercial for recreational, retail, and other commercial uses.
- 2007 & 2009 - Ordinance Amendments to revise various development standards (building height, setbacks, etc.).

Comprehensive Land Use Plan

The Comprehensive Land Use Plan designates the subject site as *Mixed Commercial Use*, which calls for a mixture of retail and office uses.

Request Summary

- Zone from existing “PC” Districts to one new “PC” District, which would govern the entire site.
- The Applicant is requesting 55 total uses.
- Requested Setbacks:
 - North Outer 40 Rd – 75 feet
 - East & West Boundaries – 5 feet
 - North Boundary (*levee*) – 25 feet
- The Applicant’s Narrative states that the intended use is a three-story entertainment complex which would include:
 - Golf driving-range
 - Restaurant
 - Bar
 - Meeting Space, and
 - Game area

Requested Uses

The Applicant is requesting the following uses.

- | | |
|---|--|
| 1. Administrative offices for educational or religious institutions | 31. Grocery- neighborhood |
| 2. Amusement Park | 32. Grocery- supercenter |
| 3. Animal grooming service | 33. Gymnasium |
| 4. Arena and stadium | 34. Hotel and motel |
| 5. Art Gallery | 35. Hotel and motel- extended stay |
| 6. Art Studio | 36. Kindergarten or nursery school |
| 7. Auditorium | 37. Newspaper stand |
| 8. Automotive retail supply | 38. Office – dental |
| 9. Bakery | 39. Office – general |
| 10. Banquet Facility | 40. Office – medical |
| 11. Bar | 41. Parking area (stand-alone), including garages, for automobiles. Not including sales or storage of damaged vehicles for more than 72 hours. |
| 12. Barber or beauty shop | 42. Professional and technical service facility |
| 13. Bowling Center | 43. Recreation Facility |
| 14. Brewpub | 44. Research laboratory & facility |
| 15. Church and other places of worship | 45. Restaurant- sit down |
| 16. Club | 46. Restaurant- fast food |
| 17. Coffee Shop | 47. Restaurant- take out |
| 18. Coffee Shop, drive-thru | 48. Retail sales establishment- community |
| 19. College/university | 49. Retail sales establishment- neighborhood |
| 20. Commercial service facility | 50. Retail sales establishment- regional |
| 21. Community Center | 51. Specialized private school |
| 22. Day care center | 52. Tackle and bait shop |
| 23. Drug store and pharmacy | 53. Theatre, indoor |
| 24. Drug store and pharmacy, drive thru | 54. Vocational school |
| 25. Dry cleaning establishment | 55. Vocational school, outdoor training |
| 26. Dry cleaning establishment, drive-thru | |
| 27. Farmers market | |
| 28. Financial Institution, drive-thru | |
| 29. Financial institution, no drive-thru | |
| 30. Grocery- community | |

Mr. Raiche pointed out that use #55, *Vocational school, outdoor training* has been withdrawn by the Applicant after being notified by Staff that this use is only permitted west of Long Road per the City's Unified Development Code.

The requested uses are a combination of uses that currently exist on the site, or are being requested as new uses under their new ordinance. Uses #11 *Bar*, #43 *Recreation Facility*, and #45 *Restaurant-sit down* are the uses that would accommodate the Applicant's operations as described for Topgolf.

Preliminary Plan

The proposed Preliminary Plan shows a three-story structure with a driving range outfield and proposed parking. The one existing access to the site is being proposed to remain and to be the sole access to the site.

Items to Consider and Items under Review

- Removal of *Vocational School with outdoor training* land use
- Maximum Structure Height for All Uses
 - Building Height – Max. 60 feet proposed
 - Pole Height – Max. 170 feet proposed
- Camouflaging of poles and netting
- Levee Trail access relocation requirement – *The petitioner has noted on the proposed plan that access to the levee trail will be relocated and that they will provide all the necessary access easements.*
- Cross Access – *Currently the petitioner is not proposing cross access in either direction.*
- Hours of Operation for All Uses – *Mr. Raiche noted that it is typical to restrict hours of operation by use type.*
- Awaiting Agency Comments - *Staff has received comments from the Airport and it does not have any concerns with the proposal.*

Review Process

Phase 1-Zoning

- Application received from Petitioner
- First Meeting - Public hearing held
- Planning Commission recommendation (Issues, Vote meeting)
- Planning & Public Works Committee review
- City Council decision
- If approved, move to Phase 2. If denied, project is closed.

Phase 2-Site Development Plan

- Site development plan submitted (*lighting, access, architecture, site layout, landscaping, parking, etc.*)
- Review by Staff and all agencies
- Review by Architectural Review Board and Planning Commission
- (Optional) Power of Review-PPW meeting
- (Optional) City Council decision

PETITIONER'S PRESENTATION:

1. **Mr. Mike Doster**, Attorney on the Development Team for Topgolf, 16090 Swingley Ridge Road, Chesterfield, MO.

Mr. Doster stated that there are two owners with respect to the 22.22 acre site – Summit Ice Center Investors, LLC (14.53 acres) and Summit Outer Forty Investors, LLC (7.7 acres). Topgolf is the owner under contract for the entire 22.22 acres and is seeking to combine the entire site under one zoning ordinance.

The uses being requested are, for the most part, permitted uses under the two existing governing ordinances. All requested uses are consistent with the City's Land Use Plan and Comprehensive Plan. Topgolf will not be using the entire 22.22 acres for its particular uses so, in the future, one or more of the requested uses could be developed on the site. However, there are no current specific plans for any such development at this time.

2. **Mr. George Stock**, Stock and Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO.

Mr. Stock provided information about the site's dimensions and topography. He noted that the distinctive features of the site include the Hardee's Ice Complex, the levee and trail to the north, and the drainage channel running from west to east.

The Preliminary Plan includes a crescent-shaped, multi-story building oriented to the northwest and a 240-yard-deep golf range. They are requesting a maximum building height of 60 feet. The proposed poles are a maximum height of 170 feet and meet clearance requirements of the airport. They are proposing a minimum of 35% open space and the required 30% landscape buffer across the front of the site. They intend to meet all the requirements of the Monarch Levee District and MSD for storm water management.

Mr. Stock pointed out that the Taubman buildings to the west are 14 feet higher than the subject site. As part of the redevelopment process, approximately 75,000 cubic yards of dirt will be imported to elevate the site to be commensurate with Taubman's site.

The Tree Stand Delineation identifies the existing trees on the site, which were planted as part of the ice rink. Many of the trees do not meet the requirements of what needs to be done today – particularly the existing trees to the north near the levee would not be planted in that location today.

3. **Mr. Mark Foster**, Senior Development Manager, Topgolf, 8750 N. Central Expressway, Dallas, TX.

Mr. Foster provided background information on Topgolf noting that they are one of the fastest-growing entertainment retailers in the United States with 24 locations and three in the United Kingdom. They "have re-invented the game of golf and made it fun for the masses" by the "use of innovative technology and providing guests with a high-quality food and beverage service".

The following two individuals were also available for questions.

4. **Mr. Zach Shor**, Vice-President of Real Estate, Topgolf, 8750 N. Central Expressway, Dallas, TX.
5. **Mr. Eric Fischer**, Stock and Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO.

Discussion

Additional Site Development

Councilmember Hurt inquired as to how much useable acreage would be available for development beyond the Topgolf project. Mr. Stock replied that the only potential useable acreage would be in the southeast corner of the site of approximately 1.5 acres; along with approximately 3 acres immediately to the west, adjacent to the Taubman site.

Lighting

Commissioner Lueking asked for more information about the proposed lighting in relation to the 170-foot poles. Mr. Stock stated that they will be adhering to the City's light code requirements with respect to night glow and off-site trespass. Mr. Shor of Topgolf confirmed that there is no lighting on the 170-foot net poles. There are six light fixtures that will be mounted directly onto the building; these fixtures will be pointed out and down with full cut-off louvers and frosted bulbs. They provide a 0-foot candle reading outside the premises.

Uses

Commissioner Lueking noted the following uses as ones that should be reviewed for possible elimination: *animal grooming, drive-thru drug store or pharmacy, fast-food drive-thru, and automotive sales*. Mr. Doster replied that the uses will be reviewed but because there is some acreage that can be developed outside of Topgolf, the Petitioner wants to have as many options as possible.

Staged Open Area

Commissioner Lueking asked for clarification about the "staged open area" with respect to a closing time of 2:00 a.m. Mr. Shor replied that they will adhere to any sound code requirements and do not intend to operate a big open-air concert venue that could be considered a nuisance.

Mesh Enclosure

Commissioner Geckeler asked if there were any photographs or samples available of the proposed product to be used for the mesh enclosure. Mr. Shor replied that this could be provided and added that the black netting material is approximately 93% transparent.

Use during Peak Times

Commissioner Harris asked for information as to how many people they anticipate using the facility and their parking needs during peak times. Mr. Shor replied that there is a steady traffic flow throughout the day. They tend to need 425-450 parking spaces of which many are utilized by employees as there are 125 associates per shift. Their peak hours are weekends and after 6:00 p.m. weekdays.

Curb Cuts and Cross Access

Councilmember Hurt noted his concern about the lack of cross access on the southeast corner of the site.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES:

In addition to the issues previously listed by Staff, the following issues were noted:

1. Additional information about the poles and netting, including photos
2. Cross access to the southeast
3. Reducing the number of uses that may not fit within the recreational use of the Topgolf site
4. Restricting the hours of operation for both use and for outdoor music
5. Provide information about the lighting at the CVAC ballfields
6. Restricting building heights by use

Chair Proctor then called for a recess at this point and the meeting reconvened at 8:00 p.m.

- B. P.Z. 05-2016 Wildhorse Baxter Center, C148B (Shelbourne Senior Living):** A request for a zoning map amendment from a “C-8” Planned Commercial District to a “UC” Urban Core District for 5.21 acres located south of Wild Horse Creek Road and east of its intersection with Baxter Road (18T630283).

STAFF PRESENTATION:

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

Site History

The subject site is currently part of the Wildhorse Baxter Center, a three-parcel subdivision zoned “C-8” Planned Commercial.

Zoning:

- 1988 - Zoned from “R-5”, “FPR-5”, “C-8”, and “FPC-8” to “C-8” by St Louis County (St. Louis County Ordinance No. 13,759).
- 1996 - Ordinance Amendment by City to add 0.6 acres to the westernmost parcel of the three-parcel site (Ordinance No. 1170).
- 2009 - Ordinance Amendment by City to update the legal description (Ordinance No. 2557).

Subdivision:

- 2006 - Boundary Adjustment Plat establishing the current southern boundary.

- 2012 - Boundary Adjustment Plat establishing the current eastern boundary and Lot Split Plat creating current parcels C148A and C148B.

Comprehensive Land Use Plan

The Comprehensive Land Use Plan designates the subject site as *Residential, Multi-Family* and *Urban Core*.

Definitions of the Land Use Designations which apply to the subject site:

Residential, Multi-family:

A Conceptual Land Use category. A building or portion thereof designed for or occupied exclusively by four (4) or more families living independently of each other in individual dwelling units. This category includes continuing care residential, assisted living residential, elderly group homes, independent living residential for the elderly and nursing homes.

Urban Core:

A Conceptual Land Use category. The area around the intersection of I-64/US 40 and Olive Boulevard/Clarkson Road within and adjacent to the Chesterfield Parkway containing a mixture of high-density residential, retail and office uses. The Urban Core will contain the highest density development in Chesterfield and should serve as the physical and visual focus for the City.

Request Summary

- Request is to zone from “C-8” Planned Commercial to “UC” Urban Core.
- Maintain existing commercial land uses and add the following uses:
 1. Group Residential Facility, and
 2. Nursing Home.
- Intended use is stated as a maximum four-story Senior Living Facility with a maximum 172,000 square feet consisting of:
 1. 94 Independent Living Units
 2. 37 Assisted Living Units, and
 3. 17 Memory Care Units.

Requested Uses

- | | |
|---|--|
| 1. Administrative offices for educational or religious institutions | 18. Day care center |
| 2. Amusement park | 19. Drug store and pharmacy |
| 3. Animal grooming service | 20. Drug store and pharmacy, drive thru |
| 4. Art gallery | 21. Dry cleaning establishment |
| 5. Art studio | 22. Dry cleaning establishment, drive-thru |
| 6. Auditorium | 23. Dwelling, employee |
| 7. Automotive retail supply | 24. Farmers market |
| 8. Banquet facility | 25. Filling station and convenience store with pump stations |
| 9. Bar | 26. Financial Institution, drive-thru |
| 10. Brewpub | 27. Financial institution, no drive-thru |
| 11. Broadcasting studio | 28. Film processing plant |
| 12. Car wash | 29. Grocery- community |
| 13. Check cashing facility | 30. Grocery- neighborhood |
| 14. Church and other places of worship | 31. Grocery- supercenter |
| 15. Club | 32. Group residential facility |
| 16. College/university | 33. Hospital |
| 17. Commercial service facility | 34. Hotel and motel |

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|--|---|
| 35. Hotel and motel- extended stay | 53. Public facilities over 60 ft. in height |
| 36. Kennel, boarding | 54. Professional and technical service facility |
| 37. Kindergarten or nursery school | 55. Reading room |
| 38. Laundromat | 56. Recreation facility |
| 39. Library | 57. Research laboratory & facility |
| 40. Mortuary | 58. Restaurant- sit down |
| 41. Museum | 59. Retail sales establishment- community |
| 42. Newspaper stand | 60. Retail sales establishment- neighborhood |
| 43. Nursing home | 61. Retail sales establishment- regional |
| 44. Oil change facility | 62. Sales yard operated by a church, school, or other non-profit organization |
| 45. Office – dental | 63. Tattoo parlor/body piercing studio |
| 46. Office – general | 64. Telecommunications tower or facility |
| 47. Office – medical | 65. Telecommunications structure |
| 48. Pawnshop | 66. Theatre, indoor |
| 49. Postal stations | 67. Vehicle repair and service facility |
| 50. Parking area (stand-alone), including garages, for automobiles. Not including sales or storage of damaged vehicles for more than 72 hours. | 68. Veterinary clinic |
| 51. Public safety facility | 69. Vocational school |
| 52. Public utility facilities | |

Use # 43 *Nursing home*, and Use #32 *Group residential facility* are the uses being added to the existing uses; however, all uses are open for consideration and review.

Comparison to Existing Entitlements

	<u>Existing</u>	<u>Requested by Petitioner</u>
Building Height Maximum	Office – 3 stories All Other Structures – 1 story	4 stories
Hours of Operation	Unrestricted	Unrestricted
Maximum Square Footage	147,000 sq. ft. maximum (all 3 parcels)	172,000 sq. ft. maximum (subject site only)
Structure Setbacks	WHC Rd – 25 feet Eastern District Boundary - 0 feet Southern District Boundary - 10 feet	35 feet from all property lines
Parking Setbacks	WHC Rd – 15 feet Eastern District Boundary - 0 feet Southern District Boundary - 10 feet	30 feet from all property lines

Preliminary Plan

The proposed Preliminary Plan shows a mixture of a four-story and three-story building with a maximum four-story height. Parking is shown on the northern portion of the site with both surface and underground parking proposed. Access is shown on the west and south sides off of Wild Horse Creek Road; these two proposed access points are still under review by Staff.

Items to Consider & Items under Review

1. Land Uses to Re-consider:
 - a) Amusement Park
 - b) Bar
 - c) Grocery – supercenter
 - d) Hospital
 - e) Hotel and motel – extended stay
 - f) Pawnshop
 - g) Retail sales – regional
 - h) Parking area (stand-alone), including garages for automobiles. Not including sales or storage of damaged vehicles for more than 72 hours.
2. Maximum Structure Height for All Requested Uses
3. Structure & Parking Setbacks for All Requested Uses
4. Hours of Operation Restricted for All Requested Uses
5. Access Management and Cross Access
6. Landscape Buffer along East Property Line
7. Awaiting Agency Comments

Review Process

Phase 1-Zoning

- Application received from Petitioner
- First Meeting - Public hearing held
- Planning Commission recommendation (Issues, Vote meeting)
- Planning & Public Works Committee review
- City Council decision
- If approved, move to Phase 2. If denied, project is closed.

Phase 2-Site Development Plan

- Site development plan submitted (*lighting, access, architecture, site layout, landscaping, parking, etc.*)
- Review by Staff and all agencies
- Review by Architectural Review Board and Planning Commission
- (Optional) Power of Review-PPW meeting
- (Optional) City Council decision

Mr. Raiche started that since the meeting packets were distributed, additional letters have been received regarding this petition, which will be provided to the Commission, along with any additional letters received in the future.

Discussion

The following items were discussed and information provided as noted:

Building Heights

Commissioner Lueking asked that Staff provide information regarding the height of the JCC building and the Seventh Day Adventists' gymnasium.

Current Zoning

Commissioner Lueking inquired as to whether the current zoning still allows two sit-down restaurants on the southwest corner of Baxter and Wild Horse Creek Road. Ms. Nassif replied that a Site Development Concept Plan had been approved for all three parcels,

which permitted restaurant and office uses, but there is no specific restaurant user on the site.

Uses

Responding to Commissioner Lueking's inquiry, Ms. Nassif advised that land uses for a 7-11 convenience store and restaurant would be allowed and confirmed that all uses are now open for review. Without a rezoning from the "C-8" District, the Petitioner is currently permitted all of the uses noted in Staff's presentation above and could submit a Site Development Plan for any of them.

Commissioner Hansen recommended that the uses be reviewed with respect to hours of operation, setbacks, and lighting.

Cross Access

Cross access to the west is not currently provided but is being proposed by the Applicant.

Hours of Operation

Under the current ordinance, hours of operation are unrestricted for all the permitted uses.

PETITIONER'S PRESENTATION:

1. Mr. John King, Lathrop and Gage LLP, 7701 Forsyth, Clayton MO.

Mr. King stated he was representing the Shelbourne Health Care development group – petitioners and owners under contract for the subject petition.

The tract is 5.21 acres in size and located on the south side of Wild Horse Creek Road and east of the Baxter Road intersection with Wild Horse Creek Road. The entrance faces to the north and there are two proposed curb cuts at the east and west ends of the property. On the east side of the site are the independent living units with the assisted living units on the west side.

They are proposing 94 independent living units with either 1 or 2 bedrooms ranging in size from 650–1441 sq. ft. The assisted living units will consist of studios, 1 and 2 bedroom units ranging in size from 334-820 sq. ft.

Parking will consist of 135 spaces with 95 surface parking spaces and 40 spaces located under the independent living units.

There will be approximately 52 employees on site – 21 on the 1st shift from 7:00am-3:00pm, 18 on the 2nd shift from 3pm-11pm; and 4 on the 3^d shift from 11pm–7am. There will be nine managers for the development who will work from 8:30am to 4pm.

They intend to add landscaping to the existing landscaping as required by the City, and will meet with Staff to review any of the issues raised.

2. **Mr. Mike Doster**, Doster, Ullom & Boyle LLC, 16090 Swingley Ridge Rd, Chesterfield, MO.

Mr. Doster stated the subject site is part of the Chesterfield Village Master Plan adopted prior to the incorporation of the City. Over the years, the master plan has been executed in various aspects with respect to infrastructure and development of various sites.

Throughout the subject site's zoning history, the permitted uses have not changed. Mr. Doster pointed out that the permitted uses were open for review in both 1996 and 2009 and they have not changed. It is the owners' position that these uses are not only entitled uses, but vested uses. While not the entire list, Mr. Doster stated that the current permitted uses include:

- Amusement park
- Animal hospital
- Bar
- Car wash
- Filling station
- Financial Institution
- Hospital
- Hotel
- Office – dental
- Office – general
- Office – medical
- Recreation facility
- Research facility
- Restaurants
- Retail uses
- Vehicle repair and service facility
- Veterinary clinic

The Petitioner is requesting Urban Core zoning because the City's Land Use Map designates approximately one-half of the subject site along Wild Horse Creek Road as *Urban Core*; the other half of the site is designated as *Multi-family*. Shelbourne's proposed use is considered a residential use under the City's Unified Development Code. *Urban Core* permits both residential and commercial uses. From the seller's perspective, the Urban Core District allows both Shelbourne's requested residential use, and maintenance of the uses that are already permitted by the current governing ordinance – allowing one zoning process vs. two. The two-step zoning process would have required first a zoning to residential and then coming back requesting a Conditional Use Permit.

3. **Mr. Mark Hallowell**, representing Shelbourne, 403 Meadowbrook Ave., St. David's, PA.

Mr. Hallowell stated that he and his partner, Jim Cain, have developed and overseen the operation of ten senior housing facilities over the last six years. In 2012, they opened an assisted living facility in Ballwin, which was fully occupied within 18 months and has been very well-received in that community. The facilities are designed to have a residential appearance and feel, along with being professionally landscaped and maintained. The facilities are operated by national companies such as Brookdale and Atria.

The proposed project is different than their facility in Ballwin in that the majority of the residents for the proposed site are completely-independent seniors who will occupy 94 of the 148 units. The assisted living portion of the site will have 54 units to serve people with needs related to activities of daily living. They will also care for people who suffer

from some form of dementia or Alzheimer's. They have a Certificate of Need from the State of Missouri to care for 51 residents at the present time.

At all of their facilities, they are good neighbors in that the properties are quiet and well cared for. They also engage community groups and students in order to enrich the experience of their residents. Chesterfield has a particularly high percentage of residents over the age of 75 and they feel their development will be an attractive alternative for them.

As developers, they understand that there are concerns from nearby residents and they will reasonably address those concerns. They also welcome input from the City staff and officials.

SPEAKERS IN FAVOR:

1. **Mr. Maurice Hirsch**, Reserve at Chesterfield Village, 354 Willow Weald Path, Chesterfield MO.

Speaker noted the following reasons for supporting the petition to rezone:

- The uses permitted under the current C-8 zoning "seem antithetical" to how the area has developed with single-family residences, churches, and a community center.
- Having an alternative like the Shelbourne initiative makes sense to him as both a resident of The Reserve and as a former Planning Commissioner.
- Speaker indicated that the only potential issue he has relates to the height of the project but he will withhold his opinion on that issue until renderings are available showing what can be seen from various points in The Reserve subdivision.

Councilmember Hurt asked Mr. Hirsch to comment on Mr. Doster's remarks regarding *Urban Core* and *Residential* zoning. Mr. Hirsch stated that he believes the requested zoning is appropriate for the subject site.

SPEAKERS IN OPPOSITION:

1. **Dr. Ramana Madupalli**, Reserve at Chesterfield Village, 311 Oak Stand Court, Chesterfield MO.

Dr. Madupalli stated he was representing the group *Preserve Chesterfield*, a non-profit organization started to ensure and encourage responsible development and oppose development that negatively impacts Chesterfield residents. The organization includes physicians, professors, engineers, CEOs, CIOs, IT leadership, financial professionals, and many other Chesterfield residents.

Dr. Madupalli then presented a PowerPoint presentation noting the following reasons for opposing the petition to rezone:

- They do not find it acceptable to have a 24/7 operation immediately adjacent to a single-family neighborhood.
- They do not find it acceptable to have an existing single-family neighborhood with a density of less than three homes per acre immediately adjacent to a facility with a proposed density of nearly 30 units per acre.

- They do not find it acceptable for the City to have passed Ordinance 2557 with several use and height restrictions so that all Reserve residents were encouraged to buy and then ask for rezoning once all their homes are sold.
- They do not feel the proposed development is compatible with the definitions and planning principles outlined by the Comprehensive Plan, which states *the purpose of the Chesterfield Comprehensive Plan is to ensure a high quality of life for the residents of Chesterfield, and elected officials, appointed officials, and City staff should make decisions and take appropriate actions that over time, will strive to achieve the residents' vision regarding the physical aspects of the City of Chesterfield as laid out in the Plan.*
- They agree with Section 2.1.7 of the Comprehensive Plan which states: *Multiple-family projects should be located close to existing, higher density commercial and residential developments so as not to alter the conditions and environment of existing single-family neighborhoods.* Their neighborhood is not near commercial properties.
- They do not feel their neighborhood falls within the definition of Urban Core which is defined as *the area known as Chesterfield Village, centered at the intersection of I-64/US 40 and Clarkson Road/Olive Boulevard and primarily served by the Chesterfield Parkway.*
- They do not believe the 2009 Land Use Plan is in compliance with the Comprehensive Plan and that there is no valid reason for *Urban Core* to go west of the Riparian Corridor.

Discussion

Commissioner Wuennenberg informed Dr. Madupalli that the City does have future plans to review the Comprehensive Plan. He also pointed out that if the requested zoning is denied, the current property owners have the right to other uses that would allow 24/7 operations.

Commissioner Lueking added that those uses include gas stations, car washes, tattoo parlors, fast food restaurants, etc. Dr. Madupalli replied that he strongly believes the City would not approve a gas station that sells alcohol located so near to the existing churches, day cares, and schools.

Responding to comments made by the Speaker regarding the Comprehensive Plan, Ms. Nassif explained that the Land Use Plan is one of the chapters of the Comprehensive Plan and the Land Use Plan currently designates the subject site as *Urban Core* and *Multi-family*, which both allow for a facility as being proposed by Shelbourne. Ms. Nassif also pointed out that the Comp Plan includes numerous pages of Plan Policy Elements, which are subjective and support other uses for this area. The current designations of *Urban Core* and *Multi-family* were put into place with input from resident and citizen committees at that time. When the Comp Plan is opened up for review, it will again include input from resident and citizen committees.

Commissioner Geckeler stated that since the C-8 zoning on both sides of Baxter Road is already in place, all of those uses are already permitted and a Public Hearing is not required if a Site Development Plan is submitted for one of those uses. The subject zoning request gives the City the chance to remove some of the undesirable uses currently permitted.

2. **Mr. Raghu Erukulapati**, Reserve at Chesterfield Village, 339 Oak Stand Path, Chesterfield, MO stated he would pass on speaking as his points had been covered by the previous speaker.
3. **Mr. Shankar Manakkal**, Reserve at Chesterfield Village, 338 Oak Stand Path, Chesterfield, MO.

Speaker noted the following reasons for opposing the petition to rezone:

- He feels the subject site on the Land Use Plan should be changed to *Residential-Single Family* use since it abuts The Reserve subdivision.
 - The subject site is not an appropriate area for the requested use taking into consideration that there are single-family homes, churches, preschools, daycares, and schools in this area.
 - The proposed development is too dense and too tall.
 - The proposed development would operate 24/7.
4. **Mr. Ray Zimmermann**, Baxter Pointe Villas, 16618 Equestrian Lane, Chesterfield, MO.

Speaker noted the following reasons for opposing the petition to rezone:

- Approval of the proposed project with a large, four-story senior living complex in the heart of a residential community would be a big departure from the City's established best practice which has been followed thus far.
 - The residents near the proposed development would suffer economic harm as surrounding property values would be negatively impacted, along with the other negatives of having a towering, 24/7 operation located so closely to residential neighborhoods.
 - He feels there are plenty of building sites within Chesterfield that would be a better choice for the proposed development.
 - The residents of the surrounding properties purchased with full knowledge of the zoning of the adjacent vacant site currently zoned C-8. He feels the City needs to honor that commitment and stay with the current zoning plan and not change it to Urban Core.
 - He noted the following negatives of the proposed development when being located in the middle of a residential neighborhood – high density; increased level of noise pollution from a 24/7 operation from vehicular traffic, emergency vehicles, large HVAC equipment, construction noise; safety and security of children in the area; medical waste and disposal in a residential area; elimination of green space on the small, 5-acre site; increased stress and strain on roads not maintained by the City; light pollution from the large building and parking structures; and odor pollution from kitchen operations and other vents and air-handling equipment.
5. **Mr. Mike Weissman**, Reserve at Chesterfield Village, 334 Oak Stand Court, Chesterfield, MO.

Speaker stated he wanted to bring to the Commission's attention Project No. 5278 by Shelbourne Chesterfield LLC which was withdrawn due to opposition and lack of need for their Certificate of Need application. Shelbourne then acquired a previously-approved and unrelated Certificate of Need at a different site and moved the approval to 16580 Wild Horse Creek Road and changed the operator name. Knowing that the

original entity, called Vision Ventures, LLC who had the Certificate of Need approval for Project No. 4516, had filed for bankruptcy, Speaker stated he had a few questions:

- The original Certificate of Need was approved in 2010 and the whole Chesterfield community has changed since then, so how is it that the old Certificate of Need approval is still valid today?
- The original Certificate of Need was approved based on Vision Ventures' financial submissions and stability, which is now bankrupt. How are those original financials valid for this new company?
- How do you know that Shelbourne has the funds and financial stability?
- How can Shelbourne acquire the Certificate of Need from Vision Ventures without acquiring that company?

Discussion

Ms. Nassif explained that Certificates of Need get approved by the State. The City of Chesterfield does not issue Certificates of Need so she suggested that Mr. Weissman direct his questions to the State. As a matter of zoning review, the economics and Certificates of Need do not come into play.

In the interest of full disclosure, Mayor Nation stated that he has been asked from time to time to recommend approval or issue a letter of support of a Certificate of Need, but he does not recall whether he provided any support for the Certificate of Need in question. He added that when he has provided letters of support, his letter also states that support of a Certificate of Need is no way reflective of support of a zoning application.

6. **Mr. Swapnil Sanghani**, Chesterfield Farms, 181 Brighthurst Drive, Chesterfield, MO.

Speaker noted the following reasons for opposing the petition to rezone:

- He has safety concerns for his young daughter, the near-by school children, and residents relative to the proposed memory care facility housing patients suffering from dementia.

Discussion

Commissioner Geckeler questioned whether the memory care patients are allowed out of the building unsupervised. Mr. Sanghani pointed out that there will only be four employees on the night shift and he has concerns that a patient could wander out without Staff's knowledge.

7. **Mr. Don Loeffler**, Baxter Pointe Villas, 314 Shetland Valley Court, Chesterfield, MO.

Speaker noted that he agrees with the points already stated and added the following reasons for opposing the petition to rezone:

- There will be a decline in property values. When canvassing realtors, they have indicated that residents could expect a 20-25% decline.
- The development is proposing a large, multi-story building in a residential community.
- The development is not appropriate for the area and he believes it belongs in an area with other commercial buildings.
- He is requesting that the zoning remain at C-8 and not be changed to Urban Core.

Discussion

Commissioner Geckeler asked Staff to provide a comparison of the proposed development to the Sunrise Assisted Living facility on Clarkson Road with respect to the number of patients, the height, how close the setbacks are to the residential subdivision, and any known problems or police reports.

8. Mr. Pravin Khanna, Reserve at Chesterfield Village, 300 Willow Weald Path, Chesterfield, MO.

Speaker noted the following reasons for opposing the petition to rezone:

- The proposal includes a large, 24/7 multi-story complex, which will “disrupt the lives of many peace-loving residents living along Baxter and Wild Horse Creek Roads.”
- This kind of development does not belong in the middle of single-family homes, schools, and churches.
- There are no benefits to the residents or the City of Chesterfield from the proposed development.
- The development will produce excess noise pollution from emergency vehicles, large commercial vehicles making deliveries or picking up garbage and medical waste on a daily basis. Noise will also come from back-up beepers from the large vehicles.
- Speaker referred to an EPA study which shows that excessive noise exposure to young children can harm a child’s physical and psychological health, including learning and behavior.

Discussion

Commissioner Wuennenberg agreed that the back-up beepers on vehicles is something to consider and noted that as part of the rezoning process, the City has the ability to restrict the hours as to when the beepers can be used.

Mr. Khanna added that he, and other residents who bought homes in The Reserve, were told by the developer that there were plans to build a genealogy center on the subject site so they are opposed to a 24/7 medical center located 30 feet from their property line. Councilmember Hurt informed Mr. Khanna that the existing ordinance for the site allows a structure 10 feet from the residents’ property line.

Mayor Nation stated that the assisted care facility is a use that is allowed in residentially-zoned areas, which he acknowledged could be “problematic when you have a facility that seems like a commercial facility” but it is allowed. Generally speaking, he feels that commercially-zoned property is considered to be less compatible with surrounding residential than other residential uses. He pointed out that if the zoning is not changed, the uses allowed under the existing zoning are probably more of a threat and detrimental to the residential nature of the neighborhoods. He added that he is happy with all the feedback being provided by the residents as to what their desires are and agrees that the Comprehensive Plan needs to be reviewed and updated where necessary, but it is a time-consuming process.

Ms. Nassif stated that zoning entitles a property owner to certain uses by right and those uses run with the land. When those uses are already in place, the property owner has a legal right to submit a Site Plan for one of the permitted uses and the City cannot legally turn that Site Plan down based on said use. The subject site is currently zoned

commercial and if any of those permitted uses came in, (pawn shop, gas station, liquor store, tattoo parlor, hospital, etc.) they have a right to build it. The fact that there is now a request to change the zoning to Urban Core gives the City the first opportunity to put restrictions on uses and hours of operation, and to increase the setbacks so buildings are further from existing homes.

Councilmember Hurt pointed out that the subject site was zoned before the neighboring subdivisions were constructed so the City is faced with the legal challenges noted above by Ms. Nassif.

9. **Ms. Lori Surapaneni**, Reserve at Chesterfield Village, 345 Oak Stand Path, Chesterfield, MO.

Ms. Surapaneni stated that she too had asked the builder about plans for the subject site and was told it was to be a genealogy center that would have been a 9am-5pm operation.

Speaker then noted the following reasons for opposing the petition to rezone:

- The proposed development would be a 24/7 operation.
- Increased traffic from three shifts of employees, physicians making rounds early in the morning, residents in the independent living facilities, and visitors to the site.
- She has concerns about passcodes being given out to the residents who can come and go at any time day or night – and concerns that those passcodes will be shared with people other than the residents.
- Pick-ups for trash and medical waste.
- Noise and traffic from maintenance and facility vehicles, emergency vehicles, vendors, medical record storage that will be required to be moved on and off the facility, persons servicing durable medical equipment, multiple transportation buses used for the residents, and funeral home personnel.
- Traffic generated by deliveries for food and beverage service, dishes, china, groceries, postal service, and goods from residential online shopping, medication from local and long-term pharmacies.

Ms. Surapaneni then stated that she understands that there are no 24/7 operations within Chesterfield Valley and asked if the subject parcels are the only parcels that would have 24/7 operations. Ms. Nassif replied that the six senior living residential facilities within Chesterfield all have unrestricted hours of operation. In addition, about 50% of the businesses in Chesterfield Valley have restricted hours of operation. Most of the older zoning districts approved by St. Louis County, including the subject parcels and Chesterfield Mall, have unrestricted hours of operation. If the requested zoning is approved, the City will be restricting hours of operation for the permitted commercial uses.

10. **Mr. Vijay Mandem**, Reserve at Chesterfield Village, 319 Oak Stand Court, Chesterfield, MO.

Speaker noted the following reasons for opposing the petition to rezone:

- There is no demand-based need for the proposed business at the subject site because of the following reasons:
 - There are more than 30 senior living and assisted living facilities in and near Chesterfield within a 15-mile radius.

- The average occupancy for the independent living units is 93% and 85% for assisted living units.
- The average occupancy in Chesterfield facilities is much lower.
- There are 15-20% vacancies in Chesterfield, Ballwin, Town & Country, and Creve Coeur.
- There are at least 300 units being added to projects near Justus Post and 141 and Clayton.
- He questions the affordability of the units at \$6000/month.

Commissioner Geckeler advised Mr. Mandem that the Commission is not allowed to consider the financial or economic aspects of a project that has come in for rezoning.

11. **Mr. Kishen Surapaneni**, Reserve at Chesterfield Village, 345 Oak Stand Path, Chesterfield, MO.

Speaker noted that he agrees with the points already stated and added the following reasons for opposing the petition to rezone:

- He was told the subject site was to have a genealogy center built upon it.
- He has safety concerns for the dementia patients who may wander off the site and get harmed because of the nearby busy intersection; or who may unintentionally frighten children playing outside.
- He has concerns about noise generated from ambulances and the stress the center will add to the emergency services.

Chair Proctor announced that he would be calling a five-minute recess and asked that the remaining Speakers consider passing on speaking if their points had already been made as there were still nearly 40 persons who had submitted Speakers Cards. He assured them that their opposition would be noted in the meeting minutes.

The meeting re-convened at 10:03 p.m.

12. **Mr. Sathish Makkapati**, Reserve at Chesterfield Village, 327 Oak Stand Court, Chesterfield, MO.

Speaker noted that he agrees with the points already stated and added the following reasons for opposing the petition to rezone:

- The proposal is too dense with 172,000 sq. ft. on a 5.2 acre lot – approximately 30 units per acre. He noted that the original plan was to build 147,000 sq. ft. on the three parcels.
- If the zoning is approved with all the requested uses and Shelbourne does not build the proposed senior living facility, a gas station, apartments, etc. could be built on the subject site.
- The request is to build only on one parcel of land, so if the zoning is approved, it increases the odds that a gas station or a strip mall could be built on the other two parcels.

Mr. Makkapati also pointed out that in 2010 there was a proposal for a senior living facility on Wild Horse Creek Road which Mayor Nation opposed at that time, in his capacity as a Councilmember, because he felt it was “incompatible, inconsistent, and detrimental to the surrounding areas”.

13. **Ms. Ping Wang**, Reserve at Chesterfield Village, 331 Oak Stand Path, Chesterfield, MO.

Speaker noted the following reasons for opposing the petition to rezone:

- Memory care assisted living is allowed under both Commercial and Residential zoning, so the proposed development could be built as a one-story structure under the current ordinance without the need to rezone.
- She feels that the petitioner's "real goal" is not the rezoning but to build a taller building.
- If the zoning is approved for the subject parcel, she has concerns that the other two parcels will be rezoned in the near future with equally-tall buildings.
- The rezoning will negatively affect traffic, increase the number of students attending the neighborhood schools, negatively affect property values, and produce increased noise.
- The Petitioner is requesting to maintain the existing permitted uses of tattoo parlors, bars, etc.
- The residents invested in their homes based on current City planning code, which indicated that no large buildings would be constructed near their homes.

14. **Mr. Dan Krekeler**, Reserve at Chesterfield Village, 418 Willow Weald Path, Chesterfield, MO.

Speaker noted the following reasons for opposing the petition to rezone:

- He has concerns that approving the proposed assisted living facility will put the first-class emergency services provided by Monarch Fire District under great strain. Speaker provided information about his personal negative experience with a third-party ambulance service when Monarch was not available to respond to his young son's emergency situation.

Mr. Krekeler then provided the following information about the number of assisted living facilities in the area that utilize emergency services:

District 1 Fire House:

- Sunrise at Chesterfield
- Delmar Gardens at Chesterfield
- The Grove at Justus Post, not yet built but recently approved

District 4 Fire House:

- Westchester House
- Gardenvue Care Center
- St. Luke's Surrey Place

There are an additional four assisted living facilities within the Chesterfield city limits, making a total of ten such facilities. Town & Country has two facilities, Frontenac has none, and Ladue has three.

15. **Mr. Amit Amin**, Reserve at Chesterfield Village, 310 Oak Stand Court, Chesterfield, MO.

Speaker stated that as a practicing cardiologist at Washington University/Barnes Jewish Hospital, he wanted to give his perspective of what it means to live close to a medical facility:

- The residents living in a nursing home are elderly and frail with a lot of medical conditions, which makes them extremely prone to infections. The Centers for Disease Control estimates that approximately 70-80% of nursing home residents have to be treated with chronic antibiotics, which causes antibiotic resistance and promotes the development of very resistant micro-organisms, pathogens that cause very dangerous diseases. He has included information in a detailed presentation submitted to Mr. Raiche, and encouraged the Commission to review it.
- Recent studies coming out indicate that transmission between nursing homes and hospitals and communities is on the rise, and these multi-drug resistant organisms are on the rise making children, toddlers, and young adults at risk for these infections.
- He has concerns that the surrounding schools, daycares, and his family are at risk from this hazard.
- A study comparing for-profit and not-for-profit nursing homes indicates that the for-profit nursing homes have a lower nursing and physician to patient ratio because their intention is to maximize profits resulting in more problems and poorer outcomes.
- Medical waste is soaked in a multitude of bodily fluids and includes sharps, needles, knives, plastic, and metal. Small assisted living facilities usually have on-site incinerators for disposing of medical waste and the EPA has shown that these are not tightly regulated and pose a threat for dangerous pollutants, which he has concerns about given that the facility is located next to a residential subdivision.

16. **Mr. Roger Chiu**, Reserve at Chesterfield Village, 388 Oak Stand Path, Chesterfield, MO.

Mr. Chiu stated that it feels like he has heard what the Commission feels about the petition – *“I know what’s best for you; I’m doing this proactively to protect this land; I want to change the zoning so therefore I can put on more regulations – it’s good for you.”* He has concerns that the Commission “has thrown in the towel before the fight even started . . . so it’s a little disappointing.”

He indicated that changing the zoning is not what the residents want because “they will take their chances” knowing that Mr. Sachs is a reputable member of this community and he does not think Mr. Sachs will sell his property to be used for a tattoo parlor, pawn shop, etc.

Speaker feels a medical or dental office would be more appropriate for the site as they would be an 8am to 5pm operation, which would not affect the quality of living for the neighboring residents.

Speaker then noted the following reasons for opposing the petition to rezone:

- The first shift of 7:00am-3:00pm coincides with school hours, which will negatively affect traffic flow and increase safety concerns for the residents.
- The proposed building is four stories tall.
- There are already six assisted living facilities in Chesterfield affecting the economic viability of the proposed facility:
 - Sunrise of Chesterfield - 1.8 miles away, 90 beds with 85% occupancy
 - Delmar Gardens – 2.2 miles away, 234 beds with 87% occupancy
 - Friendship Village – 2.5 miles away, 99 beds with 77% occupancy
 - Gardenview Care – 2.5 miles away, 120 beds with 85% occupancy
 - Westchester House – 3.4 miles away, 159 beds with 48% occupancy
 - The Grove at Chesterfield Village – to be built with 97 beds

17. **Mr. Dan Swidrak**, Reserve at Chesterfield Village, 371 Willow Weald Path, Chesterfield, MO.

Mr. Swidrak stated that the current zoning permits three-stories and he asked that it be kept at that height for the proposed senior living facility, which would make it more palatable to their neighborhood.

18. **Ms. Srilalitha Yanamanamanda**, Reserve at Chesterfield Village, 454 Oak Stand Path, Chesterfield, MO.

Ms. Yanamanamanda stated that she and her husband bought their home after reviewing the zoning of all nearby vacant lots and were confident that their children's safety would not be jeopardized by current zoning regulations and height restrictions. They are comfortable with the current zoning Ordinance No. 2577 that restricts what can be built on the subject site.

Speaker then noted the following reasons for opposing the petition to rezone:

- The proposed development includes a four-story, 150-unit independent living, assisted living, and memory care facility which introduces several risks to their children.
- There is a risk of dementia patients wandering off site.
- The proposed development is not appropriate for the area.

19. **Mr. Ben Shi**, Reserve at Chesterfield Village, 370 Willow Weald Path, Chesterfield, MO.

Speaker noted the following reasons for opposing the petition to rezone:

- Increased traffic
- Medical waste
- Noise and air pollution
- Safety concerns

20. **Mr. Srinivasa Yanamanamanda**, Reserve at Chesterfield Village, 454 Oak Stand Path, Chesterfield, MO.

Speaker noted the following reasons for opposing the petition to rezone:

- The current zoning permits 145,000 sq. ft. on all three parcels while the subject petition relates to only one parcel and is requesting 172,000 sq. ft. on five acres.

- He has concerns about what will be built on the remaining two parcels if the rezoning is approved.

The following individuals had submitted Speaker Cards in opposition to the proposed development but passed on speaking because their concerns had already been expressed:

21. **Ms. Manjuan She,** Chesterfield Farms, 16617 Chesterfield Manor Drive, Chesterfield, MO.
22. **Mr. Sanjeev & Ms. Saroja Bhat,** Reserve at Chesterfield Village, 356 Oak Stand Path, Chesterfield, MO.
23. **Mr. Kiran Vitthala,** The Estates at Baxter Pointe, 16729 Benton Taylor Drive, Chesterfield, MO.
24. **Mr. Raviraj Kolakaleti,** The Estates at Baxter Points, 16702 Benton Taylor Drive, Chesterfield, MO.
25. **Mr. Rajeev Namireddy,** Chesterfield Farms, 16831 Crystal Springs Drive, Chesterfield, MO.
26. **Mr. Shweta Pandey,** Reserve at Chesterfield Village, 357 Oak Stand Path, Chesterfield, MO.
27. **Mr. Suraj Saraf,** The Bluffs of Wildhorse, 1265 Bluffview Ridge Drive, Chesterfield MO.
28. **Mr. Bill Li,** Reserve at Chesterfield Village, 462 Oak Stand Path, Chesterfield, MO.
29. **Mr. Ziyi Chen,** Reserve at Chesterfield Village, 342 Oak Stand Court, Chesterfield, MO.
30. **Mr. Sanjay Khorana,** Chesterfield Farms, 16656 Chesterfield Manor Drive, Chesterfield, MO.
31. **Mr. Srinivas Dodda,** Reserve at Chesterfield Village, 349 Willow Weald Path, Chesterfield, MO.
32. **Mr. Brent Slatten,** Reserve at Chesterfield Village, 380 Oak Stand Path, Chesterfield, MO.
33. **Mr. Ashok Pasupuleti,** Arbors at Wild Horse Creek, 1069 Arbor Grove Court, Chesterfield, MO.
34. **Mr. Sumesh Makkapati,** Arbors at Kehrs Mill, 1635 Sideoates Court, Chesterfield, MO.
35. **Ms. Salrity Vittala,** The Estates at Baxter Points, 16729 Benton Taylor Drive, Chesterfield, MO.

36. **Mr. Mandar Sawant**, Chesterfield Farms, 279 Cheval Square Drive, Chesterfield, MO.
37. **Mr. Ayo Bamimore**, Reserve at Chesterfield Village, 325 Oak Stand Path, Chesterfield, MO.
38. **Mr. Vamsi Palanati**, Reserve at Chesterfield Village, 379 Willow Weald Path, Chesterfield, MO.
39. **Mr. George Burch**, Reserve at Chesterfield Village, 410 Maple Rise Path, Chesterfield, MO.
40. **Ms. Neeta Khanna**, Reserve at Chesterfield Village, 300 Willow Weald Path, Chesterfield, MO.
41. **Ms. Manik Amin**, Reserve at Chesterfield Village, 310 Oak Stand Court, Chesterfield, MO.
42. **Mr. Ganesh Krishnamurthy**, The Arbors at Wild Horse Creek, 1077 Arbor Grove Court, Chesterfield, MO.
43. **Ms. Jeena Biju**, Reserve at Chesterfield Village, 365 Oak Stand Path, Chesterfield, MO.
44. **Mr. Padmanabhan Biju**, Reserve at Chesterfield Village, 365 Oak Stand Path, Chesterfield, MO.
45. **Rimki and Sameer Rana**, Reserve at Chesterfield Village, 343 Oak Stand Court, Chesterfield, MO.
46. **Mr. Raj Bindra**, Reserve at Chesterfield Village, 351 Oak Stand Court, Chesterfield, MO.

SPEAKERS – NEUTRAL:

1. **Mr. Ryan van Wyk**, Reserve at Chesterfield Village, 348 Willow Weald Path, Chesterfield, MO. *Mr. van Wyk had already left the meeting when his name was called.*
2. **Mr. Bruce DeGroot**, Chesterfield Farms, 16814 Crystal Springs, Chesterfield, MO.

As an elected official, **Mr. DeGroot** stated he is neutral on this petition until he has all the information provided to him. He then noted that he does have concerns about the following:

- Noise
- Traffic
- Emergency vehicles with sirens running through the nearby intersection
- Questions about what will be placed on the site if this project fails

- As a firm believer in property rights, he also has concerns about Mr. Sachs' ability to do what he wants with his own property.
3. **Mr. John Heskett**, Chesterfield Farms, 316 Cheval Square Drive, Chesterfield, MO. *Mr. Heskett had already left the meeting when his name was called.*
 4. **Ms. Andrea Bunch**, Reserve at Chesterfield Village, 435 Maple Rise Path, Chesterfield, MO.

Ms. Bunch stated she has the following concerns about the proposed development:

- Height
- Required landscape buffer may not be sufficient screening considering the site's topography
- Noise
- Food odors

If the zoning is approved, she requested that the permitted uses for the property be limited.

REBUTTAL:

Mr. Doster stated that he and the other team members have listened and made notes of all the comments, and they will respond in writing to Staff's Issues Letter.

ISSUES:

In addition to the issues noted in Staff's presentation, the following issues raised during the Public Hearing were added:

1. Height: Concerns about the proposed height of the development. Provide a comparison of the proposed height to surrounding uses.
2. Hours of operation: Restricting hours for deliveries and trash pick-up. Restrictions on hours for uses not related to the senior living facility.
3. Noise
4. Safety concerns
5. Comparison of Sunrise Assisted Living and the surrounding residential area to the proposed development.
6. Traffic
7. Consideration of an increased landscape buffer considering the site's topography
8. Medical waste disposal
9. Demands on the emergency service – *Ms. Nassif stated that as of today, Monarch Fire District has not expressed any concerns.*
10. Density – Existing density compared to the proposed density.
11. C-8 zoning and permitted uses – Can there be limitations on uses with respect to the proximity of schools? *Ms. Nassif stated that there are limitations with the sale of liquor within 100 feet, property line to property line, of a school or house of worship. The applicant has the right to build any of the uses currently permitted under Ordinance 2557.*
12. Evaluation of uses to determine if the number can be reduced. Specifically review: tattoo parlor; car wash; auto sales; drive-thru uses; kennel boarding; bar; hotel; motel; extended stay; filling station with convenience store with pump stations; animal grooming service; sales yard operated by a church, school, non-profit; vocational school; indoor theater; postal station; auditorium; broadcasting

studio; public utility facilities over 60 ft. in height; and public parking area including garages for automobiles.

Dr. Ramana Madupalli then asked if the uses being discussed related to all three parcels or just the one parcel. Ms. Nassif stated that the Commission is only reviewing the requested uses presented in tonight's petition for the one subject parcel. The City cannot legally change any of the rights permitted under the current ordinance for the other two parcels.

Ms. Ping Wang indicated that she does not have concerns about a liquor store or gas station because they do not have sirens at night – she noted that everyone uses liquor stores and gas stations.

Chair Proctor thanked everyone for their comments and input and assured them they would be taken into serious consideration by the Commission. Ms. Nassif stated that when the next meeting date is known for this petition, it will be published on the City's website. In addition, Mr. Raiche is available to answer any questions on the project.

Mr. Shankar Manakkal stated that the demarcations were done in 2009 and there is a two-way lane that separates the single family subdivisions and the urban core. Because the proposed development is backing up to the single family homes, he asked if there would be any special considerations to address that. Ms. Nassif replied that this particular section of the Comprehensive Plan was done in the 1990s and has carried forward through all iterations of new Comp Plans. If the Comp Plan is opened up for review, it is still independent of any project currently before the Commission

Commissioner Wuennenberg read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING SUMMARY

Commissioner Wuennenberg made a motion to approve the Meeting Summary of the June 15, 2016 Planning Commission Meeting. The motion was seconded by Commissioner Harris and **passed** by a voice vote of 6 to 0 with Commissioner Lueking abstaining.

VI. PUBLIC COMMENT - None

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

- A. Arbors at Wilmas Farms SDP:** A Site Development Plan, Landscape Plan, Tree Stand Delineation, Tree Preservation Plan, and Architectural Elevations for a 50.5 acre tract of land zoned "PUD" Planned Unit Development located south of Wild Horse Creek Road west of its intersection of Long Road and east of its intersection with Arbor Grove Court.

Commissioner Wuennenberg, representing the Site Plan Committee, made a motion recommending approval of the Site Development Plan, Landscape Plan,

Tree Stand Delineation, Tree Preservation Plan, and Architectural Elevations for Arbors at Wilmas Farms. The motion was seconded by Commissioner Midgley and passed by a voice vote of 7 to 0.

VIII. UNFINISHED BUSINESS - None

IX. NEW BUSINESS

A. Election of Officers

Commissioner Hansen presented the following proposed slate of officers:

Chair: Stanley Proctor
Vice-Chair: Merrell Hansen
Secretary: Steve Wuennenberg

Chair Proctor asked for any nominations from the floor and receiving none, he asked for a motion to approve the above slate.

Commissioner Geckeler made a motion to approve the above slate of officers. The motion was seconded by Commissioner Wuennenberg and passed by a voice vote of 7 to 0.

B. Revision to By-Laws

Commissioner Hansen presented the proposed change to the Commission's By-Laws as noted below:

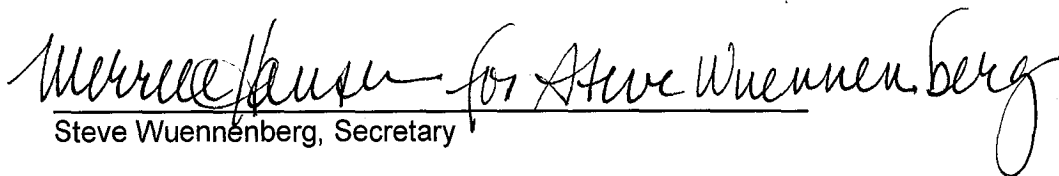
Terms for each office shall last one year and officers may seek re-election; however no officer shall hold their position for more than three (3) consecutive terms.

Commissioner Geckeler made a motion to approve the revision to the By-Laws. The motion was seconded by Commissioner Hansen and passed by a voice vote of 7 to 0.

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 11:18 p.m.


Steve Wuennenberg, Secretary