



**PLANNING COMMISSION  
OF THE CITY OF CHESTERFIELD  
AT CHESTERFIELD CITY HALL  
MAY 23, 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  
Chair Stanley Proctor

**ABSENT**

Ms. Amy Nolan  
Mr. Steven Wuennenberg

Councilmember Dan Hurt, Council Liaison  
Interim City Attorney Christopher Graville  
Ms. Aimee Nassif, Planning & Development Services Director  
Mr. Jonathan Raiche, Senior Planner  
Ms. Jessica Henry, Project Planner  
Ms. Mary Ann Madden, Recording Secretary

Chair Proctor acknowledged the attendance of Councilmember Dan Hurt, Council Liaison; Councilmember Barb McGuiness, Ward I; Councilmember Bridget Nations, Ward II; and Councilmember Guy Tilman, Ward II.

**II. PLEDGE OF ALLEGIANCE**

**III. SILENT PRAYER**

**IV. PUBLIC HEARINGS – Commissioner Geckeler read the “Opening Comments” for the Public Hearing.**

- 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).

Ms. Aimee Nassif, Planning & Development Services Director, reported that in addition to the 400-plus letters the City received and made a part of the meeting packet, approximately 60 more letters were received today. These will also be made a part of the public record and will be forwarded to the elected officials and Planning Commission. In addition, they can be made available for any interested party.

Ms. Nassif then explained that the review process for the zoning petition involves two phases: (1) zoning, which considers changing the land use designation of the subject property; and (2) site plan development.

During the **zoning phase**, the following steps will be involved:

1. Tonight's Public Hearing will be conducted by the Planning Commission with no vote taken this evening. After Staff's presentation, the applicant will present his project, and then the floor will be opened up for Speakers to comment on the project.
2. The Public Hearing will be followed by a Vote Meeting of the Planning Commission whereby a recommendation will be made and forwarded to the Planning & Public Works Committee.
3. The zoning request will then be reviewed by the Planning & Public Works Committee and a recommendation forwarded to City Council.
4. Finally, the zoning request will be reviewed and acted upon by City Council.

If approved, the project will move to the **site plan phase**, which involves details such as lighting, access, architecture, site layout, landscaping, parking, etc.

#### **STAFF PRESENTATION:**

Project Planner Jessica Henry gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Henry then provided the following information:

#### **Surrounding Zoning:**

Zoning for the properties surrounding the subject site include 'R-1' Residential, 'R-1A' Residential, 'R-2' Residential, and 'NU' Non-Urban.

#### **Land Use:**

The City of Chesterfield Land Use Comprehensive Plan designates the subject site as *Residential, Multi-Family*. If the requested zoning is approved, the site will have to adhere to the established 'R-6' District regulations, which include permitted uses, setbacks, structure heights, lot area requirements, etc. It was noted that these regulations are not negotiable.

#### **Permitted Uses:**

Uses permitted by right in an 'R-6' Residence District are as follows:

- Single family detached dwelling
- Single family attached dwelling
- Multi-family
- Public safety facilities
- Churches and other places of worship
- Home Occupation
- Libraries, public or private
- Parks
- College/university
- Primary school
- Secondary school
- Kindergarten, nursery school
- Public facilities

#### **'R-6' Residence District Regulations:**

The Petitioner has submitted a narrative statement stating that their intent is to build a multi-family development. If this zoning is approved and plans are submitted for a multi-family development, a few of the development requirements are as follows:

- Minimum lot size of 2,000 square feet per multi-family dwelling unit.

- Maximum height of 4 stories.
- Minimum common open space area of 40%.
- Minimum 30% tree preservation.
- Landscape Buffers: 30 feet on roadway frontages and 20 feet between subject site and adjacent property.
- Minimum structure setbacks for residential uses: 20-foot front, 10-foot side, and 15-foot rear (plus setbacks between structures).

Ms. Henry explained that while plans have been circulated by the Petitioner and will be presented this evening, Staff has not received, nor reviewed, any of these plans against City Code requirements. She also pointed out that the Petitioner will not be tied to these plans if the zoning is approved but will have to comply with the 'R-6' zoning district regulations and the City's Unified Development Code. If the zoning is not approved, the site plan becomes a moot point as the project does not proceed to the site plan review phase.

**Alta Survey:**

Since this is a conventional zoning district vs. a planned zoning district, there is no Preliminary Plan or Attachment A. The required Alta Survey has been submitted, which includes the outboundary legal description and shows all existing improvements on the subject parcels.

Ms. Henry concluded by noting that the question to be considered is whether the 'R-6' zoning district and resulting density are appropriate for the subject site given the Comprehensive Plan and surrounding zoning.

**PETITIONER'S PRESENTATION:**

1. **Mr. Thomas Kaiman**, 7 Baxter Lane, Chesterfield, MO 63017.

Mr. Kaiman stated that they are here is "to discuss a major community need for high-end, luxury multi-family housing accommodations to support the corporate growth in Chesterfield, as well as a luxury alternative for those looking to downsize or live maintenance free".

Mr. Kaiman stated that he is co-owner of Chesterfield-based KU Development, which owns nine acres at Hay Barn Lane. He is a 24-year resident of Chesterfield and attended Parkway West. He and his family currently live about one mile from the subject development and are active members of Ascension Church. He is also the lead developer on the project to replace the Hardee's Ice Rink facility for the youth sports programs that will be impacted by its closure.

He then provided background information on the development team for this project, whose members include: Casey Urkevich, Kirk Mills, George Stock, and John King. Mr. Kaiman noted that they are a local development team and deeply connected to the community. They will demonstrate their "passion for being a great neighbor" by listening to the residents' concerns with special attention being given to their neighbor directly to the east.

He stated that a community meeting was held on April 21<sup>st</sup> where the development's preliminary plans were unveiled to some of the surrounding residents and noted that many of the neighbors' ideas have since been incorporated into the plans.

He then addressed some of the concerns recently raised by the area residents:

- **Traffic:** Safety of the community's children is paramount so minimizing traffic on both Schoettler and Highcroft is a top priority for the development team. Therefore, the proposed entrance/egress for the site is located off of South Outer 40. The proposed plans do not include any resident access to Schoettler Road.
- **Trees and Environment:** They will preserve a minimum of 30% of the existing trees and will insure that they have at least 40% green space. Plans also include adding a small lake to the property.
- **Quality:** They are committed to this development, which will be a \$50 million asset to the community.
- **School District:** It is anticipated that the mix of residents for this project will net a low student impact on the Parkway School District. Based on estimated appraised values and a conversation with the St. Louis County Assessor's Office, the Parkway School District is estimated to receive over \$300,000 per year from the subject property.

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

Mr. Stock provided the following information:

**Property Information:**

The site is approximately 14.3 acres and is located at 1 Hay Barn Lane, 15 Hay Barn Lane, and 1330 Schoettler Road. The site includes a deep ravine that is currently eroding; the church property along Schoettler Road; a house on Schoettler Road; and Hay Barn Lane which services a house.

**Tree Stand Delineation:**

There are four woodland areas denoted on the Tree Stand Delineation, which include a variety of trees and undercover of honeysuckle.

**Comprehensive Plan:**

The Comprehensive Plan designates the site as *multi-family*. Other areas in the vicinity are also designated *multi-family* such as the property north of the interstate, along with the property to the west beyond the residential single-family developments. It was also pointed out that the property along Chesterfield Parkway is designated as *Urban Core*.

Mr. Stock stated that the zoning request of 'R-6" is in conformance with the Comprehensive Plan and the City's Land Use Plan. He noted that the designation of *multi-family* for the subject site has been in place since 1990 and remained *multi-family* after the Comprehensive Plan was reviewed and updated both in 2003 and 2009. He cited the Plan as stating *residential multi-family development should be clustered near other dense land uses, such as commercial and office, historically located at the intersections of, and along, major thoroughfares such as I-64, US40, Outer 40 Road, and Highway 340. New multiple-family residence should be located in or near the Urban Core.*

**Proposal:**

Their intent is to develop the site as a 280-unit apartment complex with 148 one-bedroom units, 106 two-bedroom units, and 26 three-bedroom units. The apartments would be housed in seven buildings centrally located on the site away from Schoettler Road right-of-way – the closest building to Schoettler is 117 feet. Six of the buildings are proposed to be 3 and 4-stories. Because of the topography, the buildings facing the interstate will be 4-stories, but the buildings facing the south and west will be 3-stories. One building will be a 3-story apartment. Plans also include a clubhouse and pool, along with parking garages.

**Property Use:**

As a result of the conversion of Highway 40 to I-64, there is a significant amount of traffic noise throughout the site, which is a detriment to single-family, townhome, and condominium buyers. Multi-family housing historically performs better in visible locations; and the design and placement of the proposed buildings will reduce traffic noise to the surrounding community.

**Need:**

Mr. Stock stated that Chesterfield is under-served with this product type and demand is at an all-time high noting that new companies continue to enter the market and professionals are looking for high-finished, multi-family apartments.

**Density:**

Lower density, garden-style units are planned for the perimeter of the property with the mid-rise units planned along the interstate, which will create a natural transition from the single-family residential towards the interstate and commercial properties to the north.

**Access:**

There are currently four access points to Schoettler from the subject site. The proposed plan calls for the elimination of three of the accesses with the north access remaining for emergency fire district access only – this access would be gated. The community access would be from South Outer 40, which has been approved by MoDOT.

**Project Benefits:**

- Provides alternative housing for young professionals who are moving to Chesterfield due to the growing employment base, schools and quality of life.
- The increase in residents to Chesterfield helps the City, per capita, capture and retain sales tax dollars.
- Provides housing for empty-nesters who desire high-quality finishes and to remain in Chesterfield.
- Dedication of right-of-way along Schoettler for the City's implementation of an improved road.
- Approximately \$250,000-\$300,000 in new taxes for the Parkway School District.
- Buildings will provide attenuation of sound from I-64.

**Performance Criteria and Development Policies for 'R-6' Residential zoning:**

- 2,000 sq. ft. per unit – *This would allow the construction of 311 units; they intend to construct 280 units.*

- Maximum building height of 4 stories, including any basement units – *The building height from Schoettler Road and the south property line will be 2-1/2 stories in relative height because the buildings will be pushed down below street level in order to be compatible with the residents.*
- Setbacks – front yard is 20 feet from the road right of way; 10 feet by the side property line; 15 feet from the rear. *The proposed buildings are set at 117 and 115 feet.*
- Minimum requirement of 40% Open Space – *The proposed project will provide 50% or more open space.*
- Minimum tree canopy retention of 30% - *They intend to follow this requirement.*
- 30-foot minimum landscape buffer along Schoettler Road – *They intend to have at least 30-feet of green landscaping along Schoettler Road with greater than that along Outer 40; and a minimum of 20 feet along the east property line.*

**Issues Raised at Neighborhood Meeting:**

- Density – *They propose 280 units with setbacks of 117 and 115 feet. Site grading will push the buildings down into the ground so they appear to be 2-1/2 story buildings.*
- Traffic - *Access is proposed off Outer 40. A traffic study has been done which demonstrates that there will be increased traffic of 145-175 cars to the South Outer Road during the a.m. and p.m. peak hours, which represents a 10% increase over the current situation. The City has plans to widen Schoettler Road, which will include a third turn-lane and bike trails – the applicant will be dedicating right-of-way to facilitate these future improvements.*
- Environment – trees, stormwater drainage, lighting - *Site planning provides for more than 50% open space and 30% tree canopy. The trees along Hay Barn Lane will be saved. The site drainage will be improved in that there will be a 67% decrease in the 2-year storm and a 59% decrease in the 100-year storm; stormwater management will also be implemented in the form of bio-retention.*
- Property values – *This is a \$50 million investment and it is not anticipated that it will lower the value of abutting residential properties.*
- Overburdening the school system – *The City's population is approximately 48,000 over 21,483 acres – the proposed development represents a possible 1% increase in residents. It is anticipated that the development will house mainly young professionals with no children and empty nesters.*

**SPEAKERS IN FAVOR:**

1. **Mr. Shannon Lewandoski**, Village Green Subdivision, 14466 Tramore Drive #1, Chesterfield MO.

Background information provided by the Speaker:

- He is a new resident of Chesterfield as of 2015 and found it difficult to find available rental property in Chesterfield.
- He is a financial planner who deals with a lot of clients looking to downsize.

Speaker noted the following reasons for supporting the petition:

- Project would provide quality rental housing for the community.

2. **Mr. Brian Hatfield**, Meadowbrook Farm Subdivision, 2048 Meadowbrook Way Drive, Chesterfield MO.

Speaker noted the following reasons for supporting the petition:

- He 'loves living in the Chesterfield area due to its progressive nature and thinks this project would lend to that'.
- Commitment and integrity of the development team, which will be beneficial to Chesterfield and the surrounding neighbors.

Commissioner Harris asked Mr. Hatfield if he has any connection to the developer. Mr. Hatfield stated that Tom Kaiman is his brother-in-law.

3. **Mr. John Duckworth**, 16091 Swingley Ridge Road and 17107 Chesterfield Airport Road, Chesterfield MO.

Background information provided by the Speaker:

- He is the owner and president of True Title Company with two offices in Chesterfield.

Speaker noted the following reasons for supporting the petition:

- The project will have a positive effect on residential real estate.
- The project will attract future homeowners to the City of Chesterfield.
- The project will offer potential home sellers a safety option in the event they cannot find a new home when their home is put on the market.

4. **Mr. Richard Brooks**, Wellington Estates Subdivision, 14529 Wellington Estates Manor, Chesterfield MO.

Background information provided by the Speaker:

- Currently retired – formerly Executive Vice President of Contigo.
- He has known Tom Kaiman since he moved to St. Louis 22 years ago.

Speaker noted the following reasons for supporting the petition:

- Mr. Kaiman has very high morals and his integrity is outstanding.
- The development team is a local team with a commitment to the area.
- The project will provide revenues to the Parkway School District without a large increase to the number of children attending the schools.
- The pricing of the proposed units will attract seniors and young people without children.

Commissioner Lueking commented that the site is currently zoned 'R-1', 'R-2', and 'Non-Urban'. She feels there is a density issue with the requested zoning and noted that it will impact other areas. Mr. Brooks stated that if the site were to be developed with 'R-1' or 'R-2' zoning by an "outside group with no concern, what will happen to the area is far worse than anything you can imagine in changing the zoning to allow for these apartments. It is much safer to use a contractor committed to the area."

5. **Mr. Bill Lawson**, Sea Beauty Farms Subdivision, 2114 Riding Trail Drive, Chesterfield MO.

Background information provided by the Speaker:

- Moved to Chesterfield in 1975.

Speaker noted the following reasons for supporting the petition:

- Agrees that there is a need for high-end rental units in the Chesterfield area taking into consideration the amount of corporate growth within Chesterfield in the last decade.
- Important to keep tax dollars in Chesterfield.
- Project will be beneficial to the Parkway School District.
- Project will provide rental accommodations for young professionals and retirees at the right price point.
- Tom Kaiman is committed to the Chesterfield area as a developer.

Commissioner Hansen asked Mr. Lawson if he lives near the subject site. Mr. Lawson stated he lives at Wilson and Clarkson and drives by the site each day as he commutes to work.

6. **Mr. Jason Head**, Villages at Baxter Ridge Subdivision, 1957 Sumter Ridge Court, Chesterfield MO.

Background information provided by the Speaker:

- He is a local Program Manager for a local corporation.

Speaker noted the following reasons for supporting the petition:

- He feels the impact of the project on the current residents has been taken into account.
- The project is in concert with the Comprehensive Plan.
- The project aligns with the expanding business base in Chesterfield.
- The high-end amenities and rents will align with the neighborhood with respect to the quality of people who will be moving into the development.
- The development team is locally-based and are long-term Chesterfield residents who care about the community and have children who attend the Parkway schools.

7. **Ms. Shannon Borello**, Claymont Estates Subdivision, 603 Packford Drive, Chesterfield MO.

Background information provided by the Speaker:

- She has either worked or lived in Chesterfield for most of her life and has two children who will be entering first grade within the Parkway School District.
- She has been with Coldwell-Banker-Gundaker for over 14 years.

Speaker noted the following reasons for supporting the petition:

- The development is needed because there is a shortage of high-end, luxury living accommodations and a shortage of leased developments.
- It will help retain the high-end income earners who are coming to Chesterfield due to corporate job growth. It will also be a great option for older adults traveling to Chesterfield on a regular basis to visit families.



- She feels the developers are doing a great job at maintaining the traffic off of South Outer 40.
- The project will be a monetary benefit to the school district.

8. **Mr. Steve Mueller**, Manors at Schoettler Valley Subdivision, 15360 Squires Way Drive, Chesterfield MO.

Background information provided by the Speaker:

- He lives less than a mile from the proposed development.

Speaker noted the following reasons for supporting the petition:

- With recent developments along the 40/64 corridor, such as the RGA and Bunge corporate headquarter developments, the project will fill a need for luxury apartment living space for high-earning corporate employees who now work in Chesterfield and live elsewhere.
- After viewing artist renderings of the project, he feels the project adds value to the landscape with minimal traffic effects and would be another positive step forward for Chesterfield.

9. **Mr. Joseph Heidbrink**, Baxter Lane Subdivision, 3 Baxter Lane, Chesterfield MO.

Background information provided by the Speaker:

- He has been a resident of the area for 26 years and has known Tom Kaiman for the past few years as a neighbor.
- He drives by the subject site every day and has children who attend school in the Chesterfield area.
- The development is within a mile of his home.

Speaker noted the following reasons for supporting the petition:

- Mr. Kaiman's integrity and commitment to the area.
- Retention of green space and the addition of a lake on the subject site.
- The traffic plan which keeps vehicles off Schoettler Road.
- The development team has a high integrity and will maintain the details they have presented.

10. **Mr. Jeffrey R. Hawley**, 16253 Swingley Ridge Road, Chesterfield MO.

Background information provided by the Speaker:

- He is the president and owner of Block-Hawley commercial real estate, a Chesterfield-based company.
- He has lived in the area since 1976.

Speaker noted the following reasons for supporting the petition:

- The development will provide accommodations for employees who may be working in the area for only a year or two.

11. **Mr. Darrell Jacobs**, 16913 Lewis Spring Farms Road, Wildwood MO.

Background information provided by the Speaker:

- While he does not live in Chesterfield, he and his wife spend a lot of time in Chesterfield.
- When they moved to Wildwood six years ago from Florida, they wanted to live in Chesterfield but had difficulty finding temporary accommodations in Chesterfield while trying to sell their home in Florida.

Speaker noted the following reasons for supporting the petition:

- The project will provide needed rental accommodations for new families and young individuals.

12. **Mr. Ronald W. Meier**, Woodcliffe Place Subdivision, 302 Woodcliffe Place Drive, Chesterfield, MO.

Background information provided by the Speaker:

- He is a real estate agent with Tom Shaw Realtors located in Chesterfield Valley off Edison Road.

Speaker noted the following reasons for supporting the petition:

- The project will provide accommodations for young professionals working in Chesterfield, who will in turn support Chesterfield businesses providing more revenue and sales tax for the City.
- Once living in Chesterfield, it is possible that these young professionals will purchase their first home in Chesterfield creating more demand for housing, which will ultimately increase home values.
- He believes that KU Development will stand behind their commitment to keep 30% of the existing trees and over 40% of green space.

13. **Mr. Al Tornabeni**, Baxter Lakes Subdivision, 15526 Easy Ridge Court, Chesterfield MO.

Background information provided by the Speaker:

- He has lived in his current subdivision for 32 years.
- He has noted that the area now has an increase in older residents with the younger individuals moving out of Chesterfield.

Speaker noted the following reasons for supporting the petition:

- He feels the proposed project will attract individuals to the area who will want to remain in Chesterfield.

14. **Mr. Dan Duffy**, Highcroft Estates Subdivision, 15537 Highcroft Drive, Chesterfield MO.

Background information provided by the Speaker:

- He and his family have lived in Chesterfield for 23 years.
- He knows Tom Kaiman through Ascension Parish and has worked with Mr. Kaiman as a volunteer on several projects through the Knights of Columbus.

- He is a member of the Timberland sales force, a division of VF Corporation which does business with many of the businesses located in Chesterfield Mall and Chesterfield Valley.

Speaker noted the following reasons for supporting the petition:

- Mr. Kaiman's integrity.
- The proposed project will bring high-earning professionals to Chesterfield who will support Chesterfield's retail businesses.
- The project will provide tax money to the Parkway School District.

**15. Mr. Bernie Schmidt, Braefield Subdivision, 857 Braefield Court, Chesterfield MO.**

Background information provided by the Speaker:

- He has lived in Chesterfield approximately 20 years and has been retired since 2005.
- As an active member of his subdivision's Board of Directors, he knows that there are a lot of senior residents who will be looking for high-end residential rental properties.
- He has known Tom Kaiman for the past 10 years through the Knights of Columbus.

Speaker noted the following reasons for supporting the petition:

- The project will provide upscale rental accommodations for both retirees and young professionals who do not want the responsibility of home ownership.
- Mr. Kaiman is a man of great integrity.

**16. Mr. Ken Murer, 770 Spirit of St. Louis Blvd., Chesterfield MO.**

Background information provided by the Speaker:

- He is a multiple business owner in Chesterfield Valley as founder and CEO of APC Integrated Services Group.
- While in favor of the project, he is also a life-long friend of the Mastorakos family.

Speaker noted the following reasons for supporting the petition:

- The proposed project will provide needed accommodations for affluent retirees, empty nesters, and business travelers who frequently work in Chesterfield.
- Because the development team members are all local residents, he believes they will take care of the property and asked that they take care of the Mastorakos family.

**17. Mr. Steve Holste, Countryside at Chesterfield Subdivision, 1300 Countryside Manor Place, Chesterfield MO.**

Mr. Holste stated that because his points had already been made, he would pass on speaking.

**18. Mr. Jason Thorburg, Country Place Subdivision, 17106 Surrey View Drive, Chesterfield MO.**

Mr. Thorburg stated that because his points had already been made, he would pass on speaking.

19. **Mr. Justin Fajkowski**, Baxter Lakes Addition II Subdivision, 2007 Emerald Crest Court, Chesterfield MO.

Background information provided by the Speaker:

- He has lived in Chesterfield for about six years and has two children attending Highcroft grade school.

Speaker noted the following reasons for supporting the petition:

- The proposed project will be a financial benefit to the Parkway School District.

20. **Mr. Steve Knodle**, Meadowbrook Farm Subdivision, 2007 Meadowbrook Way Drive, Chesterfield MO.

Background information provided by the Speaker:

- He is not related to anyone on the development team.
- He is an employee of a Fortune 500 company.

Speaker noted the following reasons for supporting the petition:

- The project will offer housing for top talent recruited from around the country for Chesterfield companies, who will in turn invest in the local economy.

21. **Mr. Geoff Hartwig**, Reserve at Chesterfield Village Subdivision, 414 Oak Stand Path, Chesterfield MO.

Background information provided by the Speaker:

- He has been a resident of Chesterfield for 36 years.
- He and his family live on the west side of Chesterfield Parkway and they travel along Schoettler Road 3-4 times per week.

Speaker noted the following reasons for supporting the petition:

- He supports the project and stated he would welcome KU Development to support and develop on the north side of his property.
- It means a lot to him that KU Development has listened and responded to the concerns raised by the residents.

22. **Mr. Ben Wagner**, 1350 Schoettler Road, Chesterfield MO.

Background information provided by the Speaker:

- He is the pastor of the Church of the Resurrection at 1330 Schoettler Road.
- They were willing to sell their property to KU Development because KU Development had a contract on a church in Clarkson Valley, which they would assign to the Church of the Resurrection in exchange for selling their property to KU. Because the Church's congregation was growing and needed more space, the option to sell was presented to the congregation. A congregation meeting resulted in a unanimous vote in favor of selling their property to KU.
- He vouched for the integrity of both Tom Kaiman and Casey Urkevich, their willingness to listen and negotiate, and their transparency.

23. **Mr. Pete Buback**, Baxter Lakes Subdivision, 15511 Twingate Drive, Chesterfield MO.

Background information provided by the Speaker:

- He has been a resident of Chesterfield for over 20 years.

Speaker noted the following reasons for supporting the petition:

- The proposed project is in line with the Comprehensive Plan which deems the property as *multi-family*.
- The closest multi-family property is off of Schoettler Valley and is also zoned 'R-6'.
- While the developer is presently asking for only the rezoning, he has volunteered a lot of additional information to insure his integrity and to insure he will comply with the 'R-6' zoning.

24. **Mr. Michael McIntyre**, Claymont Manor Subdivision, 14908 Manor Ridge Drive, Chesterfield MO.

Background information provided by the Speaker:

- He lives off Baxter Road near Country Ridge, has been a lifelong resident of Chesterfield, works in the area, and is the father of a young family.

Speaker noted the following reasons for supporting the petition:

- The proposed development would be an attraction for many young professionals who travel for business regularly and who would love to rent in the Chesterfield area.
- Living in the area while building a career will entice people to stay in the area for the long run.
- The additional funding for the Parkway School District is a benefit.

25. **Mr. Mike Berg**, Baxter Village Subdivision, 15519 Country Mill Court, Chesterfield MO.

Background information provided by the Speaker:

- He owns a small business in Chesterfield and is also a resident of Chesterfield.
- He has known Mr. Kaiman for many years.

Speaker noted the following reasons for supporting the petition:

- The property is well-located but currently is an "under-developed wooded gully that has the potential of becoming an attractive community asset and a reasonable expansion of the Chesterfield tax base".
- Any traffic associated with this development will be directed easterly onto South Outer 40.
- Landscape buffers will tend to reduce residential sound and provide aesthetic effects.
- The developers appear to have allowed for adequate green space, lower population density, and meet all 'R-6' requirements.

26. **Mr. Brandon Duncan**, Baxter Oaks Subdivision, 15559 Valley Branch Drive, Chesterfield MO.

Background information provided by the Speaker:

- He and his family have lived in Chesterfield for over 10 years and live about one mile from the proposed development.
- He has been a commercial real estate broker and works in the area.

Speaker noted the following reasons for supporting the petition:

- The Comprehensive Plan was last updated in 2009 and designates the site as *multi-family*.
- The developers chose this site because the Comprehensive Plan pointed them to it.
- There are not many other sites in the area that can accommodate a project as the one proposed.
- The project would help fulfill a major need.

27. **Mr. Jim Eisenhart**, Nooning Tree Subdivision, 1121 Nooning Tree Drive, Chesterfield MO.

Mr. Eisenhart stated that he would pass on speaking.

28. **Ms. Chris Allen**, West Ridge Estates Subdivision, 15367 Highcroft Drive, Chesterfield MO.

Background information provided by the Speaker:

- Her property is five houses away from the proposed development.
- She moved to Chesterfield in 2004 because of the school district and bought her current home in 2005.
- All of her children have graduated from Parkway schools.
- She and her husband are members of the Church of the Resurrection.

Speaker noted the following reasons for supporting the petition:

- The proposed development is a good opportunity for the church.
- Her concerns about how the project would impact traffic and the school have been adequately answered by the developer.

29. **Mr. Eric Ormson**, The Lake on White Road Subdivision, 14332 Rainy Lake Drive, Chesterfield MO.

Background information provided by the Speaker:

- He both works and lives in Chesterfield.
- He is in the IT consulting business with RGA and Monsanto being clients.

Speaker noted the following reasons for supporting the petition:

- The proposed development would help attract top talent from around the country, along with attracting young families and empty nesters.

30. **Mr. John Roche**, Chesterfield Estates Subdivision, 1324 Riverdale Circle, Chesterfield MO.

Background information provided by the Speaker:

- He lives off of Wild Horse Creek Road and is retired from Boeing.
- Over the years, he has had the opportunity to hire many young professionals and recommended Chesterfield as a place to live but it was very difficult to find apartments in the area so they moved elsewhere.

Speaker noted the following reasons for supporting the petition:

- The proposed development would provide needed rental accommodations for young professionals, which will help Chesterfield grow.

Mr. Stock then thanked the above Speakers for taking their time to speak in support of the proposed project.

Commissioner Harris asked Mr. Stock if he is aware of any other luxury apartment complexes located as close to a highway as the proposed development will be, and what the effect has been on the rental property. Mr. Stock stated that Mr. Mills owns a facility at the intersection of I-270 and Page Avenue on the southwest quadrant; Mr. Mills also owns a property off I-370 as one crosses the Missouri River Bridge immediately adjacent to the Page Avenue Extension. He stated he is not aware of rental values going down in these two complexes. He went on to say that Mr. Mills was present at the meeting and fully endorses and supports the proposed rental rates.

**SPEAKERS IN OPPOSITION:**

1. **Ms. Mary Ann Mastorakos**, 1410 Schoettler Road, Chesterfield MO.

Background information provided by the Speaker:

- Her property consists of 3.8 acres, is zoned Non-Urban, and is directly adjacent to the subject site.
- She and her husband bought the land in 1962 and she has lived there since 1965.
- She was approached by Tom Kaiman regarding purchasing her property but she declined.
- Her husband was a founding member of the Chesterfield Chamber of Commerce, successfully chaired two Parkway School bond issues, was given the 'Pillar of Parkway Award', and was a community liaison to Logan University – all in volunteer positions.
- She was a Girl Scout Leader in the community and served on the Greater St. Louis Girl Scout Board of Directors for eighteen years and currently serves on the Girl Scout Gold Award Committee.

Speaker noted the following reasons for opposing the petition:

- Her property will be the one that is most impacted by the proposed development.
- With the exception of the subject quadrant labeled *multiple-family, residential*, all of the property in the neighborhood, and along the entire three miles of Schoettler Road, is single-family, detached residential.
- The *multi-family* designation for the subject site is inappropriate because it does not reflect the existing land use as identified in the Comprehensive Plan, which supports character of neighborhoods.

- The Comprehensive Plan states that multiple-family residences are clustered together in large developments near other dense land uses, such as commercial and office – as opposed to being scattered in the neighborhoods.
- The proposal violates other policies of the Comprehensive Plan, which states that *multiple-family residential is generally based on locations along arterial and collector roads adjacent to commercial uses. Existing neighborhoods should be preserved while creating quality new ones. Construction of new homes in existing neighborhoods, where practical, should be compatible with the existing homes. Multiple family projects should be located close to existing, higher density commercial and residential development so as not to alter the conditions and environment of existing single-family neighborhoods.*
- The density of the proposed plan is incompatible with the neighborhood.

2. **Ms. Cynthia Heath**, Brookhill Estates Subdivision, 2138 White Lane Drive, Chesterfield MO.

Background information provided by the Speaker:

- She moved to her existing home in 2000.

Speaker noted the following reasons for opposing the petition:

- She has concerns that the change in zoning will have a long-lasting, irreversible effect on the area and the neighborhood.
- The peaceful character of Schoettler Road will be changed by the proposed development, which will set a precedent for future standards.
- There is property adjacent to the Brookhill subdivision that is for sale and she has concerns that if the subject zoning is approved, a precedent will be set for the for-sale property on Schoettler Road.
- Traffic from the proposed development will cause additional traffic back-up along Schoettler Road for vehicles trying to access the Outer Road.

3. **Mr. Dean Daniels**, Chesterfield Trails Subdivision, 14747 Mill Spring Drive, Chesterfield MO.

Background information provided by the Speaker:

- He and his wife have lived at their current address for 38 years.

Speaker noted the following reasons for opposing the petition:

- The proposed development of 280 units, equating to at least 420 people, will impact traffic along the spur road and Schoettler Road during the p.m. peak hours.
- He has concerns about density of the site with a limited access.
- He also agrees with the comments made by Mrs. Mastorakos regarding the use and the Comprehensive Plan.



4. **Mr. Robert Atchison**, Chesterfield Trails Subdivision, 14703 Mill Spring Drive, Chesterfield MO.

Background information provided by the Speaker:

- He and his wife and have lived in the neighborhood for 25 years.
- He reported that of the over 40 neighbors he spoke to over the weekend, none of them were aware of the 280 apartments being proposed, and only two knew about the Public Hearing.

Speaker noted the following reasons for opposing the petition:

- He does not feel the proposed project is a good plan for the location.
- The existing subdivisions have strict indentures and rules in order to maintain the integrity and value of the homes, which he feels will be adversely affected by the proposed project.
- The subject site is a dangerous intersection and will be seriously impacted by the development. He feels that condominiums would be a better choice for the site as they would be a better fit for the neighborhood values.
- He has concerns that the proposed development will experience constant noise, dirt, and debris from the highways.
- He has concerns that the existing property values will be negatively impacted and the real estate comparables will go down within a two-mile radius.
- He does not think that the support letters from businesses are relevant because businesses always want to make profits.

Responding to Mr. Atchison's comment that residents in the Chesterfield Trails subdivision were not notified of the Public Hearing, Ms. Nassif stated that the City exceeds State statutes for Public Hearing notifications. The City notifies by postcard all subdivision trustees within a one mile radius of the development and all property owners within 225 feet. She also asked that subdivisions notify the City Clerk's office when there is a change in trustees so the City's contact list is current.

5. **Mr. John Green**, Chesterfield Trails Subdivision, 14632 Pine Orchard Court, Chesterfield MO.

Background information provided by the Speaker:

- He is a former subdivision trustee who just went off the Board and should be on the City's contact list, but he was not notified.

Speaker noted the following reasons for opposing the petition:

- The apartment units are valued at approximately \$166,000/unit with residences surrounding them with values of \$500,000 or more.
- While \$250,000/year will be generated for the Parkway School District, he noted that with an average of one child in each unit, it would equate to less than \$1,000/year when it costs the school district \$17,000/year to educate a student.
- He has concerns about traffic.
- He has concerns about the density of the site in that 280 units will be placed on less than 10 acres compared to the homes in his subdivision which sit on about one-third of an acre.

6. **Mr. Shaul Ganel**, Westchester Place Subdivision, 14822 Grantley Drive, Chesterfield MO.

Comments made by the Speaker:

- Questioned whether retirees would be interested in a four-story building without elevators.
- Questioned whether targeting both young professionals and empty nesters for the proposed apartments is a good mix.

Speaker noted the following reasons for opposing the petition:

- He disagrees with the comments made that professionals will not move to Chesterfield if there are no luxury apartment buildings. He noted that in 1999, he was a co-founder of the Amdocs Division in Chesterfield, which grew from 80 to 970 people in less than two years with most of the employees coming from out-of-town when the apartment situation was no different than today.
- He does not think the proposed development is good for the residents of Chesterfield.

7. **Mr. Robert Schmidt**, Chesterfield Trails Subdivision, 14731 Chesterfield Trails Drive, Chesterfield MO.

Speaker noted the following reasons for opposing the petition:

- He has concerns about how the proposed development will affect traffic both along the Outer Road and Schoettler Road noting that his subdivision has only one access point, which is on Schoettler Road. He further stated that the northwest end of Schoettler Road is dangerous for motorists trying to make a left-hand turn onto Highcroft, or a right-hand turn onto South Outer 40.
- He feels the location is not appropriate for the proposed development.

8. **Mr. Bruce Geiger**, Mayor Emeritus of Chesterfield, Greenleaf Estates Subdivision, 14787 Greenloch Court, Chesterfield MO.

Comments made by the Speaker:

- The Comprehensive Plan states that *multi-family residence complexes are clustered together in large developments near other dense land uses, such as commercial and office as opposed to being scattered throughout neighborhoods. Multi-family residences are typically physically, and visually, isolated from single-family residences in Chesterfield.* He feels that the language in the Comprehensive Plan is inconsistent with the City's Land Use Map.
- The Comprehensive Plan also refers to *transitional zoning*, which the City has enforced on many occasions in the past. The Comprehensive Plan states that *single-family attached developments should serve as a transitional land use between single family and multi-family residential and commercial land use.* Speaker stated that with the proposed development, all the surrounding properties, with one small exception, are single-family detached 'R-1A' zoning. The Comprehensive Plan suggests that land use should go from *single family-detached*, to *single-family-attached* and then to the requested *multi-family*.

Speaker noted the following reasons for opposing the petition:

- Since the proposal is a straight zoning request, the developer must meet all the requirements of the 'R-6' District; however, beyond those requirements, the City has no ability to impact the Site Development Plan. Therefore, it is imperative to make sure the zoning meets the requirements of the Comprehensive Plan and is consistent with the surrounding zoning, which he feels the proposed project does neither.
- The location does not meet the guidelines for multi-family residence complexes as described and permitted in the Comprehensive Plan.
- While multi-family is allowed per the Comprehensive Plan, he feels the 'R-6' zoning is totally incompatible with surrounding parcels, which are all 'R-1' and 'R-2'.
- There are other multi-family zoning districts which would be much more appropriate if it is decided that multi-family is permitted in the subject location.

9. **Mr. Michael McDonald**, Westchester Place Subdivision, 14802 Pleasant Ridge Court, Chesterfield MO.

Background information provided by the Speaker:

- He is a Trustee of the Westchester Place Subdivision, which is located immediately southeast of the proposed development.
- He attended the introductory session meeting conducted by the Petitioner and appreciates that opportunity.

Speaker noted the following reasons for opposing the petition:

- He questions how the development will be sold as a high-luxury apartment complex when all the windows will have to remain closed to keep out the noise from the freeway, which is 200 yards away.
- Road noise is a major concern of the Westchester Place subdivision given the number of trees that will be removed from the site. Currently, there is an appreciable difference in the road noise heard between the summer months and winter months as leaves affect sound waves.
- He has concern that there will be a major adverse effect to the property values within his subdivision.
- He thinks the location for the proposed development is inappropriate per the Comprehensive Plan which states *new multiple family residences should be located in or near the urban core*. He suggested unoccupied areas along Chesterfield Parkway as being more appropriate for this type of development.

10. **Ms. Lynne Johnson**, No Subdivision Ward 2, 15125 Conway Road, Chesterfield MO.

*Ms. Johnson had already left the meeting when she was called to the podium.*

11. **Mr. Neil Shapiro**, Westchester Place Subdivision, 14803 Pleasant Ridge Court, Chesterfield MO.

Background information provided by the Speaker:

- He is a Trustee of Westchester Place Subdivision.

Speaker noted the following reasons for opposing the petition:

- He stated he agrees with the points mentioned by the previous Speakers.
- While the development is a great plan, he does not think the location is appropriate.

12. **Ms. Laura Guidry**, Westfield Farm Subdivision, 1822 Farm Valley Drive, Chesterfield MO.

Background information provided by the Speaker:

- Her subdivision is across the street and down a little ways from the subject site.

Questions raised by the Speaker:

- What is the City's long-term comprehensive plan – is there a percentage that the City wants for rental property vs. homeowner, and has it been determined that Chesterfield needs more rental property?
- Noting that the Comprehensive Plan was updated in 2003 and 2009, how often is the zoning re-evaluated?
- If this site is not approved for the requested zoning of 'R-6', could it be rezoned in the future to commercial?
- If this property is approved for the requested zoning, would there be a back gate for construction equipment or would they be using Schoettler Road?

Speaker noted the following reasons for opposing the petition:

- She has concerns that tenants of rental property are not as committed to the community as are homeowners.
- She feels the location is inappropriate.

Ms. Nassif then responded to Ms. Guidry's questions about the Comprehensive Plan. She stated that there is a difference between the Comprehensive Plan and zoning. Zoning is the tool the City uses to implement the Comprehensive Plan. The Comprehensive Plan is the City's vision and guide for long-term growth and development. The first Comprehensive Plan was completed in 1990 – it is not a legislative act but a document prepared by citizens in conjunction with the Planning Commission and adopted by City Council. The Plan has been updated approximately nine times since the City's incorporation and each update has been done with input from a citizens group. Each update has focused on a different area.

The area that is the subject of the requested zoning was identified as *multi-family* in the City's first Comprehensive Land Use Plan with some areas near it identified as *commercial*, which was thought to be appropriate at the time. In subsequent updates, the *commercial* designations were removed by the citizens group, but the *multi-family* remained.

The Comp Plan does not go into details with respect to rentals vs. ownership, nor with respect to dollar amounts. It does identify future land use and what the citizens feel is appropriate for specific areas.

Zoning runs with a specific parcel of land and gives information about what uses are permitted for the property. A property owner can request a zoning map amendment in order to get new or additional uses. Zoning requests are reviewed by both the Planning Commission and City Council. The City does not zone property for property owners – the City waits until a request is submitted for a specific zoning designation and then a determination is made as to whether the zoning request meets all the City's standards and requirements.

Councilmember Hurt explained that when the first Comp Plan was approved, it was anticipated that higher density development would occur along the western side of Schoettler Road given that the Schoettler Village apartments were already in place. But then less dense residential development started coming in on that western side, which started changing the character and dynamic of the area. Since the Comp Plan still shows the area as *multi-family*, the Petitioner requested that zoning and now the issue has to be addressed.

Ms. Nassif then addressed Ms. Guidry's question about construction and stated that if the zoning does not get approved, construction is a non-issue. If it does get approved, there are three more phases involved – (1) a site plan will be submitted showing architecture, lighting, and landscaping; (2) if the site plan is approved, improvement and infrastructure plans are submitted and reviewed; and (3) finally, building permits and escrows are required. The City does not allow construction vehicles to park on Schoettler Road, or along arterial or collector roadways. The developer will be required to build a construction entrance in a location that would be the least impactful to the area.

Ms. Guidry then inquired as to the percentage of residents living in apartment communities in Chesterfield. Ms. Nassif replied that there are an estimated 3,345 apartment units in the City. The last multi-family complex was built in 1989.

13. Mr. Steve Mastorakos, Bent Tree Subdivision, 16217 Bent Tree Drive, Chesterfield MO.

Background information provided by the Speaker:

- He lives in Ward 4 of the City.
- The proposed site is immediately adjacent to the property that his family has owned for more than 50 years at 1410 Schoettler and his mother, Mary Ann Mastorakos, spoke in opposition earlier in the meeting.

Speaker noted the following reasons for opposing the petition:

- Rezoning to 'R-6' opens the door to any variety of uses, including the proposed "large and invasive" apartment complex. The applicant is not required to build an apartment complex, he could build something else or flip it to another developer with different intentions.

- The proposed development will have an enormous negative impact on his family's property and will permanently alter the conditions and environment of the entire Schoettler Road residential community.
- He feels there is no rationale for allowing a multi-family development in this residential community as all the property in the neighborhood is single-family detached residential.
- He agrees with comments made that the location for this development is inappropriate as it does not reflect the existing land use and violates ten specific policies of the Comprehensive Plan.
- He has concerns that approval of this development would create a domino effect along South Outer 40, as well as open the door to other types of future development along Schoettler Road.
- The Comprehensive Plan policies are "correct and the Land Use Plan is inappropriate and in conflict with those policies".

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

Background information provided by the Speaker:

- The Scarborough West subdivision has only one entrance to its subdivision and it is located on Schoettler Road.
- He and his wife moved to Chesterfield 24 years ago and his four children have gone to the Parkway schools.
- He is recently retired from Boeing after working there for 50 years.

Speaker noted the following reasons for opposing the petition:

- He has concerns about how traffic will be impacted by the new development. He explained that traffic has been increasing along Schoettler Road over the past number of years due to Logan College's classes and new auditorium, which is used on weekends and evenings. Traffic is also being affected by the construction of the new Schoettler Grove development.
- The density of the proposed project is about five times greater than the density of all the other homes along Schoettler Road.
- There will be a loss of wildlife habitat from the proposed development.
- He has concerns about a transient population.

Mr. Bosenbecker then asked if the previously-mentioned traffic flow analysis is the City's responsibility or the developer's responsibility. Ms. Nassif stated when a project reaches the site plan stage, the City then determines if a traffic study will be required; this depends on the density approved during zoning, and on the type of uses to be developed. The study will be reviewed by the City's transportation planner and engineer, and then Staff will work with MoDOT or County, depending upon under whose jurisdiction the roads fall, to help determine necessary road improvements.

Councilmember Hurt recommended that the traffic study be requested now rather than wait until the site plan stage. Ms. Nassif replied that we could request it, but traffic studies, which include number of trips and peak times, are dependent upon the specific land use so we were not anticipating requesting it at this time since there are about 20 uses permitted by right in this district being requested.

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

Background information provided by the Speaker:

- He moved to Chesterfield 20 years ago to raise his family because it was a “safe and clean” environment.

Speaker noted the following reasons for opposing the petition:

- He does not think the proposed development will benefit those families living off of Schoettler Road.
- He feels the subject site is not appropriate for the type of development being proposed. He suggested that areas along Olive, Baxter, and Chesterfield Parkway are more suitable for this type of development.
- He feels a transient population would have “no allegiance to the City of Chesterfield”.

16. **Ms. Alex Rutz**, Westchester Place Subdivision, 1314 Cherry Glen Court, Chesterfield MO.

Background information provided by the Speaker:

- She lives with her mother and their home is on the closest street to the proposed development; she intends to purchase the home from her mother once she finishes her education.

Speaker noted the following reasons for opposing the petition:

- She has concerns about hearing traffic noise from Highway 40 once the trees are removed.

17. **Ms. Jennifer Best**, Greenleaf Estates Subdivision, 14722 Greenleaf Valley Drive, Chesterfield MO.

*Ms. Best had already left the meeting when she was called to the podium but had listed the following concerns on her Speaker’s Card:*

- Too much traffic at the intersection – not safe.
- Too many accidents at this location already.
- Too noisy for residents.

18. **Mr. Tom Pullen**, Royalwood Subdivision, 1503 Woodroyal West Drive, Chesterfield MO.

Background information provided by the Speaker:

- He had originally indicated that he wanted to speak in a ‘neutral’ position, but after listening to the presentation and all the speakers, he is now opposed to the multi-family zoning.

Speaker noted the following reasons for opposing the petition:

- He has questions about the catch basin that will be installed and concerns about stormwater run-off because he lives in a subdivision that experiences flooding from the area creeks.

- He does not feel Chesterfield needs this type of development at the proposed location.

**SPEAKERS – NEUTRAL:**

1. **Mr. David Chassin**, Sycamore Manor Subdivision, 1432 Shagbark Court, Chesterfield MO.

*Mr. Chassin had already left the meeting when he was called to the podium.*

Councilmember Hurt then provided the following information about Schoettler Road:

- When Chesterfield first incorporated as a city, Schoettler Road was owned by St. Louis County who had plans to improve it to a five-lane road from Clayton to the Outer Road.
- Since concerns were expressed about having five lanes, an agreement was reached with County that any kind of development along Schoettler would be required to dedicate two lanes to the City and the other three lanes would continue to be improved by County.
- A few years ago, Schoettler Road was turned over to the City for maintenance and improvements. It is the City’s intent to keep Schoettler Road at no more than three lanes – two lanes and one turning lane for safety reasons.
- Future improvements include providing three lanes with a stabilized shoulder along the entire length of Schoettler; a dedicated right-hand turn lane up at Clayton Road in connection with the new Schoettler Grove development; and improving the bridge near Greenleaf. It was also pointed out that the developers have paid for the sidewalks and roadway improvements when new subdivisions were developed.

**REBUTTAL:**

Mr. Stock then thanked all those who spoke in opposition and stated that this type of dialogue, while not unusual, is important to them. He also noted that the petitioners have scheduled a second meeting for Oaktree Estates subdivision on May 25<sup>th</sup>. It is the petitioners’ intent to listen to the comments made in order to come up with constructive changes or constructive responses.

The petitioners rely upon the Comprehensive Plan when going under contract for specific pieces of property. He stated that there are only a few zoning options from which to choose for multi-family developments:

- ‘R-8’ which requires a minimum lot size of 500 sq. ft. per unit;
- ‘R-7’ which requires a minimum lot size of 1750 sq. ft. per unit;
- ‘R-6’ which requires a minimum lot size of 2000 sq. ft. per unit;
- ‘R-6AA’ which requires a minimum lot size of 3000 sq. ft. per unit;
- ‘R-6A’ which requires a minimum lot size of 4000 sq. ft. per unit.

They “picked in the middle” and spent one year doing their “due diligence” before filing a formal application for a zoning change with the City. Because he had lived in the neighborhood for 13 years, he understands the area and appreciates the beauty of Schoettler Road. They do not intend to “ruin the character of the neighborhood”. They are convinced that the proposed 280 units will fit on the site within responsible development, which will not have an adverse impact on traffic.



They have a traffic study which shows that there is no adverse impact to Schoettler and Highcroft even with an access point from Schoettler; however they chose not to include a Schoettler access and chose to direct 100% of egress to Outer Forty. While it is true that there will be traffic along Schoettler, Highcroft, and Schoettler Valley from vehicles returning to the site in the evening, they are convinced that this will not have an adverse impact on traffic.

Mr. Stock also pointed out that the proposed development fronts I-64 similar to the high-end, high-priced Vanguard Place Apartments in University City right on I-70 and Delmar. Such complexes are successful and in need. He also pointed out that some of the trees to be preserved are along the highway. In addition, two of the four-story buildings will have parking garages and elevators.

The development team intends to work with the residents and is willing to have another neighborhood meeting to more thoroughly review the plans. Mr. Stock concluded that they will respond to all the issues outlined in Staff's Issues Letter, once it is received and they look forward to continuing this process with the City and its residents.

#### **ISSUES:**

Ms. Henry then summarized the issues raised, as follows:

1. Compliance with the Comprehensive Plan.
2. Traffic concerns.
3. Use compatibility.
4. Density.

A resident from the audience then questioned why the site has to be straight zoning vs. a planned community. Ms. Nassif replied that the developer has two options and makes decisions based on City Code, which are then presented to the public at the Public Hearing. The only districts that allow multi-family developments are 'R-6A', 'R-6AA', 'R-6', 'R-7', and 'R-8' and, according to City Code, none of these districts are planned districts so the terms are not negotiated as the development criteria is already established.

Commissioner Geckeler read the Closing Comments for the Public Hearing.

Chair Proctor called for a short recess, after which the meeting re-convened at 10:26 p.m.

#### **V. APPROVAL OF MEETING SUMMARY**

Commissioner Hansen made a motion to approve the Meeting Summary of the May 9, 2016 Planning Commission Meeting. The motion was seconded by Commissioner Midgley and **passed by a voice vote of 5 to 0.** (Commissioner Lueking was not present at the time of vote.)

## VI. PUBLIC COMMENT

1. **Mr. Mike Doster**, Doster, Ullom & Boyle, 16090 Swingley Ridge Road, Chesterfield, MO stated he is a member of the development team for **P.Z. 10-2015 and P.Z. 11-2015 Kemp Auto Museum**.

Mr. Doster stated that these petitions are on the agenda because they are approaching the six-month time limit. There are very few issues remaining to be worked out with Staff. With respect to P.Z. 10-2015, which is the former Kemp Auto Museum site, they have been working with a prospective tenant for the existing building on the site. Because they are under a confidentiality agreement, they are not able to reveal the identity but he feels the Commission will be pleased with the tenant coming to the site.

Commissioner Harris referred to the end of the site where a separate building is located, and asked if that building will be torn down. Mr. Doster replied that it will not be torn down and pointed out that that particular building is not on property related to either one of these petitions.

2. **Mr. David Volz**, Volz Incorporated, 10849 Indian Head Industrial Blvd., St. Louis, MO stated he was available for questions regarding **P.Z. 01-2016 18600 Olive Street Road (Ezra Partners LLC)**.

## VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

- A. **Chesterfield Village Mall (i-FLY)**: Amended Site Development Section Plan, Amended Landscape Plan, Amended Lighting Plan, Architectural Elevations and an Architect's Statement of Design for a 4.09 acre lot of land zoned "C8" Planned Commercial District located south of South Outer Forty Road west of its intersection with Chesterfield Center, more specifically addressed 595 Chesterfield Center.

**Commissioner Hansen**, representing the Site Plan Committee, made a motion recommending approval of the Amended Site Development Section Plan, Amended Landscape Plan, Amended Lighting Plan, Architectural Elevations and Architect's Statement of Design for **Chesterfield Village Mall (i-FLY)**. The motion was seconded by Commissioner Midgley and **passed by a voice vote of 6 to 0**.

## VIII. OLD BUSINESS

- A. **P.Z. 10-2015 Kemp Auto Museum (16955 Chesterfield Airport Rd)**: A request for a zoning map amendment from a "PC" Planned Commercial District with a "MAA" Museum and Arts Overlay District to the new "PC" Planned Commercial District for a 5.104 acre tract located northeast of the intersection of Chesterfield Airport Road and Chesterfield Commons Drive (17T140211).

Project Planner Jessica Henry stated that the Public Hearing for this request was held on November 23, 2015. The project has been placed on the agenda, at the Petitioner's

request, for discussion of issues. Although no formal response to the Issues Letter has been received, the Petitioner has indicated that they are continuing to work on the two issues generated at the Public Hearing. At this time, they are simply seeking to preserve the public hearing in accordance with the time limit set out in the Unified Development Code between the public hearing and subsequent updates before the Planning Commission.

Following are the two issues raised at the Public Hearing, which are still outstanding:

1. The appropriateness of several of the requested uses.
2. Placement of a restriction on hours of operation for retail uses.

The Planning Commission now has the opportunity to discuss the open issues or any other detail of this project.

After questioning the Commission, Chair Proctor indicated that the Commission did not have anything further to discuss on this petition at this time.

- B. P.Z. 11-2015 Kemp Auto Museum (16861 Chesterfield Airport Road):** A request for a zoning map amendment from a "PC" Planned Commercial District to a new "PC" Planned Commercial District for 2.65 acres located on the south side of Interstate 64 east of Chesterfield Commons Drive (17T230190).

Senior Planner Jonathan Raiche stated that this petition relates to the vacant parcel located two doors down from the former Kemp Auto Museum building. At the time of the Public Hearing, two issues were raised, as noted below:

1. Providing cross access to the adjacent parcels to the east and west.
2. Providing limited hours of operation for retail uses.

The Applicant has addressed both of these items, as follows:

1. They will provide cross access at the site plan stage through appropriate documents.
2. The hours of operation have been restricted to 6:00 a.m. to 11:00 p.m. for the *retail sales, neighborhood* use, which is consistent with the restrictions placed on retail uses for other businesses in the area.

Both of these items have been included in the draft Attachment A. The project is on for issues because there are still minor plan comments that Staff is working through with the Applicant. Once addressed, the project will be presented for vote. Staff is available to receive any feedback on the draft Attachment A or any other issues the Commission may have.

Commissioner Lueking questioned whether the restricted hours of 6:00 a.m. to 11:00 p.m. are consistent with the operating hours of all the other area businesses. Mr. Raiche replied that the only hours being restricted pertain to the retail uses and they are consistent with the development directly adjacent to the west, Pacific Dental, along with the restricted hours for Chesterfield Commons West.

- C. **P.Z. 01-2016 18600 Olive Street Road (Ezra Partners LLC)**: A request for a zoning map amendment from an “M-3” Planned Industrial District to a “PI” Planned Industrial District for 5.00 acres located southwest of the intersection of Olive Street Road and Spirit Airpark West Drive (17W520014).

Senior Planner Jonathan Raiche stated that the purpose of this petition is to market the site, which is the main reason for 61 uses being requested. Two issues were raised during the Public Hearing for this petition:

1. Access to Spirit Airpark West – This site does not have direct frontage to this road because of a strip of land owned by St. Louis County. The Petitioner has since provided documentation of the recorded access easement showing that they now have legal access to Spirit Airpark West.
2. Hours of Operation – The hours proposed for the draft Attachment A include restrictions for the retail uses, automotive retail, bakery, farmers market, and pawn shop from 6:00 a.m. to 11:00 p.m.

Today Staff received a request from the Petitioner asking that the 35-foot maximum building height restriction be amended to 45 feet. Because the request was just received earlier today, it is not included in the draft Attachment A.

### **Discussion**

Commissioner Hansen asked for more information as to why the Petitioner is seeking an increase in the maximum building height. Mr. Volz replied that it is being requested to allow more flexibility in marketing the site.

During discussion, concern was expressed about voting on the project without having more time to consider the request to increase the maximum building height by 10 feet. Mr. Raiche provided additional information that the adjacent development, and other developments along this road, have maximum building heights of 40 feet and Chesterfield Blue Valley, across the street from the subject site, has maximum building heights ranging from 65-75 feet.

Commissioner Hansen suggested that the Commission consider holding the vote until the next meeting. Mr. Volz then addressed the Commission stating that they would prefer to withdraw the request to increase the maximum building height and have the petition voted upon this evening.

During further discussion, information was provided that the requested 45-foot maximum height still meets code requirements, is compatible with the Comprehensive Plan, and is compatible with the area. The maximum building height permitted for both Spirit Valley Business Park I and II is 40 feet.

Commissioner Lueking asked for information on the hours of operation for Chesterfield Blue Valley. Ms. Nassif advised that their hours are unrestricted; in addition, Spirit Valley Business Park has unrestricted hours.

**Commissioner Hansen made a motion to approve P.Z. 01-2016 18600 Olive Street Road (Ezra Partners LLC) with an amendment to the maximum building height from 35 feet to 40 feet.** The motion was seconded by Commissioner Geckeler.

Commissioner Lueking voiced her concern that the site will be allowed a 40-foot tall building with 61 possible uses.

**Upon a voice vote, the motion passed 5 to 1** with Commissioner Lueking voting “no”.

**IX. NEW BUSINESS - None**

**X. COMMITTEE REPORTS**

**A. Report from Nominating Committee**

As Chair of the Nominating Committee, Commissioner Hansen reported that the Nominating Committee proposes the following slate of officers for the upcoming year:

Chair: Stanley Proctor  
Vice-Chair: Amy Nolan  
Secretary: Steve Wuennenberg

The Nominating Committee also commends the work done by Chair Proctor who has dedicated many hours to attending important meetings on the Commission’s behalf.

The Nominating Committee also recommends considering adding a three-year limit to all the officer positions which would promote a broader depth of experience by moving other Commissioners into positions of authority and responsibility.

The above recommendations will be voted upon at the Jun 15<sup>th</sup> Planning Commission meeting.

**XI. ADJOURNMENT**

The meeting adjourned at 10:55 p.m.

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Steve Wuennenberg, Secretary