V. B.

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

The meeting was called to order at 7:10 p.m.

I. ROLL CALL

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

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

Chair Proctor acknowledged the attendance of Mayor Bob Nation; Councilmember Dan Hurt, Council Liaison; Councilmember Barbara McGuinness, Ward I; Councilmember Bridget Nations; Ward II; Councilmember Guy Tilman; Ward II; Councilmember Bruce DeGroot, Ward IV; and Councilmember Tom DeCampi, Ward IV.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

Chair Proctor requested a motion that the meeting be adjourned no later than 11:00 p.m. recognizing that any business left unfinished would be carried over to the Commission's next meeting scheduled for September 26, 2016.

Commissioner Wuennenberg motioned that that the meeting be adjourned no later than 11:00 p.m. with any unfinished business to be taken up at the Commission's next meeting. The motion was seconded by Commissioner Midgley and **passed by a voice vote of 9 to 0.**

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Chair Proctor asked for a general consensus of the Commission to move the approval of the Meeting Summary to the next item on the Agenda. The Commission indicated their consensus to consider *Approval of Meeting Summary* next on the agenda.

V. APPROVAL OF MEETING SUMMARY

Commissioner Lueking made a motion to approve the Meeting Summary of the August 22, 2016 Planning Commission Meeting. The motion was seconded by Commissioner Midgley and **passed by a voice vote of 9 to 0.**

IV. PUBLIC HEARINGS

Chair Proctor welcomed everyone for attending and stated that all comments are important to the Planning Commission. He outlined the meeting process that would be followed and requested that audience members be respectful of all Speakers. He also explained that the Public Hearing is the first meeting and the first opportunity for the Applicants to present their projects to the Commission as part of the due process rights afforded to all property owners when a zoning application is submitted. There will be no vote taken on any of the petitions presented this evening. The Public Hearings will be followed by an Issues Meeting and a final Vote Meeting.

For the 40 West Luxury Living petitions, the City has put into the record all correspondence received since the project's first application. All letters have been distributed to the Mayor, City Council, Planning Commission, and appropriate Staff members.

At this point, Chair Proctor asked all those in support of the 40 West Luxury Living petitions to stand; then asked all those in opposition to stand; and then asked all those who wrote letters, or signed petitions, in opposition to stand. He noted that the City has received close to 2,000 pages of comments on these petitions, which are being reviewed by the Commission as part of the review process.

Commissioner Wuennenberg then read the "Opening Comments" for the Public Hearings.

A. P.Z. 07-2016 Willows at Brooking Park (Amendment to CUP #31): A request to amend Conditional Use Permit (CUP) #31 to amend the development conditions in an "R-1" Residence District, "R-3" Residence District, and "FPR1" Flood Plain Residence District for a 26.65 acre tract of land located southwest of the intersection of South Woods Mill Road and Brookings Park Drive. (18Q140361, 18Q140370, 18Q140352, 18Q140077).

STAFF PRESENTATION:
Project Planner Cecilia Hernandez gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Hernandez then provided the following information about the subject site:

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Zoning
The site encompasses three zoning districts, "R-1" Residence District, "R-3" Residence District, and "FPR1" Flood Plain Residence District.

Comprehensive Land Use Plan
The City's Comprehensive Land Use Plan designates the subject site as *Residential*, and the *Nursing Home* use is a Conditional Use under all residential zoning districts.

Proposed Changes:
There are three sections of the Conditional Use Permit (CUP) where changes are being requested, as noted below:

1. The private club is currently limited to a 100-seat restaurant facility for residents and their guests. The Applicant is requesting that the *limitation of 100 seats* be removed in order to accommodate today's increased demand.

Ms. Hernandez noted that the existing facility is located in the center of the site, and is not open to the public. It is an accessory use for residents and their visitors only.

2. The Applicant is requesting the following **structure setback** change:

   No building or structure, other than: a free standing project identification sign, light standards, flag poles or fences will be located within the following setbacks: (changes shown in **bold**)

   b) ~~**One hundred (100)**~~ **Fifty (50) feet** from the south limits of the CUP development.

Ms. Hernandez stated that this setback is being requested in order to bring an existing building into compliance. She explained that no structure changes are shown on the Preliminary Plan, and that the 2008 amendment to the CUP placed a more restrictive setback on the site than the 1989 CUP, throwing this existing building into non-compliance.

3. The Applicant is requesting the following **parking setback** changes: (changes shown in **bold**)

   No parking area, excluding internal drives, or parking for manager's residence or local public utility facility will be located within the following setbacks:

   a) ~~**Two hundred and fifty (250)**~~ **Fifty (50)** feet from the Woods Mill Road right-of-way, except at the most southern part of the right-of-way along the radius point a distance of 192.26 feet the setback shall be one hundred and ninety-eight (198) feet.

Ms. Hernandez pointed out that the requested 50-foot setback matches the parking setback established for St. Luke's Hospital across the street.

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b) ~~Eighty (80)~~ **Fifty (50) feet** from the southern limits of this CUP development, except **at the following three locations:**
    1. Along the bearing North 52 degrees 48 minutes 40 seconds West with a distance of 205.84 feet the setback shall be sixty-three (63) feet.
    2. **Thirty (30) feet parking setback from the southwest property line with a bearing of North 44 degrees 21 minutes 52 seconds West with a distance of 131.80'; and**
    3. **Fifty (50) feet parking setback from the south property line with a bearing of South 65 degrees 46 minutes 49 seconds West with distances of 108.33' and 248.80'.**

Ms. Hernandez stated that Staff believes a six-foot tall sight proof fence, or a more densely vegetated buffer installed along the adjacent subdivision, will mitigate any issues related to car headlights. Such language would be written into the CUP.

Restricting Illuminated Wall Signs on Southern Facades
Staff recommends that the CUP be amended to restrict illuminated wall signs on the southern elevation of Buildings A, B, D and F to ensure that any illumination from the development does not negatively impact the adjacent residential development.

Process
Since the applicant is in ongoing discussions with the residents and Staff, no vote will be taken this evening.

PETITIONER'S PRESENTATION:
Mr. Paul Boyer, Civil Engineering Consultants, 11402 Gravois Road, St. Louis, MO.

Mr. Boyer stated that The Willows is an aging-in-place facility and there is a significant need for additional parking for visitors, family members, and care givers contracted by the residents. They are requesting changes in parking setbacks in two locations; (1) along Woods Mill Road; and (2) along the south property line.

Residents' Concerns
Mr. Boyer noted that the requested change along Woods Mill Road will not impact any residential properties. They are, however, aware of the concerns expressed by residents regarding buffers and site lighting in connection with the requested 50-foot setback along the south property line. To address these concerns, the Applicants are proposing: (1) head-in parking towards the building so headlights will be directed away from the residents; and (2) to augment the landscape buffer along the shared property line with the residents. The Willows is also willing to have their Landscape Architect meet with the residents to add landscaping on the residents' properties as an additional buffer.

Mr. Boyer also stated that concern has been raised about a specific light standard and explained that this light standard would be removed with the additional parking. They are proposing two new light standards that would be 72 feet away from the shared property line.

Regarding concerns about an existing Maple tree, Mr. Boyer explained that due to the need for the additional parking, the tree needs to be removed as saving it would impact three needed parking spaces.

Mr. Boyer also noted that the Applicants have had three meetings with adjacent residents regarding their concerns and their efforts to address them.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. **Mr. Val Grewe**, 303 Woods Mill Terrace Lane, Trustee of Terrace at Woods Mill Cove, Chesterfield, MO.

Mr. Grewe stated he is speaking on behalf of the residents of Woods Mill Terrace Cove who have concerns about the south property parking area, which has 14 cars. The sketches provided to the residents indicate that seven 30-40 foot tall Maple and Pine trees are to be removed. The requested setback will result in approximately 4700 sq. ft. of impervious asphalt replacing green space. There will be very little green space left for mitigation of the loss of green space and the loss of the seven mature trees.

The current lighting is non-conforming – it is not shielded or down-directed. The residents would like to have this addressed.

The residents are requesting clarification on the proposed screened planting as they have not seen anything on it at this point.

2. **Mr. William B. Bradshaw**, 309 Woods Mill Terrace Lane, Terrace at Woods Mill Cove, Chesterfield, MO.

Mr. Bradshaw questioned the need for all the additional parking spaces being requested and stated that he has received several different answers as to who will be utilizing the parking. He is opposed to the parking being used by employees because the employee lot behind the building is littered with "cups, straws, and hairnets".

He would like further information on why the additional parking is needed, as to who will be using it, and as to whether the parking will be utilized during the day or night hours. He has also asked for long- and short-range plans for Brooking Park but has not received them.

He has concerns that the residents of Brooking Park do not have any walking trails within their development requiring them to walk down the street to the side of Brooking Park and behind his property. He pointed out that with the requested parking setbacks, even more space will be eliminated from the facility's grounds.

SPEAKERS – NEUTRAL: None

REBUTTAL:

Mr. Boyer clarified that the seven trees to be removed are not along the buffer – they are on The Willows' property between the building and the existing drive. He further explained that they will be installing permeable pavement in this area - not asphalt.

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The demand for the parking at The Willows relates to repeated incidences of people not being able to find parking so they drive back and forth on the lot resulting in increased traffic and safety hazards so they prefer having spaces readily available and accessible for visitors and caregivers.

Discussion

Responding to questions from the Commission, Mr. Boyer provided additional information about the following:

Trees
Efforts are made to save trees whenever possible but in order to maintain the root system of the maple tree in question, they would lose the ability to add three more parking spaces by the skilled care nursing facility where the spaces are greatly needed for caregivers. It was clarified that none of the seven trees will be saved as they are located in the area where the parking stalls are needed. The white pine trees to be removed are at the end of their life expectancy.

They do intend to augment the landscaping both on the parking side, between the building and the parking stalls, as well as the buffer along the shared line. In addition, The Willows has offered to have their Landscape Architect meet individually with the residents in order to add landscaping on the residents' properties as a buffer.

Permeable Concrete
For detention and water quality facilities, MSD requires permeable concrete which allows water to run through it and infiltrate into the ground. MSD considers the run-off from permeable concrete to be the same as run-off from grass.

Need for Additional Parking
There is a need for more parking at this time to handle the increase in visitors, family members, and caregivers – in addition, there is an influx of vehicles during holiday periods. It was noted that they are not increasing the number of units or bed counts.

Chair Proctor called for a five-minute recess at this point with the meeting re-convening at 7:50 p.m.

Chair Proctor announced that the next two petitions, **P.Z. 09-2016 40 West Luxury Living (KU Development, LLC)** and **P.Z. 10-2016 40 West Luxury Living (KU Development, LLC)** would be presented separately, but simultaneously.

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

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STAFF PRESENTATION:
Senior Planner Justin Wyse requested that the Commission formally enter into the record a copy of the City of Chesterfield Unified Development Code and a copy of the City of Chesterfield Comprehensive Plan.

Mr. Wyse then provided the following information about the petitions.

Request Summary
The Applicant has submitted three applications as noted below:

- P.Z. 03-2016 – This petition requests a rezoning from NU, R-1 and R-2 to R-6AA for 14.3 acres on the western side of the site.

- P.Z. 09-2016 – This petition requests a rezoning from NU to R-6A for 6.0 acres on the eastern side of the site.

- P.Z. 10-2016 – This petition requests a rezoning from R-6AA and R-6A to a Planned Unit Development.

The applicant proposes to ultimately establish a Planned Unit Development (PUD) over the approximate 20-acre area. The PUD process requires two steps. The first step is to establish a residential zoning district for the area in order to determine the maximum density within the PUD. The second step is for the applicant to submit a petition to establish the PUD District. This process results in the creation of a draft ordinance containing development criteria for the proposed development.

The rezoning requested under petitions P.Z. 03-2016 and P.Z. 09-2016 are required prior to zoning to PUD through petition P.Z. 10-2016.

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

Surrounding Zoning and Developments
The site to the west of the subject site contains a single family home and is zoned "NU" Non-Urban District. To the southwest, south, and east of the site, zonings include a mix of "R-2" and "R-1A". To the north of the site is I-64 with the Delmar Gardens development along North Outer 40 Road.

Comprehensive Land Use Plan
This six-acre parcel is designated within the *Residential Multi-Family* category in the City of Chesterfield Comprehensive Plan.

Survey
As required by the Unified Development Code, the Applicant has provided a survey of the property documenting existing conditions.

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

This petition has been filed in conjunction with P.Z. 03-2016 and P.Z. 09-2016, which establish residential zoning districts for the area. P.Z. 10-2016 is the second step required for the Planned Unit Development.

The Public Hearing for P.Z. 03-2016 was held on May 23, 2016 but no subsequent Issues Meeting or Vote Meeting has been scheduled. It is anticipated that all three petitions will now run on the same meeting schedule.

Surrounding Zoning and Developments
Surrounding developments include "NU", "R-1A" and "R-2" zoning. Planned Commercial Districts exist on the opposite side of I-64.

Comprehensive Land Use Plan
The City's Comprehensive Land Use Plan designates the subject area as *Residential Multi-Family*.

Preliminary Plan
As required as part of the PUD process, the Applicant has submitted a preliminary plan for the development. This plan contains more information than a typical preliminary plan, and the Applicant will be held to the additional restrictions detailed on the plan in the event this petition moves forward.

The proposed plan includes the following key characteristics:

- Primary access off South Outer 40 Road.
- One curb cut off Schoettler Road to accommodate a gated, emergency access for first responders only. This access would not be open to daily traffic.
- Several residential buildings with a four-story maximum, as well as parking garage structures along the perimeter of the parking area.
- The six-acre tract of land will not be developed and will be maintained as one single-family residence.

Density
The underlying R-Districts establish the maximum density allowed in the proposed Planned Unit Development. The following chart compares the original request, P.Z. 03-2016, to the ultimate PUD request, P.Z. 10-2016.

	Site Size (acres)	**Required Density (ft^2 per Unit)**	**# Units Possible**	**# Units Requested**
P.Z. 03-2016 *Original Request* "R-6" District	14.29	2,000 ft^2	311	280
P.Z. 10-2016 *Ultimate Request* "R-6AA" and "R-6A" to PUD District	20.29	3,000 ft^2 & 4,000 ft^2	272	258

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PETITIONER'S PRESENTATION:
Mr. George Stock, Stock & Associates Consulting Engineers – representing KU Development and Mills Properties, 257 Chesterfield Business Parkway, Chesterfield, MO.

Mr. Stock presented a PowerPoint presentation providing the following information:

Mills Properties and KU Development
Mr. Stock stated that Mills Properties and KU Development are partnering to develop the 40 West Luxury Living facility with Mills to be the managing member of the property.

Mr. Stock then provided background information on the two companies.

- Since 1979, Mills has developed and rehabbed over 4,000 residential units at a value of over $250MM. They own over 9,000 residential units and manage over 12,000 units in the greater Missouri area.
- Mills has raised over $120MM in investor equity and has never issued a capital call or had an investor lose money. All of their lenders on their projects have been paid back in full over the company's 37 year history.
- Mills is a ten-time winner of the *St. Louis Apartment Association's Management Company of the Year Award*; a five-time winner of the *National Builders Association Homer Award*; and a three-time winner of the *Institute of Real Estate Management Company of the Year*.
- The principals of KU Development have collectively been in the real estate, design, development and construction industry for 35 years, and have been involved in over $1 Billion in real estate transactions, have designed, developed and built over $1.25 Billion in construction projects, and recently completed the development of Sunset Ridge at Manchester located at the northwest intersection of Hwy 270 and Manchester Road, a multifamily, office, hotel, and senior living mixed-use development with a total value of approximately $100,000,000.
- The principals of KU Development have designed and built multiple projects in Chesterfield, own property in Chesterfield, and are active in the Chesterfield community.

Property Information
The subject property is located in the southeast quadrant of South Outer 40 and Schoettler Road and contains 14.3 acres at the addresses of 1 Haybarn Lane, 15 Haybarn Lane, and 1330 Schoettler Road; and 6 acres at the addresses of 1420 Schoettler Road and 15300 South Outer 40. The existing zoning is "R-1", "R-2", and "NU".

The 3.8 acre property at 1410 Schoettler Road lies between the 14-acre site and the 6-acre site. Immediately to the north of 1410 Schoettler Road is 15002 South Outer 40, which is the common ground of Royalwood subdivision. The common ground for the Royalwood subdivision is 655 feet away, and disconnected, from the actual subdivision. This is a similar situation to the proposed PUD wherein the Applicant owns two properties connected by a public road.

Delmar Gardens is located to the north of the subject site, which includes both its assisted living facility and two office buildings. Also to the north is another office building, and that office building is the transitional to the north that transitions to the residential properties to the south. This situation is very similar to the subject property which has a great amount of frontage on the Outer Road.

The Applicant is very sensitive to Schoettler Road and intends to preserve that corridor of Schoettler Road and the existing tree-lined residential feel.

The 14.3 site includes 1,100 feet of frontage along Schoettler Road, 972 feet along South Outer 40, and 907 feet along the Mastorakos property. The 6-acres site includes 198 feet along Schoettler Road, 288 feet abutting the Royalwood common ground, and 152 feet along South Outer 40.

Both sites are very steep and topographically challenging. Schoettler Road is the high end of the site with everything sloping to the north. The topography will be utilized so that the proposed development will be pushed down relative to Schoettler Road and relative to the property to the south.

The six-acre site will be preserved as a buffer.

Tree Stand Delineation
The two portions of the subject site contain a total of 14.6 acres of tree canopy with 9 of those acres on the 14.3 acre site and the other 5 acres on the 6-acre tract of land.

Comprehensive Land Use Plan
Mr. Stock outlined how the re-zoning request is consistent with the City's Comprehensive Plan:

- The site is currently zoned "R1", "R2", and "Non-Urban" District. The Petitioners are requesting rezoning to "R6AA" for 14.3 acres, and to "R6A" for 6.0 acres, with a final rezoning to a Planned Unit District (PUD) in conformance with the City's Land Use Plan. *In order to be consistent with the Comprehensive Plan and the Residential Multi-Family designation, Mr. Stock explained that there are only a few categories to which the land may be rezoned – R6A up to R8. The Petitioners have chosen R6AA (2nd lowest density) for the area closest to the interstate and R6A (lowest density) for the area adjacent to Westchester Place.*
- The Comprehensive Plan designates the subject area as *Residential Multi-Family*, along with one other property south and north of the proposed project. This designation has been in place since 1990. It was studied by the 22-member Advisory Committee and the City's Consultant. Three public meetings were held and the plan was adopted on 2/24/2003, with further updates made on 7/13/2009, after several months of review by the Comprehensive Plan Committee and several residents of the community.
- The Comprehensive Plan states that "*Multi-Family Residential is generally based on locations along Arterial and Collector Roads adjacent to commercial uses. Primary locations are at…South Highway 40 Outer Road and Schoettler Road…"* (p. 63 of Comp Plan)
- Section 2.4 of the Plan Policy reads: "*New multiple-family residence should be located in or near the Urban Core."*

Project Information
The Petitioners are proposing 258 units to include 116 one-bed units; 116 two-bed units; and 26 three-bed units. The development will include seven apartment buildings (3-4 stories in height) centrally located on the site away from Schoettler Road right-of-way, a clubhouse, and pool.

The site design provides large setbacks from the perimeter and will be graded to optimize the topography, allowing the building heights to be placed lower than the adjacent Schoettler Road and south property line. Lower density garden style units are planned for the perimeter of the property with midrise units planned along the Interstate, which will create a natural transition from single-family residential towards the Interstate and commercial properties to the north.

Multi-family developments historically perform better in visible locations and the design and placement of the proposed buildings will reduce traffic noise from Interstate 64 to the surrounding community.

The community access to the site will be from South Outer 40 Road. An emergency gated access from Schoettler Road will be used as a secondary access as required by Monarch Fire.

Benefits

Mr. Stock outlined how they feel the proposed development will benefit the community:

- The request is consistent with the City's Comprehensive Plan – Residential Multi-Family.
- Provides alternative housing for young professionals moving to Chesterfield due to the growing employment base, schools, and quality of life. Also provides housing for empty nesters who wish to live with high-quality finishes and want to remain in Chesterfield.
- Young professionals become future buyers of single family homes as they continue careers and become growing families.
- Dedication of right-of-way and construction of a sidewalk along Schoettler Road for the City's implementation of an improved Schoettler Road.

Proposed Plan

Mr. Stock presented the proposed Preliminary Site Plan and summarized its contents:

- Seven buildings
- 70% open space – *it was noted that the minimum requirement is 40%*
- 47% tree canopy
- The 6-acre parcel will be permanently preserved and deed-restricted with Westchester Place being the beneficiary of the deed restriction so it can never change in the future.
- High-end residential components including Hardie board and stone construction on the buildings.
- A landscape berm will be placed along Schoettler Road.

Discussion

Transition

Commissioner Wuennenberg noted that the plan shows a transition from a single-family residence (1410 Schoettler Road) to the proposed, rather-dense, multi-family property and asked Mr. Stock to provide additional information about this transition.

Mr. Stock stated that 1410 Schoettler Road is comprised of 3.8 acres and south of that property is a 6-acre tract currently zoned "NU" Non-Urban and designated as Multi-family Residential. These six acres will be preserved into perpetuity so the entire south property line will be protected, as well as Westchester Place.

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Commissioner Wuennenberg indicated that the 6-acre preserved area does not provide any benefit to the northern property line of 1410 Schoettler, which currently includes a single-family residence. He then asked how the plan transitions from the single-family property into the proposed development.

Mr. Stock replied that the zoning request is for "R6AA", which is the second-lowest density. The closest building to 1410 Schoettler will be 154 feet from the building to the property line; from the property line to the carport at 1410 Schoettler is 54 feet. The building is located 20 feet below and the parking lot is 18 feet below so the light standards on the parking lot are about the same height as the property line. The 31-foot area along the property line will retain all the existing trees and tree canopy. The honeysuckle and overgrowth will be removed in this area, and the berm will be supplemented with additional landscaping. Mr. Stock stated that they are taking advantage of the site topography and pushing everything down so that the rooflines of the proposed buildings are below the roofline of the home across Schoettler Road.

Topography/PUD

Commissioner Geckeler cited from the Applicant's Narrative Statement, which states in part:

> *. . . the topography of the property is very difficult. It drops seventy-six feet (76') from south to north with eroding ravines running south to north and west to east. The property requires extensive grading to balance the earthwork and terracing for the site to be sustainable.*

Commissioner Geckeler noted that the Applicant is requesting a PUD – one of the purposes of which is to *preserve the natural and scenic features and open space.* Design features include *placement of structures on most suitable sites with consideration of maintaining existing site topography, soils, vegetation, and slope, preservation of existing mature trees and enhanced landscaping and deeper buffers*. She then asked if the Applicant's need for extensive grading is at odds with the purpose and design features of a PUD.

Mr. Stock stated that he does not believe the two are at odds and explained that the deep ravines should not be considered a natural feature as they are erosive and have been a maintenance problem for the City. The drainage that comes through the site is very erosive and the erosive channels are causing siltation to run down into the stream. The Applicant intends to grade the site so it becomes sustainable and corrects the erosion issues. The stormwater will be reduced by as much as 67% for the two-year storm, and 35% for the 100-year storm.

Mr. Stock stated he believes their plan meets the PUD requirements because of the following amenities and features:

- They are retaining a cumulative 70% open space – 40% of which is on the 14.3 acre site.
- Tree canopy will be retained at 47% - 24% of which will be on 14.3 acre site.
- They are preserving six acres of land into perpetuity.
- The site will include an internal sidewalk, lake and fountain, dog park, community garden, walking trails, pool, club house, and fitness center.

Comprehensive Plan
Commissioner Hansen referred to page 52 of the City's Comprehensive Plan describing multi-family residences and asked Mr. Stock for his view on how this definition relates to the proposed project.

> *Multiple-family residences tend to be located along roads with high traffic volumes, such as Olive Boulevard, Chesterfield Parkway, Clayton Road, Baxter Road, and Woods Mill Road. These housing complexes are also clustered together in large developments near other dense land uses such as commercial and office as opposed to being scattered throughout neighborhoods. Multiple-family residences are typically physically and visually isolated from single-family residences in Chesterfield.*

Mr. Stock stated that the proposed development is not scattered in the neighborhood nor is it an in-fill development. The site is surrounded by the property at 1410 Schoettler to the south, the interstate is immediately to the north, Schoettler Road is adjacent to the site, and residential properties are to the west. He noted that those residential properties are not fronting the interstate. As one continues west, the residential properties abut Schoettler Valley Apartments. The buildings will be "hidden" by the topography of the site which makes them appear to be pushed down so only the rooflines are visible. The design will be of a residential character to mimic the surrounding residential. The buildings are as far away as possible from Schoettler Road and the residential properties. They believe the traffic will be very low on Schoettler Road and concentrated on the Outer Road.

Zoning
Commissioner Lueking pointed out that Royalwood subdivision, east of the subject site, is single-family, Westchester is single-family, and the subject properties are zoned R-1 and R-2 so she questioned why the property couldn't be zoned at a less dense zoning designation than what is being requested.

Mr. Stock replied that R-5 zoning is not a residential multi-family zoning. And while Oaktree Estates is zoned R-2, it does not abut the highway. Both Oaktree Estates and West Ridge Estates are protected from the highway by a large berm while the subject site does not have a protective berm from the highway and outer road. The proposed buildings sit above I-64 by approximately 30-40 feet.

Endangered Species
Commissioner Geckeler stated that the City has received a letter from a Greenleaf Estates resident pointing out that a Blanding's turtle has been found in the watershed area of Creve Coeur Creek, which is considered an endangered species and asked how this will be handled relative to the Endangered Species Act.

Mr. Stock replied that they have already completed their environmental assessment and their plans have been approved for permits through the Missouri Department of Natural Resources and the U.S. Army Corps of Engineers. In addition, they have done their due diligence with MoDOT and the fire district for proper permitting.

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SPEAKERS IN FAVOR:

1. **Mr. Dan Prosser,** 1420 Schoettler Road, Chesterfield, MO.

Background information provided by the Speaker:

- He and his wife have lived at their address for over 19 years.
- Their property is currently under contract with the Petitioner.
- When they purchased the property in 1997, they knew that one day their property would be sold to a developer given its location and multi-family residential designation on the City's Land Use Map.

Speaker noted the following reasons for supporting the petition:

- Interstate 64 truck traffic can be heard in their home even when the windows are closed and their home is the farthest one from the interstate.
- Even in 1997, their property was difficult to sell as a single-family residence as it had been listed for over 18 months before any offer was made on it.
- Changes in the area have occurred over the years with 8 lanes of interstate traffic and 4 lanes of outer road traffic in addition to more commercial properties along the corridor.
- His property at 1420 Schoettler Road will remain a single family residence under the proposed plan.
- The plan provides for a six-acre buffer for the subdivisions east of them.
- He does not feel the subject site is feasible for development as condos, villas, or homes.
- Considering the limitations of how the property could be developed, he feels the plan is "an exceptionally fair proposal" with a six-acre preservation area, improvements to Schoettler Road, and a high-end luxury community that blends in appearance with Oaktree Estates.

2. **Ms. Chris Allen**, 15367 Highcroft Drive, Highcroft subdivision, Chesterfield, MO.

Background information provided by the Speaker:

- She has lived at her current address for 11 years, which is six houses away from the subject site.
- She attends the Church of the Resurrection on Schoettler Road but does not speak for the church – she is speaking only as a resident.

Speaker noted the following reasons for supporting the petition:

- She believes the proposed development will be good for the neighborhood.
- She is not concerned that property values will be negatively impacted because of the low-rise design of the development and the buffer that will be put in place.
- She does not anticipate an increase in traffic along Highcroft Drive from the proposed development.
- She likes the idea of having a buffer against the commercial buildings of offices and restaurants in that area.

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SPEAKERS IN OPPOSITION:

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

Background information provided by the Speaker:

- Her property is zoned Non-Urban, consists of 3.8 acres and is 25 feet from the proposed 258-apartment development.
- She and her husband bought the property in 1962 and have lived there for over 50 years.

Speaker noted the following reasons for opposing the petition:

- If approved, the development will have an enormous negative impact on her property and will permanently alter the Schoettler Road residential community.
- She feels the proposal is not compatible with the Comprehensive Plan or existing land use patterns because of the following reasons:
    - Multiple-family residences tend to be located along roads with high traffic volumes, such as Olive Boulevard, Chesterfield Parkway, Clayton Road, Baxter Road, and Woods Mill Road.
    - These housing complexes are also clustered together in large developments near other dense land uses, such as commercial and office as opposed to being scattered throughout neighborhoods.
- The proposed development conflicts with several Residential Policies of the Comprehensive Plan, such as:
    - Section 2.1 Quality Residential Development - The Comprehensive Plan is meant to assist residents in creating and preserving neighborhoods**.** *The Petitioner is locating within an existing neighborhood and is not compatible with, nor would preserve how, the neighborhood has developed over the last 50 years.*
    - Section 2.1.1 Conservation of Existing Quality of Life - Preserve and enhance the quality of life in Chesterfield as exemplified by its existing neighborhoods and the development that now exists. *No neighborhood in the City has had multi-family introduced after developing as a single-family detached residential community over several decades.*
    - Section 2.1.3 Encourage Preservation of Existing Residential Neighborhoods - Preserve or improve existing residential neighborhoods' identities. *The proposed multi-family development has no meaningful transition or buffer and would not preserve or enhance the existing neighborhood identity.*
    - Section 2.1.4 Compatible In-Fill Residential Construction - Construction of new homes in existing neighborhoods, where practical, should be compatible with the existing homes. *Single-family and multi-family are two different, incompatible kinds of housing.*
    - Section 2.1.6 Reinforce Existing Residential Development Pattern - New residential development should reinforce existing residential neighborhood patterns by continuing to enforce high quality site, subdivision design, layout, and planning practices. *The proposed development bears no resemblance to any other residential development in the neighborhood.*
    - Section 2.1.7 Multiple-Family Projects in Higher Density Areas - Multiple-family projects should be located close to existing higher density commercial and residential development so as not to alter the conditions and environment

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of existing single-family neighborhoods. *The Schoettler Road residential community is not high density.*

- Section 2.1.8 Transitional Use between Single-Family Detached and Higher Density Development - Single-family attached developments should serve as a transitional land use between single-family detached land use and multi-family residential and commercial uses. *The proposed development focuses on how the project transitions from the high intensity use of I-64 to the single-family detached homes of the Schoettler Road residential community. The purpose of this policy is to demonstrate how to best transition from single-family detached housing to higher density use, which would be with single-family attached housing.*
- Section 2.4 High Density in Urban Core - New multiple-family residences should be located in or near the Urban Core. *The proposed development is not in the Urban Core but directly abuts single-family. "Near" implies continuity with the Urban Core but no such continuity exists.*

2. **Mr. Steve Ahlheim,** 14624 Brittania Drive**,** Scarborough, Chesterfield, MO.

Background information provided by the Speaker:

- He is an attorney-at-law and has been a resident of Chesterfield for 13 years.

Speaker noted the following reasons for opposing the petition:

- Proposal Violates Contiguous Requirement
  - City Code defines a Planned Unit Development as *all property that is at least four contiguous acres shall be eligible for a PUD* - the subject proposal contains two separate parcels that are not contiguous.
  - Missouri courts have ruled that "contiguous" parcels must share a common side, but the subject two parcels do not.
  - Applicant's 14 acre parcel may be eligible for its own PUD and the 6 acre tract may also be eligible for its own PUD, but Chesterfield's Code does not allow two separate parcels to be considered as one PUD.
- Proposal Violates Chesterfield Design Requirements
  - The purpose of a PUD is to create open space such as *greenways, landscape gardens, plazas, and walking and cycling trails that serve to connect significant areas and various land uses* – there is no connection between the 14 acre site and the 6 acre site other than a public road, which Speaker does not think should be considered as a connection.
  - Design requires an inclusion of community facilities and access thereto – there is no connection between the two parcels other than a public road.
  - The amenities are to be distributed throughout the PUD and not concentrated in one area – the proposed PUD is 20.3 acres and the amenities are not spread out over the 20.3 acres but all concentrated on the 14.3 acre site.
  - The proposal is seeking higher density by combining the two parcels but this is not allowed by City Code.

Mr. Alheim noted that the City may have concerns of a lawsuit if the proposal is not approved, but failing to conform to Chesterfield's Code is grounds for denial of the Applicant's proposal and good ground for success in the event of a lawsuit. Mr. Alheim also stated that concern should be equally given to the desires of over 1,700 voting

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Chesterfield citizens who oppose the Applicant's proposal and who ask the City to oppose it as well.

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

Background information provided by the Speaker:

- His home is located directly across from Logan College.

Mr. Green provided photos of Schoettler Road depicting why it is "so special":

- It is a three-mile long, single-lane, tree-lined road running between Clayton Road and South Outer 40 with single-family homes all along it.
- Has an open, spacious feel.
- Homes sit back from the road.
- Has long berms with trees and shrubs.
- Has views of open skies and lush trees.
- Has a natural feeling with beautiful subdivisions and dense wood.
- It is not like Clayton Road, Woods Mill Road, Olive Street Road, or Clarkson Road.

Mr. Green then provided a comparison of Planned Unit Developments on Schoettler Road:

Development	Location	No. of Units
Amberleigh	SE corner of Schoettler & Clayton	4.28 units/acre
Schoettler Grove	SW corner of Schoettler & Clayton	2.20 units/acre
Oaktree Estates	NW corner of Schoettler & S. Outer 40	2.70 units/acre

The proposed development of 40 West Luxury Living would be a 258-unit complex in seven buildings averaging 36 units per building with 18 units per acre, which is clearly inconsistent with the other PUDs in the area. If the property was developed like Oaktree Estates across the street, it would have less than 60 homes.

Mr. Green stated that during a meeting with the developer's representative, the residents asked if single-family homes or attached villas could be considered for the subject site, but the developer indicated such development would not be financially feasible.

Density along Schoettler Road:

- An acre contiguous to Schoettler Road contains only 1 residence.
- An acre within the subdivisions along Schoettler Road are zoned R-2 with approximately 3 homes per acre.

Questions:

- How will Chesterfield police the quality of the buildings being constructed by the developer?
- How does the City engineer insure that the changes proposed by the developer to a critical section of Schoettler Road will comply with the City's concept plan, generally-accepted road construction design, and that the necessary ground dedicated by the developer will accommodate the widening of the Schoettler Road bed, its shoulders, the bike paths, the sidewalks, and the 30-foot promised setback?
- What are Chesterfield's storm water control parameters in addition to MSD's to make sure that the existing subdivisions downstream are not negatively affected?

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

Background information provided by the Speaker:

- He and his wife have been residents of Chesterfield for 26 years.

Referring to the City's Zoning Base Map, Mr. Bosenbecker noted the following zoning designations for the areas near the proposed apartments:

- R-2 - Church of the Resurrection and Oaktree Estates
- R-4 - Single-family residence now developer-owned
- R-1A- Royalwood subdivision, vacant property, and adjoining subdivisions
- NU – Mastorakos property, Prosser property, and vacant property
- R-6 – Schoettler Valley apartments

Mr. Bosenbecker provided the following information regarding **Zoning Codes & Requirements**:

Zoning District Code	Single Family Residence Units/Acre	Multifamily Apartment or Condominium Units/ Acre	Chesterfield Code Status
R-1, R-1A, & NU	-	-	Inactive
R-2*	2.90	Not Permitted	Active
R-3*	4.36	Not Permitted	Active
R-6A	9.68	10.89	Active
R-6AA	9.68	14.52	Active
R-6	9.68	21.78	Active
PUD			Active

Mr. Bosenbecker provided the following information regarding **Density Comparison**:

Low Density R-2 & R-3	High Density R-6, R-6A, R-6AA
1 – 4 dwelling units	140 – 294 dwelling units
4 – 16 people	560 – 1176 people
2 – 8 automobiles	280 – 588 automobiles

Mr. Bosenbecker stated that examples of R-2 and R-3 density residences on Schoettler Road include Oaktree Estates, Amberleigh, and Schoettler Grove.

Speaker noted the following reasons for opposing the petition:

- The density proposed for the apartment complex is not compatible with Chesterfield's Comprehensive Plan or the Schoettler Road neighborhoods.

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

Background information provided by the Speaker:

- He and his wife have lived in their home for 38 years.

Mr. Daniels stated that a number of opponents to the proposed development consider traffic a major reason for their opposition. A traffic study done in July 2016 by St. Louis County indicates over 11,000 cars used South Outer 40 Drive in a 13-hour period – an average of 900 cars/hour or a car every 4.4 seconds. He noted that this count was taken during a period when Logan University's staff and students were not present nor does it include the expected 500 employees from Bunge.

Mr. Daniels noted that Schoettler Road does not have streetlights like other arterial roads such as Clayton, Baxter, or Woods Mill Roads. He expressed concern that because of the restricted access to South Outer 40, traffic will be coming from other roads such as Conway and Schoettler Valley.

Speaker noted the following reasons for opposing the petition:

- The proposed apartments violate the Comprehensive Plan and its intent, and are not compatible with existing single family homes in the area.
- The developer has rejected the suggestion to consider single-family owned-condos, villas or townhomes.
- He has concerns that a precedent would be set if the requested zoning is approved and noted that currently there are two pieces of property for sale on Schoettler Road, totaling 13-plus acres.
- He has concerns that the lack of resident ownership in an apartment complex could result in the property not being maintained properly and raise issues with "overflowing dumpsters, maintenance sheds, and abused common areas".
- One developer, the group that would be managing the apartment complex, recently had an "F" rating from the Better Business Bureau, which has now been changed to "No Rating". The other developer has no track record of any finished developments.

Mr. Daniels then provided a copy of his comments and asked that they be made a part of the record.

6. **Mr. Mike Moore,** 14650 Fairfield Farm Drive, Fairfield Farms, Chesterfield, MO.

Mr. Moore stated that he and his wife have been residents of Chesterfield for 30 years. He had planned on summarizing the comments from the previous five Speakers, but in the interest of time, stated he would pass on speaking.

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

Speaker noted the following reasons for opposing the petition:

- Intent - The text of the Comprehensive Plan "clearly excludes Schoettler and South Outer 40 from multi-family zoning". Mr. Geiger then referred to page 63 of the Comprehensive Plan which states:

  Multi-Family Residential is generally based on locations along Arterial and Collector Roads adjacent to commercial uses.

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He noted that the Plan specifically mentions Olive Boulevard & Woods Mill Road, Woods Mill Road & Clayton Road, Baxter Road & Clayton Road, and Chesterfield Parkway each of which has extensive commercial activity. Also mentioned is Baxter Road between Clarkson and Wild Horse Creek Road which already existed when the Plan was prepared. While the area of Schoettler and South Outer 40 is mentioned, there is no commercial activity anywhere near this intersection thereby precluding it from multi-family zoning.

- PUD – *Mr. Geiger stated that since this topic had been thoroughly covered by Mr. Ahlheim, he would skip adding his comments.*

- Transitional Zoning – Transitional zoning is non-existent in the subject proposal. Mr. Geiger referred to the developer's Narrative Statement which indicates:

  > The most intense component of the City of Chesterfield is Interstate I-64. Based on the City's Land Use Plan, a logical transitional pattern would be to place R-8 (which is the densest multi-family zoning) adjacent to the Interstate, moving south ending up with R-6A at the Westchester Place subdivision.

  Speaker noted that Westchester Place is zoned R-2 and R-1A, single-family, detached. While the Petitioner may feel this has logic, it is not what the Comp Plan intended for transitional zoning. The Comp Plan states: *Single-family attached developments should serve as a transitional land use between single-family detached land use and multi-family residential and commercial land uses.* This does not mean going from R-2 and R-1A to any R-6 zoning categories.

- Density – If approved, 258 units will be constructed on the 14.3 acre site which is far too dense to be a desirable or viable project. However, if it is decided that multi-family is acceptable, the R-6A zoning is more appropriate as it would permit 155 units thereby allowing more extensive setbacks, buffering from the single-family neighbors and along Schoettler Road, and would minimize the myriad problems already associated with this project.

8. **Mr. Rory Paul,** 14792 Timberbluff Drive, Thousand Oaks, Chesterfield, MO.

Speaker noted the following reasons for opposing the petition:

- With having no access from Schoettler Road, all the traffic (potentially 588 vehicles) will be pushed down to Timberbluff Manor Parkway. Combined with the traffic from Bunge's arrival and the new developments at Delmar Gardens, the residents of Timber Lake Manor, Thousand Oaks, Royal Oaks, and Chesterfield Hills will be facing a potential massive increase in traffic along South Outer 40.

Speaker asked what research has been done on the impact of this additional traffic entering and exiting the one entrance. If the proposal is approved, Speaker questioned if the size of the police department will need to be increased.

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9. **Ms. Nesta Lonsway,** 15332 Oak Tree Estates Drive, Oak Tree Estates, Chesterfield, MO.

Background information provided by the Speaker:
- Her home is located across from the proposed development.
- She is 82 and her husband is 91, who is a recipient of the Purple Heart for aiding in the liberation of Holland during World War II.

Speaker noted the following reasons for opposing the petition:
- She is concerned about increased traffic from the proposed development and worries that it could impede their ability to get to St. Luke's Hospital in case of an emergency as she and her husband both have serious health issues.

Speaker suggested that the property be developed as a park to be used by all Chesterfield residents.

10. **Ms. Linda Reid,** 14754 Chesterfield Trails Drive, Chesterfield Trails, Chesterfield, MO. *Ms. Reid passed on speaking.*

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

Background information provided by the Speaker:
- His property is next to the proposed development.

Speaker noted the following reasons for opposing the petition:
- He is not opposed to development in this area – but is opposed to development with apartments.
- Since this project has become public, no homes have sold in his neighborhood as buyers are waiting for a decision on this project.

Speaker stated that the developer's website indicates that they have "been advised by City officials on this project". Speaker requested any notes pertaining to this project be made public so that residents can see what advice has been given by any City official. He also requested the dates, times, and places that any meetings took place.

Speaker then read excerpts from a Post-Dispatch article dated December 21, 2014:

> *Seven years after the great housing bust, could St. Louis be headed for a glut in upscale apartments? It's possible, say some real estate players. After a long dry spell, St. Louis is seeing an uptick in construction of multi-family buildings, both condos and apartments, as well as rehabs of existing apartment buildings. Some worry that the trend might go too far with too many luxury apartment buildings being planned.*
>
> *There's a lot of new construction on the drawing boards. It's kind of unprecedented, said Kirk Mills, president of Mills Properties, which owns or manages more than 9,000 apartments around St. Louis and is building in the Central West End and St. Peters.*

We are going to see the top of the market tested over the next few years. There will be some people who really get in trouble, he added.

The market can withstand the construction that's underway now, says Tim Sansone, principal at the Sansone Group, a property development and management firm that runs 5,000 apartments in Missouri, Arkansas, and Texas. I don't think you want to see much more than that. Let it be absorbed, he said.

Mills and Sansone both worry about what may be coming next. They think another 1,400 to 1,500 apartments are on the drawing boards. Most will be in the high rent zones, Mills estimated. Given construction and land costs, builders need high rents to make the numbers work, absent a government subsidy.

The market can withstand the construction that's underway now, says Tim Sansone. . . . I don't think you want to see much more than that. Let it be absorbed, he said.

Mills doesn't plan to build more. We're kind of battening down the hatches and focusing on operations, he said.

Speaker stated that until two weeks ago, Mills Properties had an F rating with the Better Business Bureau. Now the company is not rated by the BBB, but the BBB's website notes that the business is in the process of responding to previously closed complaints. BBB is urging consumers to use caution when considering doing business with Mills Properties. BBB has received a pattern of complaints against this company alleging delays in responding to tenants' requests for maintenance, security deposits are not refunded, failure to document charges for cleaning the apartment and apartment damages.

Chair Proctor called for a five-minute recess at this point with the meeting re-convening at 9:35 p.m.

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

Speaker stated that he has been searching for the following four ideals in the developer but does not see them being displayed.

- Courage – Speaker questioned why the developer has not recognized that the subject site could be used an "opportunity to shine" by building single family homes or villas on the topographically-challenged site. Speaker stated that it takes courage to do the extraordinary.
- Wisdom – Speaker questioned the wisdom in choosing the subject location for a densely-populated apartment complex "jeopardizing 500 tenants by placing them 150 feet from the entrance of a highway ramp and creating more hazards in an already busy traffic location".
- Character – Speaker questioned the lack of character "when the developer violates the Comprehensive Plan that governs this land use". He questioned the developer's character when he sees huge opposition and continues to buy more property to expand the development size.

- Truth – Speaker questioned the developer's statement that the residents of Oaktree Estates are in support of the project when it was later learned that numerous Oaktree Estate residents have sent letters and signed petitions in opposition to the development.

Speaker noted the following reasons for opposing the petition:

- If approved, this could set a precedent for more apartments to be built in inappropriate locations.
- He does not see any benefits to this development and only sees penalties to the existing residential way of life.

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

Speaker referred to previous meetings with the developer where it was stated there is a high demand for the proposed apartments. Mr. Ganel then provided information about the current availability of apartments as of September 12, 2016 per *Apartment Guide.com* which showed there are 97+ apartments available in Chesterfield.

Speaker noted the following reasons for opposing the petition:

- He has concerns about the proposed management team.
- He has concerns that the developer will experience financial hardship and that the development will not be viable given that the number of apartments has been reduced.
- He has concerns that the Comprehensive Plan contradicts itself in two different places. In one area, it says that the subject site is for multi-family and another area of the Plan gives guidelines of not putting in apartment buildings on this site.

Speaker stated that when he works with CEOs in a consulting position, he advises them that when they run into conflicts with by-laws and legal agreements, they should first look at the "spirit of the document". He then urged the Commission to look at the spirit of the Comprehensive Plan and what it was meant to do when it was written.

14. **Mr. Randall Beacham,** 1521 Hedgeford Drive, #10, Brandywine, Chesterfield, MO.

Mr. Beacham pointed out that the significant number of residents in opposition to the proposal is 8 times the number of people who would live in the proposed development.

Speaker noted the following reasons for opposing the petition:

- Mills has a history of failed projects.
- He has concerns that once the housing market begins to grow again, the number of renters will diminish.
- If the market is saturated with existing complexes, they will all have to reduce prices based on market rents. In turn, they will have less money with which to operate, the conditions of the complexes will diminish and will hurt overall property values in the area.

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15. **Mr. Jay Kirschbaum,** 1520 Woodroyal East Drive, Royalwood, Chesterfield, MO.

Background information provided by the Speaker:
- He and his wife have lived in their home for nearly 25 years.

Speaker noted the following reasons for opposing the petition:
- Mr. Kirschbaum stated that they have contacted MoDOT about getting a sound wall to help mitigate the impact of traffic on their subdivision, but have been told that since there are only 62 houses in the neighborhood, it doesn't justify the cost of a sound wall.
- While mitigating traffic problems for Schoettler Road, all the traffic will be sent past Royalwood, Thousand Oaks and the other subdivisions in the area.
- Creve Coeur Creek has continued to overflow more frequently each year past their subdivision and he has concerns that the proposed development will increase the frequency of such overflows.

16. **Mr. Ayzik Grach,** 1325 Cherry Glen Court, Westchester Place, Chesterfield, MO.
Mr. Grach passed on speaking.

17. **Ms. Laura Filmore,** 4 Sir Ryan Drive, Brook Hill Estates, Chesterfield, MO.

Ms. Filmore referred to the previous Speaker who spoke about the availability of apartments in Chesterfield and stated that her research has shown there are 158 apartments currently available in Chesterfield.

Speaker noted the following reasons for opposing the petition:
- Concern that a number of apartments will remain vacant because individuals would rather purchase a home than rent for the amount of money that will be charged for the apartments.
- There is not a need for another apartment complex.
- Concern about the construction traffic along Schoettler Road that will be associated with the development.

18. **Ms. Katie Wilsdorf,** 14767 Brook Hill Drive, Brook Hill Estates, Chesterfield, MO.

Speaker noted the following reasons for opposing the petition:
- Concern about a higher crime rate due to transient residents and people now knowing their neighbors. Speaker explained that when people don't know their neighbors, they cannot determine if someone is moving out of a unit or if a robbery is being committed.
- Concern that residents of an apartment complex may not have a vested interest in the community.

19. **Mr. Rob Ludwinski,** 1551 Woodroyal West Drive, Royalwood, Chesterfield, MO.

Background information provided by the Speaker:
- He is a Trustee of the Royalwood subdivision.
- He and his family have lived in the neighborhood for the past 6-1/2 years and his children are students of the Parkway Central school district.

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Mr. Ludwinski stated that Royalwood subdivision was approached by KU Development in 2015 with an offer to purchase the subdivision's common ground along South Outer 40. He explained that his children were opposed to selling off the common ground and by providing information to the neighborhood, they were able to organize a meeting of the subdivision residents where it was overwhelmingly agreed not to sell because families did not want to lose the wildlife, trees, and their neighborhood identity.

He asked that the Commission preserve the neighborhood's identity by voting 'no' on this proposal.

20. **Mr. Jim Spellmeyer,** 1944 Lanchester Court, Scarborough West, Chesterfield, MO.

Background information provided by the Speaker:
- He and his wife have lived in their home for 23 years.

Speaker noted the following reasons for opposing the petition:
- He doesn't feel an apartment complex at this sites "fits in with Chesterfield".
- The complex is too dense with too many residents and too many cars.
- The residents do not want more traffic on Schoettler which he feels will be a result from the proposed development.

Mr. Spellmeyer stated that the residents are relying on their elected representatives to do everything legally possible to not have these apartments constructed at the subject site.

21. **Mr. Michael McDonald,** 14802 Pleasant Ridge Court, Westchester Place, Chesterfield, MO.
Mr. McDonald had already left the meeting.

22. **Mr. David Koschoff,** 1806 Brittania Court, Scarborough, Chesterfield, MO.

Background information provided by the Speaker:
- He and his family have lived in the neighborhood for 28 years.

Speaker noted the following reasons for opposing the petition:
- He has concerns about the removal of all the trees from the site. He referenced Schoettler Grove where all the trees have been removed which resulted in utility poles being knocked down during a storm because of no buffer.
- Concern about drainage issues similar to the drainage issues experienced at Schoettler Grove due to the removal of trees.
- He does not feel that a multi-family complex is appropriate for the subject site because the area is surrounded by single-family homes.
- Concern about a negative effect on property values for the existing residences in the area.
- Concern about 2-3 people sharing one apartment in order to afford the rent, which results in more vehicles.
- The removal of trees will increase the noise level and he does not want an "unsightly wall covered with graffiti".

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23. **Mr. Ross Shelledy,** 14639 Mallard Lake Drive, Thousand Oaks, Chesterfield, MO.
Mr. Shelledy passed on speaking.

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES:
Ms. Aimee Nassif, Planning & Development Services Director indicated she had recorded all the issues raised during the Public Hearing. Chair Proctor thanked everyone for coming and assured the residents that all the comments expressed tonight, all the letters that have been written, and all the signed petitions are a matter of record and will be considered by the Planning Commission as they make their decision.

Commissioner Wuennenberg read the Closing Comments for the Public Hearings.

VI. PUBLIC COMMENT - None

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS - None

VIII. UNFINISHED BUSINESS - None

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 10:19 p.m.

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Steve Wuennenberg, Secretary

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