

**CITY OF LAKE SAINT LOUIS
PLANNING AND ZONING COMMISSION
REGULAR MEETING
AUGUST 6, 2020**

The City of Lake Saint Louis Planning and Zoning Commission met on Thursday, August 6, 2020, 5:00 p.m. at Lake Saint Louis Civic Center, Lake Saint Louis, Missouri.

Chairman Buell wanted to make a note that Bill Fridley, who was a long-time member of this Commission and a very important member, has passed away and this will be the first time that his name will not be read and the many wanted to make note of his many contributions to this Commission, to the City and my thoughts are with Mary and his family.

ROLL CALL:

Chairman Pearson Buell called the meeting to order. Present: Commissioners Glen Heiman, Tom Mispagel, Dominique Stoddard, Alderman John Pellerito and Mayor Kathy Schweikert. Absent: Commissioners Rhonda Ferrett and Tom O'Connor. Also present: Louis Clayton, Director of Community Development, Matt Kuelker, Senior Project Manager, and Brenda Cueller, acting as recording secretary.

PUBLIC COMMENT:

There were no comments made, the meeting continued.

APPROVAL OF AGENDA:

MOTION TO APPROVE AGENDA:

Vice Chairman Mispagel made a motion to approve the August 6, 2020 regular meeting agenda. The motion was seconded by Commissioner Heiman and the motion carries.

MOTION TO APPROVE THE AUGUST 6, 2020 REGULAR MEETING AGENDA IS HEREBY APPROVED, AS NOTED ABOVE.

APPROVAL OF MINUTES: June 4, 2020

MOTION TO APPROVE MINUTES:

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Vice Chairman Mispagel made a motion to waive the reading of the minutes from the June 4, 2020 Planning and Zoning Commission regular meeting and approve as submitted. The motion was seconded by Mayor Schweikert and the motion carries.

THE MINUTES FROM THE JUNE 2, 2020 PLANNING AND ZONING COMMISSION REGULAR MEETING ARE HEREBY APPROVED, AS NOTED ABOVE.

PUBLIC COMMENT:

There were no comments, the meeting continued.

PUBLIC HEARING – OTHER BUSINESS:

1. Freymuth Road – Lake Pointe

Extension of Validity: Consideration of a request by Lisa G. Bulczak, Lutheran Senior Services, for a 12-month extension of the site plan approval associated with the construction of a senior living facility to be known as Lake Pointe.

Louis Clayton, Director of Community Development, stated the applicant requested a 12-month extension of their Site Plan period of validity to expire on September 3, 2021. Mr. Clayton noted the Site Plan was approved on September 3, 2013 and have requested five extensions since that approval. He noted according to the applicant, no changes are proposed to the approved Site Plan. The extension request is related to their marketing and financial efforts.

The Commission discussed the request history and noted any future extension requests will need to be verified.

MOTION TO RECOMMEND APPROVAL:

Vice Chairman Mispagel made a motion to recommend approval to the Board of Aldermen a 12-month extension of the Site Plan period of validity, to expire on September 3, 2021. The motion was seconded by

Commissioner Heiman and the motion passes.

MOTION TO RECOMMEND APPROVAL TO THE BOARD OF ALDERMEN A 12-MONTH EXTENSION OF THE SITE PLAN PERIOD OF VALIDITY, TO EXPIRE ON SEPTEMBER 3, 2021 IS HEREBY APPROVED, AS NOTED ABOVE.

PUBLIC HEARING – NEW BUSINESS:

1. 118 Hannahs Mill Drive and 122 Hannahs Mill Drive – Mill Creek Subdivision

Preliminary Subdivision Plat and Final Subdivision Plat: Consideration of a request by McBride 76B LLC, applicant/owner, to increase the size of Lot 19 (118 Hannahs Mill Drive) from 10,621 square feet to 12,197 square feet and to decrease the size of Lot 20 (122 Hannahs Mill Drive) from 14,349 square feet to 12,773 square feet by adjusting the location of the shared side property line.

Chairman Buell opened the meeting to a public hearing as duly advertised in a legal publication on the above-noted topic.

Tanya Dietz with Bax Engineering stated we are asking approval of a boundary adjustment.

Louis Clayton, Director of Community Development, stated both lots are vacant and owned by McBride. The boundary adjustments request will increase Lot 19 from 10,621 square feet to 12,197 square feet and decrease Lot 20 from 14,349 square feet to 12,773 square feet by adjusting the shared side property line. Mr. Clayton said the applicant has submitted the revisions requested on the plat and recommends approval as submitted.

Public Hearing closed.

MOTION TO RECOMMEND APPROVAL:

Vice Chairman Mispagel made a motion to recommend approval of the

Preliminary Subdivision Plat and Final Subdivision Plat to the Board of Aldermen as submitted. The motion was seconded by Commissioner Heiman and the motion passes.

MOTION TO RECOMMEND APPROVAL OF THE PRELIMINARY SUBDIVISION PLAT AND FINAL SUBDIVISION PLAT TO THE BOARD OF ALDERMEN AS SUBMITTED IS HEREBY APPROVED, AS NOTED ABOVE.

2. 4009 Hwy 40/61, 100 and 110 Freymuth Lane – Windsor Park Subdivision

Final Subdivision Plat: Consideration of a request by Windsor Park, LLC, applicant/owner, for approval of Final Subdivision Plats for Windsor Park Subdivision Plat 1 consisting of 26 single-family residential lots and Windsor Park Subdivision Plat 2 consisting of 35 single-family residential lots.

Chairman Buell opened the meeting to a public hearing as duly advertised in a legal publication on the above noted topic.

Jeff Moon with Bax Engineering stated they were requesting approval of the Final Subdivision Plats 1 and 2.

Mayor Schweikert asked if there were any changes from the Preliminary Plat.

Mr. Moon stated there were no changes.

Louis Clayton, Director of Community Development, Staff recommends approval of the request as submitted.

Public Hearing closed.

MOTION TO RECOMMEND APPROVAL:

Vice Chairman Mispagel made a motion to recommend approval of the proposed Final Subdivision Plats to the Board of Aldermen as submitted. The motion was seconded by Mayor Schweikert and the motion passes.

MOTION TO RECOMMEND APPROVAL OF THE PROPOSED FINAL SUBDIVISION PLATS TO THE BOARD OF ALDERMEN AS SUBMITTED IS HEREBY APPROVED, AS NOTED ABOVE.

3. Ronald Reagan Drive – Dierbergs

Zoning Amendment and Preliminary Development Plan: Consideration of a request by Dierbergs Lake Saint Louis, LLC, applicant/owner, for construction of an 88,858 square-foot multi-tenant commercial development including a 70,848 grocery store known as Dierbergs Markets; and, amendments to the Detail to Development Standards for the Shoppes at Hawk Ridge as it relates to building setbacks and signage.

Chairman Buell opened the meeting to a public hearing as duly advertised in a legal publication on the above noted topic.

Brent Beumer, Vice President of Real Estate, Dierbergs Markets, Inc., introduced their team: Drew Bextermueller, Director of Real Estate, Dierbergs Markets, Jon Hill, Director of Development & Construction, Dierbergs Markets; Mark Martin, Senior Director of Development & Construction, Dierbergs Markets; are all in a conference room ready to answer questions. Jack Reynolds, Principal, CASCO (Civil Engineering) site development; Aubrey Armstrong, Project Manager, CASC lead person architectural design; Johnathan Deves with CBB impact study; Chris Ake, Baxter Farms did landscaping plan.

Mr. Beumer stated the Dierbergs' family history as a grocery and retail store. He said there has been a lot of residential development in the area noting the timing was right to move forward with the development plan. He discussed the development plan noting the detention area is shared which serves a significant portion of the development, site is 11.11 acres in size. First phase is Building A, 8,118-square-foot retail space. Building B 70,848-square-foot Dierbergs full service grocery store. Building C is north of Dierbergs and will be retail/service at almost 10,000 square feet. Mr. Beumer stated on the eastern portion they are asking for future Building D approximately 6,560-square-foot and Building E approximately 4,500-square-foot in the Second Phase. Orf Road would be signalized in

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connection with roadway improvements to allow increase of traffic generated. Mr. Beumer discussed the roadway and right-of-way to reconstruct Orf Road. He noted the bike path would be on the

Mr. Beumer, stated a couple of variances are being requested. The rear property line setback from 30 feet to 24 feet and variances regarding signage for proposed Monument Signs. Mr. Beumer discussed the one sided electronic message board sign would be placed at the southwest corner of Ronald Reagan Drive and Orf Road and the other monument sign would be two-sided and placed at the northwest corner of Ronald Reagan Drive and Pond Fort Trail. He stated the sizes and the proposed design will need to have a variance. Mr. Beumer discussed the details of the signs.

Public Hearing closed

The Commission discussed the signage and lighting.

Jeff Moon, Bax Engineering, said the goal is to have the store opened in late 2021.

MOTION TO RECOMMEND APPROVAL:

Vice Chairman Mispagel made a motion to recommend approval of the Preliminary Development Plan to the Board of Aldermen with the condition listed in the staff report and to recommend approval of amendments to the Detail to Development Standards for The Shoppes at Hawk Ridge to the Board of Aldermen as submitted. The motion was seconded by Commissioner Heiman and the motion passes.

MOTION TO RECOMMEND APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN TO THE BOARD OF ALDERMEN WITH THE CONDITION LISTED IN THE STAFF REPORT AND TO RECOMMEND APPROVAL OF AMENDMENTS TO THE DETAIL TO DEVELOPMENT STANDARDS FOR THE SHOPPES AT HAWK RIDGE TO THE BOARD OF ALDERMEN AS SUBMITTED IS HEREBY APPROVED, AS NOTED ABOVE.

4. Freymuth Lane – Hawk Ridge Senior Living

Site Plan Review: Consideration of a request by LSL Land Company, LLC, applicant on behalf of Balam Properties, LLC, owner, for construction of an adult retirement community consisting of 120 dwelling units in five buildings and related site improvements.

Chairman Buell opened the meeting to a public hearing as duly advertised in a legal publication on the above noted topic.

Brad Goss, attorney, stated Dan Barnard, President of Phoenix Real Estate Services, and Jeff Moon with Bax Engineering were present. Mr. Goss said they have seen the comments by residents around the development and met with Trustees of Heritage of Hawk Ridge and Estates of Hawk Ridge. Mr. Goss said the site is zoned “BP” Business Park and a retirement facility is a permitted use. He stated the development is compliant on all regulations.

Jeff Moon, Bax Engineering, stated the site is 8.37 acres with 120 units in five separate buildings. There are two entrances to the site from Hawk Ridge Circle and Freymuth Lane. A parking study was submitted to substantiate the 144 parking spaces being proposed. Mr. Moon said the lighting is appropriate and does not spill over. Color renderings were shown of the buildings with sidewalks around the structures. Tree coverage to be saved is 30%. There was a discussion of the existing tree buffers. A presentation was displayed showing the distance from homes on adjacent properties.

Dan Barnard, Phoenix Real Estate Services, gave an overview of the project. He noted they have been a real estate developer and builder in St. Charles County for 12 years. They have developed 300 apartment units for seniors. Typical demographic of age-restricted is over 60 – 62 can live in development. These developments have mostly women, few couples with ages between 65- to 75-years old. The residents in these facilities have independent living and each household owns one vehicle.

Mr. Barnard discussed the perception people have when they hear “low income” and what the requirements are on their applications. He noted how they maintain the upkeep and safety of their facilities.

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The Commission questioned and discussed parking, traffic, monitoring other people living with residents, lighting, and elevation of surrounding area.

Chairman Buell asked if there is subsidy provided for people with lower income and wanted to know the pricing.

Mr. Barnard said their tenants start with a maximum lease for one year. After the first year, it is then month-to-month. This term of renting allows behavior and abiding by the rules easier to enforce. People that live at their facilities cannot exceed an income of \$30,000 per year for single, \$32,000 to \$33,000 per year for couple. None of the tenants are subsidized.

Chairman Buell asked if the clubhouse was common area for activities.

Mr. Barnard stated within each building there is a small gathering area where residents may sit around. The clubhouse has a bigger minor workout area, a social area and meeting space.

Louis Clayton, Director of Community Development, stated the Business Park District allows an adult retirement community as a permitted use and requires approval of a Site Plan Review. Public Works did not require traffic control devices for this site. It is the opinion of staff that the proposed development complies with the applicable requirements of the Municipal Code; proposed development is compatible with adjacent land uses, and the proposed development meets the spirit of the design expectations and details of the "Business/Office Park" land use in the Comprehensive Plan. Staff recommends approval of the proposed Site Plan to the Board of Aldermen with the following conditions:

1. Where the existing trees and vegetation located along the western and northern property lines do not satisfy the minimum depth or density requirements of the required "Condition A" buffer, additional plantings will be required and shall be shown on a revised landscape plan.

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2. The applicant shall pay a cash contribution in lieu of parkland dedication in the amount of \$84,000 in accordance with Section 425.460.F.2 of the Municipal Code, prior to issuance of a building permit.

Steve McFarland, 1004 Hawks Landing Drive, stated his opposition of the development noting concerns with safety, property values, building heights, and proposed development does not fit with the surrounding area.

Heather Richter, 55 Saybridge Manor Parkway, stated her opposition of the development and agreed with Mr. McFarland's concerns. She noted concerns with traffic backup on Hawk Ridge Circle and maintenance of the site.

Dominique Stoddard, 8 Wingspan Court, stated her opposition of the development noting concerns with senior facilities' being permitted in the Business Park District, facility looking like apartments, two-bedroom units offered in a retirement community, development not compatible with area, tree line will not buffer the sight of the development.

Barb Greyson, 1024 Hawks Landing Drive, stated her opposition of the development agreeing with Domonique Stoddard and noting her concerns regarding parking, tree buffer, three-story buildings, lacking architecture, and low income.

Mark Moan, 51 Saybridge Manor Drive, stated his opposition of the development noting concerns with traffic and a low-income project.

Holly Stevenson, 6 Wingspan Court, stated her opposition of the development noting concerns with tree buffer, apartment complex look and who will live there.

Obie Anthony, 15 Pelican Ct, stated his opposition noting concerns with trees, low income housing, crime, traffic, and extra bedroom.

Mr. Barnard stated they have to guarantee compliance. If not, we get tax credits revoked. He stated they would come after him for \$15,000,000. Investors send inspectors to verify compliance. If a tenant is being sneaky,

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immediate eviction.

Becki Willenbrink, 2 Point Oak Court, stated her opposition to the development noting concerns with design, two-bedroom units and enforcement.

Laura Alehult, 116 Saybridge Manor Parkway, stated her opposition to the development noting concerns with month-to-month leases, traffic, lower property value, and design.

Mr. Barnard stated the initial lease is 12 months and then converts to month-to-month after the first year. These units are in high demand and the tenants do not want to break the rules because it is easy to evict.

Jerry Leigh, 16 Oak Bluff Drive, stated his opposition to the development noting concerns with a low-income facility, parking, and traffic.

Lauri Carr, 115 Hannahs Mill Drive, stated her opposition to the development noting the Planning and Zoning Commission and Board of Aldermen should not approve this development.

Matt Fishering, 54 Saybridge Manor Parkway, stated his opposition to the development noting the design looks like apartments, traffic, low-income development, and two entrances.

David Hoff, 102 Woodland Estates Court, stated his opposition to the development noting concerns with property value and better use for that site.

Toni Talmadge, 2156 Hawks Landing Drive, stated her opposition to the development noting their subdivision was submitting a petition.

Henry Bockelman, 1006 Hawks Landing Drive, stated his opposition to the development agreeing this is a wrong fit for the area.

Dominique Stoddard, 8 Wingspan Drive, stated a study needs to be done regarding the environmental impact on the land and around the tributary, creeks, wildlife. Disturbed land around trees will kill them.

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David and Barbara Vogt, 3 Wingspan Court, stated their opposition to the development noting concerns of a three-story, 5 building development.

Chris Clendenin, 12 Pelican Court, stated his opposition to the development noting concerns with quality of life, property value, and traffic.

Kelsey Shaffer, 23 Oak Bluff Drive, stated her opposition to the development noting concerns with traffic, property value, additional housing.

Kelly Kuhlmann, 1010 Hawks Landing Drive, stated her opposition to the development agreeing with her neighbors.

Cameron Ator, 1017 Hawks Landing Drive, stated opposition to the development.

Additional comments and petitions were received up to the meeting date which have been attached.

Public Hearing closed.

The Commission discussed the development noting concerns with density, height, tree line and aesthetics.

Commissioner Heiman stated there was a builder who presented a seven-story building on the parcel next to this site approximately 15 years ago. The seven-story building was attractive with turrets that made it very distinctive. The builder was turned down by the Planning and Zoning Commission because those turrets made the total height 74 feet. The City's requirements were for no more than 70 feet. The builder came back with a second proposal without the turrets, resulting in an ugly seven-story building. The surrounding property owners, at that time, could accept a five-story building. For whatever reason, the project did not go forward. Now there are three-story buildings proposed for senior living. The surrounding property owners are against the approval of this project, even though it meets all of the City's guidelines.

MOTION TO RECOMMEND APPROVAL:

Vice Chairman Mispagel made a motion to recommend approval of the Site Plan to the Board of Aldermen with the conditions listed in the staff report. The motion was seconded by Commissioner Heiman. Roll call taken: Ayes: Commissioner Heiman, Alderman Pellerito; Nays: Chairman Buell, Vice Chairman Mispagel, Mayor Schweikert. The motion 2 in favor, 3 against. The motion is not approved.

MOTION TO RECOMMEND APPROVAL OF THE SITE PLAN TO THE BOARD OF ALDERMEN WITH THE CONDITIONS LISTED IN THE STAFF REPORT IS HEREBY NOT APPROVED, AS NOTED ABOVE.

COMMISSION DISCUSSION & COMMENTS FROM STAFF:

1. Louis Clayton stated there will be a minor text amendment for the September meeting.
2. Mayor Schweikert wanted to give her condolences regarding Bill Fridley noting his service on the Planning and Zoning Commission and the Planning and Zoning representative on the Development Review Board.

The Commission had further discussions regarding Hawk Ridge Senior Living.

ADJOURNMENT:

There was no further business to come before the Planning and Zoning Commission, the meeting was, on motion duly made, seconded and unanimously voted on, adjourned at 8:40 p.m.

Approved

Brenda Cueller
Serving as recording secretary of the meeting