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PLANNING AND ZONING COMMISSION MEETING MINUTES
CITY OF DES PERES, MISSOURI
WEDNESDAY JULY 13, 2022
7:00 PM

CALL TO ORDER

Vice Chairman Mura called the meeting to order at 7:01 p.m.

ROLL CALL

Anna Ahrens	Commission Chairman	(ABSENT)
Will Mura	Commission Vice Chairman	
Terrie Gwin	Commission Member	
Tony Pawloski	Commission Member	
Rob Barringer	Commission Member	
Jim Jontry	Commission Member	
Molly Hartman	Commission Member	
Jonathan Young	Commission Member	
Mary McGrath	Commission Member	
Kurt Leinauer	Commission Member	
Derek Don	Commission Member	
Cynthia Kardesch	Commission Member	
Mayor Becker	Mayor	
Alderman Pound	Aldermanic Rep	

The following staff members were present: Chris Graville, City Attorney; Scott Schaefer, Assistant City Administrator; Katie Monroe, Public Works Admin

Adam Jones (PGAV) was also present in his capacity as planning consultant for the city on behalf of John Brancaglione who was unable to attend due to an illness.

AMENDMENT OF AGENDA

Vice Chairman Mura informed the Commission and public that the hearing will be held before the standard Planning & Zoning business.

APPROVAL OF MINUTES – June 8, 2022

Commissioner Gwin made a motion to approve the minutes as presented. Second by Mura. Motion approved unanimously by voice vote.

OLD BUSINESS

1. PETITION FOR ZONING TEXT AMENDMENT FOR PD-MXD, PETITION FOR REZONING, PETITION FOR SITE PLAN APPROVAL FOR A 180-UNIT APARTMENT BUILDING WITH 4,000SQFT COMMERCIAL TENANT SPACE – 13431 MANCHESTER RD – MAGNOLIA RIDGE APARTMENTS

Petitioner: Barn Owl LLC

TABLED pending a decision on the proposed amendments to the Comprehensive Plan as recommended by the Subcommittee on June 1, 2022.

NEW BUSINESS

1. PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN RELATING TO MULTI-FAMILY DEVELOPMENT

Held in accordance with RSMo 89.360

Vice Chairman Mura explained the process and purpose of the Public Hearing. The City will give a presentation on the Comprehensive Plan and the proposed amendment to the plan regarding multi-family and mixed use developments. The public will then be allowed to ask questions or make comments they would like City Staff and P&Z to consider. Questions will not be answered; the hearing is more fact



55 finding for the Subcommittee and there will be no vote.

56
57 Assistant City Administrator, Scott Schaefer reminded the audience that this is a listening session and
58 provided a brief presentation summarizing the various changes under review. Mr. Schaefer explained
59 that the Comprehensive Plan is not a zoning action but rather a long-range plan establishing development
60 priorities for the community.

61
62 Vice Chairman Mura opened the floor to comments from the public. He advised the public to state their
63 name, address and identify if they were with an organization when they approach the podium. He
64 reminded them not to engage in discussion; it is strictly for the P&Z Board, Subcommittee, City Staff and
65 PGAV to take in comments. The next Subcommittee will meet in August to take comments into
66 consideration. Vice Chairman Mura asked Mr. Graville if he had anything to add. Mr. Graville told the
67 audience there would be no time limit but suggested five minutes.

68
69 Vice Chairman Mura welcomed the public to come forward.

70
71 Steve Disch, 2381 Fairoyal, stated his opposition and doesn't aspire to be like Ballwin. Des Peres does
72 not need to develop every speck of green space as there is value in green space.

73
74 Dan Hufford, 12300 Dunmorr, indicated he resided in the Alinea Apartments while his house was being
75 renovated. He appreciated being close to his work, kid's schools and being able to stay in the
76 community. A development like this will bring in young professionals and uplift the community.

77
78 Diane Schaefer with Novus Development declared that they would like the same consideration be applied
79 to the vacant six plus acre parcel at 2400 Dougherty Ferry Rd they own. This is across from the hospital
80 and they have no other use for it.

81
82 Brad Hershberger, 11915 Kendon, expressed that he has a unique perspective. He and his family
83 relocated to the area about a year ago and could not find a house. They happened to stumble across
84 Alinea Apartments while attempting to find a house in the area. He feels different multi-family
85 developments would be beneficial as he met a lot of other people staying at the Alinea that were in the
86 same situation. It's important for Des Peres to look at all the opportunities this could provide. There are a
87 lot of great companies in town and multi-use would be good for young professionals and the older
88 community looking to downsize.

89
90 Jeff Hunt, attorney representing the residents in Town & Country sent a Sunshine Request on behalf of
91 his clients and believes this is about Magnolia Ridge. In September 2021, the City Attorney sent a four or
92 five page memo inquiring how this can possibly be accomplished. This Comp Plan is essentially zoning.
93 He saw a couple of references to potential lawsuits by a development. Mr. Graville's memorandum talks
94 about the Fair Housing act. Mr. Hunt said "there is no discrimination here and we heard about possible
95 frivolous law suits". This idea of potential law suits seems to hang over the early discussions that he saw
96 in the City Attorney's memo. Mr. Hunt stated Mr. Schaefer even mentioned in his presentation that the
97 immediate reason for the Comp Plan changes is turning into zoning for Magnolia Ridge. He's heard
98 discussion and seen some references and documentation that this property, 13431 Manchester is not
99 selling and just sitting there. The gentleman made a good point, you don't have to develop every piece of
100 property. In draft minutes Mr. Harms made a point that this needs to be developed and we don't want to
101 lose this property. Mr. Hunt's client's point of view is that this Comp Plan is directed to Magnolia Ridge.

102
103 Dr. Matt Lange, 11912 Hargrove Dr, stated he lives and works in the area. He believes we need more
104 housing options and it would bring young professionals to the area.

105
106 Kevin Lasater, 9 Doubletree, declared he has been a resident for twenty-seven years and his daughter
107 bought a house across the street from him. In those twenty-seven years, services such as fire and EMS
108 have been outstanding. There is no charge for trash or lawn removal and there is no municipal tax. Mr.



109 Lasater believes the amendment is very well done and restricting mixed use west of Ballas Rd will give
110 Des Peres great options.

111
112 Sheree Scheetz, 12001 Sandalwood Ct, affirmed that she is not familiar with Alinea Apartments. She
113 believes Des Peres strives for long term rentals, not short term rentals and questioned "is it a good idea
114 to have another one so close?"

115
116 Kathleen Gmelich, 12318 Ballas Estates Dr and previous Ward 1 Alderman for twenty years and member
117 of Planning & Zoning Commission, thanked the City for preparing a financial memo that many have been
118 asking for. She was astonished that the Subcommittee could vote on this without having that information.
119 She remarked that she is a firm believer in a community periodically updating their Comprehensive Plan
120 and is not opposed to Des Peres updating their Comprehensive Plan at this time. Ms. Gmelich is opposed
121 to rushing into it by a proposal that was submitted to the City not compliant in our zoning code. She
122 thinks the Comp Plan should be driven by the desire to make sure commercial and residential
123 development focuses on protecting our revenue base and residents, not to accommodate a developer.
124 Any amendment should consider national trends but Des Peres needs to consider what is happening
125 here and in our surrounding municipalities. She gave the example of the amendment discussing office
126 vacancies but doesn't see that topic analyzed or quantified. Ms. Gmelich said "the amendment also
127 alleges that there is a high demand for luxury multi-family residential development, have we studied this
128 as it relates to Des Peres?" It is her belief that what is occurring and projected to occur should be a major
129 consideration in drafting a new Comprehensive Plan. The updated or revised Comp Plan needs to be
130 objective and unbiased; not rely solely on the Planning & Zoning consultant who has been retained in
131 conjunction by the proposed development. Des Peres needs to retain a planning consultant that has no
132 ties to the City or a development proposal. Ms. Gmelich declared it is not her intent to weigh in on every
133 component of the proposed plan but she'd like to point out one to demonstrate how important it is to flush
134 out every detail of a comprehensive revision. She referenced page nine of the amendment where it
135 states the development containing multi-family units should have appropriate buffers to existing single-
136 family development **with** the City; however, she thinks it was meant to say **within** the City. She asked
137 "why would we limit buffers only to our residents, why would we not honor our duty to be good neighbors
138 to residents of adjacent municipalities?" Ms. Gmelich requested the members of the Planning & Zoning
139 Commission to pause and retain an objective planning consultant so that any amendment or new plan
140 can truly be done in the spirit it's intended to be.

141
142 Amy Schlueter, 2269 Fairoyal, believes the current Comp Plan allows for different types of housing that
143 could be utilized down the road. She doesn't understand why we are willing to change the plans of our
144 City.

145
146 Linda Komlos, 12867 Willow Pond Ct, a forty-five year Des Peres resident, along with her husband, father
147 and two sisters and others in Des Peres are opposed to multi-family. Villas, condos and assisted senior
148 living are all potential uses and wondered if they have been considered. After touring Alinea Apartments
149 with her daughter, she questioned if that's what Des Peres wants for the community. She said she
150 "worries about what's to come and we need to be careful about where we are headed."

151
152 Fred Schultz, 12807 Westledge Ln, a resident since 1977, pointed out the 1980 federal lawsuit the City
153 was involved in and wondered if the Board has taken that into account.

154
155 Dan Thies with Barn Owl Development approached the podium. He said "I'm part of this community, I
156 work out at the Lodge, coach flag football at Des Peres Park, I have four kids at St. Clement, I love the
157 City of Des Peres." Mr. Thies plans on investing fifty million dollars and is certain this is a product needed
158 in the community. There are people that want to live here but can't either afford to or get beat out by
159 other offers. Members of the community want to sell their home and downsize and by adding new
160 housing types, empty nesters can stay in the community. Regarding tax benefits, the school district will
161 benefit from real estate taxes of a multi-family development which brings up the value of our community.
162 Mr. Thies said "it's a great thing that people want to live here" and emphasized not everyone can afford or
163 want a home. He supports changing the Comp Plan and believes it's the right time and right place.



164 Mr. John Hessel, an attorney with Lewis Rice Law Firm representing the developers of Magnolia Ridge
165 informed the audience that he was not there to talk about Magnolia Ridge but after listening to Mr. Hunt's
166 comments he felt he needed to. Mr. Hessel stated he has been practicing municipal law over forty years
167 and is familiar with Mr. Hunt's lack of knowledge with municipal law. Mr. Hunt's suggestion of the Comp
168 Plan amendment being slanted toward Magnolia Ridge shows a gross misunderstanding of what a Comp
169 Plan is. Mr. Hessel emphasized that it's the City's plan for the future and not targeted toward any
170 individual property and the suggestion it is, is wrong. Mr. Hessel argued that the comment Mr. Hunt
171 made about Mr. Graville's lack of knowledge is wrong and suggested he look to the City Attorney who
172 practices municipal law. In response to Mr. Hunt's suggestion that he and his client threatened a law suit
173 is absolutely not true.

174 Mr. Hessel responded to Ms. Gmelich suggestion about retaining an objective consultant. He advised
175 that PGAV, John Brancaglione in particular, has been recognized as experts in their field and testify in
176 state and federal court. Mr. Hessel revealed that he has been on the same and opposing sides of PGAV
177 and they have always been honest and sincere in their opinions. His opinion is PGAV could not be more
178 of an objective source of information and the suggestion that they would compromise their integrity is
179 totally misplaced. On behalf of PGAV, Mr. Hessel would like the comment rescinded as they were
180 retained to provide advice, advice that is objective. He reminded the public that it's their decision and
181 PGAV is making suggestions. Mr. Hessel closed by stating "again, I think those comments are totally
182 misplaced."

183
184 Andrew Huber, 13164 Dougherty Ridge Ct, stated that he is a member of the Kirkwood Chamber of
185 Commerce. He knew nothing forty-eight hours ago. He went on the website and read through the
186 Comprehensive Plan. One of the things he noticed with the 2015 Comp Plan is it went thru six to seven
187 months of public input, workshops, online surveys, meetings and open forums. Mr. Huber suggested that
188 when making changes to a Comprehensive Plan, the City must be methodical. He said "this might be
189 right or it might not be right, I don't know." He read that one of the goals of the Comprehensive Plan is to
190 protect the value of the homeowners and thinks that needs to be considered. Mr. Huber questioned the
191 Commission if the Board makes decisions about parking, greenery, etc. Vice Chairman Mura nodded his
192 head yes. Mr. Huber wondered if Des Peres could have a special multi-use family tax like Kirkwood has
193 that goes to a not-for-profit. He expressed that he was just throwing out questions.
194 Vice Chairman Mura thanked Mr. Huber.

195
196 Matt McGrath, 869 Plymouth Rock, fifteen year resident who is on the Public Safety Commission
197 expressed concern that this project will tax the Fire Department. Fire equipment is hard to get and isn't
198 sure if Des Peres would have access to the type of ladder required for a five story apartment complex. Mr.
199 McGrath thanked the Commission and would like them to consider his comment.

200
201 Vice Chairman Mura thanked everyone for attending and reported that the meeting will move to normal
202 business of the Planning & Zoning Commission.

203

204 **STATUS REPORTS**

205 **1. BOARD OF ALDERMEN REPORT** – Alderman Pound stated they are on summer schedule and
206 nothing to report from the June 13 meeting. The meeting from July 11 was a Public Hearing on
207 the Medical Marijuana Dispensary. Attendance was minimal, only five or six speakers and most
208 questions concerned the building. The Petitioner gave a power point presentation with new
209 photos incorporating revisions that were recommended. A vote was not taken and the second
210 reading will be at the next board meeting August 8. Alderman Pound conveyed that's it possible
211 the Board will make a vote.

212

213 **1. SUBCOMMITTEE REPORT(S)**

214 a. SIGN COMMITTEE – None

215 b. FENCE COMMITTEE – Meeting held July 12 for 11700 Brookbend

216 Vice Chairman Mura explained that the resident wanted to install a privacy fence in reverse
217 on their back fence line only, meaning the flat side faced toward their yard. The petitioner



- 218 had extenuating circumstances as their fence was directly adjacent to a nursery's fence.
219 This was approved under conditional approval until the nursery gets re-developed.
220 c. ARCHITECTURAL REVIEW COMMITTEE – Meeting held June 15 for 1050 Old Des Peres
221 Chairman Barringer reported that Des Peres Surgery Center's petition for façade
222 renovations was approved.
223 d. SUBCOMMITTEE ON MULTI-FAMILY DEVELOPMENT – Pending decision on
224 Comprehensive Plan
225

226 **OTHER ITEMS**

227 Vice Chairman Mura asked the Mayor if he had any other updates.

228 Mayor Becker replied that he did not, but they will begin working on the budget next month.
229

230 Vice Chairman Mura asked the Commission if there were any other items. Chairman Gwin said she heard
231 about a possible concert in the park over Labor Day. Mayor Becker revealed it will be a scaled down
232 symphony of ten to fifteen people.
233

234 Chairman Don wondered if there were any updates on Ameren. Mayor Becker answered that he had not
235 heard anything. Mr. Graville noted that nothing has been submitted.
236

237 Alderman Pound commented that the Public Safety canine dog, Kobe has been chosen. He explained the
238 selection process.
239

240 Chairman Leinauer inquired about the format for public comments and questions and how they are
241 addressed from the Public Hearing.
242

243 Mr. Graville replied that the Public Hearing was open for questions only for the purpose of providing
244 feedback to PGAV. He said all concerns will be addressed and brought back at a later meeting.

245 Vice Chairman Mura explained the intent of the hearing was fact finding and to receive feedback from the
246 public. The Subcommittee will use that information and make recommendations from there with more
247 public conversation to follow.
248

249 Chairman Leinauer said "I think it was construed as how dare we do this without public input."
250

251 Vice Chairman Mura remarked that great points were brought up from the evening. The next step is for
252 the Subcommittee to reconvene and discuss the feedback collected during the Public Hearing. Chairman
253 Hartman asked if the public would be invited to speak at the next P&Z meeting. Mr. Graville stated that
254 it's closed but there will be at least three or four public hearings on this project.
255

256 **ADJOURNMENT**

257 Commissioner Jontry moved to adjourn the meeting, with a second by Commissioner Pawloski. Motion
258 was approved by voice vote and the meeting was adjourned at 8:33 p.m.
259

260 _____
261 **Chairman Anna Ahrens**

262 _____
263 **Recording Secretary, Katie Monroe**
264