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PLANNING COMMISSION VOTE REPORT

SUBJECT: Change in Zoning Vote Report
MEETING DATE: February 14, 2011
FROM: Justin Wyse, AICP
Project Planner
LOCATION: 17655 Wildhorse Creek Road
PETITION: P.Z. 11-2010 Chesterfield Senior Living (Plan Provisions, LLC)

PROPOSAL SUMMARY

Civil Engineering Design Consultants (CEDC), on behalf of Plan Provisions, LLC, is requesting a change in zoning to change from a “PC” Planned Commercial District to an “R-2” Residence District. The proposed request has been filed simultaneously with P.Z. 12-2010 Chesterfield Senior Living (Plan Provisions, LLC) which seeks a change in zoning from the “R-2” Residence District to a Planned Unit Development (“PUD”) District.

In 2010 the City of Chesterfield received P.Z. 11-2010 and P.Z. 12-2010 seeking to allow a senior living facility. The original request for P.Z. 11-2010 requested a change in zoning to an “R-4” Residence District. After receiving comments from the Public Hearing, **the petitioner has modified the petition to request a change in zoning to the “R-2” Residence District.**

Prior to review and action on P.Z. 12-2010 (which seeks a “PUD” designation to permit a senior living facility on the subject site), **a determination must be made on the consistency of the proposed “R-2” designation with the surrounding land uses and Comprehensive Plan.**

SITE AREA HISTORY

The subject site was originally zoned “NU” Non Urban District by St. Louis County. In 2004 a request for a change in zoning to “PC” Planned Commercial District was submitted for the development of an office park. The request was denied in 2005. In 2006 a request for a change in zoning to “PC” Planned Commercial District with a “WH” Overlay was submitted to the City of Chesterfield. The request was approved and

permitted the development of a neighborhood office development consisting of 30,000 square feet. To date, a site plan has not been submitted to the City of Chesterfield. Grading on the site, starting in 2006, resulted in erosion issues on the railroad and golf course located at the bottom of the bluffs. In order to remediate the erosion issues, a grading permit was issued for the temporary stabilization of the site. The approved grading plan authorized the removal of a portion of the trees that have been removed from the site. However, the work resulted in the loss of additional trees that were not approved to be removed on the site. According to the Tree Stand Delineation submitted in 2004, there were 4.2 acres of wooded areas on the subject site. The current Tree Stand Delineation shows a wooded area of 2.56 acres on the site for a loss of 1.64 acres (40%) of wooded area. The images on page 3 show aerial photographs of the site in 2004 and 2010.

The Petitioner has applied, and been approved, for a Certificate of Need (CON) for the construction of 51 assisted living beds by the State of Missouri. This submittal includes the construction of the buildings as shown on the Preliminary Plan submitted with P.Z. 12-2010. The Certificate of Need also references the 33 independent living units, which are not required to be approved by the State. During the Public Hearing on P.Z. 12-2010, the Petitioner indicated that they will be applying for approval of more assisted living beds from the State. This future CON will request an additional 36 assisted living beds (if the "R-2" zoning designation requested in P.Z. 11-2010 is approved).

SURROUNDING LAND USE AND ZONING

The land use and zoning for the properties surrounding this parcel are as follows:

North: The property to the north is Spirit of St. Louis Airport and is zoned "M-3" Planned Industrial District.

South: The property to the south is the Wild Horse Child Care Center and is zoned "E-Half" Estate Half Acre District.

East: The property to the east is zoned "NU" Non-Urban District.

West: The property to the west is zoned "NU" Non-Urban District.



Aerial image of subject site and surrounding area

2004 Aerial Photography



2010 Aerial Photography





Looking north along the eastern property line of the subject site



Looking north along the western property line of the subject site



Looking west across the subject site



Looking northwest across the subject site

PUBLIC HEARING

A Public Hearing was held on this Petition on November 22, 2010. At that time, one speaker spoke in opposition to the Petition and one speaker spoke in favor of the Petition. The speaker in opposition to the Petition was representing the Wildhorse Creek Road Association and raised concerns about the "R-4" zoning designation, the accessory uses proposed for the site, and setting a precedent in the area. The speaker noted that she believed a senior living facility could be compatible with the adjacent uses, but not as currently proposed by the Petitioner. The speaker in favor of the Petition was a neighbor of the subject site. He noted that he believed an "R-4" zoning designation with the construction of a senior living facility on the subject site would be preferable to having "R-2" or "R-3" single family houses constructed on the site. There were no other speakers in support or opposition to the Petition.

ZONING ANALYSIS

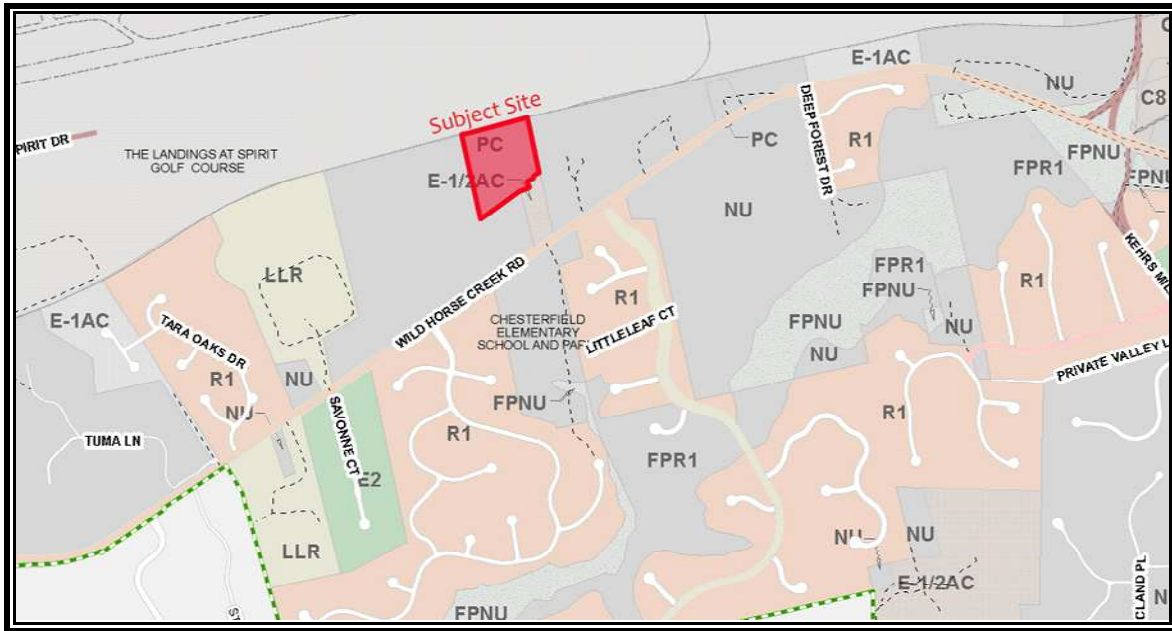
P.Z. 11-2010 and P.Z. 12-2010 have been filed simultaneously per the regulations of Section 1003.187 of the City of Chesterfield Zoning Ordinance. If both petitions were approved, the subject site would be permitted to construct a nursing home and group home for the elderly with a maximum of 120 units.

If P.Z. 11-2010 were approved without the approval of P.Z. 12-2010, the site would be permitted to develop in accordance with the regulations of the "R-2" Residence District found in Section 1003.113 of the City of Chesterfield Zoning Ordinance. It should be noted that the petitioners request for a senior living facility in P.Z. 12-2010 could be accommodated under the "R-2" Residence District through an application for a Conditional Use Permit (CUP).

Under an "R-2" Residence District designation, single family residences could be developed under the regulations of Section 1003.113. These regulations include the following:

Minimum Lot Size:	15,000 square feet
Maximum Height:	3 stories or 45 feet
Front / Side / Rear Yard Setback:	25 / 10 / 15 feet

Approximately 20 single family residences could be constructed on the subject site under the "R-2" designation using an estimate for the amount of area necessary for infrastructure that would be required. As is shown on the zoning map below, the subject site is generally located within a residential context. Most of the residential developments in the area require a gross density of 1 unit (or less) per acre.



Staff has prepared the following table to illustrate how the “R-2” designation compares to other zoning designations in the area. As can be seen in the table on the next page, the majority of the subdivisions in the vicinity of the subject site have zoning designations that require a gross density of 1 unit per acre or less. Under the “R-2” designation, 2.9 units per acre would be permitted.

Traffic Impact

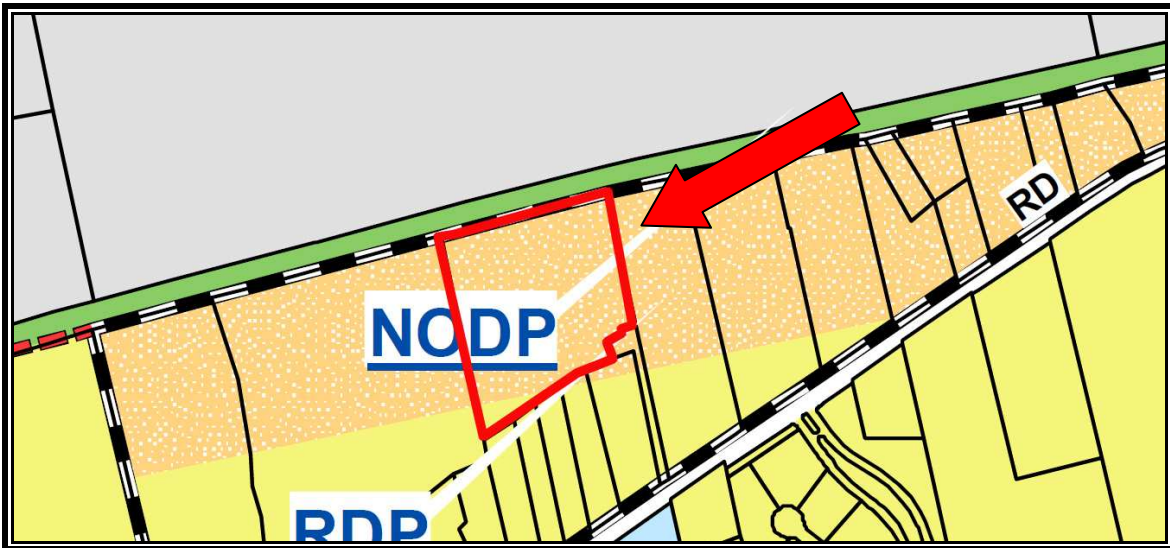
The proposed “R-2” zoning designation would allow for single family homes to be constructed on lots with a minimum lot size of 15,000 square feet. There is approximately 115 acres of land in the immediate area that is currently undeveloped or that could be subdivided for increased density. If all of this land were to be developed under the “R-2” District regulations (assuming 10% of land for right-of-way), approximately 310 single family homes could be constructed. According to the Institute of Transportation Engineers (ITE), the average rate for the PM peak hour is 1.02 trips per household. Under an “R-2” zoning designation, approximately 315 trips would be added to Wildhorse Creek Road during the PM peak hour.

If the subject site and the 115 acres of land to be developed / subdivided were developed under the “E-1” District regulations (assuming 12% of land for right-of-way), approximately 110 single family homes could be constructed. This would result in approximately 110-115 trips being added to Wildhorse Creek Road in the PM peak hour.

Subdivision	Zoning	Distance from Subject Site	Min. Lot Size	Development Size (Acres)	# of Units Permitted	Gross Density Permitted per Governing Ord. (du/acre)
Wildhorse	R-1 PEU	~ 525 ft.	22,000 sq. ft. (some require 1 acre)	139.3	101	0.73
Greystone	R-1 PEU	~ 850 ft.	22,000 sq. ft. (some require 1 acre)	133.3	115 (116 if land dedicated to school)	0.86
Miramonte	E-2	~ 1,675 ft.	2 acres	22.5	11	n/a
Tara at Wildhorse	R-1 PEU	~ 2,175 ft.	22,000 sq. ft. (some require 1 acre)	38.6	34	0.88
Windridge Estates	R-1 PEU	~ 2,400 ft.	22,000 sq. ft. (some require 1 acre)	21.7	15	0.69
Tara Estates	E-1	~ 3,075 ft.	1 acre	12.4	10	0.81
Westland Acres	E ½	~ 4,450 ft.	15,000 sq. ft.	61	59	0.97
Spring Hill Bluffs	R-1A	~ 6,675 ft.	22,000 sq. ft.	33.5	66	n/a
Westchester Manor	E-3	~ 8,700 ft.	1/2 acre	7.49	10	1.34
Wildhorse Springs	R-1 & R-2 PEU	~ 12,000 ft.	12,000 sq. ft. (some require 17,600 sq. ft.)	19.13	36	1.88

COMPREHENSIVE PLAN ANALYSIS

The Comprehensive Plan Land Use Map depicts the subject site as being located within the Wildhorse Creek Road Sub Area and delineates the subject site in the *Neighborhood Office* area. Appropriate uses for this area identified in Land Use Element of the Comprehensive Plan include general, dental, and medical offices excluding surgical centers.



Plan Policy 11.3 Open Space – To emphasize the scenic character of the Wild Horse Creek Road Sub-Area, the preservation of open space is essential and shall be addressed with all development.

Plan Policy 11.5 Preservation of Natural Features – The importance of natural features must be recognized in the Wild Horse Creek Road Sub-Area. Future development should minimize any impact to the bluff, existing tree coverage, and waterways.

Plan Policy 11.6 Preservation of Slopes – Slopes in excess of twenty percent (20%) should not be developed.

The three Plan Policies above seek to promote the preservation of open space, natural features, and slopes. The City of Chesterfield has established several *planned* districts which provide a mechanism for the protection of these types of areas while allowing for flexibility in regulation. For residential development, the City has recently created the “PUD” Planned Unit Development District. The “PUD” District requires a minimum of 30% open space to be preserved, the district also provides a mechanism to require greater amounts of open space to be preserved. Additionally, the “PUD” District

provides a means by which the City can include additional protective requirements for natural features and slopes greater than 20%. If the request for the "R-2" designation were approved without the approval of the requested "PUD," preservation of open space would be much more difficult to achieve.

Plan Policy 11.9.2 One Acre Residential Development - One-acre and larger development shall be encouraged for properties located west of Long Road, north of Wild Horse Creek Road, east of Neighborhood Office. Uses include Single Family Detached structures.

The above Plan Policy establishes a goal of a maximum density of one dwelling unit per acre. As discussed in the *Zoning Analysis* section, this density is found in the vicinity of the subject site. Additionally, many of the nearby developments have utilized a planned district approach to allow for lots to be clustered and open space to be preserved. Under the "R-2" designation, densities for single-family residential uses would be 2.9 dwelling units per acre.

DEPARTMENT INPUT

The petitioner has submitted P.Z. 11-2010 simultaneously with P.Z. 12-2010. P.Z. 11-2010 originally requested a change in zoning to an "R-4" Residence District. After the Public Hearing, the petitioner has modified the request for a change in zoning to an "R-2" Residence District. The "PUD" District regulations require that density be determined based on the existing residential density prior to the request of the "PUD." Therefore, prior to reviewing and taking action on the request for the "PUD," the request for a change in zoning to an "R-2" Residence District must be reviewed by the City of Chesterfield to ensure that the "R-2" designation is appropriate for the subject site.

The City of Chesterfield Comprehensive Plan identifies specific policies for maintaining the character of the Wildhorse Creek Road sub-area while also protecting the natural features in the area. Under the "R-2" designation, many of these policies which pertain to the protection of the natural features would not be required by the City. The submission of the request for a "PUD" in addition to the request for a change in zoning for a residential designation is appropriate in this area to help provide protection of this area. However, the City must also ensure that the density being requested is compatible and appropriate for the subject site.

If the "R-2" designation were approved without the approval of the "PUD" requested in P.Z. 12-2010, the site would be permitted to develop under the regulations of the "R-2" Residence District in the Zoning Ordinance. The petitioner would be required to submit a Record Plat to establish lots in compliance with the Zoning and Subdivision

Ordinances. At this time, Staff would recommend that the petitioner establish a *Greenspace Preservation Area* to preserve the bluffs. However, no mechanism would exist for the requirement of the establishment of this area. Future construction on the site would also be required to submit a Tree Preservation Plan to be submitted and 30% of the existing tree canopy would be required to be preserved (future submission of a Tree Preservation Plan for the subject site will be required to preserve 30% of the tree canopy area as depicted on the Tree Stand Delineation submitted to the City of Chesterfield on January 19, 2005). The lack of regulatory protection may result in the natural features in the area being put at risk.

ISSUES

A Public Hearing was held on November 22, 2010. Two issues were identified at that time. The first issue requested clarification on how the petitioner believed the requested zoning designation of an "R-4" Residence District was compatible with the existing residential densities in the area. To address this comment, the petitioner has modified their petition to request a change in zoning to an "R-2" Residence District.

The second issue raised at the Public Hearing pertained to consistency with the City of Chesterfield Land Use Plan. The petitioner has provided a written response to the issues. The response is included for your review.

REQUEST

Staff has reviewed the requested change in zoning by CEDC, on behalf of Plan Provisions, LLC and has no outstanding issues at this time. Staff requests action on P.Z. 11-2010 Chesterfield Senior Living (Plan Provisions, LLC.).

Attachments

1. Petitioner Response to Issues Letter
2. Boundary Survey

CEDC

CIVIL ENGINEERING
DESIGN CONSULTANTS

January 10, 2011

Mr. Justin Wyse
City of Chesterfield
690 Chesterfield Parkway
Chesterfield, Missouri 63017-0760

RE: PZ 11-2010 (Chesterfield Senior Living Plan Provisions)
(CEDC Project No. 1000)

Dear Mr. Wyse:

Pursuant to the public hearing at the Planning Commission on November 22, 2010 and to your issues letter dated November 30, 2010, we offer the following:

1. City Comment

The comprehensive land use plan designates this area as Neighborhood Office. Appropriate uses for the area include office and medical and dental offices, excluding surgical centers

Response

The site is within the Wild Horse Creek Road sub area as designated in the City's comprehensive plan and it is within the 1,920 foot setback from the southern airport runway, therefore it is designated as Neighborhood Office.

The available uses for consideration in this district are not only "office and medical and dental offices, excluding surgical centers", but also include institutional uses such as churches; kindergarten, elementary, secondary schools and colleges; police and fire stations; mortuaries, and mausoleums; child care centers, child nursery schools, child day nurseries, and child or adult day care homes; community centers; libraries, and others.

The requested uses of "Nursing Homes" and "Independent Senior Living" are not available uses for the subject property. However, "Nursing Homes" is allowed by a CUP just south of this property, whereas, the properties south of this parcel and north of Wild Horse Creek Road are also within the Wild Horse Creek Road sub area as designated in the City's comprehensive plan.

In keeping with the spirit of this classification, it seems reasonable that a nursing home meets this type and scale of institutional uses as adopted by the City in the creation of the Wild Horse Creek Road sub area district.

2. *City Comment*

The residentially zoned properties in the area generally require lot sizes on one acre or greater. The proposed 'R-4' designation requires a minimum lot size of 7,500 s.f.

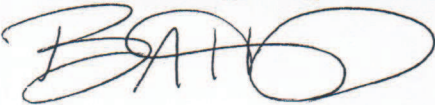
Response

The petition for the underlying zoning district is hereby amended from R-4 to R-2. This is in order to be more consistent with the lot size of the residentially zoned areas on the south side of Wild Horse Creek Road.

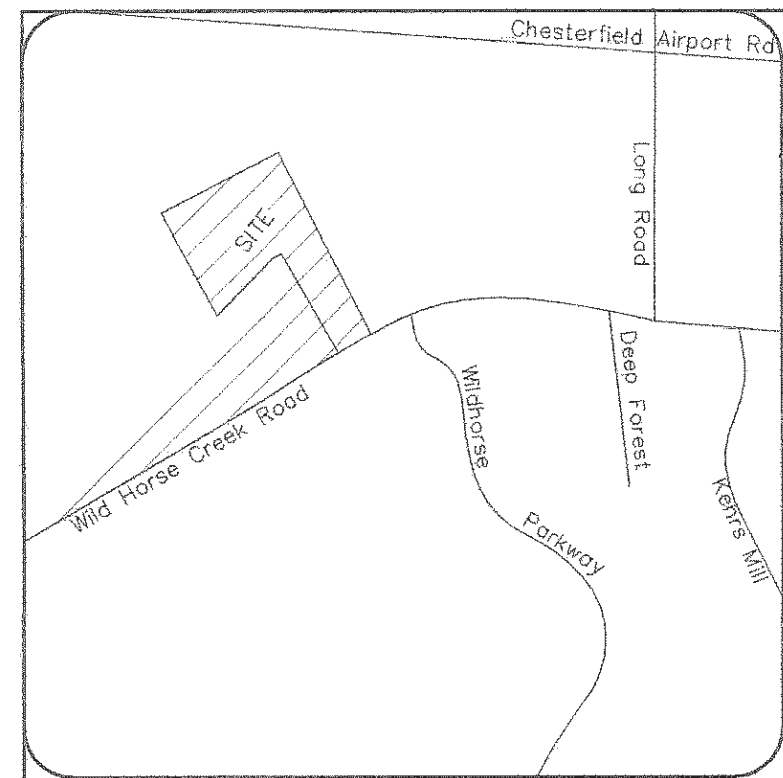
The development will maintain consistency by limiting the total number of units to 120, which is 15 per acre in the R2 zoning district

Please call should you have any questions or require additional information.

Sincerely,
Civil Engineering Design Consultants, Inc.

A handwritten signature in black ink, appearing to read 'BAH', with a large, stylized flourish extending from the end of the signature.

Brandon A. Harp, P.E.
Principal



PROPERTY DESCRIPTIONS OF RECORD

LOT B:
 A TRACT OF LAND BEING PART OF LOTS 2 & 3 OF MARY SCHAEFFER ESTATE SUBDIVISION, A SUBDIVISION RECORDED IN PLAT BOOK 17 PAGE 4 OF THE ST. LOUIS COUNTY LAND RECORDS OFFICE IN ST. LOUIS COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

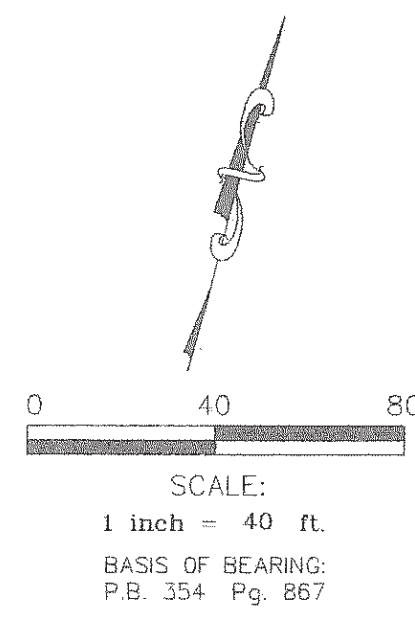
BEGINNING AT A FOUND 1/2" IRON PIPE BEING ON THE WESTERN LINE OF LOT 2 AT THE SOUTHERN RIGHT OF WAY LINE OF THE ROCK ISLAND RAILROAD (100' W); THENCE EASTWARDLY ALONG THE SAID RAILROAD RIGHT OF WAY, NORTH 74 DEGREES 45 MINUTES 00 SECONDS EAST A DISTANCE OF 405.43 FEET TO A SET 1/2" x 1/8" REBAR WITH CAP STAMPED "MARLER L.S. 347-0" (TYPICAL); THENCE CONTINUING ALONG SAID RAILROAD RIGHT OF WAY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 10445.92 FEET, AND ARC LENGTH OF 182.85 FEET AND A DELTA OF 01 DEGREES 00 MINUTES 11 SECONDS TO A SET REBAR, SAID POINT BEING ON THE EASTERN LINE OF AFORESAID LOT 3; THENCE ALONG SAID EAST LINE OF LOT 3, SOUTH 12 DEGREES 36 MINUTES 00 SECONDS EAST A DISTANCE OF 462.69 FEET TO A SET REBAR; THENCE LEAVING SAID EAST LINE, SOUTH 77 DEGREES 24 MINUTES 00 SECONDS WEST A DISTANCE OF 60.00 FEET TO A SET REBAR; THENCE SOUTH 12 DEGREES 36 MINUTES 00 SECONDS EAST A DISTANCE OF 7.38 FEET TO A SET REBAR; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 35.51 FEET AND A DELTA OF 81 DEGREES 23 MINUTES 00 SECONDS TO A SET REBAR; THENCE SOUTH 68 DEGREES 47 MINUTES 00 SECONDS WEST A DISTANCE OF 40.48 FEET TO A SET REBAR; THENCE SOUTH 21 DEGREES 13 MINUTES 00 SECONDS EAST A DISTANCE OF 60.00 FEET TO A SET REBAR, SAID REBAR BEING ON THE SOUTHERN RIGHT OF WAY OF OLD WILD HORSE CREEK ROAD, AS VACATED BY COUNTY COUNCIL OF FEBRUARY 8, 1937, A CERTIFIED COPY OF WHICH IS RECORDED IN DEED BOOK 1415 PAGE 481; THENCE ALONG SAID FORMER SOUTHERN RIGHT OF WAY, THE FOLLOWING COURSES AND DISTANCES, SOUTH 68 DEGREES 47 MINUTES 00 SECONDS WEST A DISTANCE OF 106.80 FEET TO A SET REBAR; THENCE SOUTH 52 DEGREES 51 MINUTES 00 SECONDS WEST A DISTANCE OF 406.59 FEET TO A SET REBAR, SAID REBAR BEING ON THE WESTERN LOT LINE OF AFORESAID LOT 2; THENCE ALONG SAID WESTERN LINE OF LOT 2, NORTH 12 DEGREES 36 MINUTES 00 SECONDS WEST A DISTANCE OF 719.49 FEET TO THE POINT OF BEGINNING, CONTAINING 350,470 SQUARE FEET OR 8.04 ACRES AS SURVEYED BY MARLER SURVEYING COMPANY INC. DURING THE MONTH OF AUGUST 2006.

N/F
 ETHEL M. WILLIAMS FAMILY LTD. PARTNER
 LOC. # 18V51-0105
 DEED BOOK (15291/0574)

N/F
 PLAN PROVISIONS, LLC
 & VISION VENTURES, LLC
 LOC. # 18V510138
 DEED BOOK 15744 PAGE 1483

BOUNDARY RETRACEMENT AND TOPOGRAPHIC SURVEY
LOT B
"WILDHORSE-SCHAEFFER" BOUNDARY ADJUSTMENT PLAT
 ST. LOUIS COUNTY, MISSOURI

LEGEND		
PP	UTILITY POLE	(R. & S.) RECORD and SURVEYED
C	GUY WIRE	D.B. DEED BOOK
LS	LIGHT STANDARD	P.C. PAGE
GL	ELEC. YARD LIGHT	N/F NOW OR FORMERLY
GM	GAS METER	TL TELEPHONE LINE
GV	GAS VALVE	GL GAS LINE MARK
FM	FIRE HYDRANT	UE UNDERGROUND ELEC.
WM	WATER METER	OU OVERHEAD UTILITY
DS	DOWNSPOUT	W WATERLINE
CM	MANHOLE	TS TREE WITH SIZE
CO	CLEAN-OUT	



BENCHMARK

MSD BENCHMARK 12-171 ELEV. 460.06' - "STANDARD ALUMINUM DISK" STAMPED SL-38, 1990. DISK IS SET AT THE NORTHWEST CORNER OF CHESTERFIELD AIRPORT ROAD AND CAPRICE DRIVE.

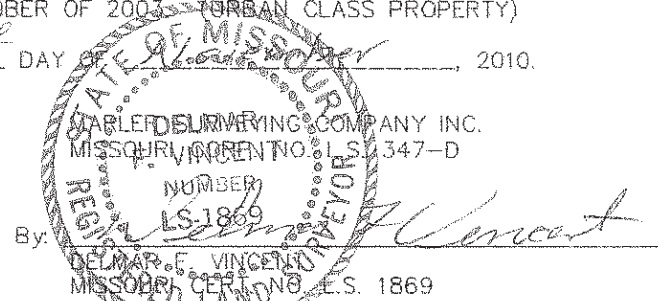
SITE BENCHMARK # 1

ELEV. 536.12' - TOP OF 1/2" RRFR WITH CAP STAMPED "L.S. 129-0" AS SHOWN ON SURVEY.

SITE BENCHMARK # 2

ELEV. 531.45' - TOP OF FOUND STONE AS SHOWN ON SURVEY.

SURVEYOR'S STATEMENT
 THIS IS TO CERTIFY AT THE REQUEST OF CIVIL ENGINEERING DESIGN CONSULTANTS INC., WE HAVE DURING THE MONTHS OF JULY 2006, PERFORMED A BOUNDARY RETRACEMENT SURVEY AND COMPILED A TOPOGRAPHIC SURVEY DURING JULY 2006 THRU APRIL 2010 BASED ON FIELD AND AERIAL SURVEYS ON LOT B OF THE BOUNDARY ADJUSTMENT KNOWN AS "WILDHORSE-SCHAEFFER PER THE SUBDIVISION RECORDED IN PLAT BOOK 354 PAGE 867 IN THE ST. LOUIS COUNTY LAND RECORDS OFFICE IN ST. LOUIS COUNTY, MISSOURI, AND THE RESULTS OF SAID SURVEY ARE CORRECTLY REPRESENTED ON THIS DRAWING; THIS MAP COMPLES WITH THE MISSOURI MAPPING STANDARDS, CLASS III.
 THAT THE SAID SURVEY WAS EXECUTED IN COMPLIANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS SET FORTH BY THE MISSOURI DEPARTMENT OF NATURAL RESOURCES DIVISION OF GEOLOGY AND LAND SURVEY (10 CSR 30-2.070) AND THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS AND LAND SURVEYORS (4 CSR 30-16.070), EFFECTIVE 12/30/94, AND LAST REVISED OCTOBER OF 2003 (URBAN CLASS PROPERTY)
 IN WITNESS WHEREOF, I HAVE SIGNED AND SEALED THE FOREGOING THIS 2nd DAY OF NOVEMBER, 2010.



N/F
 PLAN PROVISIONS, LLC
 & VISION VENTURES, LLC
 LOC. # 18V510149
 DEED BOOK 15744 PAGE 1483

JOB NO. 0607-138ADDN
 DRWN BY: D.J.N.

MARLER SURVEYING COMPANY, INC.
 11402 GRAVOIS RD., STE. 200 ST. LOUIS, MO 63126 (314) 729-1001 PH. (314) 729-1044 FAX (314) 729-1044
 110 WEST MAIN STREET, SULLIVAN, MO (573) 468-4684 PH. (573) 860-8606 FAX
 email: marler@marlersurveying.net

DEPUTY S.R.F./D.V.F./R.W.
 CHK'D BY: D.F.V.