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PLANNING COMMISSION ISSUES REPORT

SUBJECT: Change in Zoning Issues Report
MEETING DATE: March 28, 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 an “R-2” Residence District to a Planned Unit Development (“PUD”) District. The proposed request seeks to permit a senior living facility that would include assisted and independent living facilities as well as ancillary uses.

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. In order to develop a single-family residential development, 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. The current proposal to construct a senior living facility on the site could also be accommodated through the application for a Conditional Use Permit (CUP). At that time, conditions could be placed on the permit in an effort to preserve the natural areas on the site.

Future construction on the site would also be require a Tree Preservation Plan to be submitted and 30% of the existing tree canopy would be required to be preserved. The lack of regulatory protection may result in the some of the existing natural features in the area being put at risk.

P.Z. 11-2010 was on the agenda for the February 14, 2011 Planning Commission meeting. At that time, the petitioner requested feedback from the Planning Commission on the project and requested that action on the request be held until they had the opportunity to address the issues from the Staff Report and issues raised by the Planning Commission. Staff has met with the Petitioner to discuss issues related to the request.

SITE AREA HISTORY

A detailed history of the subject site is presented in the Issues Report for P.Z. 12-2010. Please see that report for the history of the site.

PUBLIC HEARING

A Public Hearing was held on P.Z. 11-2010 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

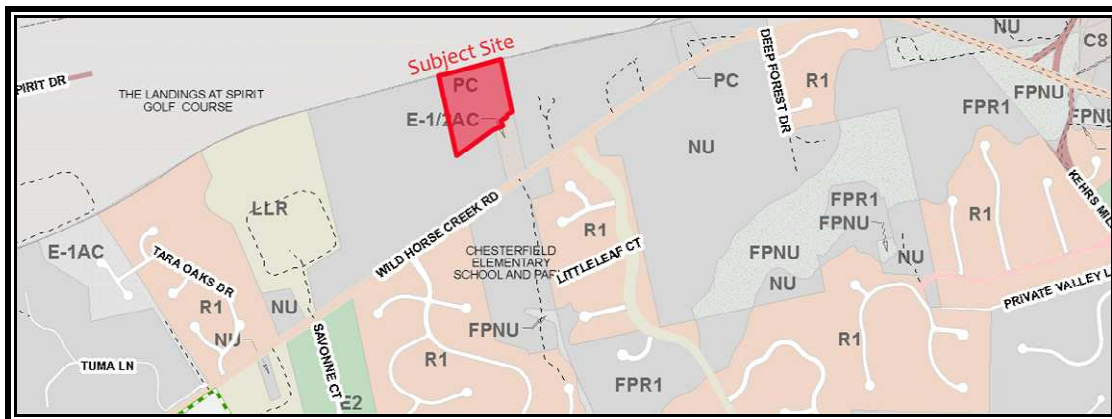
P.Z. 11-2010 and P.Z. 12-2010 have been filed simultaneously per the regulations of Section 1003.187 of the City of Chesterfield Zoning Ordinance. If both petitions were approved, the subject site would be permitted to construct a nursing home and group home for the elderly with a maximum of 120 units.

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:

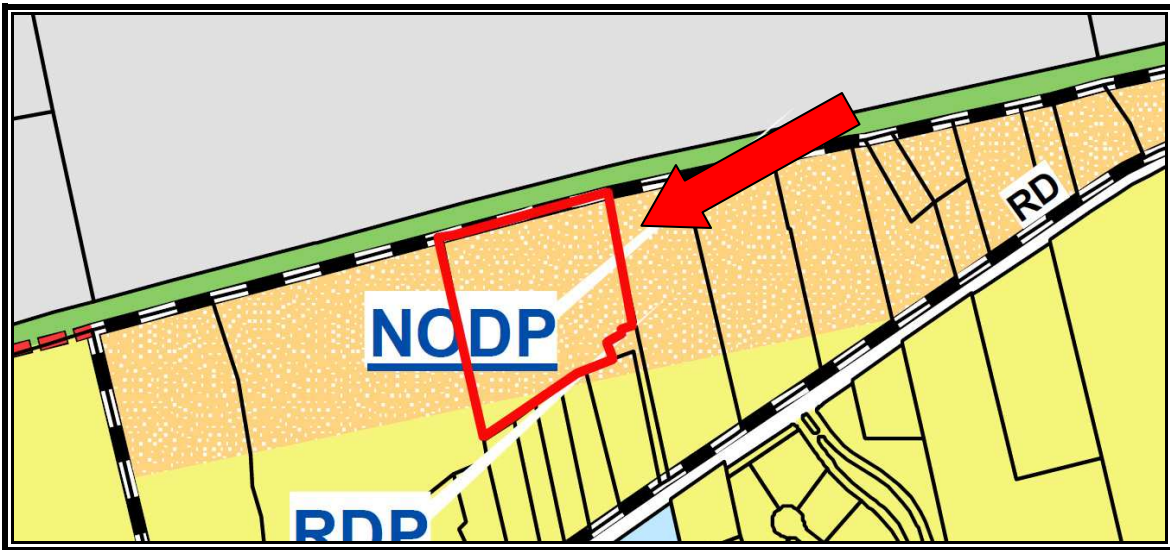
- Minimum Lot Size: 15,000 square feet
- Maximum Height: 3 stories or 45 feet
- Front / Side / Rear Yard Setback: 25 / 10 / 15 feet

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 shown 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.



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.

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.

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.

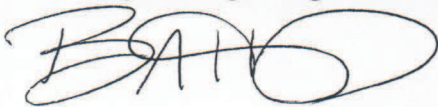
Response

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.

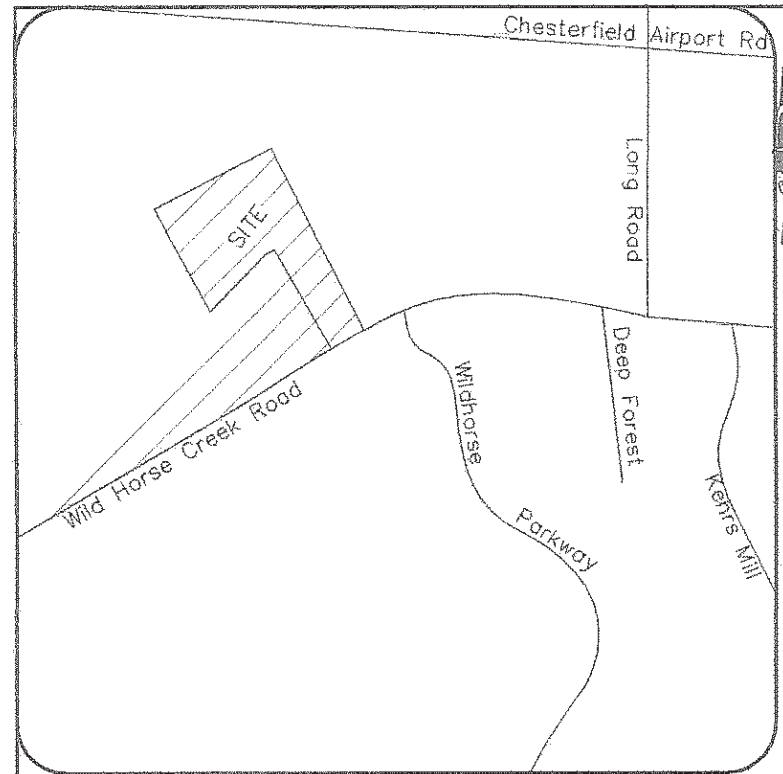
The development will maintain consistency by limiting the total number of units to 120, which is 15 per acre in the R2 zoning district

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', enclosed within a large, loopy oval shape.

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)

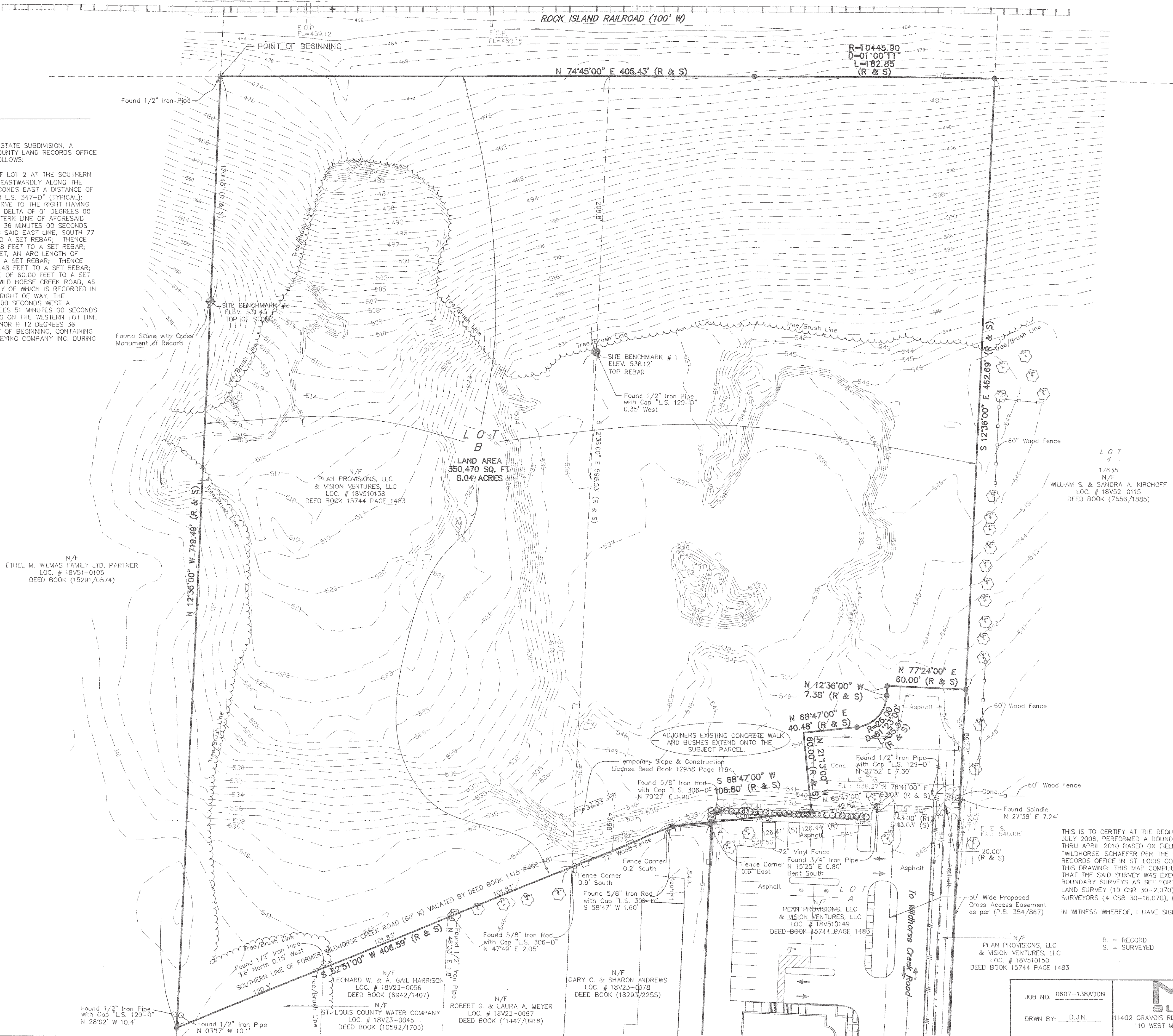
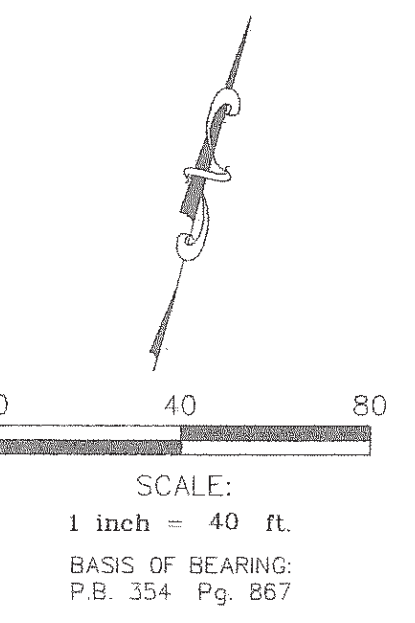
N/F
 PLAN PROVISIONS, LLC
 & VISION VENTURES, LLC
 LOC. # 18V510138
 DEED BOOK 15744 PAGE 1483

LOT B
 LAND AREA
 350,470 SQ. FT.
 8.04 ACRES

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
—	GUY WIRE	D.B.	DEED BOOK
—	LIGHT STANDARD	P.C.	PAGE
—	ELEC. YARD LIGHT	N/F	NOW OR FORMERLY
—	GAS METER	—	TELEPHONE LINE
—	GAS VALVE	—	GAS LINE MARK
—	FIRE HYDRANT	—	UNDERGROUND ELEC.
—	WATER METER	—	OVERHEAD UTILITY
—	DOWNSPOUT	—	WATERLINE
—	MANHOLE	—	TREE WITH SIZE
—	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" REBAR 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 THAT 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 COMPLETES 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.

By: *[Signature]*
 MARLER SURVEYING COMPANY INC.
 MISSOURI LICENSE # 23347-D
 15-1869
 MISSOURI LICENSE # S. 1869

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
 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.