



**III. C.**

## Memorandum Department of Planning & Public Works

**To:** Planning and Public Works Committee  
**From:** Justin Wyse, Project Planner  
**Date:** April 21, 2011  
**RE:** **P.Z. 11-2010 Chesterfield Senior Living (Plan Provisions, LLC):** A request for a change of zoning from a "PC" Planned Commercial District to an "E-1" Estate One Acre District for an 8.04 acre tract of land located north of Wild Horse Creek Road and west of Long Road (18V510138).

### Summary

Brandon Harp of Civil Engineering Design Consultants (CEDC), on behalf of Plan Provisions, LLC, is requesting a change of zoning from a "PC" Planned Commercial District with a "WH" Wildhorse Overlay to an "E-1" Estate One Acre District. The request as initially submitted and presented to the City of Chesterfield Planning Commission at a Public Hearing on November 22, 2010 requested a change in zoning to an "R-4" Residence District. The request was amended at the request of the Petitioner to an "R-4" Residence District and amended again by the Petitioner to an "E-1" Estate One Acre District after comments from the public, Planning Commission, and Staff. The Planning Commission voted to recommend approval for a change in zoning from a "PC" Planned Commercial District with a "WH" Wildhorse Overlay to an "E-1" Estate One Acre District by a vote of 9-0.

Additionally, the project was submitted simultaneously with P.Z. 12-2010 which requested a change in zoning from the "R-4" Residence District to a "PUD" Planned Unit Development District. The purpose of the change in zoning is to permit a nursing home to be constructed on the site. This request was officially withdrawn without prejudice at the April 11, 2010 meeting of the Planning Commission. The Petitioner has submitted a request for a Conditional Use Permit in the "E-1" District to allow for a nursing home to be operated on the site.

Attached please find a copy of the Staff reports for this project and a copy of the survey for the property. Please note that the "E-1" Estate One Acre District is a straight zoning district. Therefore, no Attachment A or Preliminary Plan is required.

Respectfully submitted,

Justin Wyse, AICP  
Project Planner

Cc: Michael G. Herring, City Administrator  
Rob Heggie, City Attorney  
Michael O. Geisel, Director of Planning and Public Works  
Aimee Nassif, Planning and Development Services Director



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## **PLANNING COMMISSION VOTE REPORT**

**SUBJECT:** Change in Zoning Vote Report

**MEETING DATE:** April 11, 2011

**FROM:** Justin Wyse, AICP  
Project Planner

**LOCATION:** 17655 Wildhorse Creek Road

**PETITION:** P.Z. 11-2010 Chesterfield Senior Living (Plan Provisions, LLC) – A request for a change in zoning from a “PC” Planned Commercial District to an “R-2” Residence District.

### **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.

### **PUBLIC HEARING AND ISSUES MEETING**

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.

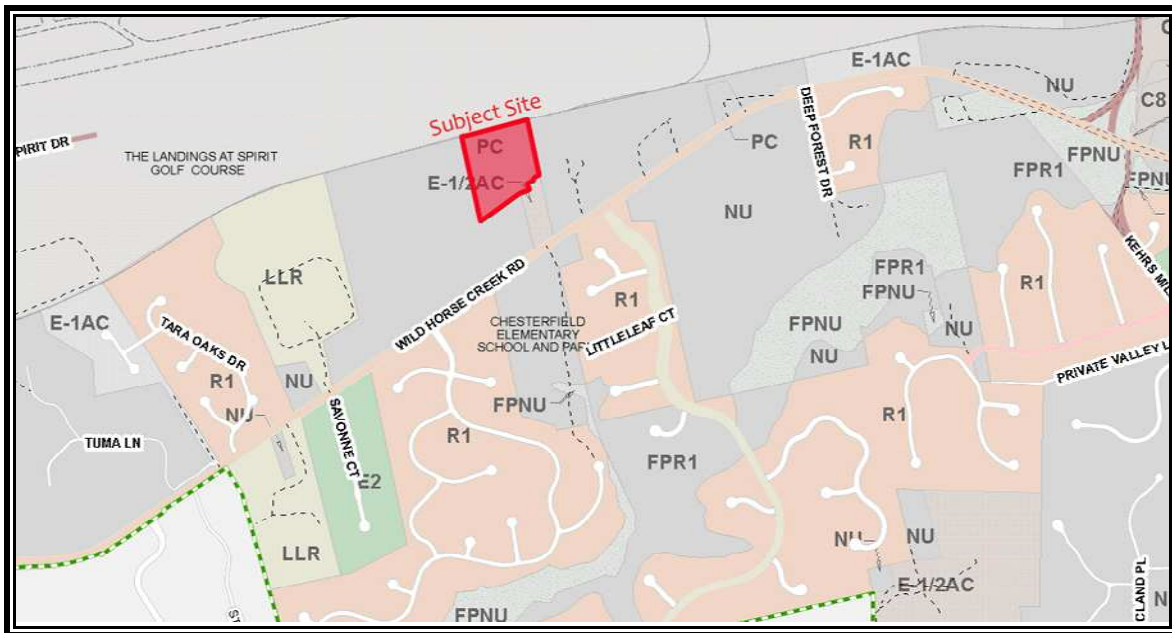
An issues meeting was held on the request on March 28, 2011. No new issues were raised at that time.

#### **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 as submitted, 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.

As shown on the zoning map on the next page, the subject site is generally located within a residential context.

Staff has presented information that illustrates a comparison of the density requested in P.Z. 11-2010 with the surrounding area. This information showed that 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.



Staff was asked to present information that would clarify and illustrate how the gross density could be brought closer in line with the existing development pattern. Residential by-right (straight) zoning districts within the Zoning Ordinance regulate density through minimum lot size. For example, the minimum lot size in the “R-2” District is 15,000 square feet. Dividing one acre (43,560 square feet) by the minimum lot size (15,000 square feet) gives the density permitted. In the case of the “R-2” District, the following results:

$$43,560 / 15,000 = 2.904 \text{ units per acre}$$

As the minimum lot size increases, the density per acre decreases. For example, a development with a 22,500 square foot minimum lot size would result in:

$$43,560 / 22,500 = 1.94 \text{ units per acre.}$$

The previous report included information on subdivisions and referenced *gross density*. This term is utilized in order to account for the provision of common ground in subdivisions. This was the procedure utilized in the former Planned Environmental Unit District. Utilizing this approach, minimum lot sizes were permitted to decrease a specified amount; however, the total density for the development was not changed. This process allows for preservation of natural areas and provisions for common open space. Evaluation of developments utilizing this procedure includes utilization of gross density to assure total development area is included in the analysis.

In the recently adopted "PUD" Planned Unit Development District, the maximum gross density permitted is determined based on the existing residential density permitted prior to application for the "PUD" District.

**DEPARTMENT INPUT**

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 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.

Based on a review of the existing development patterns and the residential plan policies for this area in the Comprehensive Plan, Staff believes that the "E-1" One Acre Estate District would be most appropriate to reinforce the existing development patterns. Additionally, the "E-1" designation would be compatible with the residential plan policies of the Comprehensive Plan.

An "E-1" designation, similar to an "R-2" designation, **would allow for a Petition for a Conditional Use Permit (CUP) for a nursing home use.** As mentioned in previous reports, Staff does not foresee any conflicts with the Comprehensive Plan and /or Zoning Ordinance with a nursing home in this area.

**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. Boundary Survey



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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**

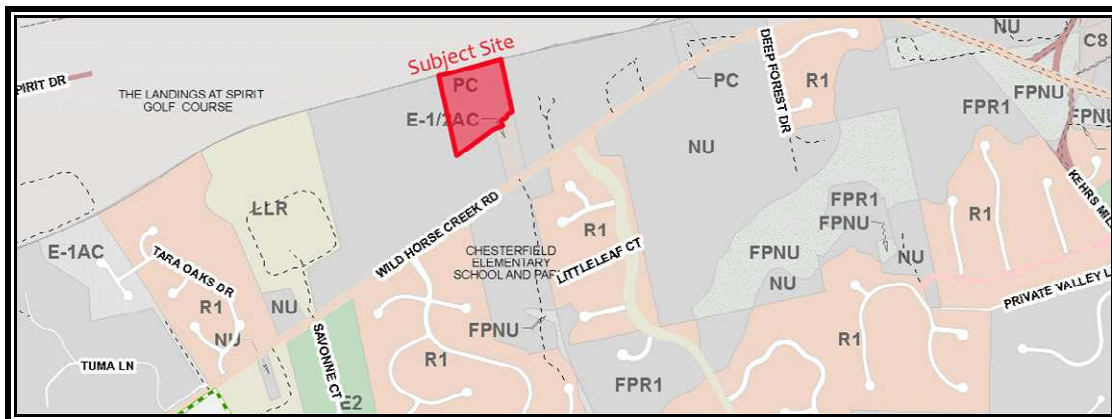
P.Z. 11-2010 and P.Z. 12-2010 have been filed simultaneously per the regulations of Section 1003.187 of the City of Chesterfield Zoning Ordinance. If both petitions were approved, the subject site would be permitted to construct a nursing home and group home for the elderly with a maximum of 120 units.

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

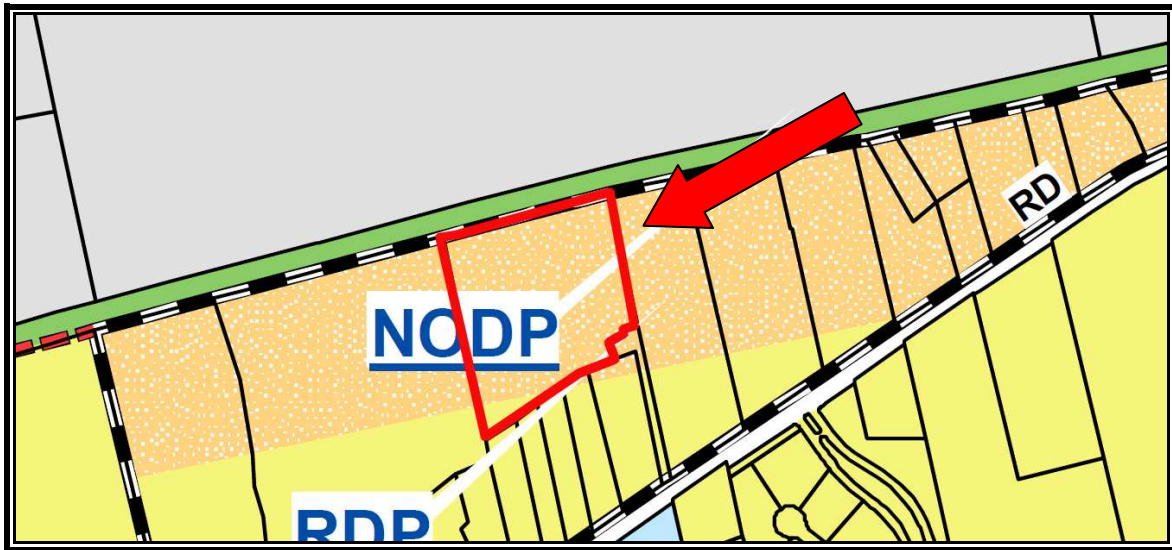
Approximately 20 single family residences could be constructed on the subject site under the “R-2” designation using an estimate for the amount of area necessary for infrastructure that would be required. As shown below, the subject site is generally located within a residential context. Most of the 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



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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.

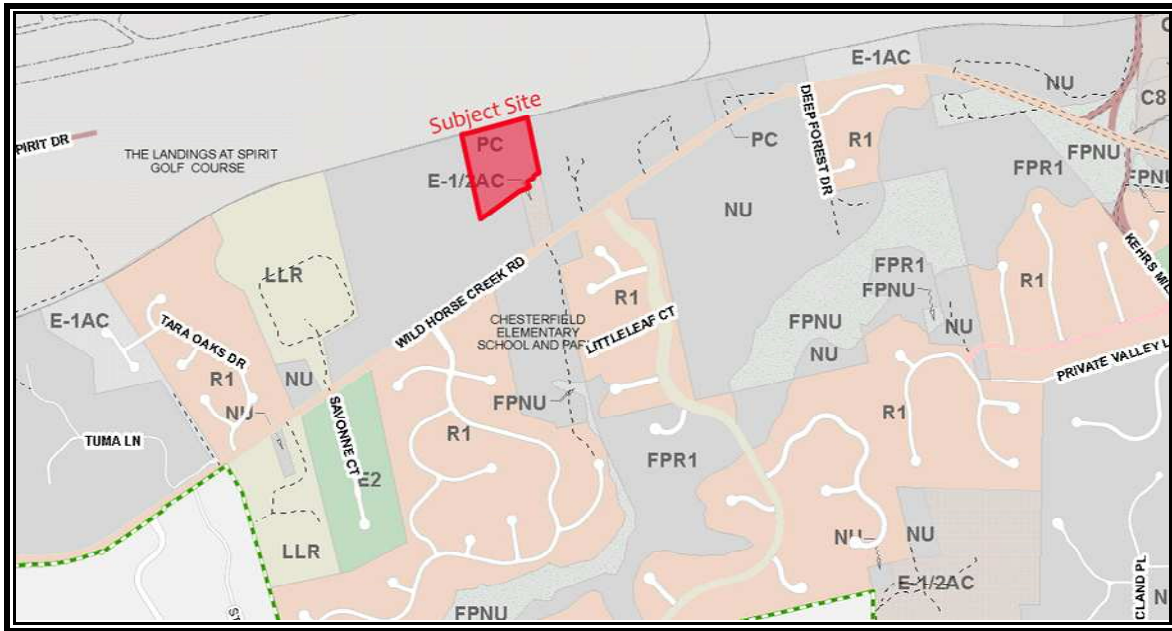
If P.Z. 11-2010 were approved without the approval of P.Z. 12-2010, the site would be permitted to develop in accordance with the regulations of the "R-2" Residence District found in Section 1003.113 of the City of Chesterfield Zoning Ordinance. It should be noted that the petitioners request for a senior 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

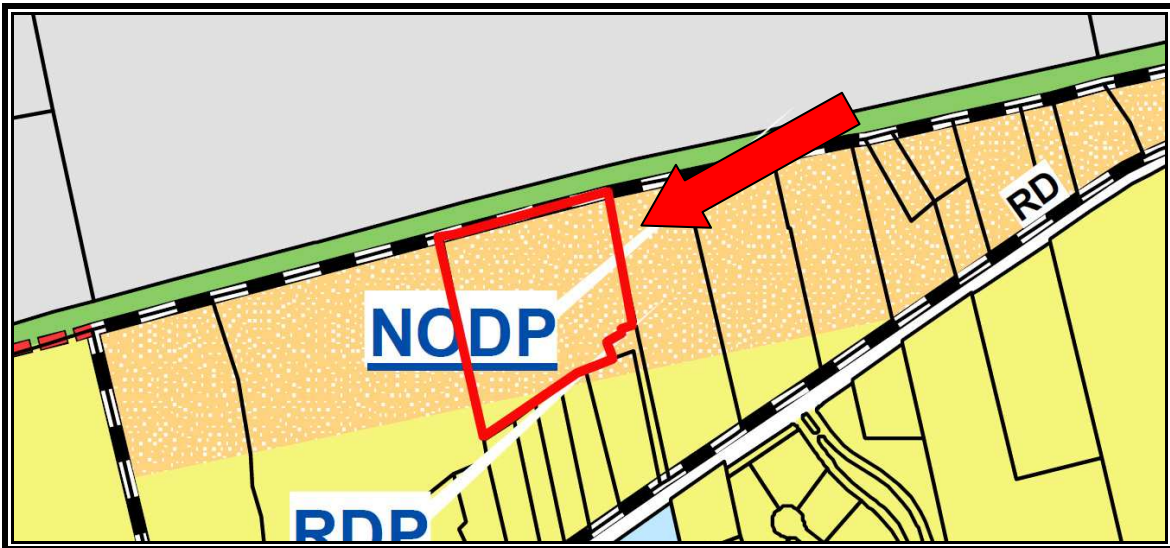
The proposed “R-2” zoning designation would allow for single family homes to be constructed on lots with a minimum lot size of 15,000 square feet. There is approximately 115 acres of land in the immediate area that is currently undeveloped or that could be subdivided for increased density. If all of 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 require 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