



690 Chesterfield Pkwy W • Chesterfield MO 63017-0760
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

Planning Commission Staff Report

Meeting Date: April 24, 2017

From: Jessica Henry, Senior Planner

Location: South of Wild Horse Creek Road, East of Baxter Road

Petition: **P.Z. 05-2016 Wildhorse Baxter Center, C148B (Shelbourne Senior Living):** A request for a zoning map amendment from a “C-8” Planned Commercial District to a “UC” Urban Core District for 5.21 acres located south of Wild Horse Creek Road and east of its intersection with Baxter Road (18T630283).

PROPOSAL SUMMARY

Shelbourne Healthcare Development Group, LLC has submitted a request for a zoning map amendment from a “C-8” Planned Commercial District to a “UC” Urban Core District for the 5.21 acre subject site. The subject site is located within the three lot Wildhorse Baxter Center subdivision and is currently vacant. The developer’s intention is to develop the subject site for a 154,790 square foot senior living facility that will provide 75 independent living units, 37 assisted living units, and 17 memory care units. In addition to the Group Residential Facility and Nursing Home uses, the petitioner is requesting to maintain many of the uses permitted under the current governing ordinance.

A Public Hearing was originally held on June 27, 2016 where several issues were raised by the public, Planning Commission, and Staff. An Issues Meeting was held on September 26, 2016 to discuss the response by the Petitioner to the issues regarding the proposed request. This project was subsequently placed on the January 23, 2017 Planning Commission meeting for a vote; however, at that time additional discussion of concerns regarding the proposal resulted in the Petitioner requesting that no vote be taken in order to permit the Petitioner to continue addressing the outstanding concerns.

Following each of these meeting before the Planning Commission, the Petitioner made several changes to the request in an attempt to address the concerns raised at the previous meetings. These changes include reducing the requested number of permitted uses, inclusion of restrictions on hours of operation, decreasing the building height, aligning the proposed drive with Santa Maria Drive, and reducing the requested number of units and building density. The Issues section of this report summarizes the changes in the Petitioner’s proposal and the Petitioner has also submitted a letter detailing these changes for the Planning Commission’s consideration.

ZONING HISTORY

The subject site was part of the Chesterfield Village master plan prior to the incorporation of Chesterfield and was zoned “C8” Planned Commercial by St. Louis County in 1988 via St. Louis County Ordinance 13,759. As previously mentioned, the site is part of the Wildhorse Baxter Center subdivision which consists of three parcels, C119, C148A, and C148B. The subject site is parcel C148B. The City of Chesterfield amended Ordinance 13,759 in 1996 to add a 0.6 acre property located adjacent to parcel C119 into the ordinance area resulting in City Ordinance 1170.

In 2006, a Boundary Adjustment Plat was approved which adjusted the southern boundary of both C-148 parcels before they were split into two separate lots. In 2009, the City amended Ordinance 1170 in order to eliminate an inaccuracy in the legal description that resulted over time through the previously mentioned land addition, boundary adjustment, and right-of-way dedication for the realignment of Wild Horse Creek Road that occurred in 2007. This last ordinance amendment resulted in Ordinance 2557. Subsequent to this last ordinance amendment, parcel C148 was approved for a Boundary Adjustment Plat regarding the east property line and then a Lot Split Plat which created parcels C148A and C148B in 2012. All three parcels, including the subject site, are currently vacant and governed by Ordinance 2557.

SURROUNDING LAND USE AND ZONING

The land use and zoning for the properties surrounding this parcel are shown in the aerial image in Figure 1 and are described below:

- North:** Ascension School, zoned “LLR” Large Lot Residential, is located directly north across Wild Horse Creek Road. The JCC, zoned R2 with a Conditional Use Permit, is located north and west across Wild Horse Creek Road.
- South:** The single-family residential development, Reserve at Chesterfield Village, zoned R5 with a Planned Environment Unit, is located directly south.
- East:** A vacant lot which is part of the larger Chesterfield Village Mall subdivision, zoned “LLR” Large Lot Residential, is located to the east.
- West:** The property directly to the west is part of the same subdivision as the subject site, Wildhorse Baxter Center, and is zoned “C8” Planned Commercial.

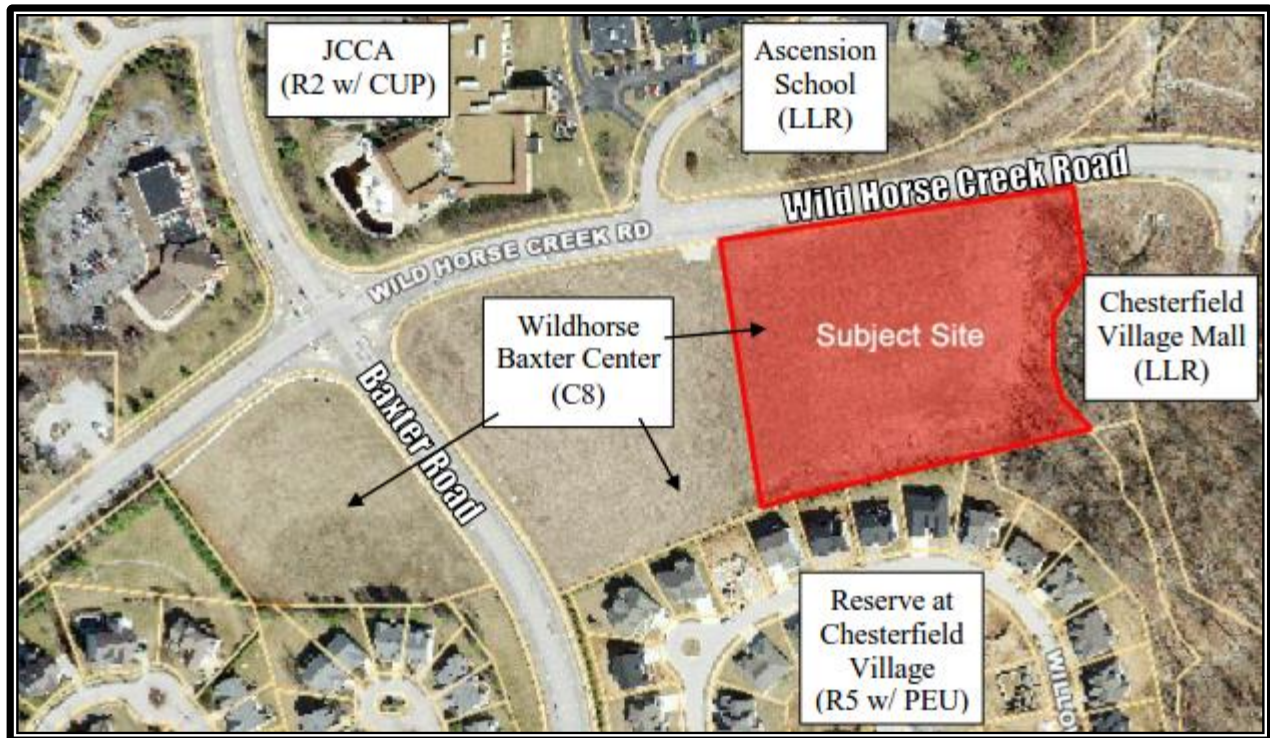


Figure 1: Aerial Photo

PROJECT HISTORY

- A Public Hearing was held on the request at the June 27, 2016 Planning Commission meeting.
- The Petitioner submitted a written response to the Issues from the Public Hearing and the request was before the Planning Commission on September 26, 2016 for an Issues Meeting. Following the Issues Meeting, a second Issues Letter was sent to the Petitioner.
- This project was placed on the January 23, 2107 Planning Commission agenda for vote. However, after continued discussion of outstanding concerns and issues at that meeting, the Petitioner requested that no vote be taken and that the project be held in order to permit for additional review and revision of their request.
- Since that time, the Petitioner has further revised their request to reduce the number of units and building square footage. Additionally, the Petitioner is no longer requesting a modification to the western landscape buffer and parking setback. The Petitioner has prepared a letter detailing the revisions made to the request in response to each meeting which is attached for the Planning Commission's consideration. At this time, this project is ready for Planning Commission action to occur.

COMPREHENSIVE PLAN

The subject site is located within Ward 2 of the City of Chesterfield and is located within both the Urban Core and Residential Multi-family land use designations. The current parcel boundaries do not align with the borders of the land use designations in this area which is a function of the parcel boundaries changing over time. Although Wild Horse Creek Road has also been realigned, the Urban Core land use designation has consistently been located on both sides of Wild Horse Creek Road in this location since Chesterfield’s first Comprehensive Plan. The Comprehensive Plan defines these two designations as the following:

Residential, Multi-family – A Conceptual Land Use category. A building or portion thereof designed for or occupied exclusively by four (4) or more families living independently of each other in individual dwelling units. This category includes continuing care residential, assisted living residential, elderly group homes, independent living residential for the elderly and nursing homes.

Urban Core – A Conceptual Land Use category. The area around the intersection of I-64/US 40 and Olive Boulevard/Clarkson Road within and adjacent to the Chesterfield Parkway containing a mixture of high-density residential, retail and office uses. The Urban Core will contain the highest density development in Chesterfield and should serve as the physical and visual focus for the City.

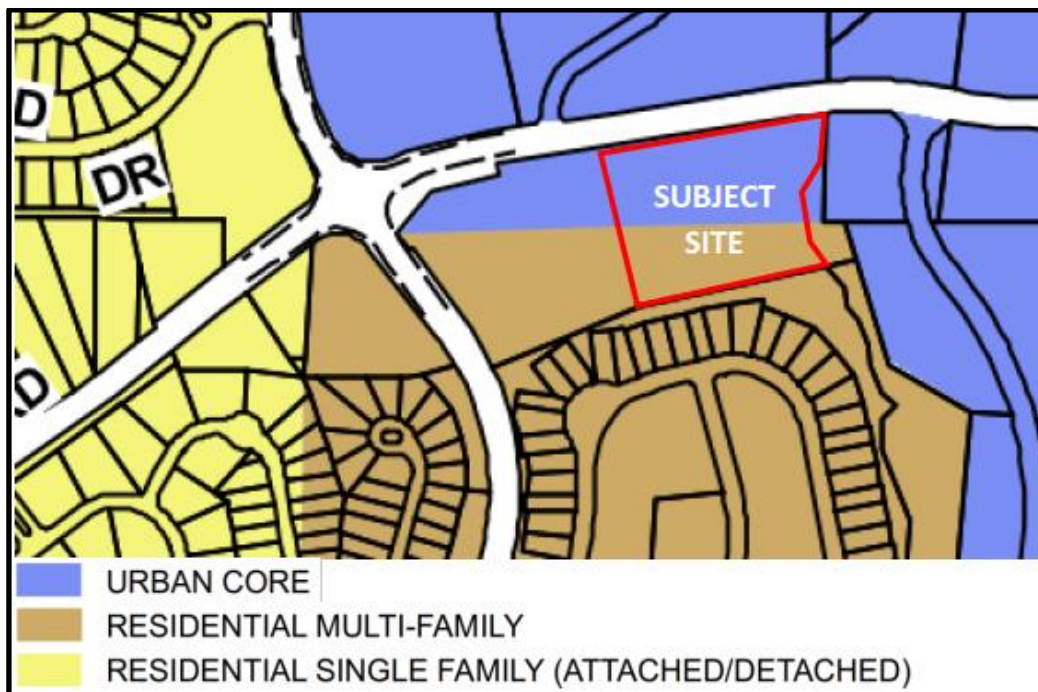


Figure 2: Land Use Plan

The bisection of the subject site by two land use designations is complicated following the development of the northern portion of The Reserve at Chesterfield Village as single-family development. This results in anticipated transitions being absent. However, several plan policies exist to assist in guiding development in situations like this.

2.1.5 Provide Buffer for Existing Residential Development – *New higher density residential development and non-residential development adjacent to existing residential subdivisions should provide for a substantial landscape buffer and landscaped area between the uses so as not to alter the conditions and environment of existing residential neighborhoods.*

2.1.9 Encourage Planned Residential Development – *Planned residential developments that allow for innovative and flexible site planning, preservation of open space, and a variety of housing opportunities should be encouraged.*

2.4 Higher Density Residential in Urban Core – *New multiple-family residence should be located in or near the Urban Core.*

3.6.5 Chesterfield Village – *Chesterfield Village constitutes a significant portion of the Urban Core. Development in Chesterfield Village should incorporate the vision of high density, mixed-use residential and non-residential development with pedestrian amenities.*

7.2.9 Access Management – *Control the placement of new driveway and intersection placement to maintain the safety at the roadway's full traffic carrying capacity while encouraging smooth and safe traffic flow.*

"UC" URBAN CORE DISTRICT

Section 03-04.H of the UDC contains the regulations for the creation of an Urban Core ("UC") District. The purpose of the "UC" District is included below for reference. This purpose statement should serve as a foundation for discussing the issues and the proposal for the Planning Commission.

The "UC" Urban Core District is intended to provide a method for commercial or mixed commercial and residential development within the area known as the Urban Core. The regulations for the "UC" District offer a method that allows flexibility in applying certain zoning standards. Such flexibility requires a review process and development plan to safeguard health, safety, and welfare concerns. In exchange for flexibility, "UC" Districts are required to provide exceptional design and amenities not otherwise required through traditional zoning techniques. These requirements are designed to offset the impact of changes in development standards allowed through these provisions. The "UC" District allows innovative designs, solves problems on difficult sites, meets market niches, encourages pedestrian access and connectivity between developments, and promotes well designed developments. The "UC" District regulations should have the following outcomes:

- (a) *Implement the vision of the area of the City identified as the Urban Core in the Comprehensive Plan;*

- (b) *Promote pedestrian access, connectivity and facilities between sites, between developments and to public facilities through inclusion of a variety of site and building design features such as continuous pedestrian walkways between buildings and from parking areas, trails, bicycle paths, covered walkways between buildings, widened sidewalks at the entrance to commercial and office structures, bicycle parking and continuous walkways through parking areas to buildings within the development.*
- (c) *Allow flexibility that is not available through standards and restrictions contained elsewhere in the Zoning Ordinance;*
- (d) *Promote more efficient use of land;*
- (e) *Incorporate site features such as topography, views, vegetation, water features, and other factors into the design so they become assets to the development;*
- (f) *Promote building styles and architectural styles that complement one another;*
- (g) *Allow a mix of uses that are designed to negate potential conflicts that normally occur between incompatible land uses;*
- (h) *Promote the most efficient arrangement of circulation systems, land use, and buildings;*
- (i) *Promote environmentally sensitive developments; and*
- (j) *Allow development, under a specifically approved design concept and site plan, which otherwise may not be permitted by the Zoning Ordinance.*

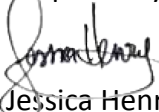
RESIDENT INPUT

Numerous people have spoken at both the Public Hearing and the Issues Meeting on the proposal. Additionally, numerous letters were submitted regarding the project. All letters received from residents were attached to the January 23rd meeting agenda.

REQUEST

Staff requests action on P.Z. 05-2016 Wildhorse Baxter Center, C148B (Shelbourne Senior Living).

Respectfully submitted,



Jessica Henry, AICP
Senior Planner

Attachments

1. Attachment "A"
2. Petitioner's Letter dated 4/17/2017
3. Preliminary Plan

cc: Justin Wyse, Director of Planning and Development Services

ATTACHMENT A

All provisions of the City of Chesterfield City Code shall apply to this development except as specifically modified herein.

I. SPECIFIC CRITERIA

A. PERMITTED USES

1. The uses allowed in this "UC" Urban Core District shall be:
 - a. Administrative offices for education religious institutions
 - b. Animal Grooming Service
 - c. Art Gallery
 - d. Art Studio
 - e. Automotive Retail Supply
 - f. Brewpub
 - g. Broadcasting studio
 - h. Churches or other place of worship
 - i. Club
 - j. College or University
 - k. Commercial service facility
 - l. Day care center
 - m. Drug Store and Pharmacy
 - n. Drug Store and Pharmacy with Drive Thru
 - o. Dry Cleaning Establishment
 - p. Dry Cleaning Establishment with Drive Thru
 - q. Financial Institution, Drive Thru
 - r. Financial Institution, no drive-thru
 - s. Grocery, Community
 - t. Grocery, Neighborhood
 - u. Group Residential Facility
 - v. Kindergarten or nursery school
 - w. Laundromat

- x. Library
 - y. Mortuary
 - z. Museum
 - aa. Newspaper Stand
 - bb. Nursing Home
 - cc. Office, dental
 - dd. Office, general
 - ee. Office, medical
 - ff. Professional and Technical Service Facility
 - gg. Public Safety Facility
 - hh. Reading Room
 - ii. Recreation Facility
 - jj. Research Laboratory and Facility
 - kk. Restaurant, Sit-Down
 - ll. Retail Sales Establishment, Community
 - mm. Retail Sales Establishment, Neighborhood
 - nn. Telecommunications Structure
 - oo. Telecommunications Tower or Facility
 - pp. Veterinary Clinic
 - qq. Vocational School
2. Uses “u” and “bb” in the “UC” Urban Core District shall contain a maximum of 129 units. No more than 75 units shall be utilized for independent living units.
3. Hours of Operation.

Retail uses and outdoor uses/activities shall be restricted to hours of operation open to the public from 6:00 AM to 11:00 PM. Hours of operation for said use may be expanded for Thanksgiving Day and the day after Thanksgiving upon review and approval of a Special Activities Permit, signed by the property owner and submitted to the City of Chesterfield at least seven (7) business days in advance of said holiday.

4. Telecommunication siting permits may be issued for wireless telecommunications facilities per the requirements of the City Code.

B. FLOOR AREA, HEIGHT, BUILDING AND PARKING STRUCTURE REQUIREMENTS

1. Floor Area

- a. Total building floor area for uses 'u' and 'bb' shall not exceed 155,000 square feet.

2. Height

- a. The maximum height of the building, exclusive of roof screening, shall not exceed three (3) stories or 54 feet in height, whichever is less.

3. Building Requirements

- a. A minimum of 30% openspace is required for each lot within this development.
- b. For non-residential developments, a maximum F.A.R. of 0.55 is permitted.

C. SETBACKS

1. Structure Setbacks

No building or structure, other than: a freestanding project identification sign, light standards, or flag poles will be located within the following setbacks:

- a. Thirty-five (35) feet from the right-of-way of Wild Horse Creek Rd. on the northern boundary of the "UC" Urban Core District.
- b. Thirty-five (35) feet from the eastern, southern, and western boundaries of the "UC" Urban Core District.

2. Parking Setbacks

No parking stall, loading space, internal driveway, or roadway, except points of ingress or egress, will be located within the following setbacks:

- a. Thirty (30) feet from the northern, eastern, western, and southern boundary of the "UC" Urban Core District.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
2. Parking lots shall not be used as streets.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The development shall adhere to the Landscape and Tree Preservation Requirements of the City of Chesterfield Code.
2. The bio-retention area shall be permitted within the landscape buffer along the eastern portion of the property, substantially in conformance with the Preliminary Plan.

F. SIGN REQUIREMENTS

1. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code or a Sign Package may be submitted for the planned district. Sign Packages shall adhere to the City Code and are reviewed and approved by the City of Chesterfield Planning Commission.
2. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield, and/or the St. Louis County Department of Transportation, for sight distance considerations prior to installation or construction.

G. LIGHT REQUIREMENTS

Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.

H. ARCHITECTURAL

1. The development shall adhere to the Architectural Review Standards of the City of Chesterfield Code.
2. Trash enclosures: All exterior trash areas will be enclosed with a minimum six (6) foot high sight-proof enclosure complemented by adequate landscaping. The location, material, and elevation of any trash enclosures will be as approved by the City of Chesterfield on the Site Development Plan.

I. ACCESS/ACCESS MANAGEMENT

1. Access to this development from Wild Horse Creek Road shall be restricted to one (1) commercial entrance, as shown on the Preliminary Plan, on the eastern end of the parcel, as directed by Saint Louis County Department of Transportation and the City of Chesterfield.
2. Access to Wild Horse Creek Road through the adjacent parcel to the west shall be aligned directly opposite Santa Maria Drive, as directed by Saint Louis County Department of Transportation and the City of Chesterfield.
3. Provide cross access easement and temporary slope construction license or other appropriate legal instrument or agreement guaranteeing permanent access between this parcel and the adjacent parcels as directed by the Saint Louis County Department of Transportation and the City of Chesterfield.
4. If adequate sight distance cannot be provided at the access location(s), acquisition of right-of-way, reconstruction of pavement and other off-site improvements may be required to provide the required sight distance as required by the City of Chesterfield and the agency in control of the right of way off which the access is proposed.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Improve Wild Horse Creek Road frontage to one half of the ultimate section including all storm drainage facilities, as directed by the Saint Louis County Department of Transportation.
2. Provide a 5 foot wide sidewalk, conforming to ADA standards, along Wild Horse Creek Road. The sidewalk shall provide for future connectivity to adjacent developments and/or roadway projects. The sidewalk shall be privately maintained and may be located within right-of-way controlled by another agency, if permitted by that agency, or on private property.
3. Internal sidewalks shall be provided to the site from the sidewalk along Wild Horse Creek Road creating an accessible pedestrian path to the proposed building. Internal sidewalks and curb ramps shall conform to ADA standards.

4. Obtain approvals from the City of Chesterfield and the Saint Louis County Department of Transportation and other entities as necessary for locations of proposed curb cuts and access points, areas of new dedication, and roadway improvements.
5. Additional right-of-way and road improvements shall be provided, as required by Saint Louis County Department of Transportation and the City of Chesterfield.
6. Provide required minimum driveway throat length of 80' from the edge of pavement of Wild Horse Creek Road to the first conflict point on the site.
7. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield and the St. Louis County Department of Transportation. No gate installation will be permitted on public right-of-way.
8. If a gate is installed on a street in this development, the streets within the development, or that portion of the development that is gated, shall be private and remain private forever.

K. TRAFFIC STUDY

1. Provide a traffic study as directed by the City of Chesterfield and/or St. Louis County. The scope of the study shall include internal and external circulation and may be limited to site specific impacts, such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal modifications or other improvements required, as long as the density of the proposed development falls within the parameters of the City's traffic model. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.
2. Provide a sight distance evaluation report, as required by the City of Chesterfield, for the proposed entrance onto Wild Horse Creek Rd. If adequate sight distance cannot be provided at the access location, acquisition of right-of-way, reconstruction of pavement, including correction to the vertical alignment, and/or other off-site improvements shall be required, as directed by the City of Chesterfield and/or St. Louis County Department of Transportation.

L. POWER OF REVIEW

Either Councilmember of the Ward where a development is proposed or the Mayor may request that the plan for a development be reviewed and approved by the entire City Council. This request must be made no later than twenty-four (24) hours after Planning Commission review. The City Council will then take appropriate action relative to the proposal. The plan for a development, for purposes of this section, may include the site development plan, site development section plan, site development concept plan, landscape plan, lighting plans, architectural elevations, sign package or any amendment thereto.

M. STORM WATER

1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or connected to an adequate piped system.
2. Detention/retention and channel protection measures are to be provided in each watershed as required by the City of Chesterfield. The storm water management facilities shall be operational prior to paving of any driveways or parking areas in non-residential development or issuance of building permits exceeding sixty percent (60%) of approved dwelling units in each plat, watershed or phase of residential developments. The location and types of storm water management facilities shall be identified on the Site Development Plan(s).
3. Post construction water quality BMPs with a runoff volume reduction component are required, and shall be applied to capture and treat the extents of the project's disturbed area. As a new development site, BMPs shall be designed such that the site's post construction runoff condition mimics its preconstruction runoff condition. BMPs may be integrated within the two "detention" basins depicted on the eastern side of the site. Channel protection is also required, and may be nested within the water quality BMPs.
4. Emergency overflow drainage ways to accommodate runoff from the 100-year storm event shall be provided for all storm sewers, as directed by the City of Chesterfield.
5. Offsite storm water shall be picked up and piped to an adequate natural discharge point. Such bypass systems must be adequately designed.

6. The lowest opening of all structures shall be set at least two (2) feet higher than the one hundred (100) year high water elevation in detention/retention facilities.
7. Locations of site features such as lakes and detention ponds must be approved by the City of Chesterfield and the Metropolitan Saint Louis Sewer District.
8. 2yr-24hr and 100yr-24hr detention is required for the site; however this may be addressed by demonstrating conformance with the Chesterfield Village Stormwater Management Plan. The plan allocates a post developed imperviousness of 75% and CN=81 for this site. Compliance with the master plan will need to be supported by engineering analysis, and will be reviewed in detail during the course of formal plan review. If the site cannot conform to the Chesterfield Village Stormwater Management Plan, then site specific detention will need to be integrated into the project's development plan.
9. In accordance with our region's MS4 permit, an assessment of the site's existing natural resources should be done as a first step in planning for water quality. An existing site natural resources map should be prepared, following guidance in the Metropolitan St. Louis Sewer District's Site Design Guidance document.

N. SANITARY SEWER

1. Public sanitary sewer service is available for the site. However the system is not currently modeled and capacity shall be verified by the developer's engineer during formal plan review. Offsite improvements or other flow mitigation efforts may be required of the developer if the development cannot be served within existing system capacity levels.
2. Sanitary sewers shall be as approved by the City of Chesterfield and the Metropolitan St. Louis Sewer District.
3. Sanitary sewer connections should be depicted for the building. Backwash discharge from swimming pools and water features (if part of this proposed plan) should be directed to the sanitary system not to exceed 50 GPM. Maintenance and seasonal drainage from these features shall be directed to the storm sewer system under a permit from MoDNR.
4. At this time, the Metropolitan St. Louis Sewer District is scheduled to rehabilitate the existing 20" force main that traverses the northern edge

of the site during Fiscal Year 2017 (potentially within the upcoming year). The Metropolitan St. Louis Sewer District can advise on schedule and the feasibility of coordinating activities between the development project and the rehabilitation project as plans for both projects move forward.

O. GEOTECHNICAL REPORT

Prior to Site Development Plan approval, provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the Department of Public Services. The report shall verify the suitability of grading and proposed improvements with soil and geologic conditions and address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment. A statement of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on all Site Development Plans and Improvement Plans.

P. MISCELLANEOUS

1. Prior to record plat approval, the developer shall cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the out boundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the United States Public Land Survey Corners, as necessary.
2. Prior to final release of subdivision construction deposits, the developer shall provide certification by a registered land surveyor that all monumentation depicted on the record plat has been installed and United States Public Land Survey Corners have not been disturbed during construction activities or that they have been reestablished and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program, as necessary.
3. If any development in, or alteration of, the floodplain is proposed, the developer shall submit a Floodplain Study and Floodplain Development Permit/Application to the City of Chesterfield for approval. The Floodplain Study must be approved by the City of Chesterfield prior to the approval of the Site Development Plan, unless otherwise directed. The Floodplain Development Permit must be approved prior to the approval of a grading permit or improvement plans. If any change in

the location of the Special Flood Hazard Area is proposed, the Developer shall be required to obtain a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency. The LOMR must be issued by FEMA prior to the final release of any escrow held by the City of Chesterfield for improvements in the development. Elevation Certificates will be required for any structures within the Special Flood Hazard Area or the Supplemental Protection Area. All new roads within and adjacent to this site shall be constructed at least one (1) foot above the base flood elevation of the Special Flood Hazard Area. Improvements to existing roadways shall be required as necessary to provide at least one access route to each lot that is at least one (1) foot above the base flood elevation. Consult Article 5 of the Unified Development Code for specific requirements.

4. All utilities will be installed underground.
5. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. If development phasing is anticipated, the developer shall complete road improvements, right-of-way dedication, and access requirements for each phase of development as directed by the City of Chesterfield and Saint Louis County Department of Transportation. Delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.
6. The developer is advised that utility companies will require compensation for relocation of their facilities within public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contributions. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.

II. TIME PERIOD FOR SUBMITTAL OF SITE DEVELOPMENT CONCEPT PLANS AND SITE DEVELOPMENT PLANS

- A.** The developer shall submit a concept plan within eighteen (18) months of City Council approval of the change of zoning.
- B.** In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may submit a Site Development

Plan for the entire development within eighteen (18) months of the date of approval of the change of zoning by the City.

- C.** Failure to comply with these submittal requirements will result in the expiration of the change of zoning and will require a new public hearing.
- D.** Said Plan shall be submitted in accordance with the combined requirements for Site Development Section and Concept Plans. The submission of Amended Site Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.
- E.** Where due cause is shown by the developer, the City Council may extend the period to submit a Site Development Concept Plan or Site Development Plan for eighteen (18) months.

III. COMMENCEMENT OF CONSTRUCTION

- A.** Substantial construction shall commence within two (2) years of approval of the Site Development Concept Plan or Site Development Plan, unless otherwise authorized by ordinance.
- B.** Where due cause is shown by the developer, the City Council may extend the period to commence construction for two (2) additional years.

IV. GENERAL CRITERIA

A. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

The Site Development Plan shall include, but not be limited to, the following:

1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
2. Outboundary plat and legal description of property.
3. Density calculations.
4. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
5. Provide openspace percentage for overall development including separate percentage for each lot on the plan.

6. Provide Floor Area Ratio (F.A.R.).
7. A note indicating all utilities will be installed underground.
8. A note indicating signage approval is separate process.
9. Depict the location of all buildings, size, including height and distance from adjacent property lines, and proposed use.
10. Specific structure and parking setbacks along all roadways and property lines.
11. Indicate location of all existing and proposed freestanding monument signs.
12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
13. Floodplain boundaries.
14. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, significant natural features, such as wooded areas and rock formations, and other karst features that are to remain or be removed.
15. Depict all existing and proposed easements and rights-of-way within 150 feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
16. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
17. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site as directed.
18. Address trees and landscaping in accordance with the City of Chesterfield Code.
19. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.

20. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
21. Provide comments/approvals from the appropriate Fire District, Monarch Levee District, Spirit of St. Louis Airport, Metropolitan St. Louis Sewer District (MSD) and the Missouri Department of Transportation.
22. Compliance with Sky Exposure Plane.
23. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

V. TRUST FUND CONTRIBUTION

The developer shall be required to contribute to a Traffic Generation Assessment to the Chesterfield Village (No. 554) fund. Traffic generation assessment contributions shall be deposited with St. Louis County prior to the issuance of building permits. If development phasing is anticipated, the developer shall provide the traffic generation assessment contribution prior to issuance of building permits for each phase of development.

A. ROADS

The roadway improvement contribution is based on land and building use. The roadway contributions are necessary to help defray the cost of engineering, right-of-way acquisition, and major roadway construction in accordance with the Chesterfield Valley Road Improvement Plan on file with the St. Louis County Department of Highways and Traffic. The amount of the developer's contribution to this fund shall be computed based on the following:

<u>Type of Development</u>	<u>Required Contribution</u>
Retirement Community	\$485.09 / parking space
General Office	\$741.06 / parking space

(Parking spaces as required by the City of Chesterfield Code.)

If types of development differ from those listed, St. Louis County Department of Transportation will provide rates.

Credits for roadway improvements required will be awarded as directed by St. Louis County Department of Transportation. Any portion of the roadway improvement contribution that remains, following completion of road improvements required by the development, shall be retained in the appropriate Trust Fund. Credits for roadway improvements will be as approved by the City of Chesterfield and St. Louis County Department of Transportation. Sidewalk construction and utility relocation, among other items, are not considered allowable credits.

The roadway improvement contribution shall be deposited with the St. Louis County Department of Transportation. The deposit shall be made before the issuance of any Special Use Permit (SUP) or a Building Permit by St. Louis County. Funds shall be payable to “Treasurer, St. Louis County.”

As this development is located within a trust fund area established by Saint Louis County, any portion of the traffic generation assessment contribution which remains following completion of road improvements required by the development shall be retained in the appropriate trust fund.

The amount of these required contributions for the roadway, storm water and primary water line improvements, if not submitted by January 1, 2018 shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accordance with the construction cost index as determined by the Saint Louis County Department of Transportation.

Trust Fund contributions shall be deposited with St. Louis County in the form of a cash escrow prior to the issuance of building permits.

VI. RECORDING

Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved Plan will be recorded with the St. Louis County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval of a plan by the Planning Commission.

VII. ENFORCEMENT

- A.** The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Plan approved by the City of Chesterfield and the terms of this Attachment A.
- B.** Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of approvals/permits by reviewing Departments and Commissions.
- C.** Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty provisions as set forth in the City of Chesterfield Code.
- D.** Waiver of Notice of Violation per the City of Chesterfield Code.
- E.** This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.



**DOSTER ULLOM
& BOYLE, LLC**
ATTORNEYS AT LAW

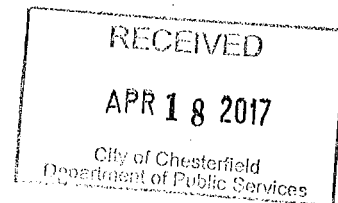
St. Louis
16090 Swingley Ridge Road
Suite 620
Chesterfield, MO 63017
(636) 532-0042
(636) 532-1082 Fax

Michael J. Doster
mdoster@dubllc.com

April 17, 2017

Sent via U.S. Mail and Email

Ms. Jessica Henry, AICP
Senior Planner
Planning and Development Services
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017-0760



**Re: PZ 05-2016 Wild Horse Baxter Center, C148B (Shelbourne Senior Living) –
Summary of Issues and Responses (“Summary”)**

Dear Ms. Henry:

We thought it would be helpful to provide this Summary because of the long and involved process to date. The length of time and involvement is due in large part to the Petitioner’s desire to respond reasonably to the issues raised. Many of the issues have required thorough review by a number of people on the Petitioner’s development team, including engineers, architects and operational and financial people. We believe all of the issues have been responded to responsibly and reasonably and still produce a quality, feasible project.

Request for Urban Core Zoning

There are a number of reasons that Urban Core is reasonable zoning for the subject site:

1. The site is designated in part as “Urban Core” and in part as “Multi-Family” in the City’s Comprehensive Plan;
2. Urban Core permits both residential and commercial uses;
3. The Seller does not want to relinquish the permitted commercial uses for the site unless the sale to the Petitioner closes, and closing will occur after passage of the rezoning; (note that as a result of the process and in the spirit of compromise the Seller agreed to delete many of the permitted commercial uses from the request);
4. This approach to zoning has been used before in Chesterfield Village.

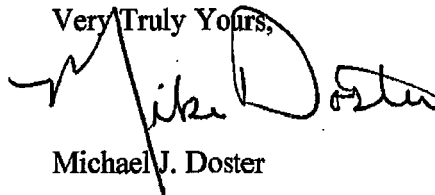
The Summary of the issues and Petitioner’s responses is as follows:

July 14, 2016 Issues Letter	
<u>Issue</u>	<u>Petitioner Response</u>
Requested Uses	Petitioner removed six uses currently permitted on the site.
Hours for Deliveries and Trash Pick-Up	Petitioner limited hours for deliveries and trash pick-up from 7 a.m. to 8 p.m., Monday through Friday.
Height of Facility	Petitioner reduced the height of the facility from 73 feet to 63 feet.
Landscape Buffer	Petitioner has offered the neighboring subdivision \$20,000 for buffering on properties bordering the site, and an additional \$2,000 for landscape design. Due to topography, bordering properties will be benefitted by an increased landscape buffer at the elevation of those properties.
Increased Traffic	The traffic impact of the proposed facility is light, especially compared to the current permitted and surrounding uses. Assisted Living and Memory Care residents do not drive. Seventy-five percent of the Independent Living residents generally do not take their trips during peak hours.
Noise Pollution	Petitioner limited the hours for deliveries and trash pick-up. Petitioner represented that Assisted Living and Memory Care units will average less than one emergency call per week and Independent Living units will not generate more emergency calls than the general population.
Western Access Relocation	Petitioner intends to use the current access location.
Placement of Detention Areas	The eastern property line abuts a permanent conservation easement so no residential development could ever occur in that area.
Discharge from Detention Basins	Petitioner will relocate the detention basin discharge points as requested by Staff.
Sidewalk Along Wild Horse Creek Road	Petitioner will install the sidewalk as requested by Staff.

October 18, 2016 Issues Letter	
<u>Issue</u>	<u>Petitioner Response</u>
Requested Uses	Petitioner removed an additional twenty-one uses currently permitted on the site.
Restrictions on Retail Sales and Outdoor Activities	Petitioner limited hours of operation for retail sales and outdoor activities from 6 a.m. to 11 p.m.
Height of Facility	Petitioner reduced the height of the facility to three stories and no more than 54 feet.
Landscape Buffer	Petitioner restates answer to July 14 issues letter.
Noise Pollution	Petitioner restates answer to July 14 issues letter.
Western Access Relocation	Petitioner will relocate the access location as requested by Staff.
January 23, 2017 Planning Commission Hearing	
<u>Issue</u>	<u>Petitioner Response</u>
Density	Petitioner reduced the square footage of the facility from 172,000 square feet to 154,790 square feet, reduced the number of units from 148 to 129, and changed the building footprint so that all setbacks can be honored.

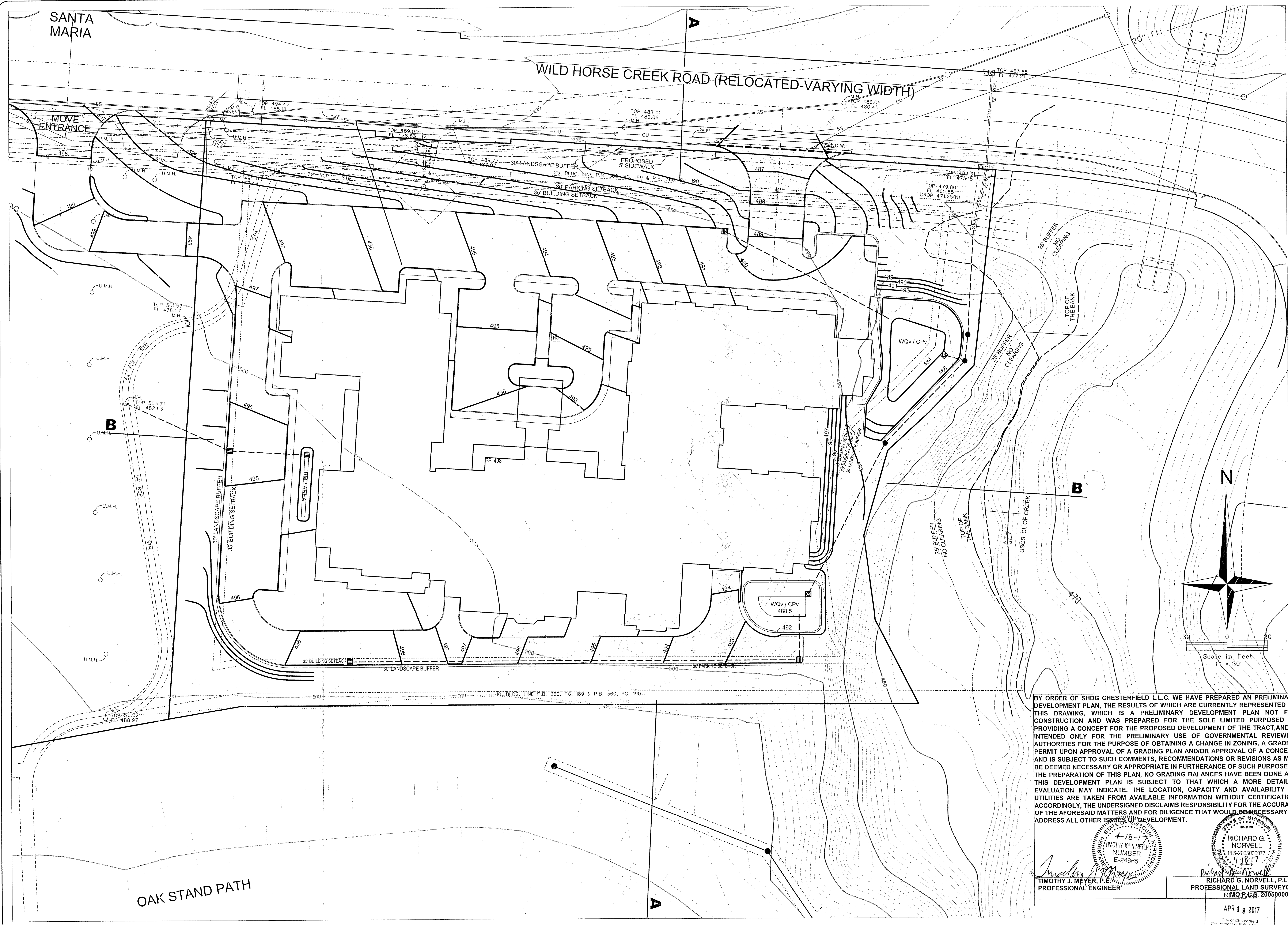
We have attempted in this Summary to simplify and abbreviate the description of each issue and each response without losing the substance. We did this because we thought it would be easier to read and absorb. If you have any questions or comments about this Summary, please contact the undersigned.

Very Truly Yours,



Michael J. Doster

cc: Mr. Justin Wyse, AICP, Director of Planning and Development Services
Mr. Mark Hallowell, Shelbourne Healthcare Development Group
Mr. Jim Kane, Shelbourne Healthcare Development Group
Mr. Jeff Atkins, Volz Incorporated



SHDG
CHESTERFIELD LLC
595 E. LANCASTER AVE.
STE 300
RADNOR, PA. 19087
610.416.9635

10849 INDIAN HEAD INDL BLDV
ST. LOUIS MISSOURI 63132
314.426.6212 main
314.890.1250 fax
www.volzinc.com

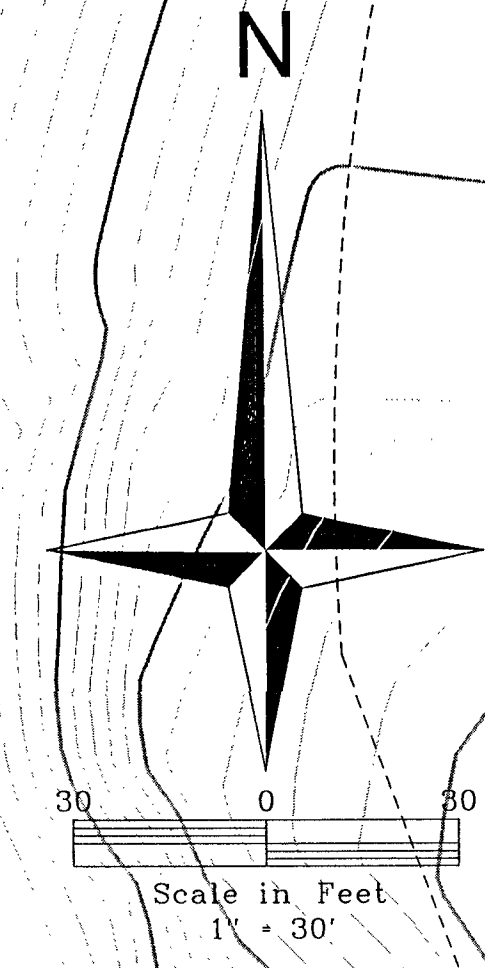
VOLZ

INCORPORATED

SHELBOURNE SENIOR LIVING

"LOT SPLIT OF SECOND ADJUSTED PARCEL C148 OF C148 AND C254C BOUNDARY ADJUSTMENT PLAN"
P.B. 360; PG. 190

REVISED 5-12-2016



BY ORDER OF SHDG CHESTERFIELD L.L.C. WE HAVE PREPARED AN PRELIMINARY DEVELOPMENT PLAN, THE RESULTS OF WHICH ARE CURRENTLY REPRESENTED ON THIS DRAWING, WHICH IS A PRELIMINARY DEVELOPMENT PLAN NOT FOR CONSTRUCTION AND WAS PREPARED FOR THE SOLE LIMITED PURPOSE OF PROVIDING A CONCEPT FOR THE PROPOSED DEVELOPMENT OF THE TRACT, AND IS INTENDED ONLY FOR THE PRELIMINARY USE OF GOVERNMENTAL REVIEWING AUTHORITIES FOR THE PURPOSE OF OBTAINING A CHANGE IN ZONING, A GRADING PERMIT UPON APPROVAL OF A GRADING PLAN AND/OR APPROVAL OF A CONCEPT, AND IS SUBJECT TO SUCH COMMENTS, RECOMMENDATIONS OR REVISIONS AS MAY BE DEEMED NECESSARY OR APPROPRIATE IN FURTHERANCE OF SUCH PURPOSE. IN THE PREPARATION OF THIS PLAN, NO GRADING BALANCES HAVE BEEN DONE AND THIS DEVELOPMENT PLAN IS SUBJECT TO THAT WHICH A MORE DETAILED EVALUATION MAY INDICATE. THE LOCATION, CAPACITY AND AVAILABILITY OF UTILITIES ARE TAKEN FROM AVAILABLE INFORMATION WITHOUT CERTIFICATION; ACCORDINGLY, THE UNDERSIGNED DISCLAIMS RESPONSIBILITY FOR THE ACCURACY OF THE AFORESAID MATTERS AND FOR DILIGENCE THAT WOULD BE NECESSARY TO ADDRESS ALL OTHER ISSUES OF DEVELOPMENT.

4-18-17
TIMOTHY J. MEYER
REGISTERED PROFESSIONAL ENGINEER
NUMBER E-24665

RICHARD G. NORVELL
PLS-2005000077
4-18-17
REGISTERED PROFESSIONAL LAND SURVEYOR

TIMOTHY J. MEYER, P.E.
PROFESSIONAL ENGINEER

RICHARD G. NORVELL, P.L.S.
PROFESSIONAL LAND SURVEYOR
R.MQ P.L.S. 2005000077

APR 18 2017

PRELIMINARY DEVELOPMENT PLAN

16580 WILD HORSE CREEK RD
5.27 ACRES

BASE MAP NO. 181
LOCATOR NO. 181E30283
VOLZ NO. 20586

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REVISED:
05-14-2016
12-6-2016
03-14-2017
04-18-2017

04/05/2016
P7

GENERAL NOTES:

THIS SITE IS IN THE FOLLOWING DISTRICTS:
 METROPOLITAN ST. LOUIS SEWER DISTRICT
 MONARCH FIRE PROTECTION DISTRICT
 ROCKWOOD 8 SCHOOL DISTRICT
 BONHOMME CREEK WATERSHED
 WARD 2

THIS SITE IS IN THE FOLLOWING UTILITY SERVICE AREAS:
 MISSOURI AMERICAN WATER COMPANY
 LACLEDE GAS COMPANY
 AMEREN COMPANY
 SOUTHWESTERN BELL TELEPHONE COMPANY
 CHARTER COMMUNICATION (CABLE TV)

SANITARY SEWER CONNECTIONS SHALL BE AS APPROVED BY THE METROPOLITAN ST. LOUIS SEWER DISTRICT.

STORMWATER MANAGEMENT SHALL BE DESIGNED PURSUANT TO THE CITY OF CHESTERFIELD AND METROPOLITAN ST. LOUIS SEWER DISTRICT REQUIREMENTS AND DISCHARGED AT AN ADEQUATE NATURAL DISCHARGE POINT.

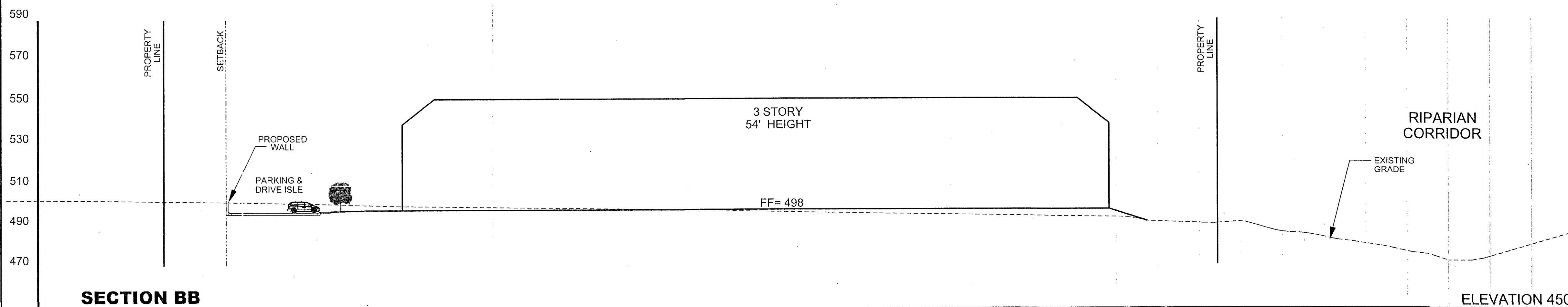
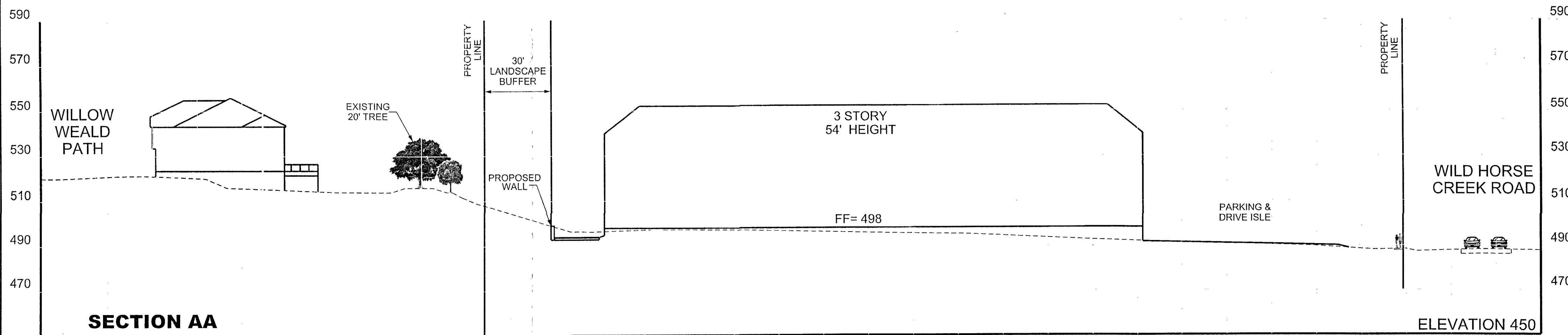
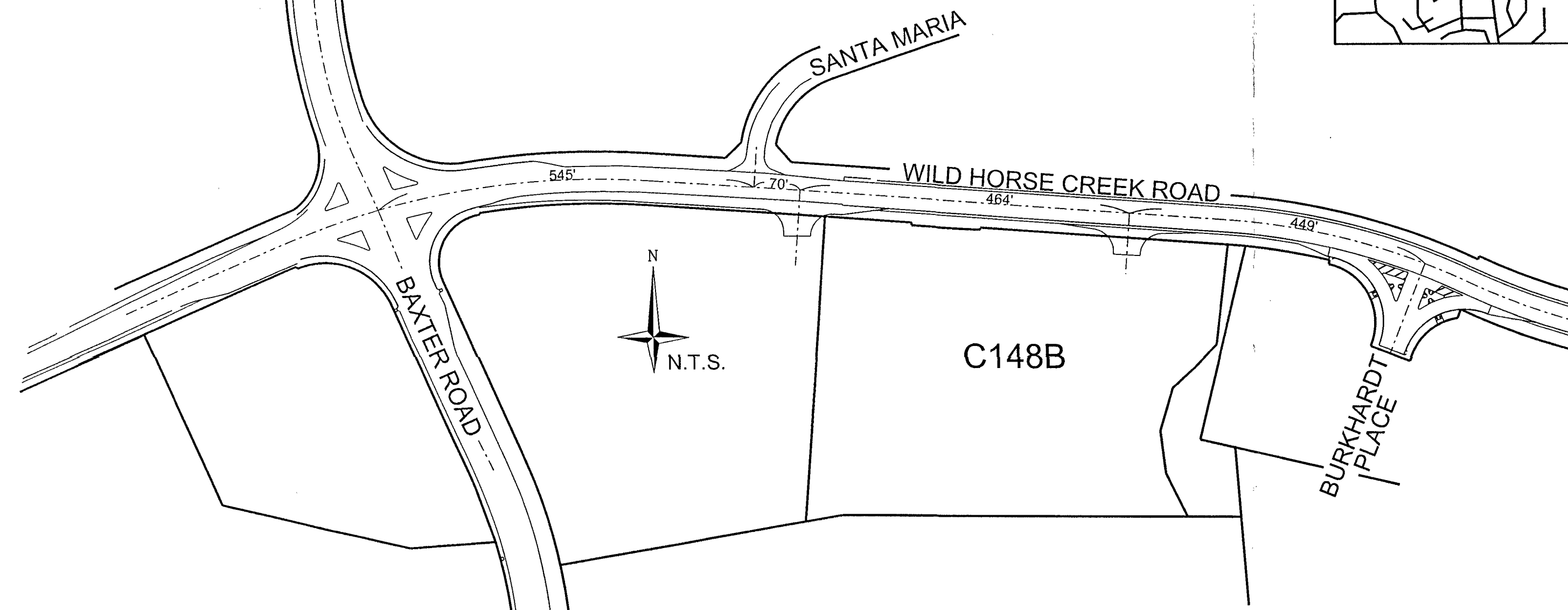
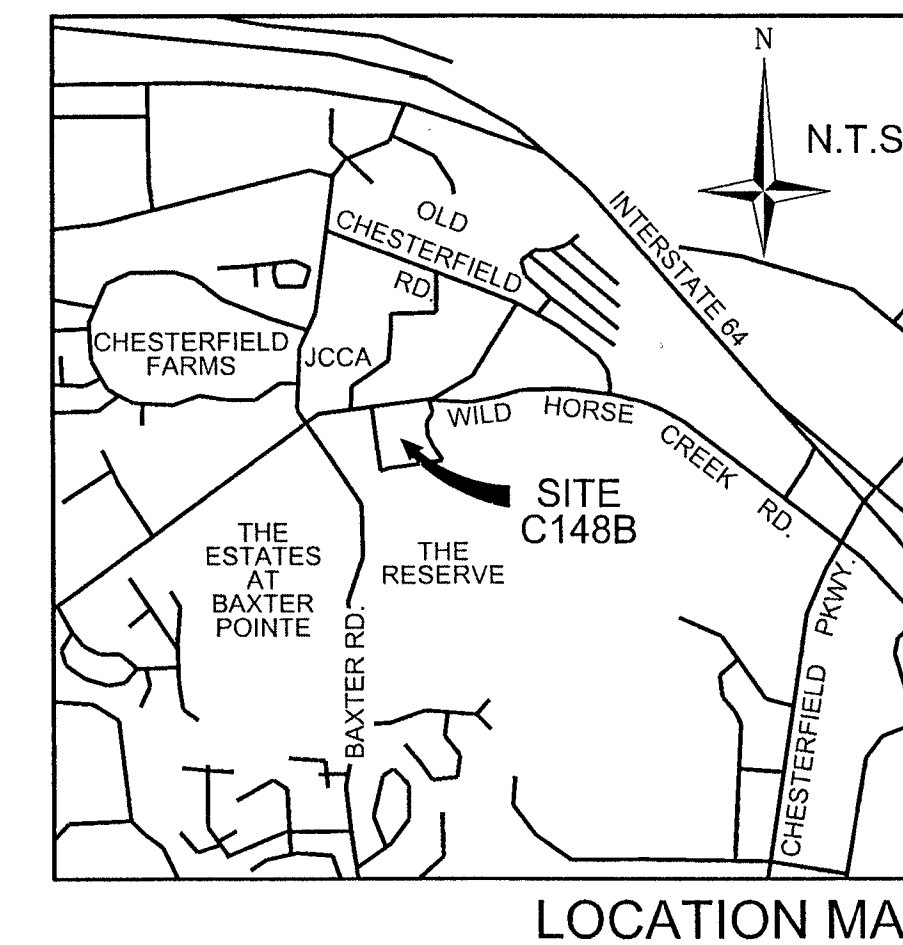
THE LOCATION OF STORM AND SANITARY SEWER IMPROVEMENTS ARE APPROXIMATE ONLY. ACTUAL CONDITIONS AND SHALL BE INDICATED ON THE LOCATION SHALL BE DETERMINED BY FIELD IMPROVEMENT PLANS.

GRADING SHALL BE PER CITY OF CHESTERFIELD STANDARDS

BE ADVISED, A GRADING PERMIT OR IMPROVEMENT PLAN APPROVAL WILL NEED TO BE OBTAINED PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES ON THE SITE.

THE UNDERGROUND UTILITIES SHOWN HEREIN WERE PLOTTED FROM AVAILABLE INFORMATION AND DO NOT NECESSARILY REFLECT THE ACTUAL EXISTENCE, NONEXISTENCE, SIZE, TYPE, NUMBER, OR LOCATION OF THESE OR OTHER UTILITIES. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATION OF ALL UNDERGROUND UTILITIES, SHOWN OR NOT SHOWN AND SHALL BE LOCATED IN EXCAVATION, OR CONSTRUCTION OF IMPROVEMENTS IN THE FIELD PRIOR TO ANY GRADING. THESE PROVISIONS SHALL IN NO WAY ABSOLVE ANY PARTY FROM COMPLYING WITH THE UNDERGROUND FACILITY SAFETY AND DAMAGE PREVENTION ACT, CHAPTER 319, RSMO.

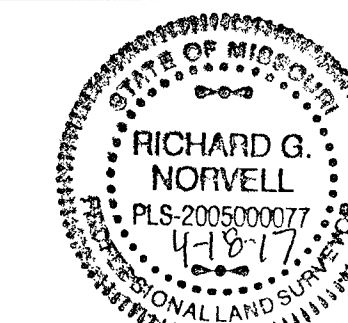
PROJECT NOTES:	
AREA OF SITE:	5.21 ACRES
LOCATOR NO:	18T630283
SITE ADDRESS:	16580 WILD HORSE CREEK RD CHESTERFIELD, MO. 63005
OWNER OF RECORD:	CHESTERFIELD VILLAGE INC 400 CHESTERFIELD CTR SUITE 600 CHESTERFIELD, MO 63017
PREPARED FOR:	SHELBOURNE SENIOR LIVING SHELBOURNE HEALTHCARE DEVELOPMENT GROUP 595 E. LANCASTER AVE. SUITE 300 RADNOR, PA 19087 OFFICE: 610-229-9074
PREPARED BY:	VOLZ Incorporated 10849 INDIAN HEAD INDL. BLVD. ST. LOUIS, MO 63132 314.426.6212 MAIN 314.890.1250 FAX
EXISTING ZONING:	"C-8 - PLANNED COMMERCIAL - ORDINANCE # 2557
PROPOSED ZONING:	"UC" URBAN CORE
PROPOSED HEIGHT:	3 - STORY MAXIMUM - 54'
OPEN SPACE:	A MINIMUM OF 30% OPEN SPACE IS REQUIRED. OPEN SPACE SHOULD BE INTEGRATED INTO THE DEVELOPMENT TO PROVIDE AESTHETIC, RECREATIONAL, OR OTHER PUBLIC BENEFIT. COVERED PEDESTRIAN WALKWAYS AND BRIDGES MAY BE COUNTED TOWARDS THE 30% OPEN SPACE REQUIREMENT.
PARKING	SURFACE & UNDERGROUND PARKING TO MEET REQUIRED CODE. 30% MINIMUM
LEGAL DESCRIPTION	PARCEL C148B OF LOT SPLIT OF SECOND ADJUSTED PARCEL C148 OF C148 AND C254C BOUNDARY ADJUSTMENT PLAT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 360 PAGE 190 OF THE ST. LOUIS COUNTY RECORDS



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P. B. 360, P.G. 190

REVISED 5-12-2016

PRELIMINARY DEVELOPMENT PLAN

16580 WILD HORSE CREEK RD
 5.21 ACRES

BASE MAP NO. 18T
 LOCATOR NO. 18T53283
 VOLZ NO. 20686

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REVISED:
 05-14-2016
 12-6-2016
 03-14-2017
 04-18-2017

04-05-2016
 P2