

## Memorandum Planning & Development Services



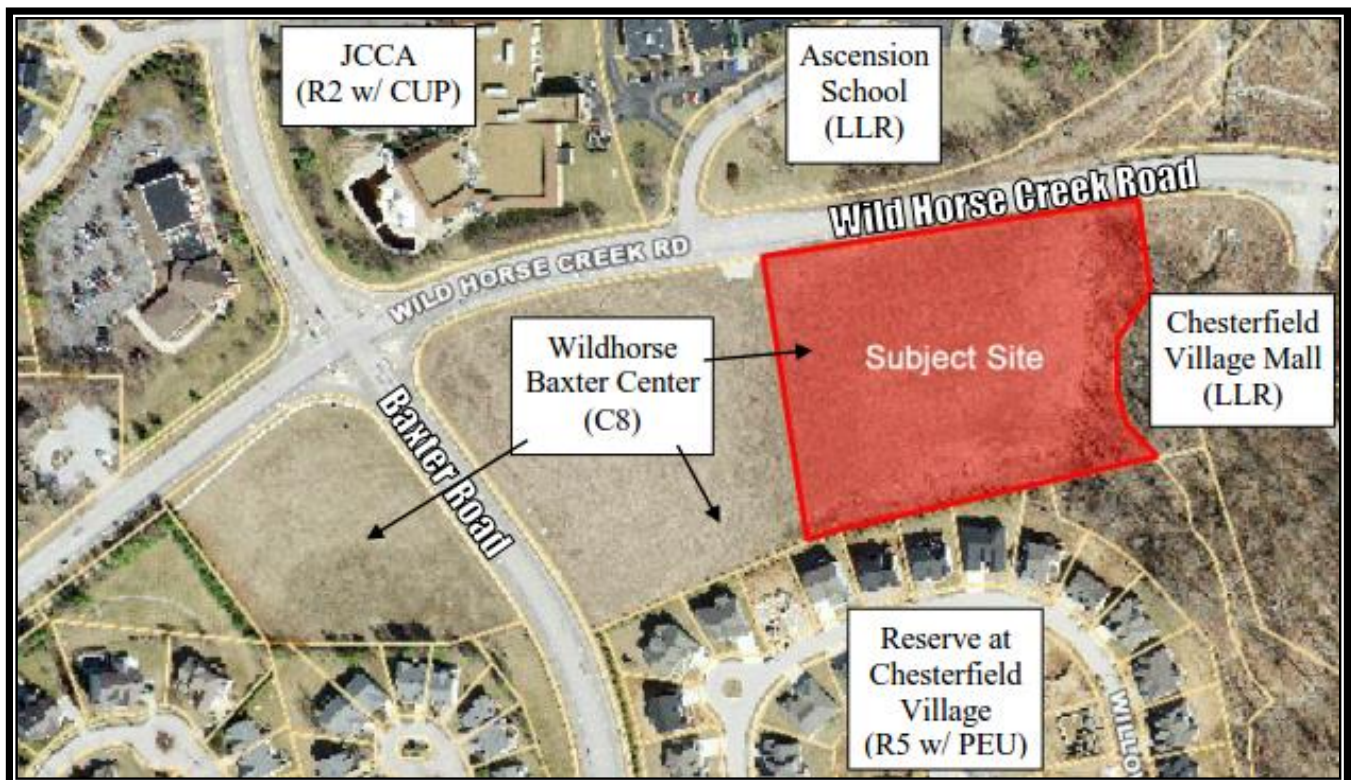
**To:** Planning and Public Works Committee  
**From:** Justin Wyse,  
Director of Planning and Development Services

**Date:** June 22, 2017

**RE:** **P.Z. 05-2016 Wild Horse Baxter Center:** 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).

### **SUMMARY**

The Planning Commission, by a vote of 2-6, failed to pass a motion recommending approval of a change in zoning for the subject site (shown below). As outlined in the Unified Development Code (UDC), the applicant has filed an appeal of the Planning Commission’s decision. As, required by Code, the Petitioner’s appeal was placed on the May 15, 2017 City Council agenda where a motion to refer the appeal to the Planning and Public Works Committee was passed.



## **PROPOSAL HISTORY**

Shelbourne Healthcare Development Group, LLC submitted a request for a zoning map amendment from a “C-8” Planned Commercial District to a “UC” Urban Core District on April 6, 2016. However, the application did not meet the minimum submittal requirements necessary to be deemed complete and notification detailing the required items for completeness was issued by the City. The Petitioner responded on May 23<sup>rd</sup> at which time the zoning petition was deemed complete. Subsequently, a Public Hearing was held at the June 27, 2016 Planning Commission meeting 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.

Upon resubmittal by the Petitioner, this project was placed on the April 24, 2017 Planning Commission meeting where the Planning Commission failed to pass a motion recommending approval of the zoning map amendment request by a vote of 2-6.

The meeting packet prepared for each Planning Commission meeting held for this petition is attached to this report.

## **APPEAL PROCESS**

The process for appeal by Petitioner of a recommendation of denial by the Planning Commission for a change of zoning is established in Section 31-02-19 *Appeals and Protest* of the City’s Unified Development Code: <http://ecode360.com/29481865>

The Unified Development Code states that an appeal must be filed with the City Council within 18 days after the Planning Commission decision. Upon receipt of an appeal, the City Council refers the appeal for a Public Hearing before the Planning and Public Works Committee. Following the Public Hearing, the City Council may affirm, reverse or modify, in whole or in part, any determination of the Planning Commission. An affirmative vote of 2/3 of the members of the whole City Council is required to overrule the disapproval of the Planning Commission.

The Planning Commission failed to recommend approval of the zoning map amendment request on April 24, 2017. A written notice of appeal from the Petitioner was received on May 9, 2017 and is attached to this report.

The appeal was placed on the May 15, 2017 City Council agenda, where the City Council made a motion to refer the appeal to the Planning and Public Works Committee for a Public Hearing which passed by a unanimous vote.

Attached to this report, please find two draft Findings of Fact and Conclusions of Law documents. The first draft document serves to affirm the Planning Commission's decision of denial, whereas the second serves to reverse the Planning Commission's decision of denial.

Additionally, ordinance voted on by the Planning Commission is attached as Attachment A and Attachment B.

The Petitioner's notice of appeal and the Planning Commission meeting packet for each meeting the petition was discussed at are attached as well. Please note that although this project was placed on the January 9, 2017 Planning Commission agenda, the Petitioner submitted a request to postpone and the project was not discussed. Therefore, the January 9, 2017 meeting packet is not attached to this report.

Finally, numerous letters of support, opposition, or neutral position were received for this Petition and Appeal; these letters are linked to the meeting agenda.

Following the Public Hearing before the Planning and Public Works Committee, this appeal will proceed to the City Council for a vote.

#### Attachments

1. Draft Findings of Fact and Conclusions of Law—Affirmation of PC Decision of Denial
2. Draft Findings of Fact and Conclusions of Law—Reversal of PC Decision of Denial
3. Attachment A and Attachment B
4. Petitioner's Notice of Appeal dated 5/09/2017
5. Planning Commission Public Hearing Packet dated 6/27/2016
6. Planning Commission Meeting Packet dated 9/26/2016
7. Planning Commission Meeting Packet dated 1/23/2017
8. Planning Commission Meeting Packet dated 4/24/2017
9. Letters of Support, Opposition, and Neutral Position

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter appears before the City Council of the City of Chesterfield, Missouri (the "City"), pursuant to an appeal by Petitioner of the Planning Commission's decision of denial of the following request for a zoning map amendment:

### **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).

### **FINDINGS OF FACT**

1. That on April 6, 2016, Shelbourne Healthcare Development Group, LLC (the "Petitioner"), submitted a petition for a zoning map amendment from a "C-8" Planned Commercial District to a "UC" Urban Core District in order to permit for the development of a senior living facility, per Section 31-02-04, of the Municipal Code of the City, on the subject site located at 16850 Wild Horse Creek Road, Chesterfield, MO 63005 of which the Petitioner is the Contract Purchaser.
2. That on April 7, 2016, the City notified the Petitioner that petition did not meet the necessary minimum requirements to be deemed complete.
3. That on May 23, 2016, the Petitioner submitted the items required to deem the petition complete to the City of Chesterfield.
4. That on June 8, 2016 a Public Hearing notice appeared in the St. Louis Post Dispatch, a newspaper qualified to publish legal notices in St. Louis County, Missouri, stating that a Public Hearing would be held by the Planning Commission of the City of Chesterfield at 7:00 p.m., June 27, 2016, at City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri, for the purpose of considering and making findings and recommendations in regards to a request for a zoning map amendment by the Petitioner per Section 31-02-04, of the Municipal Code of the City, on the subject site located at 16850 Wild Horse Creek Road, Chesterfield, MO 63005.

5. That on June 10, 2016 a notification to property owners was mailed by regular U.S. Mail to all property owners within 225' and all residential subdivision trustees within 1 mile of 16850 Wild Horse Creek Road, informing them that the Planning Commission of the City of Chesterfield would hold a Public Hearing at 7:00 p.m., on June 27, 2016 to consider the Petitioner's request for a zoning map amendment.
6. That on June 10, 2016 a notification to the Petitioner was mailed by certified U.S. Mail informing them that the Planning Commission of the City of Chesterfield would hold a Public Hearing at 7:00 p.m., on June 27, 2016 to consider the Petitioner's request for a zoning map amendment.
7. That on June 10, 2016 the Public Hearing Notice for the June 27, 2016 Planning Commission meeting to be held at 7:00 p.m. at City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri was posted in the front lobby of City Hall and onsite at 16850 Wild Horse Creek Road, Chesterfield, MO 63005.
8. That on June 27, 2016 a Public Hearing was held by the Planning Commission to consider the Petitioner's request for a zoning map amendment. At that time the Petitioner's representative, Mark Hollowell, attorney John King of Lathrop and Gage, LLP, and attorney Michael Doster of Doster, Ullom & Boyle, LLC were present at the Public Hearing to present Petitioner's request for a zoning map amendment to the Planning Commission.
9. That on September 26, 2016 the Planning Commission again considered the Petitioner's request for a zoning map amendment. At that time the Petitioner's representative, Mark Hollowell, attorney John King of Lathrop and Gage, LLP, and attorney Michael Doster of Doster, Ullom & Boyle, LLC were present to present Petitioner's request for a zoning map amendment to the Planning Commission.
10. That this request for a zoning map amendment was placed on the January 9, 2017 Planning Commission agenda for consideration.
11. That on January 9, 2017 the Petitioner's submitted a letter requesting that the Planning Commission postpone consideration of the request for a zoning map amendment until the January 23, 2017 Planning Commission meeting.

12. That on January 9, 2017 the Planning Commission passed a motion to continue P.Z. 05-2016 Wildhorse Baxter Center, C148B (Shelbourne Senior Living) to the January 23, 2017 meeting by a vote of 6-0.
13. That on January 23, 2017 the Planning Commission again considered the Petitioner's request for a zoning map amendment. At that time the Petitioner's representative, Jim Kane, attorney Michael Doster of Doster, Ullom & Boyle, LLC, and professional engineer Jeff Atkins of Volz Engineering, Inc. were present to present Petitioner's request for a zoning map amendment to the Planning Commission.
14. That on January 23, 2017 the Petitioner requested that the Planning Commission hold the item and refrain from taking action at that meeting.
15. That on April 24, 2017 the Planning Commission again considered the Petitioner's request for a zoning map amendment. At that time the Petitioner's representatives, Jim Kane and Mark Hollowell, attorney Michael Doster of Doster, Ullom & Boyle, LLC, and professional engineer Jeff Atkins of Volz Engineering, Inc. were present to present Petitioner's request for a zoning map amendment to the Planning Commission. Additionally, Vince Keady was present to represent the property owner, Sachs Properties, before the Planning Commission.
16. That on April 24, 2017 the Planning Commission voted 2 to 6 to approve the Applicant's request for a zoning map amendment. The motion failed to receive the required statutory majority to approve the zoning map amendment, pursuant to Section 23-22-2 of the Municipal Code of the City.
17. That Petitioner's request for a zoning map amendment was thereby **DENIED** under authority of Section 23-22-2 of the Municipal Code of the City.
18. That on May 9, 2017, Shelbourne Healthcare Development Group, LLC (the "Petitioner"), submitted an appeal by Petitioner of the Planning Commission's decision of denial of the request for a zoning map amendment for property located at 16850 Wild Horse Creek Road, Chesterfield, MO 63005, pursuant to Section 31-02-19 of the Municipal Code of the City.
19. That on May 15, 2017 the appeal by the Petitioner was presented to the City Council who, pursuant to Section 31-02-19 of the Municipal Code of

the City, passed a unanimous motion to refer the appeal to the Planning and Public Works Committee for a Public Hearing.

20. That on June 5, 2017 a notification to property owners was mailed by regular U.S. Mail to all property owners within 225' of 16850 Wild Horse Creek Road, all residential subdivision trustees within 1 mile, and all those who spoke on the request at the June 27, 2016 Public Hearing before the Planning Commission, informing them that the Planning and Public Works Committee of the City of Chesterfield would hold a Public Hearing at 5:45 p.m., on June 22, 2017 to consider the Petitioner's appeal of the Planning Commission's decision of denial for a request for a zoning map amendment.
21. That on June 5, 2017 a notification to the Petitioner was mailed by certified U.S. Mail informing them that the Planning and Public Works Committee of the City of Chesterfield would hold a Public Hearing at 5:45 p.m., on June 22, 2016 to consider the Petitioner's request for a zoning map amendment.
22. That on June 5, 2017 the Public Hearing Notice for the June 22, 2017 Planning and Public Works Committee meeting to be held at 5:45 p.m. at City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri was posted in the front lobby of City Hall and onsite at 16850 Wild Horse Creek Road, Chesterfield, MO 63005.
23. That on June 7, 2017 a Public Hearing notice appeared in the St. Louis Post Dispatch, a newspaper qualified to publish legal notices in St. Louis County, Missouri, stating that a Public Hearing would be held by the Planning and Public Works Committee of the City of Chesterfield at 5:45 p.m., June 22, 2017, at City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri, for the purpose of considering an appeal of the Planning Commission's decision of denial for a request for a zoning map amendment by the Petitioner per Section 31-02-19, of the Municipal Code of the City.
24. That on June 22, 2017 a Public Hearing was held by the Planning and Public Works Committee to consider the Petitioner's appeal of the Planning Commission's decision of denial for a request for a zoning map amendment. At that time the Petitioner's representatives were present at the Public Hearing to present Petitioner's appeal to the Planning and Public Works Committee.

## **CONCLUSIONS OF LAW**

WHEREFORE, the City Council of the City of Chesterfield, Missouri, does hereby find and conclude the following as a matter of law:

1. That the Petitioner filed an appeal of the Planning Commission's decision of denial of the request for a zoning map amendment for property located at 16850 Wild Horse Creek Road, Chesterfield, MO 63005, pursuant to Section 31-02-19 of the Municipal Code of the City.
2. That the City Council made the following conclusions of law, pursuant to Section 31-03-04 of the Municipal Code of the City:
3. That the Petitioner has not shown that the request for a zoning map amendment to the "UC" Urban Core District provides exceptional design and amenities; and,
4. That the Petitioner has not shown that the request for a zoning map amendment to the "UC" Urban Core District provides innovative designs, solves problems on difficult sites, meets market niches, encourages pedestrian access and connectivity between developments, and promotes well-designed developments; and,
5. That the Petitioner has not shown that the request for a zoning map amendment to the "UC" Urban Core District incorporates site features, such as topography, views, vegetation, water features, and other factors into the design so they become assets to the development; and,
6. That the Petitioner has not shown that the request for a zoning map amendment to the "UC" Urban Core District implements the vision of the area of the City identified as the Urban Core in the Comprehensive Plan; and,
7. That the Petitioner has not shown that the proposal fulfills Plan Policy 2.1.5 of the Comprehensive Plan relative to the provision of buffering between new higher density residential development and non-residential development adjacent to existing residential subdivisions which 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.
8. That the Petitioner has not shown that the request for a zoning map amendment to the "UC" Urban Core District promotes building styles and architectural styles that complement one another; and,



9. That the Petitioner has not shown that the request for a zoning map amendment would result in compatible development with the predominant development within the area, as required by Section 31-04-01-D of the Municipal Code of the City.
10. That Petitioner's request for a zoning map amendment is hereby **DENIED** under authority of Section 31-02-19 of the Municipal Code of the City.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Bob Nation, MAYOR

ATTEST:

\_\_\_\_\_  
Vickie Hass, CITY CLERK

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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**CONCLUSIONS OF LAW**

WHEREFORE, the City Council of the City of Chesterfield, Missouri, does hereby find and conclude the following as a matter of law:

1. That the Petitioner filed an appeal of the Planning Commission’s decision of denial of the request for a zoning map amendment for property located at 16850 Wild Horse Creek Road, Chesterfield, MO 63005, pursuant to Section 31-02-19 of the Municipal Code of the City.
2. That the City Council made the following conclusions of law, pursuant to Section 31-03-04 of the Municipal Code of the City:
3. That the Petitioner has shown that the request for a zoning map amendment to the “UC” Urban Core District provides exceptional design and amenities; and,
4. That the Petitioner has shown that the request for a zoning map amendment to the “UC” Urban Core District adheres to the City’s Comprehensive Plan and Municipal Code; and,
5. That Petitioner’s request for a zoning map amendment is hereby **APPROVED** under authority of Section 31-02-19 of the Municipal Code of the City.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Bob Nation, MAYOR

ATTEST:  
  
\_\_\_\_\_

Vickie Hass, CITY CLERK

## **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.

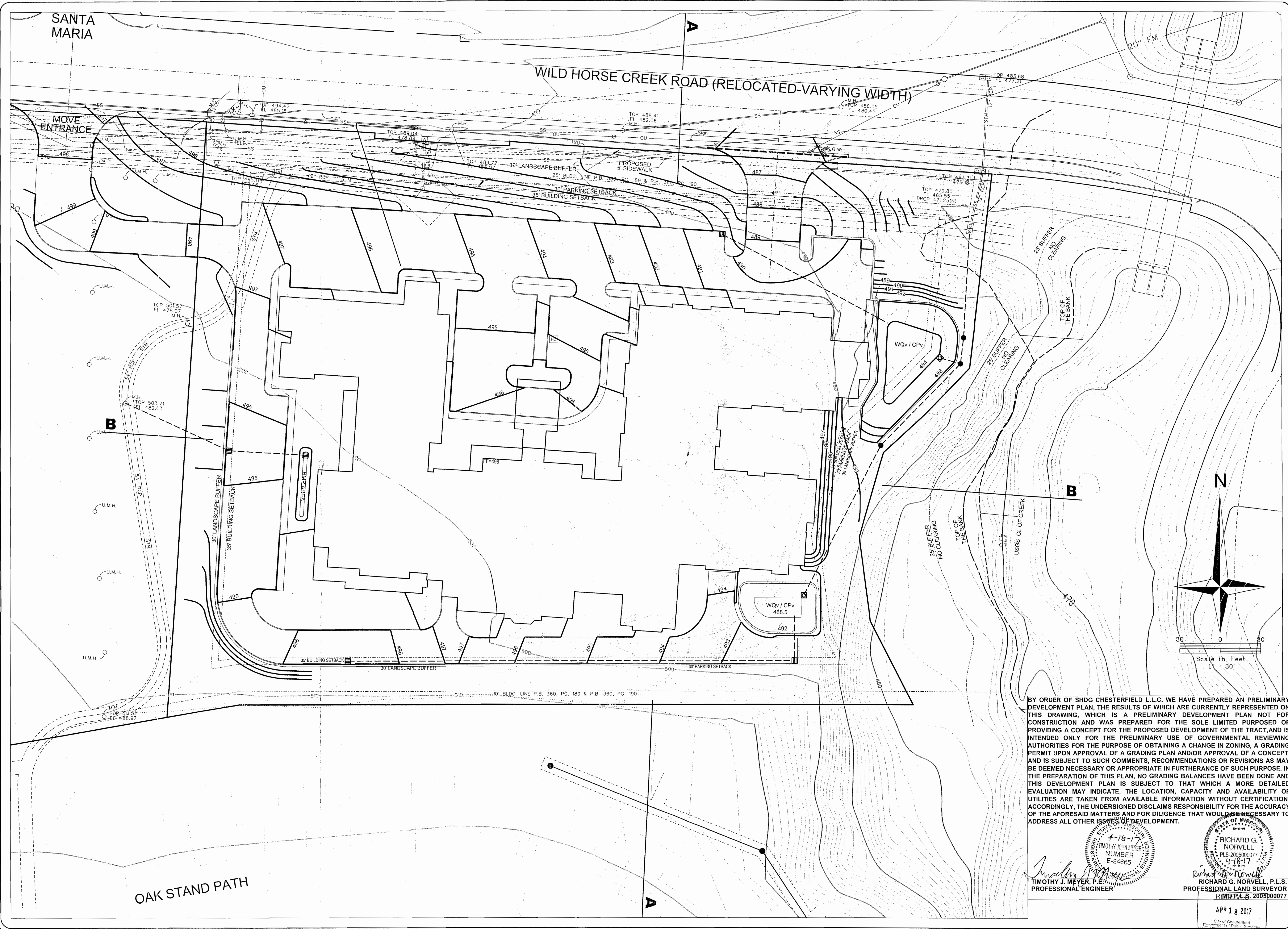
## **VI. RECORDING**

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.



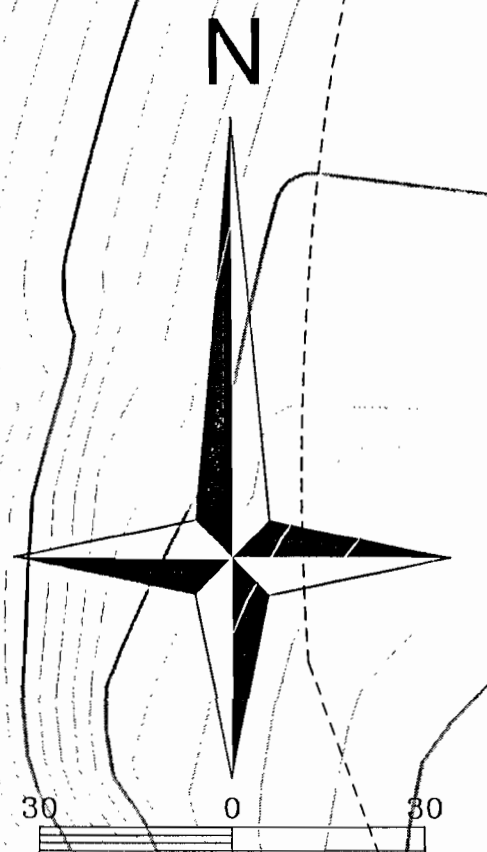
SANTA MARIA

WILD HORSE CREEK ROAD (RELOCATED-VARYING WIDTH)

MOVE ENTRANCE

B

B



OAK STAND PATH

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, P.E.  
PROFESSIONAL ENGINEER

RICHARD G. NORVELL, P.L.S.  
PROFESSIONAL LAND SURVEYOR  
R.M.O.P.L.S. 200500077

APR 18 2017

SHDG  
CHESTERFIELD LLC  
595 E. LANCASTER AVE.  
STE 300  
RADNOR, PA. 19087  
610.416.6635

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**VOLZ**  
Incorporated

**SHELBOURNE SENIOR LIVING**  
"LOT SPLIT OF SECOND ADJUSTED PARCEL C148 OF C148 AND C254C BOUNDARY ADJUSTMENT PLAT" P.B. 360, PG. 190

PRELIMINARY DEVELOPMENT PLAN  
REVISED 05-12-2016  
16890 WILD HORSE CREEK RD  
5.21 ACRES  
BASE MAP NO. 18T  
LOCATOR NO. 18T63283  
VOLZ NO. 20586  
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  
 BONDHOMME 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.

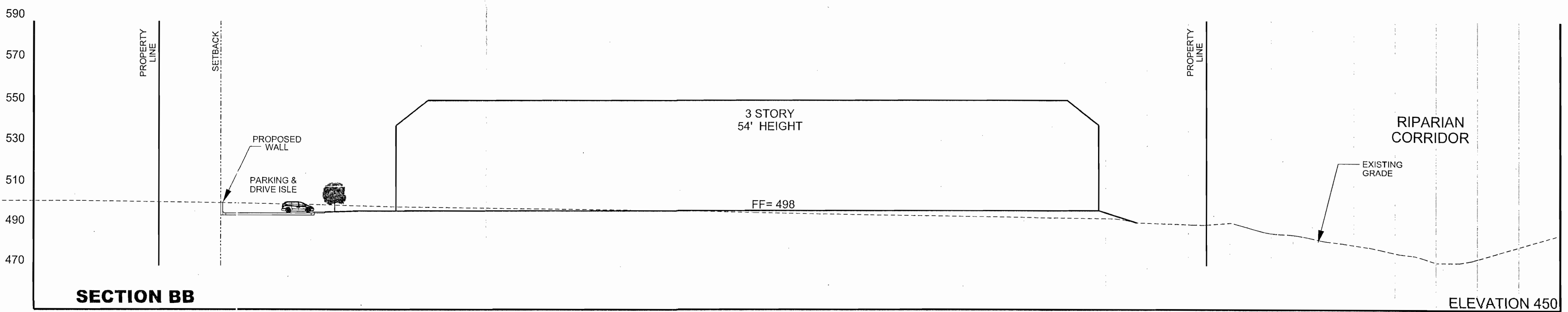
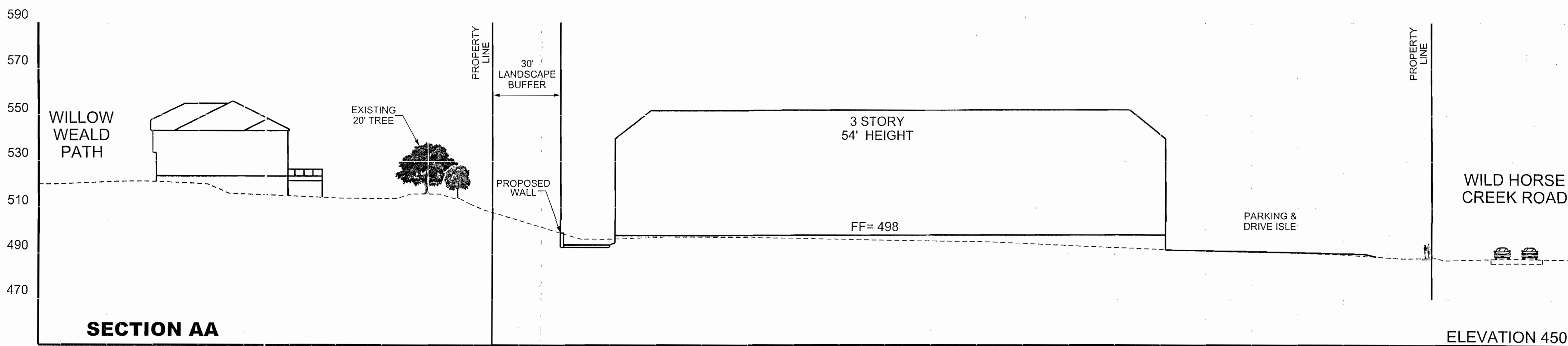
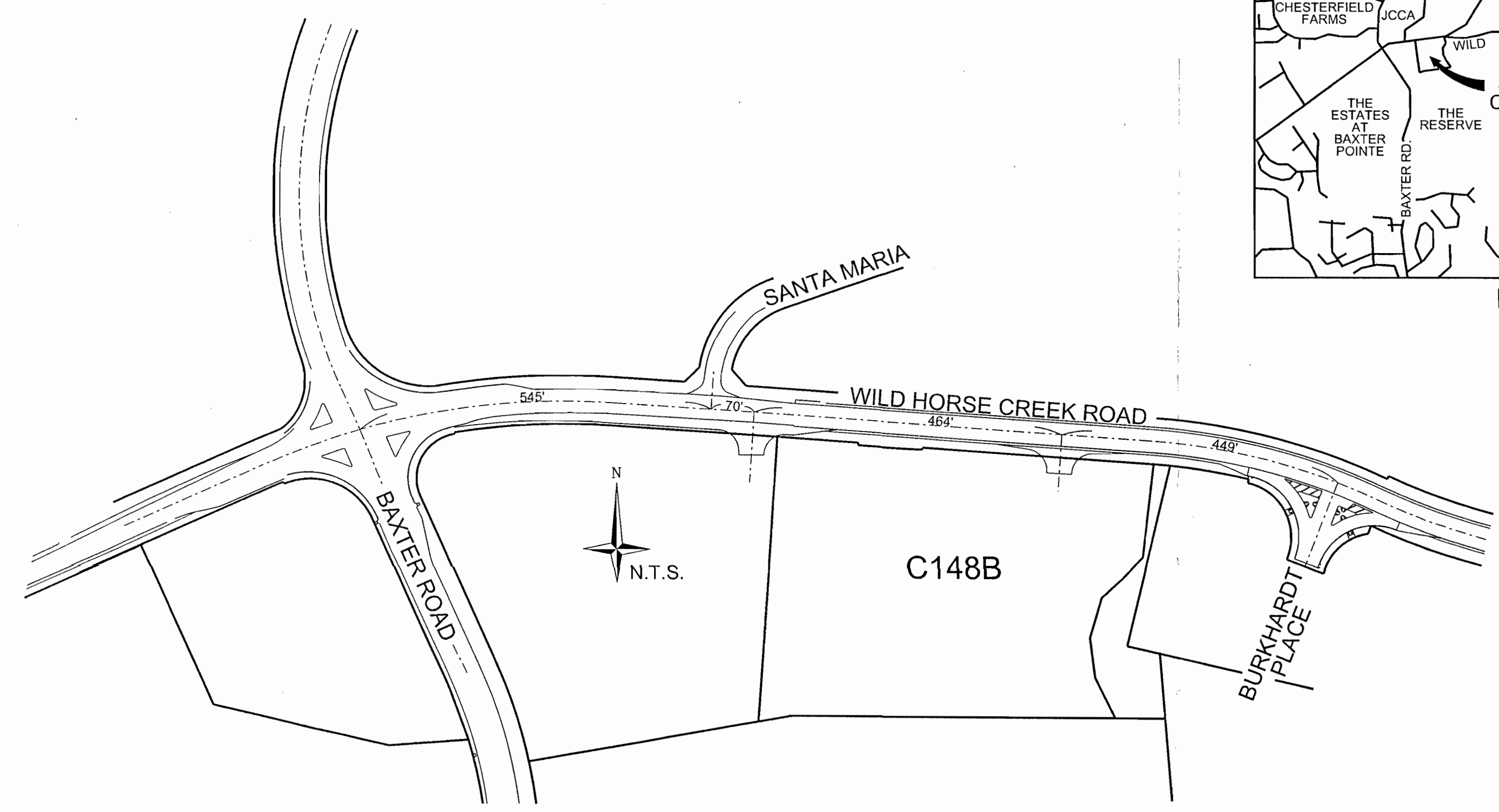
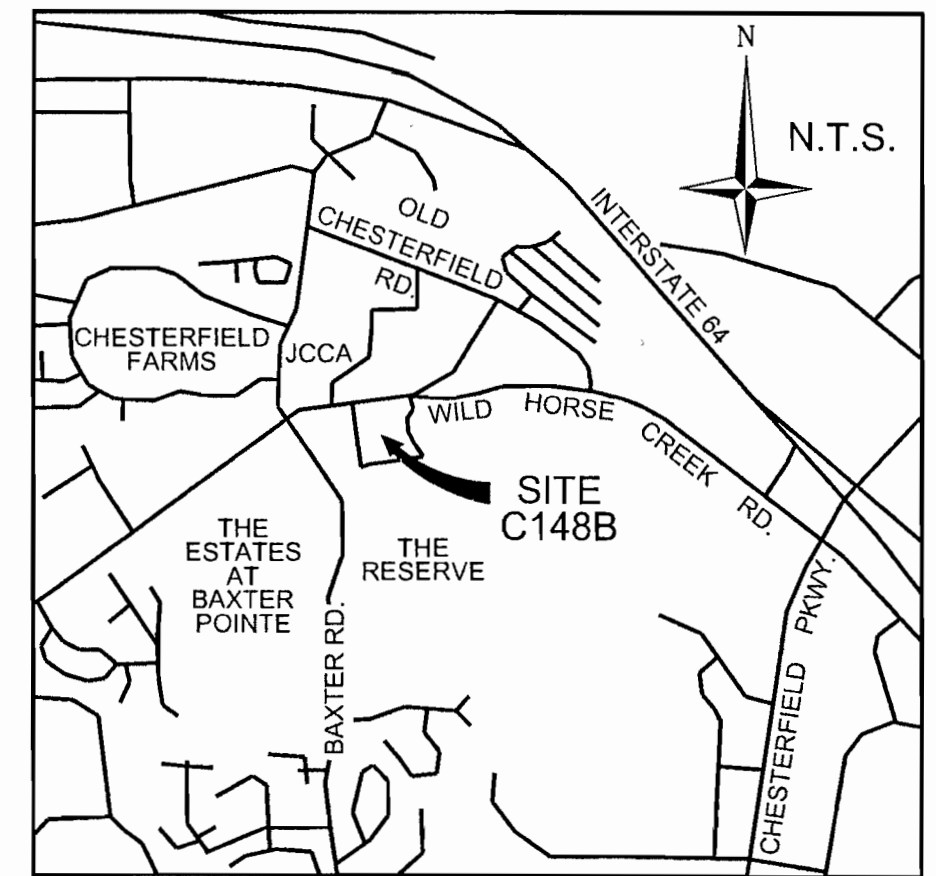
GRADING SHALL BE PER CITY OF CHESTERFIELD STANDARDS

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:**

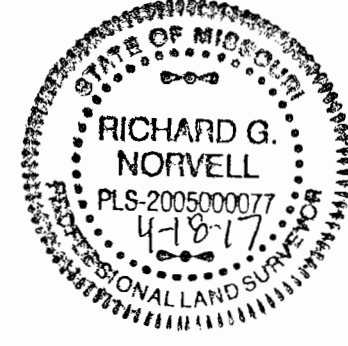
AREA OF SITE:	5.21 ACRES	
LOCATOR NO:	18T630283	
SITE ADDRESS:	16580 WILD HORSE CREEK RD CHESTERFIELD, MO. 63005	
OWNER OF RECORD:	CHESTERFIELD VILLAGE INC	400 CHESTERFIELD CTR SUITE 600 CHESTERFIELD, MO 63017
PREPARED FOR:	SHELBOURNE SENIOR LIVING	SHELBOURNE HEALTHCARE DEVELOPMENT GROUP 595 E. LANCASTER AVE. SUITE 300 RADNOR, PA 19087 OFFICE: 610-229-9074
PREPARED BY:	<b>VOLZ Incorporated</b>	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.	30 % MINIMUM
PARKING:	SURFACE & UNDERGROUND PARKING TO MEET REQUIRED CODE.	
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	



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.

*Timothy J. Meyer*  
 TIMOTHY J. MEYER, P.E.  
 PROFESSIONAL ENGINEER  
 MISSOURI STATE ENGINEERING NUMBER 418-17-2995

*Richard G. Norvell*  
 RICHARD G. NORVELL, P.L.S.  
 PROFESSIONAL LAND SURVEYOR  
 MO P.L.S. 2005000077



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 CHESTERFIELD LLC  
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**SHELBOURNE SENIOR LIVING**

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

REVISED 5-12-2016

PRELIMINARY DEVELOPMENT PLAN

16580 WILD HORSE CREEK RD  
 5.21 ACRES

BASE MAP NO. 18T  
 LOCATOR NO. 18T630283  
 VOLZ NO. 20586

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

04-05-2016  
 P2



**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

May 9, 2017

**Hand Delivered**

City Council of Chesterfield  
c/o Vickie Hass, City Clerk  
690 Chesterfield Parkway West  
Chesterfield, MO 63017-0760


05-09-17A10:46 RCVD

**Re: PZ 05-2016 Wild Horse Baxter Center, C148B (Shelbourne Senior Living) –  
Notice of Appeal**

Dear Council Members:

Please see the enclosed notice of appeal. Thank you.

Very Truly Yours,

  
Michael J. Doster *by KMC*

Enclosure


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



**NOTICE OF APPEAL**

On April 24, 2017, a motion to approve PZ 05-2016 Wild Horse Baxter Center, C148B (Shelbourne Senior Living), as amended failed before the Planning Commission by a vote of 2 to 6. Pursuant to Section 31-02-19 of the City of Chesterfield Unified Development Code, Shelbourne Healthcare Development Group hereby appeals this recommendation of the Planning Commission and requests a determination from the City Council.

**DOSTER, ULLOM & BOYLE, LLC**

By:   
Michael J. Doster *by KMC*  
*Attorneys for Shelbourne Healthcare  
Development Group*



**IV. B.**

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

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**Planning and Development Services Division  
Public Hearing Report**

**Meeting Date:** June 27, 2016

**From:** Jonathan Raiche, AICP - 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).

**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. As described in the attached Narrative Statement, the developer’s intention is to develop the subject site for a 172,000 square foot senior living facility that will provide 94 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 all uses permitted under the current governing ordinance, [Ordinance 2557](#) which is attached to this report. The petitioner’s Narrative Statement includes a list of the additional requested uses which total sixty-nine (69) uses. Some of these uses will be discussed later in this report. Because this request is a zoning map amendment, requested uses and all other zoning entitlements are open for review and discussion regardless of their status in the current governing ordinance.

The proposed Preliminary Plan features a four-story building surrounded on three sides by parking areas and areas for vehicular circulation. The site is proposed to have one direct access point to Wild Horse Creek Road and shared access with the existing curb-cut located on the site directly to the west. These access points will be discussed in more detail later in the report.

**Site 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 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.

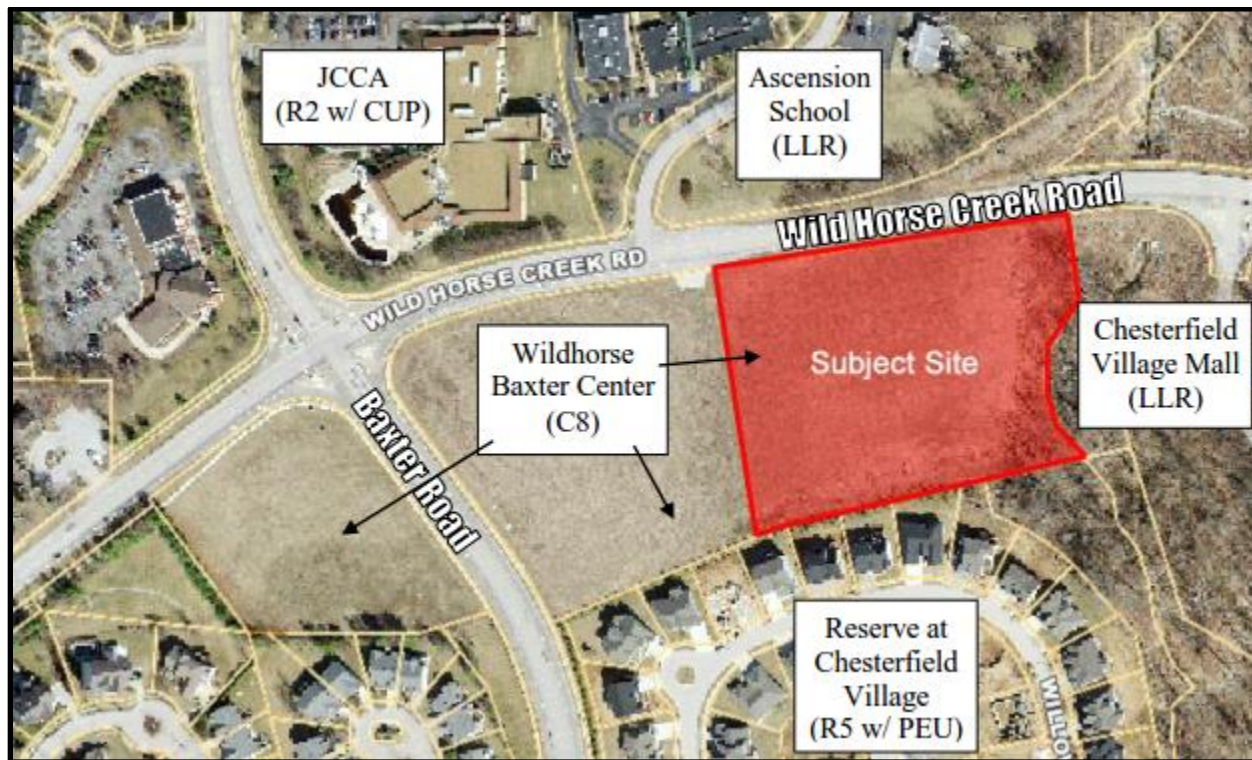


Figure 1. Aerial Photo

**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 as seen in Figure 2 below. 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 included 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.

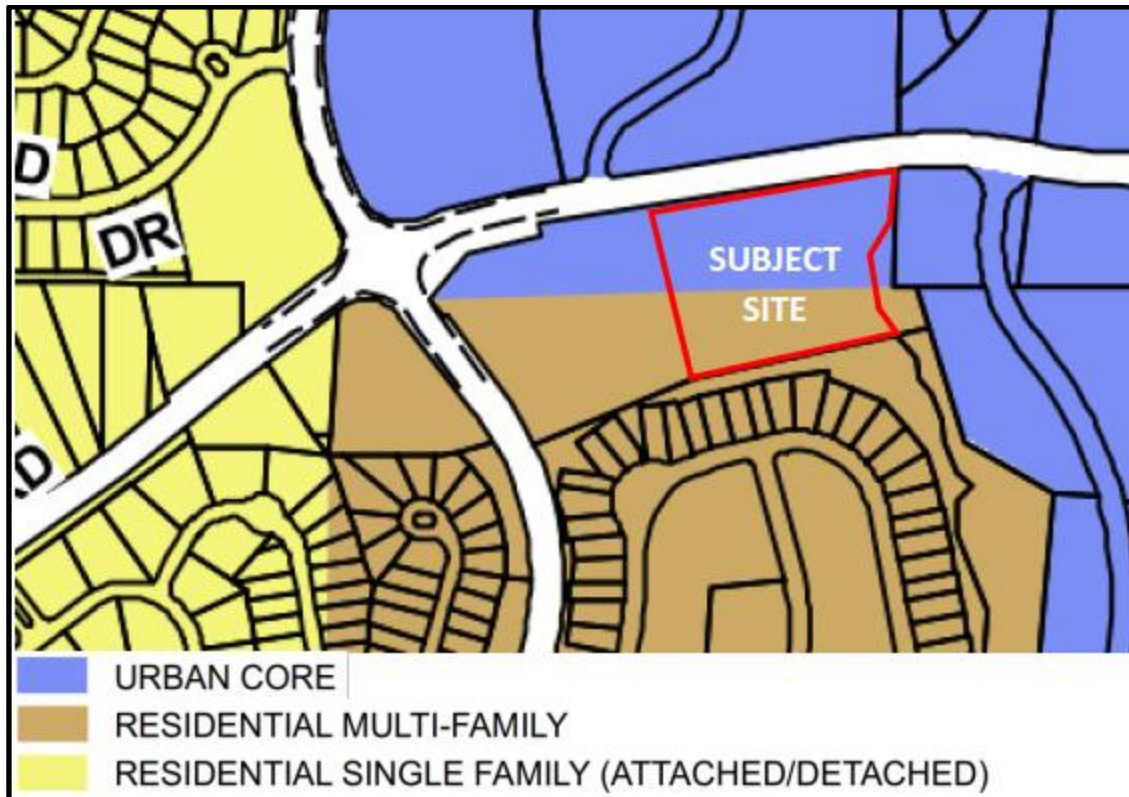


Figure 2. Land Use Plan

### **Staff Analysis**

Staff has identified concerns with the petitioner's request and is working with the petitioner to get these addressed. These concerns include, but are not limited to, the items discussed below.

### **Requested Uses**

As previously mentioned, the petitioner is requesting the Group Residential Facility and Nursing Home uses in addition to maintaining all existing commercial uses under Ordinance 2557. As noted in the Comprehensive Plan section above, Nursing Home type uses are specifically mentioned in the Residential Multi-family land use designation and also fit into the description of the Urban Core designation. However, due to the proximity of this proposal to single-family homes and other characteristics of the site, including but not limited to parcel size, a number of the requested Commercial Uses may no longer be compatible. Some of the uses that should be re-considered and discussed by the Planning Commission include, but are not limited to, the following:

1. Amusement park
2. Bar
3. Grocery- supercenter
4. Hospital
5. Hotel and motel
6. Hotel and motel – extended stay
7. Pawnshop
8. Retail sales- regional
9. Parking area (stand-alone), including garages for automobiles. Not including sales or storage of damaged vehicles for more than 72 hours.

### **Maximum Structure Height**

The petitioner is proposing a 4 story building whereas the current ordinance, Ordinance 2557, restricts office buildings to 3 stories and all other buildings to 1 story. The petitioner has provided a cross section plan included in the Preliminary Plan as Section AA which indicates that the proposed roof height will be higher but comparable to the adjacent homes in Reserves at Chesterfield Village due to the low-lying nature of the site. Staff requested additional information be added to the plan relative to this cross section including overall elevation measurements relative to Mean Sea Level so that relative comparisons may be made more easily. Staff has also requested that the petitioner confirm that the cross section depicts the highest point of the proposed structure. The petitioner has confirmed that the requested maximum structure height is 67' and that the relative proposed height is approximately 10' higher than one of the adjacent homes located on Willow Weald Path.

### **Access Management & Cross Access**

The proposed Preliminary Plan indicates that the petitioner intends to provide one new direct access point to the site from Wild Horse Creek Road in addition to utilizing the existing access point that is located on the adjacent parcel to the west. Staff has recently received additional information from the petitioner regarding the proposed access including distances to the Baxter Road intersection and the Ascension School entrance across Wild Horse Creek Road and still has this item under review. When Staff has been able to review the information fully, additional analysis will be provided from Staff at a future meeting for this project.

**Hours of Operation**

The Nursing Home and Group Residential Facility uses will require 24 hour operation due to the nature of the uses. However, if the petitioner’s request to maintain permitted commercial uses on this site is approved, consideration should be given to limiting the hours of operation. Below is a chart depicting other commercially zoned development that abut single-family zoned properties with their corresponding general Hours of Operation.

<u>Subdivision</u>	<u>Hours of Operation</u>
Clarkson Wilson Centre	7:00 am to 11:00 pm
Four Seasons Plaza	6:00 am to 1:30 am Sun-Thurs, 6:00 am to 2:30 am Fri-Sat (bowling use only); 6:00 am to 10:00 pm (Fast-Food Restaurant)
Four Seasons Plaza West	7:00 am to 10:00 pm

**Setbacks**

For the Commission’s review, Staff has provided a comparison below of the existing structure and parking setbacks with the proposed setbacks.

*Structure Setbacks*

<u>Location</u>	<u>Existing Ordinance</u>	<u>Proposed “UC” District</u>
From Wild Horse Creek Road	Twenty-five (25) feet	Thirty-five (35) feet
From western property line	N/A. Setback only from Baxter Road.	Thirty-five (35) feet
From the eastern boundary of the “UC” District	Zero (0) feet	Thirty-five (35) feet
From the southern boundary of the “UC” District	Ten (10) feet	Thirty-five (35) feet

*Parking Setbacks*

<u>Location</u>	<u>Existing Ordinance</u>	<u>Proposed “UC” District</u>
From Wild Horse Creek Road	Fifteen (15) feet	Thirty (30) feet
From western property line	N/A. Setback only from Baxter Road.	Thirty (30) feet
From the eastern boundary of the “UC” District	Zero (0) feet	Thirty (30) feet
From the southern boundary of the “UC” District	Ten (10) feet	Thirty (30) feet

### **Required Landscape Buffer**

As required by the Unified Development Code, the petitioner has included the required 30' Landscape Buffer along the eastern boundary of the site. Staff still has this item under review, but has identified a potential conflict between the required landscape buffer on the east and the proposed detention areas which may prevent the necessary planting in limited portions of the landscape buffer. This has been identified as an issue to be addressed by the petitioner and further information will be provided to the Commission at subsequent meetings for this project.

### **Conclusion**

A Public Hearing further addressing this request will be held at the Monday, June 27, 2016, City of Chesterfield Planning Commission meeting. Attached please find a copy of Ordinance 2557, the Public Hearing Notice, Narrative Statement, and Preliminary Plan. Additionally, citizen letters of support, opposition, and of a neutral position that have been submitted to the City are linked in the Planning Commission Meeting Agenda for your review.

#### Attachments

1. Ordinance 2557
2. Public Hearing Notice
3. Applicant's Narrative Statement
4. Preliminary Plan

cc: Aimee Nassif, Planning and Development Services Director

**AN ORDINANCE REPEALING ORDINANCE 1170 OF THE CITY OF CHESTERFIELD AND ORDINANCE 13,759 OF ST. LOUIS COUNTY AND ESTABLISHING A NEW ORDINANCE CHANGING THE LEGAL DESCRIPTION IN A "C8" PLANNED COMMERCIAL DISTRICT FOR A 10.895 AND A 3.038 ACRE TRACTS OF LAND LOCATED ON THE SOUTHEAST AND SOUTHWEST CORNERS OF THE WILD HORSE CREEK ROAD AND BAXTER ROAD INTERSECTION [P.Z. 26-2008 Chesterfield Village Parcels C-119 & C-148 (Chesterfield Village, Inc)]**

**WHEREAS**, Chesterfield Village, Inc has requested an ordinance amendment to City of Chesterfield Ordinance 1170 and St. Louis County Ordinance 13,759 to revise the legal descriptions in a "C8" Planned Commercial District for a 10.895 and a 3.038 acre tracts of land located on the southeast and southwest corners of Wild Horse Creek Road and Baxter Road intersection; and,

**WHEREAS**, a Public Hearing was held before the Planning Commission on November 10, 2008; and,

**WHEREAS**, the Planning Commission, having considered said request, recommended approval of the ordinance amendment; and,

**WHEREAS**, the City Council, having considered said request voted to approve the rezoning request.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

**Section 1.** City of Chesterfield Ordinance 1170 and St. Louis County Ordinance 13,759 are hereby repealed and a new ordinance is established in their place to the conditions incorporated into the Attachment A, which is attached hereto and made a part hereof. A description of the property is as follows:

Parcel C-119

A tract of land being part of U.S. Survey 415 and Fractional Section 9, Township 45 North – Range 4 East, within the City of Chesterfield, St. Louis County, Missouri and being more particularly described as follows:

Beginning at the Northwest corner of Lot 24 of "Baxter Pointe Villas Plat Three", a subdivision according to the plat thereof recorded in Plat Book 347 page 40 of the St. Louis County Records, and being in the Eastern line of a tract of land as described in deed to Chesterfield Village Incorporated as recorded in deed Book 8076 page 622 of the St. Louis County Records; thence along the prolongation of said Eastern line South 00 degrees 16 minutes 12 seconds West 0.48 feet to a point; said point being the Northeast corner of Lot 111A of "The Estates of Baxter Pointe" according to thereof recorded in Plat Book 346 page 153 of the St. Louis County Records, also being the Southeast corner of Baxter Master Common Area, as shown on said plat; thence North 36 degrees 51 minutes 07 seconds West 271.51 feet to a point; in the Southeast line of Wild Horse Creek Road, varying width; thence along said Southeast line North 53 degrees 08 minutes 53 seconds East 234.93 feet to a point; thence along a curve to the right, whose radius point bears South 36 degrees 51 minutes 07 seconds East 1116.28 feet from the last mentioned point, a distance of 5.83 feet to a point; thence leaving



said curve South 36 degrees 33 minutes 10 seconds East 3.15 feet to a point where the aforementioned Southeast line of Wild Horse Creek Road intersects the West line of Baxter Road, 82 feet wide; thence along said West line of Baxter Road, the following courses and distances: along a curve to the right, whose radius point bears South 35 degrees 49 minutes 15 seconds East 105.50 feet from the last mentioned point, a distance of 164.01 feet to a point; thence South 36 degrees 45 minutes 00 seconds East 290.98 feet to a point; thence along a curve to the right, whose radius point bears South 53 degrees 15 minutes 00 seconds West 676.00 feet from the last mentioned point, a distance of 82.88 feet to a point at the Northeast corner of the Common Area abutting said Baxter Road, as shown on the aforementioned plat of "Baxter Pointe Villas Plat Three"; thence leaving the West line of Baxter road South 73 degrees 21 minutes 49 seconds West 122.60 feet to a point in the North line of Lot 21; thence along the North line of Lots 21, 22, 23 and 24 respectively North 89 degrees 43 minutes 48 seconds West 280.00 feet to the point of beginning and containing 3.038 acres according to calculations by Volz Inc. during October 2008.

Parcel C-148

A tract of land being part of Lot 1 of the Subdivision of the James Long Estate in U.S. Survey 2031 and part of Lots 1 and 2 of the Subdivision of the John Long Estate in U.S. Survey 415, Township 45 North – Range 4 East, in the City of Chesterfield, St. Louis County, Missouri, being more particularly described as follows:

Beginning at a point on the Northern line of U.S. Survey 415, at the Southwestern corner of a tract of land conveyed to Chesterfield Village Inc., by Deed recorded in Book 6928, Page 45 of the St. Louis County Records, thence along said Northern line, South 89 degrees 53 minutes 36 seconds East, 52.04 feet to the Northwestern corner of a tract of land conveyed to Chesterfield Village Inc., by Deed recorded in Book 6549, Page 1873 of the St. Louis County Records, thence along the Western line of said tract, South 17 degrees 28 minutes 49 seconds East, 100.03 feet to a point; thence departing said Western line, South 77 degrees 29 minutes 15 seconds West, 577.63 feet to a point; thence South 67 degrees 34 minutes 56 seconds West, 415.00 feet to a point on the Eastern line of Baxter Road as established by the plat of "Baxter Road - Road Dedication and Easement Plat" recorded in Plat Book 323, Pages 51 through 53 of the St. Louis County Records; thence along said Eastern line, along a curve to the left whose radius point bears South 64 degrees 52 minutes 56 seconds West 758.00 feet from the last mentioned point, a distance of 152.27 feet to a point of tangency; thence North 36 degrees 37 minutes 40 seconds West, 291.21 feet to a point of curvature; thence along a curve to the right whose radius point bears North 53 degrees 22 minutes 21 seconds East 70.50 feet from the last mentioned point, a distance of 129.58 feet to a point; thence North 22 degrees 04 minutes 08 seconds West, 2.46 feet to a point on the Southern line of a tract of land dedicated for the widening of Wild Horse Creek Road, variable width; thence along said Southern line, along a curve to the right whose radius point bears South 21 degrees 23 minutes 40 seconds East 1,110.28 feet from the last mentioned point, a distance of 246.94 feet to a point of tangency; thence North 81 degrees 20 minutes 55 seconds East, 378.88 feet to a point; thence South 08 degrees 39 minutes 24 seconds East, 4.00 feet to a point; thence North 81 degrees 20 minutes 55 seconds East, 58.45 feet to a point of curvature; thence along a curve to the left whose radius point bears North 08 degrees 39 minutes 05 seconds West 995.37 feet from the last mentioned point, a distance of 41.97 feet to a point; thence North 11 degrees 04 minutes 01 second West, 3.12 feet to a point on the Southern line of (Relocated) Wild Horse Creek Road, variable width; thence along said Southern line, North 81 degrees 20 minutes 55 seconds East, 358.35 feet to a point of curvature; thence along a curve to the right whose radius point bears South 08 degrees 39 minutes 05 seconds East 919.00 feet from the last mentioned point, a distance of 25.85 feet to the point of beginning, containing 10.895 acres more or less.

**Section 2.** The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City


Council, which are set out in the Attachment "A", which is attached hereto and, made a part of.

**Section 3.** The City Council, pursuant to the petition filed by Chesterfield Village, Inc, in P.Z.26-2008, requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on the 10th day of November 10, 2008, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

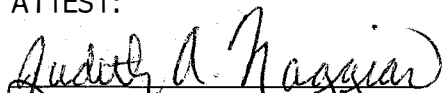
**Section 4.** This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

**Section 5.** This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 3rd day of AUGUST, 2009.

  
MAYOR

ATTEST:

  
CITY CLERK

FIRST READING HELD: 07/20/2009

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 "C8" District shall be all those uses permitted in the "C2" Shopping District and those uses permitted in the "C6" Office and Research Service District without a Conditional Use Permit, or more specifically:

Permitted Uses

- a. Adult day care centers and child care centers.
- b. Auditoriums and other facilities for public assembly.
- c. Bookstores.
- d. Broadcasting studios for radio and television.
- e. Business and professional services wholly accessory to office operations and activities.
- f. Child care centers, nursery schools and day nurseries.
- g. Churches.
- h. Clubs, lodges, and meeting rooms.
- i. Colleges and universities.
- j. Employee dining facilities for the specific use of a designated office or research building or group of office or research buildings under the same ownership or management.
- k. Financial institutions.
- l. Libraries and reading rooms.
- m. Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
  - i. adequately screened with landscaping, fencing or walls, or any combination thereof, or

- ii. placed underground, or
- iii. enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area. All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning.
  
- n. Medical and dental offices.
- o. Mortuaries.
- p. Nursery schools and day nurseries.
- q. Offices or office buildings.
- r. Package liquor stores that are located 1,000 feet or more when measured from the nearest property line, to the nearest property line of another package liquor store.
- s. Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
- t. Police, fire, and postal stations.
- u. Recreational facilities, including indoor theaters, but not including drive-in theaters, golf practice driving ranges, and outdoor swimming pools.
- v. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith. No retail or wholesale sales shall be made from these facilities or laboratories.
- w. Restaurants, including banquet facilities.
- x. Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.
- y. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind are offered for sale or hire to the general public within the interior of any authorized building or structure located on the premises, or as otherwise permitted under Section 1003.167 Miscellaneous Regulations.

- z. Telecommunication towers up to one hundred (100) feet in height and co-used telecommunication towers or disguised support structures of one hundred twenty (120) feet or less in height.

Conditional Uses Permitted Without a Conditional Use Permit

- a. All Permitted Land Uses and Developments set above which exceed two (2) stories or forty (40) feet in height, whichever is less, including roof top mechanical equipment attached to a structure.
- b. Amusement parks for children.
- c. Animal hospitals and veterinary clinics, not including open kennels and exercise yards.
- d. Apartment dwelling units in buildings primarily designated for occupancy by commercial purposes. A minimum of eight hundred (800) square feet of contiguous open space per dwelling unit, protectively screened from commercial activities and directly accessible to the dwelling units, shall be provided on the premises for the exclusive use of the occupants of such apartments.
- e. Automatic Teller Machines (ATM), freestanding.
- f. Car washes for automobiles.
- g. Filling stations for automobiles.
- h. Financial institutions with drive-through facilities.
- i. Highway Department garages.
- j. Hospitals.
- k. Hotels, including customary services for guests.
- l. Nightclub.
- m. Outdoor advertising signs other than those allowed as permitted uses.
- n. Outdoor sales, when no other related sales by the permitted primary use are occurring on site.
- o. Package liquor stores that are located less than one thousand (1,000) feet, when measured from the nearest property line, to the nearest property line of another package liquor store.
- p. Pawn shops.

- q. Pool and billiard halls.
  - r. Public utility facilities.
  - s. Sewage treatment facilities, not including individual sewage treatment facilities permitted as an accessory use.
  - t. Small loan businesses located at least one (1) mile (five thousand two hundred eighty (5,280) linear feet) from any existing small loan business and three hundred (300) feet from any residence, school or place of worship as such distances are determined by the Director of Planning.
  - u. Structures containing offices with affiliated dwelling units, wherein occupancy of the dwelling units shall be limited to the owners, managers, or employees of the office use or uses and their respective families. A minimum of eight hundred (800) square feet of contiguous open space per dwelling unit, protectively screened from commercial activities and directly accessible to the dwelling units, shall be provided on the premises for the exclusive use of the occupants of such dwelling units.
  - v. Tattoo parlors.
  - w. Telecommunication towers up to two hundred (200) feet in height.
  - x. Thrift stores.
  - y. Vehicle service centers for automobiles.
  - z. Vehicle repair facilities for automobiles.
3. HOURS OF OPERATION.
- a. Hours of operation for this "C8" District shall not be restricted.

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

- 1. FLOOR AREA
  - a. Restaurants shall be limited to no more than 13,000 square feet of gross floor area.
  - b. Offices shall be limited to no more than 90,000 square feet of gross floor area in a maximum of two (2) buildings.

- c. Retail Center shall be limited to no more than 44,000 square feet of gross floor area.

2. HEIGHT

- a. The maximum height of any office buildings, exclusive of roof screening, shall not exceed three (3) stories.
- b. The maximum height of all other building in this "C8" District shall not exceed one (1) story.

**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. Twenty-five (25) feet from the right-of-way of Baxter Road and Wild Horse Creek Road.
- b. Thirty (30) feet from the western boundary of the "C8" District.
- c. Zero (0) feet from the eastern boundary of the "C8" District.
- d. Ten (10) feet from the southern boundary of the "C8" 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. Fifteen (15) feet from the right-of-way of Baxter Road and Wild Horse Creek Road.
- b. Thirty (30) feet from the western boundary of the "C8" District.
- c. Zero (0) feet from the eastern boundary of the "C8" District.
- d. Ten (10) feet from the southern boundary of the "C8" District.

**D. PARKING AND LOADING REQUIREMENTS**

Parking and loading spaces for this development will be as required in the City of Chesterfield Code.

**E. LANDSCAPE AND TREE REQUIREMENTS**

The developer shall adhere to the Tree Preservation and Landscape Guidelines of the City of Chesterfield.

**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 Highways and Traffic, 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 developer shall submit architectural elevations, including but not limited to, colored renderings and building materials. Architectural information is to be reviewed by the Architectural Review Board and the Planning Commission.
2. Building facades should be articulated by using color, arrangement or change in materials to emphasize the facade elements. The planes of the exterior walls may be varied in height, depth or direction. Extremely long facades shall be designed with sufficient building articulation and landscaping to avoid a monotonous or overpowering appearance.
3. Trash enclosures: The location, material, and elevation of any trash enclosures will be as approved by the Planning Commission on the Site Development Plan. All exterior trash areas will be enclosed with a six (6) foot high sight-proof enclosure complimented by adequate landscaping approved by the Planning Commission on the Site Development Plan.
4. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.



**I. ACCESS/ACCESS MANAGEMENT**

1. Access to both Baxter Road and Wild Horse Creek Road will be required to meet the access management criteria of the City of Chesterfield, St. Louis County, and Missouri Department of Transportation.

**J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION**

1. Provide a sidewalk adjacent to Wild Horse Creek Road and Baxter Road Extension. Conforming to St. Louis County ADA Standards as directed by St. Louis County Department of Highways and Traffic and The Missouri Highway and Transportation Department.

**K. POWER OF REVIEW**

The Mayor or a Councilmember of the Ward in which a development is proposed may request that the Site Development Plan be reviewed and approved by the entire City Council. This request must be made no later than 24 hours before posting the agenda for the next City Council meeting after Planning Commission review and approval of the Site Development Plan. The City Council will then take appropriate action relative to the proposal.

**L. STORMWATER**

1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or 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 developments or issuance of building permits exceeding sixty (60%) of the 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 all Site Development Plans.

**M. GEOTECHNICAL REPORT**

Prior to Site Development Section 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 Planning and Public Works. 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.

**N. MISCELLANEOUS**

1. All utilities will be installed underground.
2. An opportunity for recycling will be provided. All provisions of Chapter 25, Article VII, and Section 25-122 thru Section 25-126 of the City of Chesterfield, Missouri Code shall be required where applicable.

**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 a new public hearing being required at the time of site development plan or site development concept plan review before the Planning Commission.
- 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, this time interval for plan submittal may be extended through appeal to and approval by the Planning Commission.

**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 Commission may extend the period to commence construction for not more than one additional year.

**IV. GENERAL CRITERIA**

**A. SITE DEVELOPMENT CONCEPT PLAN REQUIREMENTS**

1. Any site development concept plan shall show all information required on a preliminary plat as required in the City of Chesterfield Code.

2. Include a conceptual landscape plan in accordance with the City of Chesterfield Code to indicate proposed landscaping along arterial and collector roadways.
3. Include a lighting plan in accordance with the City of Chesterfield Code to indicate proposed lighting along arterial collector roadways.
4. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, Monarch Chesterfield Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.

**B. SITE DEVELOPMENT SECTION PLAN SUBMITTAL REQUIREMENTS**

The Site Development Section Plan shall adhere to the above criteria and 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. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
3. Provide open space percentage for overall development including separate percentage for each lot on the plan.
4. Provide Floor Area Ratio (F.A.R.).
5. A note indicating all utilities will be installed underground.
6. A note indicating signage approval is separate process.
7. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.
8. Specific structure and parking setbacks along all roadways and property lines.
9. Indicate location of all existing and proposed freestanding monument signs
10. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
11. Floodplain boundaries.

12. 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, and significant natural features, such as wooded areas and rock formations, that are to remain or be removed.
13. 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.
14. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
15. 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.
16. Address trees and landscaping in accordance with the City of Chesterfield Code.
17. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
18. 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.
19. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, Monarch Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.
20. Compliance with Sky Exposure Plane.

**V. TRUST FUND CONTRIBUTION**

- A. No Trust Fund Contribution will be required for this "C8" Planned Commercial District.

**VI. RECORDING**

Within 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 Site Development 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.



## NOTICE OF PUBLIC HEARING CITY OF CHESTERFIELD PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Chesterfield will hold a Public Hearing on June 27, 2016 at 7:00 p.m. in the City Council Chambers at Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri 63017. Said Hearing will be as follows:

**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).

### PROPERTY DESCRIPTION

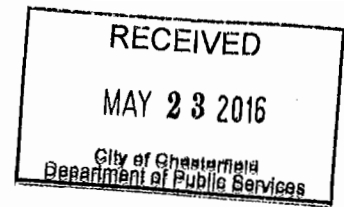
PARCEL C148B OF LOT SPLIT OF SECOND ADJUSTED PARCEL C148 OF C148 AND C254C BOUNDARY ADJUSTMENT PLAT, ACCORDING TO THE PLAT THEROF RECORDED IN PLAT BOOK 360 PAGE 190 OF THE ST. LOUIS COUNTY RECORDS.



City of Chesterfield  
690 Chesterfield Parkway West  
Chesterfield, MO 63017



Information on this Public Hearing may be found on the City's website at <http://www.chesterfield.mo.us/public-notice.html> or by contacting Senior Planner Jonathan Raiche at 636.537.4736 or via e-mail at [jraiche@chesterfield.mo.us](mailto:jraiche@chesterfield.mo.us). All interested parties will be given an opportunity to be heard at the Public Hearing.



### Narrative Statement

This is a narrative statement in support of an Application for Change of Zoning (the "Application") with respect to a 5.21 acre parcel located near the intersection of Baxter Road and Wild Horse Creek Road and also known as Parcel C-148B in Chesterfield Village (the "Property"). The Property is currently subject to a site specific zoning ordinance, Ordinance No. 2557 (the "Ordinance"). The Ordinance continues the establishment of a "C8" Planned Commercial District.

The Application requests a change of zoning to Urban Core District to permit a four story Senior Living facility with 94 independent living units, 37 assisted living units and 17 memory care units totaling 172,000 square feet (the "Facility"). The Application requests Group Residential Facility and Nursing Home uses, which are residential uses permitted in an Urban Core District. The Comprehensive Plan shows a portion of the Property abutting Wild Horse Creek Road as "Urban Core" and a portion of the Property abutting The Reserve residential development as "Residential Multi-Family". The Facility is in keeping with the intent of the Comprehensive Plan. The Application also requests retention of the existing permitted uses in the Ordinance as shown on Exhibit A to this Narrative Statement using the new terminology in the Unified Development Code.

Site design (including landscaping) and architectural design and materials of the Facility will be compatible with and respectful of The Reserve and Applicant will comply with the City's landscaping and tree preservation regulations.

Applicant is not seeking any exceptions or variations from the requirements of the Unified Development Code. Applicant will comply with the required minimum setbacks in the Urban Core District.

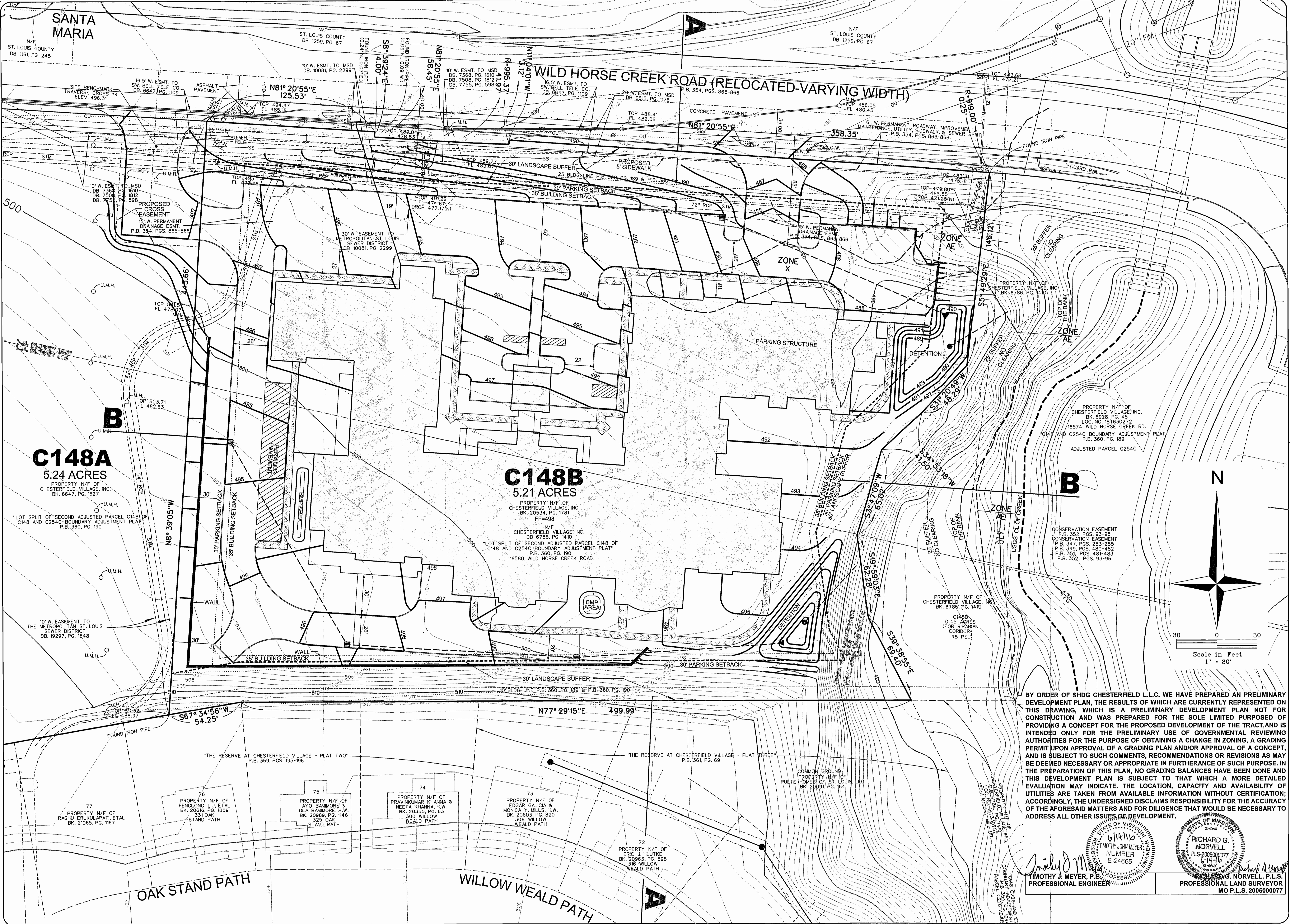
## Exhibit A

<b>Old Terminology</b>	<b>New Terminology</b>
Adult day care centers and child care centers.	Day care center; Kindergarten or nursery school
Auditoriums and other facilities for public assembly.	Auditorium
Bookstores.	Retail sales establishment-community; Retail sales establishment-neighborhood; Retail sales establishment-regional
Broadcasting studios for radio and television.	Broadcasting studio
Business and professional services wholly accessory to office operations and activities.	Commercial service facility; Professional and technical service facility; Administrative offices for religious institutions
Child care centers, nursery schools and day nurseries.	Kindergarten or nursery school
Churches.	Church or other place of worship
Clubs, lodges, and meeting rooms.	Club
Colleges and universities.	College/university
Financial institutions.	Financial institution, no drive-thru; Financial institution, drive-thru
Libraries and reading rooms.	Library; Reading room
Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be: <ul style="list-style-type: none"> <li>i. adequately screened with landscaping, fencing or walls, or any combination thereof, or</li> <li>ii. placed underground, or</li> <li>iii. enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area. All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning.</li> </ul>	Public utility facilities over 60 ft. in height
Medical and dental offices.	Office-dental; Office-medical
Mortuaries.	Mortuary
Nursery schools and day nurseries.	Day care center; Kindergarten or nursery school
Offices or office buildings.	Office-general; Administrative offices for religious institutions
Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.	Parking area (stand-alone), including garages for automobiles. Not including sales or storage of damaged vehicles for more than 72 hours



<b>Old Terminology</b>	<b>New Terminology</b>
Police, fire, and postal stations.	Postal stations; public safety facility
Recreational facilities, including indoor theaters, but not including drive-in theaters, golf practice driving ranges, and outdoor swimming pools.	Recreation facility; Theater, indoor
Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith. No retail or wholesale sales shall be made from these facilities or laboratories.	Film processing plant; Professional and technical service facility; Research laboratory & facility
Restaurants, including banquet facilities.	Banquet facility; Restaurant-sit down; Brewpub
Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.	Vocational school
Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind are offered for sale or hire to the general public within the interior of any authorized building or structure located on the premises, or as otherwise permitted under Section 1003.167 Miscellaneous Regulations.	Art gallery; Art studio; Automotive retail supply; Grocery-community; Grocery-neighborhood; Grocery-supercenter; Newspaper stand; drug store and pharmacy; drug store and pharmacy, with drive-thru; dry cleaning establishment; dry cleaning establishment, with drive-thru; Farmer's Market; Museum; Check cashing facility; Laundromat; Oil change facility; Brewpub
Telecommunication towers up to one hundred (100) feet in height and co-used telecommunication towers or disguised support structures of one hundred twenty (120) feet or less in height.	Telecommunications tower or facility; Telecommunications structure
Amusement parks for children	Amusement park
Animal hospitals and veterinary clinics, not including open kennels and exercise yards	Animal grooming service; kennel, boarding; Veterinary clinic
Automatic Teller Machines (ATM), free standing	Financial institution, drive-thru
Car washes for automobiles	Car wash
Filling stations for automobiles	Filing station and convenience store with pump stations
Financial institutions with drive-through facilities	Financial institution, drive-thru
Hospitals	Hospital
Hotels, including customary services for guests	Hotel/motel extended stay; Hotel and motel
Nightclub	Bar
Outdoor sales, when no other related sales by the permitted primary use are occurring on site	Sales yard operated by a church/school/non-profit

Old Terminology	New Terminology
Pawn shops	Pawnshop
Public utility facilities	Public utility facilities
Sewage treatment facilities, not including individual sewage treatment facilities permitted as an accessory use	Sewage treatment facilities other than facilities permitted as an accessory use
Structures containing offices with affiliated dwelling units, wherein occupancy of the dwelling units shall be limited to the owners, managers, or employees of the office use or uses and their respective families. A minimum of eight hundred (800) square feet of contiguous open space per dwelling unit, protectively screened from commercial activities and directly accessible to the dwelling units, shall be provided on the premises for the exclusive use of the occupants of such dwelling units	Dwelling, employee
Tattoo parlors	Tattoo parlor/body piercing studio
Telecommunication towers up to two hundred (200) feet in height	Telecommunications tower or facility; telecommunications structure
Thrift stores	Retail sales establishment, community; Retail sales establishment, neighborhood; Retail sales establishment, regional
Vehicle service centers for automobiles	Vehicle repair and service facility
Vehicle repair facilities for automobiles	Vehicle repair and service facility



SANTA MARIA

N/F ST. LOUIS COUNTY DB 1161, PG 245

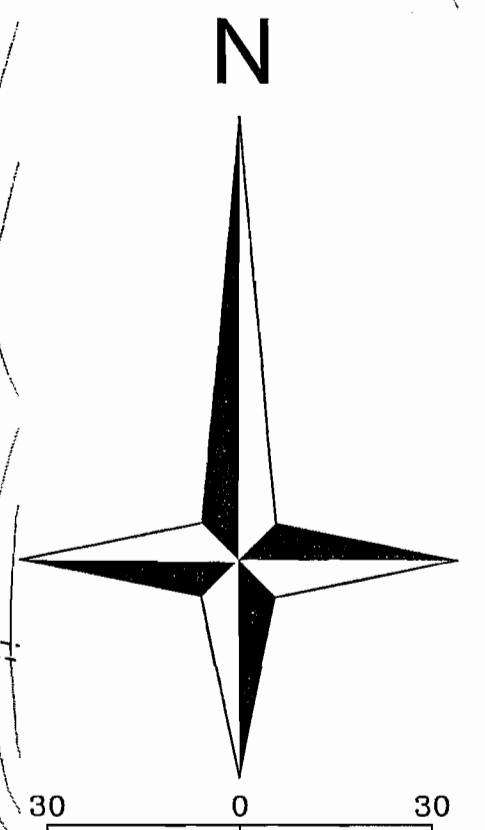
N/F ST. LOUIS COUNTY DB 1259, PG 67

N/F ST. LOUIS COUNTY DB 1259, PG 67

WILD HORSE CREEK ROAD (RELOCATED-VARYING WIDTH)

**C148A**  
5.24 ACRES  
PROPERTY N/F OF CHESTERFIELD VILLAGE, INC. BK. 6647, PG. 1627

**C148B**  
5.21 ACRES  
PROPERTY N/F OF CHESTERFIELD VILLAGE, INC. BK. 20534, PG. 1781 FF=498



BY ORDER OF SHDG CHESTERFIELD L.L.C. WE HAVE PREPARED A 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.

TIMOTHY J. MEYER, P.E.  
PROFESSIONAL ENGINEER

RICHARD G. NORVELL, P.L.S.  
PROFESSIONAL LAND SURVEYOR

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

10816 INDIAN HEAD INDIAN BLVD  
ST. LOUIS, MISSOURI 63132  
314.426.6212 main  
314.890.1255 fax  
www.volzinc.com

**VOLZ**  
Incorporated

**SHELBOURNE SENIOR LIVING**

LOT SPLIT OF SECOND ADJUSTED PARCEL C148 OF C148 AND C254C BOUNDARY ADJUSTMENT PLAT P.B. 360, PG. 190

RECEIVED JUN 14 2016

REVISED 5-12-2016

PRELIMINARY DEVELOPMENT PLAN

16580 WILD HORSE CREEK C148A C148B 5.24 ACRES

BASE MAP NO. 18T  
LOCATOR NO. 18T030283  
VOLZ NO. 20586  
H:\card\20500-20589\20586\Planning\Rezone Urban C148A C148B PDP

REVISED: 6/14/2016

04-05-2016

P1

**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.

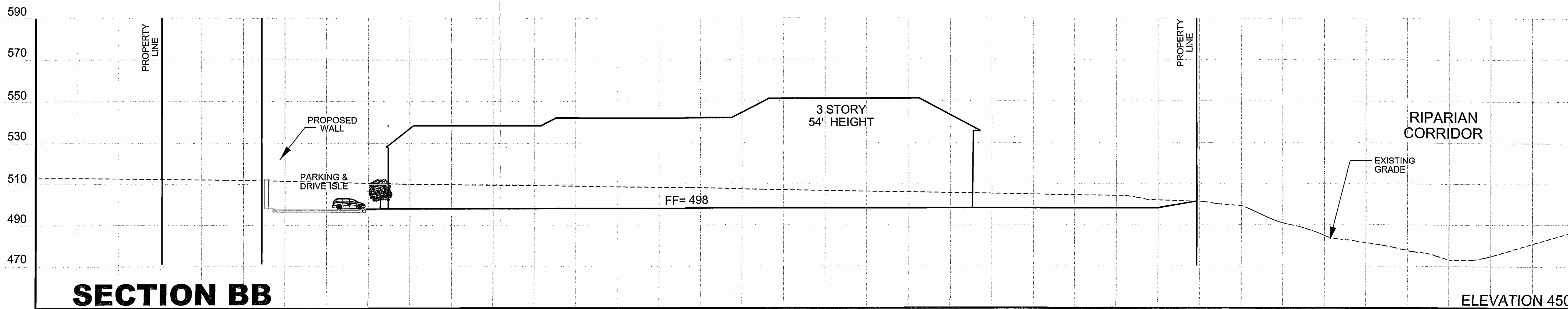
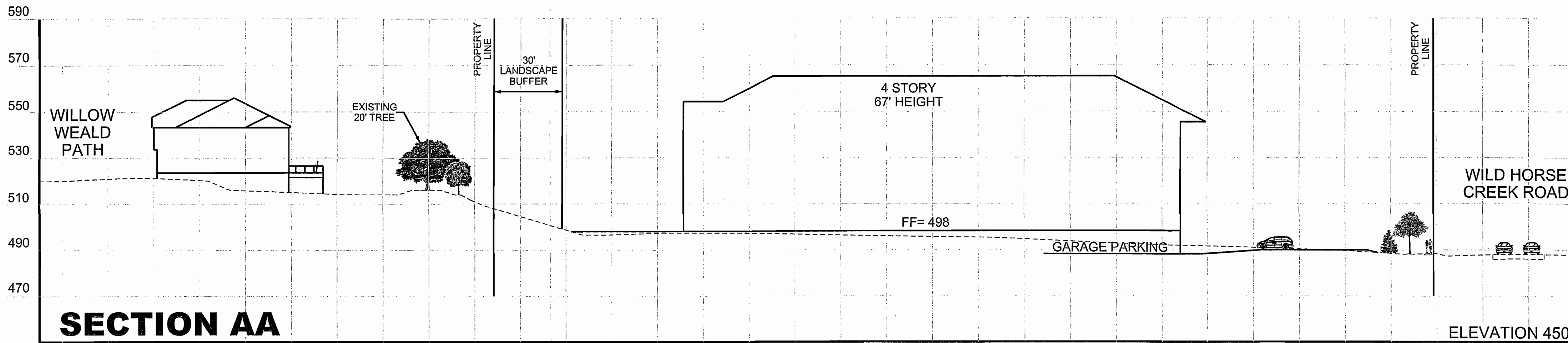
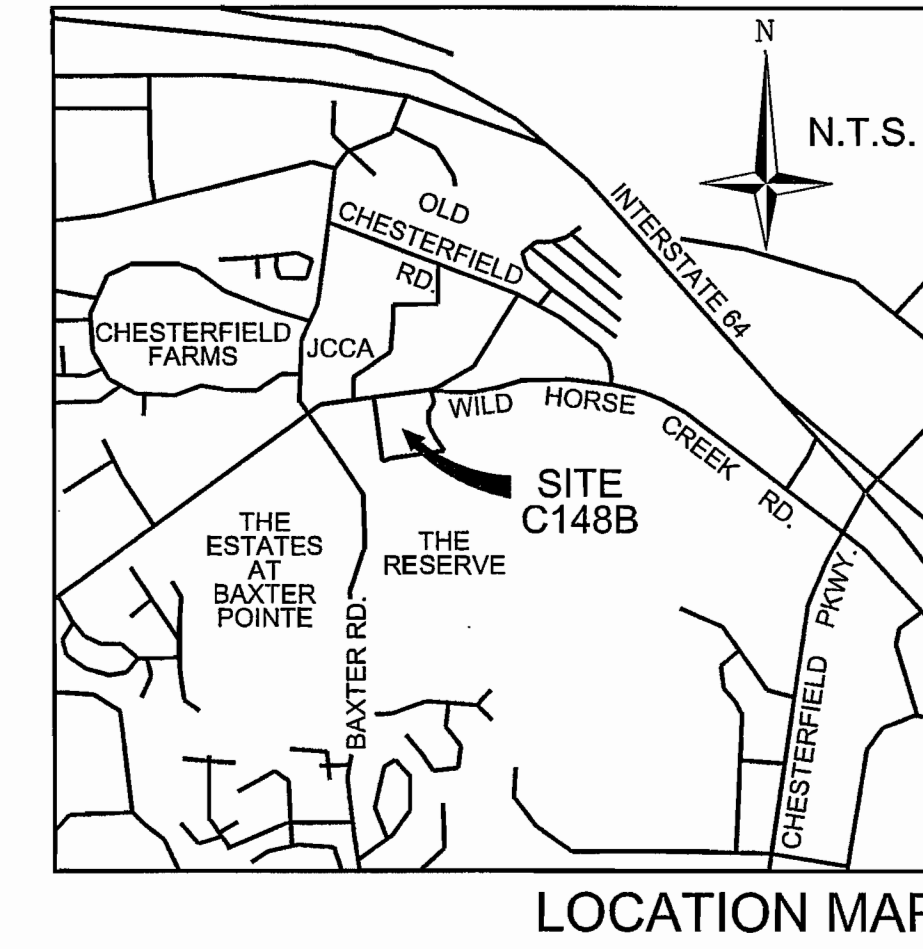
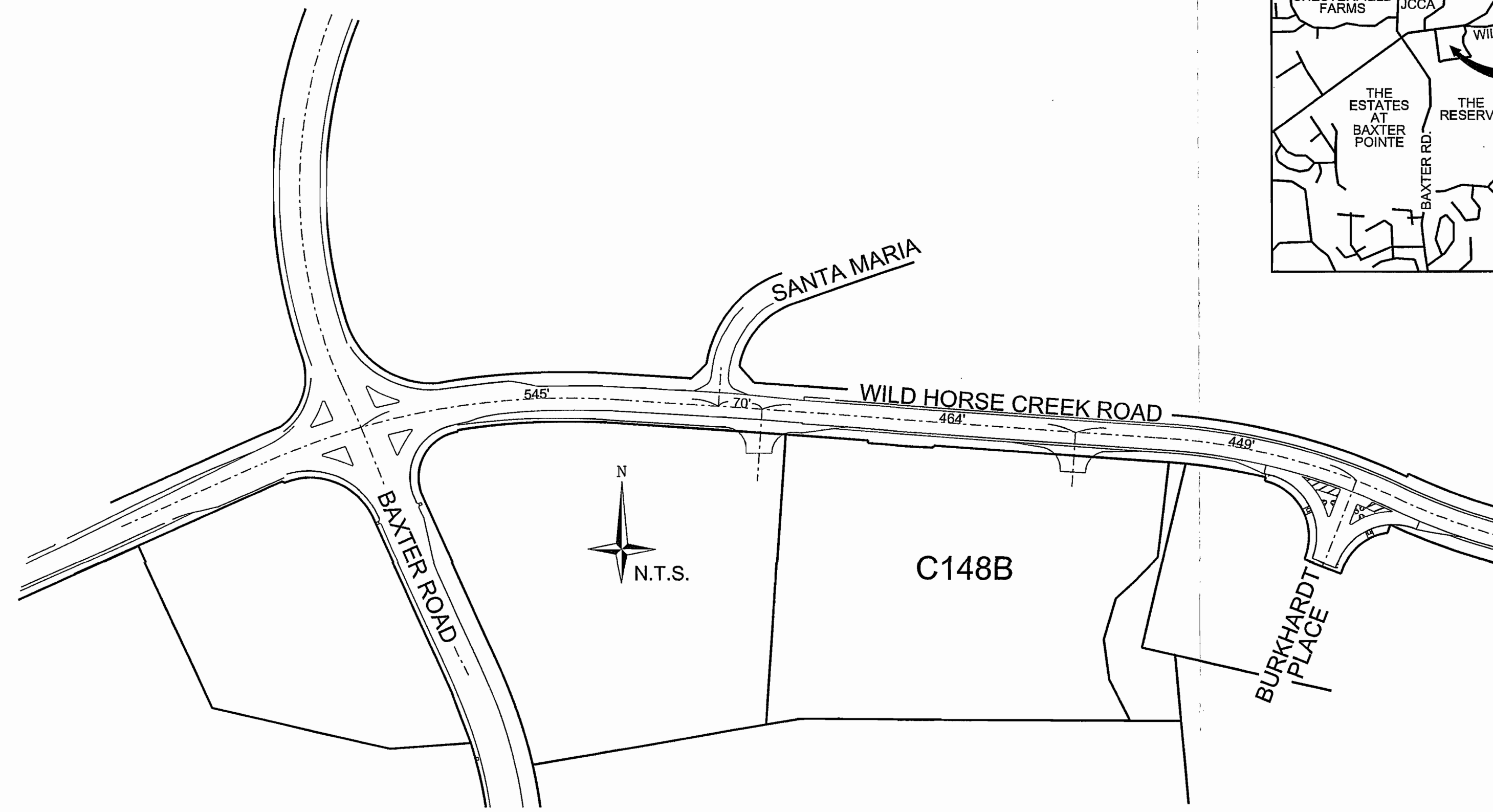
THE LOCATION OF STORM AND SANITARY SEWER IMPROVEMENTS ARE APPROXIMATE ONLY. ACTUAL CONDITIONS AND SHALL BE INDICATED ON THE LOCATION SHALL BE DETERMINED BY FIELD IMPROVEMENT PLANS.

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.

<b>PROJECT NOTES:</b>	
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:	<b>SHELBOURNE SENIOR LIVING</b> SHELBOURNE HEALTHCARE DEVELOPMENT GROUP 696 E. LANCASTER AVE. SUITE 300 RADNOR, PA 19087 OFFICE: 610-229-9074
PREPARED BY:	<b>VOLZ Incorporated</b> 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
HEIGHT. THE TOTAL HEIGHT OF ANY STRUCTURE SHALL NOT EXCEED EIGHT (8) STORIES IN HEIGHT, EXCLUDING MECHANICAL DEVICES.	PROPOSED 4 - STORY MAXIMUM - 67'
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.	30 % MINIMUM
PARKING	SURFACE & UNDERGROUND PARKING TO MEET REQUIRED CODE.
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



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.

*Timothy J. Meyer*  
 TIMOTHY J. MEYER, P.E.  
 PROFESSIONAL ENGINEER

*Richard G. Norvell*  
 RICHARD G. NORVELL, P.L.S.  
 PROFESSIONAL LAND SURVEYOR  
 MO P.L.S. 2005000077

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**VOLZ**  
 Incorporated

**SHELBOURNE SENIOR LIVING**

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

REVISED  
 5-12-2016

PRELIMINARY DEVELOPMENT PLAN

BASE MAP NO. 18T  
 LOCATOR NO. 18T630283  
 VOLZ NO. 20588

16580 WILD HORSE CREEK RD  
 5.21 ACRES

H:\cad\2016\05-2016\0588\Planning\Rezoning Urban Core

04-05-2016

P2



# VIII. A.

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690 Chesterfield Pkwy W • Chesterfield MO 63017-0760  
Phone: 636-537-4000 • Fax 636-537-4798 • [www.chesterfield.mo.us](http://www.chesterfield.mo.us)

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## Planning and Development Services Division Issues Report

**Meeting Date:** September 26, 2016

**From:** Justin Wyse, 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).

### 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. As described in the attached Narrative Statement, the developer’s intention is to develop the subject site for a 172,000 square feet senior living facility that will provide 94 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.

### Zoning History

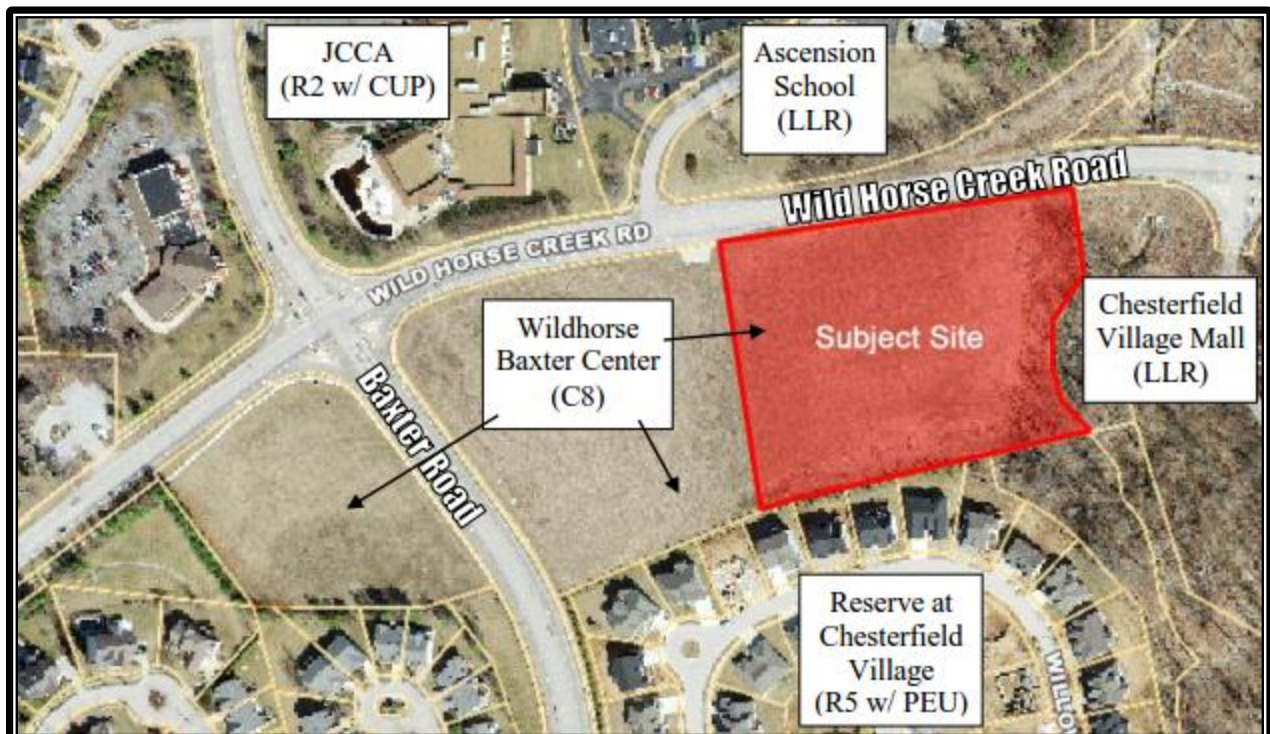
The subject site was part of the Chesterfield Village master plan prior to the incorporation of Chesterfield and was zoned “C8” Planned Commercial by St. Louis County in 1988 via St. Louis County Ordinance 13,759. As previously mentioned, the site is part of the Wildhorse Baxter Center subdivision which 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

## Issues

A Public Hearing was held on the request at the June 27, 2016 Planning Commission meeting. Several issues were raised at the Public Hearing. Additionally, Staff identified several items related to the proposal that were included with the Planning Commission's issues and sent to the Petitioner. A summary of the issues is presented below. A formal response from the Petitioner to each of the issues is attached to this report. The Issues Meeting is an opportunity for the Planning Commission to review the responses from the Petitioner and further discuss the items raised during the Public Hearing.

1. *Evaluate the full list of requested uses with consideration for reducing the number of uses. Special consideration should be given to all high-intensity commercial uses. These include, but are not limited to, the following list as produced at the Public Hearing:*

Several specific uses were identified to be reviewed in the request to establish a "UC" Urban Core District on the site. The full list of uses raised at the Public Hearing are below. The uses removed by the Petitioner are shown with a strikethrough. As can be seen, several uses identified remain in the Petitioner's request.

- ~~▪ Amusement Park~~
- Animal grooming service
- Auditorium
- Bar
- Broadcasting studio
- Car wash
- Drug store and pharmacy, drive-thru
- Dry cleaning establishment, drive-thru
- Filling station and convenience store with pump stations
- Financial institution, drive-thru
- Grocery-supercenter
- Hospital
- Hotel and motel
- Hotel and motel – extended stay
- Kennel, boarding
- ~~▪ Parking area (stand-alone), including garages for automobiles. Not including sales or storage of damaged vehicles for more than 72 hours.~~
- ~~▪ Pawnshop~~
- Postal stations
- ~~▪ Public facilities over 60 ft. in height~~
- Retail sales – regional
- ~~▪ Sales yard operated by a church, school, or other non-profit organization~~
- ~~▪ Tattoo parlor/body piercing studio~~
- Theatre, indoor

2. *Restricted hours of operation will be required and should specifically include restricted hours for deliveries and trash pick-up for all uses. It is understood that the Nursing Home and Group Residential Facility uses will require 24 hour normal operations.*

The Petitioner has indicated they are agreeable to a restriction that would prohibit deliveries and trash pick-up to the hours of 7 a.m. to 8 p.m., Monday – Friday. Staff agrees this restriction is appropriate.

Given the vast number of uses proposed to be retained for the site and the proximity to residential development, Staff is of the opinion that restrictions on uses is appropriate for the site. Restrictions on retail sales and outdoor events should be discussed given the full list of uses requested for the site.

*3. Concerns were expressed regarding the proposed height of the facility. Provide a height comparison of the proposed maximum building height to other nearby buildings including, but not limited to, the Jewish Community Center and the Seventh Day Adventist Church.*

The Petitioner has provided detailed information about heights of nearby structures and developments. This information provided by the surveyor indicates the heights of nearby properties, as requested. Staff has reviewed the information provided by the applicant against information on file to ensure reasonableness of the data provided.

The response indicates, and the section profiles show, a reduction in maximum height of the proposed structures to 63 feet (the response indicates the maximum height was previously 73 feet). These values are shown on the map on the next page for spatial comparison. Please note, all decimals were truncated for clarity in the image. Arrows, when used, show the location of a feature and its location on the lot.

<b>Property</b>	<b>Roof Elevation</b>
331 Oak Stand Path	559.87
325 Oak Stand Path	559.72
300 Willow Weald Path	557.52
308 Willow Weald Path	549.39
<b>Shelbourne Senior Living</b>	<b>PROPOSED: 3-Story – 549.00 4-Story – 561.00</b>
JCCA	Dome – 554.00 Roof – 544.47
Ascension	Sanctuary Roof – 553.47 Roof Height – 543.00





**Figure 2. Building Heights**

4. *Provide sight-line exhibits or similar methods to illustrate the visual impact when looking toward the proposed development from within the Reserve at Chesterfield Village.*

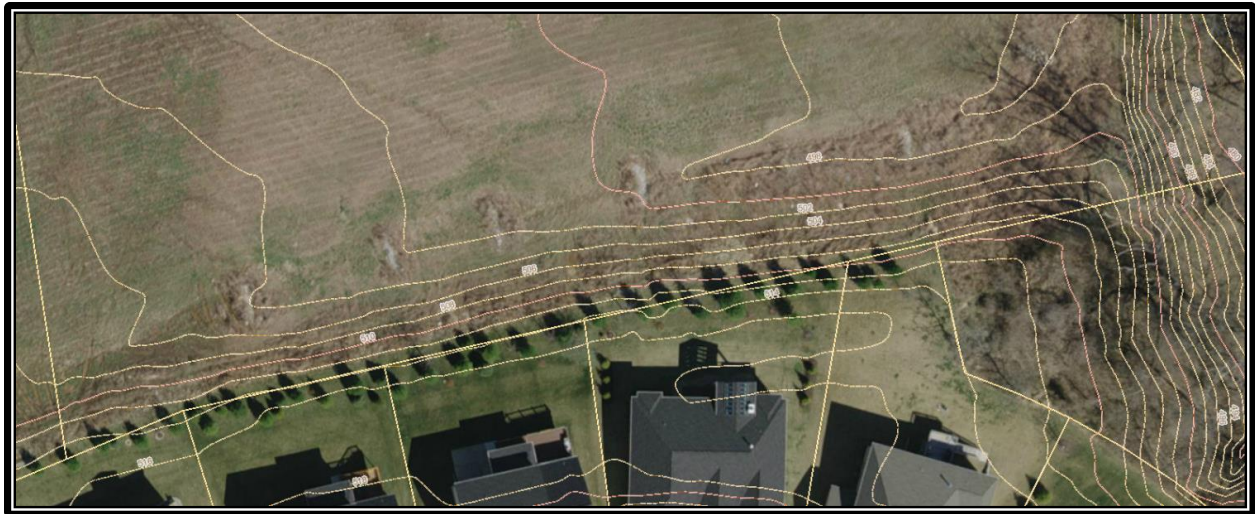
The Petitioner has provided the requested section profiles. These profiles show the line of sight from two properties located within the Reserve at Chesterfield Village, as requested. A sight line is provided for each area of the proposed structure to illustrate the impact of both the 3-story section of the proposal and the 4-story section. The site lines illustrate that the proposed structures would not significantly block light from the subject sites. The site lines also provide a depiction of the scale of the building massing between the residential structures and the proposed senior living facility on the subject site.

5. *Due to the topography of the subject site in relation to the adjacent sites, concern regarding the adequacy and effectiveness of the proposed 30' landscape buffer was expressed.*

The Petitioner has provided a response that landscape screening would be more effective on the neighboring property due to the topography and that they are willing to work with the adjacent property owners to install landscaping and other screening on those properties. Staff agrees that

landscaping installation at a higher elevation would be more beneficial; however, we are not aware of an agreement that would permit the installation on the neighboring property.

A conceptual landscape buffer exhibit was provided and the impact of the landscape buffer is evident on the provided section profiles. The conceptual landscape buffer shows landscaping along this property line, concentrated to the south as much as possible to provide landscaping on higher elevations.



**Figure 3.** Existing Contours

The image above shows existing contours on the site. The existing residential homes to the south of the subject site sit at a higher elevation than the proposed development. While this helps mitigate the difference in height (see Issue #3), the change in topography also minimizes the effectiveness of landscaping and other methods for screening.

Discussion at the Public Hearing included that the proposed landscape buffer along this property line is the minimum buffer requirement and may be increased to promote the intentions of the “UC” Urban Core District within the Unified Development Code (UDC). Specifically, the code discussions implementing the vision of the Comprehensive Plan. Plan Policy 2.1.5 of the Comprehensive Plan notes that new higher density residential development and non-residential development adjacent to existing residential subdivisions should provide a substantial landscape buffer.

*6. Address concerns regarding an increase in traffic that would be generated from the proposed development.*

The proposed development would likely have a lower impact to traffic than many of the existing permitted uses on the site. According to the Institute of Transportation Engineers, many senior

living facilities with a mixture of independent, assisted, and skilled nursing facilities, have peak travel times that do not coincide with the peak travel time of the adjacent roadway system. This is generally the result of two factors:

- A lack of commuters originating from the facility; and
- Shift times for many employees of the facility being in off-peak periods.

The addition of uses to permit the senior living facility are not anticipated to result in an increase in traffic over the existing entitled uses.

7. *Concerns regarding an increase in noise pollution from the proposed development including, but not limited to, noises generated from delivery vehicles and emergency vehicles were expressed.*

The applicant is agreeable to restrictions in the hours of deliveries and trash pick-up (see Issue #2). Additionally, the Petitioner's response includes information on emergency calls in other senior living centers they operate.

### **Preliminary Plan Review**

In addition to the issues above, several issues were raised by the residents, Planning Commission, and / or Staff relating to the submitted Preliminary Plan. The Petitioner's response to the issues letter also includes response to these items. Two of the items still warrant discussion.

- **Site Access** – Access to the site is proposed utilizing two existing curb cuts off Wild Horse Creek Road. The westernmost entrance is located on an adjacent parcel and is proposed via a cross access easement. The existing location of the curb cut does not comply with access management requirements in the UDC. The City and St. Louis County have commented that the location should be moved directly across from Santa Maria Dr. (a private street). This revised configuration would alleviate dangerous opposing left turn conflicts. In response, the Petitioner has indicated this entrance is located on an adjacent site and that the plan utilizes the existing condition. Staff has concerns about allowing new development to utilize non-conforming entrances and adding additional traffic to these locations. If the subject site is not permitted to relocate the drive to a complaint location, Staff would recommend limiting the subject site to one curb cut located on the subject site to alleviate the number of cars that would be utilizing the non-complaint curb cut.
- **Eastern Landscape Buffer** – The Preliminary Plan depicts detention facilities located within the required 30 foot landscape buffer along the eastern property line as portions of the property to the east are zoned "LLR" Large Lot Residence District. The Petitioner has responded that, through the zoning process, they will be seeking a modification to this

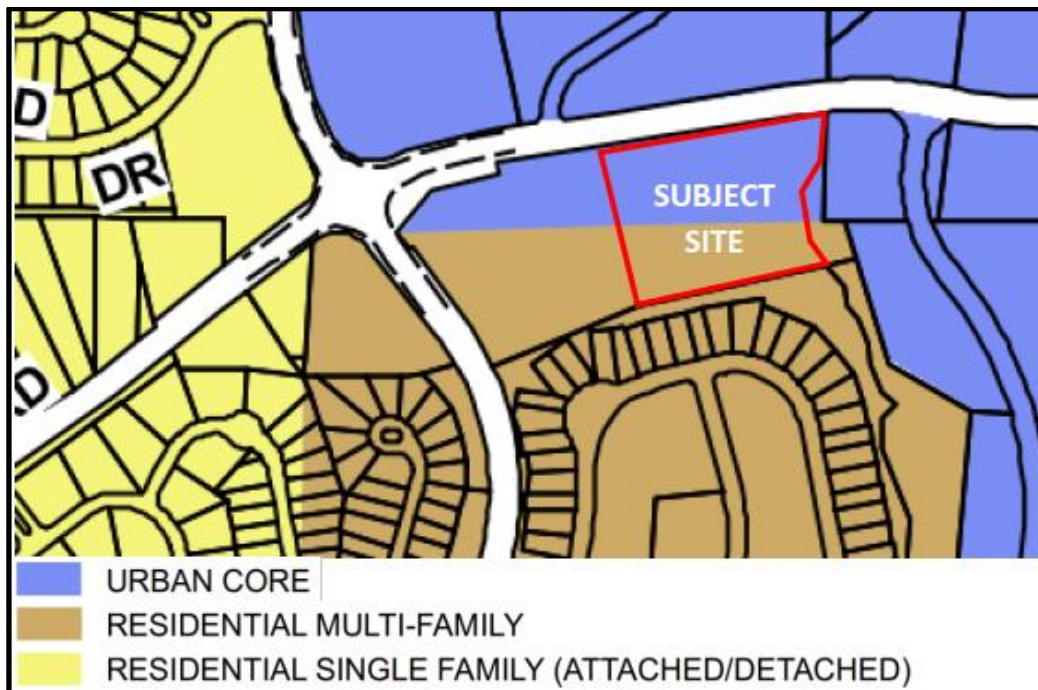
requirement. They cite the existence of a large landscape conservation easement to the east of the subject site; removing the ability to develop this property in the future. Staff does not have any concerns with the request.

**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 as seen in Figure 4 below. 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 4.** Land Use Plan

### **Staff Analysis**

The subject site contains two land use categories: Residential Multi-Family and Urban Core. Additionally, the property to the south has developed as single-family residential (designated as Multi-Family residential in the Comprehensive Plan). Given the land use designations and the fact that the subject site is bisected by two land use designations, Staff believes that future development should provide a transition from the Urban Core (typically areas with higher density) to the existing single-family development to the south.

The residential zoning districts within the UDC include density requirements for self-care units. As stated in the narrative, 94 self-care units are proposed on the 5.21 acres site (18 self-care units / acre). The R-4 and R-5 zoning district, through issuance of a Conditional Use Permit, allow a maximum density of 20 self-care units / acre). The residential to the south is predominately zoned R-5 with a PEU. Thus, the proposed density of self-care units is consistent with residential zoning requirements to the south.

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**

In addition to the individuals that spoke at the Public Hearing, numerous people have submitted letters regarding the proposed development. All letters received from residents are attached to this report.

### **Request**

This project is being brought before the Planning Commission for discussion of issues. No vote is requested for this item at this time. Given the number of items for discussion, a draft Attachment A has not been prepared.

Respectfully submitted,



Justin Wyse, AICP  
Senior Planner

### **Attachments**

1. Petitioner's Response to Issues Letter
2. Preliminary Plan
3. Letters in Support
4. Neutral Letters
5. Letters in Opposition

cc: Aimee Nassif, Planning and Development Services Director

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# SHELBOURNE HEALTHCARE

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Shelbourne Healthcare Development Group LLC

595 East Lancaster Avenue, Suite 300 | Radnor, PA 19087 | Tel (610) 229-9070 Fax (610) 964-7609

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August 4, 2016

*U.S. Mail and Email*

Jonathan Raiche  
Senior Planner  
Planning & Development Services  
City of Chesterfield  
690 Chesterfield Pkwy W  
Chesterfield MO 63017-0760

**RE: PZ 05-2016 Wild Horse Baxter Center, C148B (Shelbourne Senior Living)**

Dear Mr. Raiche:

This letter contains responses to the comments in your letter of July 14, 2016 as follows:

1. Evaluate the full list of requested uses with consideration for reducing the number of uses. Special consideration should be given to all high-intensity commercial uses. These include, but are not limited to, the following list as produced at the Public Hearing:

**Chesterfield Village, Inc., the Seller under Contract, ("CVI"), is entitled to and vested with the current permitted uses (the "Existing Uses"). Closing of the transfer of title to Petitioner will not take place until after the passage of the zoning legislation, and CVI does not want to take the risk of losing the Existing Uses if closing does not occur. However, after considering the list of requested uses, CVI has agreed that Petitioner can remove the following uses from the list of requested uses:**

- Amusement Park
- Pawnshop
- Parking area (stand-alone), including garages for automobiles. Not including sales or storage of damaged vehicles for more than 72 hours
- Tattoo parlor/body piercing studio
- Sales yard operated by a church, school, or other non-profit organization
- Public facilities over 60 ft. in height

2. Restricted hours of operation will be required and should specifically include restricted hours for deliveries and trash pick-up for all uses. It is understood that the Nursing Home and Group Residential Facility uses will require 24 hour normal operations.

**Petitioner agrees to restrict the hours of deliveries and trash pick-up to the hours of 7am to 8pm, Monday through Friday.**

3. Concerns were expressed regarding the proposed height of the facility. Provide a height comparison of the proposed maximum building height to other nearby buildings including, but not limited to, the Jewish Community Center and the Seventh Day Adventist Church.

**The requested height comparison is provided with this letter. In addition, please be advised that the original maximum height of the proposed building was 73 feet. Petitioner made a design change that has reduced the maximum height of the proposed building to 63 feet.**

4. Provide sight-line exhibits or similar methods to illustrate the visual impact when looking toward the proposed development from within the Reserve at Chesterfield Village.

**The requested sight-line exhibit is provided with this letter.**

5. Due to the topography of the subject site in relation to the adjacent sites, concern regarding the adequacy and effectiveness of the proposed 30' landscape buffer were expressed.

**In addition to installing landscaping in the 30 foot buffer that is compliant with the City's requirements (see colored landscape buffer concept provided with this letter), Petitioner has offered and still offers the Homeowners' Association of The Reserve at Chesterfield the sum of \$20,000 for plantings, fences or other screening at 311 and 325 Oak Stand Path, and 300, 308 and 316 Willow Weald Path and an additional sum of \$2,000 for landscape design. Because of the topography, plantings, fences or other screening would be more effective if installed at the elevation of the rear of those properties.**

6. Address concerns regarding an increase in traffic that would be generated from the proposed development.

**The traffic impact of the proposed development is very light, especially when compared to the Existing Uses or a residential subdivision like The Reserve. The residents of the Assisted Living and Memory care units do not drive, and based upon Petitioner's experience across 10 facilities Petitioner estimates that 75% of**



**the Independent Living Resident units will have one car per unit; their trips are generally off peak hours because they are retired and not as active as the general population. Employees on site are estimated as follows:**

**1st shift, 7am to 3pm, 21 employees**

**2nd shift, 3pm to 11pm, 18 employees**

**3rd shift, 11pm to 7am, 4 employees**

**Managers and staff, 8:30am to 5pm, 9 employees.**

**There is also a 14 passenger van that provides transportation for excursions and special events as well as scheduled trips for grocery and retail shopping. A car will provide transportation on request for special appointments (medical, etc.).**

7. An increase in noise pollution from the proposed development including, but not limited to, noises generated from delivery vehicles and emergency vehicles were expressed.

**Petitioner has agreed to restrict the hours of deliveries and trash pick-up (see response to item #2 above). Based upon Petitioner's experience in the operation of 10 facilities, Petitioner estimates that there will be an average of 47 emergency calls per year with respect to the Assisted Living and Memory Care units in the proposed facility. Independent Living residents who will make up the majority of the resident population will not generate a level of emergency calls that is significantly different than the general population.**

In addition to these above items, Staff provides the following comments regarding the Preliminary Plan and the project in general which require a response:

1. Revise the location of the proposed western entrance to align with Santa Maria Drive per the City of Chesterfield and St. Louis County.

**The Western entrance is already permitted and constructed and is located on adjacent property that Petitioner does not own or control. Petitioner's plan contemplates using that already permitted and constructed entrance.**

2. The placement of detention areas along the eastern property line appear to prevent a continuous landscape buffer. A 30' landscape buffer is required in this area per Section 04-02 of the Unified Development Code. Revise as necessary.

**The Eastern property line of the subject property abuts a permanent conservation easement so no residential development will ever occur there. By separate letter Petitioner will request a modification of the landscape buffer requirement in this area.**

3. Detention basins need to discharge at natural discharge points. According to the preliminary storm sewer information on the submitted plan, the detention basins will be piped to drain onto existing slopes that are not natural discharge points. The site currently drains toward the northeast corner of the property. The proposed drainage and discharge should also then drain to and discharge in the northeast corner of the site.

**See revised plan.**

4. A sidewalk is required along the entire length of Wild Horse Creek Road per Section 04- 08 of the Unified Development Code. Revise the plan to meet this requirement.

**See revised plan.**

5. Wild Horse Creek Road is designated a major arterial and the driveway throat length (from the edge of pavement to the point of first conflict on the site) shall be a minimum of 80 feet per Section 04-10 of the Unified Development Code. The driveway throat length shall be measured from the final location of the edge of pavement for this development. Provide a measurement for the western entrance and revise the measurement for the eastern entrance to utilize the proposed edge of pavement to meet the driveway throat length requirement.

**See revised plan.**

6. Remove the minor instances of parking lot striping including the handicap striping.

**See revised plan.**

7. Review and revise the horizontal scale on Sections AA and BB. There are several distances on the cross sections that do not match the distances on the plan view. As examples, the following distances are depicted incorrectly:

- a. Between the west property line and the proposed wall,
- b. Between the south property line and the proposed building, and
- c. Between the north property line and the proposed roadway pavement.

**See revised plan.**

8. Retaining walls located within building setbacks are limited to eight (8) feet in height or less. Confirm whether or not this requirement can be met.

**This requirement can be met.**

Jonathan Raiche  
August 3, 2016  
P.Z. 05-2016 Wild Horse Baxter Center, C148B  
Page 5

9. 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.

**Petitioner acknowledges this comment.**

10. Public art is highly encouraged in private developments. Please note this is being included as a requirement in the draft Attachment A language seen below.

**Petitioner acknowledges this comment.**

Sincerely,



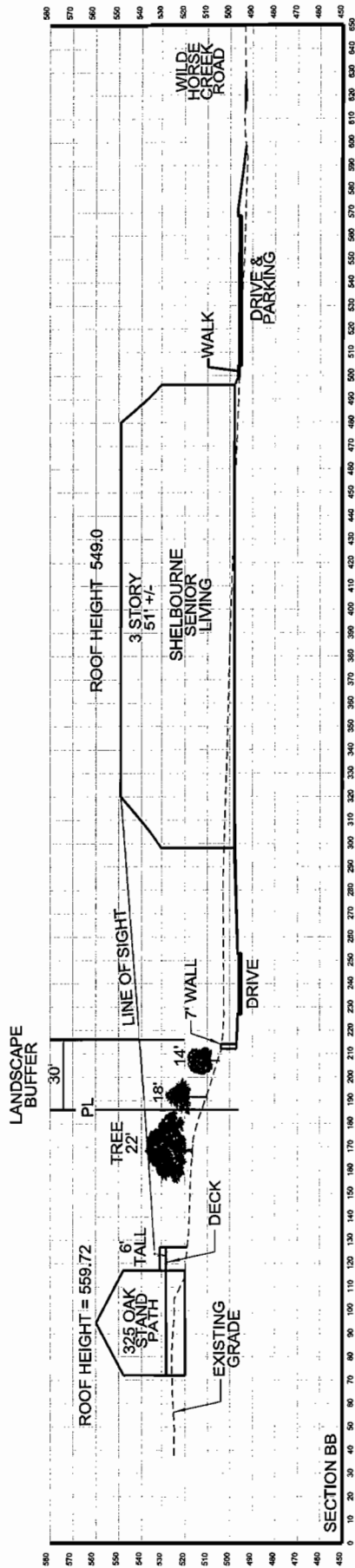
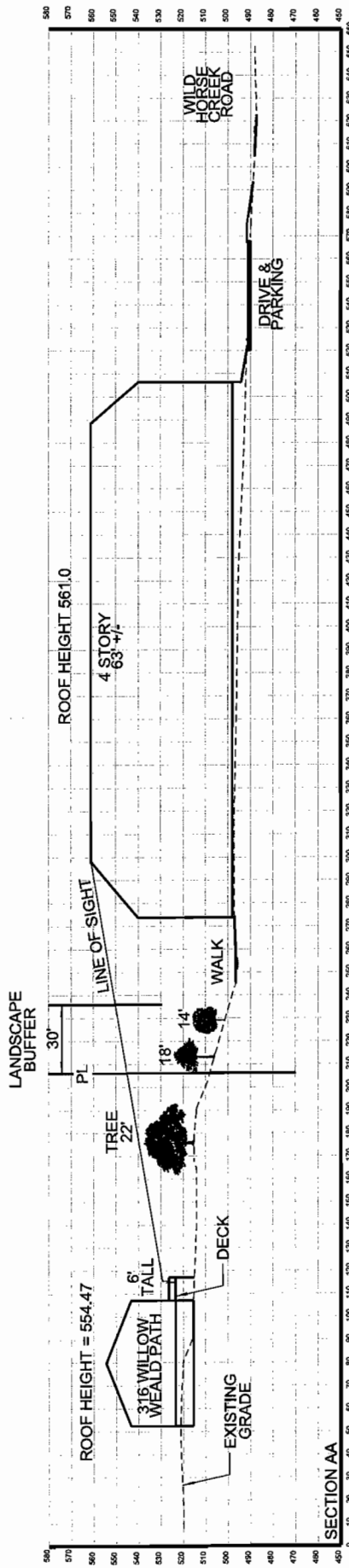
**Mark Hallowell**

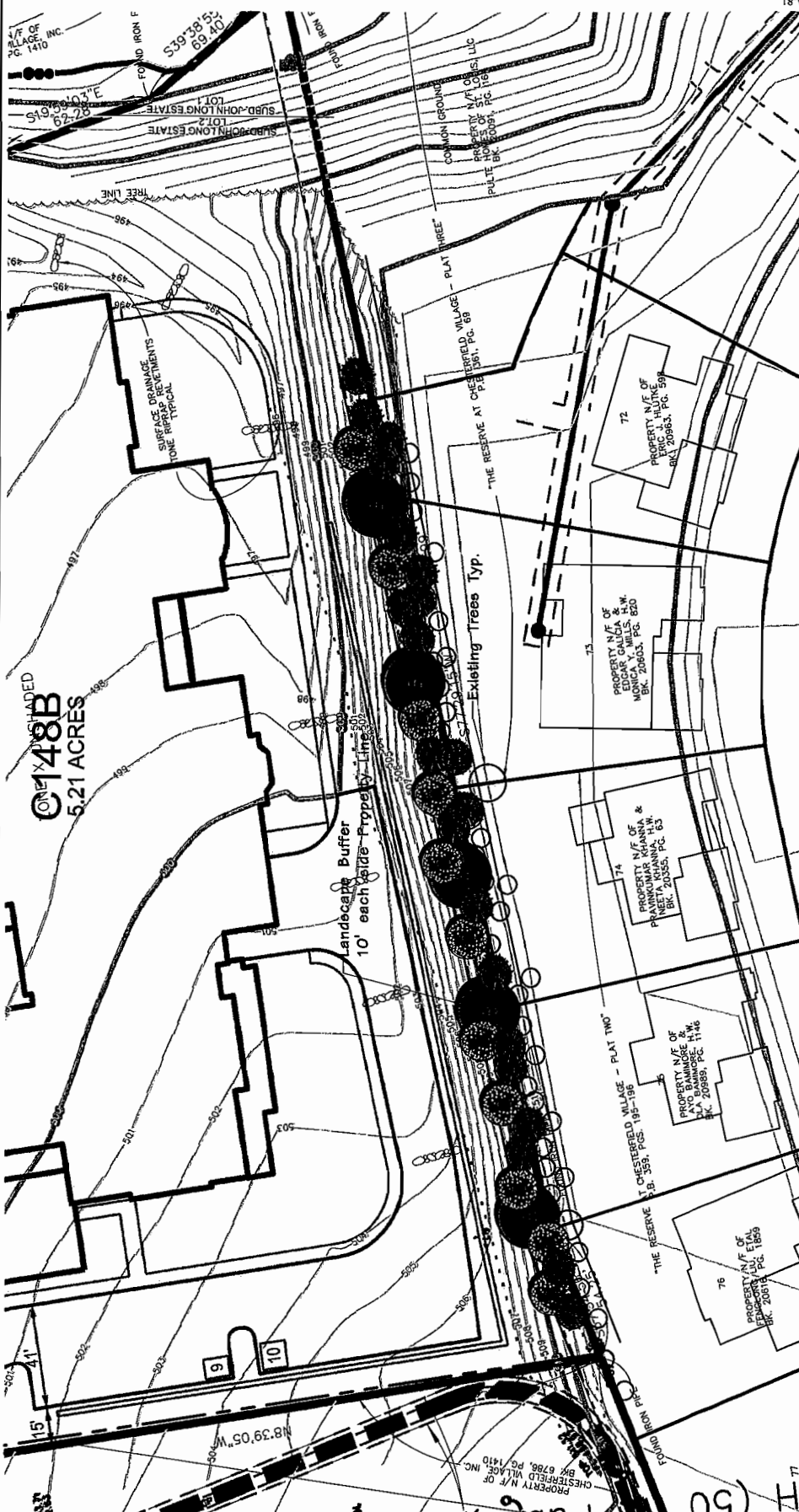
**Director**

**Height Comparison:**

**Volz survey crew tied into two benchmarks one at Baxter Road and Wild Horse Creek Road and the other at Burkhardt Place and Wild Horse Creek Road. Using Electronic Distance Laser Meter and tying into the control established during the survey of C148B by Volz we were able to remotely obtain the following elevations:**

<b>PROPERTY</b>	<b>ROOF ELEVATION</b>
<b>331 OAK STAND PATH</b>	<b>559.87</b>
<b>325 OAK STAND PATH</b>	<b>559.72</b>
<b>300 WILLOW WEALD PATH</b>	<b>557.52</b>
<b>308 WILLOW WEALD PATH</b>	<b>549.39</b>
<b>316 WILLOW WEALD PATH</b>	<b>554.47</b>
<b>SHELBOURNE SENIOR LIVING</b>	<b>PROPOSED 3 STORY – 549.00 4 STORY – 561.00</b>
<b>JCCA</b>	<b>DOME – 554.00 ROOF - 544.47</b>
<b>7<sup>TH</sup> DAY ADVENTIST</b>	<b>SANCTUARY ROOF - 553.47 ROOF HEIGHT – 543.00</b>





**UNGRADED**  
**C148B**  
**5.21 ACRES**

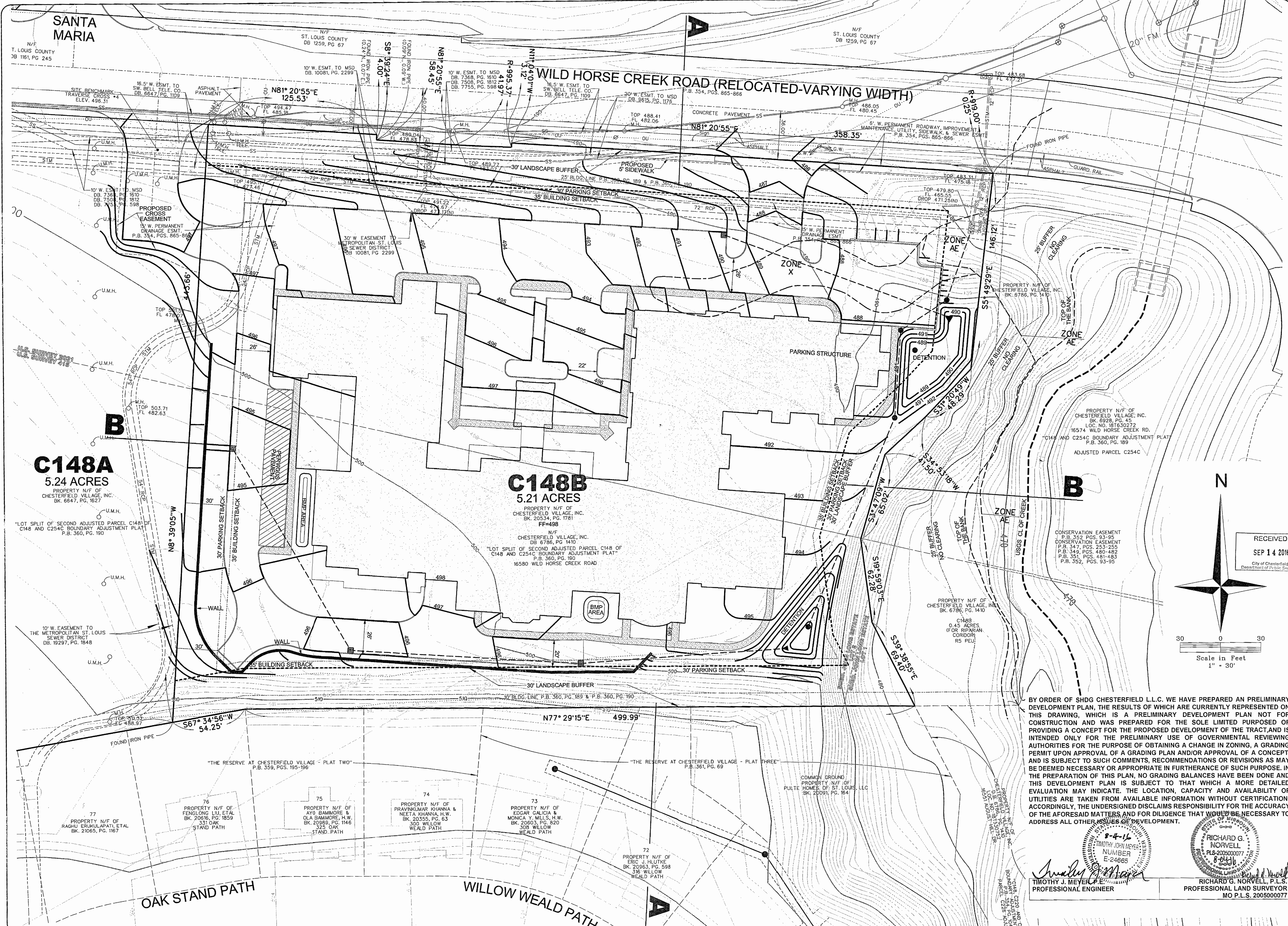
REVISIONS:  
 No. Description Date  
 SHEET NUMBER: I OF I  
 SHEET TITLE: Proposed Buffer

DATE: 12/29/2015  
 JOB NUMBER: 154.001  
 SHELLBOURNE HEALTHCARE  
 DEVELOPMENT GROUP

MISSOURI STATE CERTIFICATE OF AUTHORITY: #2015000145  
 dtdong@a.com  
 7620 West Bruno Ave.  
 St. Louis, MO 63117  
 (314) 346-4866  
 Delong Architecture, LLC  
 Douglas A. Delong, Landscape Architect L-A-81

**CONCEPT - LANDSCAPE BUFFER**

Symbol	Description	Size	Plant Types	Mature Height
(A)	Evergreen Tree	8-10' Ht.	Norway Spruce White Pine	30-40' 40-50'
(B)	Canopy Tree	2 1/2" Cal.	Linden Pin Oak Red Maple	45'-60' 55'-75' 50'-75'
(C)	Flowering Tree	2 1/2" Cal.	Red Bud Winter King Hawthorn	20'-30' 18'-25'

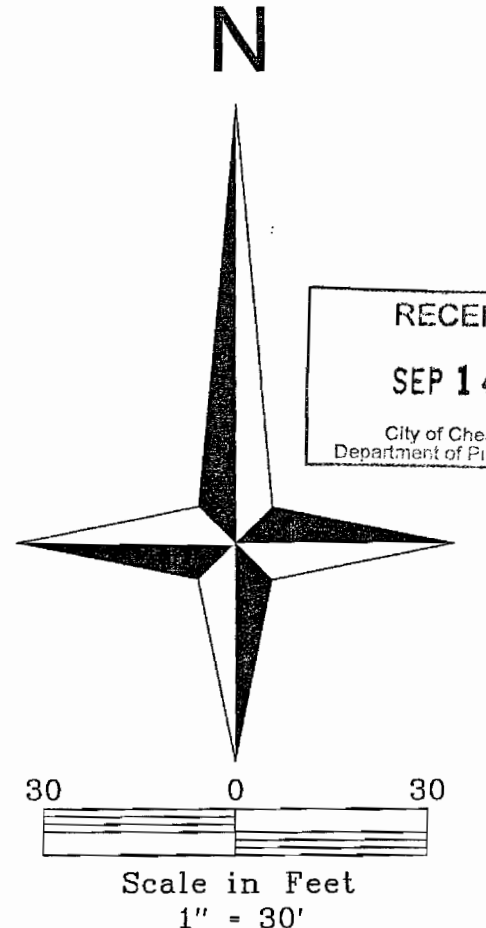


SANTA MARIA

WILD HORSE CREEK ROAD (RELOCATED-VARYING WIDTH)

**C148A**  
5.24 ACRES

**C148B**  
5.21 ACRES



RECEIVED  
SEP 14 2016  
City of Chesterfield  
Department of Public Safety

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.

TIMOTHY J. MEYER, P.E.  
PROFESSIONAL ENGINEER

RICHARD G. NORVELL, P.L.S.  
PROFESSIONAL LAND SURVEYOR  
MO P.L.S. 200500077

SHDG CHESTERFIELD LLC  
696 E. LANCASTER AVE.  
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RADNOR, PA. 19087  
610.416.9635

10849 INDIAN HEAD INDL BLVD  
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314.426.6212 main  
314.860.1250 fax  
www.volzinc.com

**VOLZ**

**SHELBOURNE SENIOR LIVING**

"LOT SPLIT OF SECOND ADJUSTED PARCEL C148 OF C148 AND C254C BOUNDARY ADJUSTMENT PLAT"

REVISED 5-12-2016

PRELIMINARY DEVELOPMENT PLAN

REVISED: 6-11-2016

04-05-2016

**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.

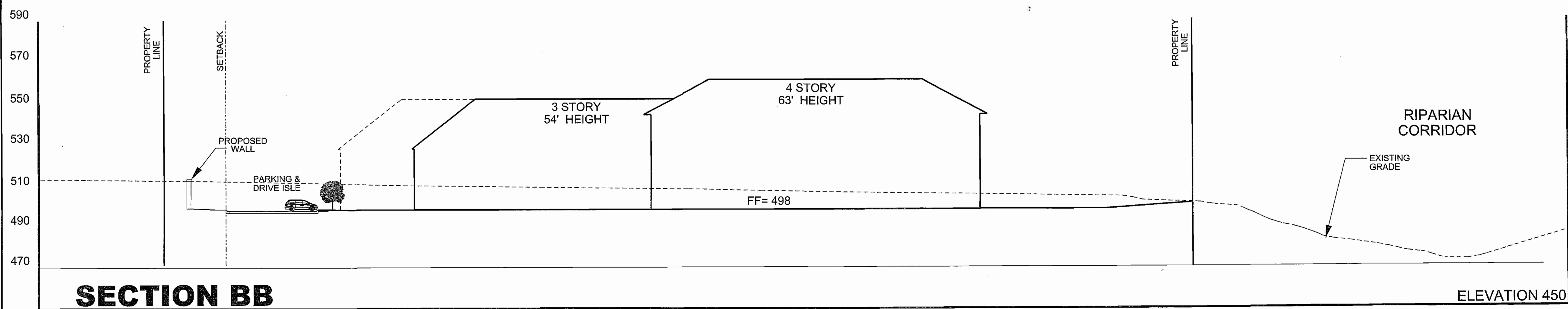
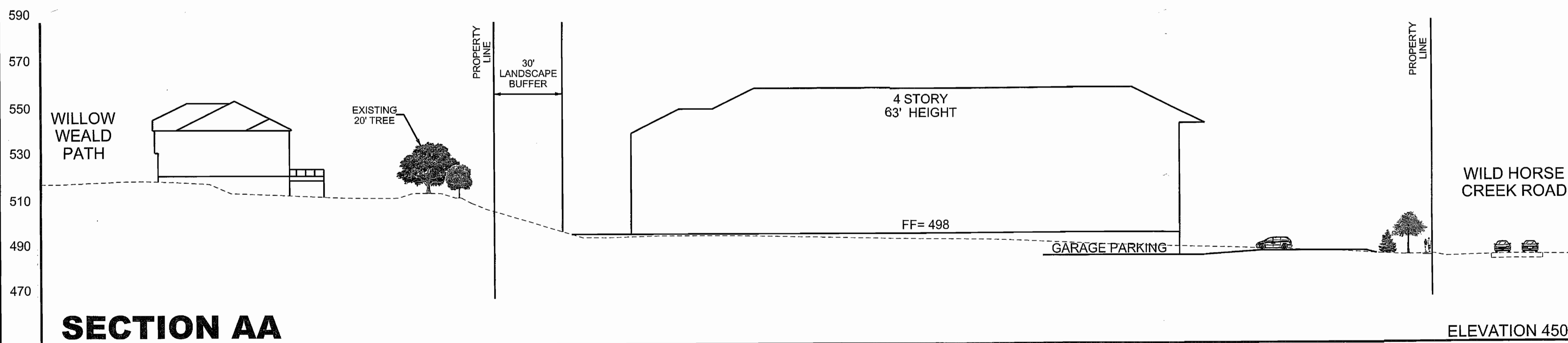
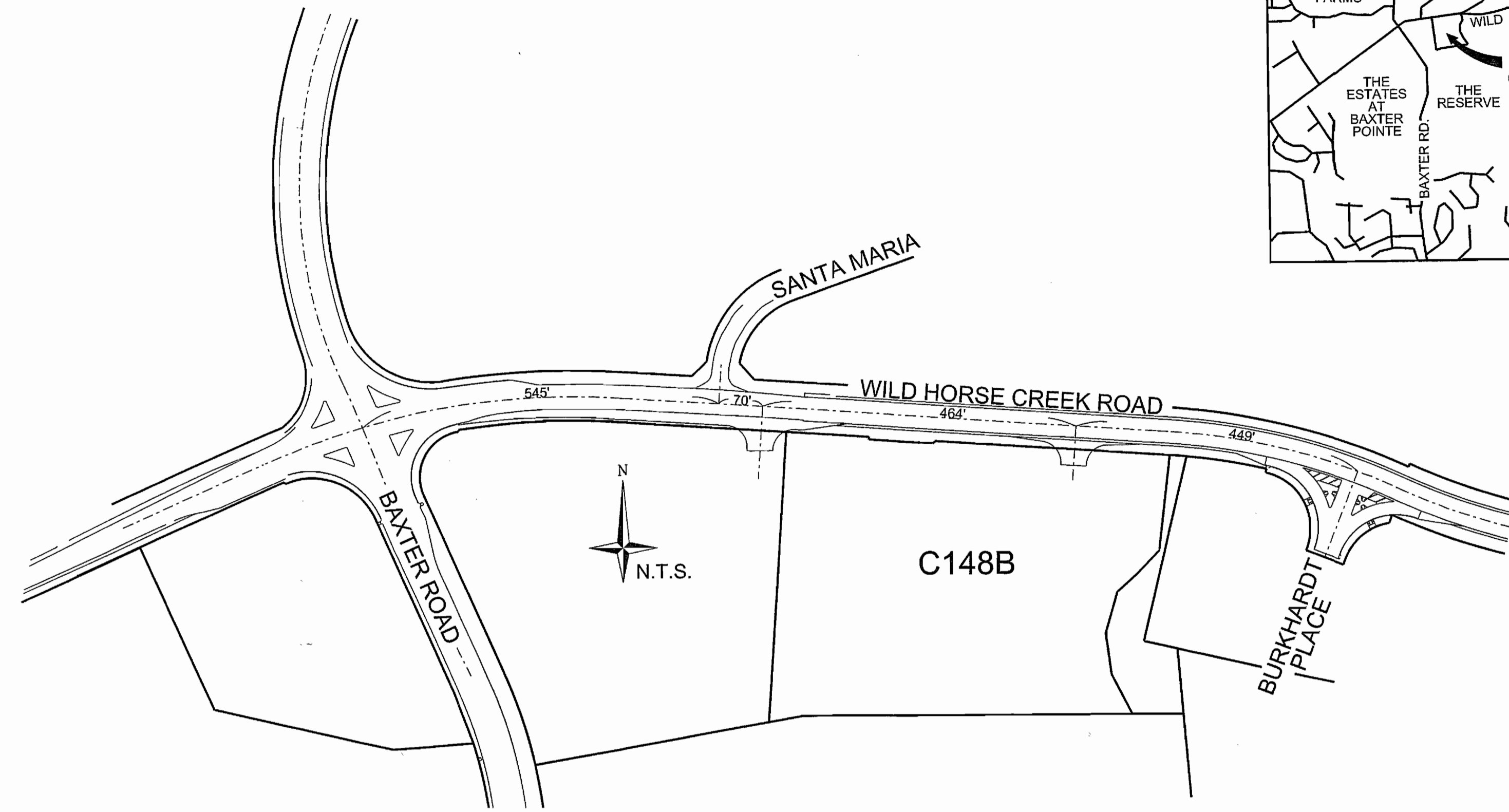
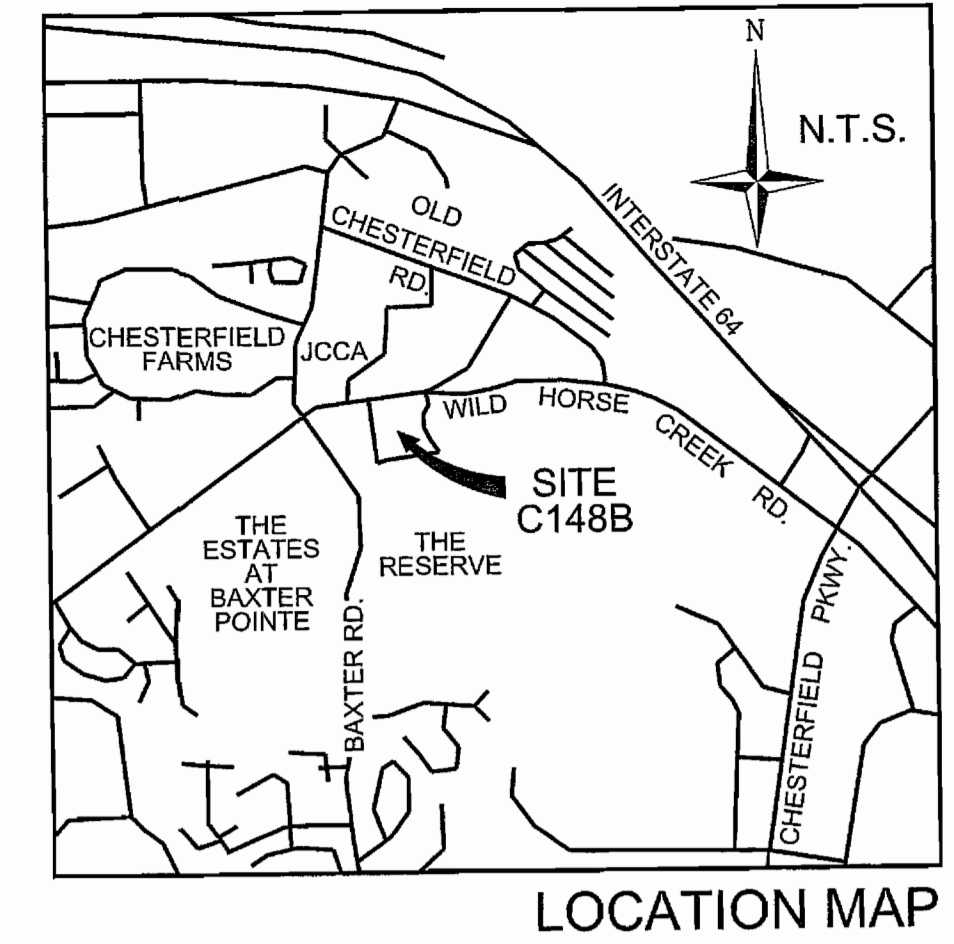
THE LOCATION OF STORM AND SANITARY SEWER IMPROVEMENTS ARE APPROXIMATE ONLY. ACTUAL CONDITIONS AND SHALL BE INDICATED ON THE LOCATION SHALL BE DETERMINED BY FIELD IMPROVEMENT PLANS.

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 800 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:	<b>VOLZ</b> 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
HEIGHT. THE TOTAL HEIGHT OF ANY STRUCTURE SHALL NOT EXCEED EIGHT (8) STORIES IN HEIGHT, EXCLUDING MECHANICAL DEVICES.	PROPOSED 4 - STORY MAXIMUM - 63'
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.	30 % MINIMUM
PARKING	SURFACE & UNDERGROUND PARKING TO MEET REQUIRED CODE.
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



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.

*Timothy J. Meyer*  
TIMOTHY J. MEYER, P.E.  
PROFESSIONAL ENGINEER

*Richard G. Norvell*  
RICHARD G. NORVELL, P.L.S.  
PROFESSIONAL LAND SURVEYOR  
MO P.L.S. 200500077

SHDG  
CHESTERFIELD LLC  
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**SHELBOURNE SENIOR LIVING**

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

REVISED  
5-12-2016

PRELIMINARY DEVELOPMENT PLAN

16580 WILD HORSE CREEK RD  
5.21 ACRES

BASE MAP NO. 18T  
LOCATOR NO. 18T630283  
VOLZ NO. 20586

04-05-2016

P2





# VIII. A.

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## Planning and Development Services Division Vote Report

**Meeting Date:** January 23, 2017

**From:** Justin Wyse, 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).

### 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. As described in the attached Narrative Statement, the developer’s intention is to develop the subject site for a 172,000 square feet senior living facility that will provide 94 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.

Following the Issues Meeting, the Petitioner has 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, and aligning the proposed drive with Santa Maria Dr. The Issues section of this report details the changes in the Petitioner’s proposal.

## **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.

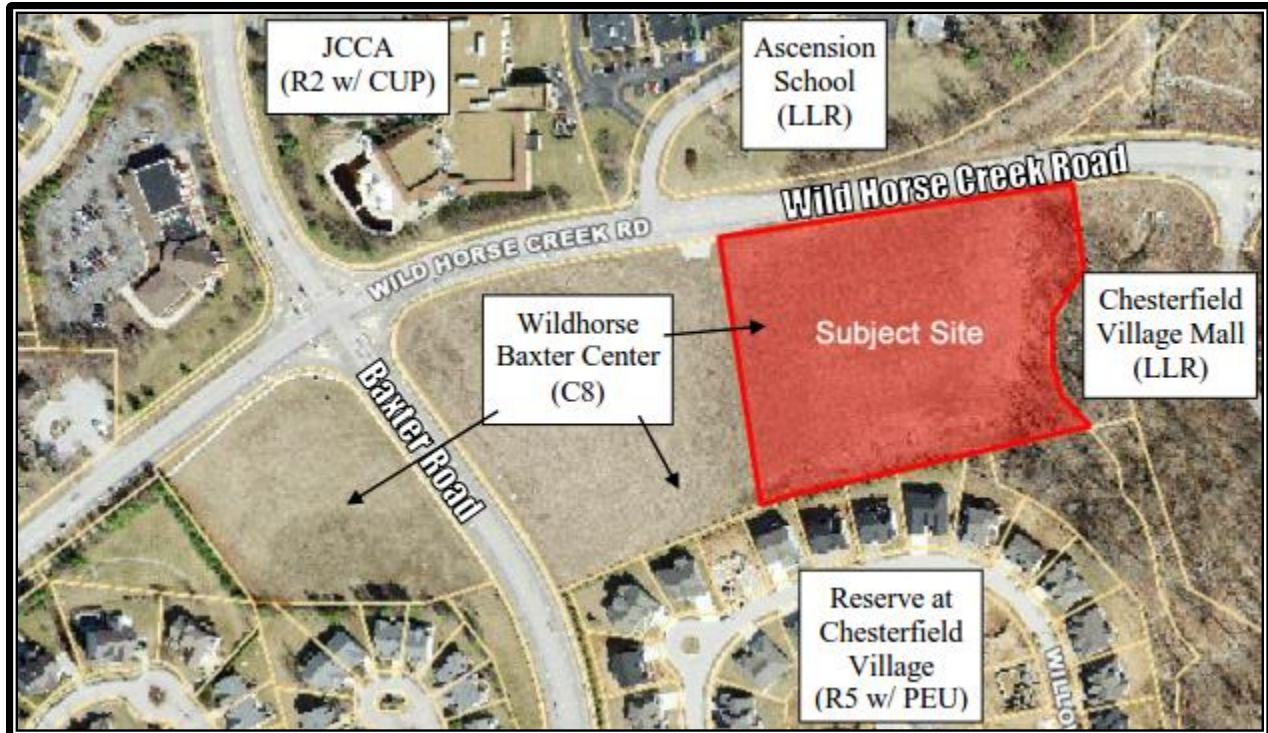


Figure 1: Aerial Photo

## ISSUES

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. Subsequently, a second Issues Letter was sent to the Petitioner and a second response letter has been provided for the Commission. The Petitioner's full response is attached to this report. Below is a summary of these items.

1. *There is continued concern about existing uses permitted on the site and the appropriateness of these uses given existing land use patterns / development and the Comprehensive Plan. The petitioner should continue to work with staff on limiting and / or restricting (e.g. hours of operation, drive-thru restrictions) the proposed uses for the site. Attached is a sheet identifying the uses included in the petition that are not approved in the ordinance for The Grove (this information will be presented to Planning Commission at the next meeting at their request). Additionally, restrictions on land uses as part of that project can be found at:*

<http://www.chesterfield.mo.us/webcontent/ordinances/2015/ord2861.pdf>

*(starting on page 6 of the PDF).*

Following the meeting, the Petitioner worked with Staff to continue to refine the list of proposed uses for the site. A list was prepared that illustrated the uses included in the request that were not included in the approved zoning map amendment for The Grove (The Sheridan at Chesterfield) at the intersection of Chesterfield Parkway W and Justus Post Rd. The Petitioner has amended their request to remove all uses not included in the ordinance for The Grove with

the exception of “Administrative offices for education and religious institutions.” Staff does not have concern with continued inclusion of this use. Below is a list of the uses that have been removed from the request since the initial Public Hearing on the project.

The Issues Meeting included discussion comparing the proposed uses to those approved as part of The Grove (The Sheridan at Chesterfield), located at the intersection of Justus Post Rd. and Chesterfield Parkway W.

Removed Following the Issues Meeting

- Auditorium
- Banquet Facility
- Bar
- Car Wash
- Check Cashing Facility
- Dwelling, Employee
- Farmer's Market
- Filing Station and Convenience Store with Pump Stations
- Film Processing Plant
- Grocery, Supercenter
- Hospitals
- Hotel and Motel
- Hotel and Motel, Extended Stay
- Kennel, Boarding
- Oil Change Facility
- Postal Stations
- Public Facilities Over 60 Feet in Height
- Public Utility Facilities
- Retail Sales Establishment, Regional
- Theater, Indoor
- Vehicle Repair and Service Facility

Removed Following the Public Hearing

- Amusement Park
- Parking area (stand-alone), including garages for automobiles. Not including sales or storage of damaged vehicles for more than 72 hours.
- Pawnshop
- Public facilities over 60 ft. in height
- Retail sales – regional
- Sales yard operated by a church, school, or other non-profit organization
- Tattoo parlor/body piercing studio

*2. Restricted hours of operation for retail land uses should be addressed.*

The Petitioner has agreed to hours of operation restriction for retail uses between the hours of 6:00 AM to 11:00 PM with the allowance for additional hours for Black Friday. This is a standard requirement for planned districts that permit retail uses. Additionally, the Petitioner has indicated they are agreeable to a restriction that would prohibit deliveries and trash pick-up to the hours of 7 a.m. to 8 p.m., Monday – Friday (following the Public Hearing).

*3. Concerns were expressed regarding the proposed height of the facility – specifically the four story portions of the building. Clarify the Preliminary Plan to clearly reflect the location of 3-*

*story sections versus 4-story sections of the building and consider revising the proposal to eliminate any 4-story portions of the building.*

The applicant has modified the plan to remove the four story section of the building and the Attachment 'A' includes a restriction on a maximum of three stories. In order to reduce the building height, the Petitioner has included a request to reduce the minimum setback on the western perimeter of the development (vacant commercial zoned property). The property owner of the adjacent parcel is agreeable to the change and is currently the land owner of the subject site of this report.

The request for the modification to the western setback (building and parking) is made under Section 03-04.B. of the Unified Development Code. This section requires that the modification requires a separate 2/3 vote of the Planning Commission to move the request forward.

Staff believes that the reduction in the western perimeter setback is offset by the benefit of the reduction in height to the adjacent residential properties.

*4. Consideration should be given to providing a larger landscape buffer between the proposed development and the residential properties to the south.*

No changes have been made to the size of the buffer proposed.

*5. Address noise from the development and the impact of the noise on adjoining properties. Noise sources to be considered include, but are not limited to, emergency response vehicles, building mechanical equipment, parking areas, etc.*

The Petitioner previously provided information on number of emergency calls from similar facilities they operate. Additionally, questions about noise from the general operation of senior living facility were raised. The Unified Development Code addresses noise and adopts standards for maximum noise. These regulations would apply to the proposed zoning map amendment regardless of specific use that is developed on the site. The Petitioner has indicated they will comply with the City requirements.

*6. The proposed off-site access location does not comply with access management standards. A restriction preventing use of this driveway location until such time as the access is brought into compliance with City and County access management standards will be included in the Attachment 'A' for the development.*

The Petitioner has agreed to relocate the proposed drive location into a compliant condition by aligning the location with Santa Maria Dr.

**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.

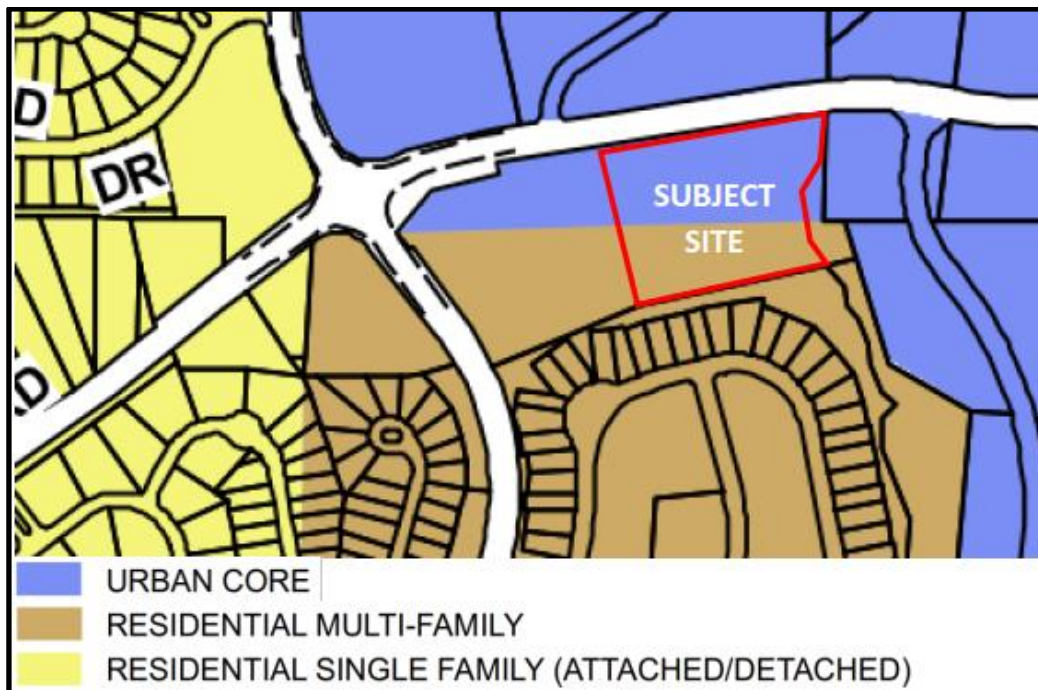


Figure 2: Land Use Plan

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.*

The request has not increased the physical separation from the residential properties to the south. However, they have proposed a change to the design that seeks to accomplish some of the goals of this separation. The residential properties to the south of the subject site sit at a higher elevation than the subject site. Reduction in the overall height of the building on the subject site is meant to provide a similar benefit discussed during the Issues Meeting on the request.

*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.*

The current Petition is a request for a planned district, in accordance with above and provides variety in the housing offered in the area. Open space is proposed to meet the requirement of the “UC” District regulations which require a minimum of 30% open space.

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

The subject parcel is bisected by the Multiple Family and Urban Core land use designations. The proposal for higher density in this area is in concert with the policy. It should be noted that simply because a property is “in or near the Urban Core” does not guarantee rights to unlimited density. However, the policy is meant to provide a relative guide for the City to use in considering requests similar to P.Z. 05-2016.

*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.*

Much of the area surrounding the subject site (i.e. The Reserve at Chesterfield Village) was included in the original proposal for development of Chesterfield Village to the St. Louis County Planning Commission prior to the incorporation of the City of Chesterfield. Approval of multiple developments consisted of various amenities that are / were required to be included. The Petition does not negatively impact any of the existing or planned 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.*

The Preliminary Plan has been revised to relocate the shared access drive on the parcel to the west in conformance with the City’s access management requirements.

**STAFF ANALYSIS**

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.*

The Petitioner has modified their request, as cited in their attached response, to propose a maximum of three-stories instead of four. In order to achieve this change, they have requested a modification to the requirement to the parking setback of the "UC" District regulations. As highlighted in the purpose of the district regulations, the "UC" District was designed to allow for this type of request. The modification is specifically to reduce the parking setback along the western property line. It should be noted that the site is also required to provide a thirty (30) foot landscape buffer along this property line (residential abutting commercial). A reduction in the minimum parking setback would also include a reduction in the required landscape buffer along this portion of the lot.

#### **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 are attached to this report.

#### **REQUEST**

The request includes a modification to the parking setback along the western boundary of the proposed "UC" District. This would abut the vacant parcel zoned "C-8" Planned Commercial District and the adjacent property owner has indicated they do not have concern with the request. The request to modify the setback on the western boundary of the "UC" District requires a separate motion and vote by the Planning Commission. The motion would need to be to reduce the minimum yard setback for any parking area, internal drive, or loading space from thirty (30) feet to zero (0) feet and reduce the required landscape buffer along the western property line from thirty (30) feet to zero (0) feet. The motion would require a 2/3 vote of the Planning Commission to recommend approval. If the motion is approved, Staff would have the Petitioner modify the Preliminary Plan and the Attachment 'A' would be updated to reflect the recommendation prior to being forwarded to the Planning and Public Works Committee for review.

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

Respectfully submitted,



Justin Wyse, AICP  
Senior Planner

Attachments

1. Petitioner's Response to Issues Letter
2. Preliminary Plan
3. Letters in Support (linked in agenda)
4. Neutral Letters (linked in agenda)
5. Letters in Opposition (linked in agenda)

cc: Aimee Nassif, Planning and Development Services Director

## 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 148 units. No more than 94 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 172,000 square feet.
2. Height
  - a. The maximum height of the building, exclusive of roof screening, shall not exceed three (3) stories in height and must substantially conform to the approved Preliminary Plan.
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 Wild Horse Creek Rd. on the northern boundary of the "UC" Urban Core District.
  - b. Thirty-five (35) feet from the eastern boundary of the "UC" Urban Core District.
  - c. Thirty-five (35) feet from the southern boundary of the "UC" Urban Core District.
  - d. Thirty-five (35) feet from the western boundary 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, and southern boundary of the "UC" Urban Core District.
  - b. Thirty (30) feet from the western 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 development shall provide a thirty (30) foot landscape buffer along the western property line.
3. 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.
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 Wildhorse 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. This to both proposed entrances.
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 MSD'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 MSD is scheduled to rehabilitate the existing 20" forcemain that traverses the northern edge of the site during Fiscal Year 2017 (potentially within the upcoming year). MSD 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.

#### **R. 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 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 Highways and Traffic. 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, 2017 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.



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# SHELBOURNE HEALTHCARE

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Shelbourne Healthcare Development Group LLC

595 East Lancaster Avenue, Suite 300 | Radnor, PA 19087 | Tel (610) 229-9070 Fax (610) 964-7609

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## U.S. Mail and Email

Justin Wyse  
Senior Planner  
Planning & Development Services  
City of Chesterfield  
690 Chesterfield Pkwy W  
Chesterfield MO 63017-0760

**RE: PZ 05-2016 Wild Horse Baxter Center, C148B (Shelbourne Senior Living)**

Dear Mr. Wyse:

This letter contains responses to the comments in your letter of October 18, 2016 as follows:

1. There is continued concern about existing uses permitted on the site and the appropriateness of these uses given existing land use patterns / development and the Comprehensive Plan. The petitioner should continue to work with staff on limiting and / or restricting (e.g. hours of operation, drive-thru restrictions) the proposed uses for the site. Attached is a sheet identifying the uses included in the petition that are not approved in the ordinance for The Grove (this information will be presented to Planning Commission at the next meeting at their request). Additionally, restrictions on land uses as part of that project can be found at <http://www.chesterfield.mo.us/webcontent/ordinances/2015/ord2861.pdf> starting on page 6 of the PDF).

**Petitioner has reviewed the sheet you provided and agrees to delete from its request all uses on that sheet with the exception of “Administrative offices for education and religious institutions”. That particular use is benign and is appropriate given the proximity to religious institutions and residential developments that would have an interest in that use.**

2. Restrictions on retail sales and outdoor activities are appropriate for the site. Specifically, the following language is proposed by staff for inclusion in a draft Attachment ‘A’ for the development (please note that this will specifically reference the final list of uses in the Attachment A):
  - a. 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.

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**The language proposed by staff is acceptable to Petitioner.**

3. Concerns were expressed regarding the proposed height of the facility – specifically the four story portions of the building. Clarify the Preliminary Plan to clearly reflect the location of 3-story sections versus 4-story sections of the building and consider revising the proposal to eliminate any 4-story portions of the building.

**After much study and review of alternative designs and plans, Petitioner has developed a concept design and plan that reduces the height to three stories. To accomplish that result Petitioner requests that the Planning Commission modify the West setback as shown on the revised Preliminary Plan submitted contemporaneously with this letter. Reducing the setback on the West has no adverse effect. The adjacent commercially zoned parcel on the West (C-148A) is owned by the same entity that owns the subject site (C-148B), and it has no objection to a reduction of the setback on the West.**

4. Consideration should be given to providing a larger landscape buffer between the proposed development and the residential properties to the south.

**Because of the topography, expanding the buffer has no benefit. In addition, the reduction in height does provide a significant benefit to the adjoining residences and could not be accomplished if the buffer is expanded beyond what is shown on the revised Preliminary Plan.**

5. Address noise from the development and the impact of the noise on adjoining properties. Noise sources to be considered include, but are not limited to, emergency response vehicles, building mechanical equipment, parking areas, ect.

**Petitioner responded to this issue in a previous letter dated August 4, 2016 and incorporates that response by reference. Petitioner intends to comply with all applicable City regulations.**

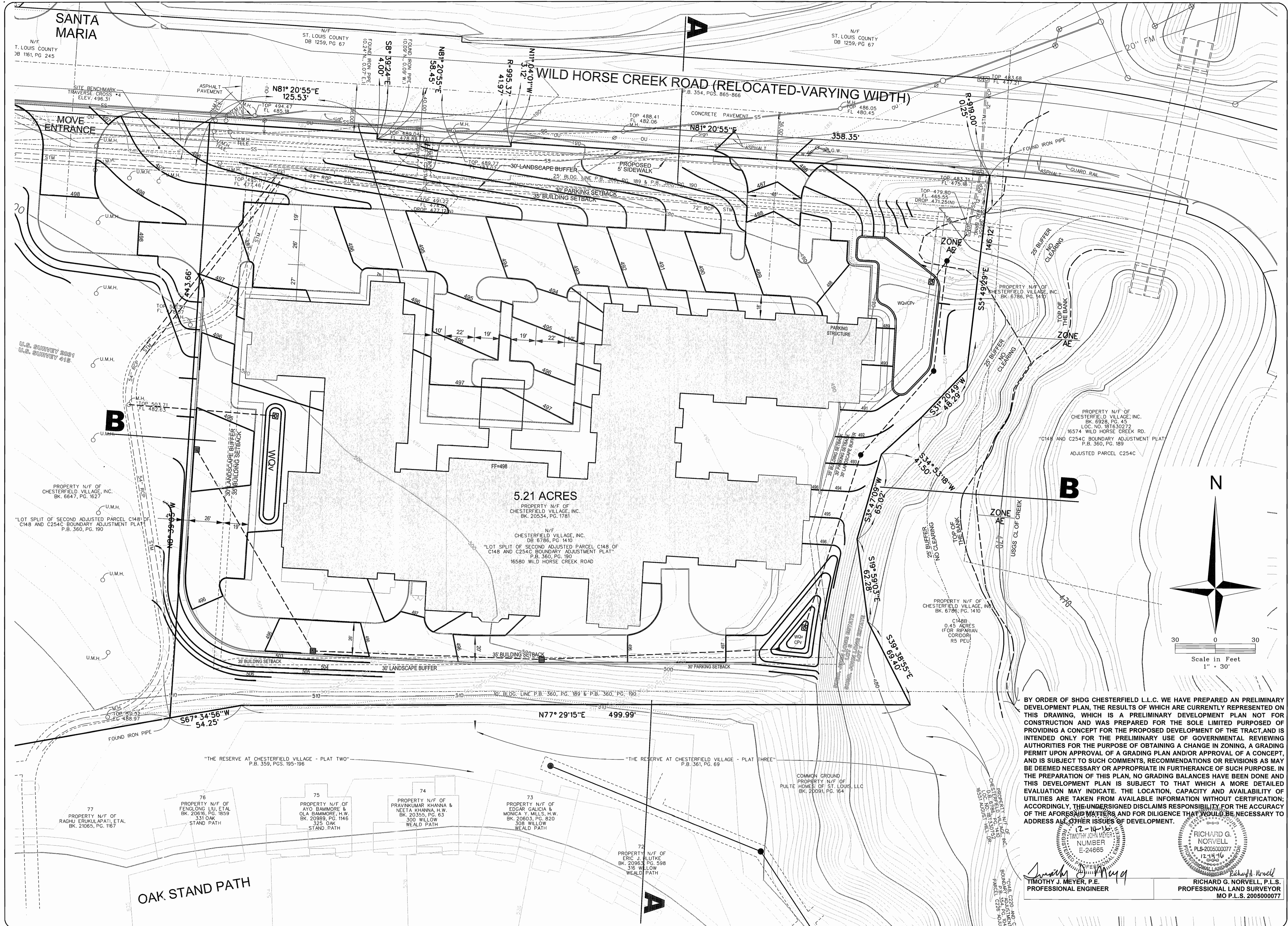
6. The proposed off-site access location does not comply with access management standards. A restriction preventing use of this driveway location until such time as the access is brought into compliance with City and County access management standards will be included in the Attachment 'A' for the development.

**Petitioner agrees to relocate the off-site access location as requested by staff, and the owner of the off-site Parcel (C-148A) has consented to that relocation.**

Sincerely,

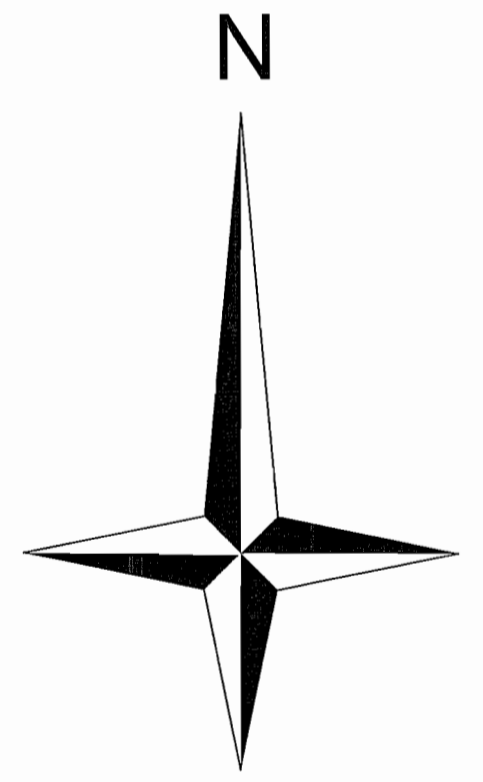


Mark B. Hallowell



WILD HORSE CREEK ROAD (RELOCATED-VARYING WIDTH)

5.21 ACRES



BY ORDER OF SHDG CHESTERFIELD L.L.C. WE HAVE PREPARED A 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.

*Timothy J. Meyer*  
 REGISTERED PROFESSIONAL ENGINEER  
 NUMBER E-24665  
 TIMOTHY J. MEYER, P.E.  
 PROFESSIONAL ENGINEER

*Richard G. Norvell*  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 NUMBER PL-200500077  
 RICHARD G. NORVELL, P.L.S.  
 PROFESSIONAL LAND SURVEYOR  
 MO P.L.S. 200500077

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 314.490.1250 fax  
**VOLZ**  
 incorporated  
 www.volzinc.com

**SHELBOURNE SENIOR LIVING**  
 "LOT SPLIT OF SECOND ADJUSTED PARCEL C148 OF C148 AND C254C BOUNDARY ADJUSTMENT PLAT" P.B. 360, PG. 190  
 REVISED 5-12-2016

PRELIMINARY DEVELOPMENT PLAN  
 REVISION: 12-14-16  
 04-05-2016  
 P1

**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.

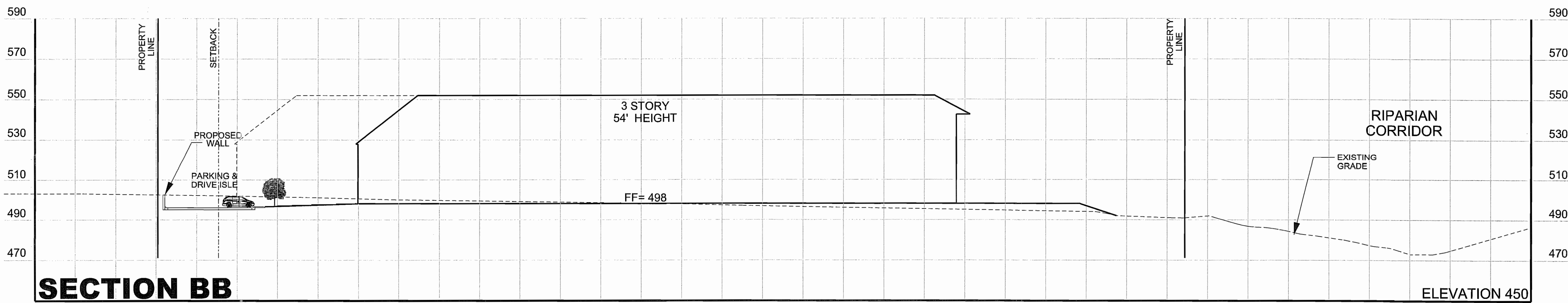
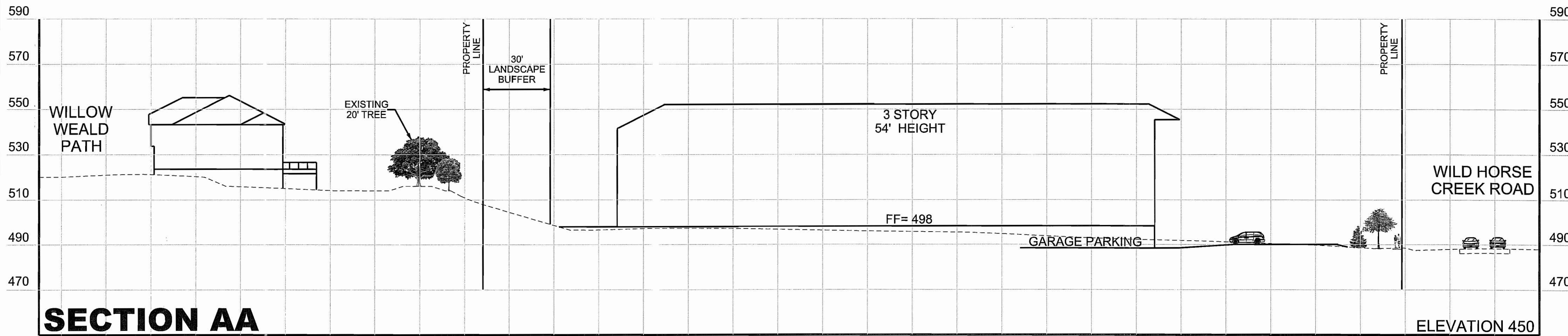
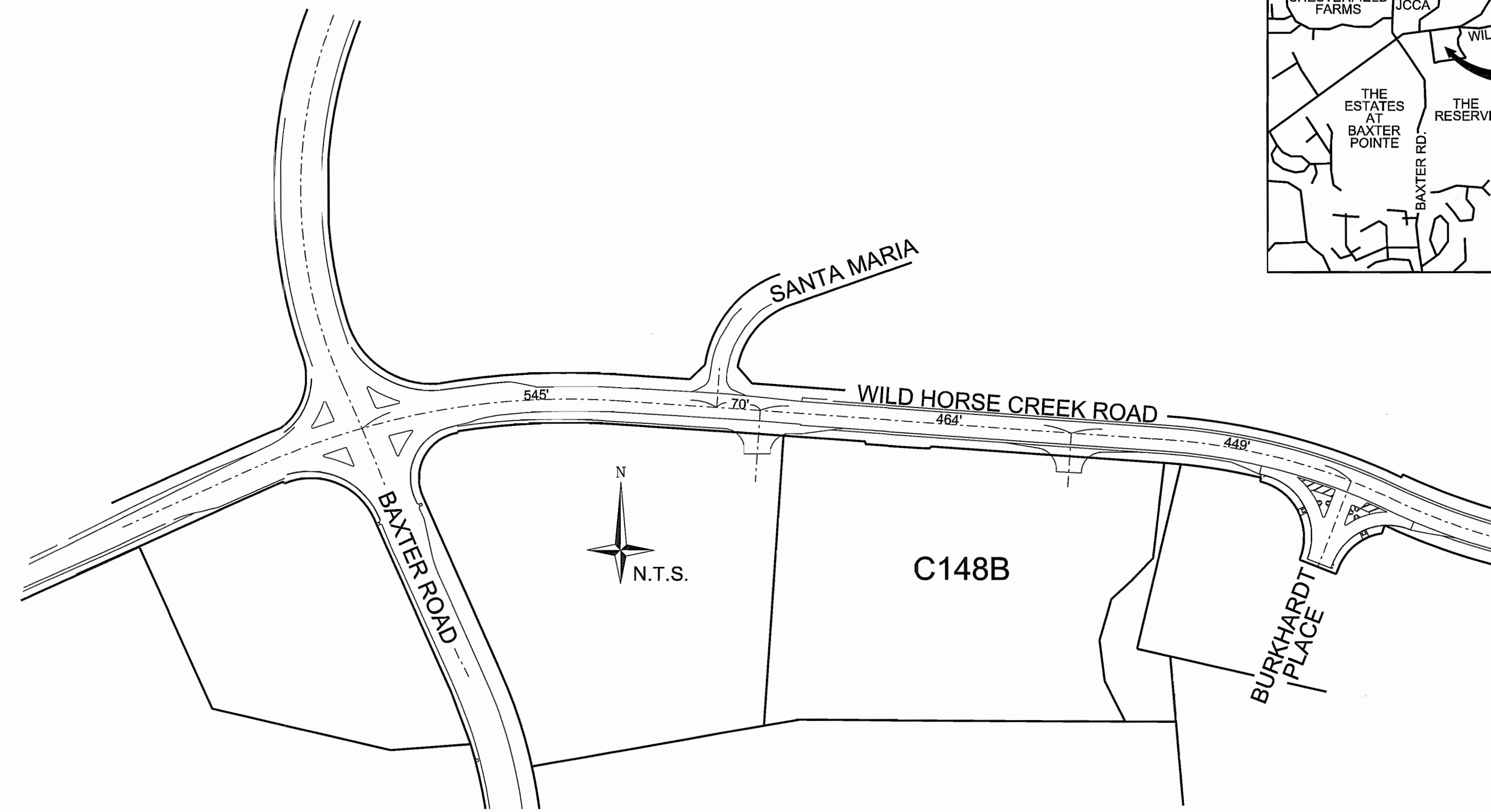
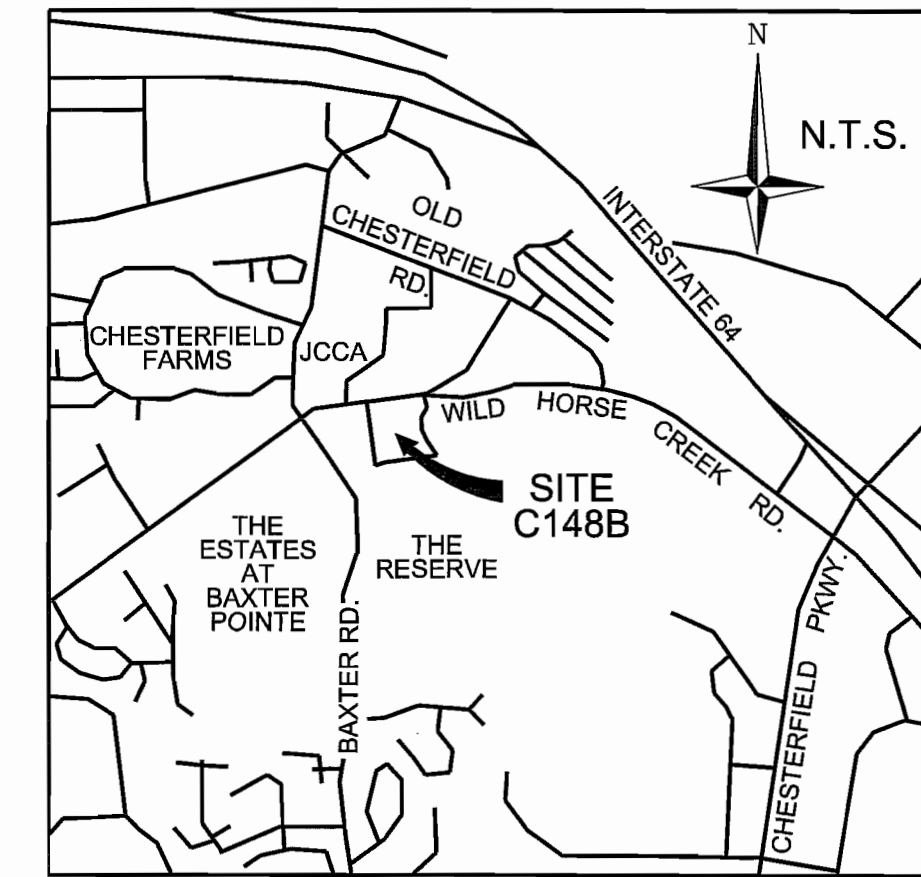
THE LOCATION OF STORM AND SANITARY SEWER IMPROVEMENTS ARE APPROXIMATE ONLY. ACTUAL CONDITIONS AND SHALL BE INDICATED ON THE LOCATION SHALL BE DETERMINED BY FIELD IMPROVEMENT PLANS.

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:	<b>SHELBOURNE SENIOR LIVING</b> SHELBOURNE HEALTHCARE DEVELOPMENT GROUP 595 E. LANCASTER AVE. SUITE 300 RADNOR, PA 19087 OFFICE: 610-229-9074
PREPARED BY:	<b>VOLZ Incorporated</b> 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
HEIGHT. THE TOTAL HEIGHT OF ANY STRUCTURE SHALL NOT EXCEED EIGHT (8) STORIES IN HEIGHT, EXCLUDING MECHANICAL DEVICES.	PROPOSED 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.	30% MINIMUM
PARKING	SURFACE & UNDERGROUND PARKING TO MEET REQUIRED CODE.
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



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.

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 PROFESSIONAL ENGINEER

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

REVISED  
 5-12-2016

PRELIMINARY DEVELOPMENT PLAN

BASE MAP NO. 18T  
 LOCATOR NO. 18T630283  
 VOLZ NO. 20688

16580 WILD HORSE CREEK RD  
 CHESTERFIELD, MO 63005

H:\card\200500-20589\20589\Planning\Rezone Urban Core

04-05-2016

P2



690 Chesterfield Pkwy W • Chesterfield MO 63017-0760  
Phone: 636-537-4000 • Fax 636-537-4798 • [www.chesterfield.mo.us](http://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).

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### **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.

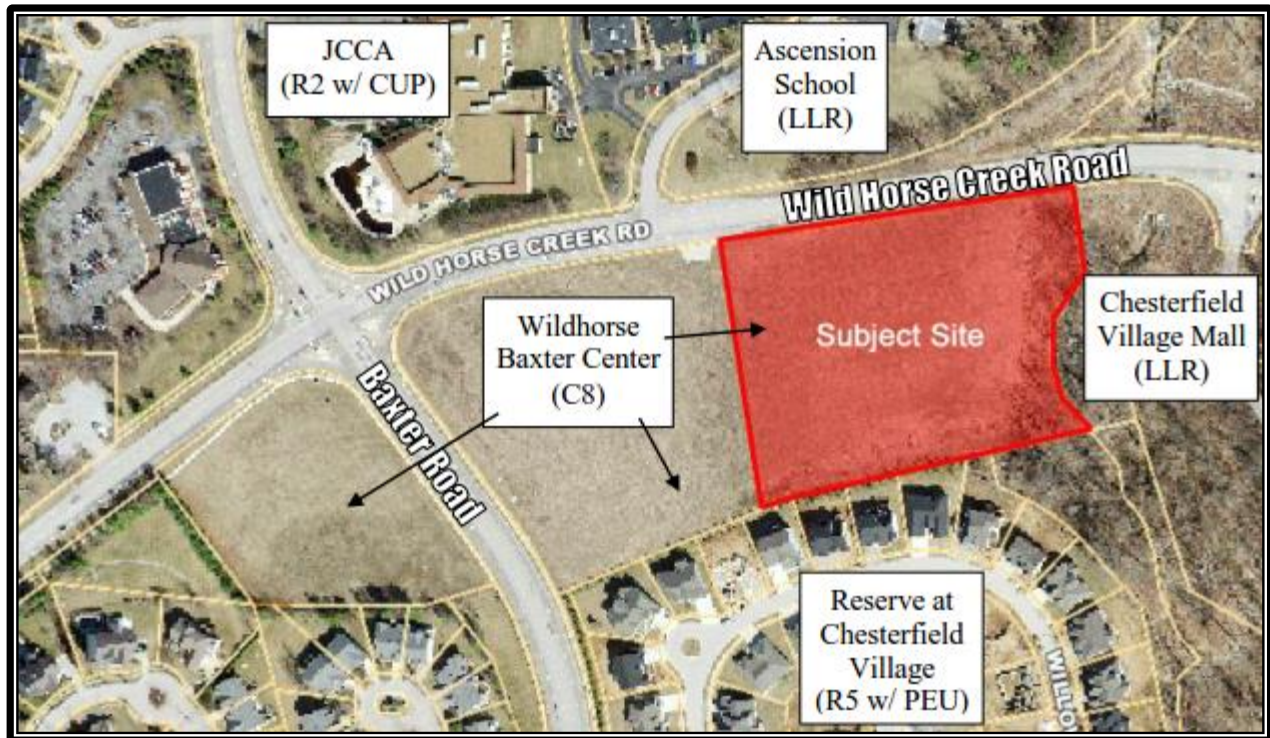


Figure 1: Aerial Photo

## **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.

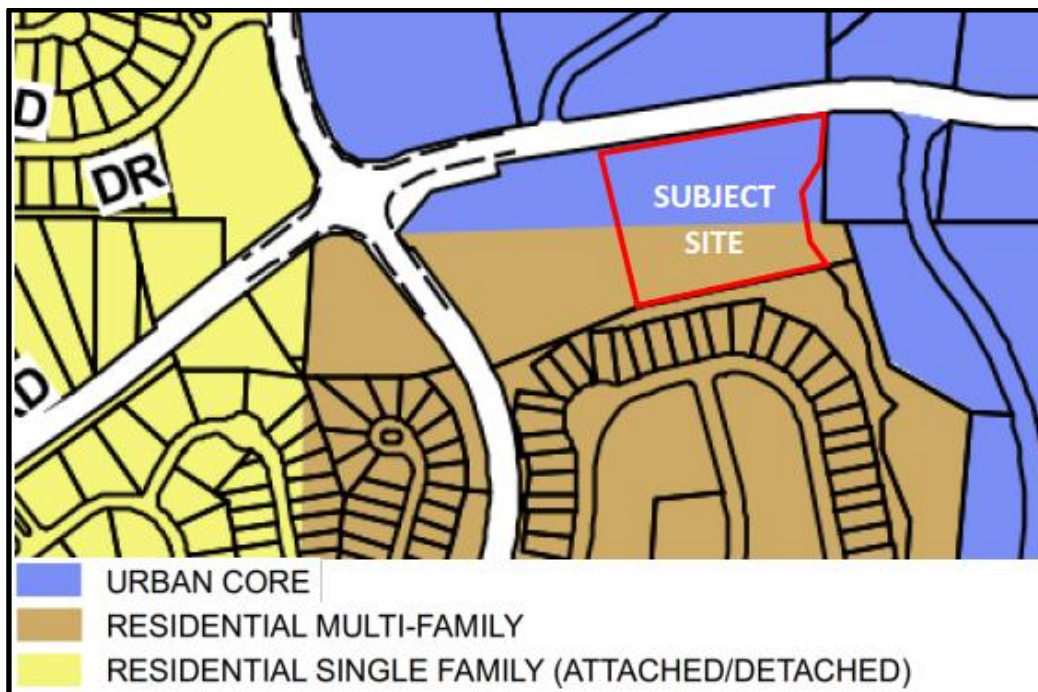


Figure 2: Land Use Plan

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.*

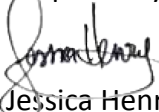
### **RESIDENT INPUT**

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 23<sup>rd</sup> 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

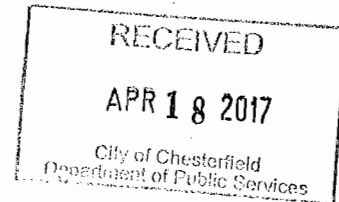
St. Louis  
16090 Swingley Ridge Road  
Suite 620  
Chesterfield, MO 63017  
(636) 532-0042  
(636) 532-1082 Fax

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.

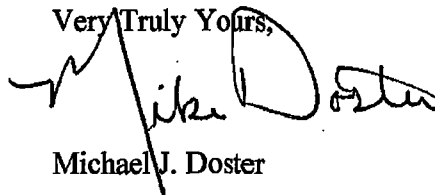
The Summary of the issues and Petitioner’s responses is as follows:

<b>July 14, 2016 Issues Letter</b>	
<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.

<b>October 18, 2016 Issues Letter</b>	
<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.
<b>January 23, 2017 Planning Commission Hearing</b>	
<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.

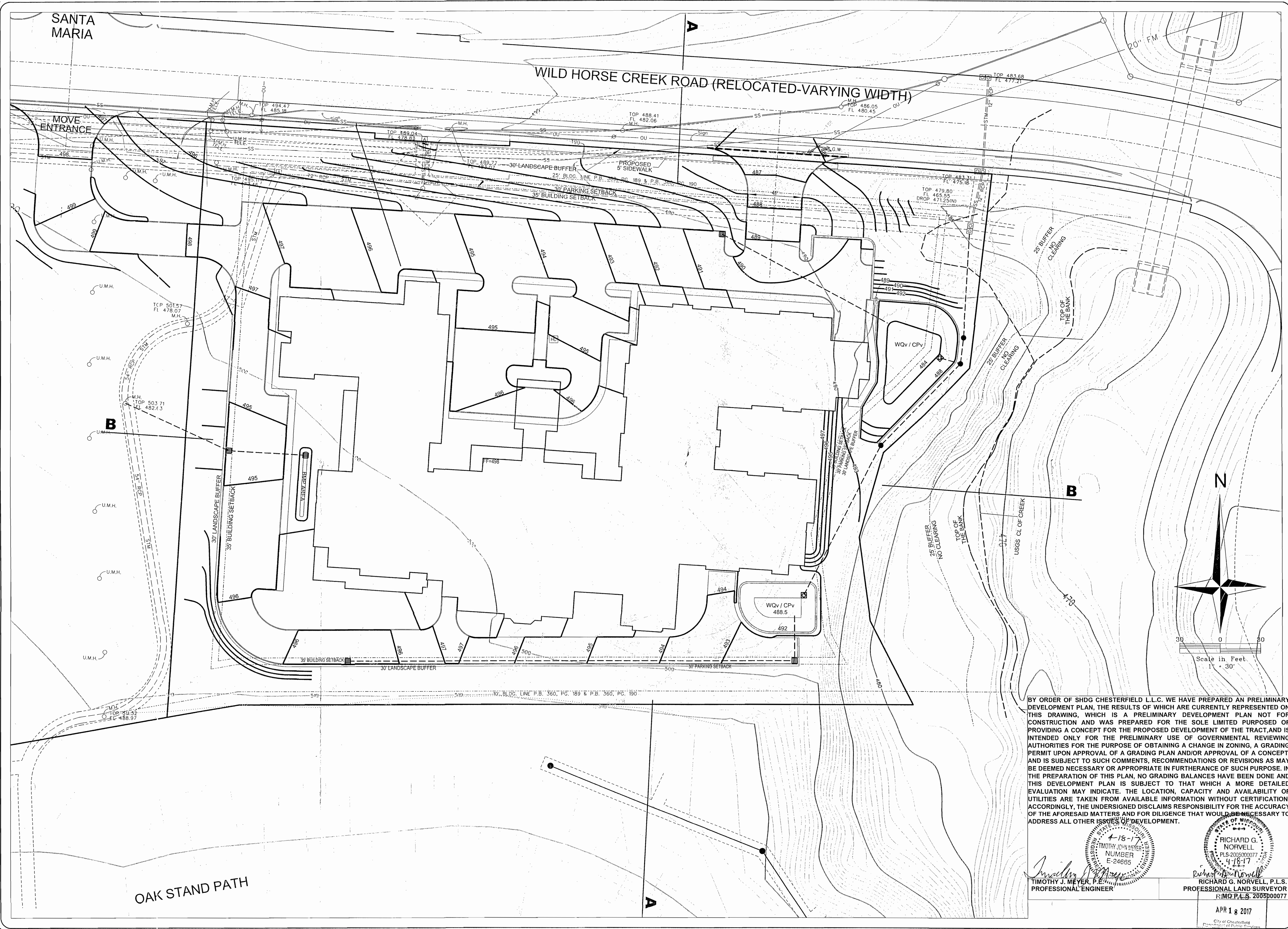
We have attempted in this Summary to simplify and abbreviate the description of each issue and each response without losing the substance. We did this because we thought it would be easier to read and absorb. If you have any questions or comments about this Summary, please contact the undersigned.

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

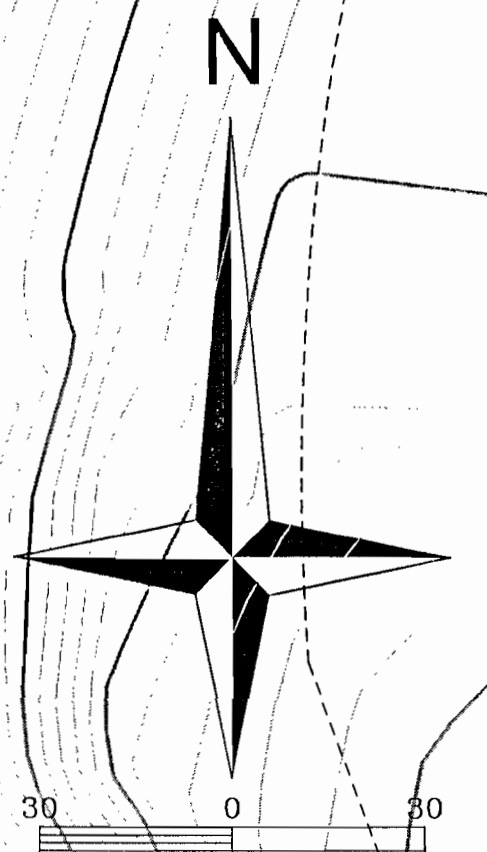


SANTA MARIA

WILD HORSE CREEK ROAD (RELOCATED-VARYING WIDTH)

MOVE ENTRANCE

OAK STAND PATH



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*Timothy J. Meyer*  
 TIMOTHY J. MEYER, P.E.  
 PROFESSIONAL ENGINEER  
 LICENSE NO. 418-17  
 NUMBER E-24665

*Richard G. Norvell*  
 RICHARD G. NORVELL, P.L.S.  
 PROFESSIONAL LAND SURVEYOR  
 LICENSE NO. 418-17  
 NUMBER RMO.P.L.S. 2005D0077

APR 18 2017

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 595 E. LANCASTER AVE.  
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10840 INDIAN HEAD INDI. BLVD  
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**VOLZ**  
 incorporated  
 314.426.6212 main  
 314.890.1250 fax  
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**SHELBOURNE SENIOR LIVING**  
 "LOT SPLIT OF SECOND ADJUSTED PARCEL C148 OF  
 C148 AND C254C BOUNDARY ADJUSTMENT PLAT"  
 P.B. 360, PG. 190

PRELIMINARY DEVELOPMENT PLAN  
 REVISIONS  
 04-05-2016 P1  
 REVISIONS  
 05-14-2016  
 12-6-2016  
 03-14-2017  
 04-18-2017  
 REVISOR: [Name]  
 16896 WILD HORSE  
 5.21 ACRES  
 BASE MAP NO. 18T  
 LOCATOR NO. 18T63283  
 VOLZ NO. 20586  
 H:\CAD\2016\16-20586\16-20586\Planning\201608 01 PDP-3.dwg  
 4/18/17

**GENERAL NOTES:**

THIS SITE IS IN THE FOLLOWING DISTRICTS:  
 METROPOLITAN ST. LOUIS SEWER DISTRICT  
 MONARCH FIRE PROTECTION DISTRICT  
 ROCKWOOD 8 SCHOOL DISTRICT  
 BONGHOMME 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.

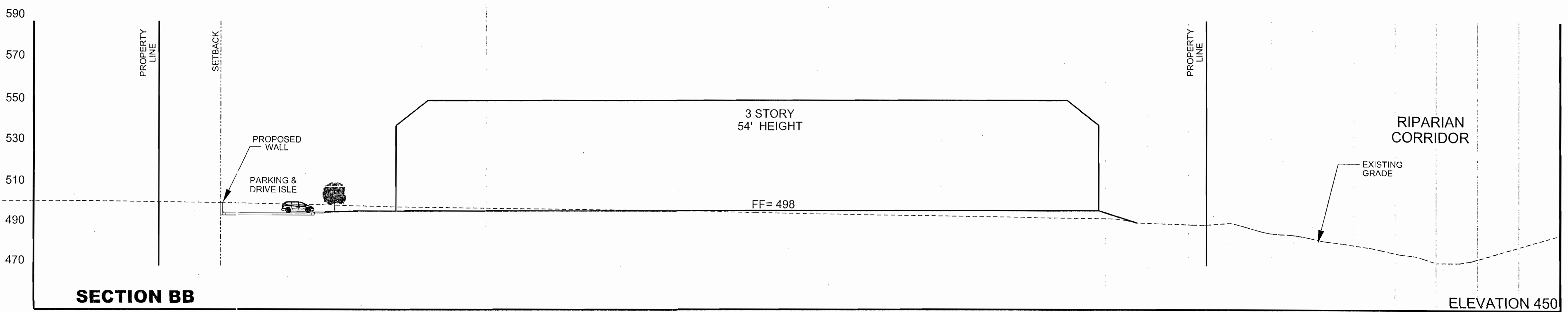
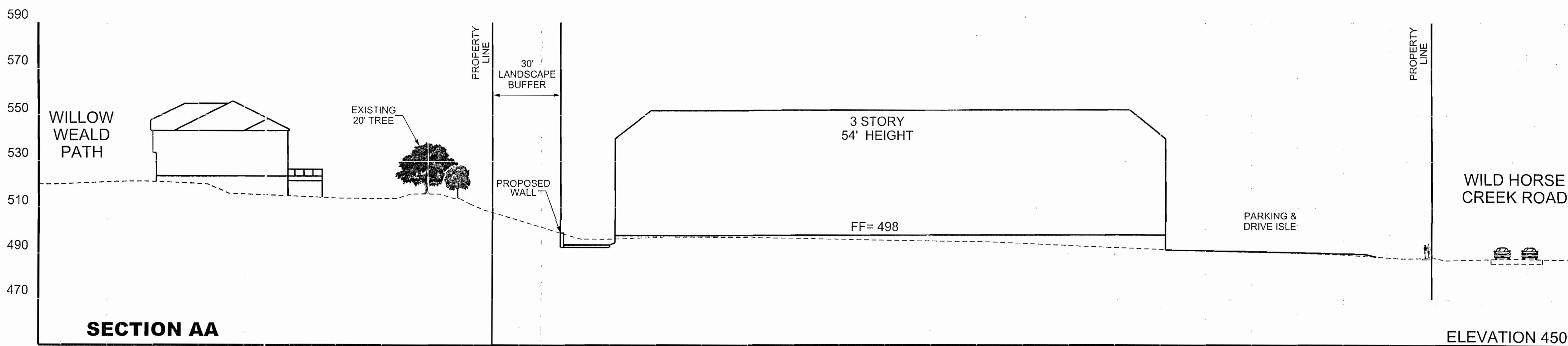
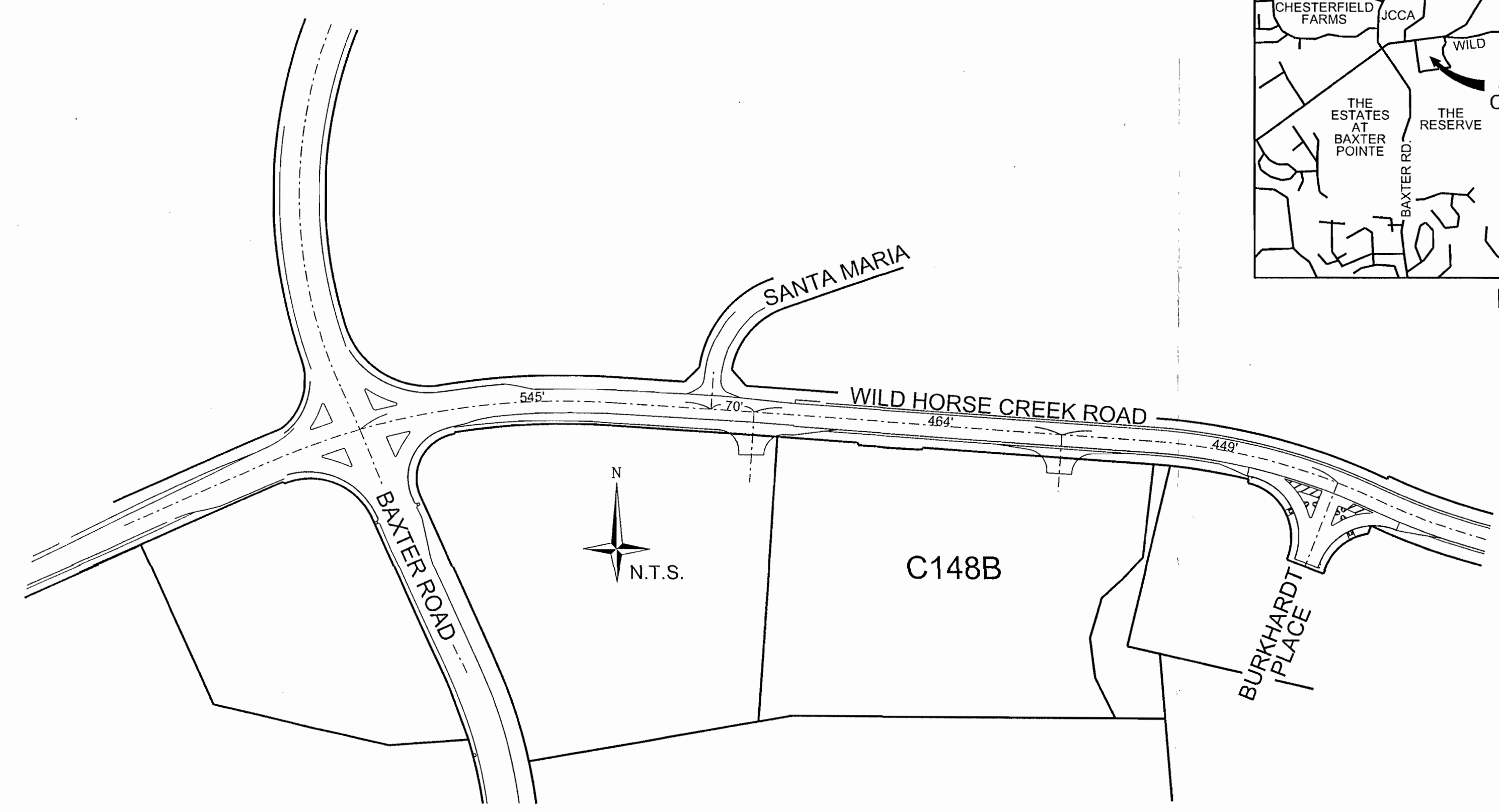
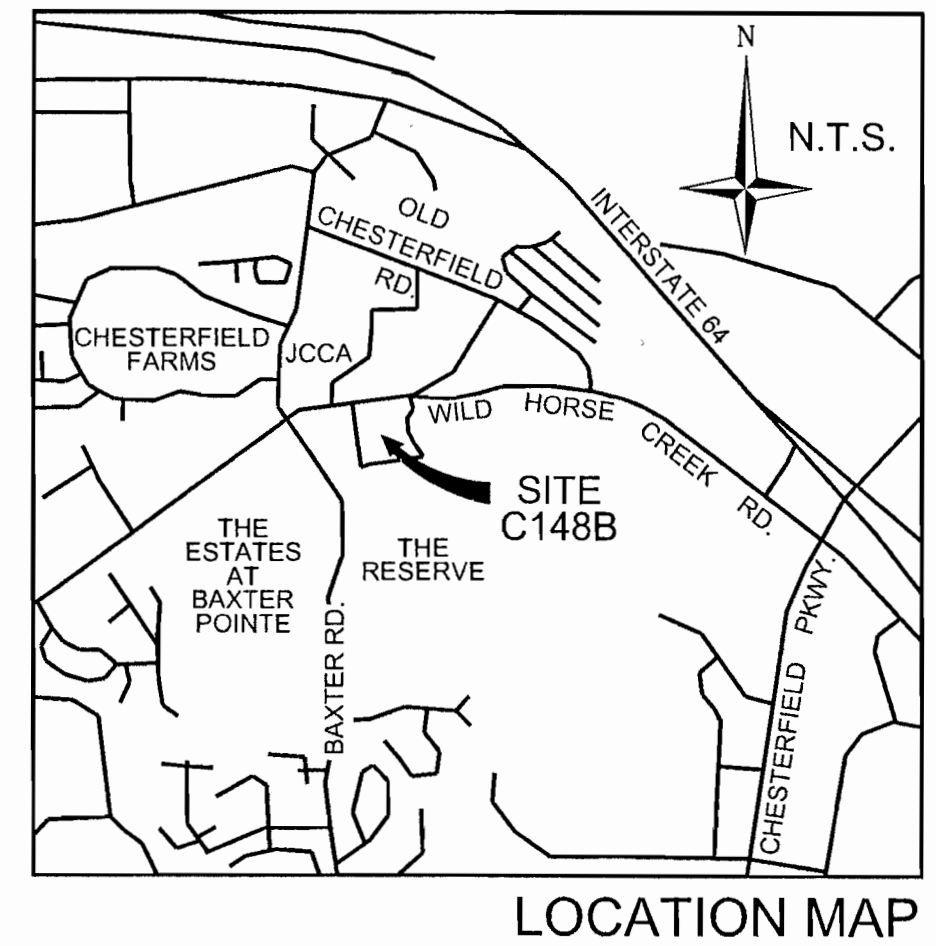
GRADING SHALL BE PER CITY OF CHESTERFIELD STANDARDS

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:**

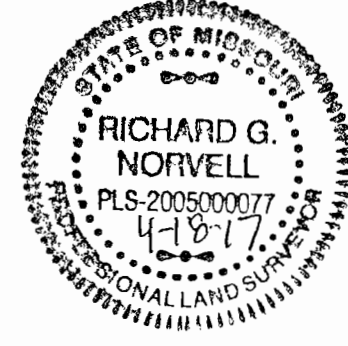
AREA OF SITE:	5.21 ACRES	
LOCATOR NO:	18T630283	
SITE ADDRESS:	16580 WILD HORSE CREEK RD CHESTERFIELD, MO. 63005	
OWNER OF RECORD:	CHESTERFIELD VILLAGE INC	400 CHESTERFIELD CTR SUITE 600 CHESTERFIELD, MO 63017
PREPARED FOR:	SHELBOURNE SENIOR LIVING	SHELBOURNE HEALTHCARE DEVELOPMENT GROUP 595 E. LANCASTER AVE. SUITE 300 RADNOR, PA 19087 OFFICE: 610-229-9074
PREPARED BY:	<b>VOLZ Incorporated</b>	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.	30 % MINIMUM
PARKING:	SURFACE & UNDERGROUND PARKING TO MEET REQUIRED CODE.	
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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REVISED  
 5-12-2016

PRELIMINARY DEVELOPMENT PLAN

16580 WILD HORSE CREEK RD  
 5.21 ACRES  
 VOLZ NO. 20586

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

04-05-2016  
 P2