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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 where 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, drivethru
- 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 nonprofit 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.

Property	Roof Elevation
331 Oak Stand Path	559.87
325 Oak Stand Path	559.72
300 Willow Weald Path	557.52
308 Willow Weald Path	549.39
Shelbourne Senior Living	PROPOSED: 3-Story – 549.00 4-Story – 561.00
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.

- <u>Site Access</u> 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.
- <u>Eastern Landscape Buffer</u> 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:

<u>Residential, Multi-family</u> – 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.

<u>Urban Core</u> – 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.

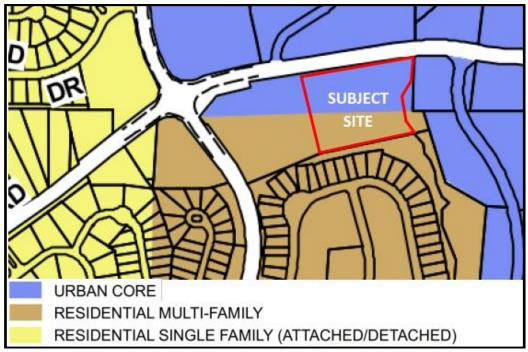


Figure 4. Land Use Plan

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

SHELBOURNE HEALTHCARE

Shelbourne Healthcare Development Group LLC

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

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.

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,

Luch B. Hallowell

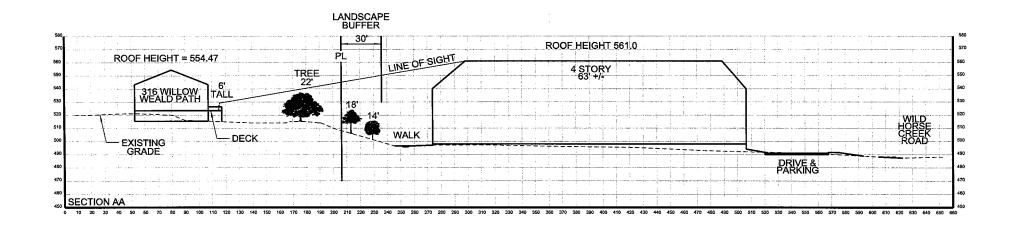
Mark Hallowell

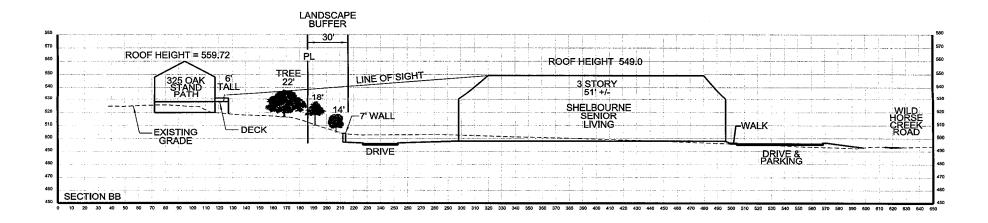
Director

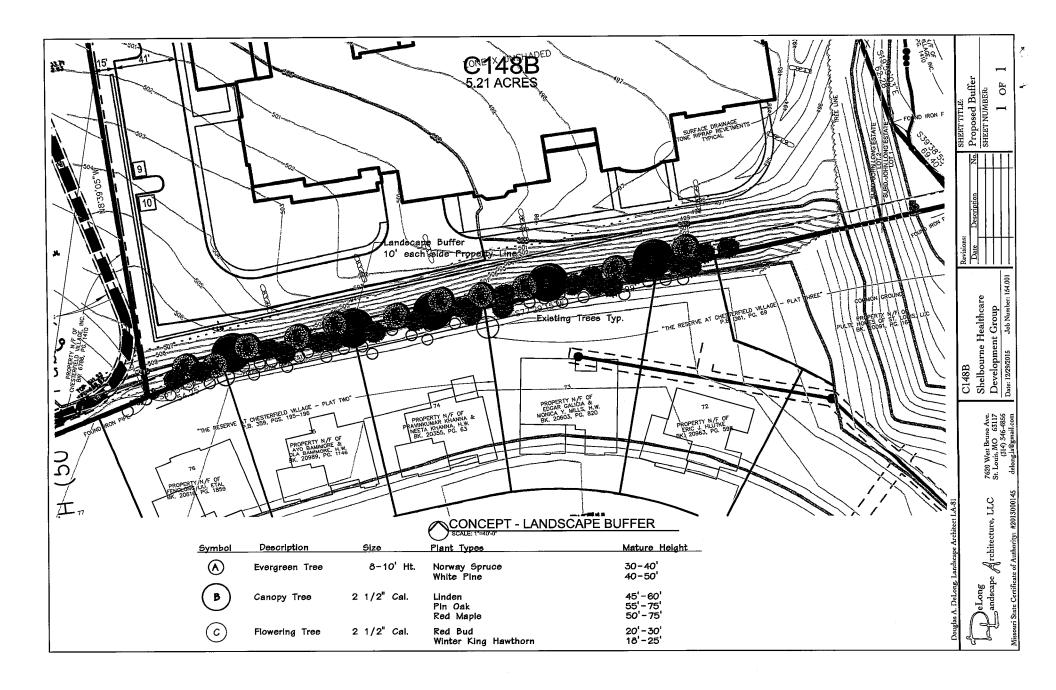
Height Comparison:

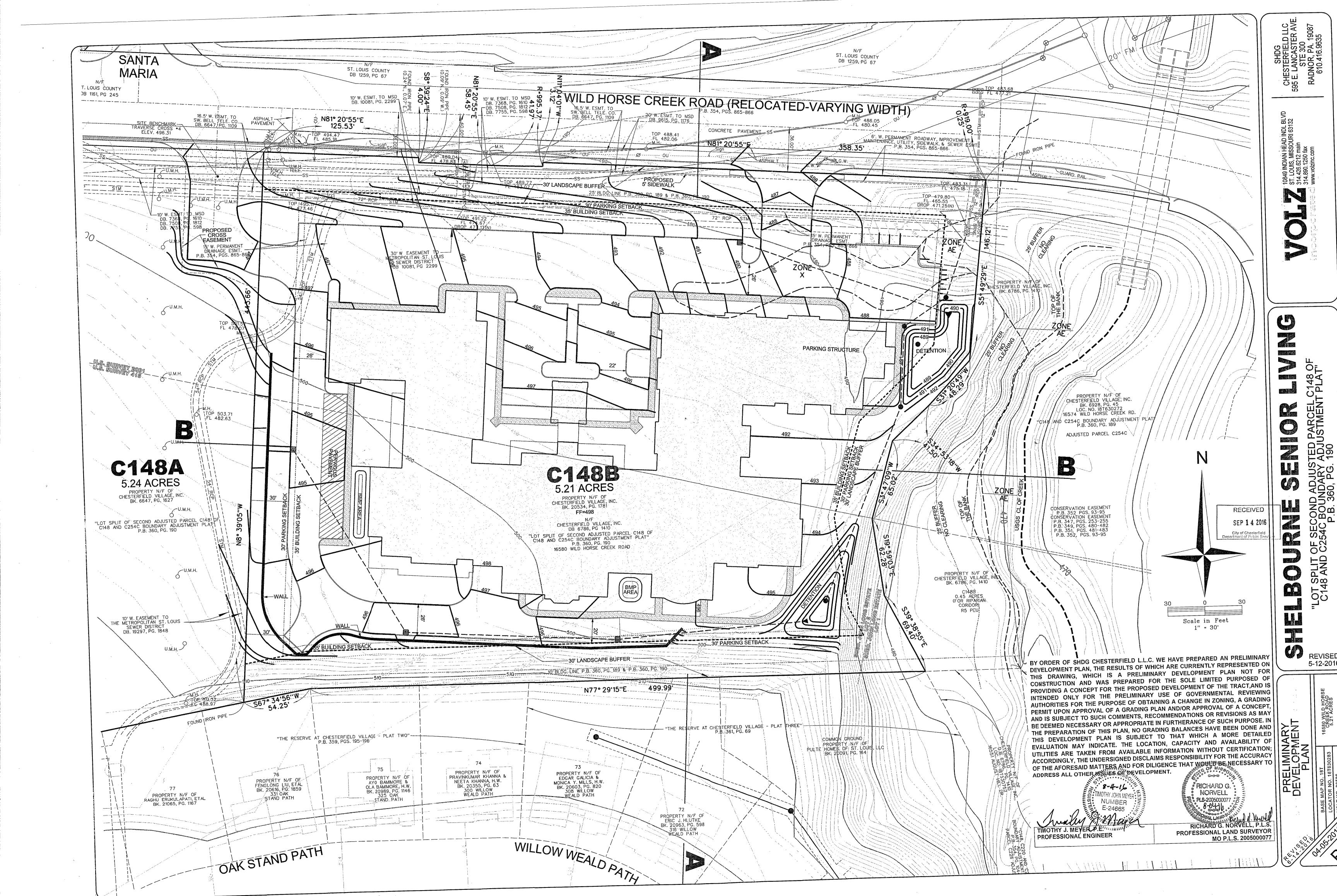
Volz survey crew tied into two benchmarks one at Baxter Road and Wild Horse Creek Road and the other at Burkhardt Place and Wild Horse Creek Road. Using Electronic Distance Laser Meter and tying into the control established during the survey of C148B by Volz we were able to remotely obtain the following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

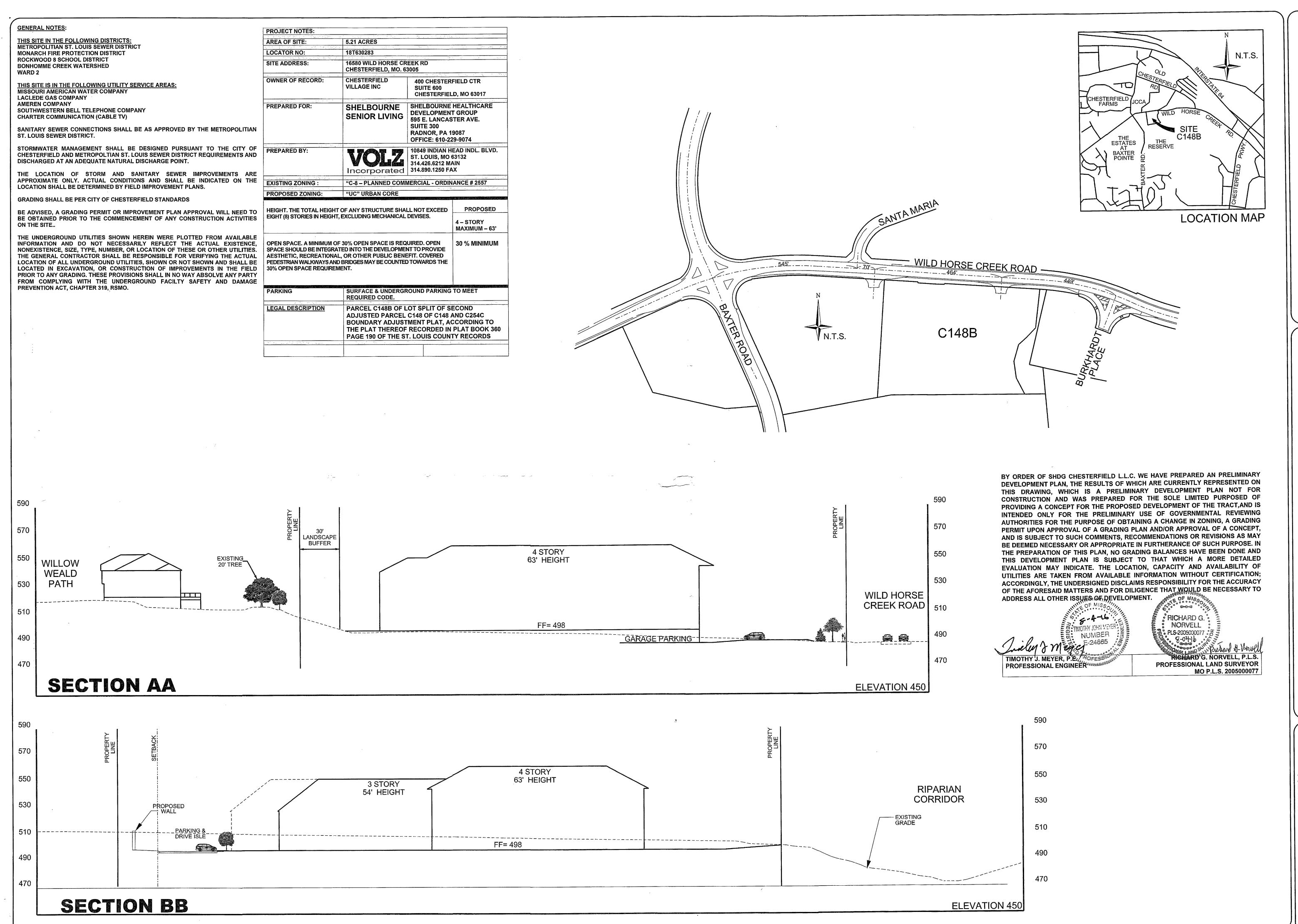
PROPERTY	ROOF ELEVATION
331 OAK STAND PATH	559.87
325 OAK STAND PATH	559.72
300 WILLOW WEALD PATH	557.52
308 WILLOW WEALD PATH	549.39
316 WILLOW WEALD PATH	554.47
SHELBOURNE SENIOR LIVING	PROPOSED 3 STORY – 549.00 4 STORY – 561.00
JCCA	DOME – 554.00 ROOF - 544.47
7 TH DAY ADVENTIST	SANCTUARY ROOF - 553.47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











REVISED 5-12-2016

OT SPLIT (C148 AND