V.A.

PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
SEPTEMBER 26, 2016

The meeting was called to order at 7:02 p.m.

I. ROLL CALL

PRESENT	ABSENT
Ms. Wendy Geckeler	Mr. Nathan Roach
Ms. Merrell Hansen	
Ms. Allison Harris	
Ms. Laura Lueking	
Mr. John Marino	
Ms. Debbie Midgley	
Mr. Steven Wuennenberg	
Chair Stanley Proctor	

Mayor Bob Nation
Councilmember Barbara McGuinness, Council Liaison
Mr. Christopher Graville, Interim City Attorney
Ms. Aimee Nassif, Planning & Development Services Director
Ms. Jessica Henry, Senior Planner
Mr. Justin Wyse, Senior Planner
Ms. Mary Ann Madden, Recording Secretary

Chair Proctor acknowledged the attendance of Mayor Bob Nation; Councilmember Barbara McGuinness, Council Liaison; Councilmember Bridget Nations, Ward II; Councilmember Guy Tilman, Ward II; Councilmember Randy Logan, Ward III; and Councilmember Bruce DeGroot, Ward IV.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

IV. PUBLIC HEARINGS – None

V. APPROVAL OF MEETING SUMMARY

A. Approval of September 12, 2016 Executive Session Meeting Summary

Commissioner Wuennenberg made a motion to approve the Meeting Summary of the September 12, 2016 Planning Commission Executive Session. The motion was seconded by Commissioner Lueking and **passed by a voice vote of 8 to 0.**

B. Approval of September 12, 2016 Planning Commission Meeting Summary

Commissioner Lueking made a motion to approve the Meeting Summary of the September 12, 2016 Planning Commission Meeting. The motion was seconded by Commissioner Midgley and **passed by a voice vote of 8 to 0.**

VI. PUBLIC COMMENT

A. P.Z. 05-2016 Wildhorse Baxter Center, C148B (Shelbourne Senior Living

Chair Proctor stated that the Planning Commission has received a lot of written comments regarding this petition, which are now a part of the record. He announced that there will be no vote taken at tonight's meeting on this petition.

Petitioners

1. **Mr. Mike Doster**, Attorney on the Development Team, 16090 Swingley Ridge Road, Chesterfield, MO.

2. **Mr. Mark Hallowell**, 403 Meadowbrook Avenue, St. Davids, PA.

3. **Mr. John King**, 7701 Forsyth, Clayton, MO.

Mr. Doster stated that they have responded to the Issues Letter prepared by Staff and members of the Development Team are available for questions.

Speakers in Opposition

1. **Mr. Sathish Makkapati**, Reserve at Chesterfield Village, 327 Oak Stand Court, Chesterfield, MO.

Mr. Makkapati referred to the Petitioner's written response to the issues which estimates an average of 47 emergency calls per year with respect to the Assisted Living and Memory Care units. He asked that the Petitioner provide an independent study supporting this estimate; and questioned if the Petitioner is willing to pay penalties to the City if the number of emergency calls is more than that estimated. Mr. Makkapati stated that he has reviewed a lot of data online which shows emergency calls to such facilities as being more than three times than that which the Petitioner is estimating.

Referencing the issue of density, Mr. Makkapati noted that the residences along Wild Horse Creek Road are mainly two-story structures with 3-4 homes per acre. This is in

contrast to the Petitioner's request of a four-story, 63-foot tall building with 145 units and 172,000 square feet on a 5.2 acre lot - averaging out to approximately 26 units per acre. Mr. Makkapati stated that currently a total of only 147,000 square feet is approved for construction on the subject three parcels.

2. **Mr. Pravin Khanna**, Reserve at Chesterfield Village, 300 Willow Weald Path, Chesterfield, MO.

Mr. Khanna stated that at the last meeting many of the residents expressed concern about the noise that would be created from emergency vehicles and delivery trucks. He said that the Petitioner's response provides a schedule of when deliveries will be allowed to be made but the response does not address how the noise will be controlled. He also did not find any information in the Petitioner's response addressing the noise that would be generated 24/7 from the large HVAC unit necessary for the proposed facility. Mr. Khanna added that at the last meeting it was suggested that Monarch be contacted regarding the number of emergency calls that are made on a regular basis.

Mr. Khanna stated that the Petitioner's report does not completely address the issue of the traffic impact study as it is not done by a qualified engineer.

Mr. Khanna stated there are no existing buildings on Wild Horse Creek Road more than two stories tall. He feels the requested Urban Core zoning is not appropriate for this site. As evidenced by the number of opposition speakers at the Public Hearing, the consensus among the residents is that this development does not belong in their neighborhood and will have a serious impact on their lives.

3. **Mr. Kishen Surapaneni**, Reserve at Chesterfield Village, 345 Oak Stand Path, Chesterfield, MO.

Mr. Surapaneni feels the proposed development will have an adverse impact upon the daily lives of the residents within the Reserve at Chesterfield Village. He then cited a past article which quotes Mayor John Nations as saying:

> *". . . Chesterfield has grown to become one of the finest communities in the country and the person most influential in making it so was Louis Sachs. … Louis was a true visionary but his goal was not to see how many buildings he could build* ***but how many lives he could improve****. . ."*

4. **Ms. Bettyann Slatten**, Reserve at Chesterfield Village, 380 Oak Stand Path, Chesterfield, MO.

Ms. Slatten stated that the City should not fill all of the available space in Chesterfield. She feels that there should be green spaces for the residents to enjoy and where children can play safely.

5. **Mr. Mike Weissman**, Reserve at Chesterfield Village, 334 Oak Stand Court, Chesterfield, MO.

Mr. Weissman noted that there were no 3-D drawings available of the proposed development, which would allow the residents to better assess the enormity of the project. He also pointed out that there has been no comparison of the proposed development to Sunrise Assisted Living, which was requested at the Public Hearing. He

asked that the Commission consider the needs of the residents currently in the area and the fact that they do not want the proposed development.

6. **Ms. Ping Wang**, Reserve at Chesterfield Village, 331 Oak Stand Path, Chesterfield, MO.

Ms. Wang stated that the Petitioner has not addressed the safety concerns for the subdivision's children and the security risk of trespassing. She added that she invested in her home based on the current City Planning code. Even if a fence is built, it will not help with the noise from sirens. She referred to the estimate provided by the Petitioner regarding the number of times emergency vehicles will visit the site and feels that the number is greatly under-estimated. Ms. Wang also stated that the proposed development could be built under the current ordinance as a one-story structure.

7. **Mr. Fenglong Liu**, Reserve at Chesterfield Village, 331 Oak Stand Path, Chesterfield, MO.

Mr. Liu referred to the Staff Report that states "*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 . . . to the existing single-family development to the south."* Mr. Liu stated that he does not see anything about a transition in the Petitioner's plan.

Mr. Liu stated that the proposed development is too dense for the site with approximately 29 units/acres and 172,000 square feet while the surrounding area typically has 3 houses per acre.

Mr. Liu also expressed concern about safety with respect to children playing outside and the possibility of strangers or memory care residents wandering off the subject property.

8. **Dr. Ramana Madupalli**, Reserve at Chesterfield Village, 311 Oak Stand Court, Chesterfield, MO.

Dr. Madupalli stated that after the Public Hearing in June many of the residents expressed concern that they "will not get justice because of a significant bias from a few Commission members". He asked that the Commissioners keep an open mind when making their decision on this petition.

B. P.Z. 06-2016 Chesterfield Ridge Center (875 Chesterfield Parkway W):

Petitioners

1. **Mr. Mike Doster**, Attorney on the Development Team, 16090 Swingley Ridge Road, Chesterfield, MO.

Mr. Doster stated that there were no issues identified on the proposed ordinance amendment and they request that the Commission vote favorably on the amendment request.

2. **Mr. Andrew Dixon**, 257 Chesterfield Business Parkway, Chesterfield, MO was available for questions.

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

A. Chesterfield Airport Commerce Park (P.Z. 15-2009 Time Extension Request): A request for a one (1) year extension of time to commence construction for three properties totaling 10.546 acres zoned "PI" Planned Industrial District located at 17970 Chesterfield Airport Road, 609 Cepi Drive, and 17975 Edison Avenue (17V240153, 17V240331, 17V330311).

Commissioner Wuennenberg, representing the Site Plan Committee, made a motion recommending approval of a one-year extension of time to commence construction for Chesterfield Airport Commerce Park. The motion was seconded by Commissioner Midgley and **passed by a voice vote of 8 to 0**.

B. Conway Point Office Building (P.Z. 47-2007 Time Extension Request): A request for a two (2) year extension of time to submit a Site Development Plan for a 1.489 acre tract of land zoned "PC" Planned Commercial District located at the southwest corner of the intersection of Conway Road and Chesterfield Parkway.

Commissioner Wuennenberg, representing the Site Plan Committee, made a motion recommending approval for a two-year extension of time to submit a Site Development Plan for Conway Point Office Building. The motion was seconded by Commissioner Geckeler and **passed by a voice vote of 8 to 0**.

VIII. UNFINISHED BUSINESS

A. 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).

Senior Planner Justin Wyse reported that the Public Hearing for this petition was held on June 27, 2016. Since then, the City has received numerous letters and emails generally in opposition to the project. All of the correspondence was made available to the Planning Commission, as well as to the public. He then provided information pertaining to the issues that remain open and requested guidance from the Commission so that a draft Attachment A can be prepared.

Hours of Operation
The Petitioner has indicated they are agreeable to restricting the hours for deliveries and trash pick-up to 7 a.m. to 8 p.m., Monday – Friday. Staff recommends that hours of operation be defined for other uses on the site.

Traffic
The Petitioner has provided information on the number of employees and their shift times. In reviewing information from the Institute of Transportation Engineers, the

proposed addition of a senior living facility would be expected to have less traffic impact than many of the uses currently permitted on the site.

Noise
The Petitioner has provided information on emergency calls based on other senior living centers they operate.

Uses:
At the Public Hearing, the Petitioner was asked to review specific uses. The Petitioner is agreeable to removing six uses but has indicated they would like to retain the other uses on the site. The uses that the Petitioner has agreed to remove are shown below with a strikethrough:

1. ~~Amusement Park~~
2. Animal grooming service
3. Auditorium
4. Bar
5. Broadcasting studio
6. Car wash
7. Drug store and pharmacy, drive-thru
8. Dry cleaning establishment, drive-thru
9. Filling station and convenience store with pump stations
10. Financial institution, drive-thru
11. Grocery-supercenter
12. Hospital
13. Hotel and motel
14. Hotel and motel – extended stay
15. Kennel, boarding
16. ~~Parking area (stand-alone), including garages for automobiles. Not including sales or storage of damaged vehicles for more than 72 hours.~~
17. ~~Pawnshop~~
18. Postal stations
19. ~~Public facilities over 60 ft. in height~~
20. Retail sales – regional
21. ~~Sales yard operated by a church, school, or other non-profit organization~~
22. ~~Tattoo parlor/body piercing studio~~
23. Theatre, indoor

Proposed Height
Information was requested by the Commission regarding building height of adjacent buildings. The Petitioner has provided the following information:

JCCA	Dome Roof	554 feet 544 feet
7th Day Adventist	Sanctuary Roof Roof	553 feet 543 feet
Adjacent Residential Properties	Roof Elevation	549-559 feet
Proposed Site	3-story building 4-story building	549 feet 561 feet

Issues – Sight Line
The Petitioner was asked to provide sight line studies from the residential to the south of the subject site with the proposed building. A sight line has been provided to illustrate the impact of both the 3-story structure and the 4-story structure. The sight lines show a size comparison of the proposed structures in relation to the residential homes and what the residents would see.

Landscape Buffer
The Preliminary Plan included a detention facility located within the required 30-foot landscape buffer. The Petitioner has requested a modification to permit this

encroachment and has noted that the property to the east is encumbered with a conservation easement, which prohibits development of the area. Staff does not have any concern with the request.

The Petitioner was also asked about the proposed landscape buffer along the south property line of the subject site. The application proposes a 30-foot landscape buffer, which is the minimum requirement under the Urban Core District. Mr. Wyse stated that on certain projects, the City requires that the buffer be increased to either implement the vision of the Comprehensive Plan or meet the intent and purpose of the various district regulations. Since the subject site is located at a lower elevation than the homes to the north, the effectiveness of the trees within the landscape buffer is reduced. The Petitioner is willing to add landscaping on the adjacent properties to take advantage of the higher elevation at this point. Staff has not received any correspondence from the adjacent property owners that would indicate a willingness to permit this installation.

Access
The subject site proposes use of two curb cuts – a new curb cut on the eastern side of the site and an existing curb cut on a parcel to the west of the subject site which includes a cross access easement to allow entrance to the subject site. Staff has not identified any issues related to the new curb cut but the existing curb cut does not comply with the City's or County's access management requirements.

The Petitioner was asked to relocate the existing curb cut on Wild Horse Creek Road to align with Santa Maria Drive in order to avoid opposing left turn conflicts, which can create a dangerous situation. The Petitioner's response indicates that they propose to utilize the non-complaint curb cut. Staff believes that the off-site existing, non-compliant curb cut should not be utilized by this development unless it is brought into compliance with access management requirements for both St. Louis County and the City of Chesterfield.

Discussion

Uses
There was considerable discussion among the Commission members as to which uses they would like removed. During discussion, Commissioner Lueking noted that the current zoning allows all the requested uses and that it was in place prior to the homes of The Reserve being constructed.

After a review of the individual uses, there was a general consensus of the Commission that the following uses be eliminated:

- Bar
- Car Wash
- Hospital
- Hotel and motel
- Hotel and motel – extended stay
- Kennel, boarding

Mr. Doster then addressed the Commission stating that the seller does not want to lose any uses until there is a closing. Because of the process involved, closing does not occur when the legislation is adopted - it will occur sometime later when all contingencies and conditions of the contract are satisfied between seller and buyer. If

closing does not take place, the seller is left with a piece of property that is adversely impacted because the list of vested uses has been severely cut.

Additional discussion occurred regarding the approach the Commission took with uses for the assisted living facility at The Grove on Chesterfield Parkway and how that petition compares with the subject petition. Interim City Attorney Chris Graville pointed out that every piece of real estate and each project is unique so taking different approaches for different projects is allowable by the Planning Commission based on the surrounding neighborhoods.

Ms. Aimee Nassif, Planning and Development Services Director noted that The Grove property had over 50 commercial uses that were approved for the site prior to their request for a rezoning to the Urban Core. During the rezoning process, the Commission removed some uses, restricted some uses with hours, removed the drive-thru component from specific uses, and restricted some uses to not allowing any outdoor areas. The majority of the uses that the Commission agreed on eliminating from the subject petition were left in the ordinance for The Grove petition. The uses that the Petitioner has agreed to eliminate are similar to the uses that they offered to remove from The Grove petition.

Commissioner Wuennenberg stated that he still has concerns about a *bar* or *restaurant* use because of the elevation differential that would cause the exhaust coming from a kitchen to go directly into the backs of the adjacent houses.

It was then agreed that Staff would continue to work with the Petitioner on the issue of uses. The Commission also noted its consensus that any use that is removed during this rezoning process would not be allowed for any future uses on the site in the event the subject development is not approved or built.

Height

Commissioner Wuennenberg stated that while the heights of the proposed structures are comparable to the surrounding buildings, the surrounding buildings do not back up to homes. He noted that the sight line for the three-story structure shows a standard, full-height tree blocking most of the building; but the sight line for the four-story structure illustrates that the adjacent home will be seeing the structure's roof. In comparison, the homes across Wild Horse Creek Road are much further away from the JCCA and 7th Day Adventist structures so there are not any sight line issues.

Responding to Commissioner Lueking, Mr. Wyse confirmed that the four-story structure is proposed on the portion of land that slopes downhill towards the detention basin; and the three-story structure is closer to the residences.

It was the consensus of the Commission that the height of the four-story structure is a concern.

Buffer

The Commission agreed that while they appreciate the Petitioner's offer to add landscaping to the yards of the adjacent properties, they feel the 30-foot buffer is too small. Since the buffer is located on a slope, it negatively affects the visual effectiveness of screening the nearby residences from the proposed development.

Non-Compliant Curb Cut
The Commissioners indicated their consensus with Staff's recommendation that the non-compliant curb cut should not be utilized as an access point unless it is brought into compliance.

Mr. Doster pointed out that this issue is still being reviewed by the development team with the owner of the property, the City of Chesterfield, and St. Louis County.

Hours of Operation
Chair Proctor asked Staff to review how the hours of operation were addressed with The Grove site and to provide that information to the Commission.

Noise
Commissioner Geckeler pointed out that the residents have raised concerns about noise from emergency vehicles and asked for a comparison of the proposed development to the Sunrise development with respect to the number of units for independent living, assisted living, and memory care. She also requested information on the number of emergency calls to Monarch Fire from Sunrise and the time of day the calls were placed.

Mr. Wyse stated that they would work with the Petitioner on all of the open issues for the project.

B. P.Z. 06-2016 Chesterfield Ridge Center (875 Chesterfield Parkway W): A request for an ordinance amendment to existing use allocation and density requirements in a "C-8" Planned Commercial District for 31.83 acres located west of Chesterfield Parkway W and north of Olive Blvd. (18S521098).

Senior Planner Justin Wyse stated that the Public Hearing for this petition was held on August 8, 2016 and explained that the existing planned district ordinance covers commercial land within the northwest quadrant of Chesterfield Parkway along I-64 and Olive Boulevard. The portion along I-64 permits medical and laboratory users and the Applicant is requesting that this use also be permitted for building groups F, G, and H located at 875 Chesterfield Parkway West across from the BP station and Charlie Gitto's.

The Applicant is also requesting flexibility in how the building group and the density gets calculated. Staff has worked with the Applicant to create a situation where the floor area for the proposed medical and scientific laboratory user would increase; however the overall intensity of the use would not result in more traffic because a laboratory use is a less intense use.

The primary issue raised at the Public Hearing related to traffic concerns at the intersection of Chesterfield Parkway and Olive Boulevard. MoDOT has an improvement project going on in this location which entails having three of the four approaches being converted to dual lefts. The only approach that will remain a single left is the westbound approach from Chesterfield Parkway. Further, an additional lane will be added on Olive between Chesterfield Parkway and Swingley Ridge Road. The project is scheduled to go out to bid in September 2017 with an anticipated start date in early 2018.

The second item raised during the Public Hearing related to the condition of Chesterfield Parkway. St. Louis County has a maintenance project scheduled for the Parkway to begin next year for the area from I-64 to Olive Boulevard, which will include ADA improvements along the corridor, curb replacements, selected slab replacements, and an overlay of the existing concrete pavement with an asphalt wedge course and Superpave Asphalt surface course.

The final item raised during the Public Hearing concerned the spacing of the existing curb cut on Olive Boulevard. The spacing between the existing drive and Swingley Ridge Road is 550 feet, and to the I-64 westbound ramp it is 1,150 feet. The spacing and separations of that existing location comply with the City's access management requirements.

Mr. Wyse stated that the ordinance amendment has been drafted so that there is no overall net increase in intensity over what had been previously approved; the requested uses are uses that are permitted within the district and the Applicant is seeking to establish those uses on a separate area.

Commissioner Wuennenberg made a motion to approve P.Z. 06-2016 Chesterfield Ridge Center (875 Chesterfield Parkway W). The motion was seconded by Commissioner Hansen and **passed by a voice vote of 8 to 0.**

IX. NEW BUSINESS

A. Proposed 2017 Planning Commission Meeting Schedule

The Commission accepted the proposed 2017 Planning Commission Meeting Schedule.

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:38 p.m.

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Steve Wuennenberg, Secretary