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Planning Commission Issues and Vote Report

Meeting Date: December 11, 2017

From: Mike Knight, Project Planner

Location: An 8.2 acre tract of land located southeast of the intersection of Chesterfield Parkway West and Chesterfield Center

Petition: **P.Z. 16-2017 Chesterfield Village Mall (Shelbourne Senior Living)**: A request for a zoning map amendment from a “C8” Planned Commercial District to a new “UC” Urban Core District for an 8.2 acre tract of land located southeast of the intersection of Chesterfield Parkway West and Chesterfield Center (18S110148).

SUMMARY

Shelbourne Healthcare Development Group LLC has requested a zoning map amendment from a “C8” Planned Commercial District to a new “UC” Urban Core District for an 8.2 acre tract of land located southeast of the intersection of Chesterfield Parkway West and Chesterfield Center. The new “UC” Urban Core District would allow for development of a 150 unit, 187,263-square-foot senior living facility on the property. The facility will be four stories in height and contain a combination of studio apartments and one and two bedroom units. The facility will serve a variety of residents, including those needing independent living, assisted living, and memory care. While the applicant proposes a senior living facility, additional uses are requested within this petition.

A public hearing was held on November 13, 2017. There were a few issues addressed from the Planning Commission that are detailed within this report and no comment of opposition from the public. Also a letter in support of the Shelbourne Healthcare Development Group’s application was provided by Charlie Foxman, the President and Treasurer of the Oak Home Owners Association, representing a subdivision close to the proposed development.

The preliminary plan and coinciding narrative include a request for modification of standards within the Urban Core District. The request includes an existing shared parking lot with the property to the east. The UDC has a minimum standard of design for setbacks within the Urban Core District. The minimum yard setback for any parking area, parking structure, internal drive or loading space shall be 30 feet. Said modification shall require a two-thirds vote of the Planning Commission. Notwithstanding the

recommendation of the Planning Commission, the Council may modify the standards contained in this Section by a majority vote.



Figure 1: Subject Site Aerial

SITE HISTORY

The subject site consists of 2 separate lots (C109 and C208) within the Chesterfield Village Mall subdivision. In 1973, St. Louis County Ordinance 6,815 was passed by the St. Louis County Council and both lots originally authorized the development of a planned commercial and residential community referred to as the Chesterfield Village. The area described in the C8 Planned Commercial District was designated “Regional Shopping Center”. In 1981, St. Louis County Ordinance 10,241 amended SLC 6,815 making minor changes including off ramp construction details and parking requirement reductions.

In 1988, St. Louis County Ordinance 13,757 amended SLC 6,815 and SLC 10,241 by approving the plans for a new C8 Planned Commercial District in Lot 208 seen in the blue area shown in Figure 2. A preliminary plan was approved with specific building requirements attached to the C8 Planned Commercial District and permitted uses. Those requirements were that, “The office and restaurant shall be contained in one building, the office building shall not exceed 120,000 square feet in gross floor area, and the building shall not exceed six building levels in height.”



Figure 2: Lot designation

In 1991, City of Chesterfield Ordinance 577 amended both SLC 6,815 and SLC 10,241 by reducing parking restrictions further which would now only be applicable to Lot C109.

SURROUNDING LAND USES

The land use and zoning for the properties surrounding this parcel are as follows:

Direction	Zoning	Land Use
North	“C8” Planned Commercial District	Vacant
South	“R6” Residential District (2,000 sq. ft.)	Established multi-family development
East	“C8” Planned Commercial District	Chesterfield Village Mall
West	“R8” Residence District (500 sq. ft.)	Developing 345 unit multi-family development

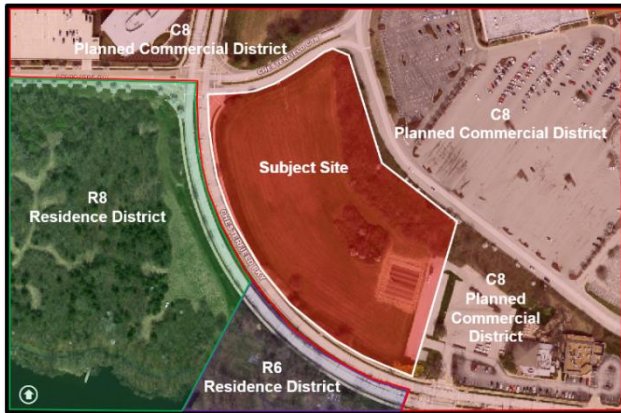


Figure 3: Zoning

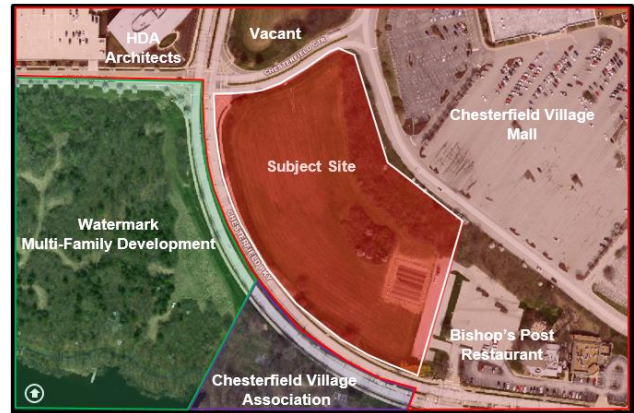


Figure 4: Surrounding Land Use

Active Development

In close proximity to the subject site there are several active development projects. Below is a map of the recent active development and some high-level information about each site.



A. Watermark at Chesterfield Village

Type: Multi Family
 Zoning: R8 – Residence District
 Size: 12.9 acre site
 Height: 4 stories

B. The Grove in Chesterfield (The Sheridan)

Type: Assisted Living
 Zoning: UC – Urban Core
 Size: 3.6 acre site
 Height: 3 stories

C. Mercy Health Systems

Type: Virtual Care Center
 Zoning: UC – Urban Core
 Size: 41.7 acre site
 Height: 4 stories

PROPOSED USES

In 1973, when St. Louis County Ordinance 6,815 was approved, all uses within the C1 to C7 Commercial Districts were permitted in the Regional Commercial/Town Center. As documented within the written narrative attached to this report, the applicant wishes to construct a Senior Living Facility. In August 2015, the City of Chesterfield approved Ordinance 2,861 for The Grove in Chesterfield (The Sheridan). The proposed use is a 3-story Assisted Living Facility. The applicant is requesting the same permitted uses as City of Chesterfield Ordinance number 2,861. The requested uses can be seen below:

Proposed Uses	
Animal grooming service	Grocery-neighborhood
Art gallery	Group Residential Facility
Art Studio	Gymnasium
Automobile retail supply	Hospice
Bakery	Hotel and motel
Barber or beauty shop	Laundromat
Brewpub	Library
Broadcasting studio	Mortuary
Church and other worship	Museum
Club	Newspaper stand
Coffee shop	Nursing home
Coffee Shop, drive-thru	Office, dental
Commercial service facility	Office, general
Community center	Office, medical
Day care center	Park
Drug store and pharmacy	Professional and technical service facility
Drug store and pharmacy drive-thru	Public safety facility
Dry cleaning establishment	Research facility
Dry cleaning establishment, drive-thru	Restaurant, fast food
Education Facility-specialized private schools	Restaurant, sit down
Education Facility-vocational school	Restaurant, take out
Educational Facility-college/university	Retail sales establishment, community
Educational Facility-kindergarten or nursery school	Retail sales establishment, neighborhood
Film Drop-off and pick-up station	Telecommunications structure
Financial Institution	Telecommunications tower or facility
Financial Institution, drive-thru	Veterinary clinic
Grocery-community	

Ordinance 2,861 has restrictions on some of the uses. These restrictions can be seen on the next page.

- A. The Group Residential Facility, Nursing Home and Hospice uses shall be limited to no more than 96 beds.
- B. Retail sales uses shall be prohibited from any outdoor sales, storage or display of materials or goods.
- C. Land uses Education Facility-vocational school, Educational Facility-college/university, Gymnasium, Restaurant, fast food, and Restaurant, sit down are not permitted in stand-alone structures.
- D. Restaurant land uses shall not be permitted to have drive-thru component.

The applicant proposed to adopt similar restrictions as Ordinance 2,861. Section C2 of the included draft Attachment A contains this language and can be seen directly below.

The above uses in the “UC” District shall be restricted as follows:

- A. The Group Residential Facility, Nursing Home and Hospice uses shall be limited to no more than 150 units.
- B. Retail sales uses shall be prohibited from any outdoor sales, storage or display of materials or goods.
- C. Land uses ‘u’, ‘v’, ‘dd’, ‘vv’ and ‘ww’ listed above are not permitted in stand-alone structures.
- D. Restaurant land uses shall not be permitted to have a drive-thru component.

COMPREHENSIVE PLAN ANALYSIS

The subject site is located within Ward 2 of the City of Chesterfield. The City of Chesterfield Land Use Plan gives this parcel an Urban Core designation. The site is surrounded by the Urban Core designation with part of the property to the west being the Residential Multi-Family designation.

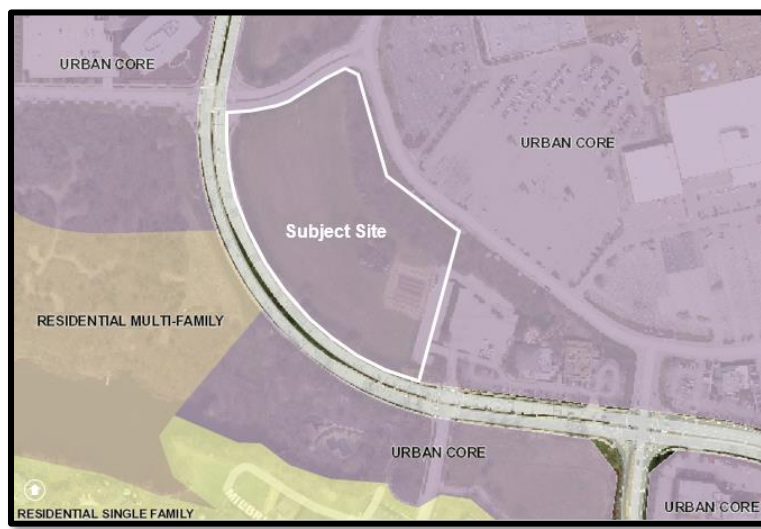


Figure 5: Comprehensive Land Use Plan

Land Use Element

The Land Use Element chapter defines Urban Core as “the area known as Chesterfield Village, centered at the intersection of I-64/US 40 and Clarkson Road/Olive Boulevard and primarily served by the Chesterfield Parkway. Land uses for the Urban Core include a mixture of high density residential, retail, and office uses containing the highest density development in Chesterfield.” The proposed use would be compliant with the Comprehensive Land Use Plan.

Plan Policies Element

The Plan Policies chapter of the Comprehensive Plan states that, “The Urban Core should be developed to contain the highest density of mixed-use development in Chesterfield. It should serve as the physical and visual focus for the City and include both residential and commercial developments with parks, municipal services, and preservation of historic structures and areas, with cultural, entertainment and pedestrian amenities for its residents.”

The Plan Policy chapter specifically states that new multiple-family residences should be located in or near the Urban Core. It references: “Multiple-family projects should be located close to existing, higher density commercial and residential development so as not to alter the conditions and environment of existing single-family neighborhoods. Each multiple-family project should meet City-developed greenspace standards unless clearly identified reasons justify non-conformance.” The Preliminary Plan supplied by the applicant denotes that the site will have the required 30% open space.

The Plan Policy chapter states that the use of parking structures in the Urban Core is encouraged. The provided preliminary plan denotes that surface parking will be used and will meet requirements of code. The plan does not include parking structures.

Transportation Element

The subject site is connected to Chesterfield Parkway which is a St. Louis County maintained road and defined as a minor arterial by the Federal Functional Classification System. Minor arterial in the Transportation Element section is defined as roads that “interconnect[s] with and augment[s] the urban principal arterial system. They provide service to trips of moderate length at a somewhat lower level of mobility than principal arterials. Emphasis is on the distribution of vehicles to higher and lower roadway classes and land uses.”

The Comprehensive Plan states that developments in the Urban Core should be designed to accommodate a variety of motorized and non-motorized transportation choices such as mass transit, pedestrian, and vehicular. An emphasis on pedestrian connectivity is encouraged.

This site is connected to the city’s transit system which enhances the pedestrian connectivity within the Urban Core.

Metro operates the St. Louis metropolitan region's public transportation system. Metro currently provides six (6) bus routes through Chesterfield. As we see in Figure 6 below, the subject site is a high point of connectivity for Metro within the City.



Figure 6: Transit System

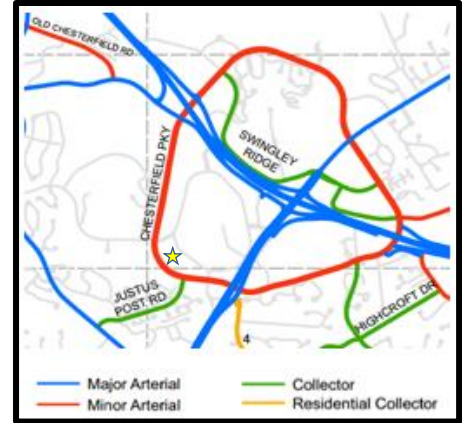


Figure 7: Functional Classification

ISSUES

During the Public Hearing held on November 13th no residents spoke in opposition of this development. Issues were identified associated with this request by Planning Commission. Below is a brief summary of those issues with a formal response from the applicant. Also below are staff’s advisory comments to the applicant in which they responded “The advisory comment is noted” to each one.

Issues Raised in the Public Hearing (Received Formal Response from applicant)

Following the Public Hearing a list of items / concerns were addressed by the applicant. The issues response letter from the applicant is attached.

There was discussion on the status of the Certificate of Need. The applicant provided an update on the status stating that it was approved on November 9th 2017.

Questions were raised on providing possible restriction and the appropriateness of drive-thru activity. The applicant stated that all of the uses requested were approved for The Sheridan within Ordinance 2,861, adopted by the City of Chesterfield on August 3, 2015. All of the uses requested were required by the Chesterfield Village Inc. (“Seller”) pursuant to an agreement between Applicant and Seller. The Seller wishes to maintain existing approved uses for the subject site in the event that the application is approved but they do not close on the subject site.

Concern was raised in regards to the tunneling effect along Chesterfield Parkway West. To avoid an acute angle of buildable area in relation to the front yard setback, Staff directed the applicant to provide the Sky Exposure Plane on the section profiles. Attached to this packet is a Sky Exposure Plane exhibit along with the section profiles that include the sky exposure plane.

Staff Input

In addition to the issues raised above, staff has provided input below to ensure the petitioner is aware of the high standards of the Urban Core and the City's desire to see a high level of connectivity. The Planning Commission addressed having a high expectation for exceptional building design. 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 Site Development Plan will be reviewed by the Architectural Review Board and look to achieve the exceptional design qualities.

The importance of connectivity of this site was also brought to attention within the Planning Commission meeting. Although this is largely addressed in the Site Development phase, staff noted that the existing sidewalk along Chesterfield Parkway must be evaluated and upgraded, as necessary, to achieve ADA compliance and access management principals are to be applied to this development which can be found in Article 04-10 of the Unified Development Code.

PRELIMINARY PLAN

A zoning map amendment to a planned zoning district requires a Preliminary Development Plan which has been included in the Planning Commission's packet. While there are a number of uses requested associated with this petition, the intent is to construct an Assisted Living Care Facility. The additional uses are being requested as they are currently permitted under the existing zoning entitlements and the property owner desires to retain those permitted uses. The Petitioner has submitted the required Preliminary Plan which depicts a proposed four-story, 187,263 square-foot, 150 unit senior living facility and associated parking. The building is shown on the Preliminary Plan to be pushed north from Chesterfield Parkway West, but allows a drive aisle circumnavigating the building for full circulation. Access for the site is proposed to be provided off of Chesterfield Parkway West and the adjacent building to the east.

The preliminary plan and coinciding narrative include a request for modification of standards within the Urban Core District. The request includes a proposed shared parking lot with the property to the east. The UDC has a minimum standard of design for setbacks within the Urban Core District. The minimum yard setback for any parking area, parking structure, internal drive or loading space shall be 30 feet.

The standards for development within the UDC may be modified if it is demonstrated that said modification is consistent with the Comprehensive Plan and it is found that no detriment to public health, safety and welfare will be created. Additionally, site design features should be included in the development for projects requesting modifications to the above standards. Said modification shall require a two-thirds vote of the Planning Commission. Notwithstanding the recommendation of the Planning Commission, the Council may modify the standards contained in this Section by a majority vote.

Should Planning Commission provide a two thirds vote in favor of the modification to Parking Setback as requested, staff provided the following red line for the Attachment A.

C. SETBACKS

1. 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. 30 feet from the north boundary of the UC district.
- b. 30 feet from the right-of-way of Chesterfield Center on the west boundary
- c. 30 feet from the right of way of Chesterfield Parkway West on the south boundary.
- d. ~~30 feet~~ 5 feet from the east boundary of the UC district.

If the modification to the parking setback is approved, staff acknowledges that the typically required 30 foot landscape buffer will not be achievable along the eastern property line. In order to provide consistency with the Attachment A, staff has prepared the flowing language that should be incorporated into the Attachment A, should the Planning Commission choose to approve the requested 5 foot parking setback.

A. LANDSCAPE AND TREE REQUIREMENTS

1. The development shall adhere to the Landscape and Tree Preservation Requirements of the City of Chesterfield Code.
2. **A landscape buffer is not required along the eastern property line.**

All issues discussed at the Public Hearing on December 11th, 2017 have been resolved. Staff has no concerns/issues with this petition. The petition has met all filing requirements and procedures of the City of Chesterfield. Staff recommends action from Planning Commission on the request and Attachment A along with the requested modification to the Attachment A. If the Planning Commission elects for this modification to be made, a motion can be made by the Commission to approve the petition with the adjustment to the Parking Setbacks on Page 4 of the Attachment A.

Respectfully submitted,



Joseph Knight
Project Planner

Attachments

1. Attachment A
2. Applicant Narrative Statement
3. Issues Response Letter
4. Sky Exposure Plane Exhibit
5. Preliminary Plan
6. Tree Stand Delineation
7. Public Letter

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. Animal grooming service
- b. Art gallery
- c. Art studio
- d. Automotive retail supply
- e. Bakery
- f. Barber or beauty shop
- g. Brewpub
- h. Broadcasting studio
- i. Church and other place of worship
- j. Club
- k. Coffee shop
- l. Coffee shop, drive-thru
- m. Commercial service facility
- n. Community center
- o. Day Care Center
- p. Drug store and pharmacy
- q. Drug store and pharmacy, drive-thru
- r. Dry cleaning establishment

- s. Dry cleaning establishment, drive-thru
- t. Education facility- specialized private schools
- u. Education facility- vocational school
- v. Educational facility- college/university
- w. Educational facility- kindergarten or nursery school
- x. Film drop-off and pick-up station
- y. Financial institution
- z. Financial institution, drive-thru
- aa. Grocery-community
- bb. Grocery-neighborhood
- cc. Group Residential Facility
- dd. Gymnasium
- ee. Hospice
- ff. Hotel and motel
- gg. Laundromat
- hh. Library
- ii. Mortuary
- jj. Museum
- kk. Newspaper stand
- ll. Nursing home
- mm. Office, dental
- nn. Office, general
- oo. Office, medical
- pp. Park
- qq. Professional and technical service facility

- rr. Public safety facility
 - ss. Reading room
 - tt. Recreation facility
 - uu. Research facility
 - vv. Restaurant, fast food
 - ww. Restaurant, sit down
 - xx. Restaurant, take out
 - yy. Retail sales establishment, community
 - zz. Retail sales establishment, neighborhood
 - aaa. Telecommunications structure
 - bbb. Telecommunications tower or facility
 - ccc. Veterinary clinic
2. The above uses in the “UC” District shall be restricted as follows:
- a. The Group Residential Facility, Nursing Home and Hospice uses shall be limited to no more than 150 units.
 - b. Retail sales uses shall be prohibited from any outdoor sales, storage or display of materials or goods.
 - c. Land uses ‘u’, ‘v’, ‘dd’, ‘vv’ and ‘ww’ listed above are not permitted in stand-alone structures.
 - d. Restaurant land uses shall not be permitted to have a drive-thru component.
3. Hours of Operation.
- Hours of operation for this “UC” District shall be restricted from 7 a.m. to 11 p.m. for all uses with the exception of Group Residential Facility, Nursing Home, Hospice and Hotel/Motel land uses.

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

1. Height
- a. The maximum height of any structure, exclusive of roof screening, shall not exceed 4 stories.

2. Building Requirements

- a. A minimum open space of thirty percent (30%) 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 open space requirement of thirty percent (30%)
- b. A maximum floor area ratio (F.A.R.) of fifty-five hundredths (0.55) is allowed.

C. SETBACKS

1. Structure Setbacks

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

- a. Thirty-five (35) feet from the north boundary of the UC district.
- b. Thirty-five (35) feet from the right-of-way of Chesterfield Center on the west boundary.
- c. Thirty-five (35) feet from the right of way of Chesterfield Parkway West on the south boundary.
- d. Thirty-five (35) feet from the east boundary of the UC 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 north boundary of the UC district.
- b. Thirty (30) feet from the right-of-way of Chesterfield Center on the west boundary.
- c. Thirty (30) feet from the right of way of Chesterfield Parkway West on the south boundary.
- d. Thirty (30) feet from the east boundary of the UC 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.
3. No construction related parking shall be permitted within the right of way or on any existing roadways surrounding the development including but not limited to Lydia Hill Drive, Chesterfield Center, and Chesterfield Parkway West. All construction related parking shall be confined to the development.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The development shall adhere to the Landscape and Tree Preservation Requirements of the City of Chesterfield Code.

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 (or MoDOT), for sight distance considerations prior to installation or construction.

G. LIGHT REQUIREMENTS

1. 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 the development from Chesterfield Parkway West shall be restricted to one (1) commercial entrance, as shown on the Preliminary Site Plan and as directed by the St. Louis County Department of Transportation and City of Chesterfield.
2. Access to the development from 16123 Chesterfield Parkway West shall be secured by cross access easement(s) or other appropriate legal instrument or

agreement guaranteeing permanent access between this parcel and the adjacent parcel(s) as directed by the City of Chesterfield.

3. Adequate sight distance shall be provided, as directed by the City of Chesterfield and the St. Louis County Department of Transportation. 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.
4. Traffic signal modifications shall be as directed
5. Provide cross-access easements to the adjacent parcels as directed by the City of Chesterfield.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. 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 Highways and Traffic. No gate installation will be permitted on public right-of-way.
2. Provide and/or improve sidewalk and curb ramps, in conformance with ADA standards, along Chesterfield Parkway West and at the north side of the Chesterfield Parkway West and Justus Post Road intersection. The sidewalk shall provide for future connectivity to adjacent developments and/or roadway projects or maintain existing connectivity. The sidewalk may be located within right-of-way controlled by another agency, if permitted by that agency or on private property within a 6 foot wide sidewalk access easement dedicated to the City of Chesterfield.
3. Obtain approvals from the City of Chesterfield, St. Louis County Department of Highways and Traffic, and the Missouri Department of Transportation and other entities as necessary for locations of proposed curb cuts and access points, areas of new dedication, and roadway improvements.
4. Additional right-of-way and road improvements shall be provided, as required by the Missouri Department of Transportation, St. Louis County Department of Highways and Traffic, and the City of Chesterfield.
5. Internal sidewalks shall be provided to the site from the sidewalk along Chesterfield Parkway West creating an accessible pedestrian path to the proposed building. Internal sidewalks and curb ramps shall conform to ADA standards, as applicable.

K. TRAFFIC STUDY

1. Provide a traffic study as directed by the City of Chesterfield and/or the Missouri Department of Transportation and/or St. Louis County Department of Highways and Traffic. 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.

L. POWER OF REVIEW

1. 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. 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.
4. Offsite storm water shall be picked up and piped to an adequate natural discharge point. Such bypass systems must be adequately designed.

5. 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. All structures shall be set at least 30 feet horizontally from the limits of the one hundred (100) year high water.
6. 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.
7. The receiving storm system(s) shall be evaluated to ensure adequate capacity and to ensure that the project has no negative impacts to the existing system(s).
8. Treatment for water quality is required in accordance with our region's MS4 permit. Volume reduction BMPs shall be the emphasis for the water quality treatment strategy. In order to comply with the Chesterfield Village Southwest Quadrant Stormwater Master Plan for detention, post development impervious coverage shall not exceed 90% and the site post developed CN shall be less than 91. Provisions for Channel Protection are required and may be satisfied by volume reduction BMPs.
9. The site is tributary to Lake 1 in the Chesterfield Village Master Storm water Plan. A 2 year 24 hour detention and 100 year – 24 hour detention is provided for this site by the lake if the buildout remains at or below 90% imperviousness. Additional onsite detention will be required for a buildout that exceeds 90% imperviousness.

N. SANITARY SEWER

1. Sanitary sewers shall be as approved by the Metropolitan St. Louis Sewer District and the City of Chesterfield.
2. The receiving sanitary sewer system(s) shall be evaluated to ensure adequate capacity and to ensure the project has no negative impacts to the existing system(s).
3. Formal Metropolitan Sewer District review, approval, and permits are required prior to construction.
4. Post Construction BMPs for water quality with a runoff volume reduction component are required. Extended detention (Channel Protection, CPv) of the site's runoff resulting from the 1 year-24 hour storm shall be provided. CPv storage may be nested within a volume reduction BMP.
5. The site is tributary to a sanitary sewer that is included in MSD's hydraulic models. During formal plan review, an estimate of the site's sanitary flows will need to be provided by the developer's engineering consultant so MSD staff

can evaluate the site's impact on the receiving sanitary sewer. Downstream system upgrades or onsite retention may be necessary if that evaluation indicates the development's additional flow would cause an adverse effect to system capacity.

6. The site is located within the Caulks Creek Service area, subject to the Caulks Creek Surcharge. The surcharged will be assessed during formal plan review, and will be due prior to MSD approving the improvement plans for permits.

O. GEOTECHNICAL REPORT

1. 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. 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 Code shall be required where applicable.
3. 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 St. Louis County Department of Highways and Traffic or MoDOT. Delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.
4. 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.
5. Prior to final release of 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.
6. Formal MSD plan review, approval and construction permits for this project will be required prior to construction of site improvements.
 7. Easements to MSD will be required to cover public sewers that are reconfigured to accommodate the layout of the development. Encroachments upon MSD facilities and easements shall be avoided.
 8. Any off-site easements necessary for installation of proposed improvements on this site must be in place prior to acceptance of improvement plans and/or issuance of a grading permit.
 9. Retaining walls along public right of way shall be private and remain private forever and shall be located such that it is not necessary to support any public improvements.
 10. General areas where public art may be placed shall be indicated on the appropriate site development plan. The specific details for the public art, such as location, size, placement, type, etc., shall be approved by the City of Chesterfield.

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 open space 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

- A.** The developer shall be required to contribute to the Chesterfield Village Road Trust Fund (No. 554), as directed by the St. Louis County Department of Highways and Traffic. This contribution shall not exceed an amount established by multiplying the

ordinance-required parking spaces for the difference between the existing and proposed uses by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
Retirement Community	\$497.22/parking space
Nursing Homes	\$2,278.87/parking space
Loading Space	\$3,257.09/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 Highways and Traffic will provide rates.

If a portion of the improvements required herein are needed to provide for the safety of the traveling public, their completion as a part of the development is mandatory.

As this development is located within a trust fund area established by St. 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 the required contribution, 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 by the St. Louis County Department of Highways and Traffic.

The roadway improvement contribution shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made before the issuance of any Special Use Permit (SUP) by St. Louis County Highways and Traffic or a Building Permit by St. Louis County Public Works Department. Funds shall be payable to "Treasurer, St. Louis County."

The developer is advised that utility companies will require compensation for relocation of their facilities within public 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 on utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.

VI. RECORDING

- A.** 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.

SHELBOURNE SENIOR LIVING
NARRATIVE STATEMENT

A. Project Description

Petitioner is requesting a rezoning of the Property from a “C-8” Planned Commercial District to a “UC” Urban Core district. The Property is currently vacant. The Comprehensive Plan categorizes the Property as “Urban Core.”

Petitioner proposes to develop and operate a 150 unit, 187,263 square foot senior living facility (“Facility”) on the 8.2 acre Property. The Facility will be four stories. The Facility will have a combination of studio, one and two bedroom units. The Facility will serve a combination of independent living, assisted living, and memory care residents. There will be 96 independent living units, 37 assisted living units, and 17 memory care units.

In light of opposition to Petitioner’s initial application, PZ 05-2016 Wild Horse Baxter Center, C148B (Shelbourne Senior Living), Petitioner and Owner have worked together to find an alternative site which is suitable to Petitioner’s development goals and addresses the concerns raised by the residents and the Planning Commission. Petitioner and Owner believe that the Property allows the Petitioner to properly address these concerns for the following reasons:

- Unlike C148B, the Property is not located adjacent to residential development.
- The Facility will back up to a steep hill below Chesterfield Mall and will front Chesterfield Parkway West.
- The Facility is the same use as “The Sheridan at Chesterfield,” recently approved as PZ 03-2015 and located near the Property at the southeast corner of Justus Post Road and Chesterfield Parkway.
- The Facility’s use designation is consistent with the use designation of “Watermark at Chesterfield Village”, an apartment complex currently under construction across the street from the Property.
- The Property is 8.2 acres, nearly 3 acres larger than C148B. The larger lot allows Petitioner to spread the Facility out on the lot and to push it back from Chesterfield Parkway West. This layout allows Petitioner to enhance the architectural features of the Facility so that it is aesthetically pleasing to drivers on Chesterfield Parkway while avoiding a “tunnel effect” along the Parkway.

B. Requested Uses

See Exhibit B. The Requested Uses are the same uses that were approved in PZ 03-2015.

C. Land Uses and Development Standards

See Preliminary Development Plan.

D. Permitted Uses

See Exhibit B.

E. Exceptions to the Zoning Ordinance

The existing parking lot does not comply with the 30 foot no parking drive aisle rule. Petitioner proposes to use the parking lot in place and to share it with the property to the east.

F. Acreage Table

The Property will be developed in a single phase.

G. Proposed Dedications or Reservations for Public Use

None.

H. Parking, Loading, Access, Lighting

See Preliminary Development Plan.

I. Landscaping and Tree Preservation

Petitioner will comply with all City landscaping and tree preservation requirements.



**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

November 22, 2017

Hand Delivered and Via Email

Mr. Joseph M. Knight
Project Planner
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017-0760

**Re: P.Z. 16-2017 Chesterfield Village Mall (Shelbourne Senior Living) –
Rezoning – First Issues Letter Response**

Dear Mr. Knight:

The undersigned represents Shelbourne Healthcare Development Group, LLC (“Applicant”) in connection with P.Z. 16-2017 Chesterfield Village Mall (Shelbourne Senior Living) (“Application”). Applicant has received and reviewed your comment letter dated November 21, 2017 (the “Letter”). Applicant’s responses to the comments provided in the Letter are as follows:

1. Certificate of Need. There was discussion on the status of the Certificate of Need. Please provide an update on the status.

Response: The transfer of the Certificate of Need to the subject site was approved on November 9, 2017.

2. Use Restrictions/Appropriateness. Questions were raised on drive-thru activity. Please address the necessity or restriction placed upon drive-thru components.

Response: All of the uses requested by Applicant were approved for The Sheridan pursuant to Ordinance 2861, adopted by the City of Chesterfield on August 3, 2015. All of the uses requested by Applicant were required by Chesterfield Village Inc. (“Seller”) pursuant to an agreement between Applicant and Seller. Seller wishes to maintain Seller’s vested approved uses for the subject site in the event that the Application is approved but Applicant and Seller do not subsequently close on the subject site.

3. Sky Exposure Plane. Circumvent a tunneling effect along Chesterfield Parkway West by avoiding an acute angle of buildable area in relation to the front yard setback. In order to achieve this, provide the Sky Exposure Plane on the section profiles.

Response: See the enclosed "Sky Plane Exposure" exhibit. Applicant notes that issues regarding sky plane exposure are generally addressed during the Site Development Plan phase. However, Applicant is willing to provide the requested exhibit to show that Applicant's proposed development is well within the City's requirements.

4. Staff Comments. Staff proposed certain Attachment A language regarding specific criteria for the permitted uses

Response: Staff's proposed language is acceptable.

5. Preliminary Plan Comments. Show existing and proposed cross access easements.

Response: A revised Preliminary Development Plan will be provided to show the cross-access easement with the property to the South of the subject site.

6. Preliminary Plan Comments. If cut or fill slopes in excess of the standard maximum of 3:1 horizontal run to vertical rise are desired, approval for the steeper slopes must be obtained from the City of Chesterfield. Review of the proposed steep slope(s) will be concurrent with the review of the Site Development and/or Improvement Plans or the Grading Permit for the project. On the Preliminary Plan, any proposed slope in excess of 3:1 should be labeled and referenced with the following note: Approval of this plan does not constitute approval of slopes in excess of 3:1. Steep slopes are subject to the review and approval of the City of Chesterfield.

Response: Acknowledged. If necessary, this will be addressed during the Site Development Plan phase.

7. Advisory Comment. The Planning Commission addressed having a high expectation for exceptional building design. 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 Site Development Plan will be reviewed by the Architectural Review Board and look to achieve the exceptional design qualities.

Response: This advisory comment is noted.

8. Advisory Comment. Existing sidewalk along Chesterfield Parkway must be evaluated and upgraded, as necessary, to achieve ADA compliance.

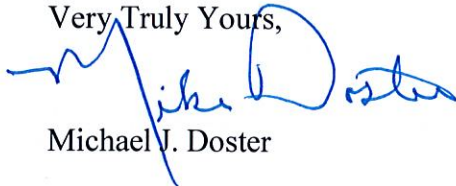
Response: This advisory comment is noted.

9. Advisory Comment. Access management principals to be applied to this development can be found in Article 04-10 of the Unified Development Code of the City of Chesterfield.

Response: This advisory comment is noted.

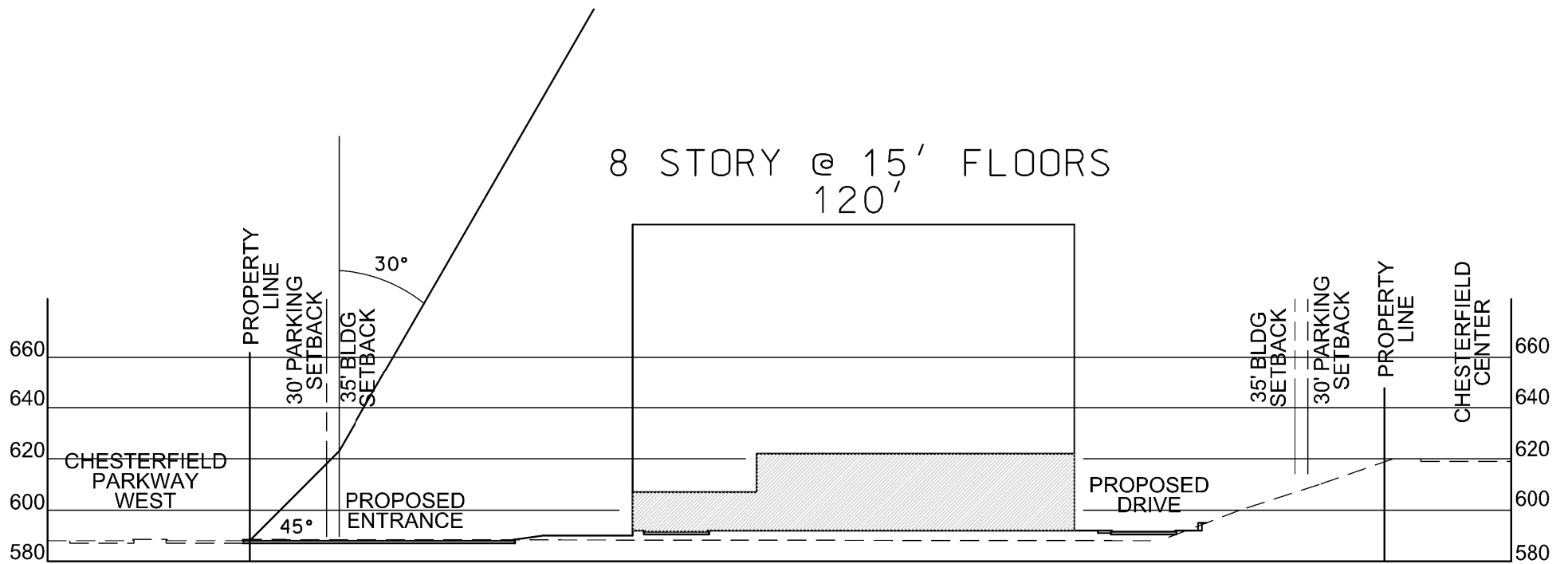
Please find one (1) copy of the "Sky Plan Exposure" exhibit enclosed for your review.

Please do not hesitate to contact me if you have any further questions or comments regarding the Application.

Very Truly Yours,

Michael J. Doster

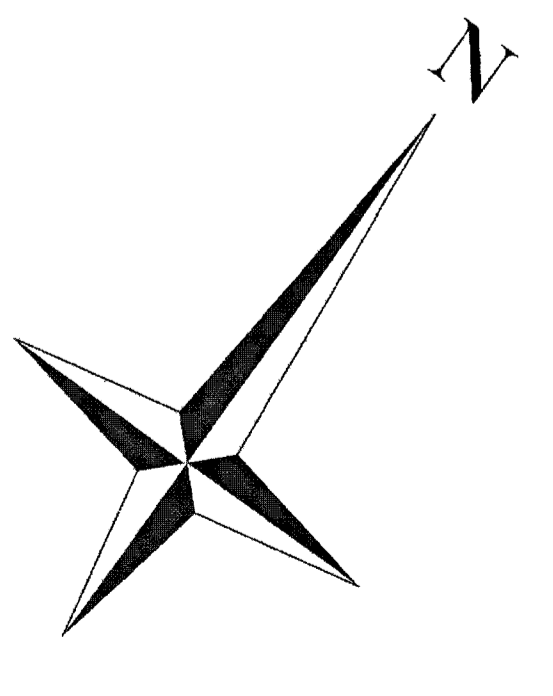
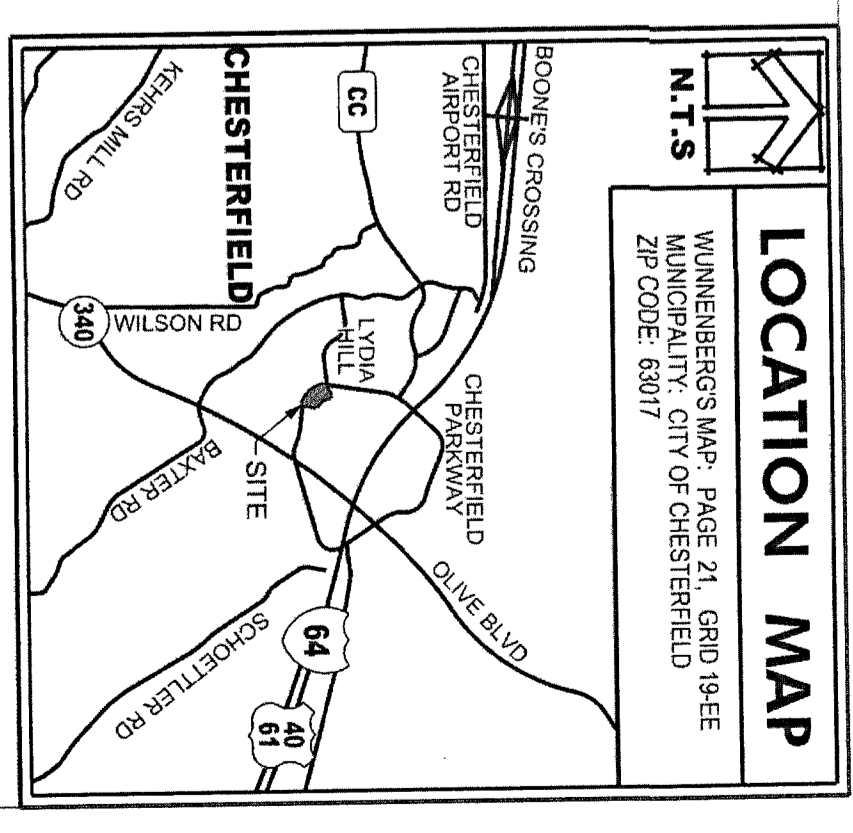
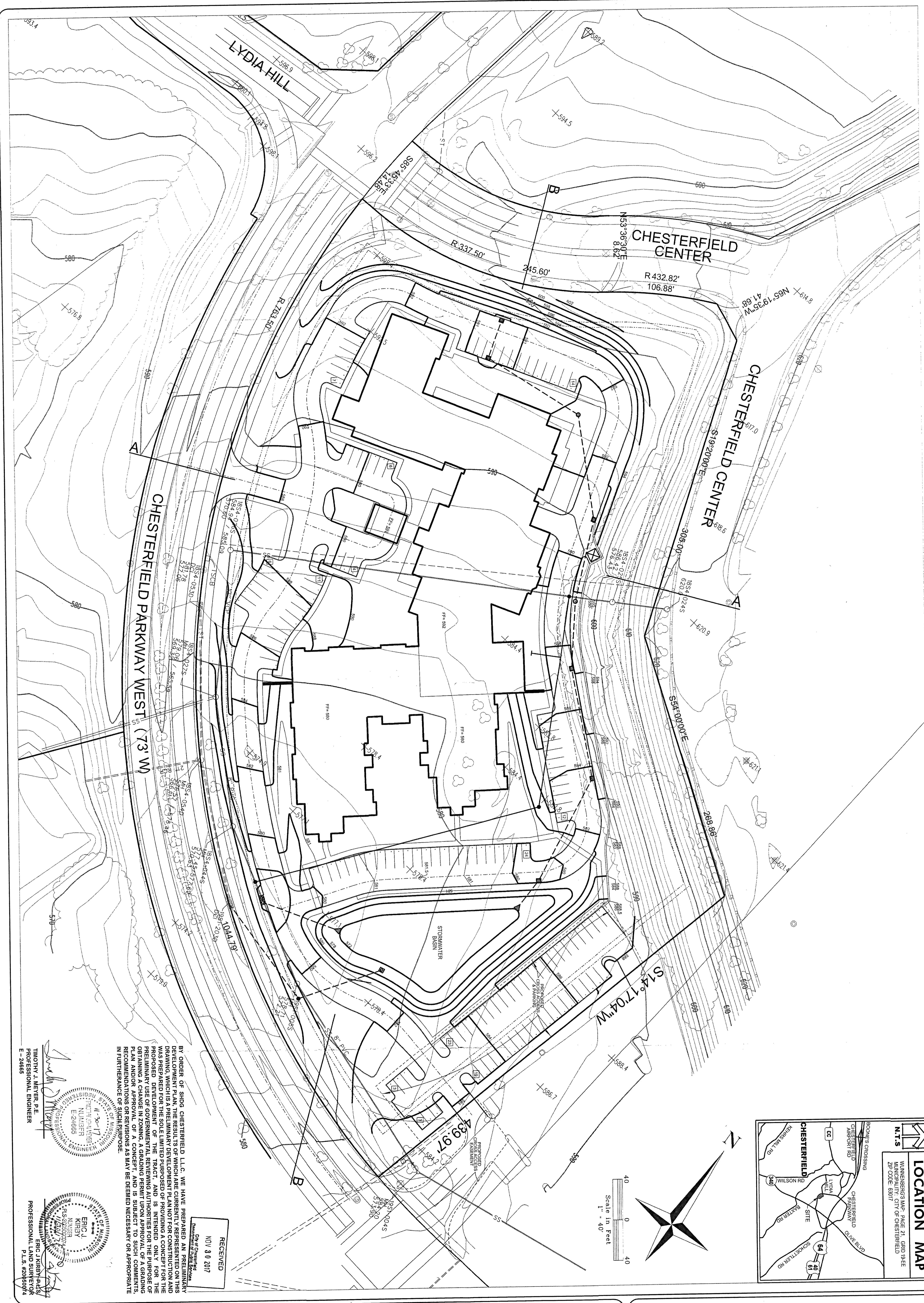
Enclosure

cc: Mark Hallowell, Shelbourne Healthcare Development Group, LLC
Jim Kane, Shelbourne Healthcare Development Group, LLC
Jeff Atkins, Volz, Inc.



SECTION AA

SKY PLANE EXPOSURE



40 0 40
Scale in Feet
1" = 40'

BY ORDER OF SHDG CHESTERFIELD LLC, 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 FOR THE PURPOSE OF OBTAINING A CHANGE IN ZONING CONCEPT, AND IS SUBJECT TO SUCH COMMENTS, PLAN AMENDATIONS OR REVISIONS AS MAY BE DEEMED NECESSARY OR APPROPRIATE IN FURTHERANCE OF SUCH PURPOSE.

RECEIVED
NOV 30 2017
City of Chesterfield
Department of Public Works

PROFESSIONAL LAND SURVEYOR
ERIC J. KIRBY
P.L.S. #2065074
E-24865

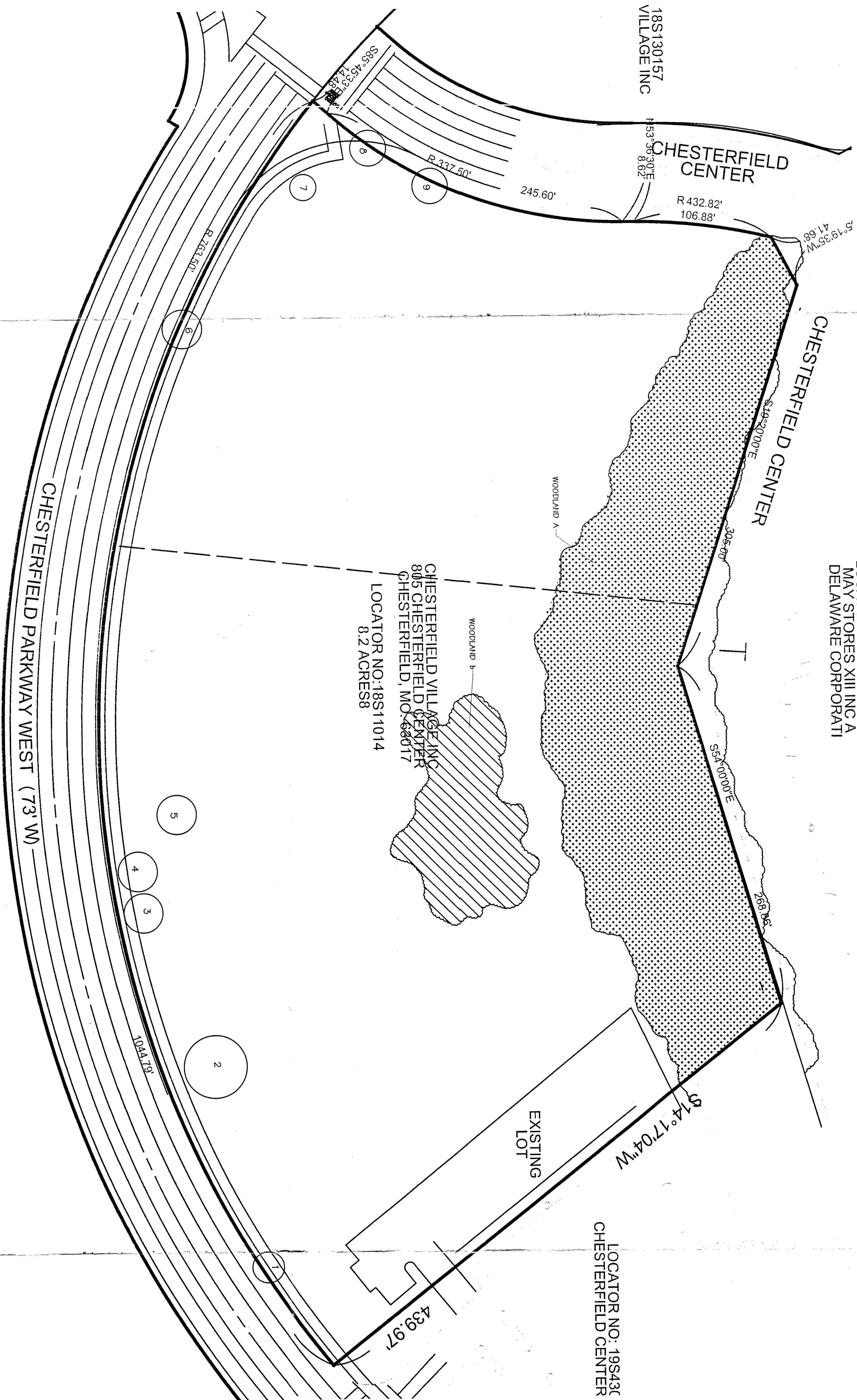
PRELIMINARY DEVELOPMENT PLAN
BASE MAP NO. 18S
LOCATOR NO. 18S10148
VOLZ NO. 21462
H:\cadd\21400-21499\21462\Planning\Preliminary\PDP SHEET 2017.dgn

SHELBOURNE SENIOR LIVING
A tract of land being C109 and C208 of "Chesterfield Village Area 'A' Phase One Plat One", a subdivision according to the plat thereof recorded in Plat Book 158 pages 96 and 97 of the St. Louis County Records, in U.S. Survey 2002, Township 45 North - Range 4 East, City of Chesterfield, St. Louis County, Missouri

VOLZ Incorporated
10849 INDIAN HEAD INDL BLVD
ST. LOUIS, MISSOURI 63132
314.426.6212 main
314.890.1250 fax
www.volzinc.com

SHDG CHESTERFIELD LLC
123 WEST WAYNE AVE.
WAYNE, PA 19087
610.416.9635

MAY STORES XIII INC A
DELAWARE CORPORATI



LOCATOR NO. 18T321095
WATERMARK AT CHESTERFIELD VILLAGE MO

LOCATOR NO. 19T641152
CHESTERFIELD VILLAGE ASSOCIATION

Tree Stand Delineation
SCALE 1" = 40'-0"

Number	Chesterfield Parkway West Common Name	DBH Of Trunk	Canopy Area	Condition Rating	Comment
1	Green Ash	10	452	2	Street Tree
2	Silver Maple	22	1,808	3	
3	Green Ash	16	706	2	
4	Green Ash	16	706	2	
5	Mulberry	14	706	2	
6	Green Ash	17	706	2	Street Tree
7	Red Maple	8	314	1	SUN SCREED
8	Austrian Pine	18	400	2	
9	White Pine	16	330	3	
	Total		6,328		

LEGEND

109 - Reference Number

RATING:
+ 1st/2nd Quality
- 3rd/4th Quality
x 5th/6th Quality

Tree Stand Delineation Narrative
October 2, 2017

The overall lot of 8.2 acres and has a total of 9.31 ac. of Woodlands. The attached detailed Tree Stand Delineation map was compiled by field inspection.

Woodland A: This woodland area covers the slope on the Eastern part of the site and covers (1.43 AC). The primary overstory trees are mix of Boxelder, Black Locust, Pin Oak, Elm, Ash, and Black Cherry. The average size of the overstory canopy is 100 sq ft. The understory is primarily shrub species and Rough Leaf Dogwood.

Woodland B: This woodland area is located in the center of the site (0.27 AC). The overstory trees are primarily Boxelder, Black Locust, and White Pine. The average size of the canopy is 300 sq ft. The understory is primarily shrub species and Rough Leaf Dogwood. No Morch, state description or rare trees were found on the site.

WOODLAND A = 1.43 Ac. (62,339 sq. ft.)
WOODLAND B = 0.27 Ac. (12,098 sq. ft.)
INDIVIDUAL TREES = 0.14 Ac. (6,250 sq. ft.)
Total Existing Canopy = 1.84 Ac. (80,768 sq. ft.)

RECEIVED
DEC 04 2017
City of Chesterfield
Department of Public Works

Tree Stand Delineation Plan Prepared
under direction of Skip Kincaid of
Hansen's Tree Service
Certified Arborist MW-041558W

Base Map Provided by: Vdz Engineering
Skip Kincaid

Sheet Title:	Tree Stand Delineation
Sheet No.:	TSD-1
Date:	10-2-2017
Job #:	154-002

DeLong
andscape
Architecture, LLC
7620 West Bruno Ave
St. Louis, MO. 63117
(314) 346-4856
delong.la@gmail.com
Missouri State Certificate of Authority: #2013000145

Revisions:	Date	Description	No.
Drawn:	DD		
Checked:	BD		

Shelborne Senior Living
Chesterfield, Missouri 63017

Shelborne Healthcare

Consultants:
HANSHEN'S
OF CHESTERFIELD, MISSOURI
www.hanshens.com

Douglas A. DeLong, Landscape Architect, L.S.M.



Charlie Foxman
1533 Walpole Drive
Chesterfield, MO 63017

November 9, 2017

The Planning Commission for the City of Chesterfield
c/o Justin Wyse, Director of Planning and Development Services
690 Chesterfield Parkway West
Chesterfield, Missouri 63017

Re: P.Z. 16-2017 Chesterfield Village Mall (Shelbourne Senior Living)


Dear Commissioners:

I am writing in support of the Shelbourne Healthcare Development Group's application to rezone a tract of land located southeast of the intersection of Chesterfield Parkway West and Chesterfield Center identified as C109/208 (805 Chesterfield Center, Chesterfield Missouri 63017).

I am President and Treasurer of the Oak Home Owners Association, a subdivision of 103 homes closest to the proposed development. I am also Vice President of the Chesterfield Village Association that oversees the common amenities of the Oak, Sycamore and Justus Point Subdivisions (160 homes). I have not been informed of and cannot, at this juncture, foresee any objections to Shelbourne's development.

Please feel free to contact me directly if you have any questions or a need for additional information.

Sincerely,


Charlie Foxman
charliefoxman@gmail.com
314-304-5425

cc: Mark Hallowell, Shelbourne Healthcare Development Group (
Guy Tilman, Councilmember, Ward 2 (gtilman@chesterfield.mo.us)
Ben Keathley, Councilmember, Ward 2 (bkeathley@chesterfield.mo.us)
Mike Geisel, City Administrator (mgeisel@chesterfield.mo.us)