

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
NOVEMBER 22, 2010**

The meeting was called to order at 7:00 p.m.

I. ROLL CALL

PRESENT

Mr. David Banks
Mr. Bruce DeGroot
Ms. Wendy Geckeler
Ms. Amy Nolan
Mr. Stanley Proctor
Mr. Robert Puyear
Chairman G. Elliot Grissom

ABSENT

Mr. Michael Watson

Councilmember Matt Segal, Council Liaison
City Attorney Rob Heggie
Ms. Aimee Nassif, Planning & Development Services Director
Mr. Justin Wyse, Project Planner
Ms. Mary Ann Madden, Recording Secretary

II. PLEDGE OF ALLEGIANCE – All

III. SILENT PRAYER

Chair Grissom acknowledged the attendance of Councilmember Matt Segal, Council Liaison; Councilmember Bruce Geiger, Ward II; and Councilmember Connie Fults, Ward IV.

IV. PUBLIC HEARINGS – Commissioner Geckeler read the “Opening Comments” for the Public Hearings.

Ms. Aimee Nassif, Planning & Development Services Director gave a brief overview of the two zoning requests and explained the Public Hearing process to the audience. The first request is a rezoning to the “R4” Residence District. This straight zoning request does not require a Preliminary Plan and the Petitioner must adhere to all requirements in the City code with no modification or variance.

The second request is for a Planned Unit Development (PUD), which requires a Preliminary Plan. There are several general conditions and site-specific criteria which must be met in order to qualify for the PUD.

Each rezoning request requires a separate vote. After the Public Hearing process, the Commission will conduct an Issues Meeting, followed by a Vote Meeting. The petitions, along with the Planning Commission's recommendation, will then be forwarded to the Planning & Public Works Committee for review. The Committee's recommendation will be forwarded to City Council where the petitions will be presented for two readings.

- A. P.Z. 11-2010 Chesterfield Senior Living (Plan Provisions, LLC):** A request for a change of zoning from a "PC" Planned Commercial District to an "R-4" Residence District for an 8.04 acre tract of land located north of Wild Horse Creek Road and west of Long Road (18V510138).

STAFF PRESENTATION:

Project Planner Justin Wyse gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Wyse stated the following:

- All local and State Public Hearing notifications were fulfilled.
- The subject site is located approximately 400-500 feet north of Wild Horse Creek Road and is currently undeveloped. There is a road for access along the eastern side of the parcel.
- According to the survey submitted by the Petitioner, approximately one-quarter to one-third of the site is a heavily-wooded area with steep slopes. There is approximately 111,000 square feet in tree canopy area with ten monarch trees that are listed as in "good" or "excellent" condition.
- Site History:
 - The site was zoned 'NU' Non-Urban District by St. Louis County in 1965.
 - In 2004, P.Z. 13-2004 was submitted, which was a request to rezone from 'NU' to 'PC' for an office development – the petition was denied in September 2005. This petition included the site being presented this evening, as well as the area that is now developed as the day care center to the south.
 - In 2006, two requests were submitted that separated the day care center from the site being presented this evening. The day care center site was rezoned to "E-1/2 Acre", and the center is now built. P.Z. 28-2006 was approved for a change in zoning from 'NU' to 'PC' with a 'WH' Overlay.
- The surrounding zoning is prominently "NU" and "R1".
- Zoning:
 - The nearest "E-1/2" Acre zoning (Westland Acres) is located approximately 4,450 feet away from the subject site (This excludes the day care center located immediately to the south of the site.)
 - The nearest "R"2 zoning (Springfield Bluffs Subdivision) is located approximately 6,675 feet away from the subject site.
 - The nearest "R3" zoning (Westchester Manor) is located approximately 8,700 feet away from the subject site.

- The nearest “R5” zoning (Baxter Crossing Apartments) is located approximately 13,850 feet away from the subject site.
- The Comprehensive Land Use Plan designates the site as *Neighborhood Office*.
- Issues Under Review by Staff:
 - Consistency of the proposed district with the existing density in the area.
 - Consistency of the proposal with the Comprehensive Plan.

PETITIONER’S PRESENTATION:

Mr. Brandon Harp, Principal at Civil Engineering Design Consultants representing Plan Provisions LLC, 11402 Gravois Road, St. Louis, MO stated the following:

- The Petitioner is requesting to rezone the subject site from “PC” to “R4” with a Planned Unit Development (PUD).
- Under the Planned Unit Development, the Petitioner is requesting the following *Permitted Uses*:
 1. Group residential facilities
 2. Group living facilities
 3. Nursing homes and group homes for the elderly
- The following *Accessory Uses* are being requested under the PUD, which are subject to specific requirements of square footage of the building. These uses would only serve the group home use so no outside signage would be provided.
 1. Barber or beauty shops
 2. Day care centers, child
 3. Drug stores and pharmacy
 4. Grocery, neighborhood
 5. Laundromat and dry cleaning establishment
 6. Newspaper stands
 7. Restaurants, sit down and/or outdoor customer area
- This site obtained a Certificate of Need from the State of Missouri in July 2010, which approved 51 assisted living units for this development under Phase I.
- Phase II would include an additional 51 assisted living units – totaling 102 assisted living units. Phase II also includes 33 independent living units – totaling 135 dwelling units.
- The Petitioner is requesting the “R4” zoning because “R4” allows 20 units/acre for a nursing home development vs. “R2” or “R3” which only allows 15 units/acre. The “R4” zoning would not be used for single-family residences with small lot sizes.
- Based on the size of the property (8.04 acres), and subtracting the right-of-way dedication that will be required for an east-west public street, the net area is 7.47 acres. Multiplying the 7.47 acres by the allowed density of 20 units/acre equals 149 units that would be allowed under the “R4” zoning vs. the 135 units being requested under this petition.
- The subject site is north of Wild Horse Creek Road and north of the child care center. The proposed development will sit approximately 10 feet lower than Wild Horse Creek Road and would be over 500 feet north of Wild Horse Creek Road.
- Initially, access to the site will be via a cross access easement through the Chesterfield Academy Child Care Center, which is at the signalized intersection of

Wild Horse Creek Road and the entrance into the child care center. The Chesterfield Elementary School and the Rockwood School District had widened Wild Horse Creek Road through this area so there are dedicated turn lanes at the signalized intersection.

- In the future, they have been advised by the City that as development proceeds north of Wild Horse Creek Road into the Non-Urban zoning districts to the east and west of the site, a new road will connect Wild Horse Parkway to Greystone Manor to the west at two new intersections. The new east-west roadway would be constructed along the frontage of the subject site and would eventually be extended and connected back to Wild Horse Creek Road.
- The proposed buildings would not exceed three stories, or 45 feet, in height. The Preliminary Development Plan shows a three-story independent living building on the west side of the campus, and a two-story assisted living building on the east side.
- The Petitioner is proposing a variety of walking trails, open space intermingled throughout the development, and preservation of the heavy woodlands on the north side (the bluff area).
- The Preliminary Development Plan shows 35% open space and conforms to the required 30-foot perimeter buffer areas as outlined in the PUD.

Discussion

During discussion between Mr. Harp, the Commission and the City Attorney, the following points were clarified:

- **35% Open Space/Density of the Site:**
Commissioner Banks expressed concern about the density of the site considering that approximately 1/3 of the site is un-developable.

Mr. Harp confirmed that the 35% open space includes the un-developable, sloped portion of the site. The Petitioner does not believe that the development will appear more dense with the smaller developable area. They are proposing not to exceed 20% of the bluff area. The site has heavy woodlands to the north and then the remaining site will be designed to bring green space into the overall development.

- **“R4” Zoning vs. “R2” Zoning:**
Commissioner Geckeler expressed concern about the “R4” zoning noting that there are not any “R4” developments nearby and questioned why the lower density of 15 units/acre allowed under “R3” or “R2” would not be acceptable.

Mr. Harp stated that the Petitioner is requesting the “R4” zoning because of the density it allows for *nursing home*, *assisted living*, and *skilled living* units, which is 20 units/acre. During the master planning of this eight-acre site, financial consideration was given as to how the site could be developed. The site has an extraordinary amount of infrastructure cost associated with it – such as the new MSD criteria for water quality and channel protection detention, a sanitary sewer pump station, retaining walls, grading, and the east-west roadway. The proposal of 135 units makes the site feasible.

- **Certificate of Need:**

Chair Grissom asked if the information pertaining to the Certificate of Need could be disclosed to the Commission.

Mr. Harp stated that the Certificate of Need is public record and can be obtained by the Commission. It includes a detailed analysis of market studies, site costs, and building costs. It also notes that the 51 assisted living units is part of Phase I and that there would be a subsequent Phase II. A Certificate of Need is not required for the independent living units.

- **Current Zoning of “PC” with “WH” Overlay:**

Mr. Harp then noted that Plan Provision, LLC was unable to develop the subject site with the current zoning of Planned Commercial with the Wildhorse Overlay because it was approved by City Council with substantially less square footage (30,000 sq. ft.) than what was originally requested. As a result, the density and market conditions did not allow the site to be developed. There was an effort to develop a project that would fit under the current zoning of the site in which Mr. Harp was involved to the point of providing the technical criteria. Considering the infrastructure costs associated with this eight-acre site, 30,000 square feet of development is not feasible.

- **Phase II Development & “R4” Zoning:**

City Attorney Heggie asked why the City should rezone the site when the Phase II Certificate of Need is not guaranteed.

Mr. Harp replied that the Petitioner is presenting what he feels is necessary to move the project forward based on interest expressed in the property from outside parties.

City Attorney Heggie explained that the Commission’s objective is to make sure the zoning is consistent with the surrounding area, and “R4” zoning appears to be an anomaly in an area that consists primarily of “R1” and Estate District housing.

Mr. Harp disagreed stating that the “R4” request is not for single-family dwelling units with small lot sizes. The “R4” is being requested for the dwelling-unit density of 20 units/acre for a nursing home, assisted living, or independent living facility.

Mr. Harp added that the site is located within the Planned Commercial zoning district of the Wildhorse Overlay and is north of the 1920-foot mark from the south runway of the Airport. The Comprehensive Plan indicates that there is not to be any residential development north of the 1920-foot line. They are trying to find a way to get the northern portion of the site to be more residential than an office park and the “R4” zoning best meets their needs for developing the site for the requested uses.

SPEAKERS IN OPPOSITION:

Ms. Renee Heney, Wildhorse Subdivision, 1513 Honey Locust Court, Chesterfield, MO stated the following:

- The Wildhorse Subdivision is diagonally across the street from the subject site and next door to Chesterfield Elementary School.
- She is representing the Wild Horse Creek Road Association, which is comprised of numerous homeowners who live in the subdivisions along Wild Horse Creek Road. There are over 1,000 homes that would be impacted by the proposed development.
- The Association opposes the proposed plan for the following reasons:
 1. The “R4” zoning is too dense and not compatible with the character of the residential area.
 2. They do not agree with the specified accessory services being proposed as they are not compatible with the current residential character of the area.
 3. They are concerned about setting a precedent for future use of the surrounding property.
- They are very receptive to continuing discussions that would make the subject site compatible with the residential area. They feel that *senior living* could be compatible but not according to the current plan.
- The dedicated turn lane into the day care center does not help with traffic flow at the current time.

SPEAKERS IN FAVOR:

Mr. Bill Kirchoff, 17627 Wild Horse Creek Road, Chesterfield, MO stated the following:

- His property is immediately adjacent to the east of the subject site. He and his wife have lived at this address for 35 years.
- They supported the child care center and they believe that it is a “pleasant addition to the neighborhood” and they expect that the proposed project will also be an asset to the area.
- He feels that the “R4” zoning for this specific development is preferable to having “R2” or “R3” single family homes.

SPEAKERS – NEUTRAL: None

ISSUES:

1. “R4” zoning and its compatibility with the surrounding zoning
2. “R4” zoning with respect to the Comprehensive Plan

- B. P.Z. 12-2010 Chesterfield Senior Living (Plan Provisions, LLC):** A request for a change of zoning from an “R-4” Residence District to a “PUD” Planned Unit Development District for an 8.04 acre tract of land located north of Wild Horse Creek Road and west of Long Road (18V510138).

STAFF PRESENTATION:

Project Planner Justin Wyse gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Wyse stated the following:

- All local and State Public Hearing notifications requirements have been met.

- The site history is the same as that presented under the first Public Hearing with the addition of P.Z. 11-2010, which is a request to rezone from “PC” to “R4”.
- Planned Unit Development (PUD) – Density
 - P.Z. 11-2010 and P.Z. 12-2010 have been submitted simultaneously per PUD District regulations.
 - Density is based on the zoning district prior to the change in zoning. The two requested rezonings are two separate processes.
 - Through P.Z. 11-2010, the Petitioner is requesting the “R-4” designation to establish the density.
- PUD – General Requirements
 - Minimum of four acres in size
 - Under single ownership or written consent by all owners
 - Language within the PUD District states “*Satisfying the minimum standards set forth herein does not per se indicate that an application is entitled to a zoning change and notice is hereby given to that effect.*”
- PUD – Minimum Requirements
 - 30% open space displaced throughout the PUD and NOT concentrated in one area or contained in only that portion of the PUD that would be considered un-developable
 - Perimeter buffer of 30 feet
 - Consistent with the purposes and intent of the Comprehensive Plan and City Code unless otherwise stipulated in the governing ordinance
- The Preliminary Plan shows two buildings – one at three-stories and one at two-stories. Approximately 84,000 square feet in total floor area is being proposed.
- The southern half of the property is to be dedicated to the City for a public street.
- The majority of the bluff line is to be preserved. A proposed trail runs across the back side of the bluff.
- If the “R4” zoning is granted, the density for the PUD would be 20 units/acre allowing 149 units.

Analysis of Permitted Density per Zoning District

DISTRICT	PERMITTED DENSITY	DENSITY ALLOWED ON SUBJECT PARCEL
E-2	2 acres/home	3
E-1	1 acres/home	7
E-1/2	1/2 acre/home	14
R-1	10 units/acre	74
R-2	15 units/acre	112
R-3	15 units/acre	112
R-4	20 units/acre	149
R-5	20 units/acre	149

- Certificate of Need:
 - The Certificate of Need was approved by the State for 51 assisted living facility beds.
 - Of the 51 beds, 16 will be dedicated to memory care units.
 - The Certificate of Need also mentions 33 independent living units, which are not required to be approved by the State in the Certificate of Need.
 - Staff has not received the Certificate of Need showing the second phase of development, which mentions a future development of a skilled nursing facility.
- The Comprehensive Land Use Plan designates the area as *Neighborhood Office*.

Issues under Review by Staff:

- The Certificate of Need vs. Narrative – appears to be some contradiction with respect to phasing
- The Certificate of Need vs. Proposal with respect to density – 84 units (51 ALF + 33 ind. living) vs. 149 units requested
- The proposed trail is not located wholly within the proposed PUD boundary
- The 35% open space is consolidated primarily on the steep slopes – the portion of the site that is considered “un-developable” or “difficult to develop”
- The Fire District has issued a letter indicating that they cannot grant approval at this time due to access issues.
- Design features - Questions regarding whether the narrative and preliminary plan justify the granting of the PUD.
- Consistency with the Comprehensive Plan
- Compatibility of the proposed building scale within the existing development pattern – the proposed 84,000 square feet of building area is significantly more than what is found in the vicinity.

PETITIONER’S PRESENTATION:

Mr. Brandon Harp, Principal at Civil Engineering Design Consultants representing Plan Provisions LLC, 11402 Gravois Road, St. Louis, MO stated that he wished to address Ms. Heney’s concern about the accessory uses. He then read the following excerpt from the “R4” Zoning District:

“There shall be no indication through signs or other devices on the exterior that such commercial uses are in existence.”

Basically, these are accessory uses for people living in the facility – they are not commercial-type facilities for outside clients.

Ms. Nassif added that the development agreement would be written so that the accessory uses would not be available for public use.

If the PUD is approved, Commissioner Banks asked if a Public Hearing would need to be held for any additional uses of any kind. Ms. Nassif responded in the affirmative.

Commissioner Banks asked for a comparison between what was approved under Neighborhood Office vs. the present request. Mr. Harp noted that the site was approved for a maximum 30,000 square feet of *medical office* with 120 parking spaces. The current request is just under 84,000 square feet for 149 units with 149 spaces.

Commissioner Geckeler asked whether employees would be driving to the development or whether a bus line would serve the facility. She also asked whether there would be three shifts. Mr. Harp noted that the workforce has not yet been established for the proposed development but that employees would have to either carpool or drive their own vehicle to work. It was confirmed that there would be three shifts. He added that the majority of the residents in this type of facility would not be driving so having one parking space/unit would provide ample parking for both staff and those residents living in the independent living units.

Mr. Harp also stated that senior living facilities typically do not generate much traffic – the majority of traffic would be from employees during shift changes. It was noted that buses would be available for residents for transportation to grocery stores, appointments, etc.

Commissioner Nolan questioned whether there would be adequate parking for visitors to the facility. Mr. Harp replied that they rely on the City's expertise on setting the zoning requirement for parking but he feels that one space/unit would be ample parking considering that the majority of residents would not be driving.

Deducting the un-buildable space, Chair Grissom asked for the percentage of open space after the site is developed. Mr. Harp indicated that this would have to be calculated and presented at the next meeting. The current open space is 35%, which includes the back bluff area. The bluff area is an amenity of the site and should not be developed.

Chair Grissom asked if there has been any effort to obtain rights-of-way for the proposed trails. Mr. Harp stated that the trail system shown on the Preliminary Plan is "an intent" – the majority of the trail system is on the Petitioner's property. The trail will tie into a future City-trail system that will be north of the site near the railroad.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES:

1. Review the final Certificate of Need submitted to the City.
2. Calculation of the open space with the bluff area removed.

3. Clarify the zoning of the other Chesterfield nursing home facilities. *Mr. Wyse noted the following:*
 - Delmar Gardens – Non-Urban with a Conditional Use Permit
 - Friendship Village - Non-Urban with a Conditional Use Permit
 - Willows at Brooking Park – R1 and R3 with a Conditional Use Permit
 - Sunrise – R6 with a Conditional Use Permit
 - Surrey Place – R1A with a Conditional Use Permit
 - Gardenview – R3 with a Conditional Use Permit
4. Continue working with the Petitioner on issues related to the trails
5. Consistency with the Comprehensive Plan in that the Plan calls for the site to be “*Neighborhood Office*” rather than residential development.

Commissioner Geckeler read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING MINUTES

Commissioner Proctor made a motion to approve the minutes of the **November 8, 2010 Planning Commission Meeting**. The motion was seconded by Commissioner Banks and **passed by a voice vote of 7 to 0**.

VI. PUBLIC COMMENT - None

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **Conway Point Office Building (P.Z.47-2007 Time Extension)**: 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 Puyear, representing the Site Plan Committee, made a motion recommending approval of the Time Extension for **Conway Point Office Building**. The motion was seconded by Commissioner Geckeler and **passed by a voice vote of 7 to 0**.

- B. Monarch Center (P.Z. 24-2006 Time Extension):** A request for a two (2) year extension of time to submit a Site Development Plan for a 10.14 acre tract of land zoned “PC” Planned Commercial district located north of Edison Avenue and east of Long Road.

Commissioner Puyear, representing the Site Plan Committee, made a motion recommending approval of the Time Extension for Monarch Center. The motion was seconded by Commissioner Geckeler and **passed by a voice vote of 7 to 0.**

VIII. OLD BUSINESS

- A. P.Z. 09-2010 Four Seasons West (Schuyer Corp.):** A request for a change of zoning from a “PC” Planned Commercial District to a new “PC” Planned Commercial District for a 2.35 acre tract of land located on the southwest corner of the intersection of Olive Street Road and River Valley Drive. (16Q230260)

Presenting on behalf of Mara Perry, Ms. Aimee Nassif, Planning & Development Services Director stated that the request for a change of zoning is to accommodate some new uses – primarily the adult day care center. At the Public Hearing, several issues were presented related to noise, hours of operation, and existing uses on the site compared to the uses being requested. The Attachment A now includes hours of operation. The Staff Report includes a chart comparing the current uses to the proposed uses. It was noted that when the original petition was submitted to County in 1984, the requested use for a grocery store was prohibited. The Petitioner is requesting a grocery store use, however this is a *grocery store-neighborhood* use which allows no more than 5,000 square feet in size.

Ms. Nassif stated that a separate vote is needed to maintain the 23% open space vs. the 35% requirement. The Petitioner currently has 23% open space on the site and is what was originally approved and carried over in all their past Ordinances.

Commissioner Geckeler made a motion to approve the rezoning request for P.Z. 09-2010 Four Seasons West (Schuyer Corp.). The motion was seconded by Commissioner Puyear.

Upon roll call, the vote was as follows:

**Aye: Commissioner Nolan, Commissioner Proctor,
Commissioner Puyear, Commissioner Banks,
Commissioner DeGroot, Commissioner Geckeler,
Chairman Grissom**

Nay: None

The motion passed by a vote of 7 to 0.

Commissioner Proctor made a motion to change the open space requirement from 35% to 23%. The motion was seconded by Commissioner Banks.

Upon roll call, the vote was as follows:

**Aye: Commissioner Proctor, Commissioner Puyear,
Commissioner Banks, Commissioner DeGroot,
Commissioner Geckeler, Commissioner Nolan,
Chairman Grissom**

Nay: None

The motion passed by a vote of 7 to 0.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:10 p.m.

Michael Watson, Secretary