

**CITY OF CHESTERFIELD
BOARD OF ADJUSTMENT MEETING SUMMARY
Thursday, August 9, 2007**

The Board of Adjustment meeting was called to order at 7:00 p.m. on Thursday, August 9, 2007 by Ms. Laura Lueking, Acting Chair of the Board of Adjustment.

I. Introduction of Board and City Staff

The following individuals were in attendance:

Mr. Alan Baudler
Ms. Laura Lueking
Mr. Bruce DeGroot
Mr. Richard Morris
Mr. Gerald Schwalbe

Councilmember Bruce Geiger, Ward II
Mr. Rob Heggie, City Attorney, City of Chesterfield
Ms. Annissa McCaskill-Clay, Assistant Director of Planning, City of Chesterfield
Ms. Linda Jones, Executive Secretary, City of Chesterfield
Court Reporter, Midwest Litigation Services

II. Approval of July 5, 2007 Meeting Summary

Gerald Schwalbe made a motion to approve the meeting summary as corrected. Alan Baudler seconded the motion.

Motion passed 5-0 by voice vote

The voice vote was as follows: Alan Baudler, yes; Laura Lueking, yes; Bruce DeGroot, yes; Richard Morris, yes; Gerald Schwalbe, yes.

III. Request for Affidavit of Publication

IV. Public Hearing Items:

- A. **B.A. 09-2007 St. Luke's Episcopal Presbyterian Hospital (Parcel B)**: A request for variance from City of Chesterfield Ordinance 2224 Section I.D(4)(1)(a) to permit a proposed development on "MU" Medical Use District- zoned property to maintain a 25-foot front yard setback in lieu of the required 50-foot-front yard setback. [183 South Woods Mill (18Q140206), 175 South Woods Mill (18Q140251)]
- And
- B. **B.A. 10-2007 St. Luke's Episcopal Presbyterian Hospital (Parcel D)**: A request for variance from City of Chesterfield Ordinance 2372 Section I.C(1)(b) to permit a proposed development on "MU" Medical Use District-zoned property to maintain a 25-foot front yard setback in lieu of the required 50-foot-front yard setback. [163 South Woods Mill (18Q420023), 155 South Woods Mill (18Q510014), 133 South Woods Mill (18Q510025), 111 South Woods Mill (18Q510036)]

Assistant Director of Planning Annissa McCaskill-Clay presented exhibits supporting the petitions requesting variances permitting the petitioner to maintain 25-foot front yard setbacks in lieu of the required 50-foot front yard setbacks. She noted that the "MU" Medical District is a Planned District and requires that any structure be 50 feet from any right-of-way line. The "MU" District does not allow the Planning Commission or City Council to allow any relief from the established setback requirements. During the Public Hearing, several residents opposed the development as proposed.

Mr. Mike Doster, Attorney representing the petitioner, gave background information on the two subject parcels – Parcels B and D. He noted that Parcel A is the existing campus of St. Luke's Hospital. Parcel B is across Highway 141 to the west and a building is under construction on this parcel. The parcel, known as Parcel C, has been dropped from the petition. Parcels A, B, and D will ultimately comprise one campus. He noted that this is the only Planned District within the City that has a specific setback in the enabling ordinance. The Board of Adjustment is the only means the petitioner has of obtaining relief from the 50-foot setback requirement. Mr. Doster stated that the property could be developed with the required 50-foot front yard setbacks but the area residents have requested a 25-foot front yard setback, along with the construction of a berm. Slides were presented showing the impact of reducing the front yard setback to 25 feet from 50 feet. It is Mr. Doster's opinion, that at street level, the visual impact is not very dramatic. The impact from the residents' view in terms of the height of the building is more dramatic. The residents have requested that the building heights be lowered from their perspective, and that a berm be

constructed to provide a visual barrier of the buildings. Mr. Doster explained the difficulties of developing the site because of its topography. With the requested 25-foot setback, the building would be lowered by four feet and would allow room for the construction of a landscaped berm. He then requested relief in the form of a reduction in the 50-foot minimum setback to 25 feet on both Parcels B and D in the applicable site-specific ordinances.

Mr. George Stock, Stock & Associates, Civil Engineers on the subject project, pointed out that by lowering the building four feet, it allows the addition of a four-foot high berm on the west side. The berm allows plantings of new materials. With the requested 25-foot setback, there is still a large area of separation (240 feet) from Highway 141 to the buildings. Other medical buildings within the City have been developed under the “PC” District vs. the “MU” District. Under “PC”, the Planning Commission and City Council had the flexibility to allow buildings to have reduced setbacks – this flexibility is not allowed under “MU”. Under this “MU” zoning, the parcel referred to as Parcel C has been rendered “useless” because of the required 50-foot setbacks.

Mr. Stock and Mr. Doster then responded to questions from the Committee with respect to topography; grading; the approved uses for the site; the proposed fire lane; and how the variance request would impact Highway 141.

Ms. McCaskill-Clay explained that the 50-foot setback was originally established in the “MU” District by the Ordinance Review Committee in order to give the site a campus-type feel – it was not established with the evacuation of patients in mind or with respect to public health and safety.

Responding to the question of what the effect would be if the variance were granted for Parcel D but not for Parcel B, Mr. Doster replied that because the parking structure overlaps both parcels B and D, it was felt that relief was needed on both parcels. It was then determined that relief is not necessary for Parcel B.

Councilmember Bruce Geiger pointed out that City Council did not have the option to vote on the 50-foot setback. It was his opinion that if the Council had had the opportunity to vote for a 25-foot setback, it would have done so in order to accommodate the residents’ requests.

Ms. Jeanne Gieseke, subdivision trustee for Green Trails Country Club Grounds, stated that the subdivision will have a view of the proposed buildings on Parcel D. The residents met with St. Luke representatives to explore ideas as to what could be done to minimize the appearance of the proposed buildings from their back yards. They support the idea of pushing the buildings 25 feet closer to Woods Mill Road. This would decrease the elevation of the buildings by four feet and would allow the construction of a landscaped berm to minimize the view of the buildings. They support the variance request.

Discussion was held on how the 25-foot setback would affect the residents of Ladue Farms. It was felt that the impact to the residents of Ladue Farms would be minimal. It was also noted that no residents of Ladue Farms had voiced any opposition to the variance request. These residents had concerns about improvements to the entrance to Ladue Farms, which were addressed by the petitioner. It was noted that all notice requirements of the Board of Adjustment Meeting were met.

There were no speakers present in opposition to the variance request.

CONCLUSION:

Mr. Doster stated that the applicant has withdrawn the variance request for **B.A. 09-2007 St. Luke's Episcopal Presbyterian Hospital (Parcel B).**

Richard Morris made a motion to approve **B.A. 10-2007 St. Luke's Episcopal Presbyterian Hospital (Parcel D)** allowing the variance from City of Chesterfield Ordinance 2372 Section I.C(1)(b) to permit a proposed development on "MU" Medical Use District-zoned property to maintain a 25-foot front yard setback in lieu of the required 50-foot-front yard setback. The motion was seconded by Laura Lueking. Upon roll call, the vote was as follows:

Alan Baudler - yes
Richard Morris - yes
Gerald Schwalbe - yes
Bruce DeGroot - yes
Laura Lueking – yes

The motion **passed** 5 to 0.

V. Adjournment.

The meeting adjourned at 8:35 p.m.