

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
APRIL 23, 2007**

**Corrected May 14, 2007
(Page 16)**

The meeting was called to order at 7:03 p.m.

I. PRESENT

ABSENT

Mr. David Asmus
Mr. David Banks
Mr. Fred Broemmer
Ms. Wendy Geckeler
Dr. Lynn O'Connor
Ms. Lu Perantoni
Mr. Gene Schenberg
Ms. Victoria Sherman
Chairman Maurice L. Hirsch, Jr.

Councilmember Connie Fults, Council Liaison
City Attorney Rob Heggie
Mr. Michael Herring, City Administrator
Mr. Mike Geisel, Acting Director of Planning
Ms. Annissa McCaskill-Clay, Assistant Director of Planning
Ms. Aimee Nassif, Senior Planner
Ms. Mara Perry, Senior Planner
Mr. Jarvis Myers, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Asmus

III. PLEDGE OF ALLEGIANCE – All

Chair Hirsch welcomed Councilmember Connie Fults to the dais, who is now serving as Council Liaison to the Planning Commission. He then acknowledged the attendance of Councilmember Jane Durrell, Ward I; Councilmember Bruce Geiger, Ward II; Councilmember Lee Erickson, Ward II; Councilmember Bob Nation, Ward IV; and City Administrator Mike Herring.

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

- A. P.Z. 10-2007 Surrey Place (St. Luke’s Episcopal Presbyterian Hospital):** A request to amend Conditional Use Permit Number 561 to add hospital as a permitted use for an approximately 10.751 acre tract of land located at 14701 Olive Boulevard, east of the intersection of Ladue Road and Olive Boulevard. (17R530197)

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, explained the Public Hearing posting requirements and then gave a PowerPoint presentation showing photographs of the site and surrounding area. She noted that the Comprehensive Land Use designation for the subject site is “Residential”.

PETITIONER’S PRESENTATION:

1. Mr. Mike Doster, Doster, Mickes, Attorney representing the Petitioner, 17107 Chesterfield Airport Road, Chesterfield, MO stated the following:
 - The proposal is the result of a Joint Venture between St. Luke’s Episcopal Presbyterian Hospital and Rehab Care, Inc. St. Luke’s will own the land upon which the proposed building will be located; the Joint Venture will own the building; and Rehab Care will manage the operations that will be contained within the proposed building.
 - They are requesting an amendment to the Conditional Use Permit to provide for the use of “hospital”. The word “hospital” has to be used because it is the word used in the list of conditional uses in the R-1A District.
 - The current uses on the site are “nursing home” and “associated self-care units and recreation facilities for ages 55 and up”. The Petitioner is proposing to add a specialized, limited use facility providing general physical rehabilitative and medical services, including nursing, clinical and therapeutic services.
 - The building will be limited to 35 beds for the Rehab Facility in addition to the 140 beds permitted under the existing Conditional Use Permit. The proposed building will be a single-story structure. There is an exposed lower level on the back side, which will be used for offices, storage, and deliveries. The existing building, known as Surrey Place, is a single-story building.
 - There will be no emergency room, no operating room, no surgical services, or no helipad on the subject site. The Petitioner is willing to restrict the use of “hospital” in the same fashion as language used in the Ordinance for St. John’s Rehabilitation facility.
 - The Certificate of Need has already been issued with respect to this request.
 - The Monarch Fire Protection District has approved the Preliminary Development Plan.

Responding to questions from the Commission, Mr. Doster stated the following:

- **Regarding whether outpatient services will be offered at the proposed facility:** There is the possibility of outpatient services. There will be facilities within the building that will provide rehabilitation services. Residents in the existing nursing home facility will be able to use the services of the proposed rehab facility. The facility is primarily designed to accommodate St. Luke's Hospital's needs. The Hospital wants to be able to move patients to a rehabilitation facility, as opposed to keeping them in the hospital. At this time, St. Luke's has identified a need to place 28 beds – the proposal provides for 35 beds, which allows for a little expansion. Primarily, the patients entering the facility will be coming from St. Luke's Hospital, which is approximately two miles away. Rehab patients will stay at the facility until they are able to return home or the nursing home facility.
- **Regarding whether the facility would be used for outpatient therapy for patients who have returned to their homes after being treated at the rehab facility.** This is a possibility, but it is not likely. The primary addition is the 35 beds for patients who need acute rehabilitation services. It is not likely they will be returning very often once they are released.
- **Regarding whether the Certificate of Need is site-specific in its language:** The Certificate of Need is confined to the proposed use at the subject location. It specifically refers to 35 beds and the use of the facility by St. Luke's Hospital. Commissioner O'Connor requested that the Certificate of Need be made a part of the next meeting packet on this petition.
- **Regarding cross access to the west:** Cross access to the west already exists. Kendall Bluffs subdivision will also be using this access. Mr. George Stock of Stock & Associates stated that there are two points of access for Kendall Bluffs – the main entrance is on Olive Street Road, which serves both Surrey Place and Kendall Bluffs. There is also an emergency access point - a connection point from Kendall Bluffs that ties into the parking lot, which was a condition of the Monarch Fire District.
- **Regarding the sidewalk along Olive:** The sidewalk will be five-feet wide along the full length of the property along Olive.

2. Mr. George Stock, Stock & Associates, 257 Chesterfield Business Parkway, Chesterfield, MO stated the following:

- The boundaries of the proposed site include Olive Street Road to the south; The Villages of Kendall Bluffs to the west and north; and the old Riverwoods Subdivision to the east.
- The eastern half of the site basically remains untouched with the exception of some parking spaces.
- The addition is 23,400 square feet. It is attached to the north leg of the existing Surrey Place and goes west.

- New parking is being proposed in the southwest portion of the site. The main entrance is in the south leg of the rehab hospital.
- Just to the west of the existing parking, which currently serves Surrey Place, is a detention basin. They intend to re-configure the parking lot to provide a total of 146 parking spaces, which would serve the 140 beds, the 35 requested beds, and the 80 employees. The new parking would be in the area of the existing parking lot and will be expanded to the west. The existing dry detention basin will also be moved further to the west and will be brought into compliance with the current MSD standards – resulting in a larger detention basin.
- The fire access road goes around the north side of the building, which also comes into a service area for the rehab hospital. Another fire access drive is provided and is the sole purpose of meeting the fire hose length, which is mandated by the Monarch Fire District.
- The improvements are limited to the western half of the site. They are trying to work with the topography as much as possible. They are utilizing the existing access, which is currently on Olive Boulevard. The site is serviced by utilities, which are of adequate capacity to serve the additional building.

For clarification, Chair Hirsch reminded the Commission that they would not be voting on the site this evening; there could be a vote on a change to the Conditional Use Permit.

Responding to questions from the Commission, Mr. Stock stated the following:

- **Regarding whether the existing berm will be removed on the southern portion of the site between Olive Road and the facility:** The berm will not be removed. They are not changing the embankment or the grading within the right-of-way.
- **Regarding the height of the building:** The proposed building is a single-story building. The north elevation has a lower level that is exposed to the service bay area.
- **Regarding whether the language in the Conditional Use Permit (C.U.P.) allows for a three-story building:** Mr. Doster replied that the existing C.U.P. refers to a height limitation of three building levels. The Petitioner is not asking for a three-story building. Surrey Place is currently one-story. If the Commission wants to amend the language to state “one building level”, the Petitioner is agreeable to it. Ms. Mara Perry, Senior Planner, stated that since the “three building levels” language is part of the existing C.U.P., it was carried forward. She noted that the language could be amended this evening.
- **Regarding whether the C.U.P. includes any language that deals with buffering the lower level from the neighboring residential area:** Ms. McCaskill-Clay stated that the C.U.P. requirements includes language which states “All provisions of the City of Chesterfield City Code shall apply to this development except as specifically modified below . . .” The

Petitioner would have to meet the requirements of the Tree Manual regarding buffering against “Residential”. The Petitioner will be required to submit a Landscape Plan for the Commission’s review.

- **Regarding deliveries to the site in relationship to the proximity of neighboring residential areas:** There are no lots immediately adjacent to the north property line, where the deliveries would be taking place. Residences are at least 200 feet to the north of the property line and 80 feet lower than the subject site.
 - **Regarding restriction of delivery hours:** Ms. Perry stated that there are no restrictions to the delivery hours specifically stated in the C.U.P. Commissioner Broemmer stated that since the site is zoned “Residential”, trash pick-up would be restricted to after 7:00 a.m.
3. Mr. Don Miller, representing St. Luke’s Hospital, 232 South Woods Mill Road, Chesterfield, MO indicated he was available for questions.
 4. Mr. Brian Samberg, representing Rehab Care, 7733 Forsyth Boulevard, St. Louis, MO indicated he was available for questions.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL:

1. Mr. Steve Lander, 679 Old Riverwoods Lane, Chesterfield, MO stated the following:
 - The Villages of Kendall Bluffs, adjacent to Surrey Place, consists of 115 attached units and shares a common entrance with Surrey Place.
 - A traffic study was done on the site at the time Kendall Bluffs was going through its zoning change. Speaker recalls that the Surrey Place entrance was established to be a “D-rated” intersection by the firm conducting the study. With the addition of the 115 units of Kendall Bluffs, the intersection was projected to become an “F”. There are no other entrances or exits serving the 140-bed, 80-employee nursing facility and the 115 units of Kendall Bluffs. This “F” rating, along with other concerns, resulted in a “no vote” by the Planning Commission of 1 to 8 on the Kendall Bluffs project.
 - He has concern regarding motor safety in connection with the proposed addition to Surrey Place. He feels that left-hand turns in or out of Surrey Place leaves motorists open for broad-side collisions. He feels that adding 60 employees, along with the additional use, would increase the volume of traffic and the danger to motorists in an already hazardous entrance.
 - He feels it is imperative that, as a condition of approval, a new traffic study be conducted with its results being a guide for the Commission’s decision.
 - He feels that a disclosure should be required for potential buyers whose property would back up to the new addition.

REBUTTAL:

Mr. Doster stated the following:

- He does not believe the size of the proposed addition justifies doing a traffic study.
- The parking spaces for this facility are counted differently than other types of commercial or residential activity. The calculation for 35 beds allows 18 parking spaces because the number of visits to patients in this type of facility is very minimal. They plan on having approximately 60 employees, but at any one time, it's not likely that they will have more than 40 employees on site.

Commissioner Sherman asked if traffic was discussed with the Staff. Ms. Perry stated that the issue of traffic was not discussed.

Commissioner Sherman asked for information on the Olive Road configuration in front of the subject site. Mr. Mike Geisel, Acting Director of Planning, stated that in conjunction with the construction of the Kendall Bluffs subdivision, the entrance was relocated. There was a median that had to be modified to allow for left-turns in. Considering the fact that a residential development has been approved behind Surrey Place that accesses through the same entrance, restricting left turns into the site would be very difficult at this point. There is a limited amount of queuing room for left turns.

ISSUES:

1. Will there be any type of outpatient care at the proposed facility?
2. What are the requirements of the Certificate of Need?
3. What type of buffering would be provided for the subject site?
4. Address motor safety – particularly whether or not the access point would create a hazard for residents living in the area, as well as for motorists traveling along Olive Boulevard.
5. Is a traffic study for the site needed?
6. Should potential property owners at Kendall Bluffs be provided with a disclosure of the proposed addition?
7. Amend the C.U.P. language stating that there would be no emergency room, no operating rooms, no surgical services, or no helipad.
8. Amend the C.U.P. language regarding the number of building levels to be no more than one level, excluding basement and cellar areas.
9. Provide the traffic study done for Kendall Bluffs.
10. Provide a traffic accident report for the subject location.
11. Can the speed on Olive Boulevard be reduced as opposed to installing stop signs and stop lights in the residential area? Ms. McCaskill-Clay stated that Olive Boulevard is owned by the Missouri Department of Transportation. Commissioner Broemmer pointed out that the speed has been reduced in other municipalities and felt it could be reduced here also. Mr. Geisel stated that the speed on a roadway is directly related to a motorist's perception.

Without the presence of a police officer or a radar trailer, motorists will not necessarily reduce their speed even if the speed limit is lowered.

12. Show the differential in elevations of the subject site in relationship to Kendall Bluffs.

- B. P.Z. 12-2007 City of Chesterfield (Tree Manual):** A request to repeal City of Chesterfield Ordinance 2335 and replace it with a new ordinance that revises the procedures and requirements for Tree Protection Sureties, Escrows and Landscape Installation Bonds.

Project Planner Jarvis Myers gave a PowerPoint presentation. Mr. Myers stated that three amendments are being proposed to the Tree Manual with respect to:

- When Landscape Bond are collected;
- When Tree Preservation Escrows/Sureties are collected; and
- The calculation method for Escrows/Surety.

Amendment 1 - Section XIII F. **LANDSCAPE PROPOSALS (page 20)**

Current language:

Prior to the signing of any mylar for recording at St. Louis County, a landscape bond is required. The requirements for landscape installation and landscape maintenance bonds in the City of Chesterfield are set forth in Table 5.

Proposed language: (changes in bold)

Prior to the signing of any mylar for **a record plat or approval of any Municipal Zoning Authorization other than for a display house**, a landscape bond shall be posted. The requirements for landscape installation and landscape maintenance bonds in the City of Chesterfield are set forth in Table 5. **Alternatively, landscape installation surety may be included in the subdivision escrow, as approved by the Director of Planning.**

The proposed change would allow developers to seek funds from financial institutions to gain the bond.

Amendment 2 - Section XIV **SURETY AND ESCROW PROCEDURES (page 20)**

Current language:

Prior to the signing of any mylar to be recorded at St. Louis County, a surety or cash escrow shall be posted to account for trees that die, or are damaged beyond repair, as a result of grading or construction damage.

Proposed language: (changes in bold)

Prior to the **issuance of any grading permit or improvement plan approval**, a surety or cash escrow shall be posted to account for trees that die, or are damaged beyond repair, as a result of grading or construction damage.

The proposed change would help developers obtain funds from financial institutions for escrow or surety.

**Amendment 3: Section XIV
SURETY AND ESCROW PROCEDURES (page 21)**

Current language:

The amount of the surety or cash escrow shall be in the amount of \$20,000 for each acre contained in the tree preservation area. The amount may be pro-rated for any tree preservation area less than one (1) acre.

Proposed language: (changes in bold)

The amount of the surety or cash escrow shall be in the amount of **\$10,000 per 100 lineal feet, or portion thereof, of wooded canopy perimeter to be preserved adjacent to any proposed clearing, grading, or other disturbance; or \$20,000 per acre to be preserved whichever is less.**

The proposed language includes an additional method of calculating the amount required for a Tree Protection Surety. The current method calculates the entire area of protected canopy. The alternative method eliminates the entire canopy requirement for the Tree Protection Surety and calculates only the perimeter of the tree protected area.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES: None

C. P.Z. 16-2007 Valley Gates Subdivision (16845 N. Outer 40 Road):

A request for an amendment to City of Chesterfield Ordinance 2154 to allow for a change to the parking and building setbacks, building height and number of permitted buildings for a 7.698 acre tract of land zoned "PC" Planned Commercial located north of North Outer Forty and east of Boone's Crossing at 16845 North Outer Forty Road. (17T520073)

Ms. Aimee Nassif, Senior Planner, gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Nassif explained the Public Hearing posting requirements and stated the following:

- The subject site is located just north of North Outer Forty Road and next to the Summit Center, which is zoned "Planned Commercial". On the other side of the site is the Chesterfield Valley Nursery, zoned "Non-Urban".
- The Preliminary Plan for Valley Gates Subdivision went through the process in 2005. The original plan showed two buildings being 90,000 square feet in size with open space at 40% and was rezoned from "Non-Urban" to "Planned Commercial". At that time, the Attachment A was written very specifically to what the Preliminary Plan showed – requiring two buildings with a specific square footage.
- The Petitioner is now requesting the following amendments:
 - A setback change for the buildings and parking.
 - A height change from two-stories to three-stories. - Retail buildings would remain at two-stories, as noted in the Attachment A. All other buildings would have a maximum height of three-stories. The requested change does not violate anything in the Ordinance or the Comprehensive Plan.
 - An increase in the number of buildings allowed.
- Starting in 2007, Staff has changed how the Attachment A is written for a rezoning. The Attachment A is no longer being written to the Preliminary Plan with respect to a specific number of lots and specific square footage. If an issue is made at the Public Hearing about the number of lots and/or square footage, it will then be included in the Attachment A.
- At the present time, the Attachment A is written requiring that the City Codes be met, along with the requirements of the Comprehensive Plan and any other specifically-exclusive design requirements specific to the site.
- The proposed Attachment for the subject petition does not limit the number of square footage or the number of buildings. The build-able square footage amount is dependent upon the floor area ratio requirement, the open space requirement, and the required setbacks.
- The setbacks for the subject site are written to Code and the open space is remaining at 40%.

- The Department of Planning has no issues with the Ordinance Amendment request. Staff was awaiting MoDOT comments before finalizing the Attachment A.
- The Comprehensive Plan designates the site as “Mixed Commercial” use.

Commissioner Perantoni asked what the height limit is for buildings in the urban core of the City. Ms. Nassif replied that the height limit is 75 feet.

PETITIONER’S PRESENTATION:

1. Mr. George Stock, Stock & Associates, 257 Chesterfield Business Parkway, Chesterfield, MO stated the following:
 - He is representing Summit Outer Forty Investors.
 - Ordinance 2154 was approved in February 2005. That Ordinance was written around a Preliminary Plan showing two 45,000 square foot buildings. At that time, the owners believed that the market would be for a flex-type building of office and retail. For the past two years, there has not been any activity for this type of building.
 - The Petitioner is now requesting amendments to react to the current market. The request is for smaller buildings, possibly three-stories in height, on six lots. The lots would range in size from 1acre to 1.5 acres.
 - The request does not increase the allowable square footage of 90,000 sq. ft. The open space will remain at 40%.
 - Access to the development remains the same with an entrance to the Outer Road. Permit comments have been received from MoDOT but the final comments from MoDOT have not yet been received.
 - Cross access is still allowed to the west to the Summit Ice Rink.

Responding to questions from the Commission, Mr. Stock stated the following:

- **Regarding cross access to the east:** If it is not already in the Ordinance, they are willing to provide cross access to the east. City Attorney Heggie pointed out that the Section I.1 of the draft Attachment A regarding “Access/Access Management” requires access to adjacent properties, as stated below:

Provide cross access easements or other appropriate legal instruments guaranteeing permanent access to adjacent properties as directed by the City of Chesterfield.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES: None

Commissioner Geckeler read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the minutes of the April 9, 2007 Planning Commission Meeting. The motion was seconded by Commissioner Schenberg and **passed by a voice vote of 9 to 0.**

VI. PUBLIC COMMENT

RE: P.Z. 28-2006 Chesterfield Neighborhood Office Park (17655 and 17659 Wild Horse Creek Road)

Petitioner:

1. Mr. Brandon A. Harp, Civil Engineering Design Consultants, representing Vision Ventures, 11402 Gravois Road, Ste. 100, St. Louis, MO stated the following:
 - They are requesting a rezoning from “Non-Urban” to “Planned Commercial” with the Wild Horse Creek Overlay District.
 - The Preliminary Development Plan, dated January 30, 2007, showed 48,000 square feet of total building floor area, which was comprised of four buildings at 12,000 square feet each. On the eight-acre site, this equated to 6,000 square feet per acre of building density.
 - Since that meeting, the Petitioner has worked to reduce the density of the overall floor area ratio on the site.
 - The Amended Preliminary Development Plan, dated April 4, 2007, shows a similar building configuration of four buildings; however, the building square footage has been reduced from 12,000 square feet per building to 10,000 square feet per building. This results in a reduction of 17% of the total building floor area on the eight acres.
 - In addition, the parking to the south of the buildings has been changed to phantom parking, which eliminated 34 net spaces. The plan also shows 42 additional phantom spaces. Seven parking spaces have been added just east of the southeastern-most building on the main drive aisle.
 - In order to make the site economically feasible, and taking into consideration the reduction in square footage, they are asking that the southern half of the roadway be financed by others. The southern half of the roadway is west of the child care center and just south of the subject development. It was noted that they would be designing and building the road.

Responding to questions from the Commission, Mr. Harp stated the following:

- **Regarding the floor area ratio and open space on the alternate proposal:** The floor area ratio on the alternate proposal is .13, which decreased from .15. The open space increased from 58% to 65%, which does not include the calculation for the phantom parking.
- **Regarding parking:** The January 30th plan had 192 parking spaces; the alternate plan, dated April 4th, has 158 parking spaces – a reduction of 34 spaces. The plan also shows 42 phantom parking spaces in the front (south of the building, north of the East/West Road). The 42 phantom spaces are in addition to the 158 spaces.

The original plan had 4 spaces/1000 as required by the Planned Commercial zoning ordinance. The alternate plan has a reduced square footage of 40,000 – at 4 spaces/1000, 160 spaces are required – 2 more than the 158 being provided. They meet the parking requirements of 3.3 spaces/1000 for office space and 4.5 spaces/1000 for medical office – splitting it as 20,000 square feet for office and 20,000 square feet for medical. The phantom parking would increase the parking above 4 spaces/1000 and would only be used if a particular user needed more than 4.5 spaces for medical or 3.3 spaces for general office.

- **Regarding the requirements of the Attachment A:** The Petitioner is willing to have the requirements of the Attachment A changed with respect to .13 floor area ratio and 10,000 square feet per building. They would like to keep the open space percentage at 58% because of the phantom parking.

Commissioner Banks asked if the City is permitted to grant the Petitioner's request to have the southern half of the roadway financed by others. City Attorney Heggie replied that the City could consider this request. Mr. Harp pointed out that the Developer doesn't have development rights to the south side of that part of the roadway and is currently obligated to pay for the entire road.

RE: P.Z. 02-2007 The Estates at Upper Kehrs Mill (Miceli Construction)

Petitioner:

1. Mr. David Volz, 10849 Indian Head, St. Louis, MO stated the following:
 - They do not yet have a final topographic survey so the original plan, presented at the last meeting, showed 30% tree retention. A revised plan has been submitted showing 40% tree retention, with a lot more trees along the northern edge of the site. When they have the final topographic survey, they will be able to make the final determination on tree retention, which they feel will be 35-40%.

- Regarding the issue of the cul-de-sac location, he noted that if the cul-de-sac is moved further to the south, more vegetation will be disturbed. On a 3:1 slope, every foot the cul-de-sac is moved to the south, three more feet of vegetation will be disturbed. They have located the cul-de-sac in a place where it would cause the least amount of disturbance on the site.
- The E-One zoning meets the City's Comprehensive Plan and is similar to the surrounding neighborhoods. Six of the eight lots are now one acre in size; the remaining two lots average out to .8 acre and are 20% larger than the adjacent lots in Country Place.
- With respect to protecting the "visual integrity" of Kehrs Mill Road, Speaker stated that the proposed site is quite a bit higher than Kehrs Mill Road. Speaker noted that driving south on Kehrs Mill Road, motorists will be looking into the second floor of homes in Tuscan Reserve. At the proposed site, they have been able to preserve the vegetation along the road and the house will be far above the road. As a motorist travels north, arriving at the southern property line, the car will be 50 feet lower than the finished floor of the house on Lot 8. They feel that the grade difference of the site, along with the vegetated buffer, will maintain the integrity of Kehrs Mill Road.

Commissioner Geckeler expressed concern with the tree removal on the north side with respect to the location of the cul-de-sac. She noted that the proximity of the contingent houses on the north is closer than the contingent houses on the south. Mr. Volz stated that they would be able to move the cul-de-sac about 10 feet to the south, but pointed out that there will be more disturbance. If the cul-de-sac is moved to the south, it is being pushed down the hill. The disturbance will not result from road construction; the disturbance will be caused by pushing the house further down the hill. Chair Hirsch pointed out that this issue would be reviewed at the Site Plan stage.

Responding to questions from the Commission, Mr. Volz stated the following:

- **Regarding concerns expressed by the Country Place residents with respect to possible erosion:** The drainage that currently goes to the north is about 1.9 acres of ground. When the development is complete, the drainage going to the north will be about 1.3 acres. With respect to the water flowing to the south, a sewer system will be installed near Lot 6 so most of the water flowing to the south will be piped through their detention basin.
- **Regarding concerns about possible erosion into Country Place's lakes:** They will test the lakes before and after construction to determine if any silt has entered the lakes as a result of the construction process. The developer has numerous enforcement factors for silt control that must be followed – such as, required escrows; stop work orders can be issued if a drainage problem arises; NPDES Permits are required; 404 Permits are required; DNR Permits are required; and EPA is also involved.

Councilmember Fults stated that if the Planning Commission chooses not to require testing of the lakes pre- and post-construction, the issue will be addressed at City Council.

Commissioner Perantoni stated that the Tuscan Place area is the introduction to the City and this area is very important visually. She felt that the one-acre lots for the proposed site are situated in a manner that would enhance the area and asked that the one-acre lots not be changed.

Mr. Geisel asked if the Petitioner would be both developing and selling the individuals homes. He stated that clarification is needed because of the controls that go with siltation. Bonds, pre-construction surveys, and the lake protection bonds will be required as part of the issuance of any grading permit. There are significantly different controls, and much more limited controls, if an individual building permit is issued. Mr. Volz stated that the developer is also the builder.

RE: P.Z. 14-2007a Wilson Bluffs (SMS Group, L.L.C.)

Petitioner:

1. Mr. Sean Sortor, 15543 Country Ridge Drive, Chesterfield, MO stated the following:
 - They have changed the zoning request from E-Half Acre to E-One Acre.
 - During Site Plan development, a lake protection bond will be required with respect to Chesterfield Lakes. Run-off issues will also be addressed at the Site Plan review.
 - They will work within the Tree Preservation guidelines with respect to tree removal. He plans on building his home on the site and will be preserving as many trees as possible.
 - At this time, nothing is designed for the rear of the property. An access will be provided at the south side of the property off Wilson Road. The driveway on the north side will be closed off.
 - There will be approximately over 200 feet between the two proposed homes.

Chair Hirsch clarified that the plans presented still show two pieces. However, the discussion at tonight's meeting is only about the 3.2 acre parcel on Wilson Road. E-One Acre zoning is being requested for this site with only two lots.

In Opposition:

1. Mr. Nelson Wainwright, representing Chesterfield Lakes Subdivision as Lake Committee Chairman, 39 Chesterfield Lakes Road, Chesterfield, MO stated the following:
 - He noted that he addressed the Commission last month on the subject petition. He thanked Staff for being responsive to their needs.

- He requested that the Commission require a \$1 million bond and pre- and post-construction soundings of the lakes.
- He invited the Commissioners and the Petitioner to walk the area to see how run-off could impact their lake.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **Paddington Hill:** Amended Record Plat for a 7.8 acre site zoned “R-3” Residence District with a Planned Environment Unit

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Amended Record Plat. The motion was seconded by Commissioner Sherman and **passed by a voice vote of 9 to 0.**

- B. **Somerset, Plat 1a, Lot 5 (1267 Somerset Drive):** A Residential Addition on an existing home zoned “R-2” Residence District and a “PEU” Planned Environmental Unit located at 1267 Somerset Field Drive in the Somerset Subdivision.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Residential Addition. The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 9 to 0.**

(The meeting recessed for a five-minute break.)

VIII. OLD BUSINESS

- A. **P.Z. 28-2006 Chesterfield Neighborhood Office Park (17655 and 17659 Wild Horse Creek Road):** A request for a change of zoning from “NU” Non-Urban to “PC” Planned District with a “WH” Wild Horse Creek Road Overlay for 8.04 acre tract of land located north of Wild Horse Creek Road and west of Long Road. (18V510095 & 18V510040)

Ms. Aimee Nassif, Senior Planner, stated that the site is located in the area referred to as the “bowtie” area. The only permitted uses being requested are “Office, Medical Office, Parks and Wildlife Area”.

The only open issue deals with the parking requirement. The Wild Horse Creek Road Overlay states that a parking modification can be requested when good urban planning and architecture is shown and demonstrated. The Petitioner is asking for such a modification.

Chair Hirsch stated that the parking issue will require a separate vote because the Wild Horse Creek Road Overlay requires that there only be nine parking spaces per lot. He then asked how many total parking spaces the Planning Commission would be voting upon. Ms. Nassif clarified that the Commission would be voting on the density of the site - the overall square footage of the buildings. In the Wild Horse Creek Road Overlay, the parking is based upon the square footage for the site. The current proposed Preliminary Plan shows 192 parking spaces. Any vote by the Commission would be to allow for a specific amount of square footage of buildings and the parking for the square footage. The Alternate Plan shows 158 built parking spaces with 42 phantom parking spaces.

If the Alternate Plan of 40,000 square feet of development is approved, the maximum parking requirement would be 160 parking spaces with a possible 42 additional phantom parking spaces. The phantom parking would only be constructed at the direction of the City.

Commissioner Perantoni asked if the Commission is required to vote on the phantom parking at this time. Chair Hirsch replied that if the motion is to limit the parking to the amount as required in the Chesterfield Code, it would be 160 spaces for 40,000 square feet – the phantom parking would not be included in such a motion. Ms. Nassif stated if additional parking over the 160 spaces would be required at a later time, the Petitioner would have to submit an Amended Site Development Plan for approval.

Mr. Geisel stated that a motion could be made requiring the maximum number of parking spaces to be as dictated by Chesterfield Code. The motion could also include language that would allow the Petitioner to construct some specific amount of phantom parking at the City's direction.

Commissioner Geckeler asked for clarification on whether the limits of clearing and tree removal had been exceeded. Mr. Geisel replied that, unrelated to this petition – but on the same site, the City previously granted a grading permit to repair an eroded condition, which was creating problems for the railroad and for the airport. There were specific trees and clearing limits identified with the grading permit. They are in violation of this grading permit. The City had inventoried the trees so it is clear which trees have been disturbed. The remedial action that the City will take on imposing sanctions on the violation is dependent upon what action is taken on the subject petition. The trees that were designated to be saved would be removed as part of this petition, if approved. It does not eliminate the violation – but it changes the remedy. In most circumstances, Staff would discourage the Commission ~~not to vote~~ **from voting** on a petition submitted by a Petitioner who is in violation. However, in this case, slowing the progress – or stopping work – would exacerbate the problem.

Chair Hirsch stated that two motions are needed on the petition:

- A motion on the parking requirements, which would need six affirmative votes for passage; and
- A vote on the rezoning request.

Commissioner Sherman asked if language has been provided in the Attachment A with respect to the Petitioner's request that a portion of the roadway be funded from other sources. Ms. Nassif replied that the Alternate Attachment A provides such language under Section I.K.2.

Ms. Nassif referred to the Alternate Attachment A noting the following:

- The Floor Area Ratio has been amended to a maximum of .13.
- The total square footage has been amended to a maximum of 40,000 square feet.
- The parking requirement would need to be amended requiring that it meet City Code.
- Landscaping would be required for the phantom parking area until built.

Commissioner Banks made a motion to waive the parking requirements of the Wild Horse Creek Road Overlay District and to substitute the requirements as provided in the Planned Commercial District of City Code for a maximum of 160 parking spaces. The motion was seconded by Commissioner Schenberg.

Upon roll call, the vote was as follows:

**Aye: Commissioner Banks, Commissioner Broemmer,
Commissioner O'Connor, Commissioner Perantoni,
Commissioner Schenberg, Commissioner Sherman,
Commissioner Asmus, Chairman Hirsch**

Nay: Commissioner Geckeler

The motion passed by a vote of 8 to 1.

City Attorney Heggie suggested that the Alternate Attachment A be amended as follows:

Section I.E.1.b.

~~Phantom parking may be utilized for 42 of the parking spaces for this development as shown on the preliminary plan as directed by the City of Chesterfield. The portion of the site containing the phantom parking shall remain as open space with appropriate landscaping as approved by the City of Chesterfield until said parking is constructed.~~

Commissioner Schenberg asked whether the sentence requiring the phantom parking area to remain as landscaped open space should remain. City Attorney Heggie stated that it could remain; however, he felt that the language is “cleaner” without it.

Chair Hirsch asked if there is any underlying code dealing with phantom parking. Mr. Geisel stated that the phantom parking area, if not constructed, must remain as open space and landscaped.

Commissioner Sherman made a motion to approve P.Z. 28-2006 Chesterfield Neighborhood Office Park (17655 and 17659 Wild Horse Creek Road), as amended in the above motion by Commissioner Banks, and using the Alternate Attachment A with the proposed amendment to Section I.E.1.b. as noted above. The motion was seconded by Commissioner Banks.

Upon roll call, the vote was as follows:

Aye: Commissioner Broemmer, Commissioner O’Connor, Commissioner Perantoni, Commissioner Schenberg, Commissioner Sherman, Commissioner Asmus, Commissioner Banks, Chairman Hirsch

Nay: Commissioner Geckeler

The motion passed by a vote of 8 to 1.

B. P.Z. 02-2007 The Estates at Upper Kehrs Mill (Miceli Construction): A request for a change of zoning from “NU” Non-Urban to “E” One Acre District for a 10.2 acre tract of land located on the eastern side of Kehrs Mill Road, 4,100 feet south of its intersection with Wild Horse Creek Road. (19U530062, 19U530392)

ISSUES:

1. Review language in the Westland Acres Ordinance dealing with drainage and siltation control with the possibility of adapting it to the subject petition. Ms. McCaskill-Clay stated that said language is based upon Chapter 12 of the City’s Municipal Code, Section 21, paragraphs 1 and 2, which require base screenings and required measurements. This language can be added to the Attachment A.
2. Can the bond amount be calculated at this time? Mr. Geisel stated that the bond amount cannot be calculated until survey information is received.
3. What is the setback of the Perry house from Kehrs Mill Road?
4. Retain more trees on the north side of the cul-de-sac. Commissioner Sherman noted that this issue is the concern of one Commissioner and may

not be a consensus. Chair Hirsch stated that this is a Site Plan issue rather than an issue for the Attachment A.

- C. **P.Z. 10-2007 Surrey Place (St. Luke's Episcopal Presbyterian Hospital)**: A request to amend Conditional Use Permit Number 561 to add hospital as a permitted use for an approximately 10.751 acre tract of land located at 14701 Olive Boulevard, east of the intersection of Ladue Road and Olive Boulevard. (17R530197)

Commissioner Sherman made a motion to hold **P.Z. 10-2007 Surrey Place (St. Luke's Episcopal Presbyterian Hospital)** until the Department can provide more information on the following issues:

- **The number of levels permitted in the development;**
- **The setback with respect to the fire lane;**
- **Clarification of the buffer requirements;**
- **Provide traffic study for the Kendall Bluffs development;**
- **Possibility of providing a disclosure to Kendall Bluffs property owners;**
- **Adding language to the Attachment A, similar to language used in the St. John's Rehabilitation facility, with respect to "hospital" use – not allowing emergency use, operating rooms, surgical services, or heliport or helipad;**
- **Possibility of providing a traffic accident report from the Police Department;**
- **Provide the differential between the residential properties in the Kendall Bluffs development and the proposed development.**
- **Provide the requirements of the Certificate of Need provided by the State, as well as whether the use would include outpatient services.**

The motion was seconded by Commissioner O'Connor.

Commissioner Broemmer stated he would like the scope of the traffic study to include the reducing of the speed limit on Olive Boulevard vs. installing a stop light. Chair Hirsch asked that this concern be held until a vote on the motion to hold is taken.

City Attorney Heggie felt that most of the issues stated above could be resolved this evening, with the exception of the issue of the traffic study.

Commissioner Asmus noted that the petition before the Commission tonight deals only with amending the C.U.P. by allowing "hospital" as a permitted use. He stated that he is not opposed to learning more about the traffic study but felt this was not the appropriate time to deal with it. He opposed the motion to hold.

Commissioner Schenberg stated that if all the issues, with the exception of traffic, could be resolved this evening, he didn't feel it was fair to prejudice the Petitioner

because “they’re the last one on the block”. If the development is approved and traffic issues arise because of it, he didn’t feel the Commission should presume the traffic issues wouldn’t be resolved. He didn’t think progress should be stopped because of a problem that might occur – he felt progress should be allowed and then if a problem arises, it should be resolved as necessary.

Commissioner Banks expressed concern that there is not a signalized intersection on Olive Street Road in connection with this project. He felt that the traffic study would aid the Commission’s judgment on whether the project has a possibility of working or not. He was not opposed to delaying the project for two weeks to get the information on traffic.

Ms. McCaskill-Clay stated that the draft Conditional Use Permit is based directly upon Conditional Use Permit 561, as approved by St. Louis County. The current Conditional Use Permit allows 100 self-care units associated with the C.U.P. development. It was pointed out that the site does not have 100 units but the C.U.P. does allow that many. The draft C.U.P. still includes this language – if the 100 units were built, it would substantially affect the amount of parking for the site. The C.U.P. was written when the Petitioner still owned the other 68 acres that has since become Kendall Bluffs. If the number of self-care units is adjusted, it may help address some of the parking and traffic concerns. It was noted that the patients using self-care units generate more traffic than the residents using the nursing care facilities.

Mr. Doster stated that there are currently 140 beds in the full-care nursing facility. The existing C.U.P. permits an additional 100 self-care units, which have not been built and which the Petitioner is not requesting. Mr. Doster indicated that the Petitioner would not be opposed to amending Section 2.ii of the C.U.P. as follows:

~~There shall be not more than 100 self-care units associated with this C.U.P. development.~~ The full care nursing facility shall have no more than 140 beds.

Chair Hirsch asked the Commissioners if their desire would be to have the City Attorney work with the Petitioner and Staff to draft amendments to the C.U.P. to resolve the open issues so the petition could be voted upon this evening. He also asked if the Commissioners still had any concerns with the traffic.

Commissioner Banks expressed concern about voting on the petition the same evening the Public Hearing was held. He did not see any problem with delaying the vote for two weeks.

Ms. Mara Perry, Senior Planner, pointed out that the petition is a Conditional Use Permit – not a petition for rezoning. The process for a Conditional Use Permit is to hold the Public Hearing and vote on the same night. Ms. McCaskill-Clay stated

that the Zoning Ordinance allows the Commission to delay the vote and/or to place conditions on the development.

At this point, Commissioner Sherman withdrew the motion to hold P.Z. 10-2007 Surrey Place (St. Luke's Episcopal Presbyterian Hospital).

It was agreed that the City Attorney, Staff and the Petitioner would work on amending specific language in the C.U.P.

Commissioner O'Connor made a motion to move Agenda Item VIII.C. P.Z. 10-2007 Surrey Place (St. Luke's Episcopal Presbyterian Hospital) below Agenda Item VIII.F. P.Z. 16-2007 Valley Gates Subdivision (16845 N. Outer 40 Road). The motion was seconded by Commissioner Asmus and **passed by a voice vote of 9 to 0**.

- D. **P.Z. 12-2007 City of Chesterfield (Tree Manual)**: A request to repeal City of Chesterfield Ordinance 2335 and replace it with a new ordinance that revises the procedures and requirements for Tree Protection Sureties, Escrows and Landscape Installation Bonds.

Councilmember Fults asked for clarification on how the amount required for a Tree Protection Surety would be calculated.

Mr. Jarvis Myers, Project Planner, stated that the Tree Manual allows two methods to calculate the required amount for a Tree Protection Surety. Staff would select the lesser amount for the bond amount. It is hoped this method will encourage petitioners to increase the tree preservation above the minimum requirement.

Mr. Geisel stated that the current language discourages tree retention. The existing language is based on the acreage to be preserved vs. the at-risk perimeter. The proposed language would allow two calculations so Staff can assess the risk based on the perimeter that is exposed to grading or the total acreage of trees to be disturbed. The proposed language would not penalize a developer that may want to leave a long buffer or a deep wooded area.

Commissioner Schenberg made a motion to approve P.Z. 12-2007 City of Chesterfield (Tree Manual). The motion was seconded by Commissioner O'Connor.

Upon roll call, the vote was as follows:

Aye: Commissioner Geckeler, Commissioner O'Connor, Commissioner Perantoni, Commissioner Schenberg, Commissioner Sherman, Commissioner Asmus, Commissioner Banks, Commissioner Broemmer, Chairman Hirsch

Nay: None

The motion passed by a vote of 9 to 0.

E. P.Z. 14-2007a Wilson Bluffs (SMS Group, L.L.C.): A request for a change of zoning from "NU" Non-Urban District to "E-Half Acre" Estate District for a 3.28 acre tract of land located on the west side of Wilson road, directly north of Wilson Manors II Subdivision.

ISSUES:

1. Is an easement required for construction for the back portion of the site? Ms. Nassif stated that an easement will be required for the back portion lot. The new zoning does not allow for any landlocked parcels. Mr. Geisel pointed out that the access is permanent. The lot split plat will show a permanent easement and it will be recorded with the St. Louis County Recorder's Office.
2. Should language be included in the Attachment A requiring prospective buyers to be informed that a road will be constructed? Ms. Nassif stated that it will be shown on the plat. Mr. Geisel stated that it will also show up on the owner's title policy.
3. Amend the language from E-Half Acre to E-One Acre. Chair Hirsch stated that future agendas would show the petition as E-One Acre.

F. P.Z. 16-2007 Valley Gates Subdivision (16845 N. Outer 40 Road): A request for an amendment to City of Chesterfield Ordinance 2154 to allow for a change to the parking and building setbacks, building height and number of permitted buildings for a 7.698 acre tract of land zoned "PC" Planned Commercial located north of North Outer Forty and east of Boone's Crossing at 16845 North Outer Forty Road. (17T520073)

Ms. Nassif stated that after the meeting packets went out, Staff received the agency comments from the Missouri Department of Transportation, which was the only outstanding issue.

ISSUES:

1. Check with the Public Works Department to make sure they have everything they need with respect to the subject petition.
2. Are three-story buildings allowed along Highway 40 vs. two-story buildings? Ms. Perry pointed out that the Larry Enterprises/Lynch Hummer site has been approved for a three-story building. The subject site is just to the east of Larry Enterprises. Ms. Nassif stated that the urban core is allowed buildings not to exceed 70 feet.

- C. P.Z. 10-2007 Surrey Place (St. Luke's Episcopal Presbyterian Hospital):** A request to amend Conditional Use Permit Number 561 to add hospital as a permitted use for an approximately 10.751 acre tract of land located at 14701 Olive Boulevard, east of the intersection of Ladue Road and Olive Boulevard. (17R530197)

City Attorney Heggie proposed the following seven amendments to Conditional Use Permit #25: **(changes shown in bold)**

The following Conditional Uses shall be allowed in this development:

1. Hospital. As proposed, this use is to be a specialized, limited use facility that will provide general physical rehabilitative and medical services, including nursing, clinical and therapeutic services. **There shall be no emergency room, operating room, or surgical services permitted on the subject site. There shall be no heliport or helipad services permitted on the subject site.**
2. Nursing home ~~with associated self-care units and recreational facilities for the elderly.~~
 - i. ~~Nursing facilities and self-care units shall be contained in not more than two (2) buildings.~~
 - ii. ~~There shall be no more than 100 self-care units associated with this C.U.P. development.~~ The full care nursing facility shall have no more than 140 beds.

All provisions of the City of Chesterfield City Code shall apply to this development except as specifically modified below:

1. ~~Self-care units shall be contained in a single building not more than three (3) building levels in height, excluding basement and cellar areas, underground parking and rooftop mechanical equipment.~~

2. All ~~other~~ buildings shall not exceed ~~two (2)~~ **one (1)** building levels in height, exclusive of basement and cellar areas, underground parking, **architectural features**, and rooftop mechanical equipment.

7. Structure Setbacks:
No building or structure, other than boundary walls, retaining walls, signs, light standards, flag poles or fences, shall be located within the following setbacks:
 - a. One hundred (100) feet of the right of way of Olive Boulevard
 - b. ~~Fifty-Ten (10)~~ feet from northeastern limits of this C.U.P.
 - c. ~~Sixty (60)~~ **Fifty (50)** feet from the northern property boundary (N42°06'40"E)

8. No outdoor parking stall or internal roadway, except points of ingress, egress, **and the required fire lanes**, shall be located within the following setbacks:

Commissioner Banks expressed concern on voting on a petition with so many amendments verbally placed in the motion.

Commissioner Broemmer asked when the issue of traffic would be addressed. Chair Hirsch stated that traffic issues would be part of any Site Plan review. Mr. Geisel stated that, based upon the concerns raised this evening, he will investigate the traffic issues. He noted that Kendall Bluffs was recently approved allowing more than 100 units to utilize the intersection. He indicated he would report his findings back to the Commission.

Some of the Commissioners expressed concern about voting on the C.U.P. amendment prior to having information on the traffic issues.

Mr. Doster recommended that the petition be held for two weeks to give Mr. Geisel time to review the traffic issue. He noted, however, that the current C.U.P. allows considerably more density on the site than what is being requested. He pointed out that they are willing to eliminate the 100 self-care units and would be providing a very low traffic generator in its place. He felt that, conceptually, they are improving the traffic situation over what is permitted and he didn't think a traffic study is necessary under these circumstances.

Commissioner Asmus made a motion to hold P.Z. 10-2007 Surrey Place (St. Luke's Episcopal Presbyterian Hospital) until the next meeting of the Planning Commission. The motion was seconded by Commissioner Broemmer and passed by a voice vote of 8 to 1. (Commissioner O'Connor voted "no".)

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS

Chair Hirsch announced that the **Ordinance Review Committee** is scheduled to meet on April 24, 2007 at 3:00 p.m.

Thirty minutes prior to the next Site Plan Committee Meeting, the **Committee of the Whole** will meet to review a revised draft of the Commission's By-Laws.

XI. ADJOURNMENT

The meeting adjourned at 9:45 p.m.

David Banks, Secretary