

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
MAY 9, 2011**

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

I. ROLL CALL

PRESENT

Mr. David Banks
Mr. Bruce DeGroot
Ms. Wendy Geckeler
Mr. Stanley Proctor
Mr. Robert Puyear
Mr. Michael Watson
Mr. Steven Wuennenberg
Acting Chair Amy Nolan

ABSENT

Mayor Bruce Geiger
Councilmember Connie Fults, Council Liaison
City Attorney Rob Heggie
Ms. Aimee Nassif, Planning & Development Services Director
Mr. Justin Wyse, Senior Planner
Mr. Ben Niesen, Civil Engineer
Ms. Mary Ann Madden, Recording Secretary

II. PLEDGE OF ALLEGIANCE – All

III. SILENT PRAYER

Acting Chair Nolan acknowledged the attendance of Mayor Bruce Geiger; Councilmember Connie Fults, Council Liaison; Councilmember G. Elliot Grissom, Ward II; Councilmember Derek Grier, Ward II; and Councilmember Bob Nation, Ward IV.

**IV. RECOGNITION OF FORMER PLANNING COMMISSIONER
G. ELLIOT GRISSOM**

Acting Chair Nolan acknowledged former Planning Commissioner G. Elliot Grissom, who has served on the Commission for the past four years. She noted that Mr. Grissom has been a great asset to the Planning Commission and stated that it has been a pleasure and a privilege serving with him. On behalf of the Commission, she thanked him for all his dedication to the City and wished him the best in his new capacity as a Ward II Councilmember.

Mr. Grissom was then presented with a plaque recognizing his outstanding dedication and service to the City.

Mr. Grissom thanked the Commissioners and Staff for their support and hard work over the past years.

V. **PUBLIC HEARINGS** – Commissioner Watson read the “Opening Comments” for the Public Hearing.

A. **P.Z. 02-2011 Chesterfield Senior Living (Plan Provisions, LLC):** A request for a Conditional Use Permit (CUP) in an “E-1” Estate One Acre District to allow for a Nursing and Group Home for the Elderly use for an 8.04 acre tract of land located north of Wild Horse Creek Road west of Long Road. (18V510138)

STAFF PRESENTATION:

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

- All State and local Public Hearing notification requirements for this petition were completed.
- The site is currently undeveloped. Access to the site is from a road immediately east of the daycare center.
- The site was zoned ‘NU’ by St. Louis County in 1965.
- The following petitions have been submitted for this site:
 - **P.Z. 13-2004**, which was a request to rezone from ‘NU’ to ‘PC’ for an office development. This petition also included what is now the daycare site. The request was denied in September 2005.
 - **P.Z. 28-2006**, which was a request to rezone from ‘NU’ to ‘PC’ with a ‘WH’ Overlay. This petition only included the subject site. In July 2007, the request was approved for a 30,000 square foot *neighborhood office development* that included general office and medical office, excluding surgery centers.
 - **P.Z. 11-2010**, which was a request to rezone from ‘PC’ to ‘R-4’. This petition was later amended to rezone from ‘PC’ to ‘E-1’. This request will be before City Council for second reading on May 16th.
 - **P.Z. 12-2010**, which was a request to rezone to “PUD” District and included substantially the same request as P.Z. 11-2010 to allow for a nursing home use on the site. After the Public Hearing and several other meetings before the Planning Commission, the Petitioner withdrew the request and subsequently submitted the subject petition, P.Z. 02-2011.
- The Zoning Ordinance states that there are certain land uses which require a specific analysis of each development. These uses are contained in each of the zoning districts. In the E-1 Districts, the *nursing and group home for the elderly* is listed as a conditional use. Section 1003.181 lays out the process for the

Conditional Use Permit. When reviewing the Conditional Use request, the Planning Commission may include conditions in the permit to mitigate any potential negative impacts of a use.

- The Conditional Use Permit process is as follows:
 - Public Hearing before the Planning Commission and vote on the requested conditional use.
 - An approval could include conditions that the Commission deemed necessary for the subject site for the subject use.
 - If City Council does not exercise its Power of Review or a Protest Petition is not submitted, the CUP becomes effective 15 days after City Council receives the report of the Planning Commission action.
 - The Permit is not effective until, and unless, the change in zoning is approved.
- The required Preliminary Plan has been submitted and includes the following:
 - Two (2) buildings (Building A and Building B) totaling a maximum of 105,000 square feet. Building A is proposed as an independent living facility housing a maximum of 33 units; Building B is the assisted living facility housing a maximum of 87 units. At this time, the Petitioner has a Certificate of Need from the State for 51 assisted living units; the 33 independent living units do not require approval.
 - Sixty-three (63%) open space.
 - An increased buffer along the southern property line.
 - Preservation of the bluff area. The Petitioner is also proposing a reforestation effort that would be included on the Site Plan and the Landscape Plan.
- The Comprehensive Land Use Plan designates the site as *Neighborhood Office*.

PETITIONER'S PRESENTATION:

1. Mr. Brandon A. Harp, Principal at Civil Engineering Design Consultants, 11402 Gravois Road, St. Louis, MO stated that they are requesting approval of a Conditional Use Permit to allow for a *nursing home* use in the "E-1" Estate One Acre District. He then compared the existing zoning of the site to the proposed request:

	Existing	Proposed
Zoning District	PC Planned Commercial	E-1 Estate One Acre
Parking Spaces	120	62
Trip Generation per Day	1,000+	355
Open Space	57%	63% excludes parking area & bldgs

Mr. Harp noted that the Staff Report includes a table comparing the Floor Area Ration (FAR) of the proposed site with other like-developments in the City. Mr. Harp then gave a comparison of the number of units per acre for the following developments compared to the proposed development, Chesterfield Senior Living:

Development	No. of Units per Acre
Delmar Gardens	23
Willows at Brooking Park	13
Sunrise	24
Surrey Place	16
Westchester House	14
Chesterfield Senior Living	15

DISCUSSION

City Attorney Rob Heggie asked Mr. Harp to explain how this development in this particular tract is well-suited to the proposed Conditional Use Permit. Mr. Harp replied that the proposal is consistent with the type of use the City wants for this area. The nursing home-type facility is the type of development that intermingles well with other residential-type areas. Many of the nursing home facilities within the City are nestled within mixed uses or residential-type communities. In addition, the Wild Horse Creek sub-area outlines Planned Policies which they have made an effort to address; such as open space at 63%; maintaining the woodlands on the site; and the preservation of the slopes. He feels they meet the intent of the character of the neighborhood and with a good residential design of the buildings, he thinks they will blend in nicely.

City Attorney Heggie asked how the nearby daycare would play into the role of the proposed development. Mr. Harp responded that Mr. Kendall Brune would address this issue in his remarks.

2. Mr. Kurt Wallace, Wallace Architects, 307 Campusview Drive, Columbia, MO stated that his architectural firm is involved primarily in the design of continuing care/retirement communities throughout 15-20 states, including Missouri. He stated he would speak about the programming that is involved in such a facility. He noted that the site already has a Certificate of Need and is governed by the State of Missouri Code of State Regulations and specifically falls under the Missouri Department of Health and Senior Services as an assisted living facility. The programming involves:
 - Looking at the facility to see how it compares with other continuing care facilities;
 - The independent living portion of a facility is generally about 65% square footage of the units with 35% common and ancillary areas; with the assisted living portion, the percentage rises to about a 50-50 mix of required spaces - minimums in the living units, along with the ancillary and community areas.
 - The 105,000 square foot plan for Chesterfield Senior Living has a 55% level of the required living facilities by State minimums (required rooms and units); and 25% ancillary services which are mandated by State regulations for dining and community facilities that are set at 25 square feet per resident. The ancillary

services also include dietary areas, laundry areas, work stations, a salon, and a chapel.

- The proposed parking falls well within the City's guidelines and compares with the parking provided at other facilities.
 - They are aware that this facility will require a higher level of finish than normal. The marketing of such units is geared primarily towards the family who will be placing a relative there. As such, they are aware that this facility will require a higher level of finish than normal – both on the exterior and the interior - because of its location within Chesterfield.
3. Mr. Kendall Brune, President of Future Focus Community – a consulting firm and operator for long-term care, 2339 Sportsmen Hill Drive, Chesterfield, MO stated the following:
- As a married college student with a one-year child, he started an inter-generational daycare program that involved 90 children and 90 seniors. This program had a 43% less mortality rate among the seniors, which they felt was a direct result of their interaction with the children.
 - They have created a Master Plan for the subject site which involves an inter-generational, faith-based community that will serve the community of Chesterfield.
 - National trends show that children move their elderly parents close to their homes.
 - They want to “create a vibrant community” where elderly residents of Chesterfield can remain in the City. They foresee such a facility as bringing in more than just the elderly – it would bring in “kids, animals, and plants”.
4. Mr. Rodney Henry, Property Owner of the subject property, 17661 Wild Hose Creek Road, Chesterfield, MO stated the following:
- He and his wife are the current owners of Chesterfield Academy, which involves 90 children who could interact with the seniors at the proposed facility.
 - He thanked Mr. Harp and Staff – particularly Aimee Nassif and Justin Wyse - for all their work over the past eight months on this project.
 - He is “excited about the opportunity to support current businesses in the area and very excited to have a faith-based collaboration with Chesterfield Academy and the surrounding area churches.
 - He expects this project would generate approximately 150 construction jobs and asked the Commission for a favorable vote.

SPEAKERS IN FAVOR:

Mr. John Loudon, representing Chesterfield Senior Living (Plan Provisions, LLC) 16215 Wilson Forest Court, Chesterfield, MO stated the following:

- When he first heard about the proposal, he thought of the jobs that could be generated from such an endeavor.
- He feels there is a definite need for such a facility in the area, which is evidenced by the Certificate of Need that has been granted for the site.

SPEAKERS IN OPPOSITION:

Mr. Bob Nation, 17669 Bridgeway Circle Drive, Chesterfield, MO noted that he had sent an earlier e-mail to the Commission expressing his concerns about the subject petition. He then stated the following:

- He is not opposed to the requested “E-1” zoning; nor is he opposed to the use of a senior living center.
- He is opposed to the density being requested. Although Staff has advised him that density is not a criterion that needs to be considered in a residential area, he understands that the City may take it into consideration.
- Currently the Petitioner is allowed to build 30,000 square feet in the neighborhood office concept and is asking for 105,000 square feet. He feels this is a great disparity.
- He feels the requested density is “out of place and inconsistent with what the surrounding area is; is inconsistent with existing like-facilities within the City; and although it may not be able to be seen from Wild Horse Creek Road, it is still density and it is inappropriate”.
- He feels the West Area Study calls for a low-density development and to allow for “a more highly-densely developed area in an area that is supposed to be lower density is inconsistent, unreasonable, incompatible, and detrimental” and he fears for the precedent it may set.

DISCUSSION

Commissioner Wuennenberg asked for clarification as to why the Conditional Use Permit does not have any square footage requirements. Ms. Aimee Nassif, Planning and Development Service Director stated that typically square footage is not included in Conditional Use Permits but it may be added. The density used for residential districts is the number of dwelling units per acre, but anything the Commission would like added to the Permit may be included.

Mr. Nation added that if the density were reduced, as he is suggesting, he feels it would fall much more in line with the existing Certificate of Need.

Ms. Nassif noted that there were a lot of comments and issues brought up that relate to the Site Plan stage. If the CUP is approved, she asked Mr. Wyse if all the criteria and development standards for an “E” district are still applied. Mr. Wyse replied that this is correct – if the CUP is approved, the Petitioner would then submit a Site Plan, Landscape Plan, Lighting Plan, and Architectural Elevations. He would then go through the Site Plan process which would include review by Staff, the Architectural Review Board, and the Planning Commission. Because of the E-1 zoning, it was also noted that the architecture must follow the residential character for the architectural review standards.

Councilmember Fults stated that the Petitioner is requesting E-1 zoning, which dictates the density. Mr. Wyse clarified that the E-1 rezoning request has had one reading before City Council with the second reading scheduled for May 16th. He explained that

tonight's request is to allow for the *nursing home* use. When reviewing the Conditional Use Permit, the Commission has the option of including conditions related to density. He added that Floor Area Ratio is not a regulation within the residential districts, which is why Staff has included dwelling units as the density parameter for the proposed CUP.

There was considerable discussion regarding the **Certificate of Need**, during which time Staff noted the following points:

- The Certificate of Need is a separate process from what Staff is reviewing.
- The Certificate of Need is for 51 assisted living units; the 33 independent living units are not regulated under a Certificate of Need.
- The Petitioner is requesting a total of 120 units (assisted and independent living units). If the Petitioner wants to construct anything above the 51 assisted living units for which they are approved, they would have to prove to the State that there is an additional need for them.
- The Commission has the option of stipulating in the CUP that no more than 84 living units be permitted (51 assisted and 33 independent).
- Occupancy cannot be given for units in excess of the Certificate of Need.

Noting that the petition is requesting 120 units, Commissioner Watson asked why the Petitioner did not request more than 51 beds for the Certificate of Need. The Petitioner was then asked to provide additional information on the Certificate of Need (CON).

Mr. Brune clarified the following:

- The site actually has a greater need than 51 beds. They only asked for 51 beds to make sure they "got the project through the CON Committee", which was approved by a unanimous vote.
- The CON process only allows for a 10% variance on construction so a larger shell cannot be constructed with the intent of adding more beds in the future.
- Since the CON was granted, the State has changed its calculations. Originally the calculation was 15 beds per 1000; because of demand, the State has increased the planning to 25 beds per 1000.
- They would have to go back to the State for the additional beds as it is more economically viable to have 120 beds at this site.
- The CON was approved July 10, 2010.

Mr. Henry added the following:

- Additional beds can be purchased from other entities or can be sought after through the CON Committee.
- Building B could possibly have 87 assisted living beds; Building A would have 33 beds for independent living.
- The square footage for both buildings is a total of 105,000 square feet.

Commissioner Banks asked if the City requires a Petitioner to have a Certificate of Need when requesting to construct a nursing home facility. Ms. Nassif replied that it is

not a requirement of the City but is a separate process from the process before the Commission tonight.

Noting that a CON has been approved for only 51 beds, Mayor Geiger asked for confirmation that Building B could not be built for more than 51 beds. Mr. Henry replied that the CON is for 51 beds but the second story for Building B is where the skilled nursing facility would be constructed. During the next six months, the Petitioner intends to either purchase additional beds or go back through the CON Committee for approval. It is anticipated that construction will not start until the first quarter of 2012.

Commissioner Geckeler asked if the square footage could be more than 105,000 square feet. Ms. Nassif stated that the square footage of the building is limited by parking, open space, and setback requirements. The maximum square footage has not yet been determined. Mr. Wyse added that the proposed building is not at its maximum height and there is a lot of open space on the site so they could potentially add more square footage. The Commission could include a condition within the CUP setting a maximum square footage. The Preliminary Plan could also be approved with the CUP.

Ms. Nassif asked whether it would be possible to include a condition within the CUP so that units are not constructed until after the City receives documentation from the Petitioner that he has received a CON for a specific number of beds. Mr. Wyse indicated that such a condition would be permitted.

Commissioner Watson read the Closing Comments for the Public Hearing.

VI. APPROVAL OF MEETING MINUTES

Commissioner Geckeler made a motion to approve the minutes of the April 11, 2011 Planning Commission Meeting. The motion was seconded by Commissioner Watson and passed by a voice vote of 8 to 0.

VII. PUBLIC COMMENT - None

VIII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **Spirit Energy (P.Z. 04-2009 Time Extension)**: A request for an 18 month extension of time to submit a Site Development Plan for a 0.31 acre tract of land zoned "PC" Planned Commercial district located on the southwest corner of Olive Blvd. and Woods Mill Rd. (Locator 16Q330902).

Commissioner Proctor, representing the Site Plan Committee, made a motion recommending approval of the 18-month extension of time to November 9, 2012 to submit a Site Development Plan for Spirit Energy (P.Z. 04-2009 Time

Extension). The motion was seconded by Commissioner Banks and passed by a voice vote of 8 to 0.

IX. OLD BUSINESS

- A. P.Z. 02-2011 Chesterfield Senior Living (Plan Provisions, LLC): A request for a Conditional Use Permit (CUP) in an "E-1" Estate One Acre District to allow for a Nursing and Group Home for the Elderly use for an 8.04 acre tract of land located north of Wild Horse Creek Road west of Long Road. (18V510138)

Senior Planner Justin Wyse stated that Conditional Use Permit #34 has been drafted for the Commission's review and noted that the first sentence states *All provisions of the City of Chesterfield Code shall apply to this development except as specifically modified below*: This includes all the regulations of the E-1District along with all the other regulations of City Code.

The Staff Report lays out Staff's analysis of the proposal and includes a chart comparing similar facilities to the proposed facility. Staff has identified several conditions that are appropriate for this site. In addition to the ones specified in Conditional Use Permit #34, there has been discussion about adding conditions relating to:

1. The Certificate of Need; and
2. A limitation on the square footage

Ms. Nassif added that there was a request for clarification to the format of the Permit that Staff will be providing if approved. In addition, item 2 would be re-worded to state *A maximum of 120 units shall be permitted in this development, 33 of which shall be for independent senior living*.

City Attorney Heggie then proposed changes to the CUP for the Commission's consideration as follows:

1. ~~The following Conditional Uses~~ **Nursing and group homes for the elderly** shall be allowed in this development ~~as conditional uses~~.
2. A maximum of 120 units shall be permitted in this development ~~of which no more than 33 units shall be for independent senior living~~.

DISCUSSION

Commissioner Wuennenberg felt there should be a limitation on the square footage of the facility.

Commissioner Banks made a motion to approve P.Z. 02-2011 Chesterfield Senior Living (Plan Provisions, LLC) for Conditional Use Permit #34 with the above two

changes proposed by City Attorney Heggie. The motion was seconded by Commissioner DeGroot.

Commissioner Wuennenberg made a motion to amend the motion to limit the facility to a total of 105,000 square feet. Both Commissioners Banks and DeGroot accepted the amendment to the motion.

Upon roll call, the vote was as follows:

Aye: Commissioner Proctor, Commissioner Puyear,
Commissioner Watson, Commissioner Wuennenberg,
Commissioner Banks, Commissioner DeGroot,
Commissioner Geckeler, Acting Chair Nolan

Nay: None

The motion passed by a vote of 8 to 0.

X. NEW BUSINESS

A. Appointment of Nominating Committee

Acting Chair Nolan announced that she would be appointing the Nominating Committee to nominate Commissioners to serve as Chair, Vice-Chair and Secretary for the upcoming year. The Nominating Committee will present their recommendations at the June 13th meeting at which time the Election of Officers will be held.

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:10 p.m.

Michael Watson, Secretary