

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
MAY 30, 2012**

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

I. ROLL CALL

PRESENT

Mr. Bruce DeGroot
Ms. Wendy Geckeler
Ms. Laura Lueking
Mr. Stanley Proctor
Mr. Robert Puyear
Mr. Michael Watson
Mr. Steven Wuennenberg
Chair Amy Nolan

ABSENT

Ms. Debbie Midgley

Mayor Bruce Geiger
Councilmember Randy Logan, Council Liaison
City Attorney Rob Heggie
Ms. Aimee Nassif, Planning & Development Services Director
Mr. Shawn Seymour, Senior Planner
Ms. Mary Ann Madden, Recording Secretary

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

Chair Nolan acknowledged the attendance of Mayor Bruce Geiger and Councilmember Randy Logan, Council Liaison.

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

- A. P.Z. 05-2012 CVPBA III (17298 & 17280 North Outer 40 Road):** A request for an ordinance amendment in a “PC” Planned Commercial District of 6.172 acres in size and located north of US Highway 40/Interstate 64 and immediately east of its intersection with Boones Crossing (17U620172 & 17U620183).

STAFF PRESENTATION:

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

- All Public Hearing notifications per State and City requirements were met.
- Existing Conditions:
There are two parcels to the site – the eastern portion is fully developed with an office and financial building; the western portion is undeveloped but has been graded. The site will share a common entrance, which is on the north side of the property on North Outer Forty. No additional access points are allowed on the site.
- Site History:
The site was zoned “NU” Non-Urban District by St. Louis County prior to the City’s incorporation. In 2006, the City approved a Zoning Map Amendment to zone the site “PC” Planned Commercial District. The Site Development Plan was also approved in 2006 and an Amended Site Development Plan was approved in 2008.
- Petition Request:
Addition of the following accessory land use:
 - Medical Offices with overnight stays for observational purposes, not to exceed 72 hours. *It was noted that “Medical Offices” is already a permitted land use, but the definition of this use does not allow overnight stays. The overnight stays will be considered an accessory land use.*
 - Modification to the structure setback along the northern boundary of Lot 1, from 160 ft. to 140 ft. *It was noted that this setback applies only to the undeveloped parcel and is being requested in order to accommodate a canopy.*
- Adjacent Zoning:
The site is primarily surrounded by Planned Commercial District. The property on the other side of the levee is Floodplain Overlay; and there is one site zoned Planned Industrial District on the north side of North Outer 40.
- The Comprehensive Land Use Plan designates the site as *Mixed Commercial Use*, which permits a variety of retail, office and service-based activities.
- Site Plan:
Mr. Seymour explained that during the initial zoning phase in 2006, the setbacks were written to match the Preliminary Plan. These setbacks give no flexibility to accommodate a canopy so the Petitioner is requesting a modification to the structure setback from 160 ft. to 140 ft.
- Staff Issues:
Staff is waiting for outside Agency review letters.

DISCUSSION

Structure Setback

Commissioner Lueking asked for clarification on the setbacks established with the Preliminary Plan. Mr. Seymour stated that the Preliminary Plan was submitted at the zoning stage with designated setbacks. These same setbacks were then included in the site's ordinance but they do not give the Petitioner any flexibility as to the location of the building. Consequently, a covered canopy would not be allowed with the existing setbacks.

Ms. Nassif, Planning & Development Services Director pointed out that during the time this site was zoned, the City required Preliminary Plans to be basically Site Plan detailed drawings. There is no Zoning Code requirement or District requirement for a 160-foot setback for the subject site. In the PC District, there is no minimum standard other than 30 feet to meet landscape buffer requirements. It was noted that Parcel A of the site has a 45-foot setback along the same stretch of road. Currently, Preliminary Plans submitted at zoning are no longer required to be as detailed.

Possible Road Changes

Mayor Geiger noted that the subject site is near the proposed Chesterfield Outlet Mall, which would involve significant road changes and asked if the subject site takes all these road changes into consideration. Mr. Seymour responded that it does.

Hospital Use

Commissioner Geckeler asked if a *hospital* use is an accepted use for the site. Mr. Seymour replied that a hospital is a permitted use in a "PC" District; however, a hospital use allows far more activities than the Petitioner wishes to do. In this case, the Petitioner only wants one facet that is allowed in a hospital but not permitted in a medical office use – that being the overnight stay.

Ms. Nassif stated that the Comp Plan would allow a hospital use on the site; but such a use is a much more intensive use than what the Petitioner desires and possibly more intensive than what the City would want in that area.

Overnight Stays for Observational Purposes

Councilmember Logan asked what constitutes *observation purposes*. City Attorney Heggie stated that *observation* would imply that the person had been there for a treatment or procedure – it would not involve patients being transferred from a hospital to the site for observation purposes.

Ms. Nassif explained that *observation* only pertains to patients who were treated at the subject medical office. The *overnight stays for observation* is an accessory use to the primary use of *medical office*. No ambulances will be moving on and off the site.

PETITIONERS' PRESENTATION:

1. Mr. Mike Doster, Doster, Ullom, 16090 Swingley Ridge, Chesterfield, MO.

Mr. Doster stated that there would only be about six (6) patients per week who would be staying overnight at the facility.

He also stated that the owner of the adjacent property to the east has requested that the conditions listed in the Petitioner's "Narrative Statement" relative to overnight stays be included in the legislation. The Petitioner is in agreement with this request.

The conditions regarding overnight stays are as follows:

- Maximum of five percent (5%) of leasable square footage of the building.
- No more than seven (7) beds.
- No stay more than 72 hours.
- No separate entrance.
- No signage external to the building advertising the accessory use of overnight stays.

Ms. Nassif pointed out that the City's Code does not permit external signage for an accessory use.

City Attorney Heggie asked Mr. Doster if they had considered entering into a covenant with the adjoining property owner that would list the conditions of overnight stays vs. including them in the legislation. Mr. Doster indicated that this had not been discussed.

Ms. Nassif expressed concern that listing these conditions in the legislation would then make them requirements the City needs to enforce. Enforcement could be an issue; however Staff will review the request and address it at the Vote Meeting.

2. Dr. George Paletta, Orthopedic Surgeon practicing in St. Louis, 14825 North Outer 40 Road, Chesterfield, MO stated the following:
 - He a member of a group of ten orthopedic surgeons that provides full-service, outpatient orthopedic care.
 - Several doctors from this group have decided to move ahead with an expansion plan to include a new building and new physicians in order to provide an additional level of care. Their goal is to build a medical office building that will provide the full spectrum of care for orthopedic patients.
 - Since more orthopedic surgery is moving towards an outpatient basis, they would like the opportunity to keep patients overnight for observational purposes only. Observation services would be provided after outpatient surgical procedures.

- The patients who would be staying overnight for observation would be a very select group of patients who are healthy individuals with no conditions that would make them a candidate for more appropriate care in a hospital setting. These patients would be kept overnight for either pain control or observation of their muscular, skeletal or neurovascular status.
- It is anticipated that they would be seeing approximately 100-150 patients per week for outpatient office visits and outpatient surgical procedures. It is expected that only about 5 or 6 of these patients per week would need overnight observation.
- Without this accessory use, it would be impossible to meet all the goals and required program elements that they are seeking to provide their patients.

Commissioner Proctor asked if the seven (7) beds for observational purposes would be private rooms. Dr. Paletta replied that they would all be private rooms and the patients would be receiving skilled nursing care during their overnight stay. The surgical facility will be in the same building but will be segregated from the overnight area due to sterilization requirements.

Commissioner DeGroot asked what percentage of Dr. Paletta's current practice is related to Worker's Compensation and what percentage does he anticipate at the new facility. Dr. Paletta stated that he sees approximately 125 patients per week with about 600 surgeries per year – about 35-40% of his practice is Worker's Compensation and about 60% private insurance. He feels these numbers would be approximately the same at the proposed site.

Of the patients who would be utilizing the overnight stay, City Attorney Heggie asked if they are identified prior to their procedure or once the procedure is completed. Dr. Paletta replied that some of the patients would be identified prior to surgery anticipating a higher likelihood of post-op pain management issues. If they are doing well post-operatively, they are not kept overnight. Other patients are scheduled as outpatients but post-operatively have pain control issues or other minor issues that require overnight observation.

Mayor Geiger asked how many doctors would be operating out of the proposed facility. Dr. Paletta replied that, when fully-staffed, they anticipate having ten physicians. Mayor Geiger felt that a lot of surgery is being anticipated for just seven (7) rooms of overnight stays. Dr. Paletta stated that out of his current practice of 600 surgeries per year, he has an average of one (1) patient per month who requires an overnight stay. Some of the other specialty areas for spinal surgery or partial joint replacements may have a higher percentage of patients needing overnight observation.

Commissioner Watson asked if physical therapy will be provided on-site. Dr. Paletta stated that in Missouri physicians are not allowed to own physical therapy services. However, depending on the program elements, physical

therapy may be a part of the facility but would be through an independent provider.

3. Mr. George Stock, Stock & Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO stated he was available for questions.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES:

Mr. Seymour stated that Staff will work with the Petitioner to craft language for the Attachment A with respect to overnight stays.

Commissioner Geckeler read the Closing Comments for the Public Hearing.

V. APPROVAL OF MEETING MINUTES

Commissioner Wuennenberg made a motion to approve the minutes of the **May 14, 2012 Planning Commission Meeting**. The motion was seconded by Commissioner Proctor and passed by a voice vote of 6 to 0 with **Commissioners DeGroot and Lueking** abstaining.

VI. PUBLIC COMMENT - None

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

- A. **Spirit Trade Center, Lot 12A (Club Dog)**: Amended Architectural Elevations and Amended Architect's Statement of Design for a 2.01 acre "LI" Light Industrial District-zoned property located a half mile southwest of the intersection of Chesterfield Airport Road and Trade Center Boulevard.

Commissioner Puyear, representing the Site Plan Committee, made a motion recommending approval of the Amended Architectural Elevations and Amended Architect's Statement of Design for **Spirit Trade Center, Lot 12A (Club Dog)**. The motion was seconded by Commissioner DeGroot and passed by a voice vote of 8 to 0.

VIII. OLD BUSINESS – None

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS

Chair Nolan reported that the Nominating Committee recommends the following Commissioners as Officers for 2012-2013:

- Chair: Commissioner Watson
- Vice-Chair: Commissioner Proctor
- Secretary: Commissioner DeGroot

Elections of Officers will take place at the June 7th meeting.

XI. ADJOURNMENT

The meeting adjourned at 7:38 p.m.

Michael Watson, Secretary