PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
APRIL 13, 2015

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

I. ROLL CALL

PRESENT	**ABSENT**
Ms. Wendy Geckeler	Ms. Fay Heidtbrink
Ms. Merrell Hansen	Ms. Laura Lueking
Ms. Debbie Midgley	Ms. Amy Nolan
Mr. Stanley Proctor	
Mr. Steven Wuennenberg	
Chair Michael Watson	

Councilmember Dan Hurt, Council Liaison
City Attorney Rob Heggie
Ms. Aimee Nassif, Planning & Development Services Director
Mr. John Boyer, Senior Planner
Ms. Purvi Patel, Project Planner
Ms. Mary Ann Madden, Recording Secretary

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

Chair Watson acknowledged the attendance of Councilmember Dan Hurt, Council Liaison; and Councilmember Connie Fults, Ward IV.

IV. PUBLIC HEARINGS – Commissioner Wuennenberg read the "Opening Comments" for the Public Hearing.

A. P.Z. 03-2015 Sachs Properties (The Grove in Chesterfield): A request for a zoning map amendment from "C8" Planned Commercial District to "UC" Urban Core District for a 3.6 acre property located southeast of the intersection of Chesterfield Parkway West and Justus Post Road (19S431691 & 19S430579).

STAFF PRESENTATION:
Senior Planner John Boyer gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Boyer then provided the following information about the subject site:

Land Use Plan

The City's Comprehensive Land Use Plan identifies the subject parcel as being within the Urban Core. The "Urban Core" is an area that includes a mix of high-density residential, retail, and office uses.

Site History

In 1971, Sachs Properties proposed a number of petitions to the County Planning Commission for a planned community for the 1,500 acres near the intersection of I-64 and the Clarkson/Olive interchange. The area was divided into four quadrants with the subject site being located within the southwest quadrant. In 1973, approximately 15 applications for Chesterfield Village were approved by St. Louis County with Ordinance 6,815. The Ordinance was amended in 1981 via St. Louis County Ordinance 10,241 and in 1991 via City of Chesterfield Ordinance 571.

Two office buildings, previously located on the site, were demolished in 2005. The site is now currently vacant.

The southwest quadrant has been split into three areas – the regional commercial town center, a village center, and neighborhood centers. The subject site is located within the regional commercial town center area.

Uses:

The uses approved for the 160-acre regional commercial town center area included all uses permitted within the C-1 through C-7 Commercial Districts.

The Applicant's intended use for the subject site is an *assisted living care facility*. In addition to that use, the current property owner, Sachs Properties, would like to keep some of their existing entitlements previously approved through the initial ordinance. Below is a listing of the 69 uses being requested; the four accented in **bold** are the only new uses being requested and are associated with the proposed assisted living care facility – the other uses are already permitted:

1. Administrative office for educational or religious facility
2. Animal grooming service
3. Art gallery
4. Art studio
5. Auditorium
6. Automobile Dealership
7. Automotive retail supply
8. Bakery
9. Bar
10. Barber or beauty shop
11. Brewpub
12. Broadcasting studio
13. Car wash
14. Car wash, self service
15. Church and other place of worship
16. Club
17. Coffee shop
18. Coffee shop, drive-thru
19. Commercial service facility
20. Community center
21. Day Care Center
22. Drug store and pharmacy
23. Drug store and pharmacy, drive-thru
24. Dry cleaning establishment
25. Dry cleaning establishment, drive-thru
26. **Dwelling, employee**
27. Education facility- specialized private schools
28. Education facility- vocational school
29. Educational facility- college/university
30. Educational facility- kindergarten or nursery school
31. Filling station and convenience store with pump stations
32. Film drop-off and pick-up station
33. Financial institution
34. Financial institution, drive-thru
35. Grocery-community
36. Grocery-neighborhood
37. **Group Residential Facility**

38. Gymnasium
39. Hospice
40. Hotel and motel
41. Kennel, boarding
42. Laundromat
43. Library
44. Mortuary
45. Museum
46. Newspaper stand
47. Nursing home
48. Office, dental
49. Office, general
50. Office, medical
51. Oil change facility
52. Park
53. Parking area, including garages, for automobiles
54. Professional and technical service facility
55. Public safety facility
56. Reading room
57. Recreation facility
58. Research facility
59. Restaurant, fast food
60. Restaurant
61. Restaurant, sit down
62. Restaurant, take out
63. Retail sales establishment, community
64. Retail sales establishment, neighborhood
65. Telecommunications structure
66. Telecommunications tower or facility
67. Theater, indoor
68. Vehicle repair and services facility
69. Veterinary clinic

Staff does have concern about the appropriateness of some of the uses considering the close proximity of established residential areas. Some of the uses that may not be appropriate for the site include the following:

1. Auditorium
2. Automobile Dealership
3. Bar
4. Brewpub
5. Car Wash and Self-Service
6. Filling Station and Convenience Store
7. Kennel, Boarding
8. Oil Change Facility
9. Vehicle Repair and Service Facility

Mr. Boyer pointed out that since the ordinance is now open, all the requested uses are available for review and comment.

Preliminary Plan

The Urban Core District is a Planned District requiring the submittal of a Preliminary Plan. The submitted Plan shows the conceptual layout of a three-story assisted living care facility which would utilize the existing access point off Justus Post Road. The proposed parking field would remain on the southern end of the site.

The ordinance requires 30% open space, and the minimum setbacks shown on the Preliminary Plan include a 35-foot setback for the structure and 30-foot parking setbacks on all four sides of the property.

Items under Review by Staff:

- Intensity and appropriateness of proposed land uses with surrounding area
- Preliminary Plan
- Awaiting all Agency Comments

Discussion

Councilmember Hurt inquired as to why the "UC" District is being requested vs. a Residential District. Ms. Aimee Nassif, Planning & Development Services Director explained that the Applicant is interested in keeping some of their existing commercial entitlements which would be lost under the Residential District.

PETITIONER'S PRESENTATION:

1. Mr. George Stock, Stock & Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO

Mr. Stock, representing The Grove Assisted Living, LLC, provided information on the proposed assisted living facility as follows:

Request

The request is to allow the development of a three-story 95-bed assisted living facility with site addresses at 16300 Justus Post Road and 16120 W. Chesterfield Parkway. The facility would include the following amenities:

- Salon
- Spa
- Dining Room
- Exercise Room
- Outdoor Gardens and Extensive Open Space
- Private Dining
- Wellness Center
- Lounges
- Transportation
- First-Class Service

An additional 69 uses are also included to mimic those uses which are part of the current zoning entitlement, and shown as part of Staff's presentation. They want to retain these uses in the event the assisted living facility is not approved.

Traffic/Trip Generation

An assisted living facility is considered a low-traffic generator. Per the ITE Trip Generator for the 95-bed facility, it is anticipated there will be approximately 14 trips during the A.M. peak hours *(7-9 a.m.)* and 21 trips during the P.M. peak hours *(4-6 p.m.)*.

Typical Operation

The proposed facility is a 24/7 operation with three shifts of 20 employees during the day shift; 12 employees during the afternoon/evening shift; and 8 employees during the night shift.

Current Conditions

The site is currently open space with perimeter landscaping, a partial sidewalk along Chesterfield Parkway, a portion of the remaining access drive, and a parking lot located along the southern property line

Site History

The site was developed in 1979 as two office buildings of 27,500 sf and 37,000 sf with a 215 car parking lot. The approved 1979 Final Development Plan showed a 10-foot parking setback along the southern property line and a 20-foot wide landscape easement centered on the southern property line.

Preliminary Plan

The Preliminary Plan includes a three-story assisted living facility with a 30-foot parking setback and a 35-foot building setback. The building has been located as far north as possible which creates the greatest separation from the adjacent homes. The proposed parking area has been moved in 30 feet in order to comply with the Urban Core setback requirements and to utilize the area for additional landscaping to create a buffer between the site and the adjacent residences.

Access to the site will be from the existing drive off Justus Post Road located on the southwest end of the site. There is a turn-around area on the eastern portion of the site which has been configured for service and to satisfy the Fire Marshall's requirements.

If approved, a future Site Development Plan would include amenities such as a walking trail, outdoor seating, comprehensive landscaping, and storm water management.

Tree Stand Delineation
The Applicant will preserve the existing trees along the property line, along with supplementing the area with additional landscaping. They will also work with the residents on a comprehensive Landscape Plan, which will be presented at the Site Development stage.

Adjacent Neighbors
The Development Team has had a neighborhood meeting to explain the proposed project, timeline, and conceptual elevations. It is hoped the proposed assisted living facility is approved in order to start construction in late 2015 or Spring, 2016 with completion by Spring, 2017.

Discussion

If the project is approved, Councilmember Hurt asked if the Applicant would still see a need for all 69 uses considering the intensity of some them for this area. It was noted that the Applicant would address this concern at a later time.

Councilmember Hurt then inquired as to the footprint of the proposed building. Mr. Stock replied that it is an approximately 27,000-29,000 sq. ft. footprint on 3.6 acres.

2. Mr. Mike Doster, Attorney on the project's Development Team, 16090 Swingley Ridge Road, Chesterfield, MO

Mr. Doster responded to Councilmember Hurt's question about uses. He stated that when a property is subject to rezoning, the rezoning occurs before the closing on the property. The uses applicable to the site as it now exists are all entitled uses. The risk the seller is unprepared to take is that the City would approve a zoning with a very limited use and the contract would not close. This would result in the seller having given up entitled uses with no property closing. The seller is trying to address this risk by retaining the current entitlements.

Discussion

Councilmember Hurt stated he understands the seller's position but agrees that the high-intensity uses pointed out by Staff would not be compatible for this site.

City Attorney Heggie referred to the amenities approved under the County ordinances which were to be done on a long-term basis throughout Chesterfield Village, and asked what kind of process is in place to make sure these amenities will be put in as individual parts of Chesterfield Village are sold off. Mr. Doster indicated that this matter would be addressed at some future point.

Commissioner Wuennenberg noted the former office buildings were two-story buildings and questioned whether a three-story building is appropriate for the site considering its close proximity to residences. He suggested that a heavily landscaped berm could help with screening to protect the adjacent residents' view.

SPEAKERS IN FAVOR:

1. Mrs. June Davis, 16323 Bellingham Drive, Chesterfield, MO.

Mrs. Davis stated that she and her husband own Lot 41 in the Sycamore subdivision, which is directly adjacent to the subject site. She supports an assisted living facility in this location and believes it is a much better option than many of the alternatives as it would generate less traffic and less noise. She noted that she is very pleased with the plans she has seen of the proposed development.

Discussion

Chair Watson asked if she has any concerns about the building being three stories in height. Mrs. Davis responded that two-stories would be preferable, but she understands that such a facility needs to be three stories. She repeated that she would prefer a three-story assisted living facility vs. a one-story business-type structure.

2. Mr. Don Gravlin, President, Sycamore Subdivision Trustees

   Mr. Gravlin indicated his support of the proposal and noted that the Applicant has stated they will work with the residents regarding the landscaping of the site.

3. Mr. Larry Wilson, Sycamore Subdivison,1585 Springport, Chesterfield, MO

   Mr. Wilson stated he agrees with the statements of the previous two Speakers. He does have some concern with three stories and would like to see the list of uses refined in order to eliminate *gas station, oil change,* and *car wash* uses. He feels the assisted living facility is "an ideal usage".

4. Mr. John Davis, 16323 Bellingham Drive, Chesterfield, MO

   Mr. Davis stated his home is immediately south of the proposed property. He feels that the proposed facility is unique in that it "doesn't look like a motel" as each section looks like a different home. He stated this would be a "crown jewel to have in Chesterfield".

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES:

1. Review the uses to determine which uses can be eliminated.
2. Concern about a three-story building adjacent to the residential uses and whether it could it be mitigated with berming/landscaping.

Mr. Boyer asked for clarification on whether the matter of amenities raised by City Attorney Heggie should be addressed with the issues or could be addressed separately. City Attorney Heggie replied that it could be addressed at a later time.

Commissioner Wuennenberg read the Closing Comments for the Public Hearing.

V. APPROVAL OF MEETING SUMMARY

Commissioner Wuennenberg made a motion to approve the Meeting Summary of the March 23, 2015 Planning Commission Meeting. The motion was seconded by Commissioner Midgley and **passed by a voice vote of 6 to 0.**

VI. PUBLIC COMMENT

1. Mr. Mike Boerding, Sterling Engineering, 5055 New Baumgarten, St. Louis, MO stated he was available for questions regarding the records plats for **Arbors at Kehrs Mill - Plats 1 and 2** and for any engineering questions related to **P.Z. 02-2015 Falling Leaves Estates II**.

2. Mr. Mike Doster, Attorney,16090 Swingley Ridge Road, Chesterfield, MO stated he was available for questions regarding **P.Z. 02-2015 Falling Leaves Estates II.**

3. Mr. John Fischer, Petitioner, 1919 Wilson Road, Chesterfield, MO stated he was available for questions regarding **P.Z. 02-2015 Falling Leaves Estates II.**

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

A. Arbors at Kehrs Mill - Plat 1 (Record Plat): A Subdivision Plat for a 27.055 acre tract of land zoned "PUD" Planned Unit Development District located north of the intersection of Strecker Road and Church Road.

Commissioner Proctor, representing the Site Plan Committee, made a motion recommending approval of the Record Plat for Arbors at Kehrs Mill - Plat 1. The motion was seconded by Commissioner Wuennenberg and **passed by a voice vote of 6 to 0**.

B. **Arbors at Kehrs Mill - Plat 2 (Record Plat)**: A Subdivision Plat for a 31.093 acre tract of land zoned "PUD" Planned Unit Development District located north of the intersection of Strecker Road and Church Road.

Commissioner Proctor, representing the Site Plan Committee, made a motion recommending approval of the Record Plat for Arbors at Kehrs Mill - Plat 2. The motion was seconded by Commissioner Wuennenberg and **passed by a voice vote of 6 to 0**.

VIII. OLD BUSINESS

A. **P.Z. 02-2015 Falling Leaves Estates II (1925 & 1921 Wilson Ave)**: A request for a zoning map amendment from a "R-1" Residential District to a "PUD" Planned Unit Development for 17.37 acres located on the west side of Wilson Avenue south of its intersection with Chamfers Farm Road and north of its intersection with Wilson Farm Drive (19T220214 & 19T210161).

Project Planner Purvi Patel stated the petition is on for an Issues Meeting and no vote from the Commission is requested at this time. As required by a PUD, the Project Narrative and Preliminary Plan have been submitted and have been included in the meeting packet.

The Public Hearing for the petition was held on March 9, 2015. Following the Public Hearing, the Petitioner provided an updated Preliminary Plan which redesigned the site to address the issues identified during the Public Hearing and by Staff.

Ms. Patel then summarized the highlights of the updated proposal:

- The Petitioner has removed Lot 1 from the request so there are now 16 lots proposed on 17 acres, all of which will be accessed off of one private drive from Wilson Avenue.
- There are no additional curb cuts proposed for the development.
- With the removal of Lot 1, the Petitioner has been able to provide more common open space bringing the total to 38% vs. the previous 34%.
- In addition to the 38% common open space, there is common ground provided in the cul-de-sacs and over an access easement to 1919 Wilson Avenue, which amounts to approximately 1% of the site.
- The proposed minimum lot size is 22,000 sq. ft. which is compatible to the surrounding area.
- The requested setbacks are 20-foot front yard; 10-foot side yard; and 20-foot rear yard. *Staff is working with the Petitioner to get clarification on the front yard setback as the Preliminary Plan shows some areas having a 25-foot setback while others have a 20-foot setback.*
- The Applicant will be providing three storm water detention areas to handle on-site storm water, which will have to meet both City and MSD requirements.
- The existing pond on Lot 16 will be drained and the area will be graded to match the adjacent grading of Lot 16.

- The existing picket fence will be removed and no other fence is being proposed at this time.
- A 30-foot landscape buffer will be provided around the perimeter of the development per the requirements of a PUD.

Because there had previously been questions about the definition of *common open space,* Ms. Patel cited the definition from the City Code.

> *Common open space is defined as a parcel or area of land or an area of water or a combination of both within the Planned Unit Development (PUD) which is designed and intended for the use or enjoyment of the residents. This area may include stream corridors, agricultural lands, archeological sites or other elements to be protected from development as well as easements for public utilities. It also includes any improvements as are necessary and appropriate for the benefit and enjoyment of the residents or land owners. Common open space does not include any portion of an improved lot, dedicated to buildings or vehicular navigation.*

An Issues Report was sent to the Applicant and their response has been included in the meeting packet.

Outstanding Issues

1. Staff has received all Agency comments as of this date, which include items the Applicant will need to address before the petition is presented for vote.
2. There are also items with the Preliminary Plan that need to be addressed, as well as insuring the required easements are provided on the Plan as required by Code.

Discussion

Commissioner Geckeler had concerns about Lot 16:

- She pointed out that the first house on Wilson Farm Drive is substantially farther from Wilson Avenue than the proposed house on Lot 16, which is a concern to her and may negatively influence her vote. She would prefer to see a 50-foot buffer in this area or possibly leaving it as a natural conservation area. *Ms. Nassif asked Commissioner Geckeler whether she would like the Applicant to increase the landscape buffer along Wilson Avenue, or increase the structure setback for the first lot along Wilson – or a combination of both. Commissioner Geckeler replied that this should be a decision for the Applicant.*
- Commissioner Geckeler also expressed concern that the house on Lot 16 would be opposite the gate, which can be noisy and that it is generally not desirable to live right next to a gate.
- She also felt that by eliminating Lot 16, or having a 50-foot buffer, would be more in keeping with Lot 1, which is much further to the west.

Commissioner Geckeler then stated that she has not seen any “exceptional effort to justify a PUD”.

Commissioner Hansen stated she appreciates the open space has been increased to 38%, but does not see any plans for it other than it remaining open which will ultimately be land kept up by the residents. She too expressed concern that, in her opinion, there is not anything special within the development to earn a PUD designation.

Councilmember Hurt referred to the concern raised by residents at the Public Hearing regarding water flow issues along Wilson Avenue. He noted that at some point Wilson Avenue will have to be improved at which time a culvert will need to be installed to direct the water underground and to the lake. He then asked Staff to look at obtaining a storm water easement for this purpose.

Issues

1. Distance of the structure on Lot 16 from Wilson Avenue and whether the Applicant is amenable to an additional buffer or setback, or combination thereof. And the distance between the gate and Lot 16.
2. Justification for the PUD request.
3. Obtaining a storm water easement.

Petitioner's Response

Mr. Doster referred to the concerns raised regarding Lot 16 and stated that every development is different in the way that the land lays. He pointed out that there is one lot north of Wilson Farm Drive that is very narrow prohibiting the building of anything upon it so the first house in this area is further back from Wilson Avenue. In looking at the lots to the south of Wilson Farm Drive, there is one lot that sits very close to Wilson Avenue. The proposed development is configured differently with more distance from Wilson Avenue at the north end of the site rather than the south side. Mr. Doster went on to say that this distance "is not a function of what standards are applied to every development, but is a function of the lay of the land, the natural topography, the conditions that exist on the land, and ultimately the design."

Mr. Doster then addressed the questions raised as to what is being delivered that can be considered "exceptional" to qualify for a PUD. He noted that the suggested design features to be considered for a "PUD" were addressed in the Applicant's revised Narrative Statement and he feels they meet the following design features:

1. Placement of structures on most suitable sites with consideration of maintaining existing site topography, soils, vegetation, slope, etc.

2. Preservation of natural and cultural areas, as well as the creation of open space through active and passive recreation areas to include greenways, landscape gardens, plazas, and walking and cycling trails that serve to connect significant areas and various land uses.

3. Preservation of existing mature trees and trees deemed extraordinary by the City of Chesterfield Tree Specialist due to but not limited to the following: size, type, origin, grouping, or number of.

4. Enhanced landscaping, deeper and opaque buffers, and increased planting along public rights-of-way, open space/recreational areas, and the overall perimeter to protect and ensure compatibility with adjacent land uses.

5. Structures designed and constructed of an architectural vernacular that exceed the typical building design and materials within the City of Chesterfield.

6. Inclusion of community facilities and the access thereto.

Mr. Doster read from the Narrative Statement provided in the Commission's meeting packet in response to how the proposed development meets each of the above suggested guidelines.

He noted that the remaining six design features are not applicable to the proposed development.

Commissioner Geckeler questioned why the Applicant is seeking a PUD instead of the existing "R-1" zoning. Mr. Doster responded by reading from the Applicant's response to issues letter, which was included in the Commission's meeting packet:

> *There are multiple objectives. There is a desire to develop lot sizes (less than one acre that are comparable to adjacent residential developments, preserve the existing amenities and topography (the lake, gently rolling land and natural drainways, and provide substantial open space for the enjoyment of the residents and the extensively landscaped open space buffer at the perimeter for the protection of the residents and the adjacent neighbors.*

In response to further questions from Commissioner Geckeler, Mr. Doster stated that the above objectives could not be accomplished with an R-1 zoning nor could they develop 16 lots under an R-1.

Councilmember Hurt noted the lake is part-owned by the Petitioner and the adjoining landowner, and asked if there is a joint responsibility between the two owners in the maintenance of the lake. Mr. Doster stated there is a recorded agreement between the two property owners that would address this issue.

Mr. Fischer addressed the storm sewer concerns raised earlier by Councilmember Hurt. He stated there is an existing under-the-road storm water pipe and catch basin that were part of the improvements when the City improved Wilson Avenue several years ago. Regarding an easement, he started that they will comply with the City's and MSD's storm water requirements and will cooperate with the City on any future improvements and requirements for Wilson Avenue.

IX. NEW BUSINESS

Chair Watson stated that this meeting is the last Planning Commission Meeting for City Counsel Heggie and thanked him for all his advice and help over the past number of years. Mr. Heggie stated that it has been his distinct pleasure to serve the Commission and has enjoyed the confidence of the Commission, Council, and Mayors.

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:30 p.m.

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Steve Wuennenberg, Secretary