

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
FEBRUARY 13, 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

City Attorney Rob Heggie
Ms. Aimee Nassif, Planning & Development Services Director
Ms. Mara Perry, Senior Planner
Ms. Mary Ann Madden, Recording Secretary

ABSENT

Ms. Debbie Midgley

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

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

Ms. Aimee Nassif, Planning & Development Services Director explained the Public Hearing process to the audience. She noted that the petition for Friendship Village is on the agenda for vote but Staff is recommending that the Commission withhold voting because of outstanding issues. If the Conditional Use Permit is approved at the vote meeting, it is held for fifteen days. If during that time there is no protest petition filed or review requested by City Council, the Conditional Use Permit is recorded with St. Louis County.

The Staff Report contains a Preliminary Plan, which is a preliminary layout of the site but does not contain the site plan details. If the Conditional Use Permit is approved, the Applicant will then submit a detailed Site Plan showing parking and circulation, along with a Landscape Plan, Lighting Plan, Signage, and

Architectural Elevations. The Site Plan will first be reviewed by the Architectural Review Board and then forwarded to the Planning Commission.

- A. **P.Z. 01-2012 Friendship Village of West County (15201 Olive Boulevard)**: A request to amend Conditional Use Permit (CUP) #35 for changes to the use requirements and other development conditions in a "R4" Residence District for a 34.5 acre tract of land at the northwest corner of Olive Boulevard and Arrowhead Estates Lane. (17S320445)

STAFF PRESENTATION:

Senior Planner Mara Perry gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Perry stated the following:

- The petition was posted per State statute and City of Chesterfield requirements.
- The primary entrance to the development is on Olive Boulevard. Faust Park is to the northeast of the development and the surrounding developments are all residential. There is one property on Olive that is still zoned Non-Urban, which has an older Commercial Service Procedure in place.
- The site was zoned "NU" Non-Urban District prior to the incorporation of the City.
- Conditional Use Permit #264 was approved by St. Louis County in 1973 for a "full life retirement center". CUP #264 was amended by St. Louis County in March 1988 to increase the number of beds allowed in the nursing facility and to add setbacks for an addition, which is the main building on the site.
- In August 1989, the City approved Conditional Use Permit #02 which allowed for limited service and retail commercial uses.
- In May 2008, CUP #02 was repealed with the approval of CUP #29, which added additional property to the existing lot governed by the CUP.
- In January 2012, CUP #29 was repealed and reinstated with the rezoning of the site to "R4" and the reissuance of the CUP as CUP #35. At that time, the Petitioner advised that they would be coming in to amend the existing requirements in the CUP, which is what is being presented through the subject petition.
- The Comprehensive Land Use Plan designates the site as *Residential Single Family*.
- The Preliminary Plan shows the proposed additions to the development, which will involve the removal of some areas of the existing building.

The Petitioner is requesting the following:

- ***Number of Units:*** *An increase to the number of units allowed under the Conditional Use Permit from 300 units to 400 units.*
There is no request to increase the current number of 117 beds in the nursing facility.

- **Accessory Uses:** *An increase in square footage for accessory uses from 2,000 square feet to 3,000 square feet.*
Accessory uses are inside the development with no external signage and are for the sole use of the residents.
- **Structure Setback:** *To keep the setback of 40 feet for an existing maintenance building.*
The existing maintenance structure was built under a former Conditional Use Permit and was built with a small portion of it at a 40-foot setback vs. the required 50-foot setback under the “R4” zoning. Once significant improvement or changes are made to this structure or a new building is erected, the building setback will be 50 feet.
- **Tree Preservation:** *An amendment to the language concerning the landscape requirements for the existing tree buffers.*
The current language is very generic which requires the Petitioner *to keep existing tree masses to the north, east, and west.* Staff could find no documentation of a recorded plan showing the tree masses at the time, which makes enforcement difficult. The Petitioner has provided a Tree Stand Delineation, which has been verified by the City Arborist for accuracy. The City’s Tree Manual has definitions for different types of preservation areas and Staff proposes a Greenspace Preservation Area, which is defined as follows:

An area designated within a proposed development within which all existing healthy trees, vegetation, stream corridors, soil grade and any existing or additional landscape plantings are to be permanently protected and preserved. No structures or paving are permitted in a Greenspace Preservation Area.”

The Greenspace Preservation Area would be shown in an Exhibit A and attached to the Conditional Use Permit. Exhibit A would identify the location of the preservation areas to be recorded with the CUP. It was noted that the Petitioner is requesting to remove some tree canopy towards the middle of the site for one of the proposed additions and for a drive required by the Fire District.

Issues:

- Shared entrance on Olive Boulevard

Staff has been working with the Petitioner, adjacent property owners, and MoDOT regarding a shared entrance to the site. Staff is waiting for MoDOT’s language regarding the right-of-way requirements to be included in the Conditional Use Permit.

DISCUSSION

City Attorney Rob Heggie asked if the shared entrance had an Easement Agreement. Ms. Perry replied that Staff has not found any documentation for when a shared access easement was first installed. An easement was put in

place in 2008 that allows for the adjacent property owner (an insurance office) to be able to access a 15'x15' easement that is on Friendship Village's property. Changes to the easement are being worked out between Friendship Village and the adjacent property owner, which will then be reviewed by MoDOT to insure it meets MoDOT's requirements. It was noted that Friendship Village will not have access from the shared driveway to their development.

Commissioner Geckeler referred to Monarch Tree #182 on the Tree Stand Delineation and asked if it would be preserved. Ms. Perry replied that Tree #182 would remain.

Commissioner DeGroot noted that the Petitioner is requesting an additional 1,000 square feet for accessory uses and asked what types of businesses would be included. Ms. Perry stated that this includes uses that the residents can use onsite, such as banking, hair styling, etc.

Commissioner DeGroot asked how signage for these uses would be limited. Ms. Perry indicated that exterior signage is not permitted; however signage is allowed inside the building.

Commissioner DeGroot asked whether the Petitioner is proposing to demolish the maintenance structure and build a new one. Ms. Perry stated that at this time, no plans have been made for such demolition and rebuild; but if changes are made in the future, the Petitioner would be required to meet the 50-foot setback. Until such changes are made, the Petitioner is requesting that the maintenance structure be allowed to keep the existing 40-foot setback.

Chair Nolan asked for clarification on the parking being proposed. Ms. Perry stated that there will be underground parking, along with surface parking.

Since substantial changes are being requested, Commissioner Geckeler asked why the maintenance building would be precluded from coming into compliance with its setback. Ms. Nassif stated that the maintenance building is a *legal non-conformity*. At one time, the building did meet City code but the requirements have since changed. The City's standard practice is to allow the non-conformity until such time the building is changed. The requested changes do not affect the maintenance building so they are allowed to keep the 40-foot setback.

PETITIONER'S PRESENTATION:

1. Mr. Brandon Harp, Principal at Civil Engineering Design Consultants, speaking on behalf of Friendship Village of Chesterfield, 11402 Gravois, St. Louis, MO stated the following:

The purpose of the request is to:

- Position the Community for long-term market and financial viability;
- Create a community for active lifestyle;

- Improve wellness and common amenities; and
- Construct larger independent living units.

This will be a three-phased development over multiple years as noted below:

- Phase 1 includes:
 - A new three-story building housing 30 independent living units with underground parking.
 - A new loop road around the facility as required by the Fire Marshall. This road will also be utilized to provide a driveway to the underground parking. The existing garage will be removed.
 - New triplex cottage along Olive Boulevard.
- Phase 2 includes:
 - A new two-story, 60-bed skilled nursing facility with underground parking. This facility will replace an existing parking lot.
- Phase 3 includes:
 - Demolition of the existing skilled nursing facility.
 - A new three-story facility housing 63 independent living units with underground parking.

Interior renovations will be proposed for the development. In addition, independent living units in existing structures will be combined during all three phases in order to create larger rooms.

On February 9th, Friendship Village hosted an open house for adjacent subdivision trustees and adjacent neighbors. Twelve to fifteen persons attended the open house where concerns were expressed related to the following:

1. The location of the parking.
2. Buffering between residential lots and the development. *Mr. Harp indicated that Friendship Village is committed to providing good buffering with landscaping and/or a sight-proof fence.*
3. The woodland buffer being maintained. *Mr. Harp stated this buffer will remain.*
4. A former light on the maintenance structure had provided problems in the past to the adjacent homeowner. *This light was turned off two years ago after the homeowner contacted Friendship Village. They are committed to not adding any new lighting behind the maintenance structure.*
5. One of the woodland areas is getting thin and needs in-filling. *Friendship Village has committed to in-filling the area with either evergreens or woodlands to supplement the current plantings.*

Mr. Harp then addressed the issue relating to the shared entrance on Olive Boulevard. He stated that CUP #29 had indicated that the shared drive entrance on Olive should be relocated so that it is completely in front of the existing insurance business. After further discussion with MoDOT, it was determined that MoDOT's issue did not relate to moving the entrance but rather restricting

Friendship Village from using it as a secondary access. Subsequently, Friendship Village dedicated a 15'x15' easement that encumbered the corner of the driveway so that it spans between the two property lines. This seemed to satisfy MoDOT and the entrance was not moved.

Currently, MoDOT is requiring Friendship Village to remove a curb cut, along with providing documentation of the access easement that grants rights to the CSP development but restricts rights to Friendship Village. Recently, there has been some confusion as to how the easement was written and who has the rights to the easement. Friendship Village will work with the subject property owners on getting a new easement drafted which is agreeable to both parties and then leaving the entrance in place.

DISCUSSION

Commissioner Watson asked if the underground parking will have public access. Mr. Harp noted that the underground parking will be for residents and staff only. Public parking will be expanded in front of the facility, adjacent to the skilled nursing facility, and by the Phase I independent living building. Commissioner Watson then expressed concern that once all the new construction is complete, there will not be adequate parking for visitors. Mr. Harp stated that they have done a parking evaluation of the site and noted that the proposed exterior parking exceeds what is required by the City. He pointed out that when the residents use the underground parking, it will free up the surface parking for visitors.

Ms. Nassif stated that when the parking numbers in the parking code requirements were updated in 2010, Staff reviewed this particular use with national averages and ITE, which took into account guest parking. As a result, the new parking codes are very good for group living facilities.

Chair Nolan noted that the area for the proposed parking for the skilled nursing facility currently has trees on it which will have to be removed. Since there are several condominiums backing up to the site, she asked for clarification on the parking setback. Mr. Harp replied that the Conditional Use Permit requires a 10-foot parking setback around the perimeter of the site with a greater setback along Olive Boulevard. He added that islands will be placed in the parking lot where some of the large trees are now located in order to preserve them. In addition, there is a sight-proof fence along this property line.

2. Mr. Andrew Fisher, Director of Friendship Village of West County, 14410 Oak Brook Drive, Urbandale, IA was available for questions.
3. Mr. Steve Nornes, LCS Development – developer for the project, 1648 Isabella Parkway, Chaska, MN was available for questions.
4. Mr. Charles Waldron, President of the Board of Friendship Village, 2021 Grecian Way Court, St. Louis, MO was available for questions.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. Mr. Gerry Beck, WCSS Properties, Inc., 15239 Olive Boulevard, Chesterfield, MO stated the following:
 - His property at 15239 Olive is the insurance office referenced above.
 - There is an unresolved issue with the curb cut and the current easement was issued in 2008 without his knowledge. Further, the easement is in complete control of Friendship Village, which raises concerns that it could be removed at any time.

2. Mr. David T. Johnson, WCSS Properties, Inc., 15239 Olive Boulevard, Chesterfield, MO stated the following:
 - He is part owner of the property at 15239 Olive Boulevard.
 - It is his understanding that MoDOT's main concern a few years ago pertained to the fact that there was not an easement signed by both Friendship Village and WCSS Properties.
 - The latest issue regarding the easement was just recently brought to their attention and he wanted to make sure the Commission was aware of it.

Ms. Nassif stated that there will not be a vote on this petition tonight in order to resolve any issues that MoDOT may have.

SPEAKERS – NEUTRAL:

1. Mr. Larry Glazer, 3 Arrowhead Estates, Chesterfield, MO - Trustee of Arrowhead Estates Homeowners Association stated the following:
 - A few years ago, Friendship Village had to reinforce its detention pond which involved the removal of 2-3 acres of tree line bordering Arrowhead Estates, which has never been replenished. They would appreciate more screening with 25-40 foot tall evergreen trees.
 - When he purchased his home, he was attracted by the dense plantings that screened his property from Friendship Village. However, at the present time Friendship Village is visible from his property so he is requesting better screening.

Ms. Nassif stated that the City's Tree Manual has requirements for which types of trees can, and cannot, be used. She asked if it would be acceptable to the residents of Arrowhead Estates to include language in the Conditional Use Permit that requires *a sight-proof landscape buffer for the site* rather than specifying evergreens in order to allow some flexibility for plantings that may be better suited for the site. She added that when the Landscape Plan is submitted, it can be shared with Arrowhead Estates to be reviewed by their arborist for their input and comments.

2. Mr. David Prange, 15255 Olive Boulevard, Chesterfield, MO stated the following:
- His property is adjacent to Friendship Village near the parking lot for the skilled nursing facility. In meetings with Mr. Harp and others from Friendship Village, he was assured that they would put in a fair amount of buffering between his property and the proposed parking lot.
 - Since Mr. Harp has indicated that the parking is more than adequate for the site, he asked if some of the parking near his property line could be removed in addition to screening it with heavy landscaping.

Ms. Nassif pointed out that Staff does not yet have full Site Plan drawings so the full parking numbers are not known. The City does have maximum parking numbers in order to discourage over-parking. If the Site Plan shows that the site is over-parked and it is possible to remove some spaces, she suggested that the spots nearest Mr. Prange's property be the first ones reviewed for possible removal. In addition, language could be added to the Conditional Use Permit requiring a sight-proof landscape buffer.

Commissioner DeGroot asked Mr. Prange if there is a fence between his property and Friendship Village. Mr. Prange replied that there is not.

REBUTTAL: None

ISSUES:

1. Curb cut – *Staff will continue to work with MoDOT.*
2. Parking – Ms. Nassif noted that this a Site Plan issue and questioned whether it is an open issue for everyone.
3. Landscape – *The language regarding a sight-proof landscape buffer will be added to the Conditional Use Permit*

Commissioner Watson read the Closing Comments for the Public Hearing.

V. APPROVAL OF MEETING MINUTES

Commissioner Lueking made a motion to approve the minutes of the **January 23, 2012 Planning Commission Meeting**. The motion was seconded by Commissioner Puyear and **passed by a voice vote of 5 to 0 with Commissioners DeGroot, Geckeler and Wuennenberg abstaining.**

VI. PUBLIC COMMENT - None

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS - None

VIII. OLD BUSINESS

- A. **P.Z. 01-2012 Friendship Village of West County (15201 Olive Boulevard)**: A request to amend Conditional Use Permit (CUP) #35 for changes to the use requirements and other development conditions in a "R4" Residence District for a 34.5 acre tract of land at the northwest corner of Olive Boulevard and Arrowhead Estates Lane. (17S320445)

Commissioner Puyear made a motion to withhold the vote on P.Z. 01-2012 Friendship Village of West County (15201 Olive Boulevard). The motion was seconded by Commissioner DeGroot and **passed by a voice vote of 8 to 0.**

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 7:58 p.m.

Michael Watson, Secretary