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Planning Commission Public Hearing & Vote Report

Meeting Date: March 12, 2018

From: Cecilia Dvorak, Project Planner

Location: A 34.8 acre tract of land located north of Baxter Road and on the west side of Clarkson Road

Petition: **P.Z. 01-2018 Clarkson Square (1709 Clarkson Rd) Ordinance Amendment:** A request to amend Ordinance 2169 to amend the development conditions to remove the restriction on the number of restaurants in a “C-8” Planned Commercial District for a 34.8 acre tract of land located north of Baxter Road and on the west side of Clarkson Road.

SUMMARY

Caparco One, Inc. and Caplaco Four, Inc. are requesting a text amendment to City of Chesterfield Ordinance 2169 with respect to the number of restaurants permitted in the Clarkson Square subdivision. This amendment would revise the development restrictions in a “C-8” Planned Commercial district for a 34.8 acre tract of land located north of Baxter Road and on the west side of Clarkson Road.

The request is solely for a text amendment within the development restrictions of Ordinance 2169 in regards to the restrictions on permitted restaurants. There are no other requests being made to the Attachment A or development conditions, and the preliminary plan will remain the same.

SITE HISTORY

The subject site was zoned “C-8” Planned Commercial by St. Louis County prior to the City’s incorporation.

In 1995, the City of Chesterfield approved Ordinance 1100 which made amendments to the original St. Louis County ordinance for additional uses for the school site, identified in Figure 1 and in the ordinance as Section C. Subsequently, Ordinance 2020 was approved in 1996 to change the allowable gross floor area in Section C.

Finally, in 2005 Ordinance 2169 was approved to remove the previously-approved theatre use in Section A as shown in Figure 1 below. The square footage of the theatre was then incorporated into the commercial/retail use. This Section A is also the site of the request before you today to remove the restriction on number of restaurants within the Commercial/Retail area.

Given that Section A is the site which is applicable to this request, the maps in this report will reflect this area as the subject site.

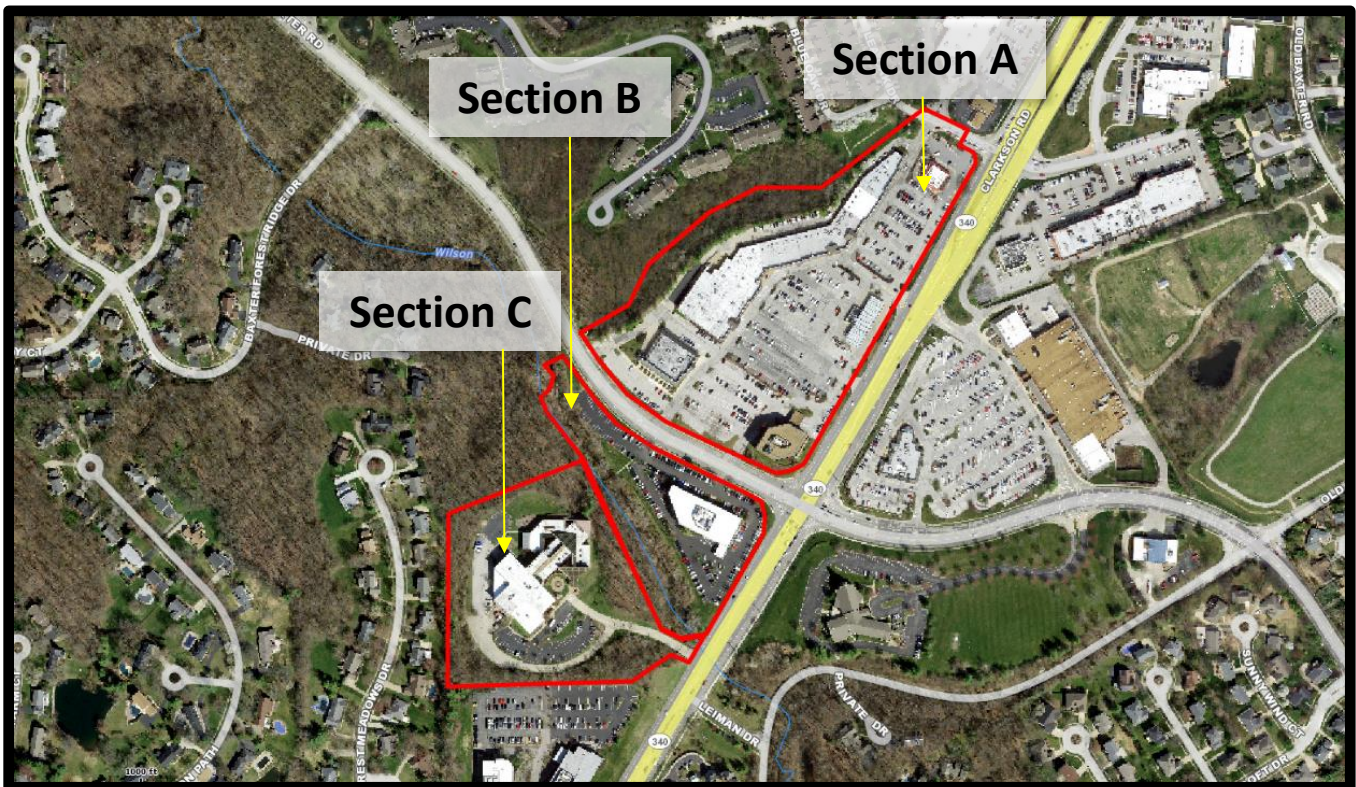


Figure 1: Aerial Image

SURROUNDING LAND USE AND ZONING

| Direction | Current Zoning | Subdivision | |
|-----------|---|--|---------------------------|
| North | R6A Residence District & C-8 Planned Commercial District | Clarkson Grove & Chesterfield Crossing | Single-Family Attached |
| East | C-8 Planned Commercial District | Drew Station & Dierbergs the Market Place | Commercial/Retail |
| South | R6A Residence District | Lord of Life Lutheran Church | Church |
| West | R3 Residence District | Westbury Park | Multi-Family |

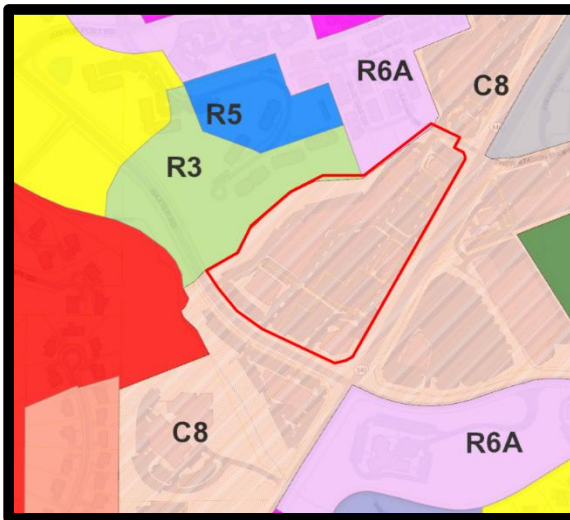


Figure 2: Current Zoning



Figure 3: Comprehensive Land Use Plan

COMPREHENSIVE PLAN ANALYSIS

The subject site is located within Wards 2 and 4 of the City of Chesterfield. The City of Chesterfield Comprehensive Land Use Plan indicates the area is within the Urban Core as seen in Figure 3 above.

Policy 1.8- identifies the Urban Core as the highest density of mixed-use development in Chesterfield, and states that it should serve as the “physical and visual focus for the City,” and should provide a variety of amenities for its residents.

Policy 3.2.2- identifies Clarkson Road and Baxter as an appropriate location for retail nodes.

Policy 3.6.2- states that the Urban Core should accommodate a wide mix of uses which should be encouraged for integration both vertically and horizontally.

Currently, the site is able to provide a wide variety of retail and services, however, restaurants are currently limited by the ordinance today.

STAFF ANALYSIS

The Petitioner is requesting a text amendment to the current governing Ordinance 2169 with respect to the number of restaurants permitted in Section A of the Clarkson Square subdivision. The ordinance currently imposes the following restrictions and requirements on Section A of the Clarkson Square subdivision.

| SECTION A | | | |
|---|-----------------|--|--|
| Commercial/retail with a maximum of three restaurants | 109,033 sq. ft. | 1 story & 30 ft, not including any partial story under ground. Lot 1: no more than 52 ft. as measured from Baxter Road. | This building may contain financial institution uses without drive-thru facilities |
| Office building including office-warehouse uses | 37,000 sq. ft. | 3 stories and 45 ft. | May include one (1) financial institution with drive-thru facilities. |

As discussed in the narrative, the petitioner feels that the current restriction on number of restaurants is limiting their ability to lease spaces and leading to a higher vacancy rate of the development.

The image and table below identify the neighboring subdivisions and their current restrictions on restaurants. As you can see, the other commercial retail areas have a wide variety of restrictions on types and square feet of restaurants permitted.



Figure 4: Neighboring Subdivisions

| Subdivision | Limitation |
|--------------------------------|--|
| Clarkson Square (subject site) | Limited to 3 restaurants |
| Chesterfield Crossing | No restrictions |
| Chesterfield Retail | Limited to specialty establishments where a limited variety of food and beverages such a baked goods or coffee may be prepared and consumed on site. |
| Chesterfield Oaks | Limited to 7,000 square feet (12%) |
| Drew Station | No freestanding fast-food restaurants |
| Dierbergs the Market Place | No drive-through or stand-alone restaurants |

ORDINANCE CHANGES

Staff has reviewed the request for the text amendment and provided the following redline version of the proposed changes to Ordinance 2169.

| USE | SIZE | BUILDING HEIGHT | ADDITIONAL REQUIREMENTS |
|--|-----------------------|--|---|
| SECTION A | | | |
| Commercial/retail with a maximum of three restaurants- | 109,033 sq. ft. | 1 story & 30 ft., not including any partial story under ground. Lot 1: no more than 52 ft. as measured from Baxter Rd | This building may contain financial institution uses without drive-thru facilities. |
| Office building including office-warehouse uses | 37,000 sq. ft. | 3 stories and 45 ft. | May include one (1) financial institution with drive-thru facilities |
| SECTION B | | | |
| Office building including office-warehouse uses | 64,000 sq. ft. total | 3 stories and 45 ft. | May include one (1) financial institution with drive-thru facilities |
| SECTION C | | | |
| Specialized private school with accessory gymnasium and dormitory facilities | 120,000 sq. ft. total | | |

REQUEST

A Public Hearing further addressing the request will be held at the Monday, March 12, 2018, City of Chesterfield Planning Commission meeting. Attached, please find a copy of the Public Hearing Notice and Narrative Statement for this request as required by City Code.

Staff has reviewed the request for a text amendment and received all agency comments. Staff is requesting action on P.Z. 01-2018 Clarkson Square (1709 Clarkson Rd) Ordinance Amendment.

Respectfully submitted,
 Cecilia Dvorak
 Project Planner

Attachments

1. Public Hearing Notice
2. Narrative Statement



NOTICE OF PUBLIC HEARING CITY OF CHESTERFIELD PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Chesterfield will hold a Public Hearing on Monday March 12, 2018 at 7:00 p.m. in the Council Chambers at Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield Missouri 63017.

Said Hearing will be as follows:

P.Z. 01-2018 Clarkson Square (1709 Clarkson Rd) Ordinance Amendment: A request to amend Ordinance 2169 to amend the development conditions to remove the restriction on the number of restaurants in a "C-8" Planned Commercial District, for a 34.8 acre tract of land located north of Baxter Road and on the west side of Clarkson Road.

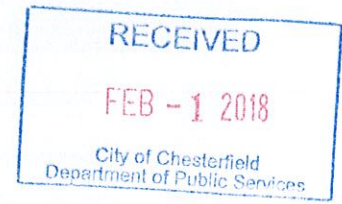
PROPERTY DESCRIPTION

A tract of land being Lot B of "Clarkson Square Plat Four", a subdivision according to the plat thereof recorded as Daily No. 428 on April 30, 1985 in the St. Louis County Records, Lot 1 of "Boundary Adjustment Plat of Lots 1 and 2 of Clarkson Square Plat One" recorded as Daily No. 1 on April 2, 1984 in the St. Louis County Records, and Adjusted Lot 2 of Clarkson Square Plat One" recorded as Daily No. 565 on June 12, 1984 in the St. Louis County Records, all in U.S. Survey 2002, Township 45 North Range 4 East, St. Louis County, Missouri.



Information on this Public Hearing may be found on the City's website at <http://www.chesterfield.mo.us/public-notice.html> or by contacting Project Planner Cecilia Dvorak at 636.537.4738 or via e-mail at Cdvorak@chesterfield.mo.us. All interested parties will be given an opportunity to be heard at the Public Hearing.

CLARKSON SQUARE
NARRATIVE STATEMENT



Caparco One, Inc. and Caplaco Four, Inc. (“Petitioners”) are requesting a text amendment to Ordinance 2020, as amended by Ordinance 2169 (the “Site Ordinance”), with respect to the permitted uses for Clarkson Square Shopping Center (the “Development”). Petitioner requests that the limitation regarding the number of restaurants permitted within the Development be removed. Petitioners currently have a nation-wide restaurant chain interested in leasing a 940 square foot space in the Development. This proposed change will allow Petitioners to lease the space to a stable tenant, reducing the vacancy rate at the Development and adding another sales tax paying business to the City of Chesterfield. Petitioner is not requesting any change to any of the development standards or conditions which impact any other properties governed by the Site Ordinance, including the outlots nearest the Development.

Section 3 of the Site Ordinance contains a table stating the permitted uses for the Development, as well as the development standards applicable to those uses. Petitioners are requesting that the table in Section 3 be amended so that it reads as follows (the deleted portion of the Site Ordinance is shown struck-through in red ink):

| USE | SIZE | BUILDING HEIGHT | ADDITIONAL REQUIREMENTS |
|--|-----------------------|---|---|
| SECTION A | | | |
| Commercial/retail with a maximum of three restaurants | 109,033 sq. ft. | 1 story & 30 ft., not including any partial story underground. Lot 1: no more than 52 ft. as measured from Baxter Road. | This building may contain financial institution uses without drive-thru facilities. |
| Office building including office-warehouse uses | 37,000 sq. ft. | 3 stories and 45 ft. | May include one (1) financial institution with drive-thru. |
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| SECTION C | | | |
| Specialized private school with accessory gymnasium and dormitory facilities | 120,000 sq. ft. total | | |