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Planning Commission Public Hearing & Vote Report

Subject: Ordinance Amendment Public Hearing and Vote Report

Meeting Date: April 28, 2014

From: John Boyer, Senior Planner

Location: Located south of the intersection of Clarkson Road and Wilson Avenue

Petition: P.Z. 07-2014 Clarkson Wilson Centre (2 Clarkson Wilson Centre)

Proposal Summary

Hutkin Development Company, property owner, has submitted a request for an ordinance amendment to remove restrictions under City of Chesterfield Ordinance 2547, specifically restrictions concerning the occurrence of special activities and their use of amplified or live music outside of an enclosed structure found within Section I.A.3.c.

Site History

The site was originally rezoned to a "C-8" Planned Commercial District by St. Louis County via Ordinance 6,227. The ordinance was subsequently amended by St. Louis County Ordinances 13,666 and 13,903. On November 7, 1988, the City of Chesterfield approved Ordinance 204, which permitted right-in and right-out access onto Clarkson Road prior to the Wilson Road relocation. In 1989, City of Chesterfield Ordinance 332 approved two (2) sit down restaurants instead of one (1) sit down restaurant as originally allowed under St. Louis County Ordinance 13,666. In March 1992, the City of Chesterfield approved Ordinance 655, which allowed for bidirectional access at Clarkson Road and incorporated the changes in Ordinance 204 and 332 into one ordinance. The City of Chesterfield approved Ordinance 1117 in December 1995 to allow for temporary signs to be located onsite.

On June 15th 2009, Ordinance 2547 was approved by the City of Chesterfield to rezone this parcel from "C-8" Planned Commercial to "PC" Planned Commercial. This change in zoning allowed additional uses beyond what was previously approved under the "C-8" district. During the meetings regarding this rezoning, discussions occurred on existing hours of operation for the various tenants and concern over noise from outdoor music played during special events or dates at the sit down restaurant on site. Due to these discussions, a restrictions pertaining specifically to outdoor music was written into the existing site specific ordinance.

Surrounding Land Uses

The land use and zoning for the properties surrounding this parcel are as follows:

North: Located north of the subject site is the Buchholz Mortuary zoned "R1" Residence District.

South: To the south of the subject site is the Clarkson Woods South subdivision zoned "R2" Residence District.

<u>East:</u> To the east of the subject site is the Clarkson Woods subdivision zoned "R2" Residence District.

<u>West:</u> The properties to the west are the within the City of Clarkson Valley and utilized as a farm and a vacant parcel zoned "NU" Non-Urban District within the City of Chesterfield.

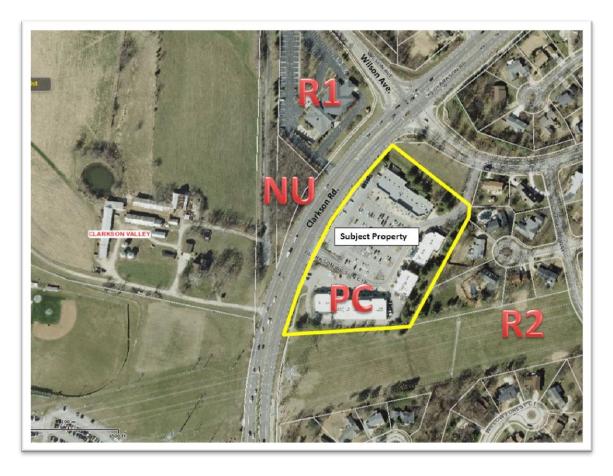


Figure 1: Aerial Photo and Area Zoning

Comprehensive Plan Analysis

The subject site is located within Ward 3 of the City of Chesterfield. The City of Chesterfield Land Use Plan indicates this parcel is within the Neighborhood Retail designation. The Existing site is compliant with the Land Use Plan. This subject site is not located in any sub-area identified by the Comprehensive Plan; therefore there are no additional development guidelines for this site.

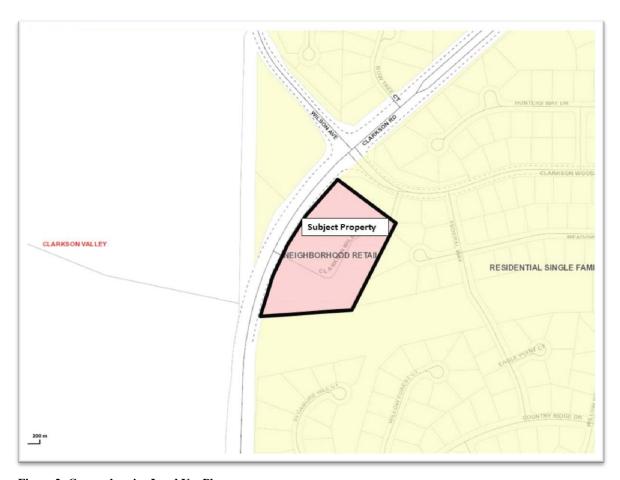


Figure 2: Comprehensive Land Use Plan

Analysis

Section 1.A.3 of the City of Chesterfield Ordinance 2547 includes the following restrictions:

- Hours of Operation.
 - The permitted uses listed above are subject to hours of operation from 7:00 AM to 11:00 PM.
 - b. The existing veterinary hospital/clinic/kennel located at 4 Clarkson Wilson Centre will be permitted to commence operation of business at 6:15 AM one day each week. This exception to the above-referenced hours of operation is specific to the current tenant at the approval of this ordinance and is not transferable to future tenants.
 - c. No amplified or live music or audio is permitted outside of enclosed structures except as permitted by the Director of Planning and Public Works once a year pursuant to a special activities permit granted by the City after notice to residents and trustees with the applicant being the land owner.
 - d. All other outdoor special activities or events are permitted between the hours of 11:00 AM and 9:00 PM with a special activities permit with the applicant being the land owner.
 - e. All outdoor special activities or events shall be in accordance with all regulations of the City Code.

Figure 3: Ordinance 2547 Excerpt

The applicant is requesting to remove letter 'c' above, that restricts the number of occurrences of special activities which utilize amplified or live music or audio permitted outside of enclosed structures. While removal of letter 'c' would allow multiple special activities with outdoor music, these events will still be restricted to the hours of 11:00 a.m. to 9:00 p.m. as currently required. No other change is proposed by the applicant associated with this request. Since the commercial center is located adjacent to residential subdivisions, additional conditions on the number and time in which these outdoor events which allow music outside of an enclosed structure occur may be further restricted if deemed necessary.

The proposed Attachment A reflects the requested action by the applicant; removal of the restriction on the number of times per year that amplified or live music is permitted outdoors. The Department has received a letter of support from resident Jane Dulle and which is attached to this report for your review. It is important to note, that while the applicant has requested to remove this restriction, they are aware of the concerns of some of the nearby residents, and are aware that the Planning Commission may choose to either remove this restriction or allow outdoor music more than once a year but with other restrictions or requirements as may be necessary to promote and ensure public safety and general welfare of the residents.

Request

Staff has reviewed the requested ordinance amendment by the applicant and has prepared an Attachment A reflecting their request for consideration by the Planning Commission. The petition has met all filing requirements and procedures of the City of Chesterfield. Staff requests action on P.Z. 07-2014 Clarkson Wilson Centre.

Respectfully Submitted,

John Boyer, Senior Planner

Attachments:

- 1. Public Hearing Notice
- 2. Attachment A
- 3. Preliminary Plan
- 4. Resident Letter



NOTICE OF PUBLIC HEARING CITY OF CHESTERFIELD PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Chesterfield will hold Public Hearings on Monday, April 28, 2014 at 7:00 pm, in the Council Chambers at the City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri 63017. Said Hearings will be as follows:

P.Z. 07-2014 Clarkson Wilson Centre (2 Clarkson Wilson Centre): A request for an amendment to City of Chesterfield Ordinance 2547 to remove the restriction prohibiting amplified or live music once a year outside of enclosed structures within an existing "PC" Planning Commercial District for 5.17 acres located south of the intersection of Clarkson Road and Wilson Avenue (20T240171).

Description of Property

A tract of land in the North half of Section 21, Township 45 North, Range 4 East, St. Louis County, Missouri

For a list of the requested uses, contact the project planner.



City of Chesterfield 690 Chesterfield Parkway West Chesterfield, MO 63017



Information on these Public Hearings may be found on the City's website at http://www.chesterfield.mo.us/public-notice.html or by contacting Senior Planner John Boyer at 636.537.4734 or via e-mail at jboyer@chesterfield.mo.us. All interested parties will be given an opportunity to be heard at the Public Hearing.

ATTACHMENT A

All provisions of the City of Chesterfield City Code shall apply to this development except as specifically modified herein.

I. SPECIFIC CRITERIA

A. PERMITTED USES

- 1. The uses allowed in this "PC" Planned Commercial District shall be:
 - a. Animal hospitals, veterinary clinics, and kennels.
 - b. Associated work and storage areas required by a business, firm or service to carry on business operations.
 - c. Libraries and reading rooms.
 - d. Barber shops and beauty parlors.
 - e. Dry cleaning drop off and pick-up stations.
 - f. Film drop off and pick-up stations.
 - g. Financial institutions.
 - h. Medical and dental offices.
 - i. Office or office buildings.
 - j. Recreational facilities, indoor including gymnasiums.
 - k. Restaurants, fast food.
 - 1. Restaurant, sit down.
 - m. Permitted signs.
 - n. Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, and film processors. Goods and services associated with these uses may be sold or provided directly to the public on premises.
 - o. Stores, shops, markets, service facilities are being offered for sale or hire to the general public on the premises.
- 2. The above uses in the "PC" Planned Commercial District shall be restricted as follows:
 - a. Restaurants shall not be free standing, fast food restaurants, or ones having drive-up facilities.

b. Overnight boarding services shall only be permitted in conjunction with the animal hospital and veterinary clinic use.

3. Hours of Operation.

- a. The permitted uses listed above are subject to hours of operation from 7:00 AM to 11:00 PM.
- b. The existing veterinary hospital/clinic/kennel located at 4 Clarkson Wilson Centre will be permitted to commence operation of business at 6:15 AM one day each week. This exception to the above-referenced hours of operation is specific to the current tenant at the approval of this ordinance and is not transferrable to future tenants.
- c. All outdoor special activities or events are permitted between the hours of 11:00 AM and 9:00 PM with a special activities permit with the applicant being the land owner.
- d. All outdoor special activities or events shall be in accordance with all regulations of the City Code.

B. FLOOR AREA, HEIGHT, BUILDING AND PARKING STRUCTURE REQUIREMENTS

1. Height

a. The maximum height of the building, exclusive of roof screening or architectural features, shall not exceed one (1) story in height or thirty-five (35) feet, whichever is less.

C. SETBACKS

1. Structure Setbacks

No building or structure, other than: a freestanding project identification sign, light standards, or flag poles will be located within the following setbacks:

- a. Fifty (50) feet from the existing right-of-way of Clarkson Road;
- b. Thirty-five (35) feet from the eastern boundary of the PC District;
- c. Thirty (30) feet from the southern boundary of the PC District;
- d. Thirty (30) from the northern boundary of the PC District.

2. Parking Setbacks

No parking stall, loading space, internal driveway, or roadway, except points of ingress or egress, will be located within the following setbacks:

- a. Ten (10) feet from the existing right-of-way of Clarkson Road;
- b. Fifty (50) feet from the eastern boundary of the PC District;
- c. Ten (10) feet from the southern boundary of the PC District;
- d. Thirty (30) feet from the northern boundary of the PC District.

D. PARKING AND LOADING REQUIREMENTS

- 1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
- 2. Parking lots shall not be used as streets.
- 3. No parking shall be permitted on the Clarkson Woods cross access driveway and the developer shall post the signs accordingly. The parking restriction and requirement for signage shall be indicated on all Site Development Plans and improvement plans. Signage shall be posted within thirty (30) days of the placement of the street pavement and or issuance of any occupancy permits within the development.

E. LANDSCAPE AND TREE REQUIREMENTS

- 1. The development shall adhere to the Landscape and Tree Preservation Requirements of the City of Chesterfield Code.
- 2. Heavy landscaping and wooden fencing a minimum six (6) feet in height shall be installed within the parking setback along the east property limit of this development as approved by the Planning Commission on the Site Development Plan.

F. SIGN REQUIREMENTS

1. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code or a Sign Package may be submitted for the planned district. Sign Packages shall adhere to the City Code and are reviewed and approved by the City of Chesterfield Planning Commission.

2. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield, and/or the Missouri Department of Transportation for sight distance considerations prior to installation or construction.

G. LIGHT REQUIREMENTS

Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.

H. ARCHITECTURAL

- 1. The development shall adhere to the Architectural Review Standards of the City of Chesterfield Code.
- 2. Trash enclosures: All exterior trash areas will be enclosed with a minimum six (6) foot high sight-proof enclosure complemented by adequate landscaping. The location, material, and elevation of any trash enclosures will be as approved by the City of Chesterfield on the Site Development Plan.

I. ACCESS/ACCESS MANAGEMENT

Access to the development shall be limited to two (2) driveways, one (1) each on Clarkson Road and Clarkson Woods Drive as directed by the Missouri Department of Transportation and the City of Chesterfield. The aforementioned driveways shall be located as far as possible from the intersection of Clarkson Woods Drive and Clarkson Road.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

- 1. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield and the Missouri Department of Transportation. No gate installation will be permitted on public right-of-way.
- 2. If a gate is installed on a street in this development, the streets within the development, or that portion of the development that is gated, shall be private and remain private forever.
- 3. If in the future any change is made to the buildings or the site layout which may require an amendment to the recorded Site Development Plan for the site, provide additional right-of-way and construct additional pavement and appurtenances for the purposes of adding a right turn deceleration lane along Clarkson Road for the commercial

entrance and/or for the side street for safety or operational improvements, as directed by the Missouri Department of Transportation.

4. If in the future any change is made to the buildings or the site layout which may require an amendment to the recorded Site Development Plan for the site, which increases the need for improvements to Wilson Avenue, Ordinance No. 215 may require the developer to make contributions to the Wilson Avenue Trust Fund.

K. TRAFFIC STUDY

- 1. Provide a traffic study as directed by the City of Chesterfield and/or Missouri Department of Transportation. The scope of the study shall include internal and external circulation and may be limited to site specific impacts, such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal modifications or other improvements required, as long as the density of the proposed development falls within the parameters of the City's traffic model. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.
- 2. Provide a sight distance evaluation report, as required by the City of Chesterfield and Missouri Department of Transportation for the proposed entrance onto Clarkson Road. If adequate sight distance cannot be provided at the access location, acquisition of right-of-way, reconstruction of pavement, including correction to the vertical alignment, and/or other off-site improvements shall be required, as directed by the City of Chesterfield and/or the Missouri Department of Transportation.

L. POWER OF REVIEW

Either Councilmember of the Ward where a development is proposed or the Mayor may request that the plan for a development be reviewed and approved by the entire City Council. This request must be made no later than twenty-four (24) hours after Planning Commission review. The City Council will then take appropriate action relative to the proposal. The plan for a development, for purposes of this section, may include the site development plan, site development section plan, site development concept plan, landscape plan, lighting plans, architectural elevations, sign package or any amendment thereto.

M. STORM WATER

- 1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or connected to an adequate piped system.
- 2. Detention/retention and channel protection measures are to be provided in each watershed as required by the City of Chesterfield. The storm water management facilities shall be operational prior to paving of any driveways or parking areas in non-residential development or issuance of building permits exceeding sixty percent (60%) of approved dwelling units in each plat, watershed or phase of residential developments. The location and types of storm water management facilities shall be identified on the Site Development Plan(s).

N. GEOTECHNICAL REPORT

If in the future any change is made to the buildings or the site layout which may require an amendment to the recorded Site Development Plan for the site prior to Site Development Plan approval, provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the Department of Public Services. The report shall verify the suitability of grading and proposed improvements with soil and geologic conditions and address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment. A statement of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on all Site Development Plans and Improvement Plans.

O. MISCELLANEOUS

- 1. All utilities will be installed underground.
- 2. An opportunity for recycling will be provided. All provisions of Chapter 25, Article VII, and Section 25-122 thru Section 25-126 of the City of Chesterfield, Missouri Code shall be required where applicable.

II. TIME PERIOD FOR SUBMITTAL OF SITE DEVELOPMENT CONCEPT PLANS AND SITE DEVELOPMENT PLANS

- **A.** The developer shall submit a concept plan within eighteen (18) months of City Council approval of the change of zoning.
- **B.** In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may submit a Site Development Plan for the entire development within eighteen (18) months of the date of approval of the change of zoning by the City.
- **C.** Failure to comply with these submittal requirements will result in the expiration of the change of zoning and will require a new public hearing.
- **D.** Said Plan shall be submitted in accordance with the combined requirements for Site Development Section and Concept Plans. The submission of Amended Site Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.
- **E.** Where due cause is shown by the developer, the City Council may extend the period to submit a Site Development Concept Plan or Site Development Plan for eighteen (18) months.

III. COMMENCEMENT OF CONSTRUCTION

- **A.** Substantial construction shall commence within two (2) years of approval of the Site Development Concept Plan or Site Development Plan, unless otherwise authorized by ordinance.
- **B.** Where due cause is shown by the developer, the City Council may extend the period to commence construction for two (2) additional years.

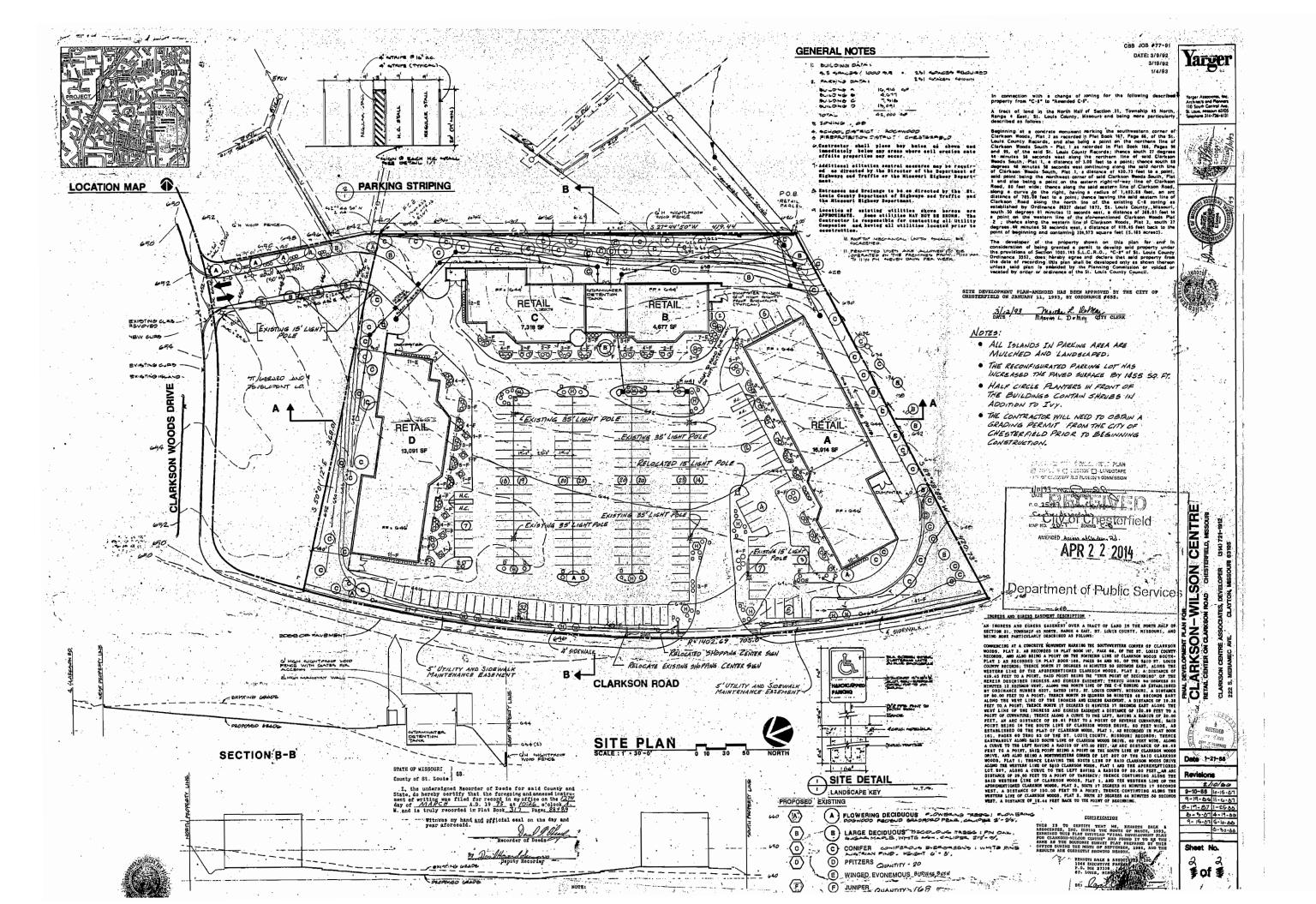
IV. RECORDING

Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved Plan will be recorded with the St. Louis County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval of a plan by the Planning Commission.

V. ENFORCEMENT

A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Plan approved by the City of Chesterfield and the terms of this Attachment A.

- **B.** Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of approvals/permits by reviewing Departments and Commissions.
- **C.** Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty provisions as set forth in the City of Chesterfield Code.
- **D.** Waiver of Notice of Violation per the City of Chesterfield Code.
- **E.** This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.



Mrs. Jane Dulle 2247 Twin Estates Circle Chesterfield, MO 63017

April 15, 2014

Mr. John Boyer Senior Planner City of Chesterfield 690 Chesterfield Pkwy West Chesterfield, MO 63017

RE: Support - PZ 07-2014

Mr. Boyer,

I think it is a great idea to allow amplified music for Clarkson Wilson Centre. We need to support these local businesses!

Best regards,

Jane Dulle

Chesterfield Resident

RECEIVED City of Chesterfield

APR 1 6 2014

Department of Public Services