

I.A.

Memorandum Department of Planning & Public Works



To: Planning and Public Works Committee

From: Justin Wyse, Project Planner

Date: May 21, 2009

RE: **P.Z. 17-2008 Clarkson Wilson Centre (2 Clarkson Wilson Ctr):** A request for a change of zoning from “C-8” Planned Commercial District to “PC” Planned Commercial District for a 5.45 acre tract of land located south of Wilson Avenue and east of Clarkson Road (20T240171). The request includes changes to the hours of operation as well as the sign requirements for Clarkson Wilson Centre.

Summary

P.Z. 17-2008 Clarkson Wilson Centre was before the Planning and Public Works Committee on Thursday, May 7, 2009. At that time, the Petitioner requested the project be held until May 21, 2009. a motion to hold the project until the May 21, 2009 meeting was approved by a vote of 4-0.

In addition, Staff was asked to provide language that would restrict outdoor events with amplified or live music in the development. The following language is provided for your consideration:

Section I. Specific Criteria A. Permitted Uses on Page 2:

- 2.c. No amplified or live music is permitted outside of enclosed structures.
- 2.d. All other outdoor special activities or events are permitted between the hours of 11 AM and 9 PM.
- 2.e. All outdoor special activities or events shall be in accordance with all regulations of the City Code.

Staff was also asked to review parking on the site. After review, Staff has determined that the development currently meets the parking requirements found in Section 1003.165 of the City of Chesterfield Zoning Ordinance. Clarkson Wilson Center currently has 3 vacant tenant spaces. As with all developments, when the Department receives an occupancy permit or building permit request, Staff checks to ensure the parking requirements can be met. If they cannot, then the permits are not approved. Due to the amount of parking that is required for restaurant uses, it is

unlikely that more than one (1) new restaurant would be able to move into the site. This is of course based on the assumption that all other existing tenants remained. Because each use requires a different amount of parking, it is not possible to say what tenants could fill those 3 vacancies until we know what types of users they are and what types of tenants are currently located there at the time of the application.

Finally, Hutkin Development held a meeting with the trustees from the adjacent subdivisions (Clarkson Woods and Clarkson Woods South) and several of the adjacent property owners. A meeting summary, prepared by Hutkin Development is included.

Attached please find a copy of the Attachment A and the May 14, 2009 meeting summary from Hutkin Development.

Respectfully submitted,



Justin Wyse, AICP
Project Planner

Respectfully submitted,



Annissa McCaskill-Clay, AICP
Lead Senior Planner

Cc: Michael G. Herring, City Administrator
Rob Heggie, City Attorney
Michael O. Geisel, Director of Planning and Public Works
Aimee Nassif, Planning and Development Services Director

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.
 - l. 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. 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, boundary and retaining walls, light standards, flag poles or fences 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. 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 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 developer shall adhere to the Tree Manual of the City of Chesterfield.
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
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 developer shall submit architectural elevations, including but not limited to, colored renderings and building materials. Architectural information is to be reviewed by the Architectural Review Board and the Planning Commission.
2. Building facades should be articulated by using color, arrangement or change in materials to emphasize the facade elements. The planes of the exterior walls may be varied in height, depth or direction. Extremely long facades shall be designed with sufficient

building articulation and landscaping to avoid a monotonous or overpowering appearance.

3. Trash enclosures: The location, material, and elevation of any trash enclosures will be as approved by the Planning Commission on the Site Development Plan. All exterior trash areas will be enclosed with a six (6) foot high sight-proof enclosure complimented by adequate landscaping approved by the Planning Commission on the Site Development Plan.
4. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

I. ACCESS/ACCESS MANAGEMENT

1. 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

1. 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.
2. 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. PEDESTRIAN CIRCULATION

1. Provide a 5 foot wide sidewalk, conforming to ADA standards, along the Clarkson Road and Clarkson Woods Drive frontage of the subdivision. The sidewalk may be located within State right-of-way, if permitted by the Missouri Department of Transportation, or within a 6 foot wide sidewalk, maintenance and utility easement.

2. At this time the existing sidewalk already in place must be extended across Lot 2 to connect to the existing handicap ramp at the Clarkson Woods cross access drive. A special cash escrow will be required for construction of the proposed sidewalk.

L. TRAFFIC STUDY

1. 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 a traffic study as directed by the City of Chesterfield and/or the 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, accident data, 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. 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 a sight distance evaluation report, as required by the City of Chesterfield, for the proposed entrance onto Wilson Avenue. 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.

M. POWER OF REVIEW

The Mayor or a Councilmember of the Ward in which a development is proposed may request that the Site Development Plan be reviewed and approved by the entire City Council. This request must be made no later than 24 hours before posting the agenda for the next City Council meeting after Planning Commission review and approval of the Site Development Plan. The City Council will then take appropriate action relative to the proposal.

N. STORMWATER

1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or 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 (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).

O. OCCUPANCY PERMIT

1. Prior to the issuance of any Municipal Zoning Approvals (MZA's) or reoccupancy permits, a special cash escrow in the amount of \$2,000 for the purposes of extending the existing sidewalk and easement along Clarkson Road along Lot 2 of the Clarkson Centre subdivision to connect to the Clarkson Woods cross access drive shall be submitted to the City of Chesterfield.
2. Prior to the issuance of an occupancy permit, the no parking signs along the access drive off of Clarkson Woods Drive shall be posted as required.

P. 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 Planning and Public Works. 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.

Q. 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, this time interval for plan submittal may be extended through appeal to and approval by the Planning Commission.

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 Commission may extend the period to commence construction for not more than one additional year.

IV. GENERAL CRITERIA

A. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

The Site Development Plan shall include, but not be limited to, the following:

1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
2. Outboundary plat and legal description of property.

3. Density calculations.
4. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
5. Provide open space percentage for overall development including separate percentage for each lot on the plan.
6. Provide Floor Area Ratio (F.A.R.).
7. A note indicating all utilities will be installed underground.
8. A note indicating signage approval is separate process.
9. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.
10. Specific structure and parking setbacks along all roadways and property lines.
11. Indicate location of all existing and proposed freestanding monument signs
12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
13. Floodplain boundaries.
14. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, and significant natural features, such as wooded areas and rock formations, that are to remain or be removed.
15. Depict all existing and proposed easements and rights-of-way within 150 feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
16. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
17. Depict existing and proposed contours at intervals of not more than two (2) feet, and extending 150 feet beyond the limits of the site as directed.
18. Address trees and landscaping in accordance with the City of Chesterfield Code.
19. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.

20. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
21. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, Monarch Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.
22. Compliance with Sky Exposure Plane.

VII. RECORDING

Within 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.

VIII. ENFORCEMENT

- A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Site Development 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.

HUTKIN DEVELOPMENT COMPANY

To: Clarkson Woods and Clarkson Woods South Trustees and Residents

From: Gene Holtzman, Vice President Hutkin Development Company

Date: May 15, 2009

RE: Summary and Outcome of Discussion at May 14, 2009 Meeting

[To avoid any misunderstandings and to have appropriate confirmation for the City of Chesterfield Staff and next week's Planning and Public Works Committee meeting, we ask that you sign below to confirm that the summary below accurately reflects the understandings reached at Thursday's meeting. Please fax a copy of this letter with your signature to our office at 314-872-9001 prior to the next Planning & Public Works Committee Meeting on Thursday, May 21, 2009. If you do not have access to a fax machine, we ask that you please respond via e-mail to acknowledge your confirmation. If you do have any questions about the above, please give me a call today at 314-872-9140 or 314-574-0867.]

This letter is to summarize the understandings reached at the May 14, 2009 meeting with the attending Clarkson Woods and Clarkson Woods South trustees and residents and representatives from Hutkin Development Company and Clarkson Wilson Centre ownership.

Specifically, the meeting attendees were:

John Hutkin, Manager, Hutkin Development Company
Gene R. Holtzman, Vice President, Hutkin Development Company
Sarah Mansholt, Property Manager, Hutkin Development Company
Debra Rowan, President, Clarkson Woods Trustees
Sandy Baranowski, Secretary, Clarkson Woods Trustees
Rich Kastel, Treasurer, Clarkson Woods Trustees
Steve Migas, Common Ground, Clarkson Woods Trustees
Stuart Lindley, Common Ground, Clarkson Woods Trustees
Nancy Minster, Clarkson Woods Resident
Bob Nation, Councilmember Ward IV

Before outlining the points discussed at the meeting, Hutkin Development Company and the property ownership would like to extend our thanks to all of those at the meeting for continuing the dialogue between the residents and the property's representatives, and for working in cooperation with us towards better communication, understanding, and solutions.

While the primary purpose of the meeting was an attempt to discuss the hours of operation at the center for Pizza Hut and Kennelwood Village, there were several other items not specifically related to the hours that were discussed, which will be addressed below.

Zoning Ordinance Items

1. Pizza Hut Hours of Operation

It was agreed between the property representatives and the residents that there will be no extension of the hours for Pizza Hut beyond the current closing time under the ordinance of 11:00 p.m. seven days a week.

The proposed extension of the weekend hours for Pizza Hut will be eliminated from the zoning proposal in writing today to the City of Chesterfield with a copy of that letter sent to the recipients of this letter.

We have already communicated with Pizza Hut, and the national asset manager has stated they will begin effective immediately closing at 11:00 p.m. seven days a week.

2. Kennelwood Village Hours of Operation

The residents have agreed to Kennelwood Village being permitted to open at 6:15 a.m. on Tuesdays as part of the company wide early drop-off program offered in all six of their locations in the St. Louis metropolitan area. The ordinance language that will be proposed will specifically limit this exception to the general hours of operation to Kennelwood on that specific day and time, and will make clear that this exception only applies to Kennelwood so long as they remain in the center with no transfer or assignment of that exception to a new tenant.

Other Matters Discussed and Understandings Reached

1. Additional Trees to Be Installed On Property Line Between the Center and Clarkson Woods

The property ownership has offered and committed to adding approximately fourteen trees on the eastern most border of the property to improve the visual buffer and separation between Clarkson Woods and the Center. The property manager will work with the appropriate representatives from the trustees or residents to identify the best placement of these added trees and will also work together to select the best type of tree.

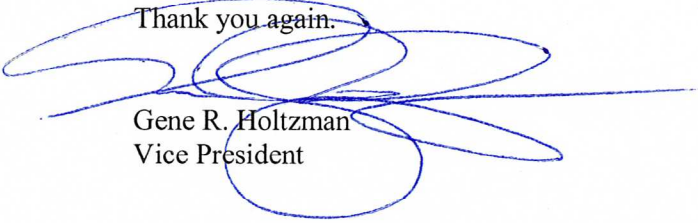
2. Installation of Security Cameras

As part of the now eliminated proposed extended hours for Pizza Hut, there were questions raised about the ability for the property management to monitor activity after 11:00 p.m. at the center. That concern is no longer applicable with the removal of the request for the extended hours. However, it did occur to the property management that placing a motion sensitive security camera at the properties connecting point to the Clarkson Woods cut-through and at the exterior of Pizza Hut would be a worthwhile measure to help ensure overall monitoring and regulation of the parking lot.

3. Periodic Meetings With Trustees and Representatives of the Center

It was agreed that Hutkin Development Co. representatives would be included at least twice a year, more often if requested, at the Clarkson Woods Board of Trustees meeting to discuss any issues, concerns, questions, and suggestions for the center, and for the representatives of the center to inform the residents of any developments or plans for the center.

Thank you again.



Gene R. Holtzman
Vice President

Debra Rowen
President, Clarkson Woods Board of Trustees

Sandy Baranowski
Secretary, Clarkson Woods Board of Trustees

Rich Kastel
Treasurer, Clarkson Woods Board of Trustees

Steve Migas
Common Ground, Clarkson Woods Board of Trustees

Stuart Lindley
Common Ground, Clarkson Woods Board of Trustees

Nancy Minster
Resident, Clarkson Woods

Barbara Nauert
President, Clarkson Woods South Board of Trustees

CC:

Bob Nation, Councilmember, Ward IV

Connie Fults, Councilmember, Ward IV

Aimee Nasiff, Planning & Development Service Director

Justin Wyse, Project Planner

John Hutkin, Managing Partner Hutkin Development Company

Steve Kling, Attorney