



VIII.A

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Planning Commission Vote Report

Subject: City of Chesterfield Ordinance Amendment Request

Meeting Date: August 27, 2012

From: Aimee Nassif, Planning and Development Services Director

Petition: P.Z. 08-2012 City of Chesterfield (Extended Hours of Operation for Thanksgiving Holiday)

Proposal Summary

There are several Planned Commercial developments throughout the City which have restrictions in their governing ordinances on the hours of operation for retail and other permitted uses. Over the last few years, the Thanksgiving holiday weekend has become a large shopping weekend for retailers both locally and nationally. In an effort to provide a mechanism which would allow retail establishments the ability to have extended hours for this holiday weekend, the City of Chesterfield is proposing an amendment to each of the governing ordinances listed above. The commercial developments which would be impacted are:

84 Lumber, Towne Centre, Chesterfield Commons, Chesterfield Commons East, Chesterfield Commons North, Chesterfield Commons Four, Chesterfield Commons West, Chesterfield Commons West (Tech Park), Chesterfield Outlets, Chesterfield Oaks, Chesterfield Retail, Clarkson Center, Clock Tower Plaza, Edison Crossing, Four Seasons Plaza, Four Seasons Plaza West, Stallone's Formal Wear, Walgreens on the Parkway.

Proposal History

As stated above, there are many commercial developments throughout the City of Chesterfield whose hours of operation are restricted through language in their site specific ordinances. Last year, the City received numerous inquiries from retail establishments requesting permission to have extended hours of operation for Thanksgiving and the day after known as "Black Friday". No such mechanism currently exists which would allow flexibility to this restriction therefore those retail establishments which did choose to open beyond their permitted hours of operation received court citations.

Several months ago, the City Council directed Staff to research how many developments throughout the City had restrictions on their hours of operation and how the City could provide a method for property owners to request an extension of hours for the Thanksgiving holiday shopping weekend.

Staff found that of the eight-seven (87) commercially and industrially zoned districts located throughout the City, approximately twenty-six (26) of them have restrictions on hours of operation in their site specific ordinances. Of those developments, eighteen (18) currently have or are permitted to have retail uses. The hours of operation for each of these developments are currently restricted as follows:

	<i>Subdivision</i>	<i>Ordinance</i>	<i>Retail Hours of Operation</i>
1	84 Lumber	2575	6:00 AM - 8:00 PM
2	Towne Centre	1454	6:00 AM - 11:00 PM (Sun. - Thurs.) 6:00 AM - 12:00 AM (Fri. - Sat.)
3	Chesterfield Commons (including Blue Stone Commons)	2081, 1794	7:00 AM - 11:00 PM,(Blue Stone Commons same as Commons East below)
4	Chesterfield Commons East	2128	6:00 AM - 11:00 PM (Sun. - Thurs.) 6:00 AM - 12:00 AM (Fri. - Sat.)
5	Chesterfield Commons Four	2371	7:00 PM - 7:00 AM (Doors closed)
6	Chesterfield Commons North	2081	7:00 AM - 11:00 PM
7	Chesterfield Commons West	2156	6:00 AM - 11:00 PM (Sun. - Thurs.) 6:00 AM - 12:00 AM (Fri. - Sat.)
8	Chesterfield Commons West (Tech Park side)	1898	7:00 PM - 7:00 AM (Doors Closed)
9	Chesterfield Oaks	2643	7:00 AM - 9:30 PM (Exception for Coffee Shop and Book Store)
10	Chesterfield Outlets	2682	6:00 AM - 12:00 AM
11	Chesterfield Retail	1884	7:00 AM - 9:30 PM
12	Clock Tower Plaza	2442	7:00 AM - 9:30 PM
13	Four Seasons Plaza	2492	6:00 AM - 1:30 AM (Sun. – Thurs)
14	Four Seasons Plaza West	2637	7:00 AM - 10:00 PM
15	Clarkson Center	2547	7:00 AM – 11:00 PM
16	Stallone’s Formal Wear	2558	8:00 AM - 10:00 PM
17	Walgreens Chesterfield (at Chesterfield Parkway)	2495	7:00 AM - 10:00 PM
18	Edison Crossing	2448	5:00 AM - 2:00 AM

Due to the number of developments involved in this proposal, a copy of the existing site specific ordinance has not been provided with this report. However, each ordinance is available in its entirety on the City's website at www.chesterfield.mo.us

After working with the City Council through the Planning and Public Works Committee, Staff was directed to provide language to allow retail establishments only the ability to have extended hours of operation. Because the restriction on hours of operation is a development condition found in each site specific ordinance, it is those site specific ordinances that need to be amended; a change to the Zoning Code which would allow extended hours would not provide relief to these already established districts.

Staff has attempted contact with all property owners and advised them of this City driven initiative. To date, we have been able to reach out to every property owner but one. Our communication with everyone has been very positive. They are receptive to the idea of extending hours for retail uses only and will maintain communication with the Department to keep them updated.

After reviewing the City Code and Missouri State Statute, Staff concluded that an amendment to all eighteen (18) site specific ordinances could be accomplished as one project with a single public hearing. All impacted developments were posted with public hearing signs and notices were mailed to all nearby property owners as dictated in State Statute and City Code.

Proposal Analysis

The language proposed by Staff and recommended by the Planning and Public Works Committee for each site specific ordinance is as follows:

“The permitted hours of operation for retail establishments only may be expanded for Thanksgiving Day and the day after Thanksgiving, upon review and approval of a Special Activities Permit, signed by the property owner and submitted to the Planning and Development Services Division at least seven (7) business days in advance of said holiday.”

If a change to these planned district ordinances is approved, Staff will provide a letter to each property owner which they can then share with their current and any future retail tenants. As stated previously in this report, this allowance is for retail establishments only; service providers, offices, restaurants, or other uses are not subject to this allowance.

Request

Staff requests action on P.Z. 08-2012 to allow retail establishments to have extended hours of operation for the Thanksgiving holiday shopping weekend.

Motion

The following options are provided to the Planning Commission relative to this proposal:

1. "I move to approve (or deny) P.Z. 08-2012 City of Chesterfield (Extended Hours of Operation)."
2. "I move to approve P.Z. 08-2012 City of Chesterfield (Extended Hours of Operation) with the following amendment..." (Conditions may be added, eliminated, altered or modified).

Attachments:

cc: City Administrator
Director of Public Services
City Attorney