




Memorandum Planning & Development Services Division

To: Planning and Public Works Committee 

From: Aimee Nassif, Planning and Development Services Director

Date: September 6, 2012

RE: P.Z. 08-2012 City of Chesterfield (Extended Hours of Operation for Thanksgiving Holiday) An amendment to City of Chesterfield Ordinance Numbers 2575, 2081, 2128, 2371, 2156, 1898, 2682, 1884, 2547, 2442, 2637, 2492, 2558, 1454, 2495 and 1794 to allow extended hours of operation for retail establishments on Thanksgiving and the following day only, for those developments throughout the City of Chesterfield which have current restrictions on hours of operation for retail.

Summary

As directed by the Planning and Public Works Committee, the City of Chesterfield is seeking an amendment to the planned district ordinances for commercial and industrial developments that currently have restrictions on the hours of operation for retail establishments. City Staff has conducted the necessary research associated with this request and found that of the eighty seven (87) developments in the City, eighteen (18) of them have retail uses with current restrictions on the hours of operation. The only method available for providing temporary relief of this restriction for the Thanksgiving holiday is with an ordinance amendment to each of these eighteen (18) developments. The developments impacted by this request are the following:

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.

History

Following the winter holiday season last year, Staff was directed to begin looking into the steps necessary if the City were to provide temporary relief to restrictions on operating hours for retail developments during the holidays; particularly Thanksgiving and Black Friday. After several months of research, it was concluded that the only way to provide relief to conditions and restrictions found in a planned district ordinance would be to amend that particular planned district ordinance. Staff then began preparing draft

language for such an amendment and created the process that would be instituted to carry out this change if approved. This recommendation was provided to the Planning and Public Works Committee on June 22 and July 19.

Recommendation

Staff is requesting an amendment to the proposed language regarding the submittal of the permit request by an individual tenant. Currently, the proposed language states that a special activities permit is submitted to the Planning and Development Services Division for review. A special activities permit is a permit that is completed in cooperation with both the Chesterfield Police Department and Planning and Development Services Division. Recently, the general process for submitting these permits has changed and now all applications are made directly to the Police Department, with review and input from the Planning and Development Services Division. This new process has helped us to increase efficiency and improve our records. Therefore, Staff is requesting a change to the proposal to simply reflect that said permits will be submitted to the "City of Chesterfield" in order to remain consistent with new process and procedures. The language would read 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~~ City of Chesterfield at least seven (7) business days in advance of said holiday."

Attached please find a copy of the Vote Report along with the proposed legislation which would amend the ordinances listed herein. This recommendation was then forwarded to the Planning Commission and a public hearing was held on Monday, August 27, 2012. At that time, the Planning Commission voted to recommend approval of the request, as presented, by a vote of 8-0. Staff recommends approval of P.Z. 08-2012 as amended above.

Respectfully submitted,

Aimee Nassif, AICP
Planning and Development Services Director

Cc: Mike Herring, City Administrator
Mike Geisel, Director of Public Services
Rob Heggie, City Attorney



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:

	Development	Address	Retail Hours (or other restriction)
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

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FOLLOWING PLANNED DISTRICT ORDINANCES FOR DEVELOPMENTS WITH EXISTING RESTRICTIONS ON HOURS OF OPERATION TO PERMIT EXTENDED HOLIDAY HOURS OF OPERATION FOR RETAIL ESTABLISHMENTS OVER THE THANKSGIVING HOLIDAY. 84 Lumber (Ordinance 2575), Towne Center (Ordinance 1454), Chesterfield Commons (Ordinance 2081), Chesterfield Commons East (Ordinance 2128), Chesterfield Commons Four (Ordinance 2371), Chesterfield Commons North (Ordinance 2081), Chesterfield Commons West (Ordinance 2156), Chesterfield Commons West-Tech Park (Ordinance 1898), Chesterfield Oaks (Ordinance 2643), Chesterfield Outlets (Ordinance 2682), Chesterfield Retail (Ordinance 1884), Clock Tower Plaza (Ordinance 2442), Four Seasons Plaza (Ordinance 2492), Four Seasons Plaza West (Ordinance 2637), Clarkson Center (Ordinance 2547), Stallone's Formal Wear (Ordinance 2558), Walgreens Chesterfield (Ordinance 2495), Edison Crossing (Ordinance 2448) [P.Z. 08-2012 CITY OF CHESTERFIELD-EXTENDED HOURS OF OPERATION FOR THANKSGIVING HOLIDAY]

WHEREAS, the City of Chesterfield has several planned commercial and planned industrial developments who currently have restrictions on the hours of operation for retail establishments; and,

WHEREAS, the City of Chesterfield recognizes the need for there to exist a manner for which flexibility can be provided to this restriction for the Thanksgiving holiday weekend; and,

WHEREAS, the Planning Commission, having considered said request, recommended approval of the request; and,

WHEREAS, the Planning and Public Works Committee, having considered said request, xxxxxxxxxxxxxxxxxxxxxx; and, (please note this will be updated after PPW meeting)

WHEREAS, the City Council, having considered said request, voted to xxxxxxxxxxxxxxxxxxxxxx. (please note this will be updated after the CC meeting)

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The City of Chesterfield Ordinances 2575, 1454, 2081, 2128, 2371, 2156, 1898, 2643, 2682, 1884, 2442, 2492, 2637, 2547, 2558, 2495, and 2448 are hereby amended to add the following provision:

Section 1. 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 City of Chesterfield at least seven (7) business days in advance of said holiday.

Section 2. The City Council, pursuant to the request filed by the City of Chesterfield requesting the amendments embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing held by the Planning Commission on the 27th day of August 2012 does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

Section 3. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

Section 4. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this ____ day of _____, 2012

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD: _____