



VIII.C

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Planning Commission Staff Report

Subject: Rezoning Issues Report
Meeting Date: October 13, 2008
From: Justin Wyse, Project Planner
Location: 2 Clarkson Wilson Centre.
Petition: P.Z. 17-2008 Clarkson Wilson Centre (2 Clarkson Wilson Ctr.)

Proposal Summary

Gene Holtzman, on behalf of Hutkin Development, has submitted a request for a change of zoning from "C-8" Planned Commercial District to "PC" Planned Commercial District per the regulations of the City of Chesterfield Zoning Ordinance Section 1003.140. The site is located on the east side of Clarkson Road, south of Clarkson Woods Drive.

Staff Recommendation

The Attachment A for this request meets all of the development requirements of the City of Chesterfield for a "PC" Planned Commercial District.

Development Process

Change of zoning requests to any planned district are regulated under the requirements of Section 1003.178 of the City of Chesterfield Zoning Ordinance. The City of Chesterfield Zoning Ordinance requires only the following items be shown on a preliminary plan:

1. Conceptual location of buildings
2. Existing and proposed contours
3. Proposed uses
4. Location of tree masses

5. Cross section of the site
6. Proposed ingress and egress
7. Sanitation and drainage facilities
8. Legal description

Surrounding Land Use and Zoning

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

North: There is a vacant parcel immediately to the north.

South: The property to the South is the Clarkson Woods South subdivision.

East: The property to the east is the Clarkson Woods subdivision.

West: The property to the west is in the City of Clarkson Valley. Also, the mortuary is located to the southwest side of the intersection of Clarkson Road and Wilson Avenue.





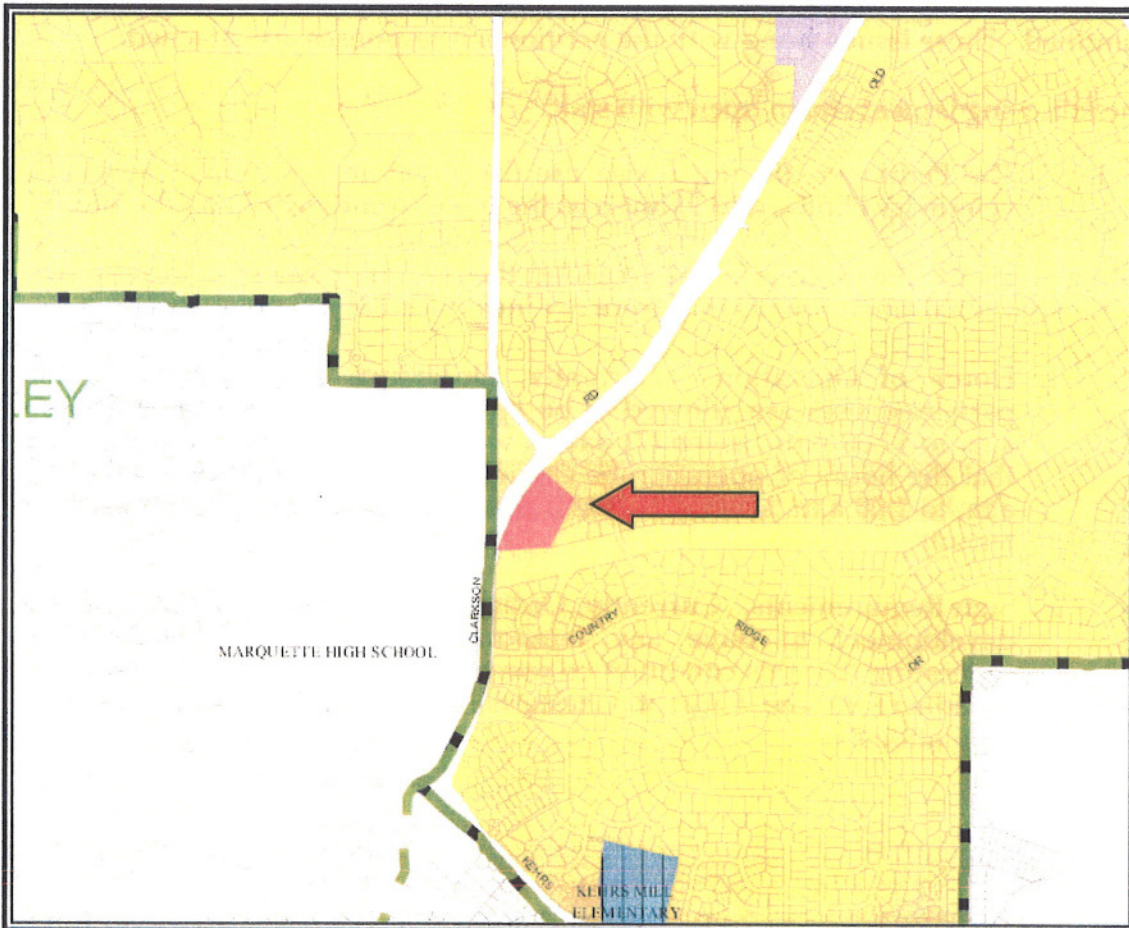
Looking southeast at the subject site from Clarkson Road



Looking northeast at the subject site from Clarkson Road.

Comprehensive Plan Analysis

The subject site is located within Ward 4 of the City of Chesterfield. The Comprehensive Plan calls for this area to be Neighborhood Retail. 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.



Site Area History

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

Issues

A Public Hearing was held on August 11, 2008. At the time several issues were identified. Those issues along with the petitioner's responses are attached.

The following issues remain open with staff:

1. The Petitioner did not revise use (b) pertaining to animal hospitals, veterinary clinics, and kennels as the use currently exists on the site.

Additionally, the Petitioner has amended the original request to include two (2) additional amendments that were not introduced at the public hearing.

1. Hours of Operation. Currently, Ordinance 1117 states that the permitted uses are allowed to be operated on the premise from 7:00 a.m. to 11:00 p.m., seven (7) days a week. The Petitioner is requesting that the hours of operation be changed to allow operations from 5:00 a.m. to 1:00 a.m. seven (7) days a week to accommodate their existing tenants.
2. Sign Requirements. Currently, Ordinance 1117 does not allow for the development to have any temporary signs. The Petitioner is requesting that this condition be removed and that the site be required to adhere to the City of Chesterfield Zoning Ordinance for sign regulations.

Request

Staff has reviewed the change of zoning from "C-8" Planned Commercial District, to "PC" Planned Commercial District and the Attachment A as written adheres to all applicable requirements of the City of Chesterfield. Staff requests that any additional issues be identified at this time.

Respectfully submitted,



Justin Wyse
Project Planner

Respectfully submitted,



Annissa McCaskill-Clay, AICP
Lead Senior Planner

Attachments

1. Attachment A
2. Petitioners Response to issues
3. Approved Site Development Plan

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. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith.
 - l. Restaurants, fast food.
 - m. Restaurant, sit down.
 - n. Permitted signs
 - o. Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, and film processors. Goods and services associated with these uses may be sold or provided directly to the public on premises.

- p. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, 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. No drive-thru restaurants shall be permitted within the PC District.
- 3. Hours of Operation.
 - a. The permitted listed above are subject to hours of operation from 5:00 AM to 1:00 AM.

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

September 19, 2008

City of Chesterfield Planning Department
Attn: Justin Wyse
690 Chesterfield Parkway West
Chesterfield, MO 63017

RE: P.Z. 17-2008 CLARKSON WILSON CENTRE

Dear Justin:

Please find the following written responses to the issues addressed at the Public Hearing that was held for the project referenced above on August 11, 2008 and listed in your letter dated August 20, 2008. Upon review, please proceed with placing this project on the next available Planning Commission agenda for an Issues Meeting.

ISSUES

1. What restrictions will be put on the hours of operation?

We are requesting that the hours of operation for Clarkson Wilson Centre shall be set at 5:00 a.m. to 1:00 a.m., seven (7) days a week.

2. What restrictions will be put on building height?

There are currently no planned changes in the existing height of the building(s). The building(s) will remain at one story of useable space, with existing architectural details including the clock tower exceeding one story in height.

3. What restrictions will be placed on parking along the entrance to Clarkson Wilson Centre from Clarkson Woods Drive?

No parking signs will be installed along both sides of the entrance drive to Clarkson Wilson Centre from Clarkson Woods Drive.

4. What intersection control would be used at the intersection of Clarkson Woods Drive and the entrance to Clarkson Wilson Centre?

In conjunction with recommendations made by the Chesterfield Planning Department staff members, the property owner will install a sign that warns motorists exiting Clarkson Wilson Centre that cross traffic on Clarkson Woods Drive does not stop or yield. This sign will be installed along the exit lane of the access drive to Clarkson Wilson Centre from Clarkson Woods Drive.

10829 Olive Boulevard, Suite 200, St. Louis, Missouri 63141, (314) 872-9140
Facsimile (314) 872-9001 <http://www.hutkin.com> e-mail: info@hutkin.com

5. Address the list of uses that could be removed or amended including the following uses:

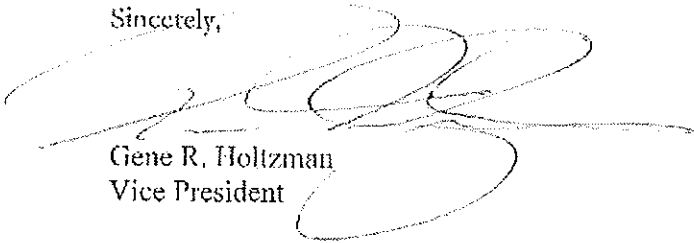
Proposed amendments are shown below in bold typeface.

- b) Animal hospitals, veterinary clinics, and kennels.
 - ~~f) Auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly.~~
 - ~~cc) Public utility facilities (specifically, telecommunication facilities).~~
 - ~~ff) Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters.~~
 - a) Restaurants, fast food. **No drive-thru restaurants shall be permitted.**
 - nn) Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, ~~fishing tackle and bait shops, and souvenir sales.~~ Goods and services associated with these uses may be sold or provided directly to the public on premises.
 - ~~qq) Souvenir shops and stands, not including any zoological displays or permanent open storage and display of manufactured goods.~~
 - rr) Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, ~~including indoor sale of motor vehicles,~~ are being offered for sale or hire to the general public on the premises.
6. What restrictions would be put on outdoor seating for restaurants?

We request that outdoor seating be governed in the same manner as indoor seating in that it is allowed as long as the center's parking ratios support the number of seats at each restaurant.

Please do not hesitate to contact me at 314-872-9140 if you have any questions.

Sincerely,



Gene R. Holtzman
Vice President

