

## CORRECTED

# MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa J. Price, Director of Planning

DATE: October 25, 2002

SUBJECT: Planning and Zoning Committee Meeting Summary from October 24, 2002

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A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held at 5:30 p.m., on Thursday, October 24, 2002, in Conference Room 101. In attendance were: Chair Dan Hurt (Ward III); Vice Chair Barry Streeter (Ward II); Councilmember Jane Durrell (Ward I); and Councilmember Mary Brown (Ward IV). Also in attendance were: Planning Commission Chair Victoria Sherman; Director of Planning Teresa Price; Senior Planner Barbara Weigel; Project Planner Annissa McCaskill; Project Planner John Wagner; Planning Technician Tim Renaud; and Kathy Lone, Planning Assistant.

\*To be discussed at the 11/4/2002 City Council Meeting.

Chair Hurt called the meeting to order at 5:30 p.m.

### **I. Approval of the Planning and Zoning Committee Meeting Summary of October 10, 2002.**

Councilmember Durrell made a motion to approve the Meeting Summary of October 10, 2002. The motion was seconded by Councilmember Brown and **passes by a voice vote of 3-0-1**. (Chair Hurt abstained from voting as he was absent for the October 10, 2002 Meeting.)

**\*II. P.Z. 15-2002 Chesterfield Technology Park I:** A request to amend Ordinance 1625 to include the following permitted uses: (m) child care center, nursery schools and day nurseries; (q) financial institutions; (tt) 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 (excluding illuminated outdoor facilities, golf courses, golf practice ranges, and drive in theaters); and the following ancillary uses: (w) restaurants, fast food; (ww) restaurants, sit down.

Senior Planner Barbara Weigel gave an overview of **P.Z. 15-2002 Chesterfield Technology Park I** and stated that this petition was held at the last meeting to allow Staff to review the definition of ancillary uses in terms of square foot percentages and sign ordinances with City Attorney Doug Beach.

General discussion followed concerning ancillary uses, signs for ancillary uses and placement of the definition of ancillary uses in the governing ordinance.

Director of Planning Teresa Price stated this is similar to the Brinkmann building on Swingley Ridge Road. Ms. Price stated that this definition would have to be in the governing ordinance. Ms. Price stated that the wording proposed for ‘ancillary use’ in the governing ordinance is: ‘This accessory use is only permitted within the building containing the principal permitted uses and no separate access from the exterior of the building shall be permitted with respect to this use, the primary purpose of this use being to serve the occupants and patrons of the principal permitted uses within the building.’

Councilmember Streeter made a motion to direct Staff to define ‘ancillary use’ using the wording proposed by Ms. Price in Attachment A. The motion was seconded by Councilmember Durrell **and passes by a voice vote of 4 to 0.**

Councilmember Streeter made a motion to direct Staff to prepare an amendment that would limit signage to the principal user. The motion was seconded by Councilmember Durrell **and passes by a voice vote of 3 to 1.** (*Chair Hurt voted nay.*)

Councilmember Streeter made a motion to recommend approval and forward to City Council **P.Z. 15-2002 Chesterfield Technology Park I**, as amended. The motion was seconded by Councilmember Brown **and passes by a voice vote of 4 to 0.**

Councilmember Streeter made a motion to direct Staff to prepare and submit to the Planning Commission a definition of ‘ancillary use’ to be put in the Zoning Ordinance. The motion was seconded by Councilmember Durrell **and passes by a voice vote of 4 to 0.**

**\* Note: One bill, as recommended by the Planning Commission, will be needed for the November 4, 2002 City Council Meeting.  
SEE Bill #**

**\*III. Property Maintenance Code**

Planning Technician Tim Renaud gave an overview of the Property Maintenance Code.

General discussion followed concerning items to be removed or combined in different sections of the Property Maintenance Code, neighbors and how detailed to have the explanations.

Councilmember Durrell made a motion to remove the following: Page 6, 4. Minimum Exterior Standards. l) Foundation Walls. 'All foundation walls shall be maintained so as to be plumb and to carry the safe design and operating dead and live loads.' The motion was seconded by Chair Hurt and **passes by a voice vote of 4 to 0**.

General discussion followed concerning windows, doors and screens.

Councilmember Durrell made a motion to delete page 6, 4. Minimum Exterior Standards. r) Windows and Doorframes, and add wording to page 6, 4. Minimum Exterior Standards. e) Windows, Doors and Screens. Every window, **exterior door, doorframe and screen** shall be fully supplied with panes or a rigid, translucent substitute that is free of cracks or holes. ~~Such panes shall fit reasonably tight within the frames and shall be kept in good repair. Screens, if installed, shall be kept in good repair. Every window and door shall be substantially tight without cracks, breaks or holes. The window and door should fit reasonably tight within their frames, be weather tight, operable, capable of being maintained so as to exclude adverse weather elements from entering the structure. Screens should fit well within their frame and be sufficiently without holes and deterioration so as to exclude insects from entering the structure.'~~ The motion was seconded by Chair Hurt and **passes by a voice vote of 4 to 0**.

Staff was directed to clean-up the wording of this section. Chair Hurt and Councilmember Brown stated that they want to see what Staff writes.

General discussion followed concerning the warning notice for first offenses and the length of time for the violation to be removed or abated.

Councilmember Durrell made a motion that the time length for the violation to be removed or abated shall not be less than three (3) days nor more than six (6) months. The motion was seconded by Councilmember Streeter and **has a voice vote of 2 to 2**. (Chair Hurt and Councilmember Brown voted nay.)

Chair Hurt made a motion that the time length for the violation to be removed or abated shall not be more than ninety (90) days. The motion was seconded by Councilmember Brown and **passes by a voice vote of 4 to 0**.

Councilmember Durrell made a motion to delete on page 10, Section 9. a) 'Any person, persons, firm, association or corporation violating any provision of the Ordinance or any employee, assistant, agent, or any other person participating or taking part in, joining or aiding in a violation of any provision of the Ordinance may be prosecuted as provided by

law for the violation of ordinances of the City of Chesterfield and upon conviction of ordinances of the City of Chesterfield and upon conviction shall be punished by a fine not exceeding five hundred dollars (\$500) for any one offense ~~or imprisonment in the City jail for not more than three (3) months, or both~~ such fine and imprisonment. Each day a violation continues after service of written notice to abate such violation shall constitute a separate offense.’ *(Eliminate imprisonment)* The motion was seconded by Councilmember Streeter **and passes by a voice vote of 4 to 0.**

General discussion followed concerning property rights versus government and problems within the house.

Councilmember Streeter made a motion to delete the following from page 4, Section 4. Minimum Exterior Standards. c) Roofs. ‘ The roof shall be sufficiently weather-tight, without loose shingles, missing or unsecured roofing materials. ~~and weatherproofed so as to contain no defects that might admit rain or dampness into the interior space of the building.~~ Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building. For non-residential structures all equipment located on the roof shall be screened so as to disguise or shield the equipment from view and said screening property maintained. Gutters and downspouts shall be maintained in a good working order.’ The motion was seconded by Councilmember Durrell **and passes by a voice vote of 3 to 1.** (Councilmember Brown voted nay.)

Councilmember Streeter made a motion to delete from page 4, Section 4. Minimum Exterior Standards. c) Roofs. ‘~~For non-residential structures all equipment located on the roof shall be screened so as to disguise or shield the equipment from view and said screening property maintained,~~’ because it is in the Zoning Ordinance. The motion was seconded by Councilmember Brown **and passes by a voice vote of 4 to 0.**

Councilmember Streeter made a motion to delete the following from page 4, Section 4. Minimum Exterior Standards. c) Roofs. ‘~~Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building.~~’ The motion was seconded by Councilmember Durrell **and passes by a voice vote of 3 to 1.** (Councilmember Brown voted nay.)

Page 4, Section 4. Minimum Exterior Standards. c) Roofs. Now reads: ‘ The roof shall be sufficiently weather-tight, without loose shingles, missing or unsecured roofing materials. ~~and weatherproofed so as to contain no defects that might admit rain or dampness into the interior space of the building.~~ Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building. For non-residential structures all equipment located on the roof shall be screened so as to disguise or shield the equipment from view and said screening property maintained. Gutters and downspouts shall be maintained in a good working order.

Councilmember Streeter made a motion to delete the last two (2) sentences in the following section: page 5, Section 4. Minimum Exterior Standards. e) Windows, Doors and Screens. ‘Every window shall be fully supplied with panes or a rigid, translucent

substitute that is free of cracks or holes. Such panes shall fit reasonably tight within the frames and shall be kept in good repair. Every window and door shall be substantially tight without cracks, breaks or holes. The window and door should fit reasonably tight within their frames, be weather right, operable, capable of being easily opened and held in position by hardware. ~~They should be maintained so as to exclude adverse weather elements from entering the structure. Screens should fit well within their frame and be sufficiently without holes and deterioration so as to exclude insects from entering the structure.~~ The motion was seconded by Councilmember Durrell and **passes by a voice vote of 3 to 1.** (Councilmember Brown voted nay.)

General discussion followed concerning private and public walkways.

Councilmember Streeter made a motion to delete the following: page 5, Section 4. Minimum Exterior Standards. g) Driveways and Sidewalks. ~~‘Driveways and sidewalks shall be maintained in such a manner as to remain reasonable free of holes, cracks and other signs of deterioration, wide or uneven ridges that may impede the safety of pedestrians.’~~ The motion was seconded by Councilmember Durrell and **has a voice vote of 2 to 2.** (Chair Hurt and Councilmember Brown voted nay.)

Councilmember Streeter made a motion to delete the following: page 5, Section 4. Minimum Exterior Standards. k) Exterior Surfaces. (Foundations, Walls and Roof) ~~‘The foundation, exterior walls and roof shall be substantially watertight, weather-tight and protected against the entry of rodents and shall be kept in sound condition and repair.’~~ The motion was seconded by Chair Hurt and **passes by a voice vote of 3 to 1.** (Councilmember Brown voted nay.)

Councilmember Streeter made a motion to delete the following: page 6, Section 4. Minimum Exterior Standards. s) Door Hardware. ~~‘Every exterior door, door hinge, and door latch shall be maintained in good condition and in working order.’~~ The motion was seconded by Councilmember Durrell and **passes by a voice vote of 4 to 0.**

Councilmember Streeter made a motion to delete the following: page 7, Section 4. Minimum Exterior Standards. t) Basement Hatchways. Every basement or cellar hatchway shall be constructed and maintained **in a safe condition.** ~~as to prevent the entrance of rodents, rain or surface drainage into the building.~~ The motion was seconded by Councilmember Durrell and **passes by a voice vote of 3 to 1.** (Councilmember Brown voted nay.)

General discussion followed concerning the number of problems (or violations) necessary before abating.

Councilmember Streeter made a motion that page 7, Section 5. Notice to Abate, shall read” ‘a) Whenever it comes to the attention of the City, or the City becomes aware of the existence of **three (3) violations**, the City shall investigate the violations. If a violation is

found to exist, a warning notice shall be left with any person occupying such property, whether such person is the owner, renter or lessee thereof, by delivering such warning notice to such person, or if no one is present in the property or refuses to accept the notice, then by posting the warning notice on the front, or side or rear entrance to the resident or building. The motion was seconded by Councilmember Durrell **and has a voice vote of 2 to 2.** (Chair Hurt and Councilmember Brown voted nay.)

General discussion followed concerning those with financial hardship.

Councilmember Streeter made a motion to hold the Property Maintenance Code until the City drafts policy on helping hardship cases. **The motion dies due to the lack of a second.**

Councilmember Brown made a motion to recommend approval and forward to the City Council the Property Maintenance Code, as amended. The motion was seconded by Chair Hurt **and passes by a vote of 3 to 1.**

Staff will review all changes with City Attorney Doug Beach.

**\* Note: One bill, as recommended by the Planning and Zoning Committee, will be needed for the November 4, 2002 City Council Meeting.  
SEE Bill #**

**\*V. P.Z. 13-2002 Drury Development Corporation**; a request for a change of zoning from three “C8” Planned Commercial Districts and a “NU” Non-Urban District to a “PC” Planned Commercial District for 4.85 acres of land adjacent to Chesterfield Mall at the intersection of Clarkson Road and U.S. Highway 40/64 (Interstate 64). (Locator Numbers: 18S-21-0161, 18S-23-0356, 18S-23-0345 and 18S-23-0279).

Project Planner John Wagner gave an overview of **P.Z. 13-2002 Drury Development Corporation** and stated that this petition was approved with conditions by the Planning Commission by a vote of 7 to 0.

General discussion followed concerning green space percentage and performance standards, maintenance of landscaping in the right-of-way, traffic, antennas on the top of buildings and the Traffic Generation Assessment (TGA).

Councilmember Streeter made a motion to direct Staff to prepare an amendment adding the definition of ‘ancillary uses’ to the ordinance for this petition. The motion was seconded by Councilmember Brown **and passes by a voice vote of 4 to 0.**

Councilmember Brown made a motion to recommend approval and forward to City Council **P.Z. 13-2002 Drury Development Corporation.** The motion was seconded by

Councilmember Streeter and **passes** by a voice vote of 4 to 0.

\* **Note:**       **One bill, as recommended by the Planning Commission, will be needed for the November 4, 2002 City Council Meeting.**  
                      **SEE Bill #**

**IX. Other:**

Chair Hurt stated that there is a contrast in the definition of ‘Home Occupation’ in the Zoning Ordinance, City of Chesterfield Resident Guide and the Home Occupation application form.

Councilmember Brown suggested that Staff review the Home Occupation definition for the City of Ladue.

Chair Hurt made a motion to direct Staff to review all of the ‘Home Occupation’ definition documents so that they all are coordinated and to write it in such a manner that it still keeps the spirit of the community as being residential, is in the ‘spirit of the law’ and bring back to the Committee as soon as possible. The motion was seconded by Councilmember Streeter and **passes** by a voice vote of 4 to 0.

Chair Hurt left the meeting at 7:50 p.m. and Vice Chair Streeter took over chairing the meeting.

\* **VII. Walgreens**; Site Development Plan, Landscape Plan and Architectural Elevations for 2.08 acres of land in a “PC” Parkway East between Swingley Ridge Road and Olive Boulevard.

Vice Chair Streeter stated that Councilmember Geiger and he exercised power of review on the Site Development Plan for Walgreen’s pertaining to signage and the neon logo.

General discussion followed concerning a residential look for the Walgreen’s, signage and the neon logo.

Chair Hurt returned to the meeting at 7:55 p.m. and resumed chairing the meeting.

Councilmember Streeter made a motion to approve the Site Development Plan, as shown, for Walgreen’s. The motion was seconded by Councilmember Durrell and **passes** by a voice vote of 4 to 0.

**\*VI. P.Z. 19-2002 City of Chesterfield:** A request to amend the "E" Estate Districts of the City of Chesterfield Zoning Ordinance (Sections 1003.107, 1003.108, 1003. 109). Said amendments are to include the following: 2) elimination of the 10 acre requirement for a Planned Environment Unit (PEU) procedure, 3) requiring the number of homes allowable to correlate to the number of acres

Senior Planner Barbara Weigel gave an overview of **P.Z. 19-2002 City of Chesterfield** and stated that the Planning Commission approved two (2) of the four (4) proposed amendments for **P.Z. 19-2002 City of Chesterfield** by a vote of 7 to 0.

Councilmember Streeter made a motion to recommend approval and forward to City Council items #2 and #3 of **P.Z. 19-2002 City of Chesterfield**. The motion was seconded by Councilmember Durrell and **passes by a voice vote of 4 to 0.**

**\* Note: One bill, as recommended by the Planning Commission, will be needed for the November 4, 2002 City Council Meeting.  
SEE Bill #**

**IV. Parking Requirements for Retail/Office** – This item was referred to Committee from City Council.

Project Planner Annissa McCaskill gave an overview of the parking requirements for retail and office.

Chair Hurt left the meeting at 8:07 p.m. p.m. and Vice Chair Streeter took over chairing the meeting.

General discussion followed concerning phantom parking and minimum parking standards.

Councilmember Brown made a motion to refer to the Planning Commission the parking requirements for office with the intent of possibly lowering the requirements based on national standards and with innovative alternatives for surface parking for office. The motion was seconded by Councilmember Durrell and **passes by a voice vote of 3 to 0.** (Chair Hurt had left the meeting.)

**VIII. Pending Projects/Departmental Update**

Director of Planning Teresa Price stated that it may be necessary to hold a separate Planning and Zoning Committee meeting the second week of December for review of the revised Comprehensive Plan.

The meeting unanimously adjourned at 8:20 p.m.

TP/kl