



## RECORD OF PROCEEDING

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### MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT 690 CHESTERFIELD PARKWAY WEST

**May 17, 2004**

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The meeting was called to order at 7 p.m.

Girl Scout Troop #4437 from Ascension School led everyone in the Pledge of Allegiance: Maureen Mehan, Julia Gassert, Brittany Hausmann, Kimberly Fults, Ashley Arcari and Reagan DeGroot. Also in attendance were Troop Leaders Mrs. Gassert and Mrs. Mehan.

Mayor Nations followed with a moment of silent prayer.

A roll call was taken with the following results:

PRESENT

Mayor John Nations  
Councilmember Barry Flachsbart  
Councilmember Jane Durrell  
Councilmember Barry Streeter  
Councilmember Bruce Geiger  
Councilmember Dan Hurt  
Councilmember Mike Casey  
Councilmember Mary K. Brown  
Councilmember Connie Fults

ABSENT

None

APPROVAL OF MINUTES

The minutes of the May 3, 2004, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Durrell, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **INTRODUCTORY REMARKS**

Mayor John Nations announced that City Hall would be closed Monday, May 31 for the Memorial Day Holiday.

Mayor Nations congratulated Councilmembers Flachsbart and Durrell and City Administrator Mike Herring on their upcoming birthdays.

Mayor Nations announced that the Family Aquatic Park will open May 29.

Mayor Nations announced that the next meeting of City Council has been scheduled for Monday, June 7.

Councilmember Bruce Geiger recognized Ryan Johnson, a student in a government class, who was visiting the Council meeting in order to obtain class credits.

Councilmember Streeter recognized this day as the day in 1954 that the Supreme Court handed down its famous “Brown vs. the Board of Education” decision, regarding desegregation in the Topeka, Kansas school district.

## **COMMUNICATIONS AND PETITIONS**

Jason Combs, engineer, 1910 Pine Street, supported Bill No. 2273 (P.Z. 32-2003, Greater Missouri Builders – Chesterfield Crossing) and Bill No. 2274 (P.Z. 33-2003 Greater Missouri Builders – Chesterfield Crossing).

Eugene DeVore, representing Greater Missouri Builders, supported Bill No. 2273 (P.Z. 32-2003, Greater Missouri Builders – Chesterfield Crossing) and Bill No. 2274 (P.Z. 33-2003 Greater Missouri Builders – Chesterfield Crossing).

Stephen Kling, attorney for the neighboring homeowners’ association, supported Bill No. 2273 (P.Z. 32-2003, Greater Missouri Builders – Chesterfield Crossing) and Bill No. 2274 (P.Z. 33-2003 Greater Missouri Builders – Chesterfield Crossing), as well as Bill No. 2275, which would establish a new Residential Service Area and would remove Wildhorse Creek Road from the areas eligible for designation, under this new provision.

## **APPOINTMENTS**

Mayor Nations nominated Jack Gillum to fill a vacancy on the Public Works Citizens Advisory Group. Councilmember Hurt made a motion, seconded by Councilmember Casey, to appoint Mr. Gillum to the Public Works Citizens Advisory Group. Mr. Gillum’s term will expire June 2, 2008.

## **COUNCIL COMMITTEE REPORTS**

### **Planning and Zoning Committee**

Councilmember Bruce Geiger, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2269 (P.Z. 30-2003, City of Chesterfield/Medical Use District) and Bill No. 2270 (P.Z.37-2003, THF Chesterfield Commons Six, Bill No. 2273 will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda. Councilmember Geiger made a motion, seconded by Councilmember Streeter to hold Bill No. 2271 (P.Z. 01-2004, Chesterfield Airport Acquisitions, LLC) until the next meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger next reported that Bill No. 2273 (P.Z. 32-2003, Greater Missouri Builders – Chesterfield Crossing) and Bill No. 2274 (P.Z. 33-2003 Greater Missouri Builders – Chesterfield Crossing) will be read for the first time under the “Legislation – Planning Commission” portion of the agenda. Councilmember Streeter made a motion, seconded by Councilmember Flachsbart, to hold Bill No. 2275 (P.Z. 4-2004 – City of Chesterfield (Residential Service District). A roll call vote was taken with the following results: Ayes – Durrell, Streeter, Geiger and Flachsbart. Nays – Hurt, Brown, Fults and Casey. Mayor Nations broke the tie vote by voting “Aye.” The motion passed.

Councilmember Geiger announced that the next meeting of this Committee has been scheduled for June 10 at 5:30 p.m.

### **Public Works/Parks Committee**

Councilmember Dan Hurt, Chairperson of the Public Works/Parks Committee, reported that Bill No. 2266 (accepts public streets in Nooning Tree Addition, Village B) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for May 24 at 5:45 p.m.

### **REPORT OF THE CITY ADMINISTATOR**

City Administrator Mike Herring indicated that he had nothing requiring City Council consideration/approval at this meeting.

### **LEGISLATION**

**BILL NO. 2266**                    **PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS WITHIN NOONING TREE ADDITION, VILLAGE B SUBDIVISION, IN THE CITY OF CHESTERFIELD (SECOND READING – PUBLIC WORKS/PARKS COMMITTEE)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2266. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2266 was read for the second time. A roll

call vote was taken for passage and approval of Bill No. 2266, with the following results: Ayes – Flachsbart, Durrell, Geiger, Brown, Streeter, Fults, Casey and Hurt. Nays - None. Whereupon, Mayor Nations declared Bill No. 2266 approved, passed it and it became **ORDINANCE NO. 2094.**

### **LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2269** AMENDS THE CITY OF CHESTERFIELD ZONING ORDINANCE TO ESTABLISH SECTION 1003.127 CREATING A MEDICAL USE DISTRICT (P.Z. 30-2003, CITY OF CHESTERFIELD/MEDICAL USE DISTRICT) (**SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Geiger made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2269. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2269 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2269, with the following results: Ayes – Flachsbart, Brown, Streeter, Durrell, Casey, Geiger, Fults and Hurt. Nays - None. Whereupon, Mayor Nations declared Bill No. 2269 approved, passed it and it became **ORDINANCE NO. 2095.**

**BILL NO. 2270** REPEALS ST. LOUIS COUNTY ORDINANCE 13,933 AND REPLACES IT WITH A NEW ORDINANCE WITH AMENDMENTS PERMITTING DRIVE-THRU RESTAURANTS ON THE OUTPARCELS ALONG CHESTERFIELD AIRPORT ROAD AND AN INCREASE IN THE HEIGHT OF THE LIGHT STANDARDS FOR CHESTERFIELD COMMONS SIX, LOCATED ON THE NORTH SIDE OF CHESTERFIELD AIRPORT ROAD, WEST OF THE INTERSECTION OF BOONE’S CROSSING AND CHESTERFIELD AIRPORT ROAD (P.Z. 37-2003, THE CHESTERFIELD COMMONS SIX) (**SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, AS AMENDED**)

Councilmember Geiger made a motion, seconded by Councilmember Hurt, for a second reading of Bill No. 2270. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2270 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2270, with the following results: Ayes – Brown, Casey, Hurt, Fults, Durrell, Streeter and Geiger. Nays - Flachsbart. Whereupon, Mayor Nations declared Bill No. 2270 approved, passed it and it became **ORDINANCE NO. 2096.**

**BILL NO. 2273** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO AN “R-3” RESIDENCE DISTRICT FOR 7.8 ACRES OF LAND LOCATED NORTH OF OLIVE STREET ROAD AND EAST OF SPYGLASS SUMMIT DRIVE (P.Z. 32-2003 GREATER MISSOURI BUILDERS - CHESTERFIELD CROSSING) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2273. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2273 was read for the first time.

**BILL NO. 2274** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CREATING A PLANNED ENVIRONMENT UNIT (PEU) PROCEDURE FOR 7.8 ACRES OF LAND ZONED “R-3” RESIDENCE DISTRICT LOCATED NORTH OF OLIVE STREET ROAD AND EAST OF SPYGLASS SUMMIT DRIVE (P.Z. 33-2003 GREATER MISSOURI BUILDERS – CHESTERFIELD CROSSING) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL BUT ONLY IF AMENDED AS CONTAINED WITHIN THE ATTACHED “GREEN SHEET”**)

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2274. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2274 was read for the first time.

Councilmember Geiger made a motion, seconded by Councilmember Casey to amend Attachment A, Section 1 – Structure Setbacks, Item e. regarding individual lot requirements. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, to approve Section 4 – Access, Item c. Councilmember Durrell made a motion, seconded by Councilmember Geiger, to eliminate the phrase “intersecting, and the stub street extending east from said roadway.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Discussion ensued. Councilmember Brown made a motion, seconded by Councilmember Hurt, to eliminate the words “parking shall be restricted to one side only.” A roll call vote was taken with the following results: Ayes – Streeter, Hurt, Casey and Brown. Nays – Flachsbart, Durrell Geiger, and Fults. Mayor Nations broke the tie vote by voting “Nay”. The motion was declared failed. Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to call for the question. A voice vote was taken with a

unanimous affirmative result and the motion was declared passed. A roll call vote was taken on the motion, as amended. Ayes – Fults, Durrell, Streeter, Flachsbart and Geiger. Nays – Casey, Hurt and Brown. The motion was declared passed.

Councilmember Geiger made a motion seconded by Councilmember Casey, to approve Section 14 – Miscellaneous, Item c. Trees. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, to amend Attachment A by increasing the radius of both curb lines of the north/south access roadway to 40 feet. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger made a motion, seconded by Councilmember Flachsbart made a motion to increase the depth of the 4% grade approach area at the entrance to 40 feet as measured from the edge of Olive Boulevard. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring was instructed, in accordance with City policy, to make sure the Department of Planning creates and maintains an “internal reminder” that the development of any parcel to the east must connect to this stub street and that signs need to be posted at the end of the stub street to indicate that when development occurs to the east, it will be connected to this stub street.

Councilmember Flachsbart made a motion, seconded by Councilmember Hurt, to amend Attachment A, 4. Access, Item b to add after the word accommodated “by a stub street running from the intersection of the north/south roadway to the eastern property line.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **ADJOURNMENT**

Mayor Nations adjourned the meeting at 8:16 p.m.

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Mayor John Nations

**ATTEST:**

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Martha L. DeMay, City Clerk

