



RECORD OF PROCEEDING

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

May 21, 2007

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

President Pro Tem Mike Casey, in the absence of Mayor John Nations, led everyone in the Pledge of Allegiance and followed with a moment of silent prayer.

A roll call was taken with the following results:

PRESENT

Councilmember Barry Flachsbart
Councilmember Jane Durrell
Councilmember Lee Erickson
Councilmember Bruce Geiger
Councilmember Dan Hurt
Councilmember Mike Casey
Councilmember Bob Nation
Councilmember Connie Fults

ABSENT

Mayor John Nations

APPROVAL OF MINUTES

The minutes of the May 7, 2007, City Council meeting were submitted for approval. Councilmember Durrell made a motion, seconded by Councilmember Geiger, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

President Pro Tem Mike Casey announced that the next meeting of City Council has been scheduled for June 4.

President Pro Tem Casey next expressed Happy Birthday wishes to Councilmember Jane Durrell and City Administrator Mike Herring.

President Pro Tem Casey next announced that City Hall would be closed on Monday, May 28 in celebration of Memorial Day.

COMMUNICATIONS AND PETITIONS

President Pro Tem Casey shared with those in attendance some background information regarding the Leonard Blake Ancient History Award. He then introduced Mark Leach who presented Michelle Weissenborn, a teacher at River Bend Elementary School, with this year's award. Ms. Weissenborn hosted an Archaeology Day for 5th grade classes at River Bend Elementary School, promoted teaching about Chesterfield's ancient cultures through the media and worked with school administrators at River Bend School to approve the inclusion of a permanent exhibit in the school's lobby, featuring ancient archaeological sites at or near the school. President Pro Tem Casey noted that the presentation of this award, to Ms. Weissenborn, had been recommended and approved by the Historic Preservation Commission and the P&Z Committee of City Council. City Council gave final approval, at its May 7 meeting.

Randy Johnston, architect for the petitioner, supported Bill No. 2534 (P.Z. 16-2006, Conway Point Office Building (Nelson McBride Development)).

Renee Heney, who resides at 1513 Honey Locust Court, opposed Bill No. 2544 (P.Z. 28-2006, Chesterfield Neighborhood Office Park (17635 and 17659 Wild Horse Creek Road)).

Tom Fleming, who resides at 17067 Rooster Ridge Road, opposed Bill No. 2527 (P.Z. 5-2005 Winter Wheat Place/Dollar Building Company).

Michael Jette, who resides at 17070 Rooster Ridge Road, opposed Bill No. 2527 (P.Z. 5-2005 Winter Wheat Place/Dollar Building Company).

Mike James, attorney for the petitioner, supported Bill No. 2527 (P.Z. 5-2005 Winter Wheat Place/Dollar Building Company). In response to questioning, from members of City Council, Mr. James stated that his client would not accept any zoning, other than the E-One Acre classification being sought.

President Pro Tem Casey recognized Boy Scouts from Troop #623. City Attorney Rob Heggie briefly explained to the Scouts how City Council meetings work.

COUNCIL COMMITTEE REPORTS

Public Works/Parks Committee

Councilmember Lee Erickson, Vice-Chairperson of the Public Works/Parks Committee, reported that Bill No. 2535 (Amends Subdivision Ordinance to delete requirement for “sleeves” for telecommunication services) and Bill No. 2549 (Authorizes the purchase of a 13-acre tract of land, located at 18345 Wardenburg Road) will be considered for adoption under the “Legislation” portion of the agenda.

Planning and Zoning Committee

Councilmember Connie Fults, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2544 (P.Z. 08-1006, Chesterfield Neighborhood Office Parks (17655 and 17659 Wild Horse Creek Road) and Bill No. 2545 (P.Z. 12-2007 – City of Chesterfield (Tree Manual) are scheduled to be read for the first time and Bill No. 2527 (P.Z. 5-2005, Winter Wheat Place (Dollar Building Company), Bill No. 2534 (P.Z. 16-2006, Conway Point Office Building (Nelson McBride Development), Bill No. 2537 (P.Z. 03-2007, Chesterfield Retail Center), Bill No. 2538 (P.Z. 08-2007 – Chesterfield Valley Power Sports (17501 N. Outer 40 Road), Bill No. 2546 (Approves Boundary Adjustment Plat for Lots 1A and 1B Chesterfield Industrial Park), Bill No. 2547 (Approves Lot Split – St. Mary’s Institute of O’Fallon (Kehrs Mill Road and Strecker Road), and Bill No. 2548 (Approves Record Plat – The Village at Olde Baxter Square) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for Thursday, May 24 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that passage of Resolution No. 340 would authorize the St. Louis County Industrial Development Authority to consider financing a proposed expansion by Friendship Village, located within the City of Chesterfield. Friendship Village would be required to secure zoning approval for their proposed expansion, from the City. Councilmember Geiger made a motion, seconded by Councilmember Durrell, to approve Resolution No. 340. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that as reported by Darren Dunkle, Superintendent of Parks, Recreation and Arts, the Monarch Fire Protection District is now requiring additional work at the Family Aquatic Center resulting in the need to extend one water line and install an additional fire hydrant. In addition, another water line needs to be relocated.

This water line services the filtration/maintenance building. The total cost for these changes is \$40,455. Mr. Herring joined with Mr. Dunkle in recommending approval of the additional change order, to the existing contract with Capri Pools, which totals \$40,455. This cost can be covered by bond funds, resulting from the passage of Proposition "P". Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to approve this change order, with Capri Pools, at a total cost of \$40,455. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION

BILL NO. 2535 AMENDS SECTION 1005.180 OF THE CITY OF CHESTERFIELD SUBDIVISION ORDINANCE TO DELETE THE REQUIREMENT FOR THE INSTALLATION OF SLEEVES FOR TELECOMMUNICATION SERVICES TO BE INSTALLED ADJACENT TO PROPOSED ROADWAYS (**SECOND READING - PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Erickson made a motion, seconded by Councilmember Hurt, for a second reading of Bill No. 2535. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2535 was read for the second time. A roll call vote was taken for passage and approval of Bill No.2535, with the following results: Ayes – Erickson, Durrell, Nation, Flachsbart, Geiger, Fults, Hurt and Casey. Nays - None. Whereupon, President Pro Tem Casey declared Bill No. 2535 approved, passed it and it became **ORDINANCE NO. 2358**.

BILL NO. 2549 AUTHORIZES THE PURCHASE OF A 13-ACRE TRACT OF LAND, LOCATED AT 18345 WARDENBURG ROAD, CURRENTLY OWNED BY BURKHARDT FAMILY INVESTMENTS, LLC., AND THE SALE OF 1.98 ACRES OF SAID TRACT TO ST. LOUIS COUNTY SPIRIT AIRPORT (**FIRST AND SECOND READINGS - PUBLIC WORKS/PARKS COMMITTEE**)

Councilmember Erickson made a motion, seconded by Councilmember Hurt, for the first reading of Bill No. 2549. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2549 was read for the first time.

Councilmember Erickson made a motion, seconded by Councilmember Geiger, for a second reading of Bill No. 2549. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2549 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2549, with the following results: Ayes – Erickson, Durrell, Nation, Flachsbart, Geiger, Fults, Hurt and Casey. Nays - None. Whereupon, President Pro Tem Casey declared Bill No. 2549 approved, passed it and it became **ORDINANCE NO. 2359**.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2527 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO AN “E” ONE-ACRE DISTRICT FOR A 4.0 ACRE TRACT OF LAND LOCATED ON WINTER WHEAT ROAD, 3,000 FEET SOUTHEAST OF THE INTERSECTION OF WILDHORSE CREEK ROAD AND LONG ROAD. (P.Z. 5-2005 WINTER WHEAT PLACE/DOLLAR BUILDING COMPANY) (**SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, to amend Bill No. 2527 to use “Greensheet Option #1”, which would establish an LLR – Large Lot Residential zoning classification for the Winter Wheat project. A roll call vote was taken with the following results: Ayes – Erickson, Geiger, Nation, Durrell, Flacshbart, Hurt, Fults and Casey. The motion to amend was declared passed. City Attorney Rob Heggie called on Mike James, attorney for the petitioner, to see if the project will go forward as an LLR (Large Lot Residential). Mr. James stated that the petitioner objects to the LLR and requested that City Council approve the “E – One Acre” zoning classification, as originally requested. Councilmember Fults then made a motion, seconded by Councilmember Flachsbart, for the second reading of Bill No. 2527, as amended. A roll call vote was taken for passage and approval of Bill No.2527, with the following results: Ayes – Casey, Fults, Hurt, Flachsbart, Durrell, Nation, Geiger and Erickson. Nays - None. Whereupon, President Pro-Tem Casey declared Bill No. 2527 approved, passed it and it became **ORDINANCE NO. 2360**.

BILL NO. 2534 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “R3” RESIDENCE DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 1.1-ACRE TRACT OF LAND LOCATED AT THE SOUTHWEST CORNER OF CHESTERFIELD PARKWAY AND CONWAY ROAD. (P.Z. 16-2006 CONWAY POINT OFFICE BUILDING {NELSON MCBRIDE DEVELOPMENT}) (**SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Geiger made a motion, seconded by Councilmember Flacshbart, to amend Item 1 B, Setbacks, eliminating it in its entirety and replacing it with “60 feet from the western property line”. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Geiger next made a motion, seconded it by Councilmember Flachsbart, to eliminate Item 2B and replace it with “10 feet from the western property line” setback. 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 Item D by adding “If right of

way along the eastern property line of this development is acquired and zoned appropriately, said parking and loading spaces setbacks may be measured from the new right-of-way line as directed by the City of Chesterfield.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Geiger next moved to Page 3, Landscape and Tree Requirements, Item 1 and added “A ten foot landscape buffer shall be required along the western property line.” The motion was seconded by Councilmember Erickson. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults then made a motion for the second reading of Bill No. 2534, as amended. The motion was seconded by Councilmember Durrell. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Bill No. 2534 was read for the second time. A roll call vote was taken for passage and approval of Bill No.2534 , as amended, with the following results: Ayes – Durrell, Geiger, Hurt, Fults, Erickson, Nation, Casey and Flachsbart. Nays - None. Whereupon, President Pro-Tem Casey declared Bill No.2534 approved, passed it and it became **ORDINANCE NO. 2361.**

BILL NO. 2537 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “M3” PLANNED INDUSTRIAL DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 2.045 ACRE TRACT OF LAND LOCATED AT 17670 AND 17680 CHESTERFIELD AIRPORT ROAD EAST OF THE INTERSECTION OF CHESTERFIELD AIRPORT ROAD AND CHESTERFIELD INDUSTRIAL BOULEVARD. (P.Z. 03-2007 CHESTERFIELD RETAIL CENTER {LOT 1A-2 AND LOT 1-B OF CHESTERFIELD INDUSTRIAL PARK}) (**SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, AS AMENDED**)

Councilmember Fults made a motion, seconded by Councilmember Geiger, for a second reading of Bill No. 2537. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to amend the legislation from a “PC” to a “PI” zoning classification and to have Staff make all of the necessary changes, reflecting this change in zoning classification, and to place this on the June 4 City Council agenda, for consideration for final approval. A roll call vote was taken with the following results: Ayes – Nation, Flachsbart, Erickson and Hurt. Nays – Durrell, Geiger, Casey and Fults. President Pro-Tem Casey voted “No” and declared the motion failed. Bill No. 2537 was read for the second time. A roll call vote was taken for passage of Bill No. 2537 with the following results: Ayes – Fults, Geiger, Casey, Durrell and Nation. Nays – Hurt, Erickson and Flachsbart. President Pro Tem Casey declared Bill No. 2537 approved, passed it and it became **ORDINANCE NO. 2362.**

BILL NO. 2538 REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 1372 TO ALLOW FOR AN INCREASE IN BUILDING HEIGHT, FOR A 3.00 ACRE TRACT OF LAND IN A “C-8” PLANNED COMMERCIAL DISTRICT LOCATED ON THE NORTH SIDE OF NORTH OUTER 40 ROAD, WEST OF BOONES CROSSING AT 17501 NORTH OUTER 40 ROAD (P.Z. 08-2007 CHESTERFIELD VALLEY POWER SPORTS) (**SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, AS AMENDED**)

Councilmember Fults made a motion, seconded by Councilmember Durrell, for a second reading of Bill No. 2538. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2538 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2538, with the following results: Ayes – Flachsbart, Fults, Durrell, Hurt, Casey, Geiger, Nation and Erickson. Nays - None. Whereupon, President Pro Tem Casey declared Bill No. 2538 approved, passed it and it became **ORDINANCE NO. 2363**.

BILL NO. 2544 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “NU” NON URBAN DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT WITH A “WH” WILD HORSE CREEK ROAD OVERLAY FOR A 8.04-ACRE TRACT OF LAND LOCATED NORTH OF WILD HORSE CREEK ROAD, WEST OF LONG ROAD [P.Z. 28-2006 CHESTERFIELD NEIGHBORHOOD OFFICE PARK (17655 AND 17659 WILD HORSE CREEK ROAD)] (**FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL**) (**P&Z COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ATTACHED "GREEN SHEET"**)

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, to send Bill No. 2544 back to the Planning and Zoning Committee, at its June 7 meeting, with instructions to Staff to provide the Committee with an amended version of this Bill, including therein all requirements of the “overlay” district. A voice vote was taken with Councilmember Hurt and Durrell voting “No”, arguing instead that the legislation be “held” or “tabled” at the Council level. Bill No. 2544 was referred back to the Planning and Zoning Committee, with instructions, without a first reading.

BILL NO. 2545 REPEALS CITY OF CHESTERFIELD ORDINANCE 2335 AND REPLACES IT WITH A NEW TREE MANUAL ORDINANCE THAT REVISES THE PROCEDURES AND REQUIREMENTS FOR TREE PROTECTION SURETIES, ESCROWS AND LANDSCAPE INSTALLATION BONDS (P.Z. 12-2007 CITY OF CHESTERFIELD/TREE MANUAL) (**FIRST READING -**

**PLANNING COMMISSION RECOMMENDS APPROVAL)
(P&Z COMMITTEE RECOMMENDS APPROVAL, BUT
ONLY IF AMENDED AS DETAILED IN THE ATTACHED
"GREEN SHEET")**

Councilmember Fults made a motion, seconded by Councilmember Geiger, for the first reading of Bill No. 2545. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2545 was read for the first time. Councilmember Fults next made a motion to accept the amendment contained within the “green sheet”. The motion was seconded by Councilmember Geiger. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

BILL NO. 2546 APPROVES A BOUNDARY ADJUSTMENT PLAT FOR A TRACT OF LAND BEING ADJUSTED LOT 1-B AND LOT 1A-2 OF CHESTERFIELD INDUSTRIAL PARK IN U.S. SURVEY 1010, TOWNSHIP 45 NORTH-RANGES 3 AND 4 EAST CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI (FIRST AND SECOND READINGS - PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Fults made a motion, seconded by Councilmember Hurt, for the first reading of Bill No. 2546. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2546 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Durrell, for a second reading of Bill No. 2546. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2546 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2546, with the following results: Ayes – Hurt, Flachsbart, Nation, Erickson, Geiger, Fults, Casey and Durrell. Nays - None. Whereupon, President Pro Tem Casey declared Bill No. 2546 approved, passed it and it became **ORDINANCE NO. 2364.**

BILL NO. 2547 PROVIDES FOR THE APPROVAL OF A LOT SPLIT FOR ST. MARY’S INSTITUTE OF O’FALLON, FOR A 68.411 ACRE TRACT OF LAND ZONED “LLR” LARGE LOT RESIDENCE DISTRICT, “E-ONE ACRE” ESTATE DISTRICT AND “E-TWO ACRE” ESTATE DISTRICT LOCATED AT THE NORTHWEST CORNER OF KEHRS MILL ROAD AND STRECKER ROAD (FIRST AND SECOND READINGS - PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Fults made a motion, seconded by Councilmember Hurt, for the first reading of Bill No.2547. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2547 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Durrell, for a second reading of Bill No. 2547. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2547 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2547, with the following results: Ayes – Hurt, Flachsbart, Nation, Erickson, Geiger, Fults, Casey and Durrell. Nays - None. Whereupon, President Pro Tem Casey declared Bill No. 2547 approved, passed it and it became **ORDINANCE NO. 2365.**

BILL NO. 2548 PROVIDES FOR THE APPROVAL OF A RECORD PLAT FOR THE VILLAGE AT OLDE BAXTER SQUARE, FOR A 2.0 ACRE TRACT OF LAND ZONED “R-4” P.E.U RESIDENCE DISTRICT, LOCATED AT THE SOUTHWEST CORNER OF OLD BAXTER RD AND CENTURY LAKE DR. (**FIRST AND SECOND READINGS - PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Hurt, for the first reading of Bill No. 2548. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2548 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Durrell, for a second reading of Bill No. 2548. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2548 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2548, with the following results: Ayes – Hurt, Flachsbart, Nation, Erickson, Geiger, Fults, Casey and Durrell. Nays - None. Whereupon, President Pro Tem Casey declared Bill No. 2548 approved, passed it and it became **ORDINANCE NO. 2366**

ADJOURNMENT

President Pro-Tem Casey adjourned the meeting at 8:25 p.m.

President Pro-Tem Mike Casey

ATTEST:

Martha L. DeMay, City Clerk

