



## RECORD OF PROCEEDING

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

**June 4, 2007**

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

Mayor 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

ABSENT

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

APPROVAL OF MINUTES

The minutes of the May 21, 2007, 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 thanked Councilmember Mike Casey for presiding over the May 21, 2007 City Council meeting, as President Pro Tem, in his absence.

Mayor Nations next announced the June 5 “Concert-in-the-Park”, sponsored by the Chesterfield Chamber of Commerce. The first concert of the season celebrates the City of Chesterfield’s incorporation, which took place June 1, 1988.

Mayor Nations next announced that the next meeting of City Council has been scheduled for Monday, June 18.

## **COMMUNICATIONS AND PETITIONS**

Alan Agathen, attorney for the petitioner, supported Bill No. 2553 (P.Z. 11-2007, J & T Holdings (612 and 614 Cepi Drive.

Terry Monachella, Trustee for Ladue Woods Subdivision, provided updated information regarding AmerenUE and the various problems experienced by this subdivision, with power outages, etc.

Harvey Rosenberg, who resides at 217 S. Greentrails, gave additional information and indicated that representatives of the Public Service Commission would be coming to Chesterfield, to meet with residents and to inspect problem areas.

Mike Doster, representing the petitioners on Bill Nos. 2550, 2551 and 2552 stated he would be available for questions.

## **APPOINTMENTS**

Mayor Nations nominated Mr. Elliot Grissom, 928 Chesterfield Villas Circle (Ward 2), to serve as a member of the Chesterfield Planning Commission, filling the unexpired term of Victoria Sherman. Mayor Nations noted that, in keeping with City Council policy, Mr. Grissom had been interviewed by the members of the Planning and Zoning Committee. Councilmember Geiger made a motion, seconded by Councilmember Erickson, to approve the appointment of Mr. Elliot Grissom, to serve as a member of the Chesterfield Planning Commission. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Grissom's term will expire June 3, 2010.

Mayor Nations next stated his intention to re-nominate both Lu Perantoni, 15333 Country Ridge Drive (Ward 3) and David Banks, 1593 Yarmouth Point (Ward 3), to continue serving as members of the Planning Commission. Their re-appointment is endorsed by Ward 3 Councilmembers Dan Hurt and Mike Casey. Councilmember Hurt made a motion, seconded by Councilmember Casey, to re-appoint Lu Perantoni and David Banks as members of the Planning Commission. A voice vote was taken with a unanimous

affirmative result and the motion was declared passed. The new terms for Ms. Perantoni and Mr. Banks will now expire June 4, 2011.

## **COUNCIL COMMITTEE REPORTS**

### **Planning and Zoning Committee**

Councilmember Connie Fults, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2558 (P.Z. 12-2007 – City of Chesterfield (Tree Manual), Bill No. 2558 (Allows off premises real estate “Open House” signs), Bill No. 2550 (Tech Park II (Chesterfield Commons Four Development), Bill No. 2551 (P.Z. 9-2006, St. Luke’s Episcopal Presbyterian Hospitals (Parcel “D”), Bill No. 2552 (P.Z./ 9-2007, Spirit Valley Business Park (18652, 18630, 18650 and 18660 Olive Road), Bill No. 2553 (P.Z. 11-2007, J&T Holdings (612 and 614 Cepi Drive), Bill No. 2554 (P.Z. 14-2007 (Wilson Bluffs (SMS Group, LLC), Bill No. 2555 (P.Z. 15-2007, Cambridge Engineering (Kramer Commerce Center) and Bill No. 2556 (P.Z. 16-2007, Valley Gates Subdivision (16845 N. Outer 40 Road) will be read for the first time and Bill No. 2545 (P.Z. 12-2007 (City of Chesterfield (Tree Manual) and Bill No. 2557 (Approves a record plat for Wilson Creek Subdivision) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Hurt made a motion seconded by Councilmember Casey, to approve the amended site development plan, et. al. for the Mobil Mart at Clayton and Baxter Roads. Councilmember Hurt clarified that his motion included a requirement that a copy of the memo (Exhibit “A”), sent by Annissa McCaskill-Clay, Assistant Director of Planning, to City Council (dated May 31), regarding additional landscaping that the petitioner has offered, be permanently attached to the Minutes, for this meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults next made a motion, seconded by Councilmember Nation to approve the site development plan, et. al. for Tuscany Reserve, dated May 31 and date-stamped, as being received, by the City, on June 1. Councilmember Fults also clarified that said “site development plan” be permanently attached to the Minutes (Exhibit “B”), for this meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for June 7 at 5:30 p.m.

## **REPORT OF THE CITY ADMINISTATOR**

City Administrator Mike Herring reported that bids were recently sought for the construction of Phase 1 of the Monarch-Chesterfield Levee Trail, which, when completed, will extend 3.8 miles, from the U.S. Ice Sports Complex to the Chesterfield Valley Athletic Complex (CVAC). Based upon the review of the information provided to him by, Darren Dunkle, Superintendent of Parks, Recreation and Arts, Mr. Herring joined with him in recommending award of a contract to the low bidder, L. Krupp Construction, in an amount not to exceed \$1,385,000. Mr. Herring noted that the City previously secured a grant, from Great Rivers Greenway District, totaling \$4 million. Additionally, the Chesterfield Valley Transportation Development District (TDD) contains an additional \$2 million for this project. As a result, adequate funds exist to cover this entire expense. A motion was made by Councilmember Casey, seconded by Councilmember Fults, to award a contract to the low bidder, L. Krupp Construction, in an amount not to exceed \$1,385,000. With approval of this project, Mr. Herring stated that construction should start by July 1 and be completed in early 2008. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

### **NEW BUSINESS**

Councilmember Geiger announced that the Finance and Administration Committee will be meeting at 7:30 a.m. on June 19 and the topic for discussion will include the current "Fund Reserve" policy and possible uses of "excess" fund reserves.

Councilmember Fults announced that a protest petition has been filed on the Upper Kehrs Mill subdivision project and then made a motion that Council refer this petition to the Planning and Zoning Committee, for a public hearing, at the June 21 meeting. The motion was seconded by Councilmember Nation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

### **LEGISLATION - PLANNING COMMISSION**

**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) (SECOND READING PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, AS AMENDED)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second 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 second time. A roll call vote was taken for passage and approval of Bill No. 2545, with the following results: Ayes – Hurt, Fults, Flachsbart, Geiger, Durrell, Casey, Nation and Erickson. Nays -

None. Whereupon, Mayor Nations declared Bill No. 2545 approved, passed it and it became **ORDINANCE NO. 2367.**

**BILL NO. 2558** PERTAINS TO OFF PREMISE RESIDENTIAL REAL ESTATE OPEN HOUSE DIRECTIONAL SIGNS; ESTABLISHING RULES FOR THE REGULATION AND PLACEMENT OF RESIDENTIAL REAL ESTATE OPEN HOUSE SIGNS WITHIN THE CITY OF CHESTERFIELD, MISSOURI (**FIRST READING - PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No.2558. A voice vote was taken with an affirmative result (Councilmember Nation abstained) and the motion was declared passed. Bill No. 2558 was read for the first time. Councilmember Fults made a motion, seconded by Councilmember Casey to amend Bill No. 2558, Section 3, by striking out “during the hours of the open house” and inserting “only on days of an open house”. A voice vote was taken with an affirmative result (Councilmember Nation abstained) and the motion was declared passed.

**BILL NO. 2550** REPEALS ORDINANCE NUMBERS 1773 AND 1928 OF THE CITY OF CHESTERFIELD TO ALLOW FOR AN AMENDMENT TO THE STRUCTURE SETBACKS, PARKING SETBACKS AND GREENSPACE REQUIREMENT FOR A 21.6 ACRE TRACT OF LAND ZONED “PI” PLANNED INDUSTRIAL LOCATED EAST OF THE INTERSECTION OF CHESTERFIELD AIRPORT ROAD AND PUBLIC WORKS DRIVE (TECH PARK II/CHESTERFIELD COMMONS FOUR) (**FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ATTACHED "GREEN SHEET" AMENDMENT**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2250. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2550 was read for the first time. A motion was then made by Councilmember Fults, seconded by Councilmember Durrell, to approve the “green sheet” amendment. A voice vote was taken with an affirmative result and the motion was declared passed.

**BILL NO. 2551** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFEILD BY ESTABLISHING AN “MU” MEDICAL USE DISTRICT FOR FOUR (4) PARCELS OF LAND TOTALING 14 ACRES OWNED BY ST. LUKE’S EPISCOPAL PRESBYTERIAN HOSPITALS LOCATED .25 MILES NORTH OF THE WOODS MILL AND CONWAY ROADS

INTERSECTION. (P.Z. 9-2006 ST. LUKE'S EPISCOPAL PRESBYTERIAN HOSPITALS/PARCEL D) **(FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ATTACHED "GREEN SHEET")**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No 2551. A voice vote was taken with a unanimous affirmative result (Councilmember Nation abstained) and the motion was declared passed. Bill No. 2551 was read for the first time. Councilmember Fults made a motion, seconded by Councilmember Durrell, to amend Bill No. 2551 by approving the “green sheet” amendment. A voice vote was taken with a affirmative result and the motion was declared passed.

Councilmember Durrell made a motion, to amend Section 1 H (3) (green sheet) by adding “An opportunity for recycling will be provided.” A voice vote was taken with an affirmative result (Councilmember Nation abstained) and the motion was declared passed.

**BILL NO. 2552** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “NU” NON URBAN DISTRICT TO A “PI” PLANNED INDUSTRIAL DISTRICT FOR A 52.89-ACRE TRACT OF LAND LOCATED SOUTH OF OLIVE STREET ROAD AND EAST OF WARDENBURG [P.Z. 07-2007 SPIRIT VALLEY BUSINESS PARK (18652, 18630, 18650, 18660 OLIVE STREET ROAD)] **(FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2552. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2552 was read for the first time.

**BILL NO. 2553** 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 0.75 ACRE TRACT OF LAND LOCATED AT 612 AND 614 CEPI DRIVE SOUTH OF THE INTERSECTION OF CHESTERFIELD AIRPORT ROAD AND CEPI ROAD (P.Z. 11-2007 J & T HOLDINGS, LLC {LOT 5 CHESTERFIELD EXECUTIVE

**PARK}) (FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ATTACHED "GREEN SHEET")**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2553. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2553 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Hurt to approve the amendments contained within the “green sheet”. This changes the designation from a “PC” to a “PI”. It was noted that all references to “PC”, previously contained within this proposed legislation, will now be changed to “PI”. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO. 2554** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO AN “E ONE ACRE” ESTATE RESIDENCE DISTRICT FOR A 3.28 ACRE TRACT OF LAND LOCATED ON THE WEST SIDE OF WILSON ROAD, DIRECTLY NORTH OF WILSON MANORS II SUBDIVISION (P.Z. 14-2007A WILSON BLUFFS/SMS GROUP, LLC) **(FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2554. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2554 was read for the first time.

**BILL NO. 2555** REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 1717 TO ALLOW FOR AN AMENDMENT TO THE PARKING SETBACKS AND DEVELOPMENT REQUIREMENTS FOR A 19.8 ACRE TRACT OF LAND ZONED “PI” PLANNED INDUSTRIAL DISTRICT LOCATED NORTH OF THE INTERSECTION OF SPIRIT DRIVE NORTH AND CHESTERFIELD AIRPORT ROAD, SOUTH OF I-64/ U.S. 40-61, AND WEST OF TRADE CENTER BOULEVARD (P.Z. 15-2007 CAMBRIDGE ENGINEERING) **(FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2555. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2555 was read for the first time.

**BILL NO. 2556** REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 2154 TO ALLOW FOR AN INCREASE IN BUILDING HEIGHT, A CHANGE TO THE PARKING AND STRUCTURE SETBACKS, AND AN INCREASE IN THE NUMBER OF BUILDINGS FOR A 7.698 ACRE TRACT OF LAND IN A “PC” PLANNED COMMERCIAL DISTRICT LOCATED ON THE NORTH SIDE OF NORTH OUTER 40 ROAD, EAST OF BOONES CROSSING AT 16845 NORTH OUTER 40 ROAD (P.Z. 16-2007 VALLEY GATES SUBDIVISION) **(FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2556. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2556 was read for the first time.

**BILL NO. 2557** PROVIDES FOR THE APPROVAL OF A RECORD PLAT FOR WILSON CREEK SUBDIVISION, FOR A 20.6 ACRE TRACT OF LAND ZONED “E ONE ACRE” ESTATE RESIDENCE DISTRICT, LOCATED ON THE SOUTH SIDE OF WILD HORSE CREEK ROAD AND WEST OF WILSON ROAD **(FIRST AND SECOND READINGS; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2557. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2557 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember /Casey, for a second reading of Bill No. 2557. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2557 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2557, with the following results: Ayes – Geiger, Nation, Erickson, Durrell, Casey, Flachsbart, Fults and Hurt. Nays - None. Whereupon, Mayor Nations declared Bill No. approved, passed it and it became **ORDINANCE NO. 2368.**

### **ADJOURNMENT**

Mayor Nations recognized Gene Schenberg, member of the Planning Commission, Mike Reid from Senator Loudon’s office and Boy Scouts who are working on their merit badges.

Councilmember Flachsbart noted that the AmerenUE “franchise” was referenced, earlier in the meeting. He asked that City Attorney Heggie investigate this “franchise” to determine when it would be subject to renewal and to determine what, if anything, is

contained therein, regarding any requirement for the provision of “dependable” electrical service. He asked that Mr. Heggie report back to City Council, at a future meeting.

Mayor Nations adjourned the meeting at 7:38 p.m.

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Mayor John Nations

ATTEST:

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Martha L. DeMay, City Clerk