



## RECORD OF PROCEEDING

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

**October 4, 2004**

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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.

Mayor Nations presented a proclamation to Mr. Yang Liu, age 7, for his “second place” in the North American Kumon Math Challenge at Washington University, competing against students in Grades 1 through 10.

A roll call was taken with the following results:

#### PRESENT

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

#### ABSENT

Councilmember Bruce Geiger

#### INTRODUCTORY REMARKS

Mayor John Nations introduced Chief of Police Ray Johnson, who presented the 2004 “National Night Out” Awards. “National Night Out” was held August 3, with 10 neighborhoods participating in the event and the highest number of residents attending the event, since its inception. The following subdivisions were recognized for their participation: “Best Participation” – Woodfield Subdivision; “Best Program” –

Wildhorse Subdivision; and, “Consistent Participation” – Shenandoah Subdivision. The recipients were given signs to display, at the entrance to their subdivisions, reflecting each of these awards.

Chief Johnson next presented Capt. Graham Burnley with a plaque in commemoration of his 30 years as a Police Officer.

Mayor Nations commended City Administrator Michael Herring for being re-elected to another two-year term of office on the Board of Directors for the Missouri Municipal League.

Mayor Nations announced that the next meeting of City Council has been scheduled for October 18 at 7 p.m.

### **APPROVAL OF MINUTES**

The minutes of the September 20, 2004 City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Fults, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

### **COMMUNICATIONS AND PETITIONS**

Thom Sehnert, whose business is located at 16806 Chesterfield Airport Road, stated his support for a “motion for reconsideration” regarding proposed changes to Ordinance No. 2125, which was adopted at the September 20 City Council meeting.

Leonard Meers, Civil Engineer consultant to Mr. Sehnert, stated his support and said he would answer any questions regarding the proposed changes for Ordinance No. 2125.

Rich Obertino, Architect, stated his support for the approval of the site development plan for Walgreen’s Retail Center.

Kent Kehr stated his support for the Walgreen’s site development plan.

Mark Miller, who resides at 1619 Wildhorse Parkway, stated his support for Bill No. 2308 (Delmar Gardens)

Howard Oppenheimer, who resides at 914 Albey Lane, stated his support for Bill No. 2308 (Delmar Gardens)

### **APPOINTMENTS**

Mayor Nations nominated the following individuals for re-appointment to the Landmark Preservation Commission: Steve Lander -Ward I, Mark Leach - Ward III and Dan Rothwell – Ward IV. Councilmember Durrell made a motion seconded by

Councilmember Casey to re-appoint these individuals to the Landmark Preservation Commission. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Their terms will expire June 30, 2007.

Mayor Nations took this opportunity to welcome a Boy Scout who was in attendance at the meeting and briefly reviewed the agenda procedures with him.

## **COUNCIL COMMITTEE REPORTS**

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

Councilmember Barry Flachsbart, Chairperson of the Public Health and Safety Committee, reported that Bill No. 2304 (Restricts Parking on Baron's Way Drive) will be considered for adoption under the "Legislation" portion of the agenda.

Councilmember Flachsbart announced that the next meeting of this Committee would be scheduled for the middle of November.

### **Planning and Zoning Committee**

Councilmember Connie Fults, Vice Chairperson of the Planning and Zoning Committee, reported that she would give the committee report for the Chairperson of the Committee, Councilmember Bruce Geiger, who was not able to attend tonight's meeting. Chairperson Fults announced that the petitioner has requested that Bill No. 2298 (P.Z. 11-2003, Capitol Land Company) be held. Councilmember Fults made a motion, seconded by Councilmember Flachsbart, to hold Bill No. 2298, until the October 18 City Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults next reported that Bill No. 2307 (P.Z. 16-2003, THF Chesterfield Two Development (Chesterfield Commons East), Bill No. 2308 (P.Z. 14-2004, Delmar Gardens), Bill No. 2305 (approves a boundary adjustment plat for Woods Glen Condominiums and Bill No. 2306 (approves a boundary adjustment plat for King of Kings) will be considered for adoption under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Fults next made a motion, seconded by Councilmember Brown, to approve the site development section plan for the Walgreen's Retail Center at Long Road Crossing. Councilmember Flachsbart disclosed that he was a "minor" stockholder in Walgreen's, but that he perceived no conflict and would be voting. 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 Brown, to approve the site development section plan for Chesterfield Commons North, Lot 4 (First Community Credit Union). 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 October 7 at 5:30 p.m.

### **Public Works and Parks Committee**

Councilmember Dan Hurt, Chairperson of the Public Works/parks Committee, reported that the next meeting of this Committee has been scheduled for October 14 at 5:45 p.m.

### **REPORT OF THE CITY ADMINISTRATOR**

City Administrator Mike Herring reported that the Chesterfield Community Development Corporation (CCDC) Board had recently approved a six-month contract extension with McKinney Associates, for professional services, expiring April 30, 2005. Mr. Herring stated that the total cost of this contractual arrangement was covered through the use of TIF funds. Adoption of Resolution No. 305 would extend the six-month contract, between the City of Chesterfield and the CCDC, for these professional services.. Councilmember Brown made a motion, seconded by Councilmember Casey, to adopt Resolution No. 305. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

### **NEW BUSINESS**

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, that Bill No. 2303/Ordinance No. 2125 be reconsidered, at the October 18 meeting of City Council. Councilmember Hurt noted that his motion was being made, at the request of Mr. Thom Sehnert, owner of the Smokehouse/Annie Gunn's. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Staff was directed to review and comment on the "new" proposed site plan, prior to the next City Council meeting. Additionally, the City Attorney is to prepare the necessary language to enable adoption of this "new" site plan, if approved by City Council.

### **LEGISLATION**

#### **BILL NO. 2304**

**AMENDS ORDINANCE NO. 35, SCHEDULE IX OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO TO RESTRICT PARKING ON BARON'S WAY DRIVE (SECOND READING – PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2304. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2304 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2304, with the following results: Ayes – Streeter, Casey, Hurt, Durrell, Fults, Brown and Flachsbart. Nays - None.

Whereupon, Mayor Nations declared Bill No. 2304 approved, passed it and it became **ORDINANCE NO. 2127.**

### **LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2307** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “C-8” PLANNED COMMERCIAL DISTRICT AND “PC” PLANNED COMMERCIAL DISTRICT TO NEW “PC” PLANNED COMMERCIAL DISTRICT FOR A 61.984 TRACT OF LAND, LOCATED SOUTH OF CHESTERFIELD AIRPORT ROAD, EAST OF CHESTERFIELD COMMONS DRIVE, WEST OF CHESTERFIELD COMMONS EAST DRIVE, AND NORTH OF EDISON AVENUE (P.Z. 16-2003, THF CHESTERFIELD TWO DEVELOPMENT, L.L.C. – CHESTERFIELD COMMONS) (**SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2307. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2307 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2307, with the following results: Ayes – Casey, Hurt, Brown, Flachsbart, Streeter, Durrell and Fults. Nays - None. Whereupon, Mayor Nations declared Bill No. 2307 approved, passed it and it became **ORDINANCE NO. 2128.**

**BILL NO. 2308** AMENDS CITY OF CHESTERFIELD ORDINANCE NO. 1806 TO ALLOW FOR A PARKING STRUCTURE AND MEDICAL AND DENTAL OFFICE AS PERMITTED USES FOR AN 8.48 ACRE “PC” PLANNED COMMERCIAL DISTRICT, LOCATED ON THE NORTH SIDE OF NORTH OUTER 40 ROAD, EAST OF DELMAR GARDENS AT 14825 AND 14805 NORTH OUTER 40 ROAD (P.Z. 14-2004 – DELMAR GARDENS) (**SECOND READING – PLANNING COMMISSION RECOMMENDS DENIAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, AS AMENDED**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2308. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2308 was read for the second time. Councilmember Fults stated that because this legislation was denied at the Planning Commission, a super majority (6) of votes would be required to pass this Bill. Councilmember Streeter stated that it was his intention to vote against this proposed legislation, for a variety of reasons. He noted that Councilmember Geiger also opposed this proposed legislation. He commented that Councilmember Geiger and he felt that a

“medical office use” was not appropriate, south of Conway Road. Discussion ensued, with several Councilmembers indicating support for “medical office use” within an office building environment. A roll call vote was taken for passage and approval of Bill No. 2308, with the following results: Ayes – Casey, Brown, Hurt, Flachsbart, Durrell and Fults . Nays - Streeter. Whereupon, Mayor Nations declared Bill No. 2308 approved, passed it and it became **ORDINANCE NO. 2129.**

**BILL NO. 2305** APPROVES A BOUNDARY ADJUSTMENT PLAT FOR A TRACT OF LAND BEING A PART OF LOT 3 OF KINKEAD ESTATES IN U.S. SURVEY 367, TOWNSHIP 45 NORTH, RANGE 4 EAST AND OF WOODS GLEN CONDOMINIUM PLAT 13 RECORDED IN BOOK 181, ON PAGES 72-75 OF THE ST. LOUIS COUNTY RECORDS IN THE CITY OF CHESTEFIELD, ST. LOUIS COUNTY, MISSOURI (**FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2305. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2305 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2305. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2305 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2305, with the following results: Ayes – Casey, Flachsbart, Brown, Durrell, Fults, Streeter and Hurt. Nays - None. Whereupon, Mayor Nations declared Bill No. 2305 approved, passed it and it became **ORDINANCE NO. 2130.**

**BILL NO. 2306** APPROVES A BOUNDARY ADJUSTMENT PLAT OF PART OF LOT 4 OF SHARE THREE OF THE PARTITION OF MISSOURI STEVENS ESTATES AND A TRACT OF LAND IN U.S. SURVEY 207, TOWNSHIP 46 NORTH, RANGE 4 EAST, CITY OF CHESTERFIELD, COUNTY OF ST. LOUIS, STATE OF MISSOURI; KING OF KINGS LUTHERAN CHURCH (**FIRST AND SECOND READINGS-PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2306. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2306 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2306. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2306 was read for the second time. Councilmember Flachsbart noted that he and his family were members of this Church

and, as a result, he would not be voting on this issue. A roll call vote was taken for passage and approval of Bill No. 2306, with the following results: Ayes – Durrell, Fults, Hurt, Casey, Streeter and Brown. Nays – None. Abstain – Flachsbart. Whereupon, Mayor Nations declared Bill No. 2306 approved, passed it and it became **ORDINANCE NO. 2131.**

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 7:48 p.m.

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Mayor John Nations

ATTEST:

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Martha L. DeMay, City Clerk