



## RECORD OF PROCEEDING

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

**November 6, 2006**

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

The following members of Boy Scout Troop #677, from Ellisville United Methodist Church, led everyone in the Pledge of Allegiance: Tyler Davies, Jackson Ruck, Patrick Witthaus and Daniel Lamers. Troop Leader Mark Ruck was also in attendance.

Mayor Nations led everyone in 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 Barry Streeter  
Councilmember Bruce Geiger  
Councilmember Dan Hurt  
Councilmember Mike Casey  
Councilmember Mary K. Brown  
Councilmember Connie Fults

None

APPROVAL OF MINUTES

The minutes of the October 16, 2006, City Council meeting were submitted for approval. Councilmember Casey 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**

Mayor Nations urged everyone to vote in the November 7 election.

Mayor Nations announced that City Hall would be closed Friday, November 10, in honor of Veterans Day.

## **COMMUNICATIONS AND PETITIONS**

Darcy Capstick, Chairperson of the Citizens Committee for the Environment, and Committee members, Bonnie Weinstein, Jeanne Clauson and Donna Percherski presented the Mayor with two new Citizens Committee for the Environment publications designed to help others conserve natural resources and energy. Mayor Nations presented Ms. Capstick with a Proclamation, urging all residents to participate in America Recycles Day.

Doug Miley, who resides at 14 Chesterfield Lakes Road, opposed the placement of the St. Charles cellular tower in the Walnut Hill Farm subdivision.

Dick Busch, who resides at 12160 Walnut Hill Farm Drive, opposed the placement of the St. Charles cellular tower in the Walnut Hill Farm subdivision.

John Hammond, who resides at 1203 Walnut Hill Farm Drive, opposed the placement of the St. Charles cellular tower in the Walnut Hill Farm subdivision.

Yakov Svirnovskly, who resides at 12 Chesterfield Lakes Drive, opposed the placement of the St. Charles cellular tower in the Walnut Hill Farm subdivision.

Paul Blasé, who resides at 1204 Walnut Hill Farm Drive, opposed the placement of the St. Charles cellular tower in the Walnut Hill Farm subdivision.

Judy Blix, who resides at 1251 Walnut Hill Farm Drive, opposed the placement of the St. Charles cellular tower in the Walnut Hill Farm subdivision.

Rinate Glinchlang, who resides at 16160 Walnut Hill Farm Drive, opposed the placement of the St. Charles cellular tower in the Walnut Hill Farm subdivision.

Jean-Marie Pauli, who resides at 16121 Walnut Hill Farm Drive, opposed the placement of the St. Charles cellular tower in the Walnut Hill Farm subdivision.

Merrell Hansen, who resides at 1234 Walnut Hill Farm Drive, opposed the placement of the St. Charles cellular tower in the Walnut Hill Farm subdivision.

Brad Goss, Attorney-at-Law, 1475 Fairgrounds Road, St. Charles, supported the request to remove Bill No. 2475 (Westland Acres) from the table and urged that it be placed on the November 20 City Council Agenda.

Mike Doster, Attorney-at-Law, 17107 Chesterfield Airport Road, supported the passage/approval of Bill No. 2495 (P.Z. 05-2006, Barry Simon development (Tuscany Reserve)) and Bill No. 2496 (Herman Stemme Office Park) and indicated that he would answer any questions regarding either of those proposed developments.

Stephanie Macaluso, who resides at 1514 Pacland Place, supported Bill No. 2495 (P.Z. 05-2006, Barry Simon development (Tuscany Reserve)).

## **APPOINTMENTS**

Mayor Nations nominated both Phillip Folsom and Steve Rothmel for re-appointment to the Police Personnel Board. Councilmember Flachsbart made a motion, seconded by Councilmember Brown, to re-appoint Philip Folsom and Steve Rothmel, for 3-year terms as members of the Police Personnel Board. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Their terms will expire August 15, 2009.

Mayor Nations next nominated both John Hammond and Joan Schmelig for re-appointment to the Board of Chesterfield Arts and nominated Ms. Merrill Hanson for appointment to the same Board. A motion was made by Councilmember Flachsbart, seconded by Councilmember Brown to re-appoint Mr. Hammond and Ms. Schmelig and to appoint Ms. Hanson to the Board for Chesterfield Arts . A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Their terms will expire August 1, 2010.

## **COUNCIL COMMITTEE REPORTS**

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

Councilmember Dan Hurt, Chairperson of the Public Works/parks Committee, reported that Bill No. 2485 (Establishes NO PARKING” on Justus Post), Bill No. 2486 (Pertains to the acceptance of public streets within the Seasons at Schoettler Addition Subdivision) and Bill No. 2487 (Pertains to the acceptance of Lydia Hill Drive) 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 November 16 at 5:30 p.m.

### **Planning and Zoning Committee**

Councilmember Mary Brown, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2495 (P.Z. 05-2006, Barry Simon Development (Tuscany Reserve) will be read for the first time and Bill No. 2490 (Petro Mart (14898 Clayton Road), Bill

No. 2491 (Approves Record Plat for Villages of Kendall Bluff), Bill No. 2492 (Approves Record Plat for Chesterfield Ridge Phase 2), Bill No. 2493 (Approves lot split for Wildhorse Ranch), Bill No. 2494 (Approves Minor Subdivision Plat for Justus Pointe) and Bill No. 2496 (Herman Stemme Office Park) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda. Councilmember Brown also noted that the site development plan, for Petro Mart, 14898 Clayton Road, would be considered for approval, but only if Bill No. 2490 (see above) is approved.

Councilmember Brown announced that the November 15 meeting of the P&Z Committee has been cancelled. The next meeting of this Committee has been scheduled for December 7 at 5:30 p.m.

### **NEW BUSINESS**

Councilmember Fults made a motion, seconded by Councilmember Hurt, to remove Bill No. 2475 (Westland Acres) from the table to be placed on the December 4 City Council agenda. Councilmember Brown expressed opposition to waiting until the December 4 City Council date, for consideration of this legislation. Councilmember Durrell noted that, over the past 2-3 months, while, at the request of the petitioner, this legislation has been held, those opposed or those with issues/concerns could have submitted same to City Council. She noted that no issues/concerns or general opposition has been expressed by anyone, during that time. Councilmember Brown made a motion, seconded by Councilmember Durrell, to amend the motion to change the date that Bill No. 2475 would be placed on the City Council Agenda, to November 20. A roll call vote was taken with the following results: Ayes – Casey, Streeter, Flachsart, Brown, Geiger and Durrell. Nays – Hurt and Fults. Mayor Nations declared the motion passed. A motion was then made to approve the original motion, as amended. A roll call vote was taken, with the following results: Ayes – Brown, Durrell, Flachsart, Casey, Hurt, Geiger, Streeter. Nays – Fults. Mayor Nations declared the motion passed. Bill No. 2475 (Westland Acres) will be placed on the November 20 agenda.

### **LEGISLATION**

**BILL NO. 2485** AMENDS ORDINANCE NO. 35, SCHEDULE IX OF THE ORDINANCES OF THE CITY OF CHESTERFIELD, BY ADDING PROVISIONS THERETO TO RESTRICT PARKING ON JUSTUS POST (**SECOND READING - PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2485. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2485 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2485, with the following results: Ayes – Streeter, Durrell, Brown, Casey, Hurt, Fults, Geiger and Flachsbart. Nays - None. Whereupon, Mayor Nations declared Bill No. 2485 approved, passed it and it became **ORDINANCE NO. 2311.**

**BILL NO. 2486**      PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS WITHIN THE SEASONS AT SCHOETTLER ADDITION 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. 2486. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2486 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2486, with the following results: Ayes – Fults, Geiger, Casey, Flachsbart, Hurt, Streeter, Brown and Durrell. Nays - None. Whereupon, Mayor Nations declared Bill No. 2486 approved, passed it and it became **ORDINANCE NO. 2312.**

**BILL NO. 2487**      PERTAINS TO THE ACCEPTANCE OF LYDIA HILL DRIVE, ADJACENT TO MONARCH TRACE 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. 2487. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2487 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2487, with the following results: Ayes – Hurt, Geiger, Fults, Casey, Durrell, Flachsbart, Brown and Streeter. Nays - None. Whereupon, Mayor Nations declared Bill No. 2487 approved, passed it and it became **ORDINANCE NO. 2313.**

### **LEGISLATION - PLANNING COMMISSION**

**BILL NO. 2490**      REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 2255 TO ALLOW FOR AN AMENDMENT TO THE STRUCTURE SETBACK AND HEIGHT OF THE CAR WASH FACILITY FOR A 0.92- ACRE TRACT OF LAND ZONED “PC” PLANNED COMMERCIAL DISTRICT LOCATED ON THE SOUTH SIDE OF CLAYTON ROAD, AT ITS INTERSECTION WITH BAXTER ROAD. (PETRO MART/14898 CLAYTON

**ROAD) (FIRST AND SECOND READING - PLANNING  
COMMISSION**

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2490. A voice vote was taken, with a unanimous affirmative result, and the motion was declared passed. Bill No. 2490 was read for the first time.

Councilmember Brown made a motion, seconded by Councilmember Streeter, for a second reading of Bill No. 2490. A voice vote was taken, with a unanimous affirmative result, and the motion was declared passed. Bill No. 2490 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2490, with the following results: Ayes – Brown, Flachsbart, Durrell, Casey, Geiger, Streeter, Fults and Hurt. Nays - None. Whereupon, Mayor Nations declared Bill No. 2490 approved, passed it and it became **ORDINANCE NO. 2314**.

Councilmember Brown made a motion, seconded by Councilmember Hurt, to approve the site development plan, et. al., for Petro Mart, 14898 Clayton Road. A voice vote was taken, with a unanimous affirmative result, and the motion was declared passed.

**BILL NO. 2491** PROVIDES FOR THE APPROVAL OF A RECORD PLAT FOR THE VILLAGES OF KENDALL BLUFF, FOR A 63.80 ACRE TRACT OF LAND ZONED “R1A PEU” RESIDENTIAL PLANNED ENVIRONMENTAL UNIT, LOCATED ON THE NORTH SIDE OF OLIVE BOULEVARD AND EAST OF LADUE ROAD (**FIRST AND SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Brown made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 2491. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2491 was read for the first time.

Councilmember Brown made a motion, seconded by Councilmember Flachsbart, for a second reading of Bill No. 2491. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2491 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2491, with the following results: Ayes – Flachsbart, Durrell, Fults, Casey, Streeter, Brown, Geiger and Hurt. Nays - None. Whereupon, Mayor Nations declared Bill No. 2491 approved, passed it and it became **ORDINANCE NO. 2315**.

**BILL NO. 2492** PROVIDES FOR THE APPROVAL OF A RECORD PLAT FOR CHESTERFIELD RIDGE PHASE II, FOR A 2.67 ACRE TRACT OF LAND ZONED “R-5” P.E.U RESIDENCE DISTRICT, LOCATED 1000 FEET NORTHEAST OF CLARKSON RD. AND OLD CLARKSON RD. (**FIRST AND SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Brown made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2492. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2492 was read for the first time.

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2492. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2492 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2492, with the following results: Ayes – Brown, Geiger, Hurt, Durrell, Casey, Flachsbart, Fults and Streeter. Nays - None. Whereupon, Mayor Nations declared Bill No. 2492 approved, passed it and it became **ORDINANCE NO. 2316.**

**BILL NO. 2493** PROVIDES FOR THE APPROVAL OF A LOT SPLIT FOR LOT 2 OF WILD HORSE RANCH, FOR A 14.87 ACRE TRACT OF LAND ZONED “NU” NON-URBAN DISTRICT, LOCATED NORTH OF WILD HORSE CREEK ROAD APPROXIMATELY ONE THOUSAND FEET EAST OF EATHERTON ROAD (**FIRST AND SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Brown made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2493. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2493 was read for the first time.

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2493. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2493 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2493, with the following results: Ayes – Hurt, Geiger, Streeter, Durrell, Brown, Fults, Flachsbart and Casey. Nays - None. Whereupon, Mayor Nations declared Bill No. 2493 approved, passed it and it became **ORDINANCE NO. 2317.**

**BILL NO. 2494** APPROVES A MINOR SUBDIVISION PLAT FOR A TRACT OF LAND BEING THOSE PARCELS CONVEYED AS PARCEL C-203 AND PARCEL C-204 TO CHESTERFIELD VILLAGE INC. BY DEED RECORDED IN DEED BOOK 7768, PAGE 1382, OF THE ST. LOUIS COUNTY RECORDS, SITUATED IN U.S. SURVEY 2002, TOWNSHIP 45 NORTH, RANGE 4 EAST, IN THE CITY OF CHESTERFIELD, SAINT LOUIS COUNTY, MISSOURI. (JUSTUS POINTE MINOR SUBDIVISION) (**FIRST AND SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Brown made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2494. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2492 was read for the first time.

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second reading of Bill No.2494. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2494 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2494, with the following results: Ayes – Streeter, Hurt, Geiger, Durrell, Flachsbart, Casey, Fults, and Brown. Nays - None. Whereupon, Mayor Nations declared Bill No. 2494 approved, passed it and it became **ORDINANCE NO. 2318.**

**BILL NO. 2495** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “LLR” LARGE LOT RESIDENTIAL DISTRICT TO “E-ONE ACRE” ESTATE DISTRICT FOR 17.06 ACRE TRACTS OF LAND AND “E-TWO ACRE” FOR 40.5 ACRE TRACTS OF LAND LOCATED NORTH OF STRECKER ROAD, EAST OF CHURCH ROAD (P.Z. 05-2006 BARRY SIMPON DEVELOPMENT {TUSCANY RESERVE}) (**FIRST READING- PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ENCLOSED “GREEN SHEET”**)

Councilmember Brown made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2495. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2495 was read for the first time. Councilmember Brown read a list of proposed variances, requested by the petitioner. Councilmember Brown then made a motion, seconded by Councilmember Fults to approve the variances. Councilmember Brown then read into the record a list of reasons why these variances could/should be approved. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Brown made a motion, seconded by Councilmember Casey, to adopt the “green sheet” and “blue sheet” amendments, attached to this proposed legislation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Brown made a motion, seconded by Councilmember Fults, to further amend the “green sheet”, regarding rear yard setbacks. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Fults made a motion, seconded by Councilmember Casey, to include in Attachment A the automatic “Power of Review”. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO. 2496** REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 1229 AND ST. LOUIS COUNTY ORDINANCE NUMBERS 12,959 AND 9523 AND INCORPORATING THOSE CONDITIONS THEREIN INTO THE REVISED ATTACHMENT A 26.3 ACRE TRACT OF LAND ZONED “C8” PLANNED COMMERCIAL LOCATED AT THE NORTHWEST

QUADRANT OF SWINGLEY RIDGE ROAD AND  
CHESTERFIELD PARKWAY EAST. (HERMAN STEMME  
OFFICE PARK) (**FIRST AND SECOND READING –  
PLANNING COMMISSION RECOMMENDS APPROVAL;  
PLANNING AND ZONING COMMITTEE RECOMMENDS  
APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN  
THE ENCLOSED “GREEN SHEET”**)

Councilmember Brown made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2496. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2496 was read for the first time.

Councilmember Brown made a motion, seconded by Councilmember Casey, to amend Bill No. 2496 pursuant to the “green sheet”. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Brown made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2496, as amended. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2496 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2496, with the following results: Ayes – Streeter, Casey, Flachsbart, Geiger, Durrell, Fults, Brown and Hurt. Nays - None. Whereupon, Mayor Nations declared Bill No. 2496 approved, passed it and it became **ORDINANCE NO. 2319.**

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 8:40 p.m.

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Mayor John Nations

**ATTEST:**

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Martha L. DeMay, City Clerk