



## RECORD OF PROCEEDING

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

**November 17, 2003**

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

The Pledge of Allegiance was led by Girl Scout Troop #4380 from Green Trails Elementary School: Camryn Bates, Lauren Klein, Kathryn Graham, Malvika Sampath and Zenya Naufel. Also in attendance were Troop Leaders Kandis Graham, Amy Bates and Susan Klein.

Mayor Nations led everyone in 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 November 3, 2003, 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 during an Executive Session, held prior to the City Council meeting, City Council adopted Ordinance No. 1984, which involves the City acquiring the right-of-way at/near the intersection of Wild Horse Creek Road and Kehrs Mill Road for use by St. Louis County and MoDOT in the construction of a “temporary fix” to the intersection of Wild Horse Creek Road, Kehrs Mill Road and Long Road. City Council also voted to appropriate \$30,000 from Fund Reserves to cover the cost associated with this acquisition. St. Louis County and MoDOT will spend a combined total of approximately \$300,000, for this “temporary fix”.

Mayor Nations announced that City Hall would be closed on Thursday and Friday, November 27 and 28, in observance of the Thanksgiving Holidays.

Mayor Nations announced that the next City Council meeting has been scheduled for Monday, December 1.

Mayor Nations next expressed sympathy to the families of Buzz Westfall, St. Louis County Executive, Ed Bax, City of Chesterfield Fleet Operations Manager and Ivis Johnston, former member of the Police Personnel Board. Everyone in attendance rose for a moment of silence, in honor of these individuals.

## **COMMUNICATIONS AND PETITIONS**

Mike Doster, 17107 Chesterfield Airport Road, counsel to the petitioner, supported the rezoning of Appaloosa Way Subdivision Bill No. 2208 (P.Z. 29-2002).

Ellen Meyer, who resides at 1193 Nooning Tree Drive, expressed concern regarding the safety issues related to the traffic problems at the only entrance in and out of the Nooning Tree Subdivision and requested the City’s assistance in securing an additional entrance.

Aleta Marshall, who resides at 15234 Brightfield Manor Drive, expressed concern regarding the safety issues related to the traffic problems at the only entrance in and out of the Nooning Tree Subdivision and requested the City’s assistance in securing an additional entrance.

Dan Hoag, who resides at 14756 Thornhill Terrace Drive, represented the Board of Trustees and expressed concern regarding the safety issues related to the traffic problems at the only entrance in and out of the Nooning Tree Subdivision and requested the City’s assistance in securing an additional entrance.

Wendy Geckeler, who resides at 26 Chesterfield Lakes, supported the rezoning of Appaloosa Way Subdivision Bill No. 2208 (P.Z. 29-2002).

Leasa Machamer, who resides at 233 Hi Point Road, supported the rezoning of Appaloosa Way Subdivision Bill No. 2208 (P.Z. 29-2002).

Barry Simon, petitioner, 632 Trade Center Boulevard, supported the rezoning of Appaloosa Way Subdivision Bill No. 2208 (P.Z. 29-2002).

Stephen L. Kling, attorney for the Reuthards and Shearns, opposed the rezoning of Appaloosa Way Subdivision Bill No. 2208 (P.Z. 29-2002).

Jeannie Geers, 190 Carondelet Plaza, represented the petitioner and supported Bill No. 2210 (P. Z. 12-2003, Sheridan's Ice Cream Parlor).

## **COUNCIL COMMITTEE REPORTS**

### **Finance and Administration Committee**

Councilmember Jane Durrell, Chairperson of the Finance and Administration Committee, reported that there would be a Budget Workshop held November 19 at 6:30 p.m. to review the proposed FY2004 Budget.

### **Planning and Zoning Committee**

Councilmember Barry Streeter, Chairperson of the Planning and Zoning Committee, reported that he would make a motion under his report to hold Bill No. 2166 (P.Z. 03-2003 – approves re-zoning – Montgomery Bank).

Councilmember Streeter next reported that Bill No. 2217 (P.Z. 10-2003 – Mill Ridge Villas (The Jones Company) will be read for the first time and Bill No. 2215 (approves a record plat for Lot 3 in Town Centre (Long Road), Bill No. 2216 (approves a record plat – Westchester Manor), Bill No. 2208 (P.Z. 29-2002, The Bluffs at Appaloosa Way), Bill No. 2209 (P.Z. 04-2003 – 14891 Olive Boulevard – CSP), Bill No. 2210 (P.Z. 12-2003, Sheridan's Ice Cream Parlor), Bill No. 2211 (P.Z. 18-2003, City of Chesterfield – deferred parking) and Bill No. 2212 (P.Z. 19-2003, City of Chesterfield – construction in existing residential) will be considered for adoption under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Streeter announced that the next meeting of this Committee has been scheduled for November 20 at 5:30 p.m.

### **Public Health and Safety Committee**

Councilmember Mike Casey, Chairperson of the Public Health and Safety Committee, reported that Bill No. 2214 (establishes three-way stop signs in a section of Wilson Farm Drive and Wilson Ridge Lane) will be read for the first time under the "Legislation" portion of the agenda.

Chairperson Casey next reported that Chief Johnson asked the Public Health and Safety Committee to consider two new ordinance requests that have been suggested by Prosecuting Attorney Tim Englemeyer. These two proposed ordinances would assist the Police Department in carrying out their duties. One proposed ordinance would make it unlawful for any person, while being taken into custody, arrested or while being issued a citation or summons to provide any false information. The other proposed ordinance would revise the Model Traffic Code to allow for the sentencing of those violators who drive with a suspended or revoked license. The Committee endorsed both proposed ordinances. City Attorney Beach is currently preparing both ordinances, for consideration by City Council at the December 1 City Council meeting.

Finally, Chairperson Casey reported that the Committee authorized the preparation of an ordinance which would establish school zones as special enforcement areas where it would be posted that fines for speeding violations, within these zones, would be doubled. This, also, will be forwarded to City Council for further consideration, at the December 1 City Council meeting.

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

Councilmember Connie Fults, Chairperson of the Public Works/Parks Committee, announced that the next meeting of this Committee has been scheduled for November 19 at 5:45 p.m.

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

City Administrator Mike Herring announced that there were no additional items requiring City Council review/approval.

### **NEW BUSINESS**

Councilmember Geiger made a motion, seconded by Councilmember Streeter to direct Staff to develop a plan to acquire the Seeger property in order to develop a second entrance for Nooning Tree Subdivision. Discussion ensued. Mayor Nations stated that he has been working to acquire information, as previously directed/authorized by City Council, and has been in contact with Mr. Seeger, to discuss options for obtaining his property and developing a second entrance for the Nooning Tree residents. He suggested that the motion be amended to simply indicate that City Council continues to support efforts currently underway to gather information, for consideration by City Council, at some point in the future, regarding a possible second entrance, from Nooning Tree onto Olive Blvd. Both Councilmembers Geiger and Streeter agreed to this re-wording. The motion was then approved unanimously, as amended.

### **LEGISLATION**

**BILL NO. 2214**

**AMENDS ORDINANCE NUMBER 35, SCHEDULE VI OF  
THE ORDINANCES OF THE CITY OF CHESTERFIELD**

BY ADDING A PROVISION FOR A THREE-WAY STOP SIGN AT THE INTERSECTION OF WILSON FARM DRIVE AND WILSON RIDGE LANE (**FIRST READING – PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Casey made a motion, seconded by Councilmember Fults, for the first reading of Bill No. 2214. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2214 was read for the first time.

**LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2166** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “R-2” RESIDENCE DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 1.38 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF OLIVE BOULEVARD, WEST OF RIVER VALLEY DRIVE (**SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Streeter made a motion, seconded by Councilmember Casey, to hold Bill No. 2166, until the December 1 City Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO. 2208** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO AN “E-3” RESIDENCE DISTRICT FOR A 7.47 ACRE TRACT OF LAND LOCATED NORTH OF WILDHORSE CREEK ROAD, TO THE WEST OF THE “APPALOOSA WAY” SUBDIVISION (P.Z. 29-2002) (**SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2208. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2208 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2208, with the following results: Ayes – Streeter and Brown. Nays – Casey, Geiger, Fults, Flachsbart, Hurt and Durrell. Whereupon, Mayor Nations declared Bill No. 2208 **DEFEATED**.

**BILL NO. 2209** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CREATING A COMMERCIAL SERVICE PROCEDURE WITHIN AN “NU” NON-URBAN DISTRICT FOR AN APPROXIMATELY 0.47 ACRE

TRACT OF LAND LOCATED AT 14891 OLIVE  
BOULEVARD (P.Z. 04-2003) (14891 OLIVE  
BOULEVARD CSP) (**SECOND READING – PLANNING  
COMMISSION RECOMMENDS APPROVAL**)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2209. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2209 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2209, with the following results: Ayes – Fults, Geiger, Hurt, Durrell, Casey, Brown, Flachsbart and Streeter. Nays - None. Whereupon, Mayor Nations declared Bill No. 2209 approved, passed it and it became **ORDINANCE NO. 1985**.

**BILL NO. 2210**

AMENDS CITY OF CHESTERFIELD ORDINANCE  
NUMBER 1272 AND REPEAL ST. LOUIS COUNTY  
ORDINANCE NUMBERS 7664, 9244, 9393, 11,228 AND  
13,811 AND INCORPORATING THOSE CONDITIONS  
THEREIN INTO THE REVISED ATTACHMENT A  
AUTHORIZING THE USE OF A DRIVE-IN  
RESTAURANT IN HILLTOWN VILLAGE CENTER, A  
“C-8” PLANNED COMMERCIAL DISTRICT LOCATED  
AT THE INTERSECTION OF OLIVE BOULEVARD AND  
CHESTERFIELD PARKWAY WEST, RELATING TO THE  
PARCEL IDENTIFIED IN ATTACHMENT A AS PARCEL  
B (P.Z. 12-2003, SHERIDAN’S ICE CREAM PARLOR,  
SACHS PROPERTIES, INC.)(**SECOND READING –  
PLANNING COMMISSION RECOMMENDS  
APPROVAL; PLANNING AND ZONING COMMITTEE  
RECOMMENDS APPROVAL, AS AMENDED**)

Councilmember Streeter made a motion, seconded by Councilmember Geiger, for a second reading of Bill No. 2210. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2210 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2210, with the following results: Ayes – Fults, Durrell, Streeter, Hurt, Geiger, Casey, Flachsbart and Brown. Nays - None. Whereupon, Mayor Nations declared Bill No. 2210 approved, passed it and it became **ORDINANCE NO. 1986**.

**BILL NO. 2211**

AMENDS SECTION 1003.165 ( OFF-STREET PARKING  
AND LOADING REQUIREMENTS-GENERAL) OF THE  
CITY OF CHESTERFIELD’S ZONING ORDINANCE TO  
ESTABLISH A CRITERIA FOR DEFERRAL OF  
PARKING CONSTRUCTION FOR THE PURPOSE OF  
PROVIDING THE APPEARANCE OF MORE GREEN  
SPACE (P.Z. 18-2003, CITY OF  
CHESTERFIELD/DEFERRED PARKING) (**SECOND**

**READING – PLANNING COMMISSION  
RECOMMENDS APPROVAL)**

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2211. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2211 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2211, with the following results: Ayes – Streeter, Flachsbart, Casey, Hurt, Fults, Brown, Geiger and Durrell. Nays - None. Whereupon, Mayor Nations declared Bill No. 2211 approved, passed it and it became **ORDINANCE NO. 1987.**

**BILL NO. 2212**                    AMENDS THE CITY OF CHESTERFIELD ZONING ORDINANCE TO ESTABLISH SECTION 1003.126 PROVIDING PERFORMANCE STANDARDS FOR NEW CONSTRUCTION IN ESTABLISHED RESIDENTIAL AREAS (P.Z. 19-2003, CITY OF CHESTERFIELD/NEW CONSTRUCTION IN EXISTING RESIDENTIAL AREAS) **(SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2212. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2212 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2212, with the following results: Ayes – Flachsbart, Streeter, Durrell, Casey, Geiger, Brown, Fults and Hurt. Nays - None. Whereupon, Mayor Nations declared Bill No. 2212 approved, passed it and it became **ORDINANCE NO. 1988.**

**BILL NO. 2215**                    PROVIDES FOR THE APPROVAL OF THE RECORD PLAT FOR TOWN CENTER, RESUBDIVISION OF LOT 3 – PLAT II, A 1.998 ACRE TRACT OF LAND, PART OF PLANNED COMMERCIAL DISTRICT, LOCATED ON LONG ROAD, SOUTH OF CHESTERFIELD AIRPORT ROAD. **(FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Streeter made a motion, seconded by Councilmember Brown, for the first reading of Bill No. 2215. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2215 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Geiger, for a second reading of Bill No. 2215. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2215 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2215, with the following results: Ayes – Casey, Flachsbart, Brown, Hurt, Durrell, Geiger, Fults and Streeter. Nays

- None. Whereupon, Mayor Nations declared Bill No. 2215 approved, passed it and it became **ORDINANCE NO. 1989.**

**BILL NO. 2216** PROVIDES FOR THE APPROVAL OF THE RECORD PLAT OF WESTCHESTER MANOR, A 7.41 TRACT OF LAND ZONED “E-3” ½ ACRE ESTATE RESIDENCE DISTRICT LOCATED SOUTH OF WILDHORSE CREEK ROAD, EAST OF KEHRS MILL ROAD (**FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Streeter made a motion, seconded by Councilmember Brown, for the first reading of Bill No. 2216. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2216 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2216. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2216 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2216, with the following results: Ayes – Hurt, Fults, Casey, Durrell, Streeter, Flachsbar, Geiger and Brown. Nays - None. Whereupon Mayor Nations declared Bill No. 2216 approved, passed it and it became **ORDINANCE NO. 1990.**

**BILL NO. 2217** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CREATING A PLANNED ENVIRONMENT UNIT WITHIN A REQUEST FOR A PLANNED ENVIRONMENT UNIT (PEU) PROCEDURE WITHIN AN EXISTING “FPR-2” RESIDENCE DISTRICT FOR A 19.928 ACRE OF PROPERTY LOCATED ON THE WEST SIDE OF CREVE COEUR MILL ROAD (P.Z. 10-2003, MILL RIDGE VILLAS/THE JONES COMPANY) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL BUT ONLY IF AMENDED AS PROVIDED FOR IN THE ATTACHED “GREEN SHEET”.**)

Councilmember Streeter made a motion, seconded by Councilmember Brown, for the first reading of Bill No. 2216. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2216 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Casey, to amend Attachment A by including all the changes that appear on the “green sheets”, attached to this proposed ordinance. 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 add Item (w) to Section VII Verification Prior to Approval,

Item A which states that the City of Chesterfield is not responsible for the expense of future installation of sound walls. A roll call vote was taken with the following results: Ayes – Casey, Brown, Durrell and Geiger. Nays – Fults, Streeter, Flachsbart and Hurt. Mayor Nations broke the tie vote by voting “Aye.”

**ADJOURNMENT**

There being no further business to discuss, Mayor Nations adjourned the meeting at 8:22 p.m.

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Mayor John Nations

**ATTEST:**

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Martha L. DeMay, City Clerk