



RECORD OF PROCEEDING

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

February 3, 2003

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

The Pledge of Allegiance was led by Girl Scout Troop #4373 from Shenandoah Elementary School: Cassidy Rook, Alex Friedman, Anne Rosen, Stephanie Lieber, Sarah Holder and Natalie Boyd. Also in attendance was Troop Leader Carrie Wallach.

Mayor Nations led those in attendance 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 January 22, 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 City Hall would be closed on Monday, February 17 in observance of President's Day. Due to that holiday falling on a City Council meeting date, the next meeting of City Council has been scheduled for Wednesday, February 19.

COMMUNICATIONS AND PETITIONS

David Banks, who resides at 1593 Yarmouth Point, expressed concerns about Bill No. 2135, P. Z. 19A-2002, City of Chesterfield, without regard, specifically, to the proposed minimum lot sizes, within each of the three Estate districts.

Fred Broemmer, who resides at 5 River Bend Drive, opposed the proposed minimum lot sizes, within each of the three Estate districts, contained within Bill No. 2135, P. Z. 19A-2002, City of Chesterfield.

Stephanie Macaluso, who resides at 1514 Pacland Place, opposed the proposed minimum lot sizes, within each of the three Estate districts, contained within Bill No. 2135, P. Z. 19A-2002, City of Chesterfield.

Thomas B. Roff, 8251 Maryland Avenue, architect for the petitioner, supported Bill No. 2139, P.Z. 21-2002, THF Chesterfield North Interchange Development, LLC.

Mike Doster, 17107 Chesterfield Airport Road, attorney for the petitioner, supported Bill No. 2139, P.Z. 21-2002, THF Chesterfield North Interchange Development, LLC.

Brett Hardesty, 232 Chesterfield Industrial Blvd., expressed support for Bill No. 2135, P. Z. 19A-2002, City of Chesterfield, regarding the proposed amendment on the levels of Estate Districts, but suggested that a possible compromise might be to allow only a "one-level" reduction re: the minimum lot sizes to be allowed in each of the proposed districts.

COUNCIL COMMITTEE REPORTS

Public Works/Parks Committee

Councilmember Barry Flachsbart, Chairperson of the Public Works/Parks Committee, reported that Bill No. 2138 (No Parking on Federal Way/Eagle Point Court) would be read for the first time under the "Legislation" portion of the agenda.

Councilmember Flachsbart announced that the next meeting of this Committee has been scheduled for March 24 at 5:45 p.m.

Finance and Administration Committee

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, announced that the next meeting of this Committee has been scheduled for

February 26 at 5:30 p.m. He also noted that applications for the Citizen of the Year Award were due Friday, February 14 and that plans were to announce this year's winner at the March 3 City Council meeting, with a formal presentation planned for the March 17 City Council meeting.

Planning and Zoning Committee

Councilmember Dan Hurt, Chairperson of the Planning and Zoning Committee, reported that progress is continuing to be made regarding Bill No. 2119, Property Maintenance Code.

Councilmember Hurt next reported that Bill No. 2139 (P.Z. 21-2002, THF Chesterfield North Interchange Development, L.L.C.) would be read for the first time and that Bill No. 2134 (P.Z. 23-2002, Sona Travel), Bill No. 2135 (P. Z. 19A-2002, City of Chesterfield – Estate Districts), Bill No. 2140 (Vacation of Easement of Highland on Conway, Plat II) and Bill No. 2141 (Boundary Adjustment Plat – Eagle Crest Estates) would be considered for adoption under the “Legislation - Planning Commission” portion of the Agenda.

Councilmember Hurt announced that the February 6 meeting of the P&Z Committee has been cancelled and rescheduled for February 20 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that bids were recently sought for replacement of a large document copier used within the Public Works Department. Based upon the recommendation submitted by Director of Public Works/City Engineer Mike Geisel, Mr. Herring joined with him in recommending acceptance of the bids submitted by ROTOLITE of St. Louis, for a Xerox 3050 Engineering Copier, on a 3-year lease-purchase basis, at a monthly cost of \$1,161.11. Mr. Herring noted that adequate funds exist within the FY2003 Budget to cover this entire expense. A motion was made by Councilmember Casey, seconded by Councilmember Streeter, to award a contract to ROTOLITE of St. Louis, for a Xerox 3050 Engineering Copier, on a 3-year lease-purchase basis, at a monthly cost of \$1,161.11. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

There was no new business.

LEGISLATION

BILL NO. 2138 AMENDS ORDINANCE NO. 35, SCHEDULE IX OF THE
ORDINANCES OF THE CITY OF CHESTERFIELD, BY
ADDING PROVISIONS THERETO TO RESTRICT PARKING
ON FEDERAL WAY AND EAGLE POINT COURT (**FIRST**

**READING – PUBLIC WORKS/PARKS COMMITTEE
RECOMMENDS APPROVAL)**

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2138. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2138 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2134 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CREATING A COMMERCIAL SERVICE PROCEDURE IN THE “R-2” 15,000 SQUARE FOOT RESIDENCE DISTRICT FOR A .45 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF OLIVE BOULEVARD, WEST OF RIVER VALLEY DRIVE (P.Z. 23-2002 SONA TRAVEL) **(SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2134. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2134 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2134, with the following results: Ayes - Hurt, Durrell, Streeter, Brown, Fults, Casey, Geiger and Flachsbart. Nays - None. Whereupon Mayor Nations declared Bill No. 2134 approved, passed it and it became **ORDINANCE NO. 1912.**

BILL NO. 2135 REPEALS ORDINANCE 1901 AND AMENDS SECTION 1003.107, DELETING SECTIONS 1003.108, 1003.109 OF THE CITY OF CHESTERFIELD ZONING ORDINANCE PERTAINING TO THE ESTATE DISTRICTS BY ELIMINATING THE STANDARD PROCEDURE AND PERFORMANCE ZONING PROCEDURE OPTIONS AND PERMITTING THE PLANNED ENVIRONMENT UNIT (PEU) OPTION FOR DEVELOPMENT; ESTABLISHING BUFFERING STANDARDS FOR DEVELOPMENT ALONG COLLECTOR AND ARTERIAL ROADS; ELIMINATING THE 10 ACRE MINIMUM REQUIREMENT IN ESTATE DISTRICTS; AND BY REQUIRING THAT THE MAXIMUM NUMBER OF UNITS IN A DEVELOPMENT CORRELATE TO THE UNDERLYING ZONING IN THE ESTATE DISTRICT (P.Z. 19A-2002 CITY OF CHESTERFIELD) **(SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, AS AMENDED)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2135, as previously amended. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2135 was read for the second time. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to amend Page 7, Section 10, Table 6 Item (g) to read “Structure setback from the dedicated landscape buffer or lawn, arterial and collector roadways” and on Page 8 *** by adding “When the development adjoins a collector arterial roadway as established by the Comprehensive Plan or as determined by the Director of Public Works, a minimum dedicated 30 ft. landscaped buffer shall be provided. Buffer shall not be counted towards minimum lot size. In no case shall the total number of units in the development (net acreage) exceed the average acreage per unit as established by the underlying zoning.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Casey next made a motion, seconded by Councilmember Hurt, to amend Page 7, * to read that “The minimum lot size may drop one density zone below the requested district only after the developer has established to the Planning Commission that the reduced lot size will be a significant improvement of the planned district.” Councilmember Flachsbart made a motion, seconded by Councilmember Durrell, to amend the proposed amendment to state that the E-Districts may drop two density zones for the E-2 acre districts under the same conditions. Discussion ensued. A roll call vote was taken with the following results: Ayes – Flachsbart and Durrell. Nays – Geiger, Hurt, Fults, Brown, Casey and Streeter. Mayor Nations declared the motion defeated. Mayor Nations called for a voice vote to approve Councilmember Casey’s motion to amend. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Hurt next made a motion to amend and to remove the sentence requiring the approval of two-thirds vote of the Planning Commission. The motion died for lack of a second. Councilmember Flachsbart made a motion to call for the question. The motion died for lack of a second. Councilmember Streeter made a motion seconded by Councilmember Hurt, to amend Page 7 to remove the two-thirds vote requirement. Councilmember Hurt made a motion, seconded by Councilmember Geiger, to suspend the rules to invite comments from the Chairperson of the Planning Commission. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Planning Commission Chairperson then addressed the Council, indicating that the five members of the Planning Commission in attendance would SUPPORT removal of the two-thirds vote requirement, since the minimum lot size was changed to only allow a reduction of one lot size. Mayor next called for a vote on Councilmember Streeter’s motion. A voice vote was taken with an affirmative result (Councilmember Flachsbart voted “No”). Mayor Nations called for the roll call vote for passage on Bill No. 2135 with the following results: Ayes – Streeter, Durrell, Flachsbart, Casey, Brown, Fults, Hurt and Geiger. Nays – None. Whereupon Mayor Nations declared Bill No. 2135 approved, passed it and it became **ORDINANCE NO. 1913**.

BILL NO. 2139 AMENDS THE ZONING ORDINANCE OF THE CITY OF
CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN
“FPNU” FLOOD PLAIN NON-URBAN DISTRICT AND AN

**“NU” NON-URBAN DISTRICT TO A “PC” PLANNED
COMMERCIAL DISTRICT FOR A 4.75 ACRE TRACT OF
LAND LOCATED NORTH OF I-64/HIGHWAY 40-61, WEST OF
BOONE’S CROSSING AND SOUTH OF NORTH OUTER
FORTY ROAD (P.Z. 21-2002, THF CHESTERFIELD NORTH
INTERCHANGE DEVELOPMENT L.L.C.) (FIRST READING –
PLANNING COMMISSION RECOMMENDS APPROVAL;
PLANNING AND ZONING COMMITTEE RECOMMENDS
APPROVAL BUT ONLY IF AMENDED)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2139. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2139 was read for the first time. Councilmember Hurt made a motion, seconded by Councilmember Casey to approve the amendments offered on the green sheet and on Page 5, Item 4. b. to delete “no closer than 150 feet to the western property line” as exhibited in the Site Plan, Exhibit 1 and by adding Item e. to Section 13. Miscellaneous on Page 9, to add that the developer will irrigate, landscape and maintain the entire green space area, as indicated in Exhibit 1. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Streeter made a motion, seconded by Councilmember Casey, to reduce the open space requirement from 50% to 40%. Much discussion ensued. Mayor Nations called for the roll call vote on the motion with the following results: Ayes – Brown, Casey, Durrell, Hurt, and Streeter. Nays – Geiger, Fults and Flachsbart. Mayor Nations declared the motion passed. Second reading and adoption of this proposed ordinance are scheduled for the February 19 meeting of City Council.

**BILL NO. 2140 VACATES PARTS OF THE FIVE (5) FOOT WIDE AND SEVEN
AND ONE-HALF (7.5) FOOT WIDE UTILITY EASEMENTS IN
LOTS 15, 16, 17, 19, 20 OF “HIGHLAND ON CONWAY PLAT
2”, A SUBDIVISION ACCORDING TO THE PLAT THEREOF
RECORDED AS DAILY NUMBER 151 IN PLAT BOOK 83,
PAGE 39, CITY OF CHESTERFIELD, ST. LOUIS COUNTY,
MISSOURI (FIRST AND SECOND READINGS –
DEPARTMENTS OF PLANNING AND PUBLIC WORKS
RECOMMEND APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2140. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2140 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2140. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2140 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2140, with the following results: Ayes – Streeter, Flachsbart, Fults, Geiger, Hurt, Durrell, Casey and Brown. Nays - None.

Whereupon Mayor Nations declared Bill No. 2140 approved, passed it and it became **ORDINANCE NO. 1914.**

BILL NO. 2141 APPROVES A BOUNDARY ADJUSTMENT PLAT FOR LOTS 21 AND 22 OF EAGLE CREST ESTATES, KNOWN AS A TRACT OF LAND BEING LOCATED IN U.S. SURVEYS 125 AND 886, TOWNSHIP 45 NORTH, RANGE 4 EAST, CITY OF CHESTERFIELD, MISSOURI (**FIRST AND SECOND READINGS – DEPARTMENTS OF PLANNING AND PUBLIC WORKS RECOMMEND APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2141. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2141 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2141. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2141 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2141, with the following results: Ayes – Brown, Flachsbart, Fults, Casey, Streeter, Hurt, Geiger and Durrell. Nays - None. Whereupon Mayor Nations declared Bill No. 2141 approved, passed it and it became **ORDINANCE NO. 1915.**

ADJOURNMENT

Mayor Nations adjourned the meeting at 8:45 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk