



WHERE COMMUNITY AND SPIRIT MEET®

## **WORK SESSION MINUTES**

A work session of the Kirkwood City Council was held on August 25, 2022 at 4:30 p.m. at Kirkwood City Hall, 139 S. Kirkwood Road, Kirkwood, Missouri. Present were Mayor Griffin, Council Members Duwe, Gibbons, Luetzow, Sears, Ward and Zimmer. Also in attendance were Chief Administrative Officer Russell Hawes, Assistant Chief Administrative Officer David Weidler, City Clerk Laurie Asche, Deputy City Clerk Kim Sansegraw, Planning and Development Services Director Jonathan Raiche, City Planner II Amy Lowry, Public Services Director Bill Bensing, City Engineer Chris Krueger, City Forester Cory Meyer, Communications Manager Freddy Doss and City Attorney John Hessel.

## **APPROVAL OF THE JUNE 16<sup>TH</sup>, JULY 7<sup>TH</sup>, JULY 21<sup>ST</sup>, AUGUST 4<sup>TH</sup>, AND AUGUST 18<sup>TH</sup> WORK SESSION MINUTES**

Motion was made by Council Member Ward and seconded by Council Member Sears to approve the June 16<sup>th</sup>, July 7<sup>th</sup>, July 21<sup>st</sup>, August 4<sup>th</sup>, and August 18<sup>th</sup>, 2022 Work Session minutes. The motion was unanimously approved.

## **LANDMARKS ORDINANCE**

Planning and Development Services Director Jonathan Raiche and City Planner II Amy Lowry presented the proposed revision for the Landmarks Ordinance. A sub-committee was formed to review the Landmarks Ordinance. Some of the proposed changes include:

- City Council would have final designation of Landmarks and Historic Districts with Historic Preservation Commission (HPC).
- If no consent by property owner to Landmark status, or with less than 67% of owners of records in a proposed district consenting, the property or district still could be designated with a supermajority (5/7 members of HPC on the recommendation of 5/7 members of City Council on the designation).
- All Landmarks must be re-designated within a 10-year period with emphasis on identifying the historic features of the property that must be preserved.
- No change in review period of 60 to 270 days. Demolition in whole or in part shall be reviewed, but partial demolition or demolition of an accessory structure may proceed faster.
- Appeal of all binding decisions to St Louis County Circuit Court. This would be the same as ARB binding decisions that are currently appealed to Circuit Court.
- Non-binding decisions on additions may proceed without HPC consent after a period of 180 days.
- No fees for design review and institute fee for demolition review to cover cost of advertising and postage for public hearings.

A discussion took place.

- Question was raised how having three non-voting members being appointed to serve and attend each meeting would work
- A suggestion was made to give the Commission a budget
- The Subcommittee decided to leave the review period for demolition at 60-270 days after extensive discussion
- Suggestion was made to amend the provision that the non-voting members are expected to be at the meetings but take out the part regarding removal
- Mention was made it would not be practical to have non-voting members considering how difficult it has been filling vacancies for boards and commissions recently
- It was mentioned that 270 days for the review period for demolition is too long
- Mention was made the keeping the review period up to 270 days could be a deterrent for demolition

Motion was made by Council Member Sears and seconded by Council Member Duwe to amend the proposed ordinance to include up to three non-voting members to attend meetings and participate in discussions, but are not authorized to make motions or cast votes. The motion was unanimously approved.

Motion was made by Council Member Sears and seconded by Council Member Ward to amend the proposed ordinance to state that regular attendance is expected once appointed and attendance records will be reported to City Council. The motion was unanimously approved.

Motion was made by Council Member Ward and seconded by Council Member Sears to change the review period to from 60 days up to 270 day to 60 days up to 180 days for demolition. A discussion was held. The motion was approved 4-3. Council Members Duwe, Gibbons and Luetzow were opposed.

Motion was made by Council Member Sears and seconded by Council Member Zimmer to accept the proposed changes from the Missouri State Historic Preservation Office: 1) have staggered terms, 2) filling vacancies within 60 days, 3) making guidelines available to the public and both the HPC and the Mayor may review and comment on National Register nominations. The motion was unanimously approved.

Staff will present legislation to the council in a future public hearing.

### **TREE ORDINANCE**

Public Services Director Bill Bensing and City Forester Cory Meyer presented a memo regarding potential changes to the Tree Ordinance. Some of the key points for review include:

- Contradiction of the building and zoning code R-4 setbacks of 5 ft. and the Tree Ordinance of requiring a minimum of 10 ft. tree protection, primarily for border trees and off-site trees
- Addition of clear and concise wording to include the requirement of Tree Studies for partial site development
  - This will clear any confusion on requiring Tree Studies for additions, exterior alterations, or partial site development that impacts significant trees by encroaching their 10 ft. protection zone
  - “Section 24-4 Tree Preservation and Protection”
    - A tree protection plan approved by the Urban Forester, or designee, shall be required for all permits from the Building and/or Engineering Department that include:
      - All New Construction, Demolition, Excavation, Grading, and complete Site redevelopment
      - All partial site development including additions and/or exterior alterations that:
        - Impact 33% of the lot area
        - Impact significant trees
        - Tree protection will be required for all partial site development that will encroach within 10 ft. of significant trees or trees on City Right of Way or neighboring property
- Enforcement of the Tree Ordinance
- Nuisance code violations

A discussion took place.

- At this time, any contradiction of the building and zoning code R-4 setbacks of 5 ft. and the Tree Ordinance requiring a minimum of 10 ft. tree protection, the zoning code prevails
- Question was raised if the City is retaining more trees overall
  - Trees are lost on private properties

- Mention was made that site redevelopment should not have required tree protection

Staff is looking for direction from city council on how to proceed with the current Tree Ordinance.

Motion was made by Council Member Ward and seconded by Council Member Sears to give staff direction to revise the tree ordinance consistent with staff's interpretation with the memo presented. A discussion was held. The motion failed. Mayor Griffin, Council Members Sears, Wallace and Zimmer were opposed.

Public Services Director Bill Bensing requested to bring proposed changes to the Nuisance Code at a future work session for council to review.

Staff will present legislation to the council in a future public hearing.

There being no further matters to come before the council, the meeting was adjourned.

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Laurie Asche  
City Clerk