

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**MEETING MINTES**

**September 7, 2022**

**PRESENT:** **ABSENT:**

Jim Adkins, Chair James Diel

Tom Feiner, Vice Chair Sandy Washington

David Eagleton, Secretary/Treasurer

Ron Evens

Allen Klippel

Mary Lee Salzer-Lutz

Darrell Scott

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, September 7, 2022, at 7:00 p.m. in the City Hall Council Chambers. City Attorney John Hessel, Planning and Development Services Director Jonathan Raiche, Planner II Amy Lowry, and Permit Clerk Danielle Johnson also attended the meeting.

1. Chair Adkins called the meeting to order at 7 p.m. and informed the audience of the Speaker Cards and procedures for making comments regarding items on the agenda requiring Site Plan Review. Chair Adkins announced that Commissioners Diel and Washington were absent and their absences were excused.

2. Motion was made by Commissioner Eagleton and seconded by Commissioner Feiner to approve the minutes for the August 17, 2022, meeting as written. The minutes were approved with six members voting in favor and Commissioner Scott abstaining.

1. **PZ-3-23 MIXED USE IN B-2 DEVELOPMENT PLAN – KIRKWOOD APARTMENTS, 300 N. KIRKWOOD ROAD**

Submitted: 7-15-2022 Automatic Recommendation Date: 11-14-2022

Petitioner Brian Maenner

Planner II Amy Lowry presented the changes and clarifications from the previous meeting to the plans for the 60-unit apartment complex with commercial, office, and retail space on Kirkwood Rd. The project meets the parking and setback requirements. The building height is 59.19 feet at the highest point of the parapet wall for the flat roof in the southwest corner of the building. The landscape plan was updated to provide greater caliber on understory trees and the height of evergreens. The landscaping exceeds minimums in many instances, especially along the northern property line. Staff believes the trees are appropriate and encourages retention of them. The City is still waiting for a revised tree study to identify off-site trees on the condominium property to the east. Lighting regulations have been met. The lighting fixtures will be installed in a downlight configuration for those that are moveable. At the Subcommittee meeting on-site, the following details were discussed:

* A site plan modification will be required to waive the requirement for a buffer trees and a screening fence per Section 25-60 along the eastern property line as it adjoins the R-5 zoned properties. The applicant included the sidewalk and chain link fence at the City’s suggestion in order to provide a consistent development with the northern lot and the neighbors’ preferences.
* With regard to pedestrian safety and access on the site, the subcommittee did not believe the limited number of pedestrian crossings of the 22’-wide drive aisle on the east side of the site warranted a striped crosswalk from the sidewalk to the parking lot.
* The subcommittee concluded that that the requirements of Development Plan review criteria in Section 25-18(d) have been met.

Ms. Lowry reported that an updated traffic memo was received from the applicant that analyzed the anticipated trips to be generated by the proposed development and concluded that the development will generate 42 site trips in the a.m. peak hour and 63 site trips in the p.m. peak hour. The City Engineer concluded that would not warrant any roadway improvements to accommodate the proposed development.

George Stock with Stock & Associates Consulting Engineers introduced himself and said he was available for any questions the Commission may have. There were no questions.

Ms. Lowry read the underlined sections of the Subcommittee Report recommending approval:

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**SUBCOMMITTEE REPORT**

**September 7, 2022**

***PETITION NUMBER*:** PZ-03-23

***ACTION REQUESTED*:** B-2, MIXED-USE DEVELOPMENT PLAN REVIEW

***PROPERTY OWNERS*:** 300 KIRKWOOD, LLC

***APPLICANT*:** BRIAN MAENNER, INTRINSIC DEVELOPMENT

***PROPERTY LOCATION*:** 300 N. KIRKWOOD ROAD

***ZONING*:** B-2, CENTRAL BUSINESS DISTRICT

***DOCUMENTS SUBMITTED:*** DEVELOPMENT PLAN PACKET (13 SHEETS) PREPARED BY STOCK & ASSOCIATES, PW ARCHITECTS, J-SQUARED ENGINEERING, AND LOOMIS AND ASSOCIATES STAMPED “RECEIVED SEPTEMBER 2, 2022, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

KIRKWOOD APARTMENTS TRIP GENERATION MEMORANDUM PREPARED BY LOCHMUELLER GROUP STAMPED “AUGUST 16, 2022, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

PARKING ANALYSIS PREPARED BY STOCK & ASSOCIATES STAMPED “RECEIVED JULY 26, 2022, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

**DESCRIPTION OF PROJECT:**

The applicant is requesting approval of a proposed development plan according to the B-2, Mixed-use procedure set forth in Section 25-18 of the City’s Zoning Code. The existing site is approximately 1.44 acres and currently consists of a stand-alone building for Commerce Bank. A new Commerce Bank building is under construction on the .74-acre lot immediately to the north. The proposed plan for this site includes demolition of the existing structure and construction of a 4-story, 94,051 square-foot, mixed-use building with 5,365 square feet of commercial space on the first floor along Kirkwood Road and 60 residential units on the top three floors. There will be structured and uncovered parking in the rear of the first floor. A swimming pool and amenities deck will be provided on the second level. The proposed plan includes one vehicular traffic access point on Adams Avenue with cross access to the Commerce Bank site to the north and to Washington Avenue. Additional detail of the proposed site plan is provided later in this report.

**COMPREHENSIVE PLAN, LAND USE AND ZONING:**

The site is designated as Downtown on the EnVision Kirkwood 2035 Future Land Use Map. Attached Residential (Duplexes/Townhomes/Apartments), Regional/Neighborhood Commercial, and Regional/Neighborhood Office are listed in this land use category as appropriate development types. The mixed-use development is consistent with the development policies presented by the Comprehensive Plan.

The subject properties are currently zoned B-2, Central Business District, which allows for mixed-use buildings subject to certain requirements.

Surrounding land uses and zoning include the following:

To the north: Directly adjacent, the property will be occupied by a bank, zoned B-2.

To the south: Across Adams Avenue, the property is occupied by a church, zoned B-2.

To the east: Directly adjacent to the subject site is an existing multi-family condominium building and the YMCA complex, both zoned R-5.

To the west: Across Kirkwood Road, properties contain various commercial uses zoned B-2.

**DEPARTMENTAL/AGENCY COMMENTS:**

Electric: No comments.

Water: 1. Construction plans shall show proposed water tap, service line size, material, and meter vault.

2. Water service to be installed per City of Kirkwood and Water and Fire Service Specifications, and under the direct supervision of Kirkwood Water personnel.

Engineering: No comments.

Building/Fire: No comments.

Forestry: 1. The Zoning Code requires understory trees to be a minimum of 1.5 inches caliper.

2. Due to the parking being partially structured, the planting of canopy trees in the exposed landscaping islands near the building will not be required. Current landscaping will be sufficient.

3. Eastern property line vegetation buffering is sufficient with the proposed sidewalk as it matches the approved plan for the adjoining property to the north.

**SITE ELEMENTS ANALYSIS:**

***Structure and Unit Density***

The proposed structure has a maximum building height of 59.19 feet from the average finish grade to the highest point of the parapet wall for the flat roof in the southwest corner of the building. Although not requested for this proposal, the mixed-use development process allows for architectural features, like a parapet wall, to be permitted above the maximum 60-foot building height if approved as part of the site plan. In addition to the height in feet, the Zoning Code also restricts height to that which would create a floor area ratio (FAR) of 2.5. The FAR for this project is 1.50, not including the attached parking structure.

Within the Downtown Master Plan Study area, both Kirkwood Road and Adams Avenue are Phase I streets with a minimum front setback requirement of 0 feet and a maximum of 20 feet. The proposed structure is located 15.6’ from the property line along Kirkwood Road, and approximately 10 feet from the property line along Adams Avenue for the eastern stairwell and 12.6 feet for the bulk of the building. The required structure setback from the eastern property line is 50% of the proposed building height, or not more than 29.6 feet in this case; the proposed structure is set back a minimum 36.7 feet. There is no required structure setback from the northern property line; the proposed structure is set back a minimum 10 feet for a stairwell and 12.5 feet for the bulk of the building,.

The Zoning Code also requires that the structure must be located within the required front setback range in order to be included in the minimum street frontage occupation requirement, which for the subject site on Phase I streets is 90%. The plans indicate that the proposed building occupies approximately 96% on both street frontages, excepting the required setback area from the eastern property line.

The maximum density allowed for multi-family developments within the Downtown Master Plan Study area is 43 dwelling units per acre, which would allow for 61 units on this property. The proposed plan includes 60 dwelling units.

***Traffic & Site Access Management***

Access to the enclosed and surface ground-level parking on the site is from a 22-foot wide drive aisle from Adams Avenue on the east side of the site with cross access to the Commerce Bank site to the north and on to Washington Avenue. At the recommendation of City Staff, the applicant provided a trip generation memorandum prepared by Lochmueller Group. The memo analyzed the anticipated trips that would be generated by the proposed development and concluded that the development is anticipated to generate 42 site trips in the a.m. peak hour and 63 site trips in the p.m. peak hour. Staff concludes the development would have minimal impact on the operating conditions at the adjacent intersections and would not warrant any roadway improvements to accommodate the proposed development. Because Adams Avenue is a St. Louis County maintained road, County approval will be required. The County provided initial comments that did not indicate any concern or requirement for improvements; however, they also requested City conceptual approval. Such approval will be forwarded to the County upon City Council approval of the plans.

Along Kirkwood Road, there is an 8-foot wide sidewalk on-site with an 8-foot wide tree-lawn in the right of way to match the treatment on the property to the north. Due to underground and overhead utility conflicts, and to St. Louis County’s prohibition of trees in its controlled right-of-way, a 6-foot wide sidewalk shifts adjacent to the curb along Adams Avenue so that the required landscaping is still provided between the sidewalk and the building in a tree lawn of varying widths from 7 to 15 feet. A 5-foot wide sidewalk is provided along the north side of the building. On the east of the property, the applicant is proposing a modification to continue the same 5-foot wide sidewalk approved by City Council for the Commerce Bank site to allow continuous mid-block access from Adams Avenue to Washington Avenue. See modification section below.

***Parking***

The proposal includes a combination of surface and structured parking at ground level of the building with three open access points. There will be 110 parking stalls provided on the site. The parking regulations require 90 parking stalls for the residential portion of the development (1.5 spaces per dwelling unit) and 25 parking stalls for the proposed commercial development (which includes restaurant space with the most restrictive parking rate of 1 space per 100 square feet of floor area). The Zoning Code does allow, however, for an up to 15% exclusion of the gross floor area for parking calculations for storage accessory to the principal use, restrooms, utility or maintenance areas, loading docks, and other areas incidental to the principal use. The Zoning Code also allows an application to include 5% less than the required parking without the need for an administrative waiver. Finally, the Zoning Code allows for a reduced number of parking spaces in a shared parking facility as in Table 65-4 as not all residential and commercial tenants will be utilizing the site at the same time. Based on these allowances, the site is required to have a maximum number of 108 parking spaces as demonstrated in in the parking analysis prepared by Stock & Associates. The parking analysis provided makes assumptions about the amount of square footage deducted for storage and other similar areas. Each tenant space will be evaluated at the time building permits are submitted for those specific spaces. While the proposed calculations with the referenced assumptions meet the Zoning Code, approval of this plan does not guarantee parking will be met if the assumptions are not realized. Ultimately, if the assumed deductions for lobbies, restrooms, etc. are not consistent with the end-users plans, this could mean that the mixture of uses might need to shift such that a higher parking rate (e.g. restaurant) would occupy a smaller space or shift to a use that requires less parking. It would not create scenario whereby a portion of the commercial space could not be occupied.

The Zoning Code requires 1 bicycle rack for every 6 dwelling units (10 racks), 1 for every 1,500 square feet of restaurant (1 rack), 1 for every 2,500 square feet of retail (1 rack), and 1 for every 5,000 square feet of office (1 rack) for a total of 13 racks. The applicant will provide 14 U-shaped racks immediately north of the building.

***Landscaping***

The applicant is requesting modification of the buffer landscaping in Section 25-60 along the eastern property line where 1 deciduous tree every 50 feet, 1 evergreen tree every 25 feet, and 1 shrub every 10 feet would have been required (see modification request section below). With the exception of this request, the remaining landscape requirements of Section 25-59 are exceeded. According to Staff’s calculations, there are 5 canopy trees required along the western property line (7 will be provided in the right of way), 7 canopy trees required along the southern property line (8 will be provided), and no trees required along the northern property line because there is no required structure setback (8 will be provided). However, Staff believes the additional proposed trees are appropriate and encourages the retention of these trees. The dumpster enclosure will be screened on 3 sides by 9 evergreen shrubs and required trees are being provided at the ends of parking rows.

***Lighting***

The site photometric plan meets the City’s lighting regulations. New City standard Valmont light fixtures will be provided in the Kirkwood Road right of way. The Lumiere ‘F3’ bollard fixture (downlight configuration) is proposed in order to match the illuminated bollards on the north adjacent property. The proposed matching Lumiere wallpack fixture ‘WP3’ has a standard adjustable mount, but must be used in a downlight orientation only.

***Modification Request***

The applicant is requesting a site plan modification in accordance with Zoning Code Section 25-19(g) for the required Type C buffering standard under Section 25-60(b)(3) that would require 10’ of landscaping and a sound mitigating/sight-proof fence on the eastern property line. The treatment in this area would instead match what was requested by neighboring property owners and approved by City Council on the Commerce Bank site to the north: a 5’-wide public pedestrian walkway to provide an alternative pedestrian path between Washington Avenue and Adams Avenue and an 8-foot high, black vinyl-coated chain link fence on the property line with low-lying vegetation to be planted between the fence and the sidewalk. In the adjacent development, this treatment was determined to provide a benefit for pedestrian access that exceeds the minimum requirements and warrants the modification.

**DISCUSSION:**

A Zoning Matters sign was placed on the property on August 12, 2022. The request was introduced at the Planning & Zoning Commission meeting on August 17, 2022. A subcommittee meeting was held on site on August 23, 2022. A list of attendees of the subcommittee meetings can be seen in Exhibit B. At the subcommittee meetings, the following items were discussed:

1. The subcommittee discussed pedestrian safety and access on the site. The subcommittee did not believe the limited number of pedestrian crossings of the 22’-wide drive aisle on the east side of the site warranted a striped crosswalk from the sidewalk to the parking lot. The subcommittee did request that the applicant explore the possibility of a continuation of the east/west oriented sidewalk on the north of the building to connect to the north/south sidewalk on the eastern edge of the property. (Post meeting note: the applicant was unable to make this request work and still maintain the greenspace and landscaping. The east/west sidewalk is for utility and bicycle rack access.)
2. The subcommittee requested that the applicant find a place for the historic Pitman school flagpole, plaque, and bench somewhere on site. (Post meeting note: The flagpole and plaque will be relocated to the Commerce Bank site and the bench offered to the family of the bench’s honoree.)
3. The access road will connect both properties with no access gates.
4. The lighting on Kirkwood Road should be Valmont poles spaced every 100’.
5. The subcommittee found that modification for continuation of the eastern sidewalk and the powder-coated chain link fence as requested by neighbors and approved by City Council on the Commerce Bank site is appropriate and the subcommittee has included a recommendation for approval of the modification.
6. The subcommittee concluded that that the requirements of Development Plan review criteria in Section 25-18(d) have been met.

***RECOMMENDATION:***

The Subcommittee recommends that this application be **approved** with the following conditions:

1. A final site plan shall be submitted for review within 12 months of approval of this Development Plan by the City Council and said plan shall be consistent with the Development Plan documents referenced in the Documents Submitted portion of this report.
2. Based on the desire of the City to continue the same treatment approved by City Council for the Commerce Bank site that provides better pedestrian access, the modification to the required Type C buffer in Section 25-60(b)(3) shall be approved to provide a 5’-wide sidewalk and an 8-foot high, black vinyl-coated chain link fence on the eastern property line with low-lying vegetation to be planted between the fence and the sidewalk.
3. A recorded cross-access easement for both vehicular and pedestrian access shall be required along the proposed eastern drive and the buffer area that will accommodate the requested sidewalk in this area to provide access across the site and toward Washington Avenue.
4. A revised tree study and protection plan which includes all off-site trees within 10 feet of the property line shall be submitted for review and approval by the City Forester prior to approval by the City Council.
5. The applicant shall comply with all standard conditions as listed in Exhibit A.

Respectfully submitted,

James Diel Sandy Washington

Motion was made by Commissioner Salzer-Lutz and seconded by Commissioner Feiner to approve PZ-3-23, Mixed Use in B-2 Development Plan for the Kirkwood Apartments, 300 N. Kirkwood Road subject to the conditions contained in the Subcommittee Report. There being no discussion, the motion was unanimously approved by the seven members present.

1. **PZ-2-23 COMMUNITY UNIT PLAN (CUP) FINAL SITE PLAN AMENDMENT – KIRKWOOD BLUFFS APARTMENTS, 1157 TIMBERBROOK DRIVE**

Submitted: 7-01-2022 Automatic Recommendation Date: 10-31-2022

 Petitioner Mark Walburg, ARCO Construction

Planner II Amy Lowry presented the plans for site plan amendment for the construction of a clubhouse, a utility/mail building, and an in-ground pool in the northwest of the Kirkwood Bluffs Apartments site and for a new parking lot off Wealdwood Ct. The existing clubhouse, pool, and parking area in the northeast of the site will be removed and that area will be regraded and revegetated after completion of this project. Based on the originally approved parking rate of 1.74 parking space/unit rate and 412 dwelling units, the current site is required 717 parking spaces. A parking lot off Wealdwood Court, which was not previously permitted by the City, needs to be modified to comply with City regulations. The proposed irregular layout is causing issues with parking stall depth and landscaping. Consideration should be given for a more regular layout and for compliance with striping, traffic signage, islands and perimeter landscaping. In the redevelopment area, the City is requesting street frontage landscaping to replace trees being removed in this area.

In response to Commissioners’ questions, Ms. Lowry stated that no additional dwellings are being proposed, no variances are requested, and the parking lot off Wealdwood will be modified to comply with City regulations. Both improvement areas must be submitted to MSD for review.

With regard to Commissioner Eagleton’s question on storm water problems,

Mark Walburg, applicant with Arco Construction, said that he did not know of any issues. He said that there was existing detention on site. Mr. Walburg said that the existing pool and clubhouse were outdated and not accessible.

Chair Adkins appointed Commissioner Scott and himself to the Subcommittee. The Subcommittee scheduled a meeting for Friday, September 9, 2022, at 8:30 a.m. near proposed area of construction of the new clubhouse.

1. **PZ-4-23 STAFF INITIATED ZONING CODE TEXT AMENDMENT – COUNTRY CLUB**

Planner II Amy Lowry presented a Staff memo proposing a zoning code text amendment to correct an oversight in the Zoning Code adopted in February 2021. In the 2012 Zoning Code, “Country Club or Golf Course” was a special use allowed in the R-1, R-2 and R-3 single-family zoning districts. The use was not defined, but a parking rate of “1 space per 5 customers at maximum capacity, plus 1 space/2 employees” was established. When the City adopted the new Zoning Code, the term “Country Club” was inadvertently removed and only “Golf Course” remained as a Special Use still allowed in the R-1, R-2 and R-3 zoning districts and in the F-1 flood plain district (off Marshall Road) with a minimum 75 acre lot size. Staff believes that the Golf Course use definition is not comprehensive enough to incorporate additional uses that a Country Club may include such as dining facilities, swimming pools and tennis courts. Therefore, Staff suggests that Country Club be reinstated as a use with a definition and parking rate assigned.

The proposed definition is: “A club organized and operated primarily for social and recreation purposes, including premises, structures, or facilities used for meetings, dining, dancing, other social events, or recreational activities including, but not limited to, golf, swimming, and tennis. If a golf course is provided, all requirements of a golf course shall apply.” The proposed use specific standard is: “The minimum lot area shall be 75 acres when in conjunction with a golf course.” The proposed parking rate is: “1 space per 5 customers at maximum capacity, plus 1 space/2 employees.”

Chair Adkins asked if text amendment is largely consistent with what was previously in the Code and Ms. Lowry affirmed. Greenbriar is the only country club and golf course in the City. Commission Feiner also questioned the maximum capacity definition in the parking rate. Jonathan Raiche said that the parking has been traditionally assessed based on the capacity of the building structures.

Commissioner Feiner made a motion to amend Staff’s memo to insert the word “building” between “maximum capacity” in the parking rate in Table 65-1. Commissioner Evens seconded the motion and motion was unanimously approved by the seven members present.

With regard to Commissioner Eagleton’s question whether to add pickle ball to the list of activities in the Country Club definition, Mr. Raiche said that the list was not meant to be exhaustive, and Staff would not recommend the addition as recreational activities will continue to change. Mr. Raiche also added that restaurants are permitted uses in commercial areas, but not residential, so if someone proposed a restaurant in a residential area in conjunction with a golf course, they would need to propose a text amendment.

Commissioner Scott made a motion to approve PZ-04-23, the Zoning Code text amendment set forth in the September 7, 2022 memo from Ms. Lowry to the Commission pertaining to Country Club, with the amendment to the parking requirement to add “maximum building capacity”. Commissioner Salzer-Lutz seconded the motion and motion was unanimously approved by the seven members present.

1. **PZ-5-23 MAJOR SITE PLAN AMENDMENT FOR SPECIAL USE PERMIT (SUP) – GREENBRIAR HILLS COUNTRY CLUB, 12665 BIG BEND BLVD**

Submitted: 8-19-22 Automatic Recommendation Date: 12-19-2022

Petitioner’s Agent Aaron Delgado, McConnell & Associates

Planner II Amy Lowry presented the plans for Greenbriar Hills Country Club for its property at 12665 Big Bend Road to (1) construct four pickle ball courts west of the tennis courts, and (2) increase its existing pool deck, relocating the children’s wading pool in the expansion area. The property is zoned R-3, Single-family Residential and currently holds a Special Use Permit SUP for a country club/golf course with current amenities of clubhouse, golf course, swimming pool, and tennis courts.

The plans will need to be submitted to MSD for review. If MSD does not require stormwater improvements, the City will review based on the increased impervious area. Upon further review, information will be needed from the applicant to ensure that the wading pool is behind the front line of the structure from Briargate Lane as required by the Zoning Code, however, the deck could be expanded as proposed. The tree study is required to be completed by a Certified Arborist and missing trees should be added with tree protection indicated. The only new lighting is in the pool deck area, however, the proposed lighting fixtures do not meet the City’s lighting regulations as they must be full cutoff. The lighting plan should be signed and sealed by a registered design professional and all points should extend to 0.1 footcandles on all sides.

In response to Commissioner Evens’ question about single-family residential pickle ball courts, Ms. Lowry says that such a use would be considered as an accessory sport court that would allowed in the side or rear yards, or in a secondary front yard on a corner lot. Mr. Raiche clarified that Greenbriar has an existing, valid SUP for a Country Club and that approval stands. The proposal for tonight is a site plan review for an existing special use. The text amendment approved tonight makes it clear that the use is still in the Zoning Code. The Commission must consider whether the proposal meets the 19 stated criteria for site plan review.

With regard to Commissioner Evens’ question regarding noise as a nuisance, Mr. Hessel said that the Kirkwood Code used to have a specified decibel levels, however, it was difficult to enforce. Instead, the City has reasonable standards for regulating nuisances of all sorts, including noise, with criteria associated such as hours of the day. Mr. Hessel said that St. Louis County has a noise ordinance with decibels, and while it is not specifically applicable in Kirkwood as far as nuisances, the ordinance may be used as a gage as to what may cause a noise problem. Mr. Raiche said that the City has required sound studies in the past for applications and it may be required of the applicant if the Commission believes it would be helpful in evaluating the site plan review criteria. Commissioner Klippel requested that Staff look into whether there have been noise complaints from the pickle ball courts at Kirkwood Park.

Tom Weis with Weis Design Group said the courts are approximately 8000 sq. ft., or the equivalent of a larger tennis court. The disturbed area is under 1 acre and the plans have been submitted to MSD. On August 11, a meeting was held with residents to explain the project and goals. There was much discussion about sound at the resident meeting; the applicant has looked at ways to mitigate the sound, including options with fencing. Mr. Weiss also reported that the project will address an existing storm water issue with changed contours and berming/grading work to ensure storm water gets to an existing inlet. The drainage area is roughly 12,000 sq. ft.

Aidan Delgado with McConnell & Associates stated that Greenbriar has hired Acoustical Control to do a sound study. They have tested the background noise and are building a model with the pickle ball noise from 4 courts at maximum capacity – without mitigation. If the expected noise exceeds St. Louis County’s decibel levels, Acoustical Control will provide mitigation suggestions. Mr. Weis said that if mitigation is required, Greenbriar will evaluate whether such measures are cost effective, but not cost prohibitive. In response to Commissioner Feiner’s question to clarify the total impervious surface increase, Mr. Weis says they are providing a water quality basin for 20,000 sq. ft. of impervious surface, which includes the pool deck expansion.

Commissioner Eagleton said that because of the concern of many neighbors, the applicant should mitigate the noise regardless of the County decibel level. Mr. Weis said that they will consider what is reasonable. Mr. Weis also made reference to an existing tennis court on which pickle ball is being played in the neighborhood that is not part of the country club. He said the proposed hours of operation are from 8:00 a.m. to sunset. Currently there is pickle ball play on the clay tennis ball courts at Greenbriar, which would not continue after the pickle ball courts are built.

Julie Missey of 2131 Briargate Lane submitted photographs documenting the distance of her property (60.5 feet) from the proposed courts. After extensive research on pickle ball noise, she is very concerned about the closeness of the courts to private residences. She hopes that the Commission will review the evidence and request that the courts be built further away from homes. She referenced disputes and lawsuits across the country with regard to pickle ball noise as well as her son who has Down syndrome and autism and is affected by loud noises. She also said that the proposed courts will be below the elevated homes on Briargate and sound walls may not be effective.

Terry O’Connell of 134 Sweetbriar Lane is concerned with noise and water runoff. He does not believe that the runoff will be mitigated by a berm.

Patti Smith of 134 Sweetbriar Lane has lived in Greenbriar her entire life; her mother lived here for 91 years. While she appreciates that the country club adds value to her home, she believes the courts need to be 500 feet away residential properties to avoid hearing damages and loss of property values. She also does not believe that the berm will work.

Nora Appelbaum of 22 Sweetbriar Lane is a 33-year resident who wants the Commission to consider all aspects of the situation, including that the neighbors cannot move their homes and families.

Jim Gender of 128 Sweetbriar Lane said that the residents have tolerated noise from Greenbriar for decades, but the noise have been getting louder and louder with gas powered mowers and blowers. He referenced thousands of lawsuits against pickle ball courts built too close to residences and does not see a way to mitigate enough sound to make everyone comfortable with the outcome.

Cathy Converse of 2125 Briargate Lane said that the letters that she and her neighbors have sent the Commission in the last few days document the extent of the potential problem. She said that the court location is almost 10 times closer than the 500-foot radius feet experts advise that pickle ball courts should be from residential properties. Ms. Converse referenced noise creep from the country club in the 5 years she has lived in the neighborhood including sirens, giant fans, and amplified music. She believes the noise from the pickle ball court will have a serious negative impact on the character of neighborhood and property values.

Chair Adkins appointed Commissioners Evens, Feiner and Salzer-Lutz to the Subcommittee. The Subcommittee meeting will be scheduled after the receipt of the sound study, probably in 2 to 3 weeks. Mr. Raiche gave the public information on how to be informed about upcoming meetings.

1. DEVELOPMENT PROJECT UPDATE

Mr. Raiche said that Villa di Maria Montessori School is close to acquiring its demolition permit for starting its for its Phase I construction. He also reminded the Commission of the City’s Boards and Commission Reception on September 29 and of the UMSL Planning and Zoning Certificate program registration.

There being no further business, motion was made by Commissioner Feiner and seconded by Commissioner Eagleton to adjourn at 8:40 p.m. The next meeting will be held on September 21, 2022, at 7 p.m.

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 Jim Adkins, Chair

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 David Eagleton, Secretary/Treasurer

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