



WHERE COMMUNITY AND SPIRIT MEET®

**KIRKWOOD CITY COUNCIL  
KIRKWOOD CITY HALL**

**May 5, 2016  
7:00 p.m.**

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, May 5, 2016, at 7:00 p.m. at Kirkwood City Hall, 139 South Kirkwood Road, Kirkwood, Missouri. Present were Mayor Griffin, Council Members Duwe, Edman, Luetzow, Sears, and Ward. Also in attendance were Chief Administrative Officer Russell Hawes, City Clerk Betty Montaño, and City Attorney John Hessel.

**PRESENTATIONS**

Mayor Griffin presented a Proclamation in Recognition of Retired Police K-9 Dingo designating Friday, May 6, 2016 as “Dingo Day in Kirkwood, Missouri”.

David Slane, Chair of the Urban Forestry Commission presented the 2016 Advocate Award to Gerry Biedenstein. Mr. Biedenstein was recognized as the founder of the 50 Trees for 50 Years program and his continued efforts in this regard.

**INTRODUCTIONS AND RECOGNITIONS**

NONE

**PUBLIC HEARINGS**

**Public Hearing #1**

Mayor Griffin recessed the meeting for the purpose of conducting a public hearing regarding a request for a Special Use Permit for a car wash for Lou Fusz Toyota at 10831 Manchester Road. Mr. Hessel entered the following exhibits into the record: an Affidavit of Publication in the St. Louis Countian on April 5, 2016, as Exhibit 1; an Affidavit of Publication in the Webster Kirkwood Times on April 8, 2016, as Exhibit 2; a list of property owners who were sent notice of the public hearing, as Exhibit 3; an aerial view map showing the subject property and the properties that were notified of the hearing, as Exhibit 4; the report of the Planning and Zoning Commission dated March 17, 2016, as Exhibit 5; the Planning and Zoning Commission Subcommittee Report dated March 16, 2016, as Exhibit 6; and the Kirkwood Code of Ordinances as Exhibit 7.

City Planner Ryan Spencer presented the matter to the council. He included information on the description of the property, the use as a car wash, and the conditions of approval from the Planning and Zoning Commission. The Planning and Zoning Commission recommended approval of the Special Use Permit (5 to 0) at its March 16, 2016 meeting.



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Some of the questions regarding the petition are as follows:

- Is bathroom ADA accessible? Yes.
- Outside Lighting and will it impact surrounding properties. Because of the type of lights it isn't believed to be impactful.
- Any thoughts about sidewalk?
- Planning and Zoning did not comment about trash location. They will use roll-off carts.

The bill will be placed on the May 19, 2016 agenda for first reading consideration.

### **Public Hearing #2**

Mayor Griffin recessed the meeting for the purpose of conducting a public hearing regarding a request for an amendment to Section A-510.5(2) of the Zoning Code to allow commercial uses on the second story of a commercial building in a mixed-use development in the B-2 Zoning District. Mr. Hessel entered the following exhibits into the record: an Affidavit of Publication in the St. Louis Countian on April 5, 2016, as Exhibit 1; an Affidavit of Publication in the Webster Kirkwood Times on April 8, 2016, as Exhibit 2; the report of the Planning and Zoning Commission dated March 3, 2016, as Exhibit 3; the Planning and Zoning Commission Subcommittee Report dated March 2, 2016, as Exhibit 4; and the Kirkwood Code of Ordinances as Exhibit 5.

City Planner Ryan Spencer presented the matter to the council. John Pennington made application requesting preliminary development plan approval for a Mixed-Use Development in the B-2 General Business District. To move forward with the B-2 Mixed Use Development preliminary development plan for 201 S. Kirkwood Road an amendment is required to the Zoning Code. At the March 2, 2016, meeting, the Planning and Zoning Commission recommended approval of a revision to the Zoning Code to amend Article V, Section A-510.5(2)(a) Mixed Use Development in the B-2 General Business District (6-0).

The current language would prevent the existing office building from having commercial uses on the second story. The amended language would allow a fully commercial building to be permitted as part of multi-building mixed use development. Clarifying language is also being proposed to allow mechanical, service and parking uses, secondary to a commercial use, on the ground floor of a mixed use building.

This item will be placed on the May 19, 2016 meeting agenda for first reading consideration.

### **Public Hearing #3**

Mayor Griffin recessed the meeting for the purpose of conducting a public hearing regarding a request for a request for a preliminary site plan for a mixed-use development known



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as Madison Avenue Condominiums at 201 South Kirkwood Road. Mr. Hessel entered the following exhibits into the record: an Affidavit of Publication in the St. Louis Countian on April 5, 2016, as Exhibit 1; an Affidavit of Publication in the Webster Kirkwood Times on April 8, 2016, as Exhibit 2; a list of property owners who were sent notice of the public hearing, as Exhibit 3; an aerial view map showing the subject property and the properties that were notified of the hearing, as Exhibit 4; the report of the Planning and Zoning Commission dated March 3, 2016, as Exhibit 5; the Planning and Zoning Commission Subcommittee Report dated March 2, 2016, as Exhibit 6; and the Kirkwood Code of Ordinances as Exhibit 7.

City Planner Ryan Spencer presented the matter to the council:

- This is part of a mixed-use development and specifically to construct a three and a half story 37,914 square foot condominium building that will share the property with an existing two story office building at 201 South Kirkwood Road.
- The proposed building will have 12 residential units with a 24 space parking garage dedicated to the building will be located on the basement level along with storage.
- The building is under the floor ratio requirement.
- The Planning and Zoning Commission believes that there is adequate off-site parking in the immediate vicinity.
- The Planning and Zoning Commission recommended approval (6-0).

The petitioner's agent, Tyler Stephens, advised that the parking in the garage will be assigned parking and provided information relating to the request. Some of the issues discussed are as follows:

- Concerns about parking and where the parking will be for SSM Healthcare patients.
- The current parking lot is privately owned.
- Concern about additional cars during the daytime.
- Concern how the height of the building will fit into with the streetscape.

The following individuals spoke regarding the matter:

1. John Sahrman, 209 South Kirkwood Road, concerned about the parking and the effect it will have on his patients.
2. Ryan Wessel, 211 South Kirkwood Road, doesn't support the project as it will affect parking for three buildings including his own.
3. Dennis Dufer, 120 West Madison, concerned about a deep hole that will be created during construction, noise and asked where the air conditioning units will be placed.

The petitioner, John Pennington, advised that his firm owns the parking lot and they are not required to lease any of the parking spaces. Mr. Hessel advised that he appreciates the concern about parking and the need of parking by other property owners; however, the owner is not



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required to lease parking spaces. The focus of the City Council needs to be on whether or not there are enough parking spaces being proposed for the use.

This item will be placed on the May 19, 2016 meeting agenda for first reading consideration.

#### **PUBLIC COMMENTS**

1. Keith Scharf, 1033 South Geyer Road, opposed to stop signs on South Geyer.
2. Mary Murphy-Overman, 1271 Oakshire Lane, thanked city staff for the data contained in the report regarding the stop signs on South Geyer Road and suggested that adding trees might cause sight line issues.
3. Susan Hooks, 1211 Oakshire Court, thanked the City Council and she has been looking at the data. Stated that the installation of the stop signs on South Geyer has made it less safe.
4. Judy Post, 1129 South Geyer, finds it difficult to get out of the driveway since the installation of the stop signs and she doesn't support the stop signs on South Geyer Road.
5. Gerry Biedenstein, 1035 Claridge Place, believes that the proposed Madison Avenue Condominium project doesn't meet the Kirkwood Code and doesn't meet the parking requirements.

#### **CONSENT AGENDA**

Motion was made by Council Member Luetzow and seconded by Council Member Duwe to approve the Consent Agenda. The Consent Agenda was unanimously approved.

- a) Approval of the April 21, 2016 City Council Meeting Minutes

#### **OLD BUSINESS**

NONE

#### **NEW BUSINESS**

Bill 10484, approving a subdivision waiver to permit the adjustment of a boundary line between properties addressed as 1126 Folger Avenue and 1138 Folger Avenue subject to certain conditions, was brought before the council. Motion was made by Council Member Ward and seconded by Council Member Duwe to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.



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Bill 10485, appropriating \$20,000 from General Fund – Fund Balance (Reserves) to the Other Professional Services Account for donations received to be used towards the Kirkwood Train Station, was brought before the council. Motion was made by Council Member Luetzow and seconded by Council Member Duwe to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.

Bill 10486, appropriating \$10,000 from the Train Station Fund (Fund Balance) to the Train Station Other Professional Services Account for donations received to be used towards the Kirkwood Train Station, was brought before the council. Motion was made by Council Member Ward and seconded by Council Member Duwe to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.

Bill 10487, appropriating \$8,686.08 from the Equitable Sharing Fund Balance to Account #205-1201-429.75.05, accepting the bid of World Wide Technology, Inc. in the amount of \$8,686.08 (pursuant to State of Missouri Cooperative Contract) for the purchase of eighteen M-260 Bar Code and Mag Strip Readers for the Police Department and authorizing and directing the Director of Purchasing to issue a Purchase Order, was brought before the council. Motion was made by Council Member Ward and seconded by Council Member Luetzow to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.

Bill 10488, appropriating funds in the amount of \$8,754 from the Equitable Sharing Fund Balance to Account #205-1201-429.31.10, accepting the single source quotation of Power DMS for the purchase of Power DMS Product SDMS-AS in the amount of \$8,754 for the Police Department and authorizing the Director of Purchasing to issue a Purchase Order, was brought before the council. Motion was made by Council Member Ward and seconded by Council Member Edman to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.

### **CONSENT AGENDA ITEMS FOR DISCUSSION**

NONE



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### **CITY COUNCIL REPORTS**

Council Member Duwe asked the council to speak directly into the microphones. She has heard from many individuals attending the meeting that they cannot hear the discussions.

### **CHIEF ADMINISTRATIVE OFFICER REPORTS**

Mr. Hawes had nothing to report.

### **CITY CLERK REPORT**

Mrs. Montaño read the report of the May 4, 2016 Planning and Zoning Commission meeting. The following action took place:

1. Approved a site plan for a multi-tenant commercial building at 10700/10712 Manchester Road by a vote of 8 to 0.

Mrs. Montaño read the certified results of the April 5, 2016 Election as follows:

Following are the certified results of the April 5, 2016 Election from the St. Louis County Board of Election Commissioners dated April 18, 2016.

For Mayor:

Timothy E. Griffin	3,482
Scott Stream	1,651
Gina Jaksetic	1,513
Invalid Write In	12

For Council Member (3 Seats):

Mark Zimmer	2,984
Maggie Duwe	3,537
Ellen Z. Edman	3,476
Nancy Luetzow	3,816
Kevin E. O'Brien	2,906
Invalid Write In	81

### **CITY ATTORNEY REPORT**

Mr. Hessel reported that the City of Kirkwood along with other municipalities in St. Louis County filed a lawsuit challenging the constitutionality of St. Louis County regarding its ordinance which establishes, among other things, an extensive and multifaceted system of standards, contractual reviews, audits and supervision of municipal police departments by St. Louis County government. There are provisions for the takeover of municipal police departments by the St. Louis County Police Department, at the expense of the municipalities, as well as provisions for the



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prosecution of municipal officials for failure to comply with requirements set by St. Louis County. It also gives powers to the St. Louis County Executive in this regard.

The conclusion is that neither the Missouri Constitution nor the Statutes of the State of Missouri nor the St. Louis County Charter authorized St. Louis County to enact the ordinance. The decision of the court is that St. Louis County Ordinance Section 701.250 is invalid and unenforceable. Mr. Hessel concluded by saying that the City of Kirkwood supports police standards the objection is the way the County went about it.

### **ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned. The next regular council meeting is scheduled for May 19, 2016, at 7:00 p.m.

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Betty Montañó, MMC/MPCC  
City Clerk

***Approved: May 19, 2016***