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**Planning & Zoning Commission
Agenda
Wednesday, December 7, 2022, 7:00 p.m.
Kirkwood City Hall
139 S. Kirkwood Road
Kirkwood, MO 63122
Posted December 2, 2022**

- I. ROLL CALL
- II. APPROVAL OF THE NOVEMBER 16, 2022 MEETING MINUTES
- III. UNFINISHED BUSINESS
 1. PZ-07-23 SPECIAL USE PERMIT (SUP) FOR ANIMAL FACILITY, MAJOR WITH OUTDOOR USE – NVA CLARK ANIMAL HOSPITAL, 10320 MANCHESTER ROAD (GREENTREE CENTER)
Submitted: 10-28-22 Automatic Recommendation Date: 2-27-23
Petitioner's Agent Patrick Wittenbrink, Carmody MacDonald, PC
(Subcommittee – Adkins and Washington)
- IV. COMMISSION/STAFF (INTERNAL) ITEMS
 1. DEVELOPMENT PROJECT UPDATE
- V. PLANNING AND ZONING SCHEDULE:
 1. DECEMBER 21, 2022 AND JANUARY 4, 2023– 7:00 P.M.

Staff Liaison: Jonathan Raiche; Phone: (314) 984-5926; Email: RaicheJD@kirkwoodmo.org

Kirkwood Planning and Zoning Commission: Chairman Jim Adkins, Commissioners James Diel, David Eagleton, Ron Evens, Tom Feiner, Sandy Washington, Mary Lee Salzer-Lutz, Darrell Scott, and Allen Klippel.

Accommodation: The City of Kirkwood is interested in effective communication for all persons. Persons requiring an accommodation to attend and participate in the meeting should contact the City Clerk at 314-822-5802 at least 48 hours before the meeting. With advance notice of seven calendar days, the City of Kirkwood will provide interpreter services at public meetings for languages other than English and for the hearing impaired. Upon request, the minutes from this meeting can be made available in an alternate format, such as CD by calling 314-822-5802.



**CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
MEETING MINUTES
November 16, 2022**

PRESENT:

Jim Adkins, Chair
David Eagleton, Secretary/Treasurer
Ron Evens
Allen Klippel
Mary Lee Salzer-Lutz
Sandy Washington
James Diel

ABSENT:

Tom Feiner, Vice Chair
Darrel Scott

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, Nov. 16, 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, Planner I Christie Voelker, 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 Vice Chair Feiner and Commissioner Scott were absent and their absences were excused.
2. Motion was made by Commissioner Evens and seconded by Commissioner Eagleton to approve the minutes for the October 19 meeting as written. The seven members present approved the minutes unanimously. Motion was made by Commissioner Evens to amend the agenda by moving PZ-07-23 to the first item to be considered. Motion was seconded by Commissioner Klippel and unanimously approved by the seven members present.
3. **PZ-07-23 SPECIAL USE PERMIT (SUP) FOR ANIMAL FACILITY, MAJOR WITH OUTDOOR USE – NVA CLARK ANIMAL HOSPITAL, 10320 MANCHESTER ROAD (GREENTREE CENTER)**
Submitted: 10-28-22 Automatic Recommendation Date: 2-27-23
Petitioner's Agent Patrick Wittenbrink, Carmody MacDonald, PC

Planner I Christie Voelker presented the plans for PZ-07-23 NVA Clark Animal Hospital at 10320 Manchester Road (Greentree Center). Ms. Voelker reported that the location is in the Greentree Center at the southwest corner of

Manchester and Woodlawn. The property is zoned B-3, in which an animal facility, major requires a special use permit. Additionally, outdoor uses require a special use permit. Clark Animal Hospital will be moving from its current location in Kirkwood into half of the former Gold's Gym space that is 10,229 square feet. A portion of the back dock area currently under roof and enclosed with fencing is proposed for pet relief with a proposed drain to the existing sanitary sewer. The applicant has been in touch with MSD and confirmed that since the area is permanently covered, it would need to drain to a sanitary sewer. The area has an existing roof and chain link fence with vinyl slats and the floor will have a Perfect Turf antimicrobial pod system installed. The applicant is proposing a sound mitigating material called Acoustifence to be attached to the fence for further sound dampening.

Ms. Voelker explained that Clark Animal Hospital currently has 30 employees, which includes 6 veterinarians. The proposed floor plan is being designed under the assumption that the facility could eventually employ 10 veterinarians, at which point the maximum number of employees in any single shift would be 30. The proposed hours of operation are 7 am – 7 pm, every day of the week. There will be no overnight boarding with the exception of postoperative recovery.

Petitioner's Agent Patrick Wittenbrink with Carmody MacDonald introduced himself and explained the need for the new location due to lack of space at the existing building. Mike Biffignani, with Sondare Acoustics, explained the assumptions of the sound assessment for no more than 2 dogs outside for a short duration and his conclusion that the proposed sound mitigating material would prevent excessive noise. Mr. Wittenbrink stated that usually only 1 dog would be out at a time and would be supervised, but there could be occasions when two dogs would be present while supervised. He added that the outdoor area would only be used in rare instances where a dog needed relief before or after surgery.

Chair Adkins appointed himself and Commissioner Washington to the Subcommittee. The subcommittee scheduled a meeting at the site for Monday, November 21, 2022 at 8 A.M.

4. PZ-05-23 MAJOR SITE PLAN PARTIAL AMENDMENT FOR SPECIAL USE PERMIT (SUP) – GREENBRIAR HILLS COUNTRY CLUB, 12665 BIG BEND BLVD

Submitted: 8-19-22 Automatic Recommendation Date: 12-19-22
Petitioner's Agent Aidan Delgado, McConnell & Associates
(Subcommittee – Commissioners Evens, Feiner and Salzer-Lutz)
Opportunity for Public Comment

Planner II Amy Lowry presented the plans and recent changes for the Greenbriar Hills Country Club proposed pickleball courts as well as the proposed pool deck expansion at 12665 Big Bend Blvd. Ms. Lowry reported the pool deck is still being expanded but the wading pool relocation has been dropped from the plans.

The 4 pickleball courts are still being proposed in the area west of the tennis pro shop and courts. The courts will be raised to the level of the tennis pro shop with a modular block retaining wall stretching on the north to the tennis courts and around the pickleball courts on the west and south, with the wall also encompassing a new patio to the north of the tennis pro shop. The pickleball courts will be surrounded by a 10-foot tall fence with the acoustic treatment of Acoustifence on the north and south sides. The golf cart path north of the pickleball courts and tennis pro shop will be re-routed slightly and re-built. A new golf cart path to the south with cart parking will be constructed. The applicant proposes a new 14 foot X 100 foot bio retention swale BMP directly north of the pickleball courts and tennis pro shop, and a new overland berm and swale system north of the BMP to direct storm water runoff to an existing storm inlet. MSD will review and approve the proposed storm water plans. Ms. Lowry also added that the new landscape plan for the pool area should provide adequate replacement of trees that will be or have been removed. The pickleball court project does not require new landscaping, however, staff believes the additional proposed trees are appropriate and encourages the retention of these trees. Once the City Forester has approved the landscape plan for this project, it shall be the responsibility of the property owner to provide continued maintenance of all trees included on the plan in the pickleball court and pool deck areas. A revised photometric plan clarifying that the maximum mounting height of the lighting fixtures and meeting the minimum lighting requirements of the international swimming pool and spa code will be needed.

The Subcommittee discussion was as follows:

- The landscape plan has been revised to include additional trees around the pickle ball courts and the pool deck expansion; however, the trees are mainly for replacement and aesthetic purposes, and not intended for sound mitigation.
- Efforts to mitigate the sound of pickleball play are reasonable with the following conditions:
 - a. Hours are restricted from 8:00 a.m. to sunset.
 - b. No lights shall be installed on the pickle ball courts.
 - c. No music or speakers shall be allowed.
- The AcoustiControl Report indicates compliance with the County noise ordinance.
- The subcommittee concluded that that the requirements of Site Plan Review criteria in Section 25-19(h) have been met subject to the conditions summarized by Commissioner Evens.

Chair Adkins requested if there were any members of the public who had comments concerning the site plan and the following responded:

Julie Missey, 2131 Briargate Ln., stated that her residence property line is only 58 feet from the proposed location of the pickleball courts. Her biggest concern is that the non-stop and impulsive noise will cause not only her entire family, but also specifically her son who has Down syndrome and Autism, to suffer severe

anxiety. Ms. Missy remarked that she is not anti-pickleball, but believes the courts should be moved to a different location.

Stephen Missey, 2131 Briargate Ln., expressed similar concerns as his wife regarding the impacts of noise on the health of their family and stated his belief that the proposed pickleball courts will lower the property value.

Terry O'Connell, 134 Sweetbriar Ln., is concerned that the minimal 10-foot sound mitigation will not work given that the homes are built 15 feet above the fence and only 60 feet away. He requests that the proposal be denied or at least delayed until further studies on sound mitigation are completed.

Bill Downey, 334 Greenbriar Estates Dr., supports anything that could potentially help make Greenbriar a "healthier" club. He requested that the Commission should consider the application fairly and approve it in accordance with its compliance with all applicable codes.

Kevin McLaughlin, 240 E. Jefferson Ave., stated his belief that as long as the club is conforming and meeting the rule of law, regardless of personal emotions, that the courts should be approved.

Patti Smith, 134 Sweetbriar Ln., requests that the courts be moved at least 250 feet away from the residential properties and the hours of play should be restricted to Tuesday thru Friday 9 am to 5 pm, Saturday thru Sunday 10 am to 4 pm, and closed on Mondays. She requests that the drainage issues should be addressed before any building should be approved.

Jim Gender, 128 Sweetbriar Ln., stated that he has heard multiple people say that they are glad the courts are not proposed in their backyard and reported that "Pickleball Magazine" states that any courts should be at least 200 to 400 feet away from any residence.

Laura McLaughlin, 240 E. Jefferson Ave., said the project should be approved because the country club has met and exceeded all of the requirements, the courts will promote more healthy options for the members, and the country club would be the only one in the vicinity without pickleball courts if not permitted.

Garrett O'Connell, 408 W. Argonne Dr., stated that he does not think that the courts will be used as frequently as everyone opposed fears. He supports the approval.

Steve Pozaric, 1125 Vinetta Dr., remarked that the project would be an asset to the community, will ensure the long-term viability of the country club, and should be approved.

Greg Shoemaker, 1705 Winesap Ln., identified himself as the Vice President of the Greenbriar Hills Country Club board and stated that as the project has met

the code requirements, including the sound study, it should be approved.

Cathy Converse, 2125 Briargate Ln., stated that the neighbors have supplied evidence from R. Lance Willis that the proposed location for the courts is inappropriate and believes that the proposed plans will be in violation the noise ordinances. She said that plans to rebuild her deck have been postponed as she does not wish to invest any further in her property. She added that if the courts are built, the neighbors would take action to ensure the noise ordinance is met.

Commissioner Evens read the underlined portions of the Subcommittee Report:

[INSERT REPORT]

Motion was made by Commissioner Salzer-Lutz and seconded by Commissioner Klippel to approve PZ-05-23, Major Site Plan Partial Amendment at 12665 Big Bend Blvd., subject to the conditions of approval put forth in the Subcommittee Report.

Commissioner Evens stated that the applicant has shown willingness to comply with the St. Louis County sound ordinance and that pickleball courts are needed for a viable country club. Commissioner Diel agreed that the plans are in compliance with the codes. He stated that if the neighbors have any additional compelling evidence, it may be brought to the City Council at the public hearing. Commissioner Eagleton stated that if the noise from pickleball play is considered impulsive, the dBA allowed would be 50 instead of 55.

Commissioner Eagleton made a motion to amend condition # 4 of the Subcommittee Report to read that the hours of operation for the pickleball courts shall be restricted to 9 am to 6 pm, Sunday through Saturday. Commissioner Salzer-Lutz seconded the motion stating that her belief that the country club should have off-hours for the pickleball play. After brief discussion among the Commissioners, the motion failed by a vote of 1 to 6 with only Commissioner Eagleton voting in favor.

Commissioner Washington stated that the project does comply with the City's regulations. Chair Adkins remarked that the country club could pave the existing tennis courts and convert them to pickleball without City approval. He stated that residents do have a remedy if the noise ordinance is violated and the country club is taking a risk that the residents may prove that the noise level does not meet the regulations.

There being no further discussion, Chair Adkins called for a vote. The motion passed by a vote of 6 to 1, with Commissioner Eagleton opposed.

5. DEVELOPMENT PROJECT UPDATE

Mr. Raiche informed the Commission that City Council approved the Kirkwood Bluffs Apartments Clubhouse project, the Kirkwood Apartments mixed use

development plan at 300 N. Kirkwood Road, and the Country Club text amendment. He also reported that City Staff is reviewing the Woodland Hills Improvement Plans for 600 N. Ballas Road.

There being no further business, motion was made by Commissioner Diel and seconded by Commissioner Klippel to adjourn at 8:18 p.m. The next meeting will be held on December 7th at 7 pm.

Jim Adkins, Chair

David Eagleton, Secretary/Treasurer

Upon request, these minutes can be made available within three working days in an alternate format, such as CD, by calling 314-822-5822. Minutes can also be downloaded from the City's website at www.kirkwoodmo.org, then click on City Clerk, Boards & Commissions, Planning & Zoning Commission.

DRAFT

**CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
SUBCOMMITTEE REPORT
December 7, 2022**

PETITION NUMBER: PZ-07-23

ACTION REQUESTED: SPECIAL USE PERMIT (ANIMAL FACILITY, MAJOR WITH OUTDOOR USE)

PROPERTY OWNER: BROWN & SONS FOODLINER, INC

PETITIONER: NVA CLARK VETERINARY MANAGEMENT, LLC

PROPERTY LOCATION: 10320 MANCHESTER RD

ZONING: B-3 HIGHWAY BUSINESS DISTRICT

DOCUMENTS SUBMITTED: SITE AND FLOOR PLANS (2 SHEETS) PREPARED BY OCULUS INC., STAMPED "RECEIVED OCTOBER 28, 2022 CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT"

SOUND ASSESSMENT (5 SHEETS) PREPARED BY SONDARE ACOUSTICS, STAMPED "RECEIVED OCTOBER 28, 2022 CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT"

DESIGN INTENT DRAIN LOCATION (1 SHEET) PREPARED BY OCULUS INC., STAMPED "RECEIVED NOVEMBER 11, 2022 CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT"

DESCRIPTION OF PROJECT:

The petitioner is requesting a Special Use Permit (SUP) for an Animal Facility, Major with Outdoor Use for an animal hospital. It will be located in the existing building at 10320 Manchester Road (Greentree Center) and will occupy 10,229 square feet, half of the former Gold's Gym space. The hours of operation will be 7:00 a.m. to 7:00 p.m. every day of the week. There will be no commercial boarding and animals staying overnight will be solely for postoperative recovery. The petitioner has 30 employees total at their current location, including 6 veterinarians. The floor plan of the new space is being designed under the assumption that the practice could grow to include 10 veterinarians, at which point there would be approximately 30 employees during any single work shift. The petitioner plans to utilize an existing fenced-in loading dock area at the rear of the building as a pet relief area. Perfect Turf PetGrass PODs will be installed in the pet relief area along with a new drain to an existing sanitary sewer, and Acoustifence will be utilized to mitigate noise. No new outdoor lighting is proposed.

COMPREHENSIVE PLAN, LAND USE AND ZONING:

The site is designated as the Corridor Commercial category on the EnVision Kirkwood 2035 Future Land Use map. Development types discussed in this land use include regional and neighborhood commercial. The proposed development fits within this broad land-use category. The subject site is zoned B-3, Highway Business District and the proposed use of an animal hospital is considered an Animal Facility, Major. The indoor use and outdoor use both require a Special Use Permit in the B-3 District.

Surrounding land uses and zoning include the following:

To the north: Across Manchester Road is an assisted living facility zoned B-3 Highway Business District.

To the south: Immediately south is an electrical substation. To the southeast is a garden center zoned R-4 Single-Family Residential District, and to the southwest are single-family residences zoned R-4 Single-Family Residential District.

To the east: Across Woodlawn Avenue are offices zoned B-3 Highway Business District and single-family residences zoned R-4 Single Family Residential District.

To the west: Automobile dealership zoned B-3 Highway Business District.

DEPARTMENTAL/AGENCY COMMENTS:

Electric: The petitioner is an existing customer and the changes should not have an impact on the distribution system in the area.

Water: No comments.

Engineering: No comments.

Building/Fire: No comments.

Forester: No comments.

PARKING ANALYSIS:

The proposed use of Animal Facility, Major has a parking requirement of 1 per 300 square feet. The previous use, classified as a Personal and Commercial Service, had a higher parking rate of 1 per 250 square feet. Based upon updated tenant data provided by the landlord on November 10, 2022, the Greentree Center currently meets its parking requirements. Per Section 25-63(d)(1), a change in use of an existing development only triggers additional parking if the parking rate is higher than the pre-existing use.

NOISE ANALYSIS:

As referenced in the Documents Submitted portion of this report, the applicant provided a Sound Assessment conducted by Sondare Acoustics to analyze the potential effect that the outdoor pet relief are might have on adjacent properties concerning noise. The results of the assessment concluded that the estimated sound levels at the adjacent commercial businesses meet the St. Louis County Ordinance. The assessment also concluded that the noise levels at the nearest residential properties would be 2-5 dB higher than the daytime permissible impulsive level of 50dBA according to St. Louis County's ordinance. At the time of the study, the applicant was proposing to utilize the existing vinyl slats to mitigate the noise to bring it to a permissible level; however, the applicant later chose to propose a higher level of mitigation by providing a material called Acoustifence that is rated to provide sound transmission loss of up to 28dB. This is anticipated to provide more protection to the surrounding properties and, at Staff's recommendation, an updated Sound Assessment that includes analysis of the proposed Acoustifence material and its ability to meet the St. Louis County noise ordinance is being required prior to City Council approval as a condition of the subcommittee's recommendation.

DISCUSSION:

A "Zoning Matters" sign was placed on the property on November 12, 2022 and this item was introduced at the Planning & Zoning Commission meeting on November 16, 2022. A subcommittee meeting was held on November 21, 2022 with proper notification posted. A list of attendees at that meeting is attached as Exhibit A. At this subcommittee meeting, the following items were discussed:

1. There will be sound buffering constructed internally to reduce noise to adjacent businesses. Acoustifence will be added to the enclosed dock area, currently surrounded by a vinyl-slatted chain link fence to mitigate noise to neighboring properties.
2. MSD has confirmed that the new drain in the pet relief area will need to tie into the existing sanitary line. The petitioner's civil engineer will submit plans to MSD for approval.
3. There will be no more than 2 pets in the pet relief area at a time, both on-leash and supervised by an employee. The outdoor area will only be utilized between 7am and 7pm.
4. When a pet stays overnight for postoperative recovery, no staff member will be present.
5. A pet waste station should be added in front of the business in the mulched area.

These items have been discussed throughout the report and outstanding items have been included in conditions in the Recommendation section of this report.

RECOMMENDATION:

The subcommittee recommends that this petition be approved with the following conditions:

1. The project shall be constructed and maintained in accordance with the Site and Floor Plans (2 sheets) prepared by Oculus Inc, stamped "Received October 28, 2022 City of Kirkwood Public Services Department", except as noted herein.
2. The hours of operation shall be 7 a.m. to 7 p.m. Monday through Sunday.
3. Overnight boarding services are prohibited, however, overnight stays after surgery are permitted as medically necessary.
4. The petitioner shall receive approval from MSD for the installation of the drain in the pet relief area and connection to sanitary sewer prior to issuance of permits.
5. An updated sound assessment that evaluates the effectiveness of the proposed Acoustifence material to meet the St. Louis County noise regulations shall be provided prior to City Council approval.
6. The petitioner shall install Acoustifence on the chain link fence around the outdoor pet relief area in accordance with any recommendations provided by the required updated sound assessment.
7. Pets in the outdoor relief area shall be supervised at all times, with no more than two pets in the area at a time and only during the hours of operation stated above.
8. The petitioner shall install a pet waste station in the front of the building in a location to be approved by the Planning & Development Services Department and authorized by the Landlord.
9. The applicant shall comply with all standard conditions as listed in Exhibit B.

Respectfully submitted,

Jim Adkins

Sandy Washington

**EXHIBIT A
SUBCOMMITTEE MEETING ATTENDANCE**

P&Z Subcommittee Meeting
 Project:
 Date:
 Location:

PZ-7-23
Clark Animal Hospital Nov. 21, 2022
10300 Manchester Rd

Name	Organization
James Adkins	P&Z
Sandy Washington	P&Z
Zachary Moore	Cousins Inc
Ann J Schmelzle	Cushman & Wakefield
Christie Voelker	City of Kirkwood
Patrick Wittenbrink	Cannery Macdonald
Amy Lowry	City of Kirkwood

**EXHIBIT B
STANDARD CONDITIONS**

1. The premises and improvements as approved by this Special Use Permit shall be in good working order and maintained in good repair at all times.
2. The applicant, by accepting and acting under the Special Use Permit approval granted, accepts the approval subject to the reservations, restrictions, and conditions set forth in the Code of Ordinances and in the report and agrees to comply with each provision subject to the penalties prescribed under Section 1-8 of the Code of Ordinances and subject to revocation of this approval in the event such provisions are not complied with.
3. The water system shall meet the requirements of the Kirkwood Fire and Water Departments. The Fire Department shall approve the water flow for the project. If satisfactory water flow is not available from the existing water system in accordance with City policy, the applicant shall install the necessary mains and accessories.
4. No parking of construction trailers, material storage, equipment storage or construction equipment is authorized on the public streets or the City parking lot at any time.
5. Enclosures are required to screen all new dumpsters, grease receptacles, and similar items on the site and shall be constructed of sight-proof materials (e.g. masonry, split-faced concrete masonry units, etc.) similar or complementary to the main building and not less than six feet in height. Latching gates of similar or complementary materials shall be required to completely enclose the dumpster.
6. All new rooftop equipment, air-conditioning units and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.
7. The Architectural Review Board shall approve all signs and building architecture prior to the issuance of any building permits.