



Agenda
Kirkwood City Council
Kirkwood City Hall
Council Chambers
139 South Kirkwood Road
Kirkwood, MO 63122
Thursday, January 19, 2023, 7:00 p.m.
Posted on January 13, 2023

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. INTRODUCTIONS AND RECOGNITIONS - NONE

IV. PRESENTATIONS - NONE

V. PUBLIC HEARINGS

1. A request for a Zoning Code Text Amendment for Recreational Marijuana

VI. PUBLIC COMMENTS – 3 MINUTE LIMIT PER PERSON

The Public Comments portion of the meeting is an opportunity for the City Council to listen to comments from citizens. It is not a question and answer session and the City Council will not respond to comments or answer questions during this period. The Mayor may refer any matter brought up to the City Council to the Chief Administrative Officer or City Clerk if action is needed.

VII. CONSENT AGENDA

All items within the Consent Agenda will be enacted by one motion of the Council with no separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda by request of a member of the City Council. The expenditures listed in the consent agenda are items already approved in the current city budget.

- a) Approval of the January 5, 2023 Council Meeting Minutes
- b) Resolution 4-2023, reappointing members to the Downtown Special Business District Advisory Commission

VIII. UNFINISHED BUSINESS - NONE

IX. NEW BUSINESS

1. Bill 10958, granting a Special Use Permit for an Animal Facility, Major with Outdoor Use at 10320 Manchester Road (Greentree Center), subject to certain conditions
2. Resolution 5-2023, accepting the bid of First Student at the rates provided in the memo for bus transportation for the Recreation Department on an as needed basis, for an initial term of 12 months with the option to renew for up to four additional 12 month terms, pending budgetary approval, and authorizing and directing the Mayor to enter into a contract



3. Resolution 6-2023, amending the contract with Luzco Technologies, LLC by increasing the amount by \$250,000 for a total not to exceed amount of \$1,090,000 for Utility Design and Project Management Services for the Electric Department and authorizing and directing the Mayor to enter into an amended contract

X. CONSENT AGENDA ITEMS FOR DISCUSSION (IF ANY)

XI. CITY COUNCIL REPORTS

XII. CHIEF ADMINISTRATIVE OFFICER REPORTS

1. Application for Liquor License, to sell intoxicating liquor by the drink, plus Sunday, from Heaterz Hot Chicken at 129 West Jefferson

XIII. CITY ATTORNEY REPORTS

XIV. CITY CLERK REPORTS

1. Report of the Planning & Zoning Commission Meeting (if any)
2. Upcoming Public Hearings (if any)

XV. MEETING ADJOURNMENT

The next regular meeting of the Kirkwood City Council will take place at **7:00 p.m. on February 2, 2023.**

CONTINUED ITEMS

NONE

TABLED ITEMS

NONE

Kirkwood City Council: Mayor Tim Griffin, Council Members Maggie Duwe, Liz Gibbons, Nancy Luetzow, Bob Sears, Wallace Ward, and Mark Zimmer

Contact Information: For full City Council contact information visit www.kirkwoodmo.org/council. To contact the City Clerk call 314-822-5802. To contact the Chief Administrative Officer call 314-822-5803.

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.

PROCEDURE FOR PUBLIC HEARING

Mayor: At this time the council will recess to conduct a public hearing regarding:

A request for a Zoning Code Text Amendment for Recreational Marijuana

Mayor: Mr. Hessel, do you wish to enter any exhibits into the record?

Mayor: Mr. Hawes, who will present this issue to the City Council?

Planning & Development Services Director Jonathan Raiche

Mayor: David, has anyone completed a card to speak regarding this proposal?

Mayor: Is there anyone in the audience that did not complete a card that wishes to speak regarding this issue? (Please be sure to fill out a card before you leave so your name and address is reflected in the record)

Mayor: Hearing no further discussion, the council will take this matter under advisement and consider the hearing to be recessed.



St. Louis County

Legal Ledger

AFFIDAVIT OF PUBLICATION

State of Missouri

ss

County of St. Louis

Before the undersigned, a Notary Public of Jackson County, Missouri, duly commissioned, qualified and authorized by law to administer oaths, personally appeared

John Wingo

Publisher of the St. Louis County **Legal Ledger**, a daily newspaper of general circulation published in the County of St. Louis, Missouri, that he is authorized to make this affidavit and sworn statement; that the notice of

Notice of Hearing

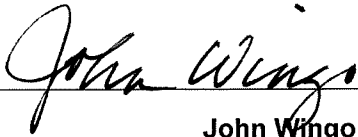
a true copy of which is attached hereto, was published in the St. Louis County **Legal Ledger**, on the following dates:

December 29, 2022

in volume **15**

and numbered **88**

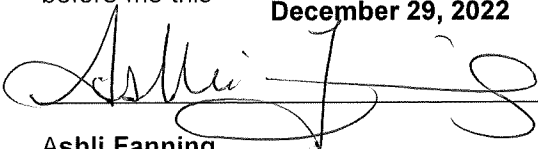
and that the said newspaper in which such notice, was published was, at the time of each and every such publication, a newspaper meeting the requirements and qualifications of Chapter 443, Revised Statutes of Missouri and Chapter 493 including Section 493.050



John Wingo

Sworn to and subscribed before me this

December 29, 2022



Ashli Fanning

Notary Public-Jackson County, State of Missouri
My commission expires September 13, 2026
Commission No. 22410866

CITY OF KIRKWOOD

NOTICE OF PUBLIC HEARING BEFORE THE CITY COUNCIL OF

KIRKWOOD, MISSOURI

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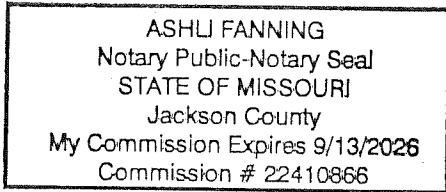
A request for a Zoning Code Text Amendment for Recreational Marijuana.

Laurie Asche
City Clerk

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December 29, 2022
88—Thursday

M2438



The Countian (St Louis)
100 S. Highway Drive
Fenton, MO, 63099
Phone: 3144211880 Fax: 0

THE COUNTIAN ST. LOUIS

Affidavit of Publication

To: City of Kirkwood - Laurie Asche
139 S. Kirkwood Road
Kirkwood, MO,

Re: Legal Notice 2460351

State of MO }
 } SS:
County of St. Louis }

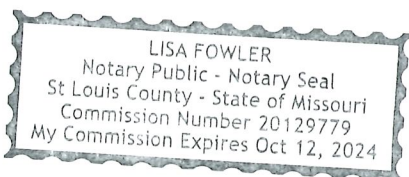
I, Karie Clark, being duly sworn, depose and say: that I am the Authorized Designee of The Countian (St Louis), a daily newspaper of general circulation in Fenton, County of St. Louis, State of MO; that a notice, of which the annexed is a printed copy, has been duly and regularly published in the The Countian (St Louis) once each day for 1 consecutive days; and that the date of the publication were as follows: 12/29/2022.

By: *Karie Clark*
Karie Clark

Sworn to me on this
3rd day of January
2023

By: *Lisa Fowler*

Lisa Fowler
Notary Public, State
of MO
No. 20129779
Qualified in St. Louis
County
My commission
expires on October
12, 2024



CITY OF KIRKWOOD NOTICE OF PUBLIC HEARING BEFORE THE CITY COUNCIL OF KIRKWOOD, MISSOURI

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2460351 County Dec. 29, 2022

AFFIDAVIT OF PUBLICATION

Date: 1/5/2023

City of Kirkwood
139 S. Kirkwood Rd.
Kirkwood, MO 63122

I, Randy Drilingas, being duly sworn, both depose and say that I am an authorized representative of the WKTimes LLC, publishers of the Webster-Kirkwood Times Newspaper in the county of St. Louis, MO, and that the advertisement shown below was published in the Webster-Kirkwood Times January 6, 2023 edition.


Authorized Agent, Randy Drilingas
Webster-Kirkwood Times



NOTICE OF PUBLIC HEARING
before the City Council of
City of Kirkwood, MO

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Laurie Asche, City Clerk

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MEMORANDUM

TO: P&Z COMMISSION

FROM: JONATHAN D. RAICHE, PLANNING & DEVELOPMENT SERVICES DIRECTOR *JDR*

SUBJECT: PZ-09-23 STAFF-INITIATED TEXT AMENDMENT- RECREATIONAL MARIJUANA

DATE: DECEMBER 21, 2022

CC: AMY LOWRY, PLANNER II
CHRISTIE VOELKER, PLANNER I
JOHN HESSEL, CITY ATTORNEY



WHERE COMMUNITY AND SPIRIT MEET[®]

Staff was provided a summary from the City Attorney regarding the recent approval by Missouri voters of Constitutional Amendment 3 (the Amendment) regarding the legalization of recreational marijuana. In summary, the Amendment:

- (1) legalizes the sale of recreational marijuana for adults twenty-one (21) years of age or older,
- (2) prohibits arrests and/or penalties for personal possession and cultivation of limited amounts of marijuana,
- (3) allows for the expungement of criminal records for certain marijuana-related offenses,
- (4) provides regulations for Missouri's recreational marijuana industry, and
- (5) establishes guidelines for local governments.

The City may not prohibit recreational marijuana facilities without the passage of a referendum by Kirkwood voters, but is allowed to establish ordinances governing the time, place, and manner of such facilities so long as such regulation are not unduly burdensome. The City adopted an ordinance allowing medical marijuana facilities in 2018 when those were legalized by the State. To date, no such facilities are located within the City. Staff is proposing to utilize the same regulations established in 2018 for medical marijuana facilities and apply them to all legal marijuana facilities. A revised list of these regulations is included in the recommendation section of this memo. Related to this section, Staff also identified a use-specific standard that was inadvertently placed under the Medical marijuana facility and should have been placed under the list of standards for a Motor vehicle repair shop, major. Correcting this error is also included in the recommendation section of this memo.

The Amendment took effect on December 8, 2022, but it appears that the earliest businesses could sell recreational marijuana products is February 2023. Staff is recommending revisions to the Zoning Code that will revise the existing regulations for medical marijuana in a way that will broaden these to recreational marijuana in compliance with the Amendment.

Recommendation

Staff recommends that the Zoning Code be amended as provided below and a motion be made with the following language:

I move to recommend approval of the Zoning Code Text Amendments regarding Constitutional Amendment 3 regarding the legalization of marijuana as follows based on the Staff memo dated December 21, 2022.

1. **Revise Table 35-1, Principally Permitted Uses in Base Zoning Districts and Table 65-1, Number of Required Off-street Parking Spaces** to change “Medical marijuana facility” to “Marijuana facility”.

2. **Revise the following definitions in Section 25-104**

~~Medical~~ Marijuana Facility - A facility licensed by the State of Missouri including the following:

(a) ~~MEDICAL~~ MARIJUANA CULTIVATION FACILITY

A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a ~~medical~~ marijuana dispensary facility, ~~medical~~ marijuana testing facility, or to a ~~medical~~ marijuana-infused products manufacturing facility.

(b) ~~MEDICAL~~ MARIJUANA DISPENSARY FACILITY

A facility licensed by the State of Missouri to acquire, store, sell, transport and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided by the State of Missouri to ~~an individual a qualifying patient~~, a primary caregiver, another ~~medical~~ marijuana dispensary facility, a ~~medical~~ marijuana testing facility, or a ~~medical~~ marijuana-infused products manufacturing facility.

(c) ~~MEDICAL~~ MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY

A facility licensed by the State of Missouri to acquire, store, manufacture, transport, and sell marijuana-infused products to a ~~medical~~ marijuana dispensary facility, a ~~medical~~ marijuana testing facility, or to another ~~medical~~ marijuana-infused products manufacturing facility.

(d) ~~MEDICAL~~ MARIJUANA TESTING FACILITY

A facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.

3. **Revise use-specific standards in Section 25-36(t) and (u)**

(t) ~~Medical~~ Marijuana facility.

(1) Only a ~~medical~~ marijuana dispensary may be considered as a special use in the B-3 District. Cultivation, dispensary, infused product manufacturing, and testing facilities may be considered as special uses in the I-1 District.

(2) Such facility shall be initially located a minimum of 1,000 feet from a church, place of worship, public or private school, ~~or day-care center, or public park~~. Said distance shall be measured according to the published regulations issued by the State of Missouri.

(3) Such facility shall be located a minimum of 500 feet from another ~~medical~~ marijuana facility of the same type. Said distance shall be measured according to the published regulations issued by the State of Missouri. This section shall not prohibit one facility from holding multiple licenses.

(4) The hours of operation of a ~~medical~~ marijuana dispensary facility shall be between 8:00 a.m. and 9:00 p.m. daily.

(5) Operations of cultivation, dispensing, manufacturing and testing facilities must be conducted entirely within an enclosed building, and consumption or smoking of marijuana products shall be prohibited on the premises.

~~(6) There shall be no wrecking or salvaging of parts from vehicles on the site.~~

(u) Motor vehicle repair shop, major.

(1) Major motor vehicle repair shops shall be prohibited within the Downtown Master Plan Study Area.

(2) No vehicles awaiting body or major parts repair shall be located within the front yard of the lot or be visible from any right-of-way or adjacent property and must be completely screened from view.

AS AMENDED BY P&Z ON 12/21/22

- (3) The storage of nonoperational and/or disassembled vehicles for longer than a twenty-four-hour period shall be permitted if stored in the rear yard and screened by a solid wall or fence with a minimum height of six feet. No such vehicle shall be stored on-site for more than one month.
- (4) A motor vehicle repair shop, major, shall be further subject to the same requirements as a motor vehicle repair shop, minor, as established in § 25-36(v).
- (5) There shall be no wrecking or salvaging of parts from vehicles on the site.



WHERE COMMUNITY AND SPIRIT MEET™

December 22, 2022

Russell B. Hawes
Chief Administrative Officer

At the December 21, 2022 meeting of the Planning and Zoning Commission, the following action was taken:

1. After a presentation by staff and the petitioner for a Special Use Permit and Site Plan Review for Vehicle Sales and Rental, at 10230 Manchester Road (Audi Exchange Kirkwood), Commissioners Evens and Klippel were appointed to the Subcommittee. The Subcommittee will meet on the subject site at 8am on Wednesday, January 4.
2. By a vote of 8-0, the Commission recommended approval of a staff-initiated zoning code text amendment related to recreational marijuana facilities. A public hearing before the City Council is required.

The next meeting will be held on January 4, 2023.

Respectfully submitted,

Jim Adkins, Chair
Planning and Zoning Commission

BILL
ORDINANCE

AN ORDINANCE AMENDING THE PROVISIONS OF THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 25 – ZONING AND SUBDIVISION, REGARDING THE REGULATION OF MARIJUANA FACILITIES.

WHEREAS, Amendment 3 to the Missouri Constitution, which revised and amended the existing provisions regarding the legalization of marijuana for medical purposes and legalizes recreational marijuana for adults, was approved by the voters on November 8, 2022; and

WHEREAS, the Planning and Zoning Commission did on the 21st day of December, 2022 by referencing and amending the Staff Memo dated December 21, 2022 (attached hereto and incorporated by reference herein), recommend the approval of said Zoning Code text amendment as amended after concluding the text amendments would meet the criteria of Sections 25-17(e)(2) of the Zoning and Subdivision Code; and

WHEREAS, on the 19th day of January, 2023, the City Council did hold a public hearing with respect to such text amendments to the Zoning and Subdivision Code after duly advertising and giving proper notice of such hearing; and

WHEREAS, the Council does find that the granting of such text amendments would meet the criteria listed in Sections 25-17(e)(2) of the Zoning and Subdivision Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. That the City of Kirkwood Municipal Code of Ordinances, Chapter 25 – Zoning and Subdivision, Table 35-1, Principally Permitted Uses in Base Zoning Districts and Table 65-1, Number of Required Off-street Parking Spaces are hereby amended as follows:

Change the term “Medical marijuana facility” to “Marijuana facility”.

SECTION 2. That the City of Kirkwood Municipal Code of Ordinances, Chapter 25 – Zoning and Subdivision, Section 25-104 is hereby amended by revising certain definitions as follows (omitted language indicated as strikethrough and added language shown in red, bold text):

~~Medical~~ Marijuana Facility - A facility licensed by the State of Missouri including the following:

(a) ~~MEDICAL~~ MARIJUANA CULTIVATION FACILITY

A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a ~~medical~~ marijuana dispensary facility, ~~medical~~ marijuana testing facility, or to a ~~medical~~ marijuana-infused products

manufacturing facility.

(b) ~~MEDICAL~~ MARIJUANA DISPENSARY FACILITY

A facility licensed by the State of Missouri to acquire, store, sell, transport and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided by the State of Missouri to **an individual a qualifying patient**, a primary caregiver, another ~~medical~~ marijuana dispensary facility, a ~~medical~~ marijuana testing facility, or a ~~medical~~ marijuana-infused products manufacturing facility.

(c) ~~MEDICAL~~ MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY

A facility licensed by the State of Missouri to acquire, store, manufacture, transport, and sell marijuana-infused products to a ~~medical~~ marijuana dispensary facility, a ~~medical~~ marijuana testing facility, or to another ~~medical~~ marijuana-infused products manufacturing facility.

(d) ~~MEDICAL~~ MARIJUANA TESTING FACILITY

A facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.

SECTION 3. That the City of Kirkwood Municipal Code of Ordinances, Chapter 25 – Zoning and Subdivision, Section 25-36(t) and (u) is hereby amended by revising certain use-specific standards as follows (omitted language indicated as strikethrough and added language shown in red, bold text):

(t) ~~Medical~~ **Medical** Marijuana facility.

- (1) Only a ~~medical~~ **medical** marijuana dispensary may be considered as a special use in the B-3 District. Cultivation, dispensary, infused product manufacturing, and testing facilities may be considered as special uses in the I-1 District.
- (2) Such facility shall be initially located a minimum of 1,000 feet from a church, place of worship, public or private school, **or** day-care center, ~~or public park~~. Said distance shall be measured according to the published regulations issued by the State of Missouri.
- (3) Such facility shall be located a minimum of 500 feet from another ~~medical~~ **medical** marijuana facility of the same type. Said distance shall be measured according to the published regulations issued by the State of Missouri. This section shall not prohibit one facility from holding multiple licenses.
- (4) The hours of operation of a ~~medical~~ **medical** marijuana dispensary facility shall be between 8:00 a.m. and 9:00 p.m. daily.
- (5) Operations of cultivation, dispensing, manufacturing and testing facilities must be conducted entirely within an enclosed building, and consumption or smoking of marijuana products shall be prohibited on the premises.
- ~~(6) There shall be no wrecking or salvaging of parts from vehicles on the site.~~

- (u) Motor vehicle repair shop, major.
 - (1) Major motor vehicle repair shops shall be prohibited within the Downtown Master Plan Study Area.
 - (2) No vehicles awaiting body or major parts repair shall be located within the front yard of the lot or be visible from any right-of-way or adjacent property and must be completely screened from view.
 - (3) The storage of nonoperational and/or disassembled vehicles for longer than a twenty-four-hour period shall be permitted if stored in the rear yard and screened by a solid wall or fence with a minimum height of six feet. No such vehicle shall be stored on-site for more than one month.
 - (4) A motor vehicle repair shop, major, shall be further subject to the same requirements as a motor vehicle repair shop, minor, as established in § 25-36(v).
 - (5) There shall be no wrecking or salvaging of parts from vehicles on the site.

SECTION 5. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS ____ day of _____, 2023.

Mayor, City of Kirkwood

ATTEST:

City Clerk

Public Hearing: January 19, 2023

1st Reading:

2nd Reading:

Legislation Request

Ordinance

Place On The Agenda Of: 1/19/2023

Step #1:

Strategic Plan NO

Goal # & Title

Background To Issue:

Missouri voters passed Amendment 3 in November of 2022 which legalized recreational marijuana for adults over 21 years of age and established guidelines for regulation by local governments among other related topics. Staff has consulted with the City Attorney and identified those sections of the Zoning/Subdivision Code that need to be amended to comply with the constitutional amendment. An amended staff memo is attached to this request for additional background. The memo was amended to include an additional recommendation from the P&Z Commission. This additional recommendation was the result of additional discussion between the Commission and the City Attorney during the 12/21/22 meeting of the P&Z Commission. The amendment is to remove "public parks" from the list of facilities that require a buffer from a proposed marijuana facility. Public parks are not specifically listed in the constitutional amendment as a facility that can require a buffer and there have been legal challenges to other municipalities that included public parks in their regulation. The City Attorney recommended to the P&Z Commission that this language be removed to be consistent with the constitutional amendment.

In addition, Staff has identified a subsection under the site specific standards for Marijuana facilities that was mistakenly placed in section 25-36-(t) but should have been placed in 25-36(u) which is related to the "Motor vehicle repair shop, major" use category. The proposed amendment would correct this mistake.

Recommendations and Action Requested:

The P&Z Commission recommended approval of the proposal, as amended, by a vote of 8-0 at their meeting on 12/21/22. A public hearing is being requested followed by City Council consideration of the proposed text amendments.

Alternatives Available:

Does this project have a public information component? Yes No

Cost: \$0.00

Account #: 0

Project #:

Budgeted: YES

If YES, Budgeted Amount: \$0.00

If NO, or if insufficient funding (Complete Step #3).


Department Head Comments:


BY: Jonathan Raiche

Date: 1/11/2023

Authenticated:

You can attach up to 3 files along with this request.


2022-12-21 PZ-9-23 Memo
AmendedByPZ.pdf
Adobe Acrobat Document
2.87 MB


2023-01-19 PZ-9-23
Ordinance.docx
Microsoft Word Document
21.6 KB

 File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Select...

Purchasing Director's Comments:

BY: Select...

Date:

Authenticated:

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #3: If budgetary approval is required **(Must have Finance Department's approval).**

Select...

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

BY: Select...

Date:

Authenticated:

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve

Disapprove

Chief Administrative Officer's Comments:

BY:

A handwritten signature in blue ink, written over a horizontal line. The signature is cursive and appears to be "Michael J. ...".

Date:

1-12-23

MEMORANDUM

TO: P&Z COMMISSION

FROM: JONATHAN D. RAICHE, PLANNING & DEVELOPMENT SERVICES DIRECTOR *JDR*

SUBJECT: PZ-09-23 STAFF-INITIATED TEXT AMENDMENT-RECREATIONAL MARIJUANA

DATE: DECEMBER 21, 2022

CC: AMY LOWRY, PLANNER II
CHRISTIE VOELKER, PLANNER I
JOHN HESSEL, CITY ATTORNEY



WHERE COMMUNITY AND SPIRIT MEET[®]

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Recommendation

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(1) Only a ~~medical~~ marijuana dispensary may be considered as a special use in the B-3 District. Cultivation, dispensary, infused product manufacturing, and testing facilities may be considered as special uses in the I-1 District.

(2) Such facility shall be initially located a minimum of 1,000 feet from a church, place of worship, public or private school, ~~or day-care center~~, ~~or public park~~. Said distance shall be measured according to the published regulations issued by the State of Missouri.

(3) Such facility shall be located a minimum of 500 feet from another ~~medical~~ marijuana facility of the same type. Said distance shall be measured according to the published regulations issued by the State of Missouri. This section shall not prohibit one facility from holding multiple licenses.

(4) The hours of operation of a ~~medical~~ marijuana dispensary facility shall be between 8:00 a.m. and 9:00 p.m. daily.

(5) Operations of cultivation, dispensing, manufacturing and testing facilities must be conducted entirely within an enclosed building, and consumption or smoking of marijuana products shall be prohibited on the premises.

~~(6) There shall be no wrecking or salvaging of parts from vehicles on the site.~~

(u) Motor vehicle repair shop, major.

(1) Major motor vehicle repair shops shall be prohibited within the Downtown Master Plan Study Area.

(2) No vehicles awaiting body or major parts repair shall be located within the front yard of the lot or be visible from any right-of-way or adjacent property and must be completely screened from view.

AS AMENDED BY P&Z ON 12/21/22

- (3) The storage of nonoperational and/or disassembled vehicles for longer than a twenty-four-hour period shall be permitted if stored in the rear yard and screened by a solid wall or fence with a minimum height of six feet. No such vehicle shall be stored on-site for more than one month.
- (4) A motor vehicle repair shop, major, shall be further subject to the same requirements as a motor vehicle repair shop, minor, as established in § 25-36(v).
- (5) There shall be no wrecking or salvaging of parts from vehicles on the site.

THE CONSENT AGENDA IS ATTACHED

- a) Approval of the January 5, 2023 Council Meeting Minutes
- b) Resolution 4-2023, reappointing members to the Downtown Special Business District Advisory Commission



WHERE COMMUNITY AND SPIRIT MEET

DRAFT

City Council Meeting Minutes Kirkwood City Hall Thursday, January 5, 2023, 7:00 p.m.

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, January 5, 2023, at 7:00 p.m. at Kirkwood City Hall, 139 South 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 Office David Weidler, City Clerk Laurie Asche, Planning and Development Services Director Jonathan Raiche, City Planner II Amy Lowry, City Planner I Christine Voelker, and City Attorney John Hessel.

INTRODUCTIONS AND RECOGNITIONS

NONE

PRESENTATION

NONE

PUBLIC HEARINGS

Mayor Griffin recessed the meeting for the purpose of conducting a public hearing regarding a request for a Special Use Permit with Outdoor Use for an Animal Facility, Major, for Cark Animal Hospital. Mr. Hessel entered the following exhibits into record: an Affidavit of Publication in the St. Louis Countian on December 16, 2022, 2022, as Exhibit 1; an Affidavit of Publication in the Webster-Kirkwood Times on December 16, 2022, as Exhibit 2; a list of properties that were notified of the hearing, as Exhibit 3; an aerial view map showing the subject property, as Exhibit 4; the report of the Planning and Zoning Commission Subcommittee dated December 7, 2022, as Exhibit 5; the report of the Planning and Zoning Commission dated December 8, 2022, as Exhibit 6; and the Kirkwood Code of Ordinances, as Exhibit 7.

City Planner I Christine Voelker presented information pertaining to the request:

- The petitioner is requesting a Special Use Permit for an Animal Facility, Major with Outdoor Use, for an animal hospital at 10320 Manchester Road (Greentree Center) to occupy 10,229 square feet of the former Gold's Gym space.
- The proposed hours of operation will be 7:00 a.m. to 7:00 p.m. Monday through Sunday.
- 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 Turft PetGrass PODS will be installed in the pet relief area along with a new drain to an existing sanitary sewer.



WHERE COMMUNITY AND SPIRIT MEET*

DRAFT

- No outdoor lighting in being proposed.
- The proposed use of Animal Facility, Major, has a parking requirement of 1 space per 300 square feet. Based on updated tenant data, the Greentree Center currently meets the parking requirements.
- The applicant provided a sound assessment, with the results concluding that the estimated sound levels at the adjacent commercial businesses meet the St. Louis County ordinance.
- The applicant is proposing to use Acoustifence to mitigate noise. An updated sound assessment that includes analysis of the proposed Acoustifence material and its ability to meet the St. Louis County noise ordinance will be required prior to City Council approval.
- A few of the Planning & Zoning Commission conditions are as follows:
 - 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.
 - An updated sound assessment that evaluates the effectiveness of the proposed Acoustifence material to meet St. Louis County noise regulations shall be provided prior to City Council approval.
 - The petitioner shall install Acoustifence on the chain link fence around the outdoor pet relief area in accordance with any recommended provided by the required updated sound assessment.
 - 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.
 - The petitioner shall install a pet waste station in the front of the building in a location to the approved by the Planning & Development Services Department and authorized by the Landlord.

Council discussion:

- It was confirmed by the petitioner that there will be one employee per two pets in the outdoor pet relief area.
- There will be no staff present during overnight hours.
- Question was raised regarding if there will be any change in business operations moving from one location to another.

The Bill will be placed on the January 19, 2023 agenda for first reading consideration.

PUBLIC COMMENTS

1. Dr. Sandra Hoffmann, 231 E. Argonne Drive, spoke in support of Resolution 3-2023.
2. Steve Pozaric, 1125 Vinetta Drive, spoke in support of Resolution 3-2023.
3. John Bickel, 75 W. Glenwood Lane, spoke in support of Resolution 3-2023.
4. Julie Missey, 2131 Briargate Lane, spoke in opposition of Resolution 3-2023. Concerned about disturbing noise and adverse effects on the neighborhood.
5. Patti Smith, 134 Sweetbriar Lane, spoke in opposition of Resolution 3-2023. Concerned about adverse health effects from disturbing noise and decrease in property values.
6. James Holtrop, Acoustic Control, 1725 Old State, Wildwood, Missouri, spoke in support of Resolution 3-2023. Gave background in acoustics and believes the noise levels will be in regulation with St. Louis County Code.



WHERE COMMUNITY AND SPIRIT MEET*

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- 7. Dr. Leland McClure, 2110 Briargate Lane, spoke in opposition of Resolution 3-2023. Believes the topic should go back to the Planning & Zoning Commission to resolve the conflicting sound studies.

CONSENT AGENDA

Motion was made by Council Member Zimmer and seconded by Council Member Luetzow to approve the Consent Agenda. It was requested that item a) be removed from the Consent Agenda and placed at the end of the agenda. The Consent Agenda was unanimously approved with item a) being removed.

- a) Approval of the December 15, 2022 Council Meeting Minutes ****Removed and placed at the end of the agenda***
- b) Resolution 1-2023, accepting the proposal of Anixter, Inc. in the amount of \$16,176 for the purchase of secondary pedestals for the Electric Department and authorizing and directing the Director of Procurement to issue a Purchase Order
- c) Resolution 2-2023, entering into a contract between the City of Kirkwood and Payer Matrix for pharmaceutical patient assistance services for City employees

UNFINISHED BUSINESS

Bill 10957, authorizing and directing the City Clerk to submit a proposition to the voters within the City of Kirkwood, Missouri at the April 4, 2023 election allowing the City of Kirkwood, Missouri to impose a sales tax at a rate of three percent on all tangible personal property retail sales of adult use marijuana sold within the City of Kirkwood, Missouri, pursuant to Article XIV, Section 2.6(5) of the Missouri Constitution; designating the form of the ballot; and imposing such sales tax subject to the approval by the voters was brought before the council. A discussion took place.

Roll Call:

Mayor Griffin	"Yes"
Council Member Ward	"Yes"
Council Member Zimmer	"Yes"
Council Member Duwe	"Yes"
Council Member Gibbons	"Yes"
Council Member Luetzow	"Yes"
Council Member Sears	"Yes"

The bill, having received majority approval of the Council, was adopted and became Ordinance 10786.



WHERE COMMUNITY AND SPIRIT MEET™

DRAFT

NEW BUSINESS

Resolution 3-2023, approving the Major Site Plan partial amendment on the property known as 12665 Big Bend Boulevard, Greenbriar Hills Country Club, subject to certain conditions was brought before the council. Motion was made by Council Member Sears and seconded by Council Member Ward to accept the Resolution as read. A discussion took place.

Motion was made by Council Member Ward and seconded by Council Member Zimmer to amend the Resolution by adding a new Section 2 to read as follows, "The approval of this major site plan partial amendment shall not authorize the applicant to violate the St. Louis County Noise Ordinance, and following construction of the pickleball courts but prior to use by the applicant's members, the City shall have a noise study performed at the applicant's expense by a private entity acceptable to the City for the purpose of measuring the actual noise generated by playing pickleball on the newly constructed pickleball courts. In the event that the noise study finds that the noise generated by playing pickleball is in violation of the St. Louis County Noise Ordinance, the authority granted by this Resolution with respect to the use of the pickleball courts for playing pickleball shall be rescinded and shall be null and void, unless and until it is determined that the playing of pickleball on the pickleball courts is not in violation of the St. Louis County Noise Ordinance", and renumbering the subsequent sections accordingly. A discussion took place. The motion to amend was unanimously approved.

Roll Call:

Mayor Griffin	"Yes"
Council Member Ward	"Yes"
Council Member Zimmer	"Yes"
Council Member Duwe	"Yes"
Council Member Gibbons	"Yes"
Council Member Luetzow	"Yes"
Council Member Sears	"Yes"

CONSENT AGENDA ITEMS FOR DISCUSSION

December 15, 2022 minutes. Motion was made by Council Member Luetzow and seconded by Council Member Zimmer to amend the minutes by amending the vote under Resolution 164-2022 to change Council Member Gibbons' vote to "No". The motion to amend was unanimously approved.

The minutes were unanimously approved.

CITY COUNCIL REPORTS

Council Member Luetzow questioned if the City Council should have the Planning & Zoning Commission review the City's Code of Ordinances Zoning Code regarding accessory uses, setbacks and sporting courts regarding noise levels. A discussion took place.



WHERE COMMUNITY AND SPIRIT MEET*

DRAFT

Council Member Ward stated his concern regarding the City's emergency preparedness and attacks on electric substations.

CHIEF ADMINISTRATIVE OFFICER REPORT

Mr. Hawes had nothing to report.

CITY ATTORNEY REPORT

Mr. Hessel had nothing to report.

CITY CLERK REPORT

Ms. Asche read the report of the December 22, 2022 meeting of the Planning & Zoning Commission. The following action was taken:

1. After a presentation by staff and the petitioner for a Special Use Permit and Site Plan Review for Vehicle Sales and Rental, at 10230 Manchester Road (Audi Exchange Kirkwood), Commissioners Evens and Klippel were appointed to the Subcommittee. The Subcommittee will meet on the subject site at 8am on Wednesday, January 4.
2. By a vote of 8-0, the Commission recommended approval of a staff-initiated zoning code text amendment related to recreational marijuana facilities. **A public hearing is scheduled for January 19, 2023.**

ADJOURNMENT

There being no further business to come before the Council, the formal meeting was adjourned at 8:05 p.m. The next regular council meeting is scheduled for January 19, 2023 at 7:00 p.m.

Laurie Asche
City Clerk

Approved:

RESOLUTION 4-2023

A RESOLUTION REAPPOINTING MEMBERS TO THE DOWNTOWN SPECIAL BUSINESS DISTRICT ADVISORY COMMISSION.

WHEREAS, the Downtown Special Business District conducted an election to make reappointments on the Advisory Commission, and

WHEREAS, the commission recommends that the following individuals be reappointed to the Downtown Special Business District Advisory Commission:

Reappointment

Kirk Hutchison, Royal Banks of Missouri	June 2025
Beth Forsee, Sammysoap	June 2025
Bud Pennington, Pennington Shea, LC	June 2024

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. The following members are hereby reappointed to the Downtown Special Business District Advisory Commission as follows:

Reappointment

Kirk Hutchison, Royal Banks of Missouri	June 2025
Beth Forsee, Sammysoap	June 2025
Bud Pennington, Pennington Shea, LC	June 2024

SECTION 2. This Resolution shall be in full force and effect after its passage and approval.

PASSED AND APPROVED THIS 19TH DAY OF JANUARY 2023.

Mayor, City of Kirkwood

ATTEST:

City Clerk

Legislation Request

Resolution

Place On The Agenda Of: 1/19/2023

Step #1:

Strategic Plan NO Goal # & Title

Background To Issue:

The Downtown Special Business District conducted an election to make reappointments to the Commission.

Recommendations and Action Requested:

Reappoint members to the Downtown Special Business District Advisory Commission.

Alternatives Available:

Does this project have a public information component? Yes No

Cost: \$0.00 Account #: 0000000 Project #: Budgeted: YES

If YES, Budgeted Amount: \$0.00 If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

BY: Laurie Asche

Date: 1/3/2023

Authenticated: LBA

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Select...

Purchasing Director's Comments:

BY: Select...

Date:

Authenticated:

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #3: If budgetary approval is required (**Must have Finance Department's approval**).

Select...

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

BY: Select...

Date:

Authenticated:

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

Chief Administrative Officer's Comments:

BY: 

Date: 1-12-23

BILL 10958

ORDINANCE

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR AN ANIMAL FACILITY, MAJOR WITH OUTDOOR USE AT 10320 MANCHESTER ROAD (GREENTREE CENTER), SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, NVA Clark Veterinary Management, LLC made application (PZ-07-23) for a Special Use Permit for an Animal Facility, Major with Outdoor Use for a veterinary clinic at 10320 Manchester Road located in the Greentree Center in the B-3, Highway Business District; and

WHEREAS, the Planning and Zoning Commission did on the 7th day of December, 2022, by adopting the subcommittee report dated December 7, 2022 (attached hereto and incorporated by reference herein), recommend the granting of said Special Use Permit after finding that the request met the criteria listed in Sections 25-20(e) of the Zoning and Subdivision Code, subject to certain conditions; and

WHEREAS, the Council did on the 5th day of January, 2023, hold a public hearing with respect to such application after duly advertising and giving proper notice of such hearing, and does find that the granting of such Special Use Permit would not substantially increase traffic hazards or congestion, substantially increase fire hazards, adversely affect the character of the neighborhood, adversely affect the general welfare of the community, or overtax public utilities; and

WHEREAS, the Council does find that the granting of such Special Use Permit would meet the criteria listed in Sections 25-20(e) of the Zoning and Subdivision Code; and

WHEREAS, the Council does further find that the general welfare requires that such permit be subject to the conditions hereinafter set out.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. A Special Use Permit is hereby granted for an Animal Facility, Major with Outdoor Use for a veterinary clinic at 10320 Manchester Road subject to the following conditions:

1. The project shall be constructed and maintained in accordance with the outdoor improvements indicated on the Site and Floor Plan exhibits (2 sheets) prepared by Oculus, Inc, stamped "Received October 28, 2022 City of Kirkwood Public Services Department", except as noted herein.
2. The days and 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. The petitioner shall install Acoustifence on the chain link fence around the outdoor pet relief area in accordance with the revised sound assessment stamped "Received December 16, 2022 City of Kirkwood Public Services Department".
6. 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.
7. The petitioner shall install a pet waste station in the front of the building in a location to be approved by the Planning and Development Services Department and authorized by the Landlord.
8. 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.
9. No parking of construction trailers, material storage, equipment storage or construction equipment is authorized on the public streets at any time.
10. 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.
11. All new rooftop equipment, air-conditioning units and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.
12. The Architectural Review Board shall approve all signs and building architecture prior to the issuance of any building permits.

SECTION 2. The approval of this special use permit shall not authorize any person to unreasonably alter, increase, or redirect the surface water run off so as to cause harm to any person or property.

SECTION 3. 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.

SECTION 4. The applicant, by accepting and acting under the Special Use Permit herein granted, accepts the permit subject to the reservations, restrictions, and conditions set forth in the Code of Ordinances and in this ordinance 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 permit in the event such provisions are not complied with.

SECTION 5. The applicant and its successors and assigns, by accepting and acting under the approval herein granted, accepts the approval subject to the condition that failure to abate any violation of this approval or any provisions of the Code of Ordinances of the City of Kirkwood within five (5) days after notice by hand delivery or first-class mail shall result in an administrative investigation fee of \$500 due to the City of Kirkwood. An invoice shall be issued. A Stop Work Order to cease all work on the premises except such work as directed by the Public Services Director to abate the violation may be issued for any work on the premises until the investigation fee is paid in full. The City may demand payment of said fee from the holder of the letter of credit, any bond, or escrow if not paid within 30 days of the invoice.

SECTION 6. The applicant further agrees by accepting and acting under this Special Use Permit herein granted that this ordinance does not grant applicant any special rights, privileges, or immunities.

SECTION 7. This ordinance shall become null and void in the event the applicant does not obtain a building permit for the use approved by this ordinance within one year of the passage of this ordinance.

SECTION 8. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS ____ day of _____, 2023.

Mayor, City of Kirkwood

ATTEST:

City Clerk

Introduced: January 5, 2023

1st Reading:

2nd Reading:

Legislation Request

Ordinance

Place On The Agenda Of: 1/5/2023

Step #1:

Strategic Plan NO Goal # & Title

Background To Issue:

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 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.

Recommendations and Action Requested:

The Planning and Zoning Commission, by adopting the Subcommittee Report attached herewith, recommended approval by unanimous vote of the seven commissioners present.

Alternatives Available:

Does this project have a public information component? Yes No

Cost: \$0.00 Account #: n/a Project #: n/a Budgeted: YES

If YES, Budgeted Amount: \$0.00 If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

BY: Christine Voelker

Date: 12/16/2022

Authenticated: voelkece

You can attach up to 3 files along with this request.



PZ-07-23 Ordinance.doc
Microsoft Word 97 - 2003
Document
45.0 KB



2022-12-07 PZ-07-23 Report
signed.pdf
Adobe Acrobat Document
4.78 MB



2023-01-05 PZ-7-23 CC
Packet.pdf
Adobe Acrobat Document
18.0 MB

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. (**Must have Purchasing**

Director's approval).

Select...

Purchasing Director's Comments:

BY: Select...

Date:

Authenticated:

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #3: If budgetary approval is required (**Must have Finance Department's approval**).

Select...

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

BY: Select...

Date:

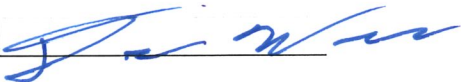
Authenticated:

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

Chief Administrative Officer's Comments:

BY:



Date:

12/20/22

PROCEDURE FOR PUBLIC HEARING

Mayor: At this time the council will recess to conduct a public hearing regarding:

A request for a Special Use Permit with Outdoor Use for an Animal Facility, Major, for Clark Animal Hospital at 10320 Manchester Road (Greentree Center)

Mayor: Mr. Hessel, do you wish to enter any exhibits into the record?

Mayor: Mr. Hawes, who will present this issue to the City Council?

City Planner I Christine Voelker

Mayor: David, has anyone completed a card to speak regarding this proposal?

Mayor: Is there anyone in the audience that did not complete a card that wishes to speak regarding this issue? (Please be sure to fill out a card before you leave so your name and address is reflected in the record)

Mayor: Hearing no further discussion, the council will take this matter under advisement and consider the hearing to be recessed.



The Countian (St Louis)
 100 S. Highway Drive
 Fenton, MO, 63099
 Phone: 3144211880 Fax: 0

THE ST. LOUIS COUNTYIAN

Affidavit of Publication


To: City of Kirkwood - Laurie Asche
 139 S. Kirkwood Road
 Kirkwood, MO,

Re: Legal Notice 2457167
 State of MO }
 } SS:
 County of St. Louis }

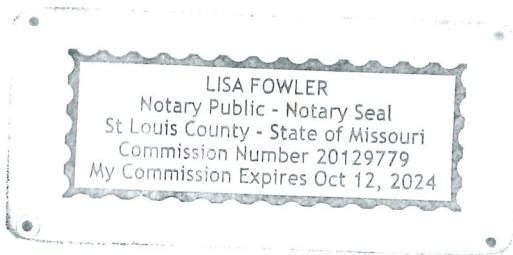
I, Karie Clark, being duly sworn, depose and say: that I am the Authorized Designee of The Countian (St Louis), a daily newspaper of general circulation in Fenton, County of St. Louis, State of MO; that a notice, of which the annexed is a printed copy, has been duly and regularly published in the The Countian (St Louis) once each day for 1 consecutive days; and that the date of the publication were as follows: 12/16/2022.

By: 
 Karie Clark

Sworn to me on this
 19th day of December
 2022

By: 

Lisa Fowler
 Notary Public, State of
 MO
 No. 20129779
 Qualified in St. Louis
 County
 My commission expires
 on October 12, 2024



CITY OF KIRKWOOD NOTICE OF PUBLIC HEARING BEFORE THE CITY COUNCIL OF KIRKWOOD, MISSOURI

The Council of the City of Kirkwood will hold a public hearing in City Hall, 139 South Kirkwood Road, Kirkwood, Missouri at the hour of 7:00 p.m., Thursday, January 5, 2023 to consider the following:

A request for a Special Use Permit with Outdoor Use for an Animal Facility, Major, for Clark Animal Hospital at 10320 Manchester Road (Greentree Center).

Laurie Asche
 City Clerk

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.


2457167 County Dec. 16, 2022

AFFIDAVIT OF PUBLICATION

Date: 12/16/22

City of Kirkwood
139 S. Kirkwood Rd.
Kirkwood, MO 63122

I, Randy Drilingas, being duly sworn, both depose and say that I am an authorized representative of the WKTimes LLC, publishers of the Webster-Kirkwood Times Newspaper in the county of St. Louis, MO, and that the advertisement shown below was published in the Webster-Kirkwood Times December 16, 2022 edition.


Authorized Agent, Randy Drilingas
Webster-Kirkwood Times



NOTICE OF PUBLIC HEARING
before the City Council of
City of Kirkwood, MO

The Council of the City of Kirkwood will hold a public hearing in City Hall, 139 South Kirkwood Road, Kirkwood, Missouri at the hour of 7:00 p.m., Thursday, January 5, 2023 to consider the following:

A request for a Special Use Permit with Outdoor Use for an Animal Facility, Major, for Clark Animal Hospital at 10320 Manchester Road (Greentree Center).

Laurie Asche, City Clerk

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.

PROPERTY OWNER
11420 LACKLAND RD
SAINT LOUIS, MO 63146

PROPERTY OWNER
434 WOODLAWN GROVE LN
SAINT LOUIS, MO 63122

PROPERTY OWNER
1008 N WOODLAWN AVE
SAINT LOUIS, MO 63122

PROPERTY OWNER
426 WOODLAWN GROVE LN
SAINT LOUIS, MO 63122

PROPERTY OWNER
981 MEADOWRIDGE DR
SAINT LOUIS, MO 63122

PROPERTY OWNER
960 QUANAL CT
SAINT LOUIS, MO 63122

PROPERTY OWNER
1012 N WOODLAWN AVE
SAINT LOUIS, MO 63122

PROPERTY OWNER
440 ALFRED AVE
SAINT LOUIS, MO 63122

PROPERTY OWNER
442 WOODLAWN GROVE LN
SAINT LOUIS, MO 63122

PROPERTY OWNER
450 WOODLAWN GROVE LN
SAINT LOUIS, MO 63122

PROPERTY OWNER
418 WOODLAWN GROVE LN
SAINT LOUIS, MO 63122

PROPERTY OWNER
987 MEADOWRIDGE DR
SAINT LOUIS, MO 63122

PROPERTY OWNER
1016 N WOODLAWN AVE
SAINT LOUIS, MO 63122

PROPERTY OWNER
1020 N WOODLAWN AVE
SAINT LOUIS, MO 63122

PROPERTY OWNER
1003 MEADOWRIDGE DR
SAINT LOUIS, MO 63122

PROPERTY OWNER
1024 N WOODLAWN AVE
SAINT LOUIS, MO 63122

PROPERTY OWNER
1009 MEADOWRIDGE DR
SAINT LOUIS, MO 63122

PROPERTY OWNER
1028 N WOODLAWN AVE
SAINT LOUIS, MO 63122

PROPERTY OWNER
1011 N WOODLAWN AVE
SAINT LOUIS, MO 63122

PROPERTY OWNER
1032 N WOODLAWN AVE
SAINT LOUIS, MO 63122

PROPERTY OWNER
1015 MEADOWRIDGE DR
SAINT LOUIS, MO 63122

PROPERTY OWNER
1036 N WOODLAWN AVE
SAINT LOUIS, MO 63122

PROPERTY OWNER
1021 MEADOWRIDGE DR
SAINT LOUIS, MO 63122

PROPERTY OWNER
1040 N WOODLAWN AVE
SAINT LOUIS, MO 63122

PROPERTY OWNER
1044 N WOODLAWN AVE
SAINT LOUIS, MO 63122

PROPERTY OWNER
1027 MEADOWRIDGE DR
SAINT LOUIS, MO 63122

PROPERTY OWNER
1048 N WOODLAWN AVE
SAINT LOUIS, MO 63122

PROPERTY OWNER
1052 N WOODDLAWN AVE
SAINT LOUIS, MO 63122

PROPERTY OWNER
1031 MEADOWRIDGE DR
SAINT LOUIS, MO 63122

PROPERTY OWNER
10260 MANCHESTER RD
SAINT LOUIS, MO 63122

PROPERTY OWNER
1033 MEADOWRIDGE DR
SAINT LOUIS, MO 63122

PROPERTY OWNER
501 EASTWOOD DR
SAINT LOUIS, MO 63122

PROPERTY OWNER
10230 MANCHESTER RD
SAINT LOUIS, MO 63122

PROPERTY OWNER
419 ALFRED AVE
SAINT LOUIS, MO 63122

PROPERTY OWNER
423 ALFRED AVE
SAINT LOUIS, MO 63122

PROPERTY OWNER
427 ALFRED AVE
SAINT LOUIS, MO 63122

PROPERTY OWNER
433 ALFRED AVE
SAINT LOUIS, MO 63122

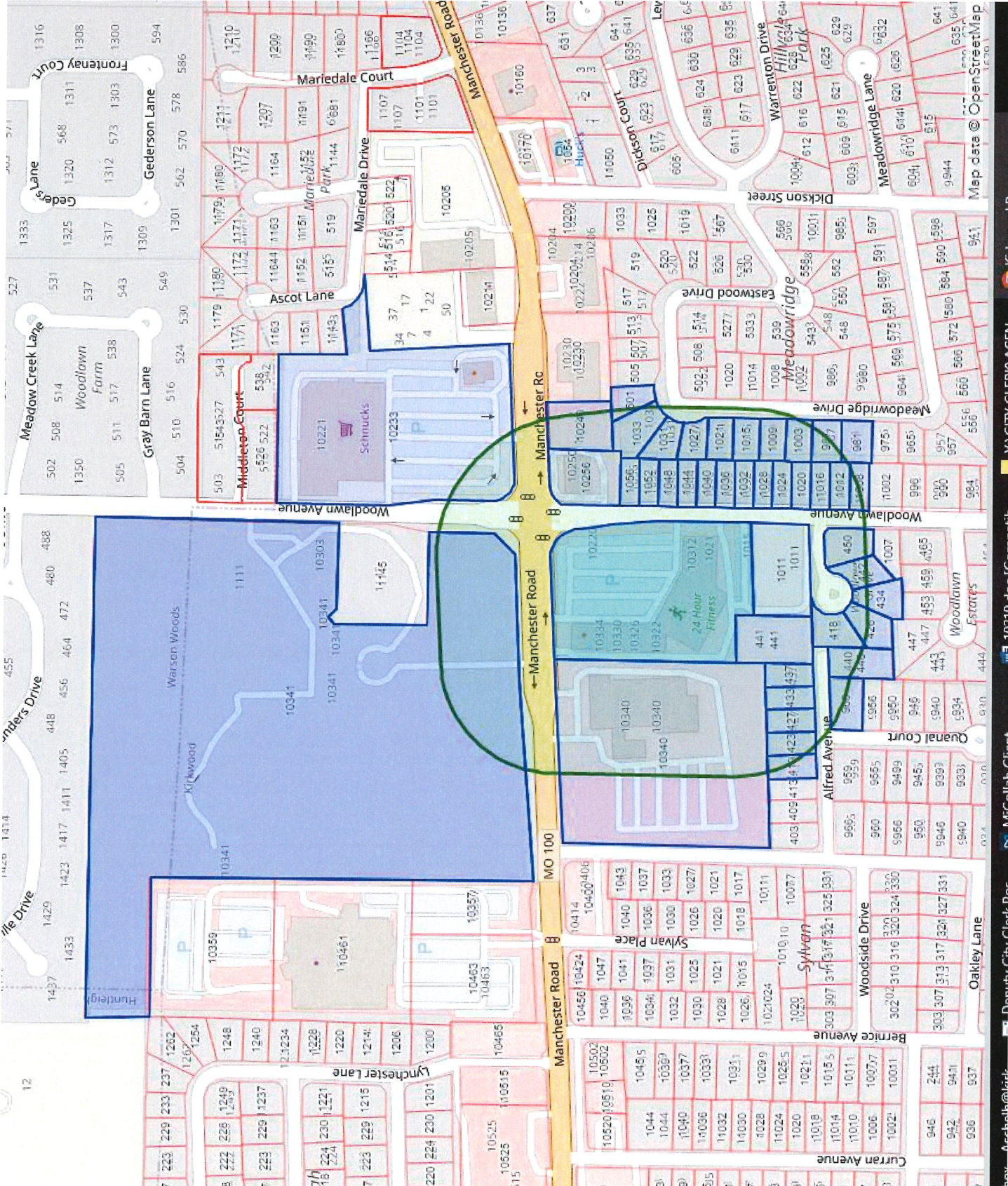
PROPERTY OWNER
441 ALFRED AVE
SAINT LOUIS, MO 63122

PROPERTY OWNER
22 HUNTLEIGH WOODS
SAINT LOUIS, MO 63131

PROPERTY OWNER
437 ALFRED AVE
SAINT LOUIS, MO 63122

PROPERTY OWNER
P.O. BOX 8430
KANSAS CITY, MO 64114

PROPERTY OWNER
10341 MANCHESTER RD
SAINT LOUIS, MO 63122



**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.

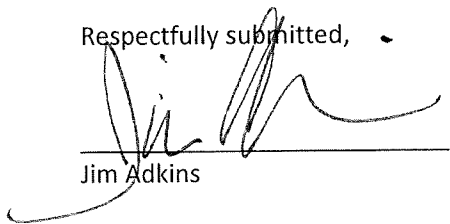
These items have been discussed throughout the report and outstanding items have been included in conditions in the Recommendation section of this report.

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:

PZ-7-23

Date:

Clark Animal Hospital Nov. 21, 2022

Location:

10300 Manchester Rd

Name	Organization
James Atkins	P&Z
Sandy Washington	P&Z
Zachary Moore	Census Inc
Ann J Schmelzle	Cushman & Wakefield
Christie Voelker	City of Kirkwood
Peter Wittenbrink	Cormany mac Donald
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.



WHERE COMMUNITY AND SPIRIT MEET ®

December 8, 2022

Russell B. Hawes
Chief Administrative Officer

At the December 7, 2022 meeting of the Planning and Zoning Commission, the following action was taken:

1. The Commission recommended approval of a Special Use Permit with Outdoor Use for an Animal Facility, Major for Clark Animal Hospital at 10320 Manchester Road (Greentree Center) by a vote of 7-0. A public hearing before the City Council is required.

The next meeting will be held on December 21, 2022.

Respectfully submitted,

Jim Adkins, Chair
Planning and Zoning Commission

**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)

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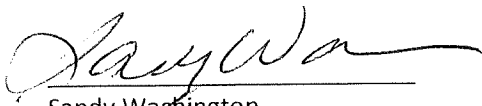
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Jim Adkins



Sandy Washington

**EXHIBIT A
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P&Z Subcommittee Meeting

Project:

PZ-7-23

Date:

Clark Animal Hospital Nov. 21, 2022

Location:

10300 Manchester Rd

Name	Organization
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Sandy Washington	P+Z
Zentare Moore	Census Inc
Ann J Schmelzle	Cushman & Wakefield
Christie Voelker	City of Kirkwood
Patrick Wittenbrink	Corroney MacDonald
Amy Lowry	City of Kirkwood

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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.



APPLICATION FOR PLANNING AND ZONING REVIEW

DATE: October 28, 2022 CASE NUMBER: PZ-7-23
ZONING DISTRICT: B-3 LOCATOR NUMBER: 22M241 326 (a/k/a 22M241317)
PROJECT ADDRESS: 10320 Manchester Rd., Kirkwood, MO 63122
PROJECT NAME: NVA Clark Animal Hospital

ACTION REQUESTED

- CUP, Development Plan or Final Site Plan (circle one)
Development Plan, B4, B5, or R6 (circle one)
Final Site Plan, B4, B5, or R6 (circle one)
Site Plan Review, Minor or Major (circle one)
Site Plan Modification
Alternative Equivalency
Special Use Permit, Category: Animal Facility, Major
Subdivision, Major
Subdivision Modification
Text Amendment
Vacation, Right-of-Way or Easement (circle one)
Zoning Map Amendment, From to
Comments:

PETITIONER INFORMATION

I (We) hereby certify that I (we) have legal interest in the hereinabove described property and that all information given herein is true and a statement of fact

Name (Print): NVA Clark Veterinary Management, LLC Signature: Erica Scales Phone No.: (864) 346-3068
Mailing Address: 29229 Canwood St., Ste. 100 City: Agoura Hills State: CA Zip: 91301
E-mail Address: Erica.Scales@nva.com

Petitioner's Status: Corporation Partnership Individual
Relationship of Petitioner to Property: Owner Tenant Option Holder (Attach Copy of Contract) Other

AGENT INFORMATION

Agent's Name: Patrick T. Wittenbrink Signature: Phone No.: (314) 854-8600
Mailing Address: 120 S. Central Ave., Ste. 1800 City: St. Louis State: MO Zip: 63105
E-mail Address: ptw@carmodymacdonald.com and seb@carmodymacdonald.com
(NOTE: The petitioner's agent, if listed, shall receive all official communication)

PROPERTY OWNERS

Signature required or submit proof petitioner has legal interest in property.
Name: BROWN & SONS' FOODLINER, INC., c/o Novus Properties Co. Name:
Signature: Address: 20 Allen Ave., Ste. 400 Address:
City/State/Zip: Webster Groves, MO 63119 City/State/Zip
Phone: (314) 281-1502 Phone:

FOR CITY USE ONLY

Date Received: Total Received: \$ Agenda Date:
B-4/B-5 Development Plan: \$1,000 + Acres @ \$25/Acre or portion over one acre) = \$
B-4/B-5 Final Site Plan: \$1,000
B-4/B-5 Final Site Plan Amendment (when public hearing is not required): \$500
CUP (Single family), Dev Plan/Preliminary Plat: \$1,000 + Lots @ \$500/Lot = \$
CUP (Single family), Final Site Plan/Final Plat: Lots @ \$100/Lot = \$ + 1-1/4% of \$ = \$
CUP, (Multi family), Development Plan/Prel. Plat: \$1,000 + Dwelling units @ \$20/Each = \$
CUP, (Multi family), Final Site Plan/Final Plat: \$500 + 1-1/4% of = \$
CUP, Final Site Plan/Final Plat Amendment: Public Hearing required \$800, Public Hearing not required \$500
CUP, Final Site Plan Time Extension: \$300
Mixed Use in B2 Development Plan: \$1,000 (includes SPR fee) + \$25/acre or portion over one acre
Mixed use in B2 Final Site Plan: \$500
Mixed use in B2 Final Site Plan Amendment: Public Hearing required \$800, Public Hearing not required \$500
R6 Development Plan: \$1,000 + Dwelling units @ \$20/Unit = \$
R6 Final Site Plan: \$500
Sidewalk Waiver on feet @ \$30/Foot = \$ = \$
Site Plan Review (Major): \$1,000
Site Plan Review (Major): Amendment \$800 or Extension: \$300
Site Plan Review (Minor): \$500
Site Plan Review (Minor) Amendment \$500 or Extension: \$300
Special Use Permit: \$1,000 (waived if submitted with Site Plan Review)
Special Use Permit Amendment: \$800 (waived if submitted with Site Plan Review) or Extension: \$300
Subdivision (Major), Preliminary Plat Lots @ \$500/Lot = \$
Subdivision (Major), Final Plat/Improvement Plans: Lots @ \$100/Lot + 1.25% of \$ = \$
Subdivision (Major) Amendment to Final Plat or Improvement Plans: \$200
Subdivision Modification (Boundary Adjustment): \$300
Vacation, Easement: \$100
Vacation, Right-of-way: \$200
Zoning Code Text Amendment: \$1,000
Zoning Map Amendment: \$1,000
SUBCOMMITTEE ()

Carmody MacDonald

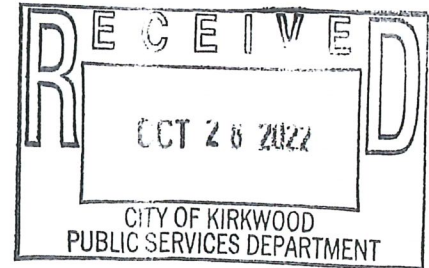
Patrick T. Wittenbrink
ptw@carmodymacdonald.com
Direct Dial: (314) 854-8618

Carmody MacDonald P.C.
120 S. Central Avenue, Suite 1800
St. Louis, Missouri 63105-1705
314-854-8600 Fax 314-854-8660
www.carmodymacdonald.com

October 28, 2022

HAND DELIVERED

City of Kirkwood
Planning and Zoning Commission
139 S. Kirkwood Rd.
Kirkwood, MO 63122



**Re: Proposed Use - 10320 Manchester Rd., Kirkwood, MO 63122
Relocation of Clark Animal Hospital**

Dear Members of the Planning and Zoning Commission:

The demised premises located within Greentree Center at 10320 Manchester Rd., Kirkwood, MO 63122 (the "*Premises*"), is currently vacant and was formerly occupied by Gold's Gym. The Premises is located along the Manchester Road commercial corridor, is presently zoned B-3, Highway Business District, and the surrounding properties include various businesses, including a car dealership, a tree nursery, and restaurants. Petitioner, NVA Clark Veterinary Management, LLC, d/b/a Clark Animal Hospital ("*CAH*"), seeks to relocate from its current facility located at 10510 Manchester Rd, Kirkwood, MO 63122 to the Premises and seeks a Special Use Permit for the Premises for the operation of a veterinary care office and animal hospital, which, per §§ 25-35 and 25-104 of the City of Kirkwood Zoning and Subdivision Code, Ch. 25 of the Code of Ordinances, City of Kirkwood, Missouri (the "*Zoning Code*"), qualifies as "Animal facility, major" use and is a special use in B-3, Highway Business District.

CAH has been serving the City of Kirkwood for decades. In 1960, Dr. Bill Clark founded CAH as a single-doctor, house-call practice. In the 1970s, Dr. Clark was joined by two of his younger brothers, Drs. Thom and John Clark, and the group expanded the practice and moved to CAH's current location on Manchester Road. In 1997, longtime associates, Dr. Tim Pennington and Dr. Jeff Coggan purchased CAH and the animal hospital and made it what it is today. Indeed, over time, CAH and the animal hospital grew to its current level of thirty (30) employees, including six (6) staff veterinarians. Although Dr. Pennington has since retired, Dr. Coggan is still practicing with CAH. Dr. Ellen Cole, CAH's Managing DVM, grew up in the City of Kirkwood and completed her undergrad and graduate specifications at CAH. With several clients having been with CAH since 1960 and large percentage of CAH clients being residents of the City of Kirkwood, CAH now desires to relocate to the Premises to expand its practice and continue to operate in a way that is beneficial to the City of Kirkwood and its pet owning residents.

As the Premises is currently vacant, the use proposed by CAH on the Premises will significantly improve the current visual aesthetics of the Greentree Center and the surrounding area. The hours of operation for the Premises for CAH are proposed to be 7:00 a.m. to 7:00 p.m. every day of the week. There will be no commercial boarding at the Premises as any animal

overnight is there for post-operation recovery purposes only after a surgery. Further, as noted, CAH currently has thirty (30) employees. The proposed floor plan of the Premises is being designed under the assumption that CAH could, eventually, employ ten (10) doctors. Assuming ten (10) doctors were employed, the maximum daily number of employees would be approximately thirty (30) in any single work shift.

In sum, CAH has a proven track record of supporting the community with veterinary services and desires to remain in the City of Kirkwood by relocating to the Premises in order to serve its current clients and continue to grow its practice. They are excited for a future in the Greentree Center with a modern build out and amenities to serve clients.

Please feel free to contact me prior to the November 16, 2022, meeting if you have any questions.

Sincerely,

CARMODY MacDONALD P.C.



Patrick T. Wittenbrink

Enclosures



WHERE COMMUNITY AND SPIRIT MEET®

November 10, 2022

Patrick T. Wittenbrink
Carmody MacDonald
120 S. Central Avenue, Suite 1800
St. Louis, MO 63105

SENT VIA EMAIL: ptw@carmodymacdonald.com and seb@carmodymacdonald.com

SUBJECT: PZ-07-23, 10320 MANCHESTER ROAD (GREENTREE CENTER) – NVA CLARK VETERINARY MANAGEMENT, LLC, REQUEST FOR SPECIAL USE PERMIT (ANIMAL FACILITY, MAJOR)

Dear Mr. Wittenbrink:

The City of Kirkwood Public Services Department is in receipt of your petition for a Special Use Permit for an Animal Facility, Major, for a proposed veterinary practice at 10320 Manchester Road. This item will be placed on the Planning and Zoning Commission agenda for its **7:00 p.m. meeting Wednesday, November 16** at Kirkwood City Hall, 139 South Kirkwood Road. City Staff will make an introduction presentation regarding the request at this meeting. You, or your representative, should attend this meeting to present your information to the Commission and answer any questions the Commission members may have.

The Planning and Zoning Commission will review the application in accordance with the Zoning Code. The Public Services Department has the following comments concerning the application:

1. Provide the location of drainage for the pet relief area.
2. Indicate the petitioner's response to the Results and Conclusion of the Sound Assessment.
3. Exterior alterations and signage must be approved by the Architectural Review Board.
4. All work related to this petition must comply with all Kirkwood Ordinances including, but not limited to, building/sign and fire codes.

This is a preliminary review of the application. The Planning and Zoning Commission and Public Services Department will review the application in detail and provide further comments as necessary. This preliminary review is not an approval or acceptance of any part of the application submitted.

The applicant is further advised that it is your responsibility to follow the petition through the entire process and to satisfy all submittal requirements and deadlines. Also note, this application

and review does not grant the applicant any special rights, privileges, or immunities, and that all provisions of the Kirkwood Code of Ordinances shall apply.

Sincerely,

CITY OF KIRKWOOD



Christie Voelker

Planner I

314-822-5899

voelkece@kirkwoodmo.org

SUBJECT SPACE

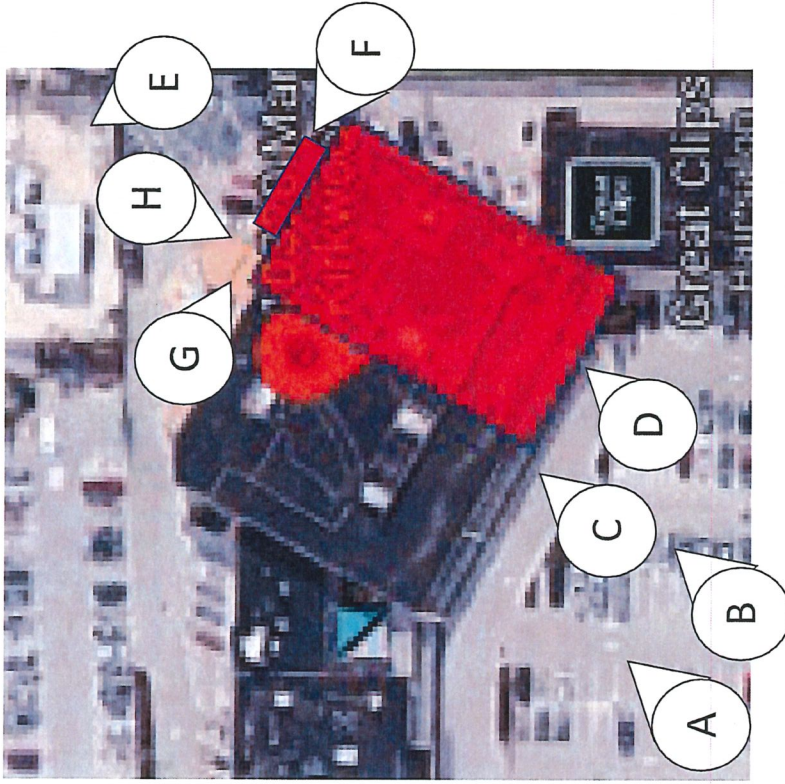
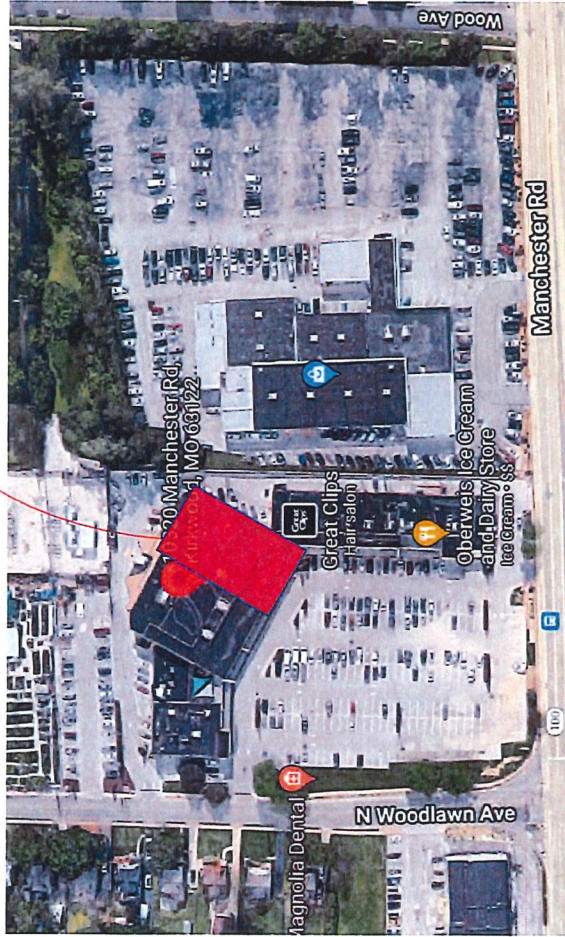


PHOTO INDEX PLAN

OVERALL SITE PLAN

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OCT 23 2022

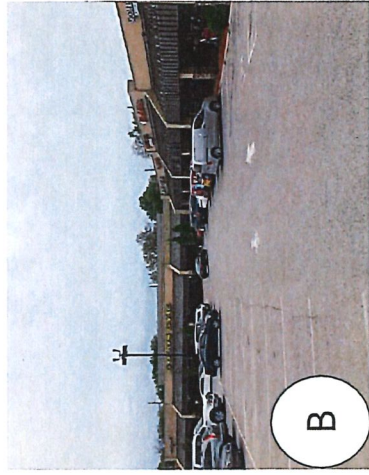
CITY OF KIRKWOOD
PUBLIC SERVICES DEPARTMENT



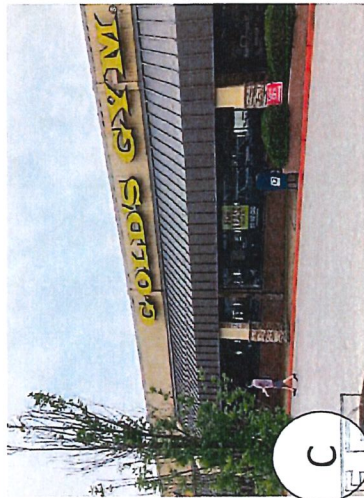
PROPOSED CLARK ANIMAL HOSPITAL / PHOTO REVIEW
 GREENTREE CENTER
 10320 MANCHESTER RD, KIRKWOOD, MO. 63122



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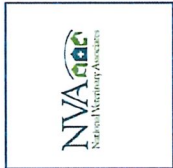


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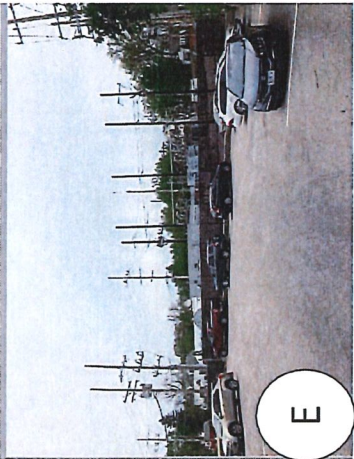
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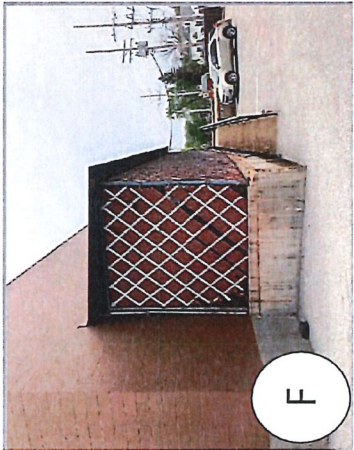


PROPOSED CLARK ANIMAL HOSPITAL / PHOTO REVIEW
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10320 MANCHESTER RD. KIRKWOOD, MO. 63122

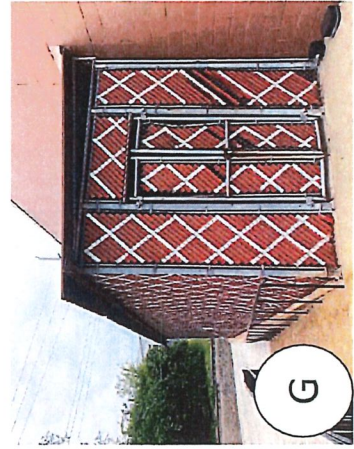
PAGE 1 of 3
10/20/2022



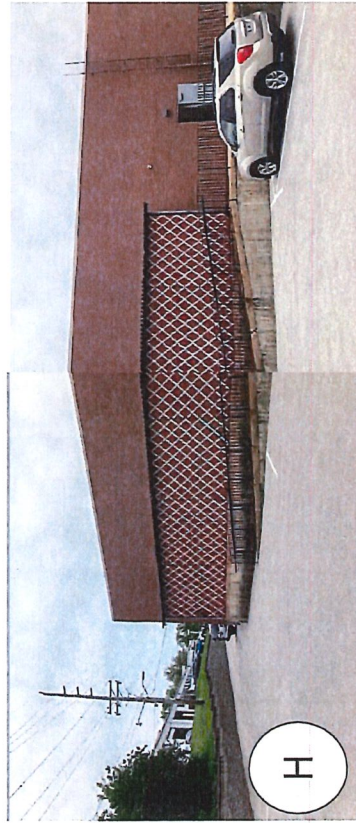
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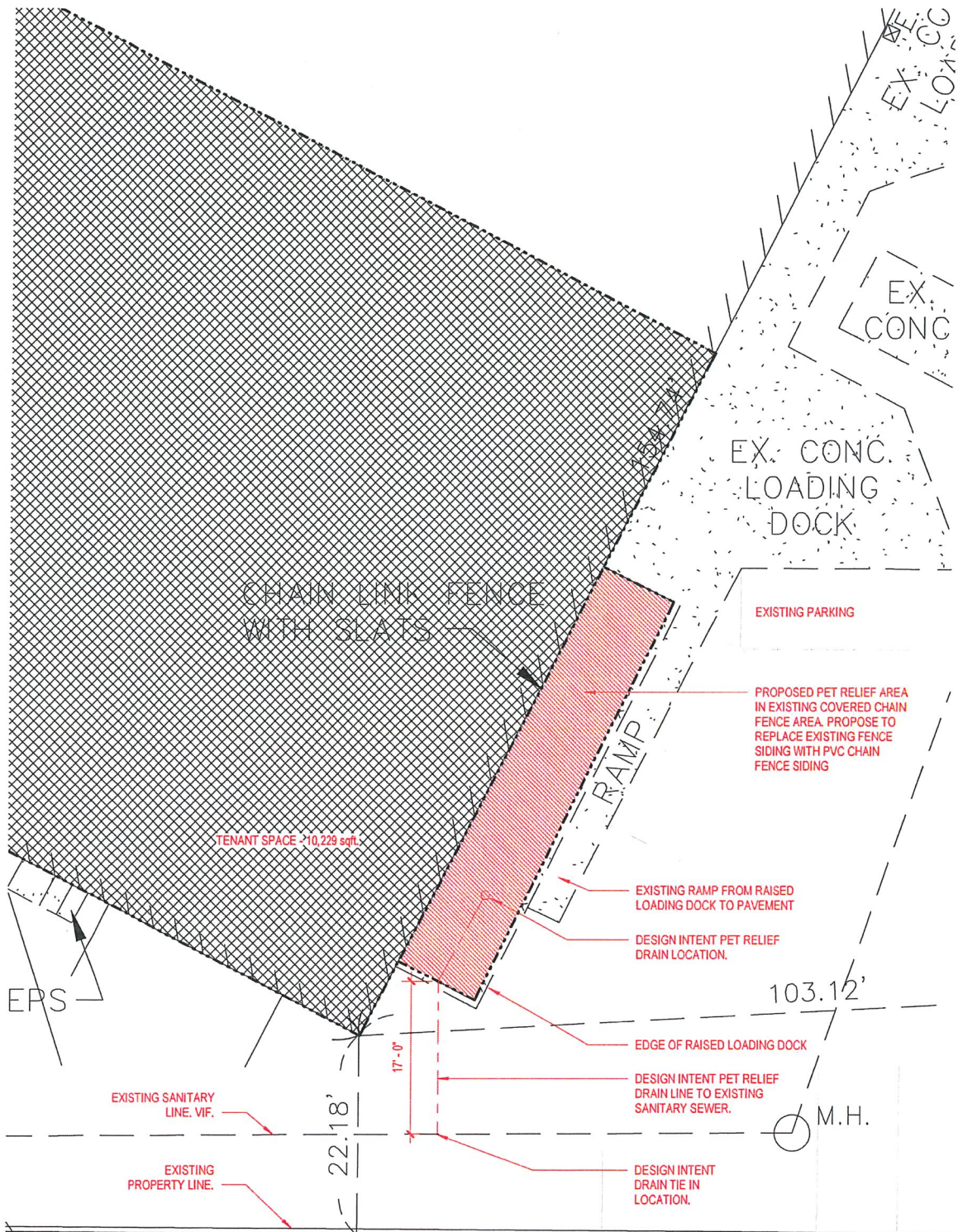
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10/20/2022

PROPOSED CLARK ANIMAL HOSPITAL / PHOTO REVIEW
GREENTREE CENTER
10320 MANCHESTER RD. KIRKWOOD, MO. 63122



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 PUBLIC SERVICES DEPARTMENT



Oculus Inc.
 CONNECT • SHAPE • MOVE

DESIGN INTENT DRAIN LOCATION

10320 Manchester Rd
 Kirkwood, MO 63122

11/11/22



NVA22-PP01

Sondare Acoustics

Oct.27, 2022
RevA Dec.7, 2022

5110 Butler Spur Ct
St Louis, MO. 63128
314-568-8042

Patrick T. Wittenbrink
Principal- Carmody MacDonald P.C.
129 S. Central Ave., Suite 1800
St Louis, MO. 63105

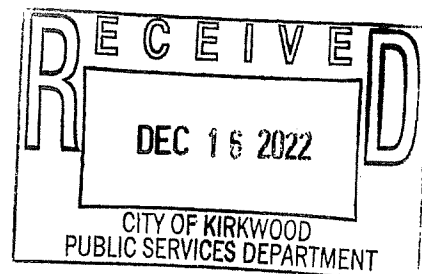
Subject: Sound Assessment for Clark Animal Hospital

Patrick

Per your request, Sondare Acoustics has performed the following sound assessment for a new Clark Animal Hospital to be located at 10320 Manchester Road in Kirkwood, MO. This is an analysis with no actual sound measurements taken. This revision reflects the use of AcoustiFence as a sound barrier.

Background Information-

1. The proposed facility is to be located in the east section of the building at 10320 Manchester Road as shown in fig.1. The hospital plans to have an outdoor area, with a roof and fenced side walls, for dogs to occupy during hospital hours. It is assumed that two dogs could occupy the outdoor area at the same time. The plan is to cover the fenced side walls with the AcoustiFence noise barrier. Due to the potential for the dogs barking in the outdoor area, creating a noise annoyance, an acoustic analysis is required.



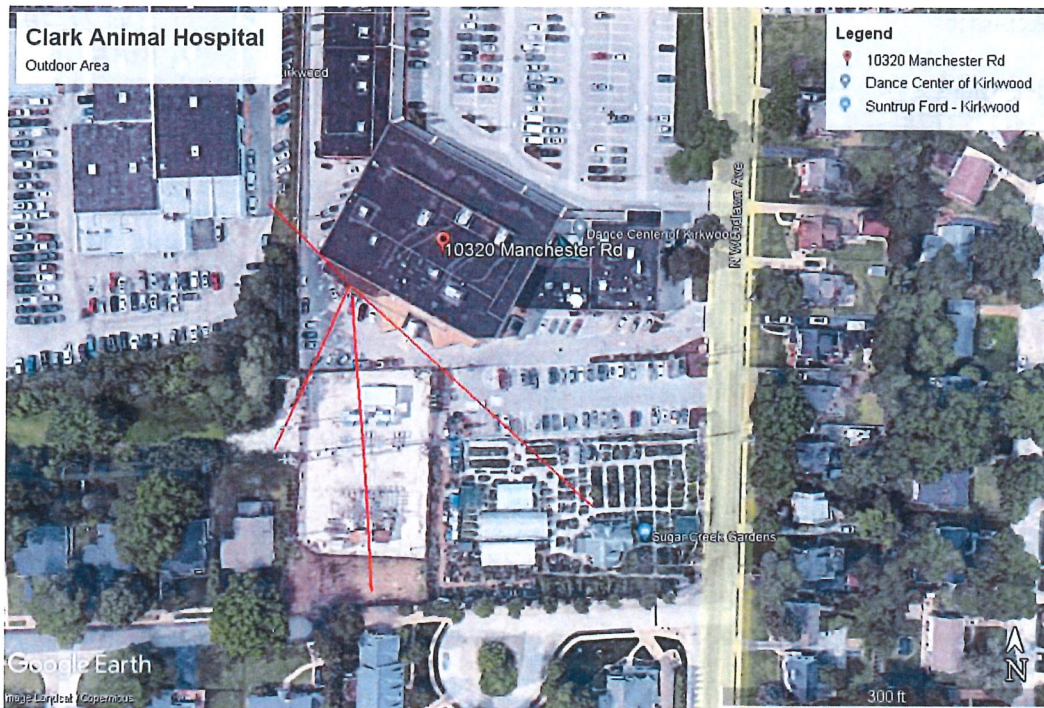


Fig.1

2. Surrounding area- The area surrounding the building and facility is both commercial and residential. Suntrup Automotive is to the northeast, power equipment is to the south, Sugar Creek Garden is to the southwest and there are residential properties to the south and southeast as shown in fig 1.

3. Ordinances and Guidelines –

a. Since the property is located in Kirkwood, it is assumed that their ordinances would apply. “Chapter 17. Offenses, Miscellaneous, Article v. Offenses Concerning Public Peace, section 17-70 Conduct Constituting Disturbing Noises, paragraph (e)” states that “ The keeping of any animal or bird which will disturb the comfort or repose of any persons in the vicinity by making long, continual or frequent noise.” is a violation. Zoning A-220 Site Plan Review 220.7 (5) states “Visual and sound buffering should be provided for property located in surrounding areas.”

b. St. Louis County has a more quantitative noise control code in the “Noise Related Ordinance, Chapter 625 Noise Control Code, section 625.050” which list permissible noise levels for different types of noise sources. The permissible levels also vary by land use and day and night. The permissible levels are provided for length of time the noise exists during a 60 minute measurement period. The shorter duration the higher the level allowed.

For a 60 minute measurement period the daytime permissible level, when measured at any point outside the boundary of a commercial property where the noise source is located is 65dB or less. If the commercial property is adjacent to a residential property, the permissible level is 55dB. In each case if the sound source is impulsive the permissible levels are 5dB less or 60dB and 50 dB respectively.

The St Louis County Animal Control also issued SLCRO 716.075 Disturbance of the Peace (unincorporated) – Public Nuisance – Dog Barking that states “...a habitually barking dog that disturbs the peace is considered a public nuisance.”

These ordinances can be found online.

c. The World Health Organization (WHO) Guidelines on Community Noise, dated Jan. 10, 2001, includes the following sound level guidelines

- a. Bedroom – sleep disturbance- 30dBA
- b. Dwelling Room- Annoyance , speech disturbance- 50dBA
- c. Outdoor (day) – serious annoyance- 55dBA

Reference Sound Information-

1. Outdoor sound can travel outward in all directions. The level of sound received from a sound source can be impacted by the distance between the source and receiver. In theory the sound decreases 6dB per double the distance for a spherical or hemispherical spreading sound source. The temperature, wind, and absorption of the air can also influence the received sound level. Barriers between the source and receiver can also influence the received level of sound. The sound can also reflect and increase from surrounding walls and the ground. A conservative estimate for the decrease in sound level from the source to the receiver is 5dB for double the distance.

2. Sound from barking-

Dog barking is an impulsive sound that can vary in level (dB) and frequency (high and low pitch). The sound level can be between 60-100dBA at 1 meter or 3.3 feet. The sound level can vary during the bark. The bark sound is mainly between 550Hz and 4000 Hz depending on the size and type of dog. For this study an estimate of the sound level for one dog barking will be 80dBA at 1m. Two dogs barking at the same time would be at a level of 83dBA at 1m. (“A” is a weighting scale used to correlate with how humans perceive sound).

Clark Animal Hospital Operating Assumptions-

1. There will be one (1) outdoor area located at the south east side of the building. It will have a roof and chained link fence walls. The plan is to cover the chain linked fencing with AcoustiFence sound barrier.
2. A solid door will separate the indoor area from the outside area.
3. The outdoor area can accommodate many dogs but only two (2) dogs will be outside at one time.
4. The dogs will be supervised when in the outdoor area and brought inside if barking is excessive.
5. Dogs will only be in the outside area during daytime hospital business hours.

Analysis-

1. Given the surrounding commercial area, it is assumed that the daytime ambient level could be 50dBA or greater.
2. It is assumed that the sound from dog barking will be blocked by the south wall of the building and will mainly travel to the east, west and south. The estimated distances from the outdoor area to four locations to the east, west and south are as follows

Suntrup Automotive – 100ft

Sugar Creek Garden Building- 291ft

Residence to the south east- 162ft

Residence to the south – 260ft
3. According to the manufacturer, AcoustiBlok, the Acoustifence sound barrier has a transmission loss of 28dB when installed with steel ties to minimize the all gaps between the ground, roof and the gates. It is also assumed that the fence is at a height 6-8feet above the noise source.
4. Assuming two dogs barking at a sound level of 83dBA at 1m, the sound level outside the AcoustiFence would be about 55dB. With a decrease of 5dB for double distance from the outdoor area, the estimated sound levels at the four locations are as follows-

- Suntrup Automotive- 30dBA
- Sugar Creek Garden- 23dBA
- Residence to southeast- 27dBA
- Residence to south – 24dBA

5. The estimated sound levels for the two commercial locations would meet the St. Louis County daytime permissible impulsive level of 60dBA.
6. The estimated sound levels for the two residential locations would meet the daytime permissible impulsive level of 50dBA.
7. The estimated residential levels would be below the WHO daytime level of 55dB.
8. These levels would also be below the estimated daytime ambient level.

Results and Conclusion

1. It is assumed that dog barking from the outdoor area located at the south of the building will be blocked by the roof of the area and the south wall of the building and not be an annoyance to receivers on the north side of the building. It is not clear as to what business will be adjacent to the hospital, inside the building, but it should have a good exterior sound blocking door at the rear of the building in order to reduce the level of the barking sound level from entering the building.
2. With the installation of AcoustiFence sound barrier around the outdoor area per manufacturer installation instructions, the estimated sound levels at the adjacent commercial businesses and closest residences would meet the St. Louis County Ordinance.

Please let me know if you have any questions about the above information.

Mike Biffignani

Mike Biffignani
President Sondare Acoustics
314-568-8042



Perfect Turf® PetGrass® PODs™

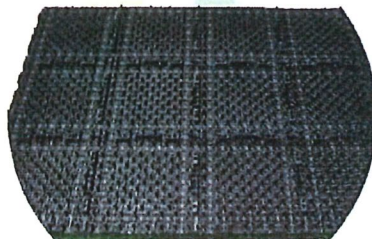
Description: The PetGrass® PODs™ system is our patented solution for maintaining drainage on hard surfaces like cement or asphalt (U.S. Patent No. 9,464,388). Our proprietary plastic drainage tiles, combined with our antimicrobial infused PetGrass®, makes cleanup easier. The system also provides an aeration layer when installed over concrete, asphalt, or any hard surface. PetGrass® has two antimicrobial additives, one in the yarn and one in the backing. This helps control odor and eliminate bacteria.

Applications: Indoor dog areas, rooftops, decks or patios, parking lot conversions, and most concrete or asphalt surfaces

Tile Sizes: Standard PODs are 3' by 4' with custom sizes available

Infill Requirements: No infill required

Warranty: 5-year commercial | 8-year residential



PetGrass® PODs™

- PODs™ create a clean and easy-to-maintain area for dog daycare, pet hotels, and other high volume dog facilities with concrete or asphalt surfaces
- Easy to install
- Perfect for:
 - Indoor dog play areas
 - Rooftops
 - Decks or patios
 - Kennels
 - Cement dog runs
 - Parking lot conversions

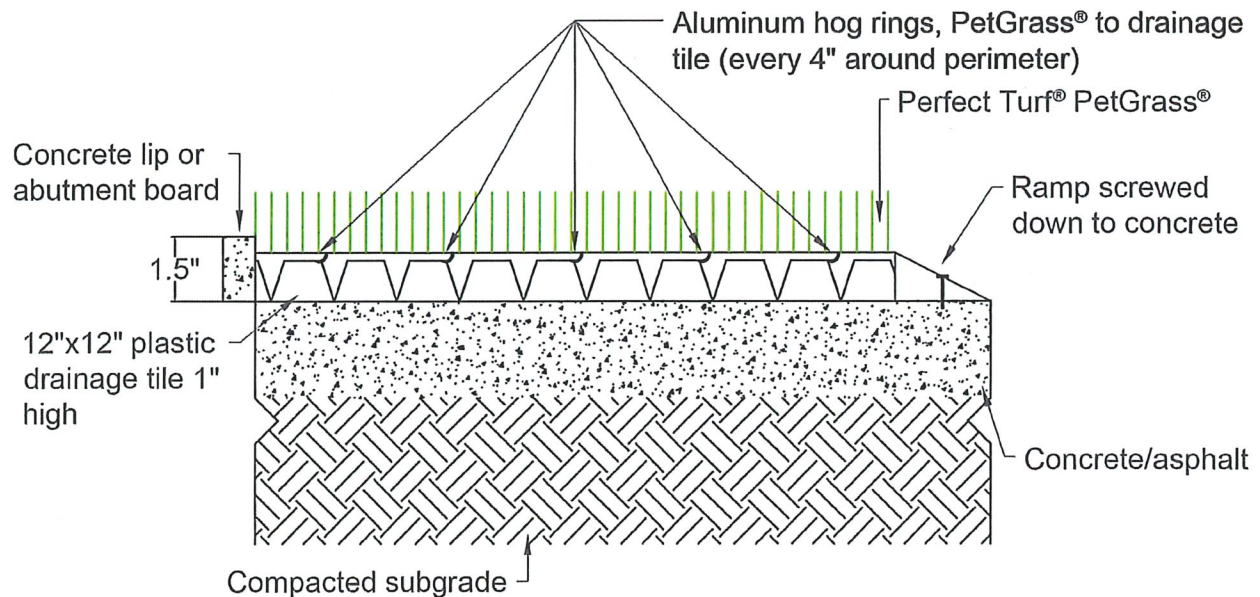
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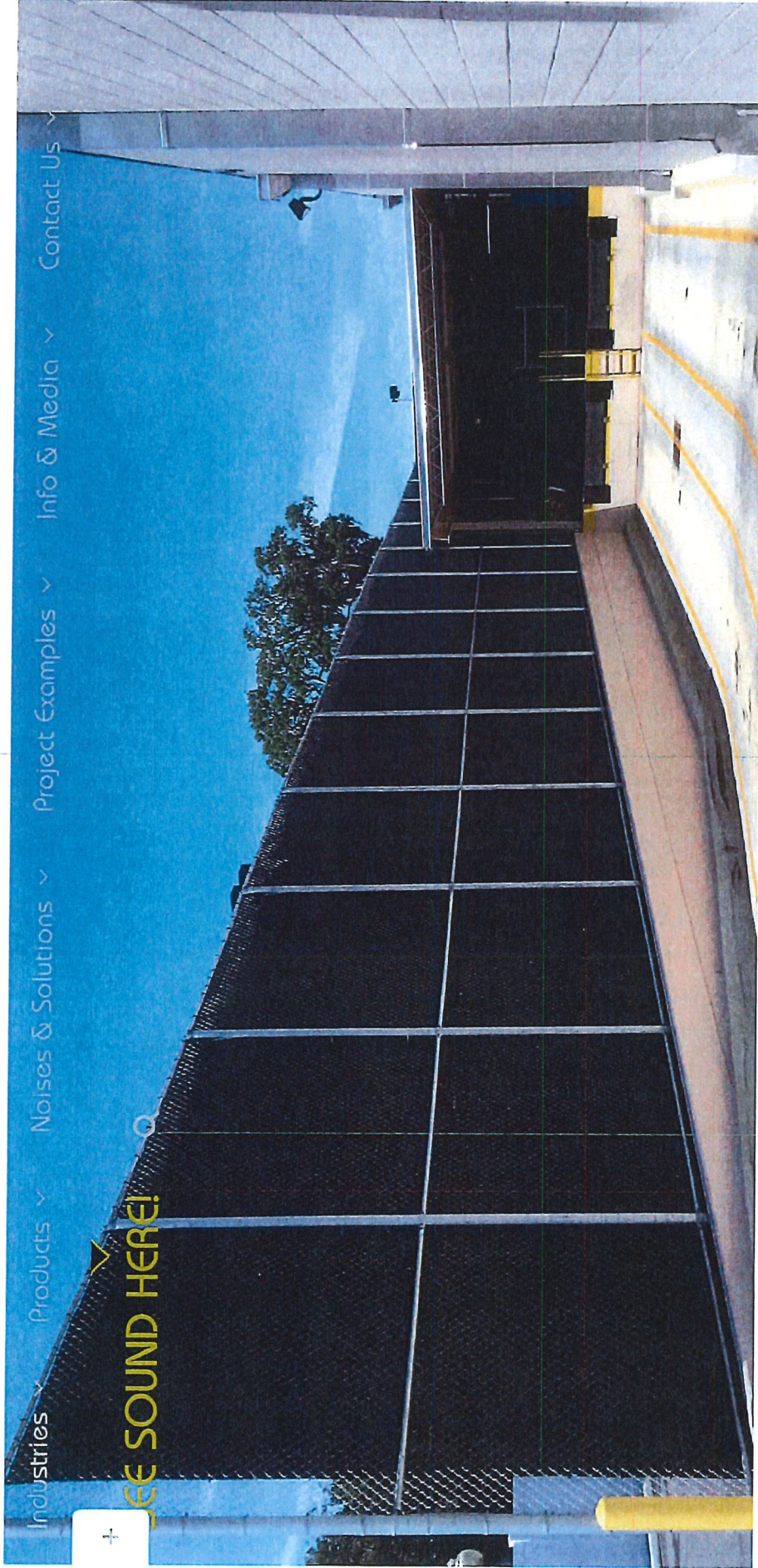
- ① Concrete/asphalt must be pitched at a minimum of 1" per 10' to allow for water to drain under the POD system. Perimeter or channel drains recommended throughout turf area.
- ② Sealing concrete/asphalt is recommended prior to installation.



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Acoustifence[®] (Patented)

Noise Reducing Fences



Installation suggestions for each type of installation.

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SEE SOUND HERE!

Acoustifence is 1/8" thick and comes in standard sizes of 6' x 30'. You can also order custom lengths and if your project involves greater heights, Acoustifence can be installed vertically rather than horizontally.

Acoustifence has an acoustical performance of STC 28, which gives you a transmission loss of 28dB through the material. It is worth noting that the level of attenuation of all outdoor barriers is affected by a variety of factors including end diffraction, angle of diffraction, wind direction, humidity and temperature.

Contact Us

Feel free to contact us to speak with one of our Acoustifence specialists. We look forward to helping you with your outdoor noise and sound issues.



SHEET NOTES

- NO EXTERIOR FACADE CHANGES U.O.M.
- EXISTING PARKING LAYOUT TO REMAIN.
- EXTERIOR LANDSCAPING TO REMAIN.
- EXISTING SITE LIGHTING TO REMAIN.
- SIGNAGE BY OTHERS.

SITE DATA

WATERSHEDS
UTILITIES

- DEER CREEK
- MISSOURI-AMERICAN WATER COMPANY
- METROPOLITAN ST. LOUIS SEWER DISTRICT
- LACLEDE GAS COMPANY
- SOUTHWESTERN BELL TELEPHONE COMPANY

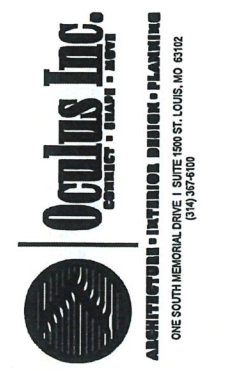
FIRE DISTRICT

- AMEREN UE
- KIRKWOOD FIRE DEPARTMENT

PARKING DATA

TOTAL EXISTING PARKING SPACES - 276
(INCLUDING 8 HANDICAP SPACES)

NO PARKING CHANGES PROPOSED



CLARK ANIMAL HOSPITAL

10320 Manchester Rd
Kirkwood, MO 63122

#	Description	Date
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These drawings/specifications are the property of Oculus Inc. They are intended to be used for the project only. The user shall be responsible for all other plans, specifications, estimates, reports or other documents or instruments relating to or connected with the project or any part of the project or any other project. Additionally, the user shall be responsible for the performance of products and materials used in the project and shall be responsible for the performance of products and materials used in the project and shall be responsible for the performance of products and materials used in the project.

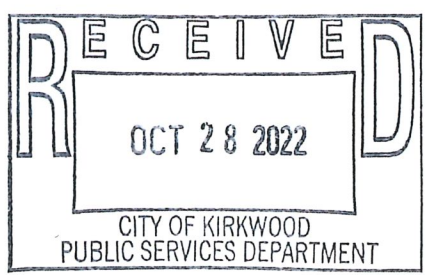
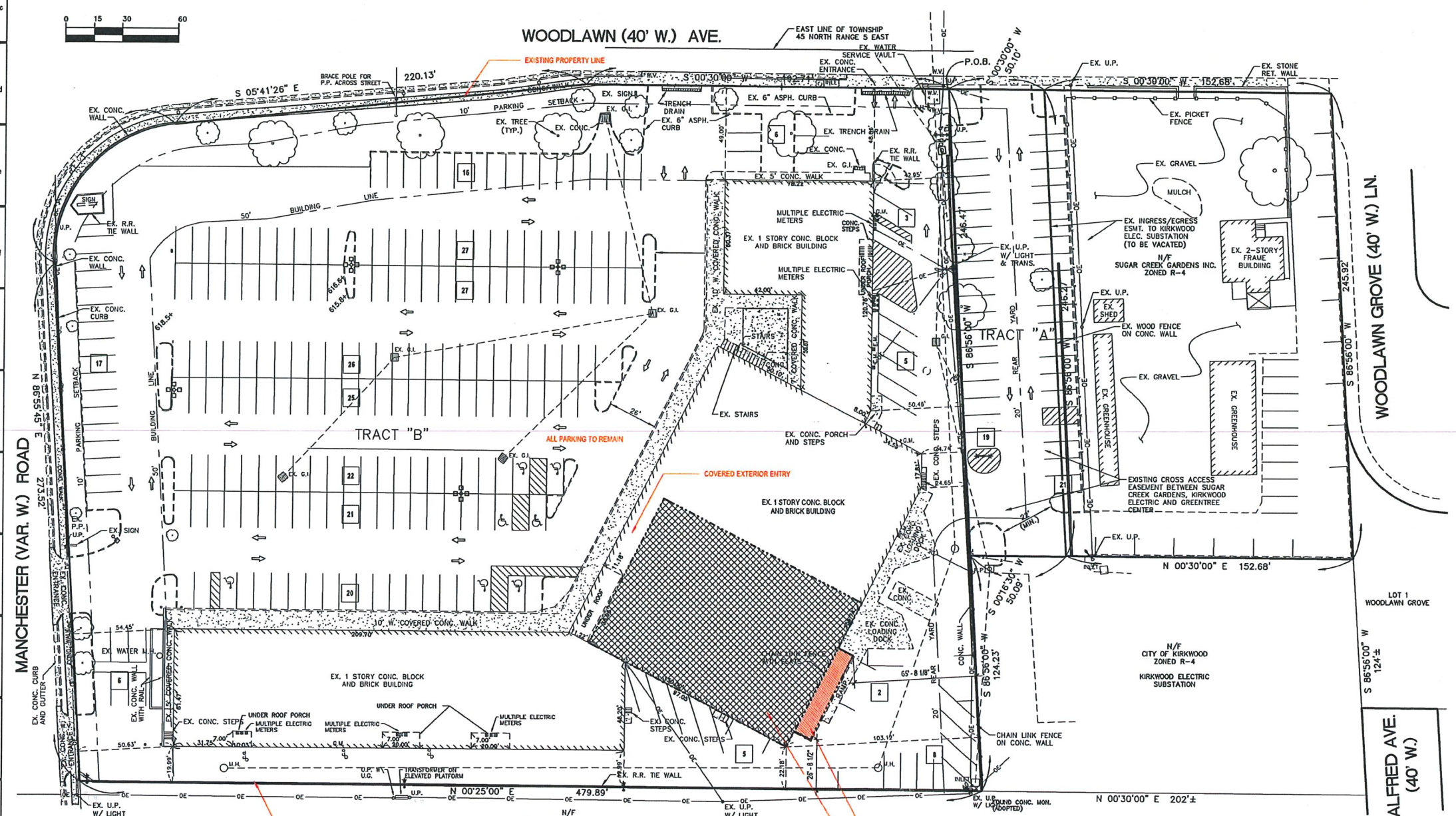
NOT FOR CONSTRUCTION

Client Approval

SITE EXHIBIT

Project # NVA22-PP01
Issue Date 10/27/22
Scale As indicated
Drawn by ZTM
Checked by Checker

AS100



S1 SITE EXHIBIT
1"=30'-0"

10/27/2022 10:12 AM CLARK ANIMAL HOSPITAL



RECEIVED
 OCT 28 2022
 CITY OF KIRKWOOD
 PUBLIC SERVICES DEPARTMENT

10/27/22

NVA22-PP01



PLAN

10320 Manchester Rd
 Kirkwood, MO 63122



RESOLUTION 5-2023

A RESOLUTION ACCEPTING THE BID OF FIRST STUDENT AT THE RATES PROVIDED IN THE MEMO (A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN) FOR BUS TRANSPORTATION FOR THE RECREATION DEPARTMENT ON AN AS NEEDED BASIS, FOR AN INITIAL TERM OF 12 MONTHS WITH THE OPTION TO RENEW FOR UP TO FOUR ADDITIONAL 12 MONTH TERMS, PENDING BUDGETARY APPROVAL, AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT.

WHEREAS, pursuant to law, the City solicited bids for Bus Transportation for the Recreation Department on an as needed basis, and

WHEREAS, the most responsible bid received were that of First Student at the rates provided in the memo (a copy of which is attached hereto and incorporated by reference herein) for an initial term of 12 months with the option to renew for up to four additional 12 month terms pending budgetary approval, and which bid acceptance is approved by the Chief Administrative Officer and recommended by the Director of Procurement and the Director of Parks and Recreation, and

WHEREAS, funds are available in various Recreation Department accounts, pending budgetary approval.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. The bid of First Student at the rates provided in the memo (a copy of which is attached hereto and incorporated by reference herein) for Bus Transportation for the Recreation Department on an as needed basis, for an initial term of 12 months with the option to renew for up to four additional 12 month terms, pending budgetary approval, is hereby accepted and approved.

SECTION 2. The Mayor is hereby authorized and directed to enter into a contract with First Student at the rates provided in the memo (a copy of which is attached hereto and incorporated by reference herein) for Bus Transportation for the Recreation Department on an as needed basis, for an initial term of 12 months with the option to renew for up to four additional 12 month terms pending budgetary approval.

SECTION 3. This Resolution shall be in full force and effect after its passage and approval.

PASSED AND APPROVED THIS 19TH DAY OF JANUARY 2023.

Mayor, City of Kirkwood

ATTEST:

City Clerk

Legislation Request

Resolution

Place On The Agenda Of: 1/19/2023

Step #1:

Strategic Plan NO Goal # & Title

Background To Issue:

The recreation department uses bus transportation for transporting camp participants from on-site locations to off-site locations for the duration of summer camps. Shuttle busses are also used to transport participants in other recreation programs as well. The recreation department also utilizes bus transportation for shuttling groups of people from the Meramec Campus parking lot to Kirkwood Park during the annual Greentree Festival, greatly reducing the need for parking inside the park.

Recommendations and Action Requested:

Recommended to enter into a contract with Frist Student Bus Transportation.

Alternatives Available:

North Central Bus in an alternative at a higher price.

Does this project have a public information component? Yes No

Cost: \$39,800.00 Account #: various Project #: Budgeted: YES

If YES, Budgeted Amount: \$39,800.00 If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

Budgeted total is spread throughout several accounts in the recreation budget.

BY: Kyle Henke

Date: 1/9/2023

Authenticated: wardbm

You can attach up to 3 files along with this request.



Bus Transportation Legislation
Memo 2023.doc
Microsoft Word 97 - 2003
Document
39.5 KB

 File Attachment

 File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Approve

Purchasing Director's Comments:

BY: Sara Foan-Oliver

Date: 1/10/2023

Authenticated: sfo

You can attach up to 3 files along with this request.



Step #3: If budgetary approval is required (**Must have Finance Department's approval**).

Budgetary Approval

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

Contingent on the adoption of the FY2023/FY2024 budget there will be sufficient and available appropriations in various Recreation Department accounts to approve \$39,800 for transportation services as requested above.

BY: Sandra Stephens

Date: 1/10/2023

Authenticated: SFS

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

Chief Administrative Officer's Comments:

BY: 

Date: 1-12-23

Memo

To: Kirkwood City Council
From: Kyle Henke
CC: Sara Foan-Oliver, Sandy Stephens, Russ Hawes, Brenton Ward
Date: 1/9/2023
Re: Bus Transportation

This memo serves as recommendation to enter into a contract with the most responsible bid for bus transportation for the Kirkwood Recreation Department. The Recreation Department uses bus transportation for transporting camp participants from on-site locations to off-site locations for the duration of summer camps, as well as transporting participants in other recreation programs. The Recreation Department also utilizes bus transportation for shuttling groups of people from the Meramec Campus parking lot to Kirkwood Park during the annual Greentree Festival, greatly reducing the need for parking inside the park.

The Purchasing Department sent out an Invitation to bid. Responses were received from several local transportation outfits including; First Student, Windstar Lines, and North America Central School Bus. The request included hourly rates, hourly minimums, and transit costs for both conventional and coach bus options. The following unit rates were submitted.

	<u>First Student</u>	<u>North American</u>	<u>Windstar Lines</u>
Conventional Bus			
Hourly Rate	\$60	\$73	-
Hourly Minimum	3	2	-
Transit Cost	-	-	-
Coach Bus	<u>First Student</u>	<u>North American</u>	<u>Windstar Lines</u>
Hourly Rate	-	-	-
Hourly Minimum	-	-	-
Transit Cost	-	-	\$1,100 (Price could increase due to miles and hours driven, percentage increase due to current fuel prices)

Contract total based on hourly rate.

First Student has been under contract with the city previously and the services provided have been excellent. Based on the hourly rates quoted and the previous experience with the company it is recommended that a contract be entered into with Frist Student bus transportation.

The contract will be based on hourly rates as bid. The total number of hours may vary, but the total budgeted amount of \$39,800 covers all anticipated services on an annual basis. The total is spread among several recreation accounts.

January 9, 2023

To: Russell B. Hawes, Chief Administrative Officer

For Your Consideration: Bus Transportation for Kirkwood Recreation, Bid # 13924.

The Parks and Recreation Department utilizes bus transportation to shuttle camp participants from on-site to off-site location during summer camps and for transporting citizens from the Meramec Campus to Kirkwood Park during the annual Greentree Festival.

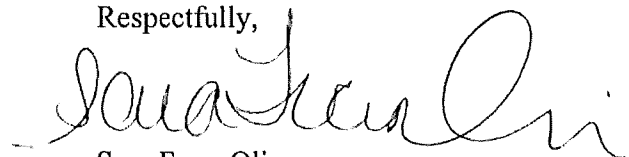
The City issued an Invitation for Bid on December 7, 2022 to 53 supplies. It was requested that suppliers submit rate based pricing for their hourly rate, hourly minimum and transit costs. Upon the bid closure on January 4, 2023, the City received three (3) submissions, with First Student being the lowest responsible bidder.

<u>Rates</u>	<u>First Student</u>	<u>North American Central School Bus</u>	<u>Windstar Lines</u>
Hourly Bus Rate	\$60.00	\$73.00	N/A
Hourly Minimum	3hr	2hr	N/A
Coach Rate	N/A	N/A	\$1,100

The resulting rate based contract will have an initial term of one (1) year with an option to renew annually for up to an additional four (4) one-year terms pending budgetary approval.

Attached is a request from Kyle Henke, Parks and Recreation Director, for a resolution authorizing a rate-based contract to be issued to First Student.

Respectfully,



Sara Foan-Oliver
Procurement Director

RESOLUTION 6-2023

A RESOLUTION AMENDING THE CONTRACT WITH LUZCO TECHNOLOGIES, LLC BY INCREASING THE AMOUNT BY \$250,000 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$1,090,000 FOR UTILITY DESIGN AND PROJECT MANAGEMENT SERVICES FOR THE ELECTRIC DEPARTMENT AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AMENDED CONTRACT.

WHEREAS, the City Council approved Resolution 30-2022 on March 17, 2022 entering into a contract with Luzco Technologies for Utility Design and Project Management Services for the Electric in the amount of \$840,000, and

WHEREAS, the scope of services for the Sugar Creek Substation has changed, which will now include more protection and modifications to the distribution system, and

WHEREAS, staff recommends amending the contract with Luzco Technologies, LLC by increasing the amount by \$250,000 for a total not to exceed amount of \$1,090,000 for Utility Design and Project Management Services for the Electric Department, and

WHEREAS, funds are available in Account #501-2115-480.75.15, Project #EL2301, contingent upon budgetary approval.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. The Mayor is hereby authorized and directed to enter into an amended contract with Luzco Technologies, LLC by increasing the amount by \$250,000 for a total not to exceed amount of \$1,090,000 for Utility Design and Project Management Services for the Electric Department.

SECTION 2. This Resolution shall be in full force and effect after its passage and approval.

PASSED AND APPROVED THIS 19TH DAY OF JANUARY 2023.

Mayor, City of Kirkwood

ATTEST:

City Clerk

Legislation Request

Resolution

Place On The Agenda Of: 1/19/2023

Step #1:

Strategic Plan YES

Goal # & Title Goal 1: Objective 2D: Monitor infrastructure to ensure accommo...

Background To Issue:

Legislation was approved to establish a purchase order for distribution system engineering for the Electric Department's system upgrade projects with Luzco Technologies. The scope of services has now increased to include additional capacity at the Sugar Creek Substation, additional protection system upgrades for the system, modifications to the Sugar Creek substation site layout, and modifications to other portions of the distribution system to accommodate the additional capacity and protection system requirements.

Recommendations and Action Requested:

The Electric Department recommends approval of a resolution authorizing the Procurement Director to increase the current \$840,000 authorized annual spend with Luzco Technologies by the amount of \$250,000 to a total annual not to exceed amount of \$1,090,000 to accommodate the increase in the scope of services.

Alternatives Available:

The system modifications are necessary to ensure the proper operation of the system.

Does this project have a public information component? Yes No

Cost: \$250,000.00 Account #: 50121154807515 Project #: EL2301 Budgeted: YES

If YES, Budgeted Amount: \$1,090,000.00 If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

The Electric Department recommends approval of the resolution. The bond funds will cover the expense of the entire annual scope of services.

BY: Mark Petty

Date: 1/10/2023

Authenticated:

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Approve

Purchasing Director's Comments:

BY: Sara Foan-Oliver

Date: 1/11/2023

Authenticated: sfo

You can attach up to 3 files along with this request.



 File Attachment

 File Attachment

Step #3: If budgetary approval is required (**Must have Finance Department's approval**).

Budgetary Approval

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

Budgetary appropriation is available and sufficient for \$250,000 in account 501-2115-480-75-15, Distribution System Improvement, Project EL2301, EL Circuit Upgrade, to approve the above as requested.

BY: Sandra Stephens

Date: 1/12/2023

Authenticated: forgyj

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

Chief Administrative Officer's Comments:

BY: 

Date: 1-12-23

RESOLUTION 30-2022

A RESOLUTION ACCEPTING THE PROPOSAL OF LUZCO TECHNOLOGIES, LLC IN THE AMOUNT NOT TO EXCEED \$840,000 ANNUALLY FOR ELECTRIC UTILITY DESIGN AND PROJECT MANAGEMENT SERVICES FOR AN INITIAL TERM OF 12 MONTHS WITH THE OPTION TO RENEW FOR UP TO FOUR ADDITIONAL 12 MONTH TERMS AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT.

WHEREAS, a Request for Proposals was developed and proposals were received for Electric Utility Design and Project Management Services, and

WHEREAS, a Selection Committee consisting of the Director of Procurement, Senior Procurement Buyer/Analyst, Electric Director, City Engineer and Water Superintendent reviewed the proposals, and

WHEREAS, the Selection Committee recommends LUZCO Technologies, LLC as the most qualified to provide Electric Utility Design and Project Management Services in the amount not to exceed \$840,000 annually for an initial term of 12 months with the option to renew for up to four additional 12 month terms pending budgetary approval, and

WHEREAS, funds are available in Account #501-2115-480.75.15, Project #EL2302, contingent upon passage of the Fiscal Year 2022/2023 Budget.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

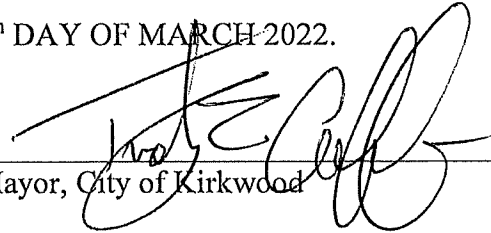
SECTION 1. The proposal of LUZCO Technologies, LLC in the amount not to exceed \$840,000 annually for Electric Utility Design and Project Management Services for an initial term of 12 months with the option to renew for up to four additional 12 month terms is hereby accepted and approved.

SECTION 2. The Mayor is hereby authorized and directed to enter into a contract with LUZCO Technologies, LLC in the amount not to exceed \$840,000 annually for Electric Utility Design and Project Management Services for an initial term of 12 months with the option to renew for up to four additional 12 month terms pending budgetary approval.

SECTION 3. Funding contingent upon passage of the Fiscal Year 2022/2023 Budget.

SECTION 4. This Resolution shall be in full force and effect after its passage and approval.

PASSED AND APPROVED THIS 17th DAY OF MARCH 2022.



Mayor, City of Kirkwood

ATTEST:



City Clerk

January 11, 2023

To: Russell B. Hawes, Chief Administrative Officer

For Your Consideration: Substation Distribution System Engineering Services- 13854
Amendment

On March 17th, 2022 (Resolution 30-2022) Council authorized the City to enter into a contract with Luzco Technologies for the Electric Department's Utility Design and Project Management Services. The City has recently changed its Scope of Service for the Sugar Creek Substation. This new scope will provide more protection and modifications to the distribution system. With this change in Scope the City will be issuing an amended contract to include the additional work and increase in cost.

Attached is a request from Mark Petty, Electric Director, requesting additional \$250,000 of bond money be used for additional capacity, protection system upgrades, modifications to site layout and modifications to other portions of the distribution system. This increase will change the current not to exceed amount of \$840,000 to the new not to exceed annual amount of \$1,090,000. The entire annual spend will be covered by bond funds.

Respectfully,

A handwritten signature in black ink, appearing to read "Sara Foan-Oliver". The signature is fluid and cursive, with a large loop at the end.

Sara Foan-Oliver
Procurement Director

14248



CITY OF KIRKWOOD
139 S. Kirkwood Road
Kirkwood, MO 63122

Approved: _____

Date: 12/16/2022

- NEW
- RENEWAL

APPLICATION FOR LIQUOR LICENSE

Type of License Requested:

All applicants must pay \$20 Background check made out to: Mo Highway Patrol

- Intoxicating Liquor by the Drink, Not including Sunday \$450.00
- Intoxicating Liquor by the Drink, Plus Sunday \$550.00
- Intoxicating Liquor in Original Package, Not including Sunday \$150.00
- Intoxicating Liquor in Original Package, Plus Sunday \$450.00
- Malt Liquor by Drink, Not Including Sunday \$200.00
- Malt Liquor by Drink, Plus Sunday \$500.00
- Malt Liquor in Original Package, Not including Sunday \$22.50
- Malt Liquor in Original Package, Including Sunday \$322.50
- Malt Liquor and Wine by the Drink, Not including Sundays \$225.00
- Malt Liquor and Wine by the Drink, Including Sundays \$525.00
- Wholesaler/Distributor Intoxicating Liquor, All Kinds \$375.00
- Wholesaler/Distributor Intoxicating Liquor, =<22% Alcohol by Weight \$150.00
- Wholesaler/Distributor Intoxicating Liquor, =<5% Alcohol by Weight \$75.00
- Picnic License (\$25.00 for first day, \$10.00 for each additional day) No organization shall obtain permits for more than 7 days per year. Date of event: _____ Place event will be held: _____

**Establishments licensed to sell intoxicating liquor in the original package may apply for and obtain a license to conduct wine tasting on the premises of the licensed establishment for an additional fee of \$25.00.

PAID
JAN 06 2023

Name of Company: Heaterz Hot Chicken

Location Address: 129 West Jefferson Phone: 314-946-5051

Name of Owner of Business: Adam Hartig Phone: 573-355-0827

Address of Owner: _____

Name of Managing Officer: Adam Hartig Phone: 573-355-0827

Address of Managing Officer: _____

Date of Birth: _____ Street _____ City Alton, IL State _____ Zip _____

Driver's License # _____ Social Security _____

Do you have an interest in any liquor license which is now in _____
If so, give details _____

Have you previously held a liquor license of any type? YES
If so, give details _____

Have you ever had a liquor license suspended or revoked? NO
If so, give details _____

Have you ever been convicted of any violation of a federal law, state statute or local ordinance relating to toxicating liquor? NO
If so, give details _____

Signature of Applicant [Signature]

Adam Hartig
Print Applicant's Name