



**Kirkwood City Council  
Agenda  
Thursday, November 7, 2019, 7:00 p.m.  
Kirkwood City Hall  
City Council Chambers  
139 South Kirkwood Road  
Kirkwood, MO 63122  
Posted on November 1, 2019**

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**III. INTRODUCTIONS AND RECOGNITIONS**

**IV. PRESENTATIONS**

**V. PUBLIC HEARINGS**

**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 October 17, 2019 City Council Meeting Minutes
- b) Resolution 148-2019, accepting the Parking Permit Fees for the Downtown Special Business District in accordance with Section 14-334(2) of the Kirkwood Municipal Code of Ordinances for 2020
- c) Resolution 150-2019, amending the contract with Spencer Contracting Co. by increasing the contract amount for the construction of sidewalks and ADA ramps on East Monroe Avenue from Woodlawn Avenue to Gilbert (increase by \$134,003 for a not to exceed amount of \$231,104.95)
- d) Resolution 151-2019, authorizing payment to the St. Louis County Treasurer for tuition for training for Police Officers and Dispatchers through St. Louis County and the Municipal Academy (\$15,400)

**VIII. UNFINISHED BUSINESS**

- 1. Bill 10800, appropriating funds from the General Fund Reserves to the Health Insurance Account for health insurance benefit changes in the Parks and Recreation Department (\$11,000)
- 2. Bill 10801, changing the zoning from B-2 General Business District (Central Business District) to B-4 Planned Commercial District on the property known as 130 West Adams Avenue and directing such change in the Zoning District Map



3. Bill 10802A, amending the Code of Ordinances, Chapter 10 "Garbage and Trash", Article II. "City Collections"

**IX. NEW BUSINESS**

1. Bill 10803, appropriating funds from the Parks Sales Tax Fund to Account #302-2001-600.75.03, Project #PR2006, for repairs to the Kirkwood Aquatic Center (\$525,000)
2. Resolution 147-2019, amending the Preliminary and Final Development Plan for a mixed use development with residential and commercial uses on the properties known as 120 and 130 West Adams Avenue, subject to certain conditions
3. Resolution 149-2019, amending the contract with BSI Constructors, Inc. by increasing the contract amount for the construction of the Performing Arts Center. This brings the total budget for the Performing Arts Center to \$26,000,000 (increase by \$800,000 for a not to exceed amount of \$23,461,000)

**X. CONSENT AGENDA ITEMS FOR DISCUSSION (IF ANY)**

**XI. CITY COUNCIL REPORTS**

**XII. CHIEF ADMINISTRATIVE OFFICER REPORTS**

1. Application for Liquor License from Navi Pizza Investments (Racanellis Pizza), 111 N. Kirkwood Rd., to sell malt liquor and wine by the drink, including Sundays.

*\*Other Items may be added after the publication of the agenda. Please contact the City Clerk's Office at 822-5802 for any additional information that may have been added after the publication of the agenda.*

**XIII. CITY ATTORNEY REPORTS**

**XIV. CITY CLERK REPORTS**

1. Report of the November 6, 2019 Planning and Zoning Commission meeting.

*\*Other Items may be added after the publication of the agenda. Please contact the City Clerk's Office at 822-5802 for any additional information that may have been added after the publication of the agenda.*

**XV. MEETING ADJOURNMENT**

**PLEASE NOTE:** The next regular meeting of the Kirkwood City Council will take place at 7:00 p.m. on November 21, 2019.

**UPCOMING PUBLIC HEARINGS**

NONE

**CONTINUED ITEMS**

NONE





### **TABLED ITEMS**

1. Bill 10645, amending the provisions of the Municipal Code, Appendix A – Zoning, regarding Side Yard Setbacks in the R-3 Single Family Residential District
2. Bill 10690, amending the provisions of the Municipal Code, Appendix A – Zoning, regarding Height Requirement in the B-2 Business District

**Kirkwood City Council:** Mayor Tim Griffin; Council Members Nancy Luetzow, Maggie Duwe, Ellen Edman, Mark Zimmer, Wallace Ward, and Kara Wurtz

**Contact Information:** For full City Council contact information visit [www.kirkwoodmo.org/council](http://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.

# ***THE CONSENT AGENDA IS ATTACHED***

- a) Approval of the October 17, 2019 City Council Meeting Minutes
- b) Resolution 148-2019, accepting the Parking Permit Fees for the Downtown Special Business District in accordance with Section 14-334(2) of the Kirkwood Municipal Code of Ordinances for 2020
- c) Resolution 150-2019, amending the contract with Spencer Contracting Co. by increasing the contract amount for the construction of sidewalks and ADA ramps on East Monroe Avenue from Woodlawn Avenue to Gilbert (increase by \$134,003 for a not to exceed amount of \$231,104.95)
- d) Resolution 151-2019, authorizing payment to the St. Louis County Treasurer for tuition for training for Police Officers and Dispatchers through St. Louis County and the Municipal Academy (\$15,400)





WHERE COMMUNITY AND SPIRIT MEET<sup>®</sup>

# DRAFT

**Kirkwood City Council  
Kirkwood City Hall  
City Council Chambers  
Thursday, October 17, 2019, 7:00 p.m.**

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, October 17, 2019, at 7:00 p.m. at Kirkwood City Hall, 139 South Kirkwood Road, Kirkwood, Missouri. Present were Mayor Griffin, Council Members Duwe, Edman, Luetzow, Ward, Wurtz, and Zimmer. Also in attendance were Chief Administrative Officer Russell Hawes, Assistant Chief Administrative Officer Georgia Ragland, City Clerk Laurie Asche, Deputy City Clerk Freddy Doss, and City Attorney John Hessel.

## **INTRODUCTIONS AND RECOGNITIONS**

Mayor Griffin and Fire Chief Silvernail recognized Fire Captain Wiley and his team for their superb training and leadership during a medical emergency, which assisted in saving the resident's life.

Fire Chief Silvernail recognized the following Fire Department employees for receiving promotions:

- Fire Marshal Dennis Fischer
- Captain Michael Bazzoni
- Engineer Nancy Goss
- Engineer Thomas Fischer

## **PRESENTATIONS**

NONE

## **PUBLIC HEARINGS**

Mayor Griffin recessed the meeting for the purpose of conducting a public hearing regarding a request to rezone 130 West Adams Avenue from B-2 to B-4, which was continued from October 3, 2019.

Petitioner Phillip Grooms addressed the council. Renovations on the units have begun. The location will be independent living, which will include transportation and a meal plan.

The bill is item #2 under New Business, Bill 10801.

## **PUBLIC COMMENTS**

NONE



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## CONSENT AGENDA

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

- a) Approval of the October 3, 2019 City Council Meeting Minutes
- b) Resolution 138-2019, authorizing and directing the Mayor to enter into an agreement between EMS MC and the City of Kirkwood for the Missouri Ground Emergency Medical Transportation Uncompensated Cost Reimbursement Program
- c) Resolution 139-2019, accepting the bid of ERMCO c/o Electrorep for Single Phase Padmount Dual Voltage Transformers for the Electric Department and authorizing and directing the Director of Procurement to issue a Purchase Order (\$103,786)
- d) Resolution 140-2019, accepting the bid of Lowe Automotive Group (pursuant to Saint Louis County Cooperative Contract) for the purchase of automotive parts on an as needed basis for the Fleet Department (at the rates provided in the Saint Louis County Contract)
- e) Resolution 141-2019, accepting the bid of Knapheide Truck Equipment for the purchase of crane and platform bed accessories for the Water Department and authorizing and directing the Director of Procurement to issue a Purchase Order (\$32,185)
- f) Resolution 143-2019, accepting the proposal of Schulte Supply for Neptune Water Meters, Parts, and Supplies on an as needed basis for the Water Department for an initial term through April 1, 2021 with the option to renew for up to two additional 12 month terms, and authorizing and directing the Mayor to enter into a contract (at the rates provided in the proposal)
- g) Resolution 144-2019, accepting the bid of USIC for Locating Services on an as required basis for the Electric and Water Departments, with an initial term of 12 months with the option to renew annually contingent upon budgetary approval and authorizing and directing the Mayor to enter into a contract (at the rates provided in the memo)
- h) Resolution 145-2019, accepting the proposal of Schulte Supply for Neptune Water Meter Software and Support for the Water Department for an initial term of 12 months with the option to renew for up to two additional 12 month terms, and authorizing and directing the Mayor to enter into a contract (at the rates provided in the proposal)
- i) Resolution 146-2019, accepting the bid of Joe Machen Ford (pursuant to State of Missouri Cooperative Contract) for the purchase of a 2020 Ford F-150 Super Cab 4x4 for the Police Department and authorizing and directing the Director of Procurement to issue a Purchase Order (\$33,588)





# DRAFT

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## UNFINISHED BUSINESS

Bill 10795, amending the provisions of the Municipal Code, Appendix A – Zoning, regarding the addition of a new Special Use Category (Tattoo Studio) in the B-2, General Business District and including said new category in the Definition Section and Parking Sections accordingly, was brought before the council. A discussion took place.

Roll Call:

Mayor Griffin	“Yes”
Council Member Wurtz	“Yes”
Council Member Luetzow	“Yes”
Council Member Duwe	“Yes”
Council Member Edman	“Yes”
Council Member Zimmer	“No”
Council Member Ward	“Yes”

The bill, having received majority approval of the council, was adopted and became Ordinance 10634.

Bill 10796, granting a Special Use Permit for a tattoo studio at 108 North Kirkwood Road, 2<sup>nd</sup> floor, subject to certain conditions, was brought before the council.

Roll Call:

Mayor Griffin	“Yes”
Council Member Wurtz	“Yes”
Council Member Luetzow	“Yes”
Council Member Duwe	“Yes”
Council Member Edman	“Yes”
Council Member Zimmer	“No”
Council Member Ward	“Yes”

The bill, having received majority approval of the council, was adopted and became Ordinance 10635.

Bill 10797, appropriating \$303,764 from the Electric Fund to the Distribution Improvements Account, Project #EL1616, for Engineering Construction Services for the Kirkwood Road Traffic Signal Optimization and Interconnect Project, was brought before the council.

Roll Call:

Mayor Griffin	“Yes”
Council Member Wurtz	“Yes”



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Council Member Luetzow	"Yes"
Council Member Duwe	"Yes"
Council Member Edman	"Yes"
Council Member Zimmer	"Yes"
Council Member Ward	"Yes"

The bill, having received majority approval of the council, was adopted and became Ordinance 10636.

Bill 10798, adopting a revised City of Kirkwood Classification and Pay Plan, effective January 1, 2020, was brought before the council.

Roll Call:

Mayor Griffin	"Yes"
Council Member Wurtz	"Yes"
Council Member Luetzow	"Yes"
Council Member Duwe	"Yes"
Council Member Edman	"Yes"
Council Member Zimmer	"Yes"
Council Member Ward	"Yes"

The bill, having received majority approval of the council, was adopted and became Ordinance 10637.

Bill 10799, appropriating \$49,676 from the Water Fund Balance to the Water Distribution Full-Time Salary Account for pay grade changes, was brought before the council.

Roll Call:

Mayor Griffin	"Yes"
Council Member Wurtz	"Yes"
Council Member Luetzow	"Yes"
Council Member Duwe	"Yes"
Council Member Edman	"Yes"
Council Member Zimmer	"Yes"
Council Member Ward	"Yes"

The bill, having received majority approval of the council, was adopted and became Ordinance 10638.





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## NEW BUSINESS

Bill 10800, appropriating \$11,000 from the General Fund Reserves to the Health Insurance Account for health insurance benefit changes in the Parks and Recreation Department, was brought before the council. Motion was made by Council Member Zimmer and seconded by Council Member Wurtz to accept the bill for first reading approval.

The bill received first reading approval and was held over.

Bill 10801, changing the zoning from B-2 General Business District (Central Business District) to B-4 Planned Commercial District on property known as 130 West Adams Avenue (approximately 0.2 acres) and directing such change in the Zoning District Map, was brought before the council. Motion was made by Council Member Duwe and seconded by Council Member Luetzow to accept the bill for first reading approval.

The bill received first reading approval and was held over.

Bill 10802, amending the Code of Ordinances, Chapter 10 "Garbage and Trash", Article II. "City Collections", was brought before the council. Motion was made by Council Member Luetzow and seconded by Council Member Edman to accept the bill for first reading approval.

Motion was made by Council Member Luetzow and seconded by Council Member Duwe to amend the bill by amending Section 10-23, subsection (1) to read as follows, "All recycling carts and garbage and rubbish carts are property of the City of Kirkwood. Any repair or replacement of carts due to the property owner's abuse, misuse, defacing, or neglect of a cart will be assessed a fee by the Public Services Director". The motion to amend was unanimously approved.

The amended bill received first reading approval and was held over.

Resolution 142-2019, transferring funds in the amount of \$7,000 from the Transfer to Other Funds Account to the Building and Site Improvement Account, amending the contract with Geotechnology Inc. in the amount of \$7,000 for a not to exceed amount of \$123,566 for additional Kirkwood Performing Arts Center Geotechnical Services and authorizing and directing the Mayor to enter into an amended contract, was brought before the council. Motion was made by Council Member Wurtz and seconded by Council Member Edman to accept the Resolution as read.

Roll Call:

Mayor Griffin

"Yes"



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Council Member Wurtz	"Yes"
Council Member Luetzow	"Yes"
Council Member Duwe	"Yes"
Council Member Edman	"Yes"
Council Member Zimmer	"Yes"
Council Member Ward	"Yes"

## CONSENT AGENDA ITEMS FOR DISCUSSION

NONE

## CITY COUNCIL REPORTS

Mayor Griffin reported that there will be a Community Day in the Park, Meacham Memorial Park, Saturday, October 19<sup>th</sup> from 10:00 a.m. to 12:00 p.m.

Mayor Griffin noted the passing of Michael Gibbons Sr.

Council Member Edman noted the passing of Congressman Elijah Cummings.

Council Member Luetzow reported that mural project at the Performing Arts Center is scheduled for the unveiling of the banners on Sunday, October 27<sup>th</sup> at 2:00 p.m. at the site.

## CHIEF ADMINISTRATIVE OFFICER REPORT

Mr. Hawes reported that the City of Kirkwood received an Application for Liquor License to sell malt liquor and wine by the drink, not including Sunday, for Kirkwood Pizzeria, 471 N. Kirkwood Road. Motion was made by Council Member Duwe and seconded by Council Member Zimmer to approve the application. The motion was unanimously approved.

## CITY ATTORNEY REPORT

Mr. Hessel had nothing to report.

## CITY CLERK REPORT

Ms. Asche read the report of the October 16, 2019 Planning and Zoning Commission meeting. The following action took place:

1. After a presentation by CBD Kratom for a special use permit for a convenience store in Suite 105 at 11220 Manchester Road, Commissioners Evens and Klippel were appointed to the Subcommittee. The Subcommittee will meet on site October 18 at 8:30 a.m.
2. After a presentation by Brad Goss to rezone 11204-11224 Big Bend Road from R-4 to R-5 and a site plan to construct 24 row-house dwelling units in seven buildings, Commissioners Eagleton and O'Donnell were appointed to





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# DRAFT

the Subcommittee. The Subcommittee will meet on site October 23 at 9:30 a.m.

3. Staff provided updates on development projects recently reviewed by the City Council.
4. Staff provided an update on the Zoning, Subdivision, and Sign Code Review project.

Ms. Asche wished Council Member Luetzow a Happy Birthday.

## ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 7:37 p.m. The next regular council meeting is scheduled for November 7, 2019 at 7:00 p.m.

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Laurie Asche, CMC/MRCC  
City Clerk

***Approved:***

RESOLUTION 148-2019

A RESOLUTION ACCEPTING THE PARKING PERMIT FEES FOR THE DOWNTOWN SPECIAL BUSINESS DISTRICT IN ACCORDANCE WITH SECTION 14-334(2) OF THE KIRKWOOD MUNICIPAL CODE OF ORDINANCES FOR 2020.

WHEREAS, Section 14-334(2) provides that the City Council may establish a parking permit fee each year by resolution, and

WHEREAS, a tiered parking permit fee system benefits the Downtown Special Business District by making more premium parking spaces available for customers, and

WHEREAS, the City Council believes it is in the best interest of the City of Kirkwood to continue with a tiered parking permit fee schedule, and

WHEREAS, the City Council believes it to be in the best interest of the citizens and customers to accept the committee's 2020 parking permit fee recommendation.

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

SECTION 1. That the parking lots in the Downtown Special Business District be organized by three levels based on demand and convenience as delineated on the attached map.

SECTION 2. The following parking permit fees for the parking lots in the Downtown Special Business District are hereby adopted, except the Kirkwood Public Library shall be issued 20 free parking permits for their employees which shall only be "H" lots. If the Police Department determines that 20 spaces are not available on the "H" lot, up to seven library employee parking spaces may be placed on the "D" lots. Six Level 3 annual permits on the "I" lot.

<u>Annual Permit Parking</u>	<u>30-Day Permit Parking</u>	<u>Saturday Only</u>	
Level 1 (A, B, C, E, F) \$300	Level 1 not offered	Level 1 (F)	\$50
Level 2 (D H) \$200	Level 2 (D H) \$50	Level 2 (D H)	not offered
Level 3 (G, I) \$100	Level 3 (G) \$50	Level 3 (G)	not offered

Replacement of Lost/Stolen Permit:  
\$ 25

One-Day Permits:  
\$5.00 each; Lot I Amtrak Permits \$5.00/day

SECTION 3. The aforementioned parking permit fee schedule shall be effective commencing on January 1, 2020 except for the One-Day Permits which shall become effective immediately.

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

PASSED AND APPROVED THIS 7<sup>TH</sup> DAY OF NOVEMBER 2019.

\_\_\_\_\_  
Mayor, City of Kirkwood

ATTEST:

\_\_\_\_\_  
City Clerk

# Legislation Request

Resolution

Place On The Agenda Of: 11/7/2019

Step #1:

Strategic Plan NO

Goal # & Title

Background To Issue:

Each year the Police Department meets with the Special Business District employees, Finance and City Administration to determine the SBD parking plan for the following year. This year the meeting took place October 28, 2019, and the recommendation was that no changes are required.

Recommendations and Action Requested:

It is recommended that City Council approve the resolution for SBD parking in calendar year 2020, with no changes from calendar year 2019.

Alternatives Available:

None known

Does this project have a public information component?  Yes  No

Cost: \$0.00

Account #: 0

Project #:

Budgeted: YES

If YES, Budgeted Amount:

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

Department Head Comments:

BY: Brian Murphy

Date: 10/31/2019

Authenticated: folluojd

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:

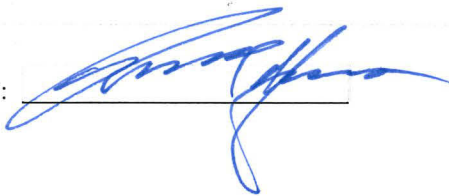
Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve

Diasapprove

Chief Administrative Officer's Comments:

BY:



Date:

10-31-19

# MEMORANDUM

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October 28, 2019

TO: Russell Hawes  
Chief Administrative Officer

FROM: John Folluo  
Captain

RE: Special Business District Parking for 2020

It is time to prepare the resolution to set fees for the 2020 Special Business District (SBD) parking permit program. I met today with Georgia Ragland, Donna Poe, Chief Murphy, Sandy Stephens, Kori Thompson and Pat Mohan, and the results of that meeting are outlined below. I am requesting this be placed on the agenda of the November 7<sup>th</sup> City Council Meeting as a resolution, and toward that end I am copying Laurie Ashe and Freddie Doss.

**Background:**

Traditionally, the primary goal of the parking permit program has been to provide convenient parking for SBD customers by encouraging SBD business owners and employees to purchase permits away from the heavily used lots. This has been accomplished in part by graduated pricing incentives. In 2019, no permit pricing adjustment recommendations were made.

**2020 Recommendations**

No permit pricing adjustments are recommended for 2020, as the usage of parking lots and the allotment of parking permits have created a system that has so far been effective this year.

**2020 Recommended SBD Parking Permit Fees (same as 2019):**

<b>Annual:</b>	<b>Level 1 (A B C E F)</b>	<b>\$300</b>
	<b>Level 2 (D H)</b>	<b>\$200</b>
	<b>Level 3 (G, I)</b>	<b>\$100</b>
<b>30-Day:</b>	<b>Level 2 (D H)</b>	<b>\$50</b>
	<b>Level 3 (G)</b>	<b>\$50</b>
<b>Saturday only:</b>	<b>Level 1 (F)</b>	<b>\$50</b>
<b>Lost/stolen replacement:</b>		<b>\$25</b>
<b>One Day Permits:</b>		<b>\$5</b>

**Library Permits**

In past years, the Library received 20 no-cost parking permits. No change is recommended for 2020.

**One Day Permits**

The one day permit program provides a worthwhile option for citizens, and the SBD will continue to promote and sell the passes from their office in 2020, and they can also be purchased at Finance. These are single day only.

**Parks Volunteer Permits**

The SBD "Parks Volunteer" parking permit program allows volunteers to park while working within the business district. As in 2019, there will be no cost for these in 2020.

**Report on Parking Kiosk**

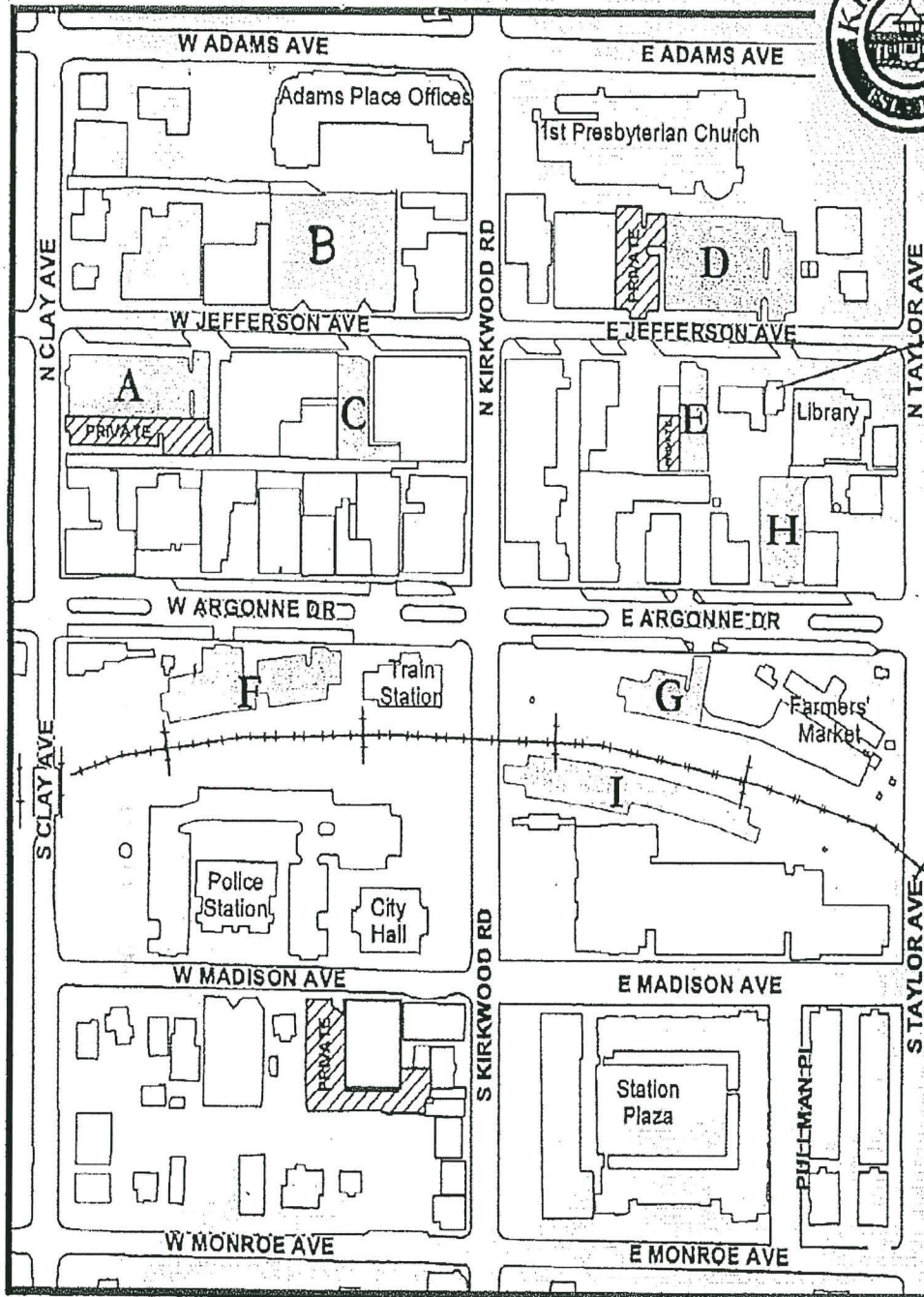
The kiosk was installed during the summer of 2016. By and large it has operated as intended, with little interruption. Some train volunteers and citizens have reported errors in using the kiosk, but in most cases when it was examined after a complaint it was found to be in working order. New signage was installed in 2018 to help the kiosk be more user friendly, and there seem to be fewer instances of citizens having difficulty using it.

Please let me know if you have any questions or need more information about the plan for 2020. A map of the SBD permit lots is included on the following page.

cc: Chief Brian Murphy  
Laurie Asche  
Freddie Doss  
Georgia Ragland  
Sandy Stephens  
Donna Poe  
Kori Thompson  
Miesha Goliday  
Pat Mohan



# Kirkwood Special Business District Permit Parking Lots



Downtown  
Kirkwood  
Office

**CITY OF KIRKWOOD, MISSOURI  
SPECIAL BUSINESS DISTRICT  
PARKING REVENUE**

DESCRIPTION	FY18	FY19	FY20 as of 10/28/19
Kiosk Revenues, net of refunds	\$ 14,160	\$ 13,776	\$ 7,290
SBD Permit Parking, net of refunds*	\$ 20,140	\$ 16,700	\$ 4,890
Total Parking Revenue	<u>\$ 34,300</u>	<u>\$ 30,476</u>	<u>\$ 12,180</u>

\* FY19 timing difference of \$3,400 that was collected in FY20.

RESOLUTION 150-2019

A RESOLUTION AMENDING THE CONTRACT WITH SPENCER CONTRACTING CO. BY INCREASING THE CONTRACT AMOUNT BY \$134,003 FOR A NOT TO EXCEED AMOUNT OF \$231,104.95 FOR THE CONSTRUCTION OF SIDEWALKS AND ADA RAMPS ON EAST MONROE AVENUE FROM WOODLAWN AVENUE TO GILBERT.

WHEREAS, per Resolution 90-2019 the City of Kirkwood contracted with Spencer Contracting Co. to install new sidewalk and ADA ramps on East Jefferson Avenue, and on South Fillmore Avenue, and

WHEREAS, this work was identified in the City's 2015 Pedestrian and Bicycle Plan to fill in an identified sidewalk gap along a recommended pedestrian route, and

WHEREAS, the sidewalk along East Monroe Avenue from Woodlawn Avenue to Gilbert was also identified as a gap on a recommended pedestrian route, and

WHEREAS, the Director of Public Services is requesting an amendment of the contract with Spencer Contracting Co. by \$134,003 for a total not to exceed amount of \$231,104.95 for the construction of sidewalks and ADA ramps on East Monroe Avenue from Woodlawn Avenue to Gilbert, and

WHEREAS, funds are available in Account #301-1401-600.75.12, Project #PW2002.

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

SECTION 1. The contract with Spencer Contracting Co. is hereby amended in the amount of \$134,003 for a not to exceed of \$231,104.95 for the construction of sidewalks and ADA ramps on East Monroe Avenue from Woodlawn Avenue to Gilbert.

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

PASSED AND APPROVED THIS 7<sup>TH</sup> DAY OF NOVEMBER 2019.

\_\_\_\_\_  
Mayor, City of Kirkwood

ATTEST:

\_\_\_\_\_  
City Clerk



# Legislation Request

## Resolution

Place On The Agenda Of: 11/7/2019

Step #1:

Strategic Plan YES

Goal # & Title Goal 5. Objective C: Increase community accessibility/mobility

Background To Issue:

Per Resolution 90-2019 the City contracted with Spencer Contracting to install new sidewalk and ADA ramps on E. Jefferson Ave., and on S. Fillmore Ave. in the amount of \$97,101.95. This work was identified in the City's 2015 Pedestrian and Bicycle Plan to fill in an identified sidewalk gap along a recommended pedestrian route. The Engineering Division is requesting that Spencer's current contract be amended to allow for additional sidewalk work on E. Monroe Ave. This walk was also identified as a gap on a recommended pedestrian route. Therefore, it is being requested that Spencer's contract to be amended to include and additional \$127,622 in construction cost with a 5% contingency of \$6,381 for a total contract amount of \$231,104.95.

Recommendations and Action Requested:

It is recommended that the City Council increase Spencer Contracting's contract in the amount of \$134,003 for a total project cost of \$231,104.95, for the construction of sidewalks and ADA ramps on E. Monroe Ave. from Woodlawn Ave. to Gilbert.

Alternatives Available:

Does this project have a public information component?  Yes  No

Cost: \$134,003.00 Account #: 30114016007512 Project #: PW2002 Budgeted: YES

If YES, Budgeted Amount: \$135,938.00 If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

BY: Bill Bensing

Date: 10/28/2019

Authenticated: bensinwe

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



Spencer Proposal .pdf  
PDF File  
174 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:

The Director of Public Services is seeking to amend Contract 13144 approved through Resolution 90-2019 in order to increase Spencer Contracting's contract allow for additional sidewalk work on E. Monroe Ave at the rates provided in the amount of \$127,622 with a contingency of \$6,381 for a total not to exceed value of \$231,104.95.

BY: David Weidler

Date: 10/31/2019

Authenticated: weidledc

*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**).

Budgetary Approval

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

Budget appropriation is sufficient to approve the addition of \$134,003 not to exceed \$231,105 to the Spencer Contracting Contract as requested above to account 301-1401-600-75-12, Sidewalks, Project PW2002, Sidewalk Improvement

BY: Sandra Stephens

Date: 10/31/2019

Authenticated: stephesf

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

Approve     Diasapprove

Chief Administrative Officer's Comments:

BY: 

Date: 10-31-19



3073 Arnold Tenbrook Road  
 Arnold, MO 63010  
 Phone 314-843-5166  
 Fax 314-843-6106

October 28, 2019

Mitchell Shaneberger  
 City of Kirkwood  
 139 S Kirkwood Rd  
 Kirkwood Mo 63122

REF: Monroe Avenue Sidewalk Construction Bid

Based on the plans provided dated 10/15/19 here is our estimate for the project based on the quantities provided to start this November, and weather permitting, complete by the end of the year. They are as follows:

Item	Description	Unit	QTY	Price	Total
1	Tree Protection	EA	12	\$ 200.00	\$ 2,400.00
2	Tree Removal	EA	7	\$ 1,300.00	\$ 9,100.00
3	6" Asphalt Curb	LF	35	\$ 25.00	\$ 875.00
4	New 3" Asphalt on 8" thick	SY	107	\$ 100.00	\$ 10,700.00
5	6" wide variable height ver	LF	30	\$ 20.00	\$ 600.00
6	6" VERTICAL TYPE S CONC	LF	76	\$ 40.00	\$ 3,040.00
7	4" THICK 4000 PSI PC CON	SY	392	\$ 104.00	\$ 40,768.00
8	6" THICK 4000 PSI CONCRE	SY	126	\$ 112.50	\$ 14,175.00
9	STREET CROSSING ACCESSI	SF	74	\$ 31.00	\$ 2,294.00
10	Tree Restoration	LS	1	\$ 2,500.00	\$ 2,500.00
11	Block Retaining Wall	SF	17	\$ 60.00	\$ 1,020.00
12	Sign Relocation	EA	3	\$ 300.00	\$ 900.00
13	Mobilization	LS	1	\$ 14,500.00	\$ 14,500.00
15	Sod	SY	1130	\$ 15.00	\$ 16,950.00
16	Traffic Control	LS	1	\$ 3,000.00	\$ 3,000.00
17	Staking	LS	1	\$ 4,800.00	\$ 4,800.00
TOTAL					\$ 127,622.00



RESOLUTION 90-2019

A RESOLUTION ACCEPTING THE BID OF SPENCER CONTRACTING CO. IN THE NOT TO EXCEED AMOUNT OF \$97,101.95 (WHICH INCLUDES A CONTINGENCY OF \$8,827.45) FOR SOUTH FILLMORE / EAST JEFFERSON SIDEWALK EXTENSION AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT.

WHEREAS, pursuant to law, the City obtained bids for South Fillmore / East Jefferson Sidewalk Extension, and

WHEREAS, the most responsible bid received was that of Spencer Contracting Co. in the not to exceed amount of \$97,101.95 (which includes a contingency of \$8,827.45) and which bid acceptance is approved by the Chief Administrative Officer and recommended by the Director of Procurement and the Director of Public Services, and

WHEREAS, funds are available in Account #301-1401-600.75.12, Project #PW2002.

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

SECTION 1. The bid of Spencer Contracting Co. in the not to exceed amount of \$97,101.95 (which includes a contingency of \$8,827.45) for South Fillmore / East Jefferson Sidewalk Extension is hereby accepted and approved.

SECTION 2. The Mayor is hereby authorized and directed to enter into a contract with Spencer Contracting Co. in the not to exceed amount of \$97,101.95 (which includes a contingency of \$8,827.45) for South Fillmore / East Jefferson Sidewalk Extension.

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

PASSED AND APPROVED THIS 20<sup>TH</sup> DAY OF JUNE 2019.

  
\_\_\_\_\_  
Mayor, City of Kirkwood

ATTEST:

  
\_\_\_\_\_  
City Clerk

RESOLUTION 151-2019

A RESOLUTION AUTHORIZING THE PAYMENT OF \$15,400 TO THE ST. LOUIS COUNTY TREASURER FOR TUITION FOR TRAINING FOR POLICE OFFICERS AND DISPATCHERS THROUGH ST. LOUIS COUNTY AND THE MUNICIPAL ACADEMY.

WHEREAS, the Kirkwood Police Department is a tuition paying member of the St. Louis County and Municipal Police Academy Continuing Education Plan, which allows police officers and dispatchers to attend required in-person and on-line training, and

WHEREAS, the Chief of Police is requesting authorization of payment to the St. Louis County Treasurer in the amount of \$15,400 for tuition costs for training, and

WHEREAS, funds are available in Account #101-1204-421.31.09 (Training).

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

SECTION 1. The City of Kirkwood is hereby authorized to submit payment to the St. Louis County Treasurer in the amount of \$15,400 for tuition for training for Police Officers and Dispatchers through St. Louis County and the Municipal Academy.

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

PASSED AND APPROVED THIS 7<sup>TH</sup> DAY OF NOVEMBER 2019.

\_\_\_\_\_  
Mayor, City of Kirkwood

ATTEST:

\_\_\_\_\_  
City Clerk

# Legislation Request

Resolution

Place On The Agenda Of: 11/7/2019

Step #1:

Strategic Plan NO

Goal # & Title

Background To Issue:

The Police Department is a tuition paying member of the St. Louis County and Municipal Police Academy Continuing Education Plan, which allows officers and dispatchers to attend required in-person training at no additional cost. In addition, the Police Department contracts through the St. Louis County and Municipal Academy for Virtual Academy training, an online training provider that allows officers to receive online and video based training without leaving the City of Kirkwood. Funding for both is budgeted, and both are paid directly to the St. Louis County Treasurer through the St. Louis County and Municipal Academy. This year the costs (\$10,600 for the Academy and \$4,800 for Virtual Academy) exceed the amount allowable without Council approval by \$400.

Recommendations and Action Requested:

The Police Department is requesting Council approval of the payment of \$15,400 to the St. Louis County Treasurer through the St. Louis County and Municipal Academy. This amount is within budgeted parameters.

Alternatives Available:

If not approved, the Police Department would no longer contract with Virtual Academy for training.

Does this project have a public information component?  Yes  No

Cost: \$15,400.00

Account #: 10112044213109

Project #:

Budgeted: YES

If YES, Budgeted Amount: \$17,000.00

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

Department Head Comments:

BY: Brian Murphy

Date: 10/23/2019

Authenticated: folluojd

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:

St. Louis County and Municipal Police Academy provides in-person and virtual training for our Police Department. St. Louis County and Municipal Police Academy's in-person and virtual training programs meet the criteria of a single source procurement as defined in Article VI. Procurement of the City of Kirkwood's Code of Ordinances. This request is for the approval of the City to utilize the services of St. Louis County and Municipal Police Academy in the amount of not to exceed \$15,400 for this fiscal year.

BY: David Weidler

Date: 10/31/2019

Authenticated: weidledc

*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**).

Budgetary Approval

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

Budget appropriation is sufficient to approve the request of \$15,400 in account 101-1204-421-31-09, Training as stated above.

BY: Sandra Stephens

Date: 10/31/2019

Authenticated: stephesf

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

Approve     Diasapprove

Chief Administrative Officer's Comments:

BY: 

Date: 10-31-19

BILL 10800

ORDINANCE

AN ORDINANCE APPROPRIATING \$11,000 FROM THE GENERAL FUND RESERVES TO THE HEALTH INSURANCE ACCOUNT FOR HEALTH INSURANCE BENEFIT CHANGES IN THE PARKS AND RECREATION DEPARTMENT.

WHEREAS, the Health Insurance Account for the Parks and Recreation Department has exceeded the budget amount due to staff member changing their health insurance benefit from no coverage to family coverage, and

WHEREAS, funds in the amount of \$11,000 needs to be appropriated from the General Fund Reserves to Account #101-2003-451.21.01 (Health Insurance).

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

SECTION 1. Funds in the amount of \$11,000 are hereby appropriated from the General Fund Reserves to Account #101-2003-451.21.01 (Health Insurance).

SECTION 2. This Ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS DAY OF.

\_\_\_\_\_  
Mayor, City of Kirkwood

ATTEST:

\_\_\_\_\_  
City Clerk  
1<sup>st</sup> Reading:  
2<sup>nd</sup> Reading:

# Legislation Request

Ordinance

Place On The Agenda Of: 10/17/2019

Step #1:

Strategic Plan NO Goal # & Title

Background To Issue:

A member of the ice rink staff has changed their use of the health insurance benefit, going from no coverage to family coverage. This change occurred after the FY19-20 budget had been approved and as a result this account is underfunded.

Recommendations and Action Requested:

This is a request to appropriate \$11,000 to account 101-2003-451-2101 from reserves of the General Fund.

Alternatives Available:

Does this project have a public information component?  Yes  No

Cost: \$11,000.00 Account #: 10120034512101 Project #: Budgeted: NO

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

Department Head Comments:

This requests reflects the need to fully fund the current use of the health insurance benefit by all full time members of the rink staff, following the change in use by one staff member from no coverage to family coverage. this change was made after the budget was approved, so there was no opportunity to alter the budget without this additional legislative request.

BY: Murray Pounds Date: 10/1/2019 Authenticated: poundsm

*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

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

Appropriation

From Account # or Fund Name: General fund Reserves

To Account # or Fund Name: 101-2003-451-2101

Finance Director's Comments:

General fund - fund balance is sufficient to approve the above request to appropriate \$11,000 to account 101-2003-451-21-10, Health Insurance

BY: John Adams

Date: 10/1/2019

Authenticated: stephesf

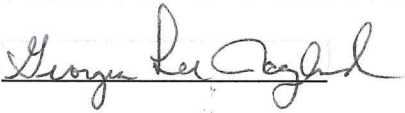
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Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve     Diasapprove

Chief Administrative Officer's Comments:

BY:



Date:

10/9/2019

BILL 10801

ORDINANCE

AN ORDINANCE CHANGING THE ZONING FROM B-2 GENERAL BUSINESS DISTRICT (CENTRAL BUSINESS DISTRICT) TO B-4 PLANNED COMMERCIAL DISTRICT ON THE PROPERTY KNOWN AS 130 WEST ADAMS AVENUE (APPROXIMATELY 0.2 ACRES) AND DIRECTING SUCH CHANGE IN THE ZONING DISTRICT MAP.

WHEREAS, the property owner, GH Adams LLC, initiated this request (PZ-12-20) for a change in the zoning of the property hereinafter described from B-2 to B-4 to include said property in the adjacent B-4 Planned Commercial District development; and

WHEREAS, the Planning and Zoning Commission did on the 4<sup>th</sup> day of September, 2019, by adopting the subcommittee report dated September 4, 2019, (attached hereto and incorporated by reference herein), recommend the approval of the change in zoning from B-2 to B-4 on the properties hereinafter described; and

WHEREAS, the Council did on the 3<sup>rd</sup> day of October, 2019, hold a public hearing with respect to the rezoning request after duly advertising and giving proper notice of such hearing.

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

SECTION 1. That the zoning of the following described property is hereby changed from B-2 to B-4 in accordance with the provisions of the Kirkwood Code of Ordinances, Appendix A "Zoning" and the district map thereof, said property being situated in the City of Kirkwood, Missouri, and being more particularly described as follows:

**130 West Adams Avenue**

THE WEST 50 FEET OF LOT 3 AND THE EAST 20 FEET OF LOT 2 OF THE SUBDIVISION OF WEST ½ OF BLOCK 15 OF THE TOWN (NOW CITY) OF KIRKWOOD RECORDED AUGUST 31, 1870 IN PLAT BOOK 6 PAGE 67: EXCEPTING THEREFROM THAT PART CONVEYED TO THE CITY OF KIRKWOOD BY THE GENERAL WARRANTY DEED RECORDED JUNE 30, 1960 IN BOOK 4339 PAGE 309.

SECTION 2. The City Engineer is hereby directed to change the district map, in accordance with the change in zoning, as herein described.

SECTION 3. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS \_\_\_\_ day of \_\_\_\_\_, 2019.

---

Mayor, City of Kirkwood

ATTEST:

---

City Clerk

Introduced:

1<sup>st</sup> Reading:

2<sup>nd</sup> Reading:

# Legislation Request

Ordinance

Place On The Agenda Of: 10/3/2019

Step #1:

Strategic Plan NO

Goal # & Title

Background To Issue:

The property owner of Adams Place, GH Adams LLC, is requesting to rezone a surface parking lot at 130 West Adams from B-2 to B-4 in order to include it in the existing Planned Commercial development known as Adams Place. Said parking lot has been under common ownership and operation with Adams Place for many years but has never officially been part of the same B-4 Planned Commercial development.

This rezoning request has been prompted by the second portion of the applicants request which is to remove the age restriction for the residential portion of the existing mixed-use development. This development received preliminary approval in 1988 with final approval occurring in 1990 to operate as a "Retail and Elderly Housing Complex". The applicants desire to have the ability to rent the 44 existing residential units to tenants of all ages. The rezoning of 130 West Adams Avenue to include it in the B-4 District will more directly require this surface parking to service the additional parking demand that could be seen in removing the age restriction for the residential component of the development.

Although these requests are intricately linked, this legislation request pertains only to the rezoning request. A separate legislation request will also be submitted for the B4 Plan Amendment to remove the age restriction from Adams Place. However, this plan amendment will not be presented to City Council until the rezoning request is scheduled for second reading to ensure that they are approved in sequence. Additional information can be seen in the attached subcommittee report and related documents.

Recommendations and Action Requested:

The Planning & Zoning Commission recommended approval of the rezoning at their September 4, 2019 meeting by a vote of 9-0. A public hearing is requested for the rezoning on October 3rd followed by City Council consideration of the drafted ordinance.

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: 9/26/2019

Authenticated: raichejd



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

 2019-10-03 PZ-12-20 Zoning Legislation.docx Microsoft Word Document 16.3 KB	 2019-09-04 PZ-12-20 Report.pdf Adobe Acrobat Document 5.24 MB	 2019-10-03 PZ-12-20 CC Packet.pdf Adobe Acrobat Document 13.5 MB
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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
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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:

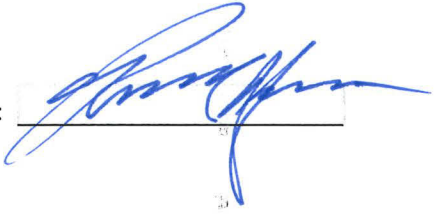
Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve

Diasapprove

Chief Administrative Officer's Comments:

BY:



Date:

9-27-19

**CITY OF KIRKWOOD  
PLANNING AND ZONING COMMISSION  
SUBCOMMITTEE REPORT  
SEPTEMBER 4, 2019**

**PETITION NUMBER:** PZ-12-20

**ACTION REQUESTED:** B-4 PLANNED COMMERCIAL DISTRICT AMENDMENT &  
130 W. ADAMS AVENUE REZONE FROM B-2 TO B-4

**PROPERTY OWNER:** GH ADAMS LLC

**APPLICANT:** PHILLIP GROOMS, GH ADAMS LLC

**PROPERTY LOCATION:** 100-130 W. ADAMS AVENUE

**ZONING:** B-4, PLANNED COMMERCIAL DISTRICT &  
B-2, GENERAL BUSINESS DISTRICT

**DOCUMENTS SUBMITTED:** PARKING LOT STRIPING PLAN PREPARED BY ALIGNED STUDIO, LLC  
STAMPED "RECEIVED AUGUST 30, 2019 CITY OF KIRKWOOD PUBLIC  
WORKS DEPARTMENT"

TRAFFIC & PARKING ASSESSMENT MEMO PREPARED BY LOCHMUELLER  
GROUP STAMPED "RECEIVED AUGUST 26, 2019 CITY OF KIRKWOOD  
PUBLIC SERVICES DEPARTMENT"

**BACKGROUND/DESCRIPTION:**

The applicant has submitted a multi-part application which includes the following items: 1) an amendment to remove the age restriction on housing in the existing B-4 Planned Commercial Development Plan and 2) a rezoning for the parking lot at 130 W. Adams Avenue from B-2 to B-4 to include it in the Planned Commercial District Development Plan for the same development. The applicant purchased the subject properties in early 2019 and was unaware of the age restriction at the time of the purchase. The applicant has stated that the residential units were less than 50% occupied when they purchased the property and that they desire to widen the market in an effort to reinvigorate the development.

The subject development originally received its preliminary plan approval in 1988 via Ordinance 7821 which allows a "retail and elderly housing complex" and it received its final development plan approval in 1990 via Ordinance 7975. Staff was unable to find a reference to a specific age limit related to this project with the term "elderly housing" being applied to the development; however, a determination was made, based on the term being defined in a separate portion of the Municipal Code, that the minimum age to be considered elderly for this project would be 60 years old.

As part of the approvals in 1988 and 1990, a separate text amendment to the Zoning Code was also approved which permitted the City Council, after recommendation from the Planning & Zoning Commission, to approve a reduction in parking requirements for B-4 Developments under 1.5 acres.

During the original approval request, there was discussion and acknowledgment made toward various factors, including the age restriction of residents, that would justify the reduced parking rates applied at that time. Additional information regarding parking and traffic elements of this proposal will be discussed in a later portion of this report.

The rezoning portion of this request is to make the surface parking lot at 130 W. Adams an official part of the planned development. This parking lot was not a part of the original project, but was acquired by the property owner soon after and has operated as a part of the development for many years. This parking lot was taken into consideration during various amendments regarding the allowance for expansion of the restaurant tenant in the development.

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

The site is designated as the Downtown category on the EnVision Kirkwood 2035 Future Land Use Map. Development types discussed in this land use include apartments and regional/neighborhood commercial. The proposed development is consistent with the development types listed within this land-use category.

The subject properties are zoned B-2, General Business District (Central Business District) and B-4, Planned Commercial District. The proposal merely requests to remove an age restriction which was placed upon the development as a condition to the approval in 1990. There is no proposed change in use categories which include residential and commercial.

Surrounding land uses and zoning include the following:

To the north: Properties are zoned B-2 with various commercial uses being conducted.

To the south: Properties are zoned B-2 with various commercial uses being conducted in addition to a public parking lot.

To the east: Properties are zoned B-2 with various commercial uses being conducted in addition to a church.

To the west: Properties are zoned B-2 with various commercial uses being conducted.

***PARKING & TRAFFIC***

Because the previous approvals included discussion and conditions related to parking and traffic based upon the understanding the development would be for “retail and elderly housing”, Staff requested the applicant to provide an updated parking and traffic assessment. The original approval provided a reduced rate of ½ space per residential unit based on the age of the occupants in addition to a 13 space reduction for the non-residential uses based on the location in a pedestrian area and proximity to public parking. It is also worth noting that at the time of this approval, the public parking lot to the south was only half of its current size. This public parking lot was expanded in 2012.

The applicant provided an updated traffic and parking assessment prepared by Lochmueller Group to the City on August 26, 2019. The assessment notes that there are 104 existing parking spaces within the development and a revised striping plan was provided that confirms and depicts the layout of the 104 existing parking spaces.



The parking assessment aligned almost identically with the City's provisions for shared parking allowances in finding that the peak demand at 7pm in the evening would be 116 spaces (115 as calculated by City Code) if the development was amended to remove the age restriction for residential units. The parking assessment concluded that this amount of overflow at the peak period could be satisfied by adjacent on-street and off-street public parking. Since the parking analysis is conducted upon the understanding that there will be the availability of shared parking that could be used by various users of the development, the subcommittee discussed the idea of placing a maximum limit on the number of parking spaces that could be specifically assigned. The greatest demand for the non-residential uses in any of the shared parking scenarios evaluated by the City's Shared Parking Table is 58 spaces. Based upon this information, a recommendation has been included in this report that the maximum number of assigned parking spaces would be 46 (104 total spaces minus 58 space demand from non-residential).

The traffic assessment portion of the provided memo compared the trips generated by the existing development with Senior Adult Housing to the proposed development with more general Multi-Family Housing. The assessment concluded that the new development would result in an estimated 160 additional daily trips with a maximum increase of less than 20 trips during the highest peak hour. The traffic engineer concluded that this level of increase is unlikely to be noticeable to the general public.

**DISCUSSION:**

A public hearing was conducted on the request at the August 21, 2019 meeting of the Planning and Zoning Commission after proper notification was conducted through mail and in local newspapers. Additionally, Zoning Matters signs were posted on the property on August 15, 2019. An on-site subcommittee meeting was held on August 23, 2019 (See Exhibit B for a list of attendees) where the following items were discussed:

1. The applicant indicated that the amendment proposal has generally been supported by the commercial tenants of the property. The applicant and subcommittee discussed the fact that increased residential occupancy could lead to increased business for the commercial tenants.
2. The applicant indicated that they received the traffic study earlier the same day and would provide it to the City.
3. The applicant provided additional information regarding the size of residential units with 30 units containing 1 bedroom and 14 units containing 2 bedrooms.
4. The applicant responded that there are currently 21 parking spaces (17 in the lower level and 4 near the southwest corner of the building) that are assigned or slated to be assigned.
5. The applicant agreed to provide bicycle racks to accommodate a total of 5-10 bicycles.
6. The applicant raised a question about the potential for closing or restricting the western connection to the public alleyway based upon the concern that the private parking lot is currently being utilized by adjacent businesses for deliveries. After further discussion it was recommended that the applicant could look at bollards and signage to create a barrier adjacent to parking spaces but that the connection to the parking lot should remain for internal circulation.

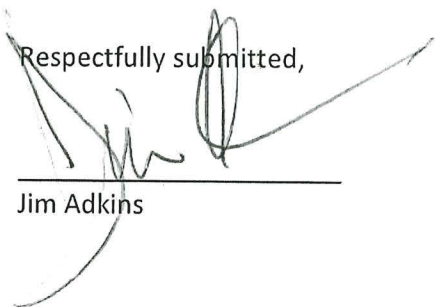
**RECOMMENDATIONS:**

The Subcommittee recommends that the request for rezoning the parking lot at 130 W. Adams Avenue from B-2, General Business District to B-4, Planned Commercial District be **approved** so that the surface parking lot is considered part of the overall planned development.

The Subcommittee recommends that the amendment to remove the age restriction for residential units within the subject development be **approved** with the following conditions:

1. The existing 44 residential units shall not be restricted to be occupied by residents of any particular age.
2. A reduction in the parking requirement shall be granted from 115 spaces required to 104 spaces provided. Said reduction is based upon the applicant's Parking & Traffic Assessment and the availability of public parking in the immediate area.
3. To allow for shared parking efficiencies between users of the site, a maximum of 46 parking spaces shall be assigned to specific users.
4. A consolidation plat for the two subject properties shall be recorded with a recorded copy provided to the City.
5. Five inverted U-type, A-type, or Post-and-loop type bicycle racks shall be installed in the approximately 19' wide area between the columns supporting the southeast corner of the building.
6. The applicant shall comply with all standard conditions as listed in Exhibit A.

Respectfully submitted,



---

Jim Adkins



---

Greg Frick

**EXHIBIT A**  
**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.

**EXHIBIT B**  
**Subcommittee Meeting Attendees**

P&Z Subcommittee Meeting

Project: PZ-17-20

Date: 8/23/19

Location: 120 W. Adams

Name	Organization
Jonathan Rains	City of Kirkwood
James Adkins	KWD P&Z
AUGEN KLIPPEL	P&Z
Greg Frick	P&Z
Danny Hill	
Phill Groans	



# MEMO

<b>To:</b>	Mr. Phil Grooms	<div style="border: 2px solid black; padding: 5px; text-align: center;"> <p style="font-size: 2em; margin: 0;">RECEIVED</p> <p style="font-size: 1.5em; margin: 5px 0;">AUG 26 2019</p> <p style="font-size: 0.8em; margin: 0;">CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT</p> </div>
<b>From:</b>	Chris Beard, PE, PTOE Grace Hartman	
<b>Date:</b>	August 22, 2019	
<b>Subject:</b>	100 W. Adams Ave Traffic & Parking Assessment	

Lochmueller Group prepared the following traffic and parking assessment for a mixed-use development at 100 W. Adams Avenue in Kirkwood, Missouri. The development consists of a multi-story building with commercial uses on the first level and 44 senior living residential units on the upper levels. Tenants on the first level include Sunset 44 Bistro and Banquet, Midwestern Braille Volunteers, Insight Eye Equipment, Polster Chamberlin LC, and Edward Jones. The site has 104 off-street parking spaces. A site map is provided in Figure 1.

The proposal under consideration would eliminate the age restriction on the residential units, opening them to occupancy by all ages. No additional off-street parking spaces are proposed. The City of Kirkwood requested an assessment be performed to determine the ramifications of removing the age restriction on the site's parking and traffic generation. This assessment determined if the existing off-street parking supply would accommodate forecasted demands and quantified the expected increase in site-generated traffic.

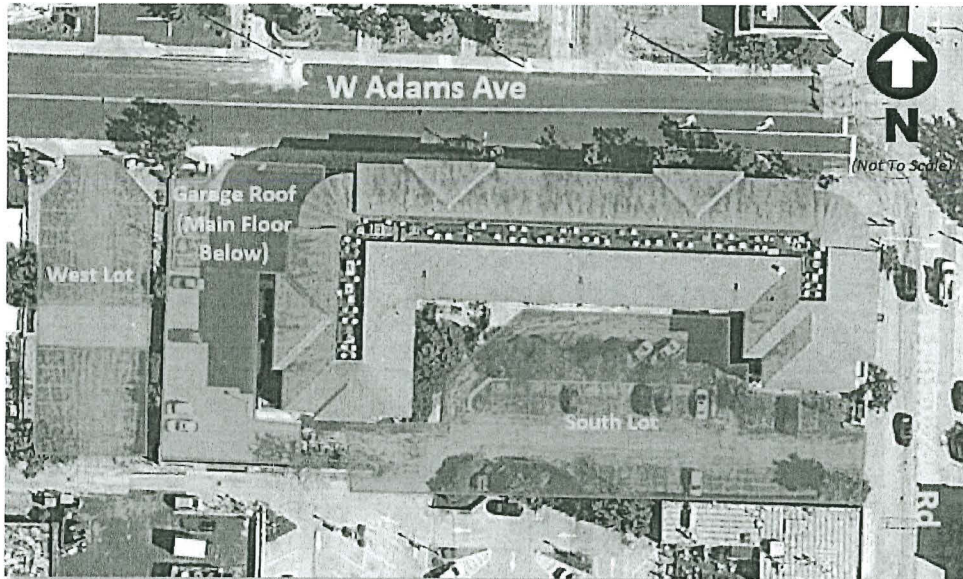


Figure 1: 100 W. Adams Site and Parking Areas

# MEMO

## PARKING

The off-street parking consists of three areas: 2 surface lots and a garage with both roof and ground floor levels. In total, the site has 104 off-street parking spaces. 2 spaces are designated as accessible-only and 5 are designated for Edward Jones Employees. All parking areas include signage stating “parking for Adams Place Tenants & Guests & Sunset 44 only”. In addition to off-street parking, Adams Avenue provides on-street parallel parking, and there is an existing public surface lot south of the site. The existing off-street parking supply is summarized in **Table 1**.

**Table 1: Existing Parking Supply – 100 W. Adams Development**

Area	General	Accessible	Special Designation	TOTAL
West Lot	24	-	-	24
Garage Roof	18	1	-	19
Main Garage Floor	18	-	-	18
South Lot	37	1	5 for Edward Jones	43
<b>TOTAL</b>	<b>96</b>	<b>2</b>	<b>5</b>	<b>104</b>

The parking implications of lifting the residential age restriction were determined by forecasting parking demands using information provided in Parking Generation, 5<sup>th</sup> Edition, published by the Institute of Transportation Engineers (ITE). Data for the following land uses was applied:

- Land Use 252: Senior Adult Housing,
- Land Use 220: Multi-Family Housing,
- Land Use 931: Quality Restaurant, and
- Land Use 701: General Office Building

Since almost all of the site’s off-street parking is unreserved, it was assumed that spaces are available for shared use by tenants. Therefore, the concept of shared parking would apply, in which case a space used by a resident during the overnight period could also be used by an office employee during the day.

In considering the potential for shared parking, parking demands were forecasted for each land use individually and were then aggregated to determine the site’s overall parking demand on an hourly basis. Demands were quantified between 4:00 p.m. and 12:00 a.m. on a typical weekday to capture late afternoon business hours, the evening peak for Sunset 44, and ultimately the start of the overnight period when residential parking demands are heaviest. Demands are summarized for existing uses (with senior housing) in **Table 2** and for proposed uses (with no residential age restriction) in **Table 3**.

As shown, the peak parking demand for the site would occur at 7:00 p.m., when restaurant demands would be heaviest. Based on the existing land uses with senior living, the site’s supply of off-street parking would accommodate the peak forecasted parking demand at 7:00 p.m. with 7 surplus spaces. With the introduction of general residential, the site is forecasted to have a parking deficit of up to 12 spaces during the peak evening period.



# MEMO

A minor parking deficit such as 12 spaces should not be concerning in this circumstance. It would amount to just a 17-space increase over existing demands, and would only occur early in the evening. Since evening demands are dominated by restaurant patronage, overflow would be able to park along Adams Avenue using existing on-street spaces, which appear to be lightly used. Furthermore, in an effort to be conservative, the parking demand associated with Sunset 44 was determined from Land Use Code 931: Quality Restaurant instead of Land Use Code 932: High-Turnover Sit-Down Restaurant and is likely overstated.

Therefore, it can be concluded that the proposed change in residential use could be accommodated by the existing off-street parking supply, with a minor amount of overflow during the peak evening period which could be satisfied by on-street parking.

**Table 2: Hourly Parking Demands For Existing Uses**

Time of Day	Hourly Parking Demand			Total Demand	Surplus Spaces <sup>1</sup>
	Senior Living	Office	Restaurant		
4 P.M.	12	14	20	46	58
5 P.M.	15	9	29	53	51
6 P.M.	18	3	53	74	30
7 P.M.	20	2	75	97	7
8 P.M.	21	0	73	94	10
9 P.M.	23	0	0	23	81
10 P.M.	25	0	0	25	79
11 P.M.	26	0	0	26	78
12 A.M.	27	0	0	27	77

<sup>1</sup>surplus spaces calculated as difference between 104 total spaces provided and total demand

**Table 3: Hourly Parking Demands For Proposed Uses**

Time of Day	Hourly Parking Demand			Total Demand	Surplus Spaces <sup>1</sup>
	Apartments	Office	Restaurant		
4 P.M.	24	14	20	58	46
5 P.M.	29	9	29	67	37
6 P.M.	35	3	53	91	13
7 P.M.	39	2	75	116	(12)
8 P.M.	41	0	73	114	(10)
9 P.M.	46	0	0	46	58
10 P.M.	49	0	0	49	55
11 P.M.	51	0	0	51	53
12 A.M.	53	0	0	53	51

<sup>1</sup>surplus spaces calculated as difference between 104 total spaces provided and total demand

# MEMO

## TRAFFIC

To quantify the anticipated change in the site's traffic generation, trip generation forecasts were prepared for both the existing and proposed land uses using information provided in Trip Generation, 10th Edition, published by ITE. The trip generation comparison is summarized in **Table 4**. Note that the same land use codes referenced in the parking analysis were applied to trip generation.

**Table 4: Trip Generation Comparison**

Land Use (ITE Code)	Size	Daily Trips		
		In	Out	Total
<i>Existing Land Uses</i>				
Senior Adult Housing	44 Units	81	81	162
Quality Restaurant	7.10 KSF <sup>1</sup>	297	297	594
General Office	6.63 KSF <sup>1</sup>	32	32	64
<b>TOTAL</b>		<b>410</b>	<b>410</b>	<b>820</b>
<i>Proposed Land Uses</i>				
Multi-Family Housing	44 Units	161	161	322
Quality Restaurant	7.10 KSF <sup>1</sup>	297	297	594
General Office	6.63 KSF <sup>1</sup>	32	32	64
<b>TOTAL</b>		<b>490</b>	<b>490</b>	<b>980</b>
<b>INCREMENTAL TRAFFIC GENERATION</b>		<b>80</b>	<b>80</b>	<b>160</b>

<sup>1</sup>KSF: per 1,000 square feet

As shown, the proposed change in daily trip generation would amount to a net increase of just 160 trips over the course of a typical weekday. The increase during a single peak hour would be less than 20 total trips (combination of entering and exiting). This would equate to less than a 20 percent increase in the site's existing traffic generation and is unlikely to be noticeable to the general public.

We trust that the preceding traffic & parking assessment addresses your concerns regarding the proposed change in residential use at 100 W. Adams Avenue. Don't hesitate to contact us at (314) 621-3395 should you have any questions or comments concerning this information.



## BILL 7886 A

## ORDINANCE 7821

AN ORDINANCE APPROVING THE PRELIMINARY DEVELOPMENT PLAN FOR THE DEVELOPMENT OF A TRACT OF LAND FOR USE AS A RETAIL AND ELDERLY HOUSING COMPLEX UNDER THE PROVISIONS OF APPENDIX A, ZONING, ARTICLE VI, SECTION 4 (B-4, PLANNED COMMERCIAL DISTRICT) UPON THE APPLICATION OF KIRKWOOD HOUSING PARTNERSHIP, LOCATED AT THE SOUTHWEST CORNER OF KIRKWOOD ROAD AND ADAMS AVENUE (231 N. KIRKWOOD ROAD), IN KIRKWOOD, MISSOURI, AND SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, Kirkwood Housing Partnership has made application for the use of a certain tract of land located in the City of Kirkwood, Missouri, as a retail and elderly housing complex on property more particularly described herein, and

WHEREAS, the Planning and Zoning Commission did hold a public hearing with respect to such application on the 6th day of July, 1988, after duly advertising and giving proper notice of such hearing, and

WHEREAS, on the 14th day of September, 1988, the Planning and Zoning Commission did recommend approval of the preliminary development plan subject to certain conditions, and

WHEREAS, on the 6th day of October, 1988, the City Council did hold a hearing with regard to this application after giving notice of such hearing.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, as follows:

SECTION 1. That the proposed preliminary development plan submitted by Kirkwood Housing Partnership, for the development of a tract of land described below for use as a retail and elderly housing complex, all as set forth in the preliminary development plan received by the City of Kirkwood on September 13, 1988, prepared by The Hoffman Partnership, Inc., architect, is hereby approved. Such parcel is more particularly described as follows:

A tract of land being part of Block 15 of the Town (now City) of Kirkwood in Section 1, Township 44 North - Range 5 East St. Louis County, Missouri and being more particularly described as:

Beginning at the intersection of the South line of Adams Avenue, 60 feet wide, with the West line of Kirkwood Road, 60 feet wide; thence South 00 degrees 12 minutes 11 seconds West 160.17 feet to the East/West centerline of said Block 15; thence North 88 degrees 59 minutes 19 seconds West 200.39 feet along said East/West centerline to a point; thence North 01 degrees 00 minutes 41 seconds East 10.17 feet to a point; thence North 88 degrees 59 minutes 19 seconds West 150.89 feet to the East line of property conveyed to Kirkwood Federal Savings and Loan Association by deed recorded in Book 4351, Page 25 of the St. Louis County Records; thence North 00 degrees 06 minutes 53 seconds East 149.93 feet along said East line of Kirkwood Federal Savings and Loan Association property to said South line of Adams Avenue, 60 feet wide; thence South 89 degrees 00 minutes 00 seconds East 351.36 feet along said South line of Adams Avenue to the point of beginning.

SECTION 2. That approval of said preliminary development plan is subject to the following conditions:

1. The required building set back areas as defined in the "B-4" Ordinance be varied to allow for those as indicated on the preliminary plan.
2. The required parking set back requirements as defined in the "B-4" Ordinance be varied to allow for those as indicated on the preliminary plan.
3. The requirement for loading areas for this project be varied so as to not require any loading zones for the project.
4. Landscape screening areas be approved as indicated on the preliminary plan and be reviewed in greater detail in the Final Development Plan.
5. The entry/exit drive from West Adams Avenue and drive under the second and third floors of the building be allowed to be a minimum of 20'0" wide in lieu of the required 25'0" wide lane.
6. The drive lane connecting the two major parking areas on the site (located along the South property line) be allowed to be a minimum of 20'0" wide with the stipulation that the Developer may either increase its width or add three additional parallel parking spaces (at 9'0" x 22'0" each) if the need presents itself without returning to the Planning and Zoning Commission for modification review and approval.
7. That a southbound exit only be allowed on Kirkwood Road provided the Developer:

- (a) designs the exit to accommodate only right turn traffic, and
- (b) a "gate" as incorporated to allow this exitway to be secured if desired, and
- (c) however, if, in the judgment of the City Staff and/or officials, this exitway causes any safety hazards to either vehicular or pedestrian traffic along Kirkwood Road, the City shall have the right to insist that the Developer close this exit except for "limited access" (service and/or emergency traffic only). The control of such traffic will be controlled through the Developer's building maintenance staff.

8. In conjunction with this gate, a screen wall at a minimum height of 3'-4" (40") above finish grade will be constructed along the entire parking lot exposure to Kirkwood Road and set back a minimum of 12'-0" off the east property line to allow for the development of a pedestrian landscaped area to the East side of the wall...(Kirkwood Road exposure).

9. When the Commerce Bank Data Center Building is removed, the intersection of this building with the adjacent building to the South (Hummel's Cafeteria") shall be refaced in such a manner which is consistent with the materials used in the new development...(the wall to be refaced will be approximately 81'-0" long and one-story in height). This will require the Developer to receive the approval of the Owner of the adjacent building to make such improvements and coordinate the design with him/her. If approval cannot be obtained from the adjacent building owner, the developer shall submit an alternate plan to the Planning and Zoning Commission for approval.

10. A minimum of 8'-0" width of total sidewalk area be provided along both Kirkwood Road and West Adams Avenue to allow for a 3' 0" square tree planter and minimum 5'-0" wide sidewalk (walk area) along each frontage. All new sidewalk and planter areas shall be the responsibility of the Developer and constructed of exposed aggregate walks and concrete planter curbing in order to be consistent with previous city projects to the North of this site and along Kirkwood Road.



11. Exterior lighting, exterior signage, and landscaping (including pavement designs' materials, etc.), shall be on the Final Development Plan. All exterior merchant (retail) signage should be referred to the City of Kirkwood's Architectural Review Board for review and approval as the leases are negotiated. However, an overall signage placement concept will be required as part of the Final Development Plan.

12. All exterior building materials and colors shall be reviewed and approved by the Planning and Zoning Commission as part of the final development plan.

13. The parking requirements as defined in Ordinance #5085, Article XI, Section 2(c) totaling approximately 81 spaces be varied to allow for the Developer's total of 68 spaces. The Subcommittee accepts the assessment of the Developer's Traffic Consultant indicating that in this type of elderly housing to provide 0.5 spaces/housing unit would be adequate, i.e., total of approximately 20 spaces required. This total, taken with the projected ordinance requirements for restaurant (approximately 24 spaces) and retail (approximately 37 spaces) would result in a total of approximately 81 spaces required. Therefore, a variance on the parking of approximately 13 spaces is recommended. These additional spaces could be realized in the adjacent public parking lot located to the South of the project or made up for by the spin-off pedestrian traffic expected to be generated by this project from other areas of the Old Town area.

14. The Final Development Plan shall include the following items:

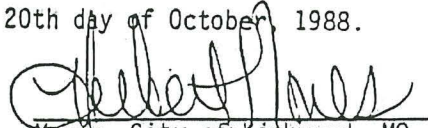
- A. Stormwater Management Plans reviewed and approved by the Metropolitan Sewer District.
- B. St. Louis County Department of Highways and Traffic approval of all construction on St. Louis County Right-of-Way.
- C. Sanitary sewer plans reviewed and approved by Metropolitan Sewer District.

SECTION 3. That no building permit shall be issued to construct any part or all of the development in this district until such time as the City Council shall have approved the final development plan and the Building Commissioner shall have approved the construction plans.

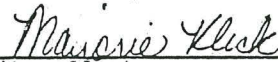


SECTION 4. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED this 20th day of October, 1988.

  
\_\_\_\_\_  
Mayor, City of Kirkwood, MO

ATTEST:

  
\_\_\_\_\_  
City Clerk

## BILL 8051

## ORDINANCE 7975

AN ORDINANCE APPROVING THE PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR THE DEVELOPMENT OF A TRACT OF LAND FOR USE AS A RETAIL AND ELDERLY HOUSING COMPLEX UNDER THE PROVISIONS OF APPENDIX A, ZONING, ARTICLE VI, SECTION 4 (B-4, PLANNED COMMERCIAL DISTRICT) UPON THE APPLICATION OF KIRKWOOD HOUSING PARTNERSHIP, LOCATED AT THE SOUTHWEST CORNER OF KIRKWOOD ROAD AND ADAMS AVENUE (231 N. KIRKWOOD ROAD), IN KIRKWOOD, MISSOURI, AND SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, Kirkwood Housing Partnership made application on May 18, 1988 for use of a certain tract of land located in the City of Kirkwood, Missouri, as a retail and elderly housing complex on property more particularly described herein, and

WHEREAS, the Planning and Zoning Commission did hold a public hearing with respect to such application on July 6, 1988, after duly advertising and giving proper notice of such hearing, and

WHEREAS, on the 14th day of September, 1988, the Planning and Zoning Commission did recommend approval of the preliminary development plan subject to certain conditions, and

WHEREAS, the City Council approved the preliminary development plan for this development by Ordinance No. 7821 on October 20, 1988, and

WHEREAS, on the 2nd day of August, 1989, the Planning and Zoning Commission did recommend approval of the Final Development Plan, subject to certain conditions.

WHEREAS, the City Council approved the Final Development Plan for this B-4 development by Ordinance 7909 on September 7, 1989, subject to certain conditions, and

WHEREAS, the Kirkwood Housing Partnership made application on April 11, 1990 for a new B-4 development plan on this tract, and

WHEREAS, the Planning and Zoning Commission did hold a public hearing with respect to such application on May 2, 1990 after duly advertising and giving proper notice of such hearing, and

WHEREAS, on the 2nd day of May, 1990 the Planning and Zoning Commission did recommend approval of the Preliminary and Final Development Plan subject to certain conditions.

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

SECTION 1. That the preliminary and final development plan submitted by Kirkwood Housing Partnership for the development of a tract of land described below for use as a retail and elderly

housing complex, all as set forth in the Preliminary and Final Development Plans stamped "Received April 17, 1990, City of Kirkwood Public Works" except as noted herein and prepared by The Hoffmann Partnership, Inc., architects, is hereby approved. Such parcel is more particularly described as follows:

A tract of land being part of Block 15 of the Town (now City) of Kirkwood in Section 1, Township 44 North - Range 5 East of St. Louis County, Missouri and being more particularly described as:

Beginning at the intersection of the South line of Adams Avenue, 60 feet wide, with the West line of Kirkwood Road, 60 feet wide; thence South 00 degrees 12 minutes 11 seconds West 160.17 feet to the East/West centerline of said Block 15,; thence North 88 degrees 59 minutes 19 seconds West 200.39 feet along said East/West centerline to a point; thence North 01 degrees 00 minutes 41 seconds East 10.17 feet to a point; thence North 88 degrees 59 minutes 19 seconds West 150.89 feet to the East line of property conveyed to Kirkwood Federal Savings and Loan Association by deed recorded in Book 4351, Page 25 of the St. Louis County Records; thence North 00 degrees 06 minutes 53 seconds East 149.93 feet along said East line of Kirkwood Federal Savings and Loan Association property to said South line of Adams Avenue, 60 feet wide; thence South 89 degrees 00 minutes 00 seconds East 351.36 feet along said South line of Adams Avenue to the point of beginning.

SECTION 2. The approval of said preliminary and final development plan is subject to the following conditions:

- A. The project is developed in accordance with the Final Development Plans stamped "Received April 17, 1990, City of Kirkwood Public Works" except as noted below.
- B. The driveway on the south side of the building connecting the two parking areas shall be a minimum of 20 feet wide.
- C. The sidewalks on Kirkwood Road and Adams Avenue shall be a minimum of 8 feet wide.
- D. No lighting shall be allowed other than that which is integral with the building except for four 12-foot high fixtures with globes and ornamental posts, without approval of the Planning and Zoning Commission.
- E. A 54-foot long 4'-4" encroachment on public right-of-way along Kirkwood Road at a height of approximately 31 feet is approved.



F. Metropolitan Sewer District approval of the storm and sanitary sewer systems shall be obtained before issuance of a foundation or building permit.

G. St. Louis County Department of Highways and Traffic approval shall be obtained for construction on Adams Avenue right-of-way before issuance of a foundation or building permit.

H. No foundation or building permit shall be issued until the Water Department approves the location of the proposed water service, including the cross-connecting (or looping) of the water service. All existing water tap connections to the premises shall be removed and abandoned. Water service lines and meters shall be constructed in accordance with City of Kirkwood Water Department specifications.

I. No permits (including building, grading, foundation, demolition) shall be issued until documentation such as a performance bond, a performance undertaking, or a performance escrow sufficient to ensure to the City either the completion of all such improvements or alternatively to pay the estimated expenses of restoring the ground to its preexisting condition if said improvements are undertaken but not completed is approved by the City Attorney.

J. No foundation or building permits shall be issued until the Electric Department approves the location and payment for the new mast-arm electric traffic signal on the southwest corner of Adams Avenue and Kirkwood Road.

SECTION 3. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS 17th day of May, 1990.

  
 Mayor, City of Kirkwood, MO

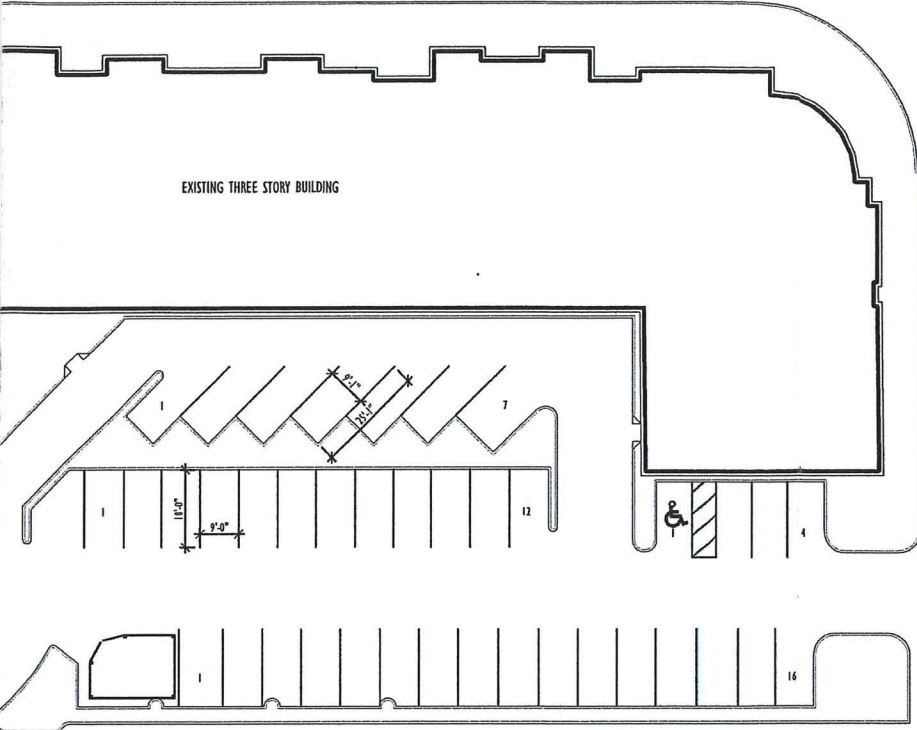
ATTEST:

  
 City Clerk

Introduced:



WEST ADAMS

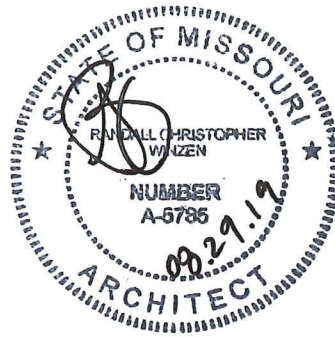


SOUTH KIRKWOOD

ADAM'S PLACE SITE PLAN

SCALE: 1"=20'-0"

87 TOTAL SPACES



**ALIGNED STUDIO, LLC**  
ARCHITECTURE + DESIGN

13100 HANCHESTER  
SUITE 225  
ST. LOUIS, MO 63131  
314.317.0060 www.aligned-studio.com

REVISIONS

MISSOURI CERTIFICATE OF AUTHORITY  
No. 2016030702

A SITE PLAN FOR  
**ADAM'S PLACE**

120 WEST ADAMS  
KIRKWOOD, MISSOURI 63122

**DRAWN BY:** RCW  
**REVIEWED BY:** RCW

**CONTACT:**  
RANDY WINZEN  
randy@aligned-studio.com  
JILL FUHAGALLU  
jill@aligned-studio.com

**ARCHITECTURAL  
SITE PLAN AND  
PARKING LAYOUT**

JOB NO. 1972.1

**A2.00**

1 OF 1

DATE: 08.29.19

# PROCEDURE FOR PUBLIC HEARING

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

**A request to rezone 130 West Adams Avenue from B-2 to B-4**

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 Jonathan Raiche**

Mayor: Georgia, 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.



# AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI  
COUNTY OF ST. LOUIS

} S.S.

Page 1 of 1

Before the undersigned Notary Public personally appeared **Tammy Morehead** on behalf of **THE COUNTIAN, ST. LOUIS COUNTY** who, being duly sworn, attests that said newspaper is qualified under the provisions of Missouri law governing public notices to publish, and did so publish, the notice annexed hereto, starting with the **September 10, 2019** edition and ending with the **September 10, 2019** edition, for a total of 1 publications:

09/10/2019

**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, October 3, 2019 to consider the following:

***A request to rezone 130 West Adams Avenue from B-2 to B-4.***

Laurie Asche, CMC/MRCC  
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.  
11789856 County Sep. 10, 2019

Tammy Morehead

Subscribed & sworn before me this 10<sup>th</sup> day of Sept, 2019  
(SEAL)

Notary Public

CHANEL JONES  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for St Louis County  
My Commission Expires: August 08, 2022  
Commission Number: 14397721



## AFFIDAVIT OF PUBLICATION

City of Kirkwood

Attn: Laurie Asche  
City Clerk  
139 S. Kirkwood Rd.  
Kirkwood, MO 63122

I, Terry Cassidy, verify that the attached Public Hearing  
Notice was published in the Webster-Kirkwood Times on

Sept. 13 2019

  
Advertising Consultant

rezone 130 W. Adams





**NOTICE OF PUBLIC HEARING**  
before the City Council  
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, October 3, 2019 to consider the following:

***A request to rezone 130 West Adams Avenue from B-2 to B-4.***

Laurie Asche, CMC/MRCC  
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  
206 W ARGONNE DR, STE 200  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
114 W JEFFERSON AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
P.O. BOX 481  
GROVER, MO 63040

PROPERTY OWNER  
120 W JEFFERSON AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
1721 KENMONT RD  
SAINT LOUIS, MO 63124

PROPERTY OWNER  
94 POND VIEW DR  
PORT WASHINGTON, NY 11050

PROPERTY OWNER  
704 PEARL AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
1481 WILTON LN  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
10273 QUAIL RUN DR  
SAINT LOUIS, MO 63128

PROPERTY OWNER  
25 6931 CHESHIRE LN  
SAINT LOUIS, MO 63123

PROPERTY OWNER  
123 W JEFFERSON AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
1221 GRANDVIEW DR  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
40 E LOCKWOOD AVE  
SAINT LOUIS, MO 63119

PROPERTY OWNER  
115 W JEFFERSON AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
206 N CLAY AVE, A  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
651 PEARL AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
120 W ADAMS AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
1520 WINDRIDGE DR  
SAINT LOUIS, MO 63131

PROPERTY OWNER  
206 W ARGONNE DR, STE 201  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
24 KENNERLY MANOR DR  
SAINT LOUIS, MO 63128

PROPERTY OWNER  
20 ARCHBISHOP MAY DR  
SAINT LOUIS, MO 63119

PROPERTY OWNER  
121 W ADAMS AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
364 JEFFERSON RD  
SAINT LOUIS, MO 63119

PROPERTY OWNER  
135 W ADAMS AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
909 CHESTNUT ST, RM 36-Q-1  
SAINT LOUIS, MO 63101

PROPERTY OWNER  
201 W ADAMS AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
18448 WESTWOOD DR  
GLENCOE, MO 63038

PROPERTY OWNER  
20 4200 CARR LANN CT  
SAINT LOUIS, MO 63119

PROPERTY OWNER  
3330 S RIDER TRL  
EARTH CITY, MO 63045

PROPERTY OWNER  
16100 SWINGLEY RIDGE RD, STE 210  
CHESTERFIELD, MO 63017





WHERE COMMUNITY AND SPIRIT MEET

September 5, 2019

Russell B. Hawes  
Chief Administrative Officer

At the September 4, 2019, meeting of the Planning and Zoning Commission, the following action was taken:

1. The Commission unanimously recommended approval of rezoning 130 West Adams Avenue from B2 to B4 and amending the current B4 development plan approval for Adams Place at 100-130 West Adams Avenue.
2. Staff provided an update on the Zoning, Subdivision, and Sign Code Review project.

The next meeting will be held on September 18, 2019, at 7 p.m.

Respectfully submitted,

Allen Klippel, Chair  
Planning and Zoning Commission



**CITY OF KIRKWOOD  
PLANNING AND ZONING COMMISSION  
SUBCOMMITTEE REPORT  
SEPTEMBER 4, 2019**

**PETITION NUMBER:** PZ-12-20

**ACTION REQUESTED:** B-4 PLANNED COMMERCIAL DISTRICT AMENDMENT &  
130 W. ADAMS AVENUE REZONE FROM B-2 TO B-4

**PROPERTY OWNER:** GH ADAMS LLC

**APPLICANT:** PHILLIP GROOMS, GH ADAMS LLC

**PROPERTY LOCATION:** 100-130 W. ADAMS AVENUE

**ZONING:** B-4, PLANNED COMMERCIAL DISTRICT &  
B-2, GENERAL BUSINESS DISTRICT

**DOCUMENTS SUBMITTED:** PARKING LOT STRIPING PLAN PREPARED BY ALIGNED STUDIO, LLC  
STAMPED "RECEIVED AUGUST 30, 2019 CITY OF KIRKWOOD PUBLIC  
WORKS DEPARTMENT"

TRAFFIC & PARKING ASSESSMENT MEMO PREPARED BY LOCHMUELLER  
GROUP STAMPED "RECEIVED AUGUST 26, 2019 CITY OF KIRKWOOD  
PUBLIC SERVICES DEPARTMENT"

**BACKGROUND/DESCRIPTION:**

The applicant has submitted a multi-part application which includes the following items: 1) an amendment to remove the age restriction on housing in the existing B-4 Planned Commercial Development Plan and 2) a rezoning for the parking lot at 130 W. Adams Avenue from B-2 to B-4 to include it in the Planned Commercial District Development Plan for the same development. The applicant purchased the subject properties in early 2019 and was unaware of the age restriction at the time of the purchase. The applicant has stated that the residential units were less than 50% occupied when they purchased the property and that they desire to widen the market in an effort to reinvigorate the development.

The subject development originally received its preliminary plan approval in 1988 via Ordinance 7821 which allows a "retail and elderly housing complex" and it received its final development plan approval in 1990 via Ordinance 7975. Staff was unable to find a reference to a specific age limit related to this project with the term "elderly housing" being applied to the development; however, a determination was made, based on the term being defined in a separate portion of the Municipal Code, that the minimum age to be considered elderly for this project would be 60 years old.

As part of the approvals in 1988 and 1990, a separate text amendment to the Zoning Code was also approved which permitted the City Council, after recommendation from the Planning & Zoning Commission, to approve a reduction in parking requirements for B-4 Developments under 1.5 acres.

During the original approval request, there was discussion and acknowledgment made toward various factors, including the age restriction of residents, that would justify the reduced parking rates applied at that time. Additional information regarding parking and traffic elements of this proposal will be discussed in a later portion of this report.

The rezoning portion of this request is to make the surface parking lot at 130 W. Adams an official part of the planned development. This parking lot was not a part of the original project, but was acquired by the property owner soon after and has operated as a part of the development for many years. This parking lot was taken into consideration during various amendments regarding the allowance for expansion of the restaurant tenant in the development.

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

The site is designated as the Downtown category on the EnVision Kirkwood 2035 Future Land Use Map. Development types discussed in this land use include apartments and regional/neighborhood commercial. The proposed development is consistent with the development types listed within this land-use category.

The subject properties are zoned B-2, General Business District (Central Business District) and B-4, Planned Commercial District. The proposal merely requests to remove an age restriction which was placed upon the development as a condition to the approval in 1990. There is no proposed change in use categories which include residential and commercial.

Surrounding land uses and zoning include the following:

To the north: Properties are zoned B-2 with various commercial uses being conducted.

To the south: Properties are zoned B-2 with various commercial uses being conducted in addition to a public parking lot.

To the east: Properties are zoned B-2 with various commercial uses being conducted in addition to a church.

To the west: Properties are zoned B-2 with various commercial uses being conducted.

***PARKING & TRAFFIC***

Because the previous approvals included discussion and conditions related to parking and traffic based upon the understanding the development would be for “retail and elderly housing”, Staff requested the applicant to provide an updated parking and traffic assessment. The original approval provided a reduced rate of ½ space per residential unit based on the age of the occupants in addition to a 13 space reduction for the non-residential uses based on the location in a pedestrian area and proximity to public parking. It is also worth noting that at the time of this approval, the public parking lot to the south was only half of its current size. This public parking lot was expanded in 2012.

The applicant provided an updated traffic and parking assessment prepared by Lochmueller Group to the City on August 26, 2019. The assessment notes that there are 104 existing parking spaces within the development and a revised striping plan was provided that confirms and depicts the layout of the 104 existing parking spaces.



The parking assessment aligned almost identically with the City's provisions for shared parking allowances in finding that the peak demand at 7pm in the evening would be 116 spaces (115 as calculated by City Code) if the development was amended to remove the age restriction for residential units. The parking assessment concluded that this amount of overflow at the peak period could be satisfied by adjacent on-street and off-street public parking. Since the parking analysis is conducted upon the understanding that there will be the availability of shared parking that could be used by various users of the development, the subcommittee discussed the idea of placing a maximum limit on the number of parking spaces that could be specifically assigned. The greatest demand for the non-residential uses in any of the shared parking scenarios evaluated by the City's Shared Parking Table is 58 spaces. Based upon this information, a recommendation has been included in this report that the maximum number of assigned parking spaces would be 46 (104 total spaces minus 58 space demand from non-residential).

The traffic assessment portion of the provided memo compared the trips generated by the existing development with Senior Adult Housing to the proposed development with more general Multi-Family Housing. The assessment concluded that the new development would result in an estimated 160 additional daily trips with a maximum increase of less than 20 trips during the highest peak hour. The traffic engineer concluded that this level of increase is unlikely to be noticeable to the general public.

#### ***DISCUSSION:***

A public hearing was conducted on the request at the August 21, 2019 meeting of the Planning and Zoning Commission after proper notification was conducted through mail and in local newspapers. Additionally, Zoning Matters signs were posted on the property on August 15, 2019. An on-site subcommittee meeting was held on August 23, 2019 (See Exhibit B for a list of attendees) where the following items were discussed:

1. The applicant indicated that the amendment proposal has generally been supported by the commercial tenants of the property. The applicant and subcommittee discussed the fact that increased residential occupancy could lead to increased business for the commercial tenants.
2. The applicant indicated that they received the traffic study earlier the same day and would provide it to the City.
3. The applicant provided additional information regarding the size of residential units with 30 units containing 1 bedroom and 14 units containing 2 bedrooms.
4. The applicant responded that there are currently 21 parking spaces (17 in the lower level and 4 near the southwest corner of the building) that are assigned or slated to be assigned.
5. The applicant agreed to provide bicycle racks to accommodate a total of 5-10 bicycles.
6. The applicant raised a question about the potential for closing or restricting the western connection to the public alleyway based upon the concern that the private parking lot is currently being utilized by adjacent businesses for deliveries. After further discussion it was recommended that the applicant could look at bollards and signage to create a barrier adjacent to parking spaces but that the connection to the parking lot should remain for internal circulation.

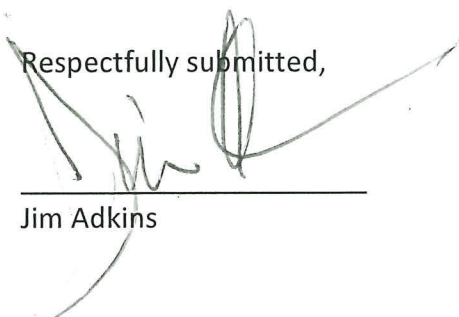
#### **RECOMMENDATIONS:**

The Subcommittee recommends that the request for rezoning the parking lot at 130 W. Adams Avenue from B-2, General Business District to B-4, Planned Commercial District be **approved** so that the surface parking lot is considered part of the overall planned development.

The Subcommittee recommends that the amendment to remove the age restriction for residential units within the subject development be **approved** with the following conditions:

1. The existing 44 residential units shall not be restricted to be occupied by residents of any particular age.
2. A reduction in the parking requirement shall be granted from 115 spaces required to 104 spaces provided. Said reduction is based upon the applicant's Parking & Traffic Assessment and the availability of public parking in the immediate area.
3. To allow for shared parking efficiencies between users of the site, a maximum of 46 parking spaces shall be assigned to specific users.
4. A consolidation plat for the two subject properties shall be recorded with a recorded copy provided to the City.
5. Five inverted U-type, A-type, or Post-and-loop type bicycle racks shall be installed in the approximately 19' wide area between the columns supporting the southeast corner of the building.
6. The applicant shall comply with all standard conditions as listed in Exhibit A.

Respectfully submitted,



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Jim Adkins



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Greg Frick



**EXHIBIT A**  
**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.

**EXHIBIT B  
Subcommittee Meeting Attendees**

P&Z Subcommittee Meeting

Project: PZ-12-20

Date: 8/23/19

Location: 120 W. Adams

Name	Organization
Jonathan Rawls	City of Kirkwood
James Adkins	KWD P&Z
AUGIE KLIPPEL	P&Z
Greg Frick	P&Z
Danny Hill	
Phill Groans	

ORDINANCE

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 10 "GARBAGE AND TRASH", ARTICLE II. "CITY COLLECTIONS".

WHEREAS, the City has purchased new garbage and rubbish carts and will cease collecting disposable bags, and

WHEREAS, the provisions relating to the curbside service need to be amended accordingly.

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

SECTION 1. Chapter 10 "Garbage and Trash", Article II "City Collections" is hereby deleted in its entirety and the following inserted in lieu thereof;

*Chapter 10*  
***Garbage and Trash***

Article II  
**City Collections**

**§ 10-26 Use of City services required.**

All owners of residential properties within the City (except multifamily units as described in this chapter) shall subscribe or require their tenants, agents, renters, or other responsible party to subscribe to the service of the Sanitation Department of the City for the collection of garbage, rubbish and recyclables as provided for herein, irrespective of usage, and the failure to pay for such service shall entitle the City to proceed with prosecution and to assess interest and costs as provided herein.

**§ 10-27 Residential collection.**

All residential (except multifamily) dwelling units shall be provided City garbage and rubbish collection service and curbside single-stream recycling collection service.

1. Basic service.

- (1) The fee for basic curbside service shall be in accordance with the latest City Council adopted fee schedule.
- (2) The Sanitation Division shall empty one recycling cart and one garbage and rubbish cart at the public right-of-way in front of each residential dwelling unit once per week.
- (3) Recycling carts and garbage and rubbish carts shall be placed for curbside collection within three feet of the curb or edge of the public street pavement in front of the property and adjacent to the driveway or entranceway to the property. The cart lid opening must face the street and



have at least 3 feet of clearance on each side of the cart.

- (4) Recycling carts and garbage and rubbish carts shall not be placed at the above-described location for collection prior to dusk the evening before the scheduled collection day.
- (5) Recycling carts and garbage and rubbish carts shall be removed from the street before the end of the collection day. All carts shall be stored behind the actual front building line of the residence being serviced.
- (6) All recyclables, garbage and rubbish shall be placed in appropriate carts with lids closed. No items outside of the carts, will be collected, including cardboard boxes.
- (7) Any recycling, garbage or rubbish not placed in the carts provided will not be collected and shall remain the responsibility of the property owner for disposal.
- (8) All cardboard boxes must be broken down and placed within a recycling cart. Boxes too large to fit into a cart can be dropped off at the Recycling Depository.
- (9) Disposable bags, disposable containers, and disposable items containing lead acid batteries, radioactive, volatile, highly flammable, explosive, infectious, biomedical, toxic, hazardous material, special waste, or other items are not permitted in a sanitary landfill pursuant to Chapter 260, RSMo., federal, state, or St. Louis County regulations. Title and liability for any waste excluded above shall remain with the customer, and the customer shall hold the City harmless from and against any and all damages, penalties, fines, clean-up costs and liabilities resulting from or arising out of such waste.

2. Rear yard service.

- (1) At the owners' option and in lieu of basic service, the City will provide rear yard sanitation service.
- (2) The fee for rear-yard service, including single-stream recycling collection service, shall be in accordance with the latest City Council adopted schedule. .
- (3) Recycling carts and garbage and rubbish carts shall be located beyond the actual front building line of the residential property in a place allowing for access by the Sanitation Division personnel with a truck.

3. Limited pickup service.

- (1) This service is limited to residents who were subscribed as of the 20th day of October 1994. No resident shall subscribe to this service after the 20th day of October 1994.
- (2) The term "limited pickup service" means the pickup of disposable bags placed for collection curbside in the manner and regulation described in the "basic service" provisions of this article.
- (3) Current subscribers to this service shall be annually renewed to such service at the current rate in December of each year.

4. Temporary vacating of property. In the event any residential property shall be vacant for 60 days or more, the owner or tenant-in-possession of such property may suspend service for the

period of time that such property shall be vacant by making application for such suspension. No fees shall be charged during the period service is suspended and no bag deliveries shall be made nor shall such owner or tenant-in-possession be entitled to receive any bags that would otherwise have been distributed to such premises during such suspension.

5. Garbage and rubbish exclusion. Garbage and rubbish shall not include yard waste, tires, major appliances (white goods), lead acid batteries, radioactive, volatile, highly flammable, explosive, infectious, biomedical, toxic, hazardous material, special waste, or other items not permitted in a sanitary landfill pursuant to Chapter 260, RSMo., federal, state, or St. Louis County regulations. Title and liability for any waste excluded above shall remain with the customer, and the customer shall hold the City harmless from and against any and all damages, penalties, fines, clean-up costs and liabilities resulting from or arising out of such waste.

#### § 10-28 **Special services.**

In addition to the foregoing service and those described in Article **III** of this chapter, the Sanitation Division shall provide additional services as follows:

- (1) Yard waste bag pickup. The term "yard waste bag pickup" means the pickup of certain degradable kraft paper bags obtained exclusively for yard waste disposal.
  - (a) The fee for the "yard waste bag pickup" bag for yard waste disposal shall be in accordance with the latest City Council adopted fee schedule. The subscriber to this service shall only use the City bags purchased for such purpose, except as permitted in Subsection **(b)** below. The fee for the special yard waste bag includes the cost of the bag, pickup and disposal.
  - (b) In lieu of using the special yard waste bag, a special City yard waste sticker may be purchased for a fee in accordance with the latest City Council adopted fee schedule. The fee for the sticker includes the pickup and disposal of one thirty-gallon degradable kraft paper yard waste bag. The sticker shall be permanently affixed to the degradable kraft paper yard waste bag before pickup and disposal.
- (2) Special pickup service. In addition to the foregoing services, the Sanitation Division shall provide curbside collection of large bulky items for a fee in accordance with the latest City Council adopted fee schedule.
- (3) Commercial dumpster service for residential use. By special arrangement, the Sanitation Division can provide a commercial dumpster for excessively large amounts of solid waste and/or construction waste for a fee in accordance with the latest fee schedule adopted by the City Council.

#### § 10-29 **Monthly bill for fees; nonpayment.**

All occupants of all residences within the City of Kirkwood (except multifamily units as described in this chapter) shall be charged and billed for the collection of garbage and rubbish as provided herein. In the event any such bill is more than three months in arrears, the person shall request the Director of Finance to prepare a payment plan. Failure to pay the monthly charge without entering into a payment plan approved by the Director of Finance shall be considered intentionally stealing of services from the City and may be prosecuted by the City as such. The occupant shall also be responsible for all reasonable collection fees associated with the delinquent account.

In the event a sanitation bill is not paid in full within 21 days of the bill date, interest at the rate of



1 1/2% will be charged on the unpaid balance as of the cash cutoff date of the new bill and continue to be charged each month thereafter until all overdue amounts are paid in full.

**§ 10-30 Collection and billing of fees and charges.**

The charges specified herein shall be collected by the Director of Finance and shall be billed in such a manner as deemed appropriate. Such charges may, in the discretion of the Director of Finance, be billed with other charges from the City.

**§ 10-31 Frequency and times of collection.**

The City shall render rear yard pickup service as described herein, once per week, and curbside pickup as described herein, once per week. No collections shall be made on Sundays or legal holidays or when the Director of Public Services determines that, due to weather or other unusual conditions, such collections would be hazardous or impracticable.

**§ 10-32 Maintenance of containers.**

- (1) All recycling carts and garbage and rubbish carts are property of the City of Kirkwood. Any repair or replacement of carts due to the property owner's abuse, misuse, defacing, or neglect of a cart will be assessed by a fee by the Public Services Director.
- (2) All recycling carts and garbage and rubbish carts used for the basic service or rear yard pickup service shall be maintained in a good and sanitary condition by the owner thereof at all times.

**§ 10-33 through § 10-54. (Reserved)**

SECTION 2. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS \_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Mayor, City of Kirkwood

ATTEST:

\_\_\_\_\_  
City Clerk  
1<sup>st</sup> Reading:  
2<sup>nd</sup> Reading:



# Legislation Request

## Resolution

Place On The Agenda Of: 10/17/2019

Step #1:

Strategic Plan YES

Goal # & Title Goal 2. Objective B: Item 3. Automate residential collections

Background To Issue:

With the automation of solid waste collections Article II City Collections in Chapter 10 of the municipal code requires modification deleting the use of disposable bags and updating to the use of carts. In addition additional items have been added as to the placement of the carts, time when carts are allowed to be at the curb and when they should be placed behind the front building line.

Recommendations and Action Requested:

It is recommended that the City Council approve this resolution by revising Article II City collections in Chapter 10 of the municipal for automated solid waste collections.

Alternatives Available:

Does this project have a public information component?  Yes  No

Cost: \$0.00

Account #: 0

Project #: 0

Budgeted: YES

If YES, Budgeted Amount: \$0.00

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

Department Head Comments:

BY: Bill Bensing

Date: 10/8/2019

Authenticated: bensinwe

*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.*

 Garbage and Trash Clean Ver.doc Microsoft Word 97 - 2003 Document 37.0 KB	 Garbage and Trash Redline Ver.doc Microsoft Word 97 - 2003 Document 40.0 KB	 File Attachment
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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:

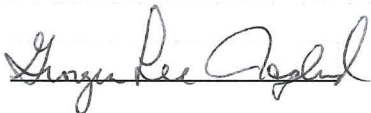
Authenticated:

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

Approve     Diasapprove

Chief Administrative Officer's Comments:

BY:



Date:

10/19/2019

# Chapter 10

## Garbage and Trash

### Article II

#### City Collections

##### § 10-26 Use of City services required.

[Ord. No. 8919, § 1, 6-1-2000; Ord. No. 9190, § 1, 9-5-2002; Ord. No. 9467, § 1, 3-17-2005]

All owners of residential properties within the City (except multifamily units as described in this chapter) shall subscribe or require their tenants, agents, renters, or other responsible party to subscribe to the service of the Sanitation Department of the City for the collection of garbage, rubbish and recyclables as provided for herein, irrespective of usage, and the failure to pay for such service shall entitle the City to proceed with prosecution and to assess interest and costs as provided herein.

##### § 10-27 Residential collection.

[Ord. No. 8596, § 1, 3-20-1997; Ord. No. 8919, § 1, 6-1-2000; Ord. No. 8990, § 1, 1-18-2001; Ord. No. 9190, § 1, 9-5-2002; Ord. No. 9396, § 1, 5-6-2004; Ord. No. 9467, § 1, 3-17-2005; Ord. No. 9984, § 1, 2-3-2011; Ord. No. 10201, § 2, 6-19-2014]

All residential (except multifamily) dwelling units shall be provided City garbage and rubbish collection service and curbside single-stream recycling collection service.

1. Basic service.

(1) The fee for basic curbside service shall be in accordance with the latest City Council adopted fee schedule.

~~(2) The Sanitation Division shall furnish subscribers of the basic curbside service one roll of 50 bags once per year.~~

~~(3)~~(2) The Sanitation Division shall empty one recycling ~~container~~ cart and one garbage and rubbish cart collect up to a total of five disposable bags, disposable containers and disposable items at the public right-of-way in front of each residential dwelling unit once per week.

~~(4)~~(3) ~~Disposable bags, disposable containers, disposable items and r~~Recycling containers carts and garbage and rubbish carts shall be placed for curbside collection within three feet of the curb or edge of the public street pavement in front of the property and adjacent to the driveway or entranceway to the property. The cart lid opening must face the street and have at least 3 feet of clearance on each side of the cart.

~~(5) The disposable containers for City refuse collection shall be plastic bags or other disposable containers which shall be securely closed or sealed to prevent spillage or leakage. Disposable containers shall be of adequate strength, design, and endurance to prevent breakage, spillage, or leakage during normal loading operations. Small, loose disposable items shall be securely bundled and tied or containerized in a disposable container.~~

~~(6) Disposable bags, disposable containers and disposable items shall not weigh more than 50 pounds, shall not be more than 35 gallons in volume, and shall be less than three feet in length and less than 24 inches in any other direction.~~

~~(7)~~(4) ~~Disposable bags, disposable containers, disposable items and r~~Recycling carts and garbage and rubbish carts ~~containers~~ shall not be placed at the above-described location for collection prior to



dusk the evening before the scheduled collection day.

- (5) Recycling carts and garbage and rubbish carts shall be removed from the street before the end of the collection day. All carts shall be stored behind the actual front building line of the residence being serviced.
- (6) All recyclables, garbage and rubbish shall be placed in appropriate carts with lids closed. No items outside of the carts, will be collected, including cardboard boxes.
- (7) Any recycling, garbage or rubbish not placed in the carts provided will not be collected and shall remain the responsibility of the property owner for disposal.
- (8) All cardboard boxes must be broken down and placed within a recycling cart. Boxes too large to fit into a cart can be dropped off at the Recycling Depository.

(8) Disposable bags, disposable containers, and disposable items containing lead acid batteries, radioactive, volatile, highly flammable, explosive, infectious, biomedical, toxic, hazardous material, special waste, or other items are not permitted in a sanitary landfill pursuant to Chapter 260, RSMo., federal, state, or St. Louis County regulations. Title and liability for any waste excluded above shall remain with the customer, and the customer shall hold the City harmless from and against any and all damages, penalties, fines, clean-up costs and liabilities resulting from or arising out of such waste.

2. Rear yard service.

- (1) At the owners' option and in lieu of basic service, the City will provide rear yard sanitation service.
- (2) The fee for rear-yard service, including single-stream recycling collection service, shall be in accordance with the latest City Council adopted schedule.

~~(3) The sanitation division shall furnish subscribers of the rear yard service one roll of 50 bags once per year.~~

~~(4) For residents subscribing to rear yard service, the City will collect up to three containers not exceeding 26 gallons or 40 pounds, constructed of heavy gauge metal, or plastic, watertight and flyproof type lid, or disposable bags, disposable containers, or other disposable items once per week.~~

~~(5)~~(3) Recycling carts and garbage and rubbish cartsContainers shall be located beyond the actual front building line of the residential property in a place allowing for access by the Sanitation Division personnel with a truck.

3. Limited pickup service.

- (1) This service is limited to residents who were subscribed as of the 20th day of October 1994. No resident shall subscribe to this service after the 20th day of October 1994.
- (2) The term "limited pickup service" means the pickup of disposable bags placed for collection curbside in the manner and regulation described in the "basic service" provisions of this article.
- (3) Current subscribers to this service shall be annually renewed to such service at the current rate in December of each year.

4. Temporary vacating of property. In the event any residential property shall be vacant for 60 days or more, the owner or tenant-in-possession of such property may suspend service for the period of time that such property shall be vacant by making application for such suspension. No fees shall be charged during the period service is suspended and no bag deliveries shall be made nor shall such

owner or tenant-in-possession be entitled to receive any bags that would otherwise have been distributed to such premises during such suspension.

5. Garbage and rubbish exclusion. Garbage and rubbish shall not include yard waste, tires, major appliances (white goods), lead acid batteries, radioactive, volatile, highly flammable, explosive, infectious, biomedical, toxic, hazardous material, special waste, or other items not permitted in a sanitary landfill pursuant to Chapter 260, RSMo., federal, state, or St. Louis County regulations. Title and liability for any waste excluded above shall remain with the customer, and the customer shall hold the City harmless from and against any and all damages, penalties, fines, clean-up costs and liabilities resulting from or arising out of such waste.

**§ 10-28 Special services.**

[Ord. No. 8596, § 1, 3-20-1997; Ord. No. 8919, § 1, 6-1-2000; Ord. No. 8990, § 2, 1-18-2001; Ord. No. 9190, § 1, 9-5-2002; Ord. No. 9467, § 1, 3-17-2005; Ord. No. 9984, § 2, 2-3-2011; Ord. No. 10201, § 3, 6-19-2014]

In addition to the foregoing service and those described in Article III of this chapter, the Sanitation Department Division shall provide additional services as follows:

- (1) Yard waste bag pickup. The term "yard waste bag pickup" means the pickup of certain degradable kraft paper bags obtained exclusively for yard waste disposal.
  - (a) The fee for the "yard waste bag pickup" bag for yard waste disposal shall be in accordance with the latest City Council adopted fee schedule. The subscriber to this service shall only use the City bags purchased for such purpose, except as permitted in Subsection (b) below. The fee for the special yard waste bag includes the cost of the bag, pickup and disposal.
  - (b) In lieu of using the special yard waste bag, a special City yard waste sticker may be purchased for a fee in accordance with the latest City Council adopted fee schedule. The fee for the sticker includes the pickup and disposal of one thirty-gallon degradable kraft paper yard waste bag. The sticker shall be permanently affixed to the degradable kraft paper yard waste bag before pickup and disposal.
- (2) Special pickup service. In addition to the foregoing services, the ~~Department of Sanitation~~ Division shall provide curbside collection of large bulky items for a fee in accordance with the latest City Council adopted fee schedule.
- (3) Commercial dumpster service for residential use. By special arrangement, the Sanitation Division ~~Department~~ can provide a commercial dumpster for excessively large amounts of solid waste and/or construction waste for a fee in accordance with the latest fee schedule adopted by the City Council.

~~(4) Additional refuse bags may be purchased at City Hall in rolls of 50 bags.~~

**§ 10-29 Monthly bill for fees; nonpayment.**

[Ord. No. 8822, § 1, 6-3-1999; Ord. No. 8919, § 1, 6-1-2000; Ord. No. 9190, § 1, 9-5-2002; Ord. No. 9467, § 1, 3-17-2005; Ord. No. 10025, § 2, 8-4-2011]

All occupants of all residences within the City of Kirkwood (except multifamily units as described in this chapter) shall be charged and billed for the collection of garbage and rubbish as provided herein. In the event any such bill is more than three months in arrears, the person shall request the Director of Finance to prepare a payment plan. Failure to pay the monthly charge without entering into a payment plan approved by the Director of Finance shall be considered intentionally stealing of services from the City and may be prosecuted by the City as such. The occupant shall also be responsible for all reasonable collection fees associated with the delinquent account.

In the event a sanitation bill is not paid in full within 21 days of the bill date, interest at the rate of 1 1/2% will be charged on the unpaid balance as of the cash cutoff date of the new bill and continue to be charged



each month thereafter until all overdue amounts are paid in full.

**§ 10-30 Collection and billing of fees and charges.**

[Ord. No. 8919, § 1, 6-1-2000; Ord. No. 9190, § 1, 9-5-2002; Ord. No. 9467, § 1, 3-17-2005]

The charges specified herein shall be collected by the Director of Finance and shall be billed ~~by him~~ in such a manner as deemed appropriate he shall determine. Such charges may, in the discretion of the Director of Finance, be billed with other charges from the City.

**§ 10-31 Frequency and times of collection.**

[Ord. No. 8919, § 1, 6-1-2000; Ord. No. 9190, § 1, 9-5-2002; Ord. No. 9467, § 1, 3-17-2005; 6-7-2018 by Ord. No. 10492]

The City shall render rear yard pickup service as described herein, once per week, and curbside pickup as described herein, once per week. No collections shall be made on Sundays or legal holidays or when the Director of Public Services determines that, due to weather or other unusual conditions, such collections would be hazardous or impracticable.

**§ 10-32 Maintenance of containers.**

[Ord. No. 8919, § 1, 6-1-2000; Ord. No. 9190, § 1, 9-5-2002; Ord. No. 9467, § 1, 3-17-2005; Ord. No. 9984, § 3, 2-3-2011]

(1) All recycling carts and garbage and rubbish carts are property of the City of Kirkwood. Any repair or replacement of carts due to the property owner's abuse, misuse, defacing, or neglect of a cart.

(2) All -recycling carts eontainers and any-garbage and rubbish carts eontainers-used for the basic service or -rear yard pickup service shall be maintained in a good and sanitary condition by the owner thereof at all times.

**§ 10-33 through § 10-54. (Reserved)**

[Ord. No. 8919, § 1, 6-1-2000; Ord. No. 9190, § 1, 9-5-2002; Ord. No. 9467, § 1, 3-17-2005]



BILL 10803

ORDINANCE

AN ORDINANCE APPROPRIATING \$525,000 FROM THE PARKS SALES TAX FUND TO ACCOUNT #302-2001-600.75.03, PROJECT #PR2006, FOR REPAIRS TO THE KIRKWOOD AQUATIC CENTER.

WHEREAS, the Kirkwood Aquatic Center requires significant funding to bring the aging facility up to a standard the citizens of Kirkwood expect, and

WHEREAS, working with the Municipal Parks and Recreation Grant Commission of St. Louis County, Kirkwood has been awarded a grant valued at \$525,000, and

WHEREAS, in order to have work completed before the 2020 pool season, funds must be made available as soon as possible so that repairs can begin, and

WHEREAS, funds in the amount of \$525,000 need to be appropriated from the Parks Sales Tax Fund to Account #302-2001-600.75.03, Project #PR2002.

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

SECTION 1. Funds in the amount of \$525,000 are hereby appropriated from the Parks Sales Tax Fund to Account #302-2001-600.75.03, Project #PR2002 for repairs to the Kirkwood Aquatic Center.

SECTION 2. This Ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS DAY OF.

\_\_\_\_\_  
Mayor, City of Kirkwood

ATTEST:

\_\_\_\_\_  
City Clerk

1<sup>st</sup> Reading:

2<sup>nd</sup> Reading:

# Legislation Request

## Ordinance

Place On The Agenda Of: 11/7/2019

Step #1:

Strategic Plan Select... Goal # & Title

Background To Issue:

The Kirkwood Aquatic Center requires significant funding to bring the aging facility up to a standard the citizens of Kirkwood expect. Working with the Municipal Parks and Recreation Grant Commission of St. Louis County, Kirkwood has been awarded a grant valued at \$525,000. In order to have work completed before the 2020 pool season, funds must be made available as soon as possible so that repairs can begin.

Recommendations and Action Requested:

The specific legislative request is to appropriate from the 302 Fund balance \$525,000 to account 302-2001-600-75-03, PR2006.

Alternatives Available:

None

Does this project have a public information component?  Yes  No

Cost: \$525,000.00 Account #: 30220016007503 Project #: PR2006 Budgeted: NO

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

Department Head Comments:

BY: Murray Pounds

Date: 10/25/2019

Authenticated: Kyle Henke

*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.*



Aquatic Center 2019 Capital  
Grant Funds.doc  
Microsoft Word 97 - 2003  
Document  
97.5 KB

File Attachment

File Attachment

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

Appropriation

From Account # or Fund Name: 302 Fund

To Account # or Fund Name: 30220016007503

Finance Director's Comments:

Fund 302 fund balance is sufficient to approve the request of \$525,000 to account 302-2001-600-75-03, Building and Site Improvement, Project PR2006, Aquatic Grant so that the repairs to the pool can begin.

BY: Sandra Stephens

Date: 10/31/2019

Authenticated: stephesf

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

Approve     Diasapprove

Chief Administrative Officer's Comments:

BY: 

Date: 10-31-19



From the desk of...  
Kyle Henke, Superintendent of Recreation  
111 S. Geyer Road, Kirkwood, Missouri 63122  
Phone: 314.822.5856 Fax: 314.984.5931  
E-mail: henkekk@kirkwoodmo.org



# Memo

**To:** Kirkwood City Council  
**From:** Kyle Henke  
**CC:** David Weidler, Sandra Stephens, Russ Hawes  
**Date:** 10/29/2019  
**Re:** Aquatic Center Grant 2019

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As staff and council have previously discussed, the Kirkwood Aquatic Center requires significant funding to bring the aging facility up to a standard the citizens of Kirkwood expect. After the aquatic facility audit was completed in 2018, a comprehensive plan of the priorities to rehabilitate the aging physical and mechanical attributes of the facility was laid out.

Working with the Municipal Parks and Recreation Grant Commission of St. Louis County, Kirkwood was awarded a grant valued at \$525,000. This is the first step toward rehabilitating some of the most pressing issues the aquatic center faces. In order to begin this work, Council must first appropriate funding to be spent in the current FY 19-20 so that the majority of the projects can be completed in advance of the 2020 pool season. Projects to rehabilitate the aquatic center may continue through the fall and winter of 2020 and would be covered under a re-appropriation of remaining project funds. Final reimbursement from the grant commission would then take place during FY 20-21.

The specific legislative request is to appropriate from the 302 Fund balance \$525,000 to account 302-2001-600-75-03, PR2006.

RESOLUTION 147-2019

A RESOLUTION AMENDING THE PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR A MIXED USE DEVELOPMENT WITH RESIDENTIAL AND COMMERCIAL USES ON THE PROPERTIES KNOWN AS 120 AND 130 WEST ADAMS AVENUE SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, GH Adams LLC made application (PZ-12-20) to amend the preliminary and final development plan approval to remove the age restriction from the residential component of the existing mixed-use development at the property known as 120 West Adams Avenue and to include the adjacent property at 130 West Adams into said development to provide additional required parking; and

WHEREAS, the property now known as 120 West Adams Avenue was approved for a preliminary development plan for a retail and elderly housing complex by Ordinance 7821 on October 20, 1988 and was further approved for a preliminary and final development plan for a retail and elderly housing complex by Ordinance 7975 on May 17, 1990; and

WHEREAS, the Planning and Zoning Commission did on the 21<sup>st</sup> day of August, 2019, conduct a public hearing with respect to such application after duly advertising and giving proper notice of such hearing; and

WHEREAS, the Planning and Zoning Commission did on the 4<sup>th</sup> day of September, 2019, by adopting the Planning & Zoning Commission Subcommittee Report dated September 4, 2019 (attached hereto as Exhibit "A" and incorporated by reference herein), recommend the approval of said amendment subject to conditions; and

WHEREAS, the Council did on the 7<sup>th</sup> day of November, 2019, approve an ordinance, Ordinance \_\_\_\_\_, adopting the rezoning of the property located at 130 West Adams Avenue from B-2 to B-4; and

WHEREAS, the Council did on the 7<sup>th</sup> day of November, 2019, hold a public meeting with respect to such application; and

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

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

SECTION 1. An amendment to the B-4 preliminary and final development plan is hereby granted for the properties known as 120 and 130 West Adams Avenue subject to the following conditions:

1. Ordinances 7821 and 7975 shall remain in effect except that the following conditions shall prevail when conflicting with those conditions found in Ordinances 7821 and 7975.



2. The existing 44 residential units shall not be restricted to be occupied by resident of any particular age.
3. A reduction in the parking requirements shall be granted from the 115 spaces required to 104 spaces as provided. Said reduction is based upon the applicant's Parking & Traffic Assessment and the availability of public parking in the immediate area.
4. To allow for shared parking efficiencies between users of the site, a maximum of 46 parking spaces shall be assigned to specific users.
5. Within 90 days of the passage of this resolution, a consolidation plat for the two subject properties shall be recorded with a recorded copy provided to the City.
6. Within 90 days of the passage of this resolution, five inverted U-type, A-type, or Post-and-loop type bicycle racks shall be installed in the approximately 19' wide area between the columns supporting the southeast corner of the building.

SECTION 2. The approval of this amendment 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 site plan shall be in good working order and maintained in good repair at all times.

SECTION 4. The applicant by accepting and acting under the amendment approval herein granted accepts the approval subject to the reservations, restrictions, and conditions set forth in the Code of Ordinances and in this resolution and agrees to comply with each provision subject to the penalties prescribed under Section 1-8 of the Code of Ordinances in the event such provisions are not complied with.

SECTION 5. The applicant further agrees by accepting and acting under this amendment approval herein granted that this resolution does not grant applicant any special rights, privileges, or immunities.

SECTION 6. This resolution shall become null and void in the event the petitioner does not comply with conditions contained herein within one year of the passage of this resolution.

SECTION 7. The applicant and her 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 8. This resolution shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS 7<sup>TH</sup> DAY OF NOVEMBER 2019.

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Mayor, City of Kirkwood

ATTEST:

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City Clerk

# Legislation Request

## Resolution

Place On The Agenda Of: 11/7/2019

Step #1:

Strategic Plan NO

Goal # & Title

### Background To Issue:

The property owner of Adams Place, GH Adams LLC, is requesting an amendment to the existing B4 Planned Commercial approval to remove the age restriction for the residential portion of the existing mixed-use development. This development received preliminary approval in 1988 with final approval occurring in 1990 to operate as a "Retail and Elderly Housing Complex". The applicants desire to have the ability to rent the 44 existing residential units to tenants of all ages.

Although this request is linked to the previously presented rezoning of 130 West Adams from B-2 to B-4, this legislation request pertains only to the B4 Plan Amendment to remove the age restriction from Adams Place. Additional information can be seen in the attached subcommittee report and related documents.

### Recommendations and Action Requested:

The Planning & Zoning Commission recommended approval of the B4 Plan Amendment at their September 4, 2019 meeting by a vote of 9-0. Consideration of the drafted resolution is requested.

### 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: 9/26/2019

Authenticated: raichejd

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



2019-10-03 PZ-12-20 B4  
Amend Resolution.doc  
Microsoft Word 97 - 2003  
Document  
65.5 KB



2019-09-04 PZ-12-20  
Report.pdf  
PDF File  
5.24 MB



2019-10-03 PZ-12-20 CC  
Packet.pdf  
PDF File  
13.5 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
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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

Diasapprove

Chief Administrative Officer's Comments:

BY:



Date:

10-31-19



**CITY OF KIRKWOOD  
PLANNING AND ZONING COMMISSION  
SUBCOMMITTEE REPORT  
SEPTEMBER 4, 2019**

**PETITION NUMBER:** PZ-12-20

**ACTION REQUESTED:** B-4 PLANNED COMMERCIAL DISTRICT AMENDMENT &  
130 W. ADAMS AVENUE REZONE FROM B-2 TO B-4

**PROPERTY OWNER:** GH ADAMS LLC

**APPLICANT:** PHILLIP GROOMS, GH ADAMS LLC

**PROPERTY LOCATION:** 100-130 W. ADAMS AVENUE

**ZONING:** B-4, PLANNED COMMERCIAL DISTRICT &  
B-2, GENERAL BUSINESS DISTRICT

**DOCUMENTS SUBMITTED:** PARKING LOT STRIPING PLAN PREPARED BY ALIGNED STUDIO, LLC  
STAMPED "RECEIVED AUGUST 30, 2019 CITY OF KIRKWOOD PUBLIC  
WORKS DEPARTMENT"

TRAFFIC & PARKING ASSESSMENT MEMO PREPARED BY LOCHMUELLER  
GROUP STAMPED "RECEIVED AUGUST 26, 2019 CITY OF KIRKWOOD  
PUBLIC SERVICES DEPARTMENT"

**BACKGROUND/DESCRIPTION:**

The applicant has submitted a multi-part application which includes the following items: 1) an amendment to remove the age restriction on housing in the existing B-4 Planned Commercial Development Plan and 2) a rezoning for the parking lot at 130 W. Adams Avenue from B-2 to B-4 to include it in the Planned Commercial District Development Plan for the same development. The applicant purchased the subject properties in early 2019 and was unaware of the age restriction at the time of the purchase. The applicant has stated that the residential units were less than 50% occupied when they purchased the property and that they desire to widen the market in an effort to reinvigorate the development.

The subject development originally received its preliminary plan approval in 1988 via Ordinance 7821 which allows a "retail and elderly housing complex" and it received its final development plan approval in 1990 via Ordinance 7975. Staff was unable to find a reference to a specific age limit related to this project with the term "elderly housing" being applied to the development; however, a determination was made, based on the term being defined in a separate portion of the Municipal Code, that the minimum age to be considered elderly for this project would be 60 years old.

As part of the approvals in 1988 and 1990, a separate text amendment to the Zoning Code was also approved which permitted the City Council, after recommendation from the Planning & Zoning Commission, to approve a reduction in parking requirements for B-4 Developments under 1.5 acres.

During the original approval request, there was discussion and acknowledgment made toward various factors, including the age restriction of residents, that would justify the reduced parking rates applied at that time. Additional information regarding parking and traffic elements of this proposal will be discussed in a later portion of this report.

The rezoning portion of this request is to make the surface parking lot at 130 W. Adams an official part of the planned development. This parking lot was not a part of the original project, but was acquired by the property owner soon after and has operated as a part of the development for many years. This parking lot was taken into consideration during various amendments regarding the allowance for expansion of the restaurant tenant in the development.

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

The site is designated as the Downtown category on the EnVision Kirkwood 2035 Future Land Use Map. Development types discussed in this land use include apartments and regional/neighborhood commercial. The proposed development is consistent with the development types listed within this land-use category.

The subject properties are zoned B-2, General Business District (Central Business District) and B-4, Planned Commercial District. The proposal merely requests to remove an age restriction which was placed upon the development as a condition to the approval in 1990. There is no proposed change in use categories which include residential and commercial.

Surrounding land uses and zoning include the following:

To the north: Properties are zoned B-2 with various commercial uses being conducted.

To the south: Properties are zoned B-2 with various commercial uses being conducted in addition to a public parking lot.

To the east: Properties are zoned B-2 with various commercial uses being conducted in addition to a church.

To the west: Properties are zoned B-2 with various commercial uses being conducted.

***PARKING & TRAFFIC***

Because the previous approvals included discussion and conditions related to parking and traffic based upon the understanding the development would be for "retail and elderly housing", Staff requested the applicant to provide an updated parking and traffic assessment. The original approval provided a reduced rate of ½ space per residential unit based on the age of the occupants in addition to a 13 space reduction for the non-residential uses based on the location in a pedestrian area and proximity to public parking. It is also worth noting that at the time of this approval, the public parking lot to the south was only half of its current size. This public parking lot was expanded in 2012.

The applicant provided an updated traffic and parking assessment prepared by Lochmueller Group to the City on August 26, 2019. The assessment notes that there are 104 existing parking spaces within the development and a revised striping plan was provided that confirms and depicts the layout of the 104 existing parking spaces.



The parking assessment aligned almost identically with the City's provisions for shared parking allowances in finding that the peak demand at 7pm in the evening would be 116 spaces (115 as calculated by City Code) if the development was amended to remove the age restriction for residential units. The parking assessment concluded that this amount of overflow at the peak period could be satisfied by adjacent on-street and off-street public parking. Since the parking analysis is conducted upon the understanding that there will be the availability of shared parking that could be used by various users of the development, the subcommittee discussed the idea of placing a maximum limit on the number of parking spaces that could be specifically assigned. The greatest demand for the non-residential uses in any of the shared parking scenarios evaluated by the City's Shared Parking Table is 58 spaces. Based upon this information, a recommendation has been included in this report that the maximum number of assigned parking spaces would be 46 (104 total spaces minus 58 space demand from non-residential).

The traffic assessment portion of the provided memo compared the trips generated by the existing development with Senior Adult Housing to the proposed development with more general Multi-Family Housing. The assessment concluded that the new development would result in an estimated 160 additional daily trips with a maximum increase of less than 20 trips during the highest peak hour. The traffic engineer concluded that this level of increase is unlikely to be noticeable to the general public.

**DISCUSSION:**

A public hearing was conducted on the request at the August 21, 2019 meeting of the Planning and Zoning Commission after proper notification was conducted through mail and in local newspapers. Additionally, Zoning Matters signs were posted on the property on August 15, 2019. An on-site subcommittee meeting was held on August 23, 2019 (See Exhibit B for a list of attendees) where the following items were discussed:

1. The applicant indicated that the amendment proposal has generally been supported by the commercial tenants of the property. The applicant and subcommittee discussed the fact that increased residential occupancy could lead to increased business for the commercial tenants.
2. The applicant indicated that they received the traffic study earlier the same day and would provide it to the City.
3. The applicant provided additional information regarding the size of residential units with 30 units containing 1 bedroom and 14 units containing 2 bedrooms.
4. The applicant responded that there are currently 21 parking spaces (17 in the lower level and 4 near the southwest corner of the building) that are assigned or slated to be assigned.
5. The applicant agreed to provide bicycle racks to accommodate a total of 5-10 bicycles.
6. The applicant raised a question about the potential for closing or restricting the western connection to the public alleyway based upon the concern that the private parking lot is currently being utilized by adjacent businesses for deliveries. After further discussion it was recommended that the applicant could look at bollards and signage to create a barrier adjacent to parking spaces but that the connection to the parking lot should remain for internal circulation.

**RECOMMENDATIONS:**

The Subcommittee recommends that the request for rezoning the parking lot at 130 W. Adams Avenue from B-2, General Business District to B-4, Planned Commercial District be **approved** so that the surface parking lot is considered part of the overall planned development.



The Subcommittee recommends that the amendment to remove the age restriction for residential units within the subject development be *approved* with the following conditions:

1. The existing 44 residential units shall not be restricted to be occupied by residents of any particular age.
2. A reduction in the parking requirement shall be granted from 115 spaces required to 104 spaces provided. Said reduction is based upon the applicant's Parking & Traffic Assessment and the availability of public parking in the immediate area.
3. To allow for shared parking efficiencies between users of the site, a maximum of 46 parking spaces shall be assigned to specific users.
4. A consolidation plat for the two subject properties shall be recorded with a recorded copy provided to the City.
5. Five inverted U-type, A-type, or Post-and-loop type bicycle racks shall be installed in the approximately 19' wide area between the columns supporting the southeast corner of the building.
6. The applicant shall comply with all standard conditions as listed in Exhibit A.

Respectfully submitted,



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Jim Adkins



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Greg Frick

**EXHIBIT A  
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.

**EXHIBIT B**  
**Subcommittee Meeting Attendees**

P&Z Subcommittee Meeting

Project:

PZ-13-20

Date:

8/23/19

Location:

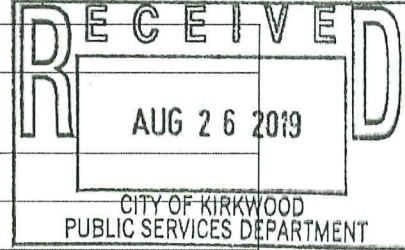
120 W. Adams

Name	Organization
Jonathan Parabe	City of Kirkwood
James Adkins	KWD P&Z
AUGEN KLIPPEL	P&Z
Greg Frick	P&Z
Danny Hill	
Phill Grooms	



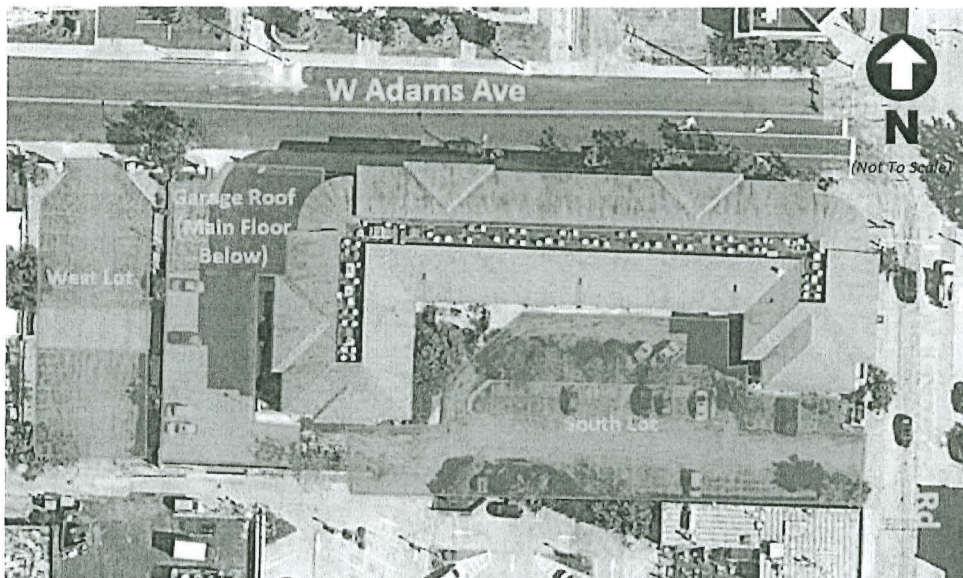
# MEMO

<b>To:</b>	Mr. Phil Grooms
<b>From:</b>	Chris Beard, PE, PTOE Grace Hartman
<b>Date:</b>	August 22, 2019
<b>Subject:</b>	100 W. Adams Ave Traffic & Parking Assessment



Lochmueller Group prepared the following traffic and parking assessment for a mixed-use development at 100 W. Adams Avenue in Kirkwood, Missouri. The development consists of a multi-story building with commercial uses on the first level and 44 senior living residential units on the upper levels. Tenants on the first level include Sunset 44 Bistro and Banquet, Midwestern Braille Volunteers, Insight Eye Equipment, Polster Chamberlin LC, and Edward Jones. The site has 104 off-street parking spaces. A site map is provided in **Figure 1**.

The proposal under consideration would eliminate the age restriction on the residential units, opening them to occupancy by all ages. No additional off-street parking spaces are proposed. The City of Kirkwood requested an assessment be performed to determine the ramifications of removing the age restriction on the site's parking and traffic generation. This assessment determined if the existing off-street parking supply would accommodate forecasted demands and quantified the expected increase in site-generated traffic.



**Figure 1: 100 W. Adams Site and Parking Areas**

# MEMO

## PARKING

The off-street parking consists of three areas: 2 surface lots and a garage with both roof and ground floor levels. In total, the site has 104 off-street parking spaces. 2 spaces are designated as accessible-only and 5 are designated for Edward Jones Employees. All parking areas include signage stating "parking for Adams Place Tenants & Guests & Sunset 44 only". In addition to off-street parking, Adams Avenue provides on-street parallel parking, and there is an existing public surface lot south of the site. The existing off-street parking supply is summarized in **Table 1**.

**Table 1: Existing Parking Supply – 100 W. Adams Development**

Area	General	Accessible	Special Designation	TOTAL
West Lot	24	-	-	24
Garage Roof	18	1	-	19
Main Garage Floor	18	-	-	18
South Lot	37	1	5 for Edward Jones	43
<b>TOTAL</b>	<b>96</b>	<b>2</b>	<b>5</b>	<b>104</b>

The parking implications of lifting the residential age restriction were determined by forecasting parking demands using information provided in Parking Generation, 5<sup>th</sup> Edition, published by the Institute of Transportation Engineers (ITE). Data for the following land uses was applied:

- Land Use 252: Senior Adult Housing,
- Land Use 220: Multi-Family Housing,
- Land Use 931: Quality Restaurant, and
- Land Use 701: General Office Building

Since almost all of the site's off-street parking is unreserved, it was assumed that spaces are available for shared use by tenants. Therefore, the concept of shared parking would apply, in which case a space used by a resident during the overnight period could also be used by an office employee during the day.

In considering the potential for shared parking, parking demands were forecasted for each land use individually and were then aggregated to determine the site's overall parking demand on an hourly basis. Demands were quantified between 4:00 p.m. and 12:00 a.m. on a typical weekday to capture late afternoon business hours, the evening peak for Sunset 44, and ultimately the start of the overnight period when residential parking demands are heaviest. Demands are summarized for existing uses (with senior housing) in **Table 2** and for proposed uses (with no residential age restriction) in **Table 3**.

As shown, the peak parking demand for the site would occur at 7:00 p.m., when restaurant demands would be heaviest. Based on the existing land uses with senior living, the site's supply of off-street parking would accommodate the peak forecasted parking demand at 7:00 p.m. with 7 surplus spaces. With the introduction of general residential, the site is forecasted to have a parking deficit of up to 12 spaces during the peak evening period.



# MEMO

A minor parking deficit such as 12 spaces should not be concerning in this circumstance. It would amount to just a 17-space increase over existing demands, and would only occur early in the evening. Since evening demands are dominated by restaurant patronage, overflow would be able to park along Adams Avenue using existing on-street spaces, which appear to be lightly used. Furthermore, in an effort to be conservative, the parking demand associated with Sunset 44 was determined from Land Use Code 931: Quality Restaurant instead of Land Use Code 932: High-Turnover Sit-Down Restaurant and is likely overstated.

Therefore, it can be concluded that the proposed change in residential use could be accommodated by the existing off-street parking supply, with a minor amount of overflow during the peak evening period which could be satisfied by on-street parking.

**Table 2: Hourly Parking Demands For Existing Uses**

Time of Day	Hourly Parking Demand			Total Demand	Surplus Spaces <sup>1</sup>
	Senior Living	Office	Restaurant		
4 P.M.	12	14	20	46	58
5 P.M.	15	9	29	53	51
6 P.M.	18	3	53	74	30
7 P.M.	20	2	75	97	7
8 P.M.	21	0	73	94	10
9 P.M.	23	0	0	23	81
10 P.M.	25	0	0	25	79
11 P.M.	26	0	0	26	78
12 A.M.	27	0	0	27	77

<sup>1</sup>surplus spaces calculated as difference between 104 total spaces provided and total demand

**Table 3: Hourly Parking Demands For Proposed Uses**

Time of Day	Hourly Parking Demand			Total Demand	Surplus Spaces <sup>1</sup>
	Apartments	Office	Restaurant		
4 P.M.	24	14	20	58	46
5 P.M.	29	9	29	67	37
6 P.M.	35	3	53	91	13
7 P.M.	39	2	75	116	(12)
8 P.M.	41	0	73	114	(10)
9 P.M.	46	0	0	46	58
10 P.M.	49	0	0	49	55
11 P.M.	51	0	0	51	53
12 A.M.	53	0	0	53	51

<sup>1</sup>surplus spaces calculated as difference between 104 total spaces provided and total demand



# MEMO

## TRAFFIC

To quantify the anticipated change in the site's traffic generation, trip generation forecasts were prepared for both the existing and proposed land uses using information provided in Trip Generation, 10th Edition, published by ITE. The trip generation comparison is summarized in **Table 4**. Note that the same land use codes referenced in the parking analysis were applied to trip generation.

**Table 4: Trip Generation Comparison**

Land Use (ITE Code)	Size	Daily Trips		
		In	Out	Total
<i>Existing Land Uses</i>				
Senior Adult Housing	44 Units	81	81	162
Quality Restaurant	7.10 KSF <sup>1</sup>	297	297	594
General Office	6.63 KSF <sup>1</sup>	32	32	64
<b>TOTAL</b>		<b>410</b>	<b>410</b>	<b>820</b>
<i>Proposed Land Uses</i>				
Multi-Family Housing	44 Units	161	161	322
Quality Restaurant	7.10 KSF <sup>1</sup>	297	297	594
General Office	6.63 KSF <sup>1</sup>	32	32	64
<b>TOTAL</b>		<b>490</b>	<b>490</b>	<b>980</b>
<b>INCREMENTAL TRAFFIC GENERATION</b>		<b>80</b>	<b>80</b>	<b>160</b>

<sup>1</sup>KSF: per 1,000 square feet

As shown, the proposed change in daily trip generation would amount to a net increase of just 160 trips over the course of a typical weekday. The increase during a single peak hour would be less than 20 total trips (combination of entering and exiting). This would equate to less than a 20 percent increase in the site's existing traffic generation and is unlikely to be noticeable to the general public.

We trust that the preceding traffic & parking assessment addresses your concerns regarding the proposed change in residential use at 100 W. Adams Avenue. Don't hesitate to contact us at (314) 621-3395 should you have any questions or comments concerning this information.

## BILL 7886 A

## ORDINANCE 7821

AN ORDINANCE APPROVING THE PRELIMINARY DEVELOPMENT PLAN FOR THE DEVELOPMENT OF A TRACT OF LAND FOR USE AS A RETAIL AND ELDERLY HOUSING COMPLEX UNDER THE PROVISIONS OF APPENDIX A, ZONING, ARTICLE VI, SECTION 4 (B-4, PLANNED COMMERCIAL DISTRICT) UPON THE APPLICATION OF KIRKWOOD HOUSING PARTNERSHIP, LOCATED AT THE SOUTHWEST CORNER OF KIRKWOOD ROAD AND ADAMS AVENUE (231 N. KIRKWOOD ROAD), IN KIRKWOOD, MISSOURI, AND SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, Kirkwood Housing Partnership has made application for the use of a certain tract of land located in the City of Kirkwood, Missouri, as a retail and elderly housing complex on property more particularly described herein, and

WHEREAS, the Planning and Zoning Commission did hold a public hearing with respect to such application on the 6th day of July, 1988, after duly advertising and giving proper notice of such hearing, and

WHEREAS, on the 14th day of September, 1988, the Planning and Zoning Commission did recommend approval of the preliminary development plan subject to certain conditions, and

WHEREAS, on the 6th day of October, 1988, the City Council did hold a hearing with regard to this application after giving notice of such hearing.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, as follows:

SECTION 1. That the proposed preliminary development plan submitted by Kirkwood Housing Partnership, for the development of a tract of land described below for use as a retail and elderly housing complex, all as set forth in the preliminary development plan received by the City of Kirkwood on September 13, 1988, prepared by The Hoffman Partnership, Inc., architect, is hereby approved. Such parcel is more particularly described as follows:

A tract of land being part of Block 15 of the Town (now City) of Kirkwood in Section 1, Township 44 North - Range 5 East St. Louis County, Missouri and being more particularly described as:

Beginning at the intersection of the South line of Adams Avenue, 60 feet wide, with the West line of Kirkwood Road, 60 feet wide; thence South 00 degrees 12 minutes 11 seconds West 160.17 feet to the East/West centerline of said Block 15; thence North 88 degrees 59 minutes 19 seconds West 200.39 feet along said East/West centerline to a point; thence North 01 degrees 00 minutes 41 seconds East 10.17 feet to a point; thence North 88 degrees 59 minutes 19 seconds West 150.89 feet to the East line of property conveyed to Kirkwood Federal Savings and Loan Association by deed recorded in Book 4351, Page 25 of the St. Louis County Records; thence North 00 degrees 06 minutes 53 seconds East 149.93 feet along said East line of Kirkwood Federal Savings and Loan Association property to said South line of Adams Avenue, 60 feet wide; thence South 89 degrees 00 minutes 00 seconds East 351.36 feet along said South line of Adams Avenue to the point of beginning.

SECTION 2. That approval of said preliminary development plan is subject to the following conditions:

1. The required building set back areas as defined in the "B-4" Ordinance be varied to allow for those as indicated on the preliminary plan.
2. The required parking set back requirements as defined in the "B-4" Ordinance be varied to allow for those as indicated on the preliminary plan.
3. The requirement for loading areas for this project be varied so as to not require any loading zones for the project.
4. Landscape screening areas be approved as indicated on the preliminary plan and be reviewed in greater detail in the Final Development Plan.
5. The entry/exit drive from West Adams Avenue and drive under the second and third floors of the building be allowed to be a minimum of 20'0" wide in lieu of the required 25'0" wide lane.
6. The drive lane connecting the two major parking areas on the site (located along the South property line) be allowed to be a minimum of 20'0" wide with the stipulation that the Developer may either increase its width or add three additional parallel parking spaces (at 9'0" x 22'0" each) if the need presents itself without returning to the Planning and Zoning Commission for modification review and approval.
7. That a southbound exit only be allowed on Kirkwood Road provided the Developer:



(a) designs the exit to accommodate only right turn traffic, and  
(b) a "gate" as incorporated to allow this exitway to be secured if desired, and

(c) however, if, in the judgment of the City Staff and/or officials, this exitway causes any safety hazards to either vehicular or pedestrian traffic along Kirkwood Road, the City shall have the right to insist that the Developer close this exit except for "limited access" (service and/or emergency traffic only). The control of such traffic will be controlled through the Developer's building maintenance staff.

8. In conjunction with this gate, a screen wall at a minimum height of 3'-4" (40") above finish grade will be constructed along the entire parking lot exposure to Kirkwood Road and set back a minimum of 12'-0" off the east property line to allow for the development of a pedestrian landscaped area to the East side of the wall...(Kirkwood Road exposure).

9. When the Commerce Bank Data Center Building is removed, the intersction of this building with the adjacent building to the South (Hummel's Cafeteria") shall be refaced in such a manner which is consistent with the materials used in the new development...(the wall to be refaced will be approximately 81'-0" long and one-story in height). This will require the Developer to receive the approval of the Owner of the adjacent building to make such improvements and coordinate the design with him/her. If approval cannot be obtained from the adjacent building owner, the developer shall submit an alternate plan to the Planning and Zoning Comission for approval.

10. A minimum of 8'-0" width of total sidewalk area be provided along both Kirkwood Road and West Adams Avenue to allow for a 3' 0" square tree planter and minimum 5'-0" wide sidewalk (walk area) along each frontage. All new sidewalk and planter areas shall be the responsibility of the Developer and constructed of exposed aggregate walks and concrete planter curbing in order to be consistent with previous city projects to the North of this site and along Kirkwood Road.

11. Exterior lighting, exterior signage, and landscaping (including pavement designs' materials, etc.), shall be on the Final Development Plan. All exterior merchant (retail) signage should be referred to the City of Kirkwood's Architectural Review Board for review and approval as the leases are negotiated. However, an overall signage placement concept will be required as part of the Final Development Plan.

12. All exterior building materials and colors shall be reviewed and approved by the Planning and Zoning Commission as part of the final development plan.

13. The parking requirements as defined in Ordinance #5085, Article XI, Section 2(c) totaling approximately 81 spaces be varied to allow for the Developer's total of 68 spaces. The Subcommittee accepts the assessment of the Developer's Traffic Consultant indicating that in this type of elderly housing to provide 0.5 spaces/housing unit would be adequate, i.e., total of approximately 20 spaces required. This total, taken with the projected ordinance requirements for restaurant (approximately 24 spaces) and retail (approximately 37 spaces) would result in a total of approximately 81 spaces required. Therefore, a variance on the parking of approximately 13 spaces is recommended. These additional spaces could be realized in the adjacent public parking lot located to the South of the project or made up for by the spin-off pedestrian traffic expected to be generated by this project from other areas of the Old Town area.

14. The Final Development Plan shall include the following items:

A. Stormwater Management Plans reviewed and approved by the Metropolitan Sewer District.


B. St. Louis County Department of Highways and Traffic approval of all construction on St. Louis County Right-of-Way.

C. Sanitary sewer plans reviewed and approved by Metropolitan Sewer District.

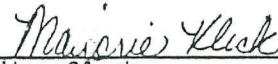
SECTION 3. That no building permit shall be issued to construct any part or all of the development in this district until such time as the City Council shall have approved the final development plan and the Building Commissioner shall have approved the construction plans.

SECTION 4. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED this 20th day of October, 1988.

  
\_\_\_\_\_  
Mayor, City of Kirkwood, MO

ATTEST:

  
\_\_\_\_\_  
City Clerk



## BILL 8051

## ORDINANCE 7975

AN ORDINANCE APPROVING THE PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR THE DEVELOPMENT OF A TRACT OF LAND FOR USE AS A RETAIL AND ELDERLY HOUSING COMPLEX UNDER THE PROVISIONS OF APPENDIX A, ZONING, ARTICLE VI, SECTION 4 (B-4, PLANNED COMMERCIAL DISTRICT) UPON THE APPLICATION OF KIRKWOOD HOUSING PARTNERSHIP, LOCATED AT THE SOUTHWEST CORNER OF KIRKWOOD ROAD AND ADAMS AVENUE (231 N. KIRKWOOD ROAD), IN KIRKWOOD, MISSOURI, AND SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, Kirkwood Housing Partnership made application on May 18, 1988 for use of a certain tract of land located in the City of Kirkwood, Missouri, as a retail and elderly housing complex on property more particularly described herein, and

WHEREAS, the Planning and Zoning Commission did hold a public hearing with respect to such application on July 6, 1988, after duly advertising and giving proper notice of such hearing, and

WHEREAS, on the 14th day of September, 1988, the Planning and Zoning Commission did recommend approval of the preliminary development plan subject to certain conditions, and

WHEREAS, the City Council approved the preliminary development plan for this development by Ordinance No. 7821 on October 20, 1988, and

WHEREAS, on the 2nd day of August, 1989, the Planning and Zoning Commission did recommend approval of the Final Development Plan, subject to certain conditions.

WHEREAS, the City Council approved the Final Development Plan for this B-4 development by Ordinance 7909 on September 7, 1989, subject to certain conditions, and

WHEREAS, the Kirkwood Housing Partnership made application on April 11, 1990 for a new B-4 development plan on this tract, and

WHEREAS, the Planning and Zoning Commission did hold a public hearing with respect to such application on May 2, 1990 after duly advertising and giving proper notice of such hearing, and

WHEREAS, on the 2nd day of May, 1990 the Planning and Zoning Commission did recommend approval of the Preliminary and Final Development Plan subject to certain conditions.

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

SECTION 1. That the preliminary and final development plan submitted by Kirkwood Housing Partnership for the development of a tract of land described below for use as a retail and elderly

housing complex, all as set forth in the Preliminary and Final Development Plans stamped "Received April 17, 1990, City of Kirkwood Public Works" except as noted herein and prepared by The Hoffmann Partnership, Inc., architects, is hereby approved. Such parcel is more particularly described as follows:

A tract of land being part of Block 15 of the Town (now City) of Kirkwood in Section 1, Township 44 North - Range 5 East of St. Louis County, Missouri and being more particularly described as:

Beginning at the intersection of the South line of Adams Avenue, 60 feet wide, with the West line of Kirkwood Road, 60 feet wide; thence South 00 degrees 12 minutes 11 seconds West 160.17 feet to the East/West centerline of said Block 15,; thence North 88 degrees 59 minutes 19 seconds West 200.39 feet along said East/West centerline to a point; thence North 01 degrees 00 minutes 41 seconds East 10.17 feet to a point; thence North 88 degrees 59 minutes 19 seconds West 150.89 feet to the East line of property conveyed to Kirkwood Federal Savings and Loan Association by deed recorded in Book 4351, Page 25 of the St. Louis County Records; thence North 00 degrees 06 minutes 53 seconds East 149.93 feet along said East line of Kirkwood Federal Savings and Loan Association property to said South line of Adams Avenue, 60 feet wide; thence South 89 degrees 00 minutes 00 seconds East 351.36 feet along said South line of Adams Avenue to the point of beginning.

SECTION 2. The approval of said preliminary and final development plan is subject to the following conditions:

- A. The project is developed in accordance with the Final Development Plans stamped "Received April 17, 1990, City of Kirkwood Public Works" except as noted below.
- B. The driveway on the south side of the building connecting the two parking areas shall be a minimum of 20 feet wide.
- C. The sidewalks on Kirkwood Road and Adams Avenue shall be a minimum of 8 feet wide.
- D. No lighting shall be allowed other than that which is integral with the building except for four 12-foot high fixtures with globes and ornamental posts, without approval of the Planning and Zoning Commission.
- E. A 54-foot long 4'-4" encroachment on public right-of-way along Kirkwood Road at a height of approximately 31 feet is approved.



F. Metropolitan Sewer District approval of the storm and sanitary sewer systems shall be obtained before issuance of a foundation or building permit.

G. St. Louis County Department of Highways and Traffic approval shall be obtained for construction on Adams Avenue right-of-way before issuance of a foundation or building permit.

H. No foundation or building permit shall be issued until the Water Department approves the location of the proposed water service, including the cross-connecting (or looping) of the water service. All existing water tap connections to the premises shall be removed and abandoned. Water service lines and meters shall be constructed in accordance with City of Kirkwood Water Department specifications.

I. No permits (including building, grading, foundation, demolition) shall be issued until documentation such as a performance bond, a performance undertaking, or a performance escrow sufficient to ensure to the City either the completion of all such improvements or alternatively to pay the estimated expenses of restoring the ground to its preexisting condition if said improvements are undertaken but not completed is approved by the City Attorney.

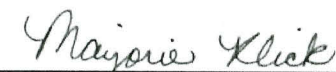
J. No foundation or building permits shall be issued until the Electric Department approves the location and payment for the new mast-arm electric traffic signal on the southwest corner of Adams Avenue and Kirkwood Road.

SECTION 3. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS 17th day of May, 1990.

  
\_\_\_\_\_  
Mayor, City of Kirkwood, MO

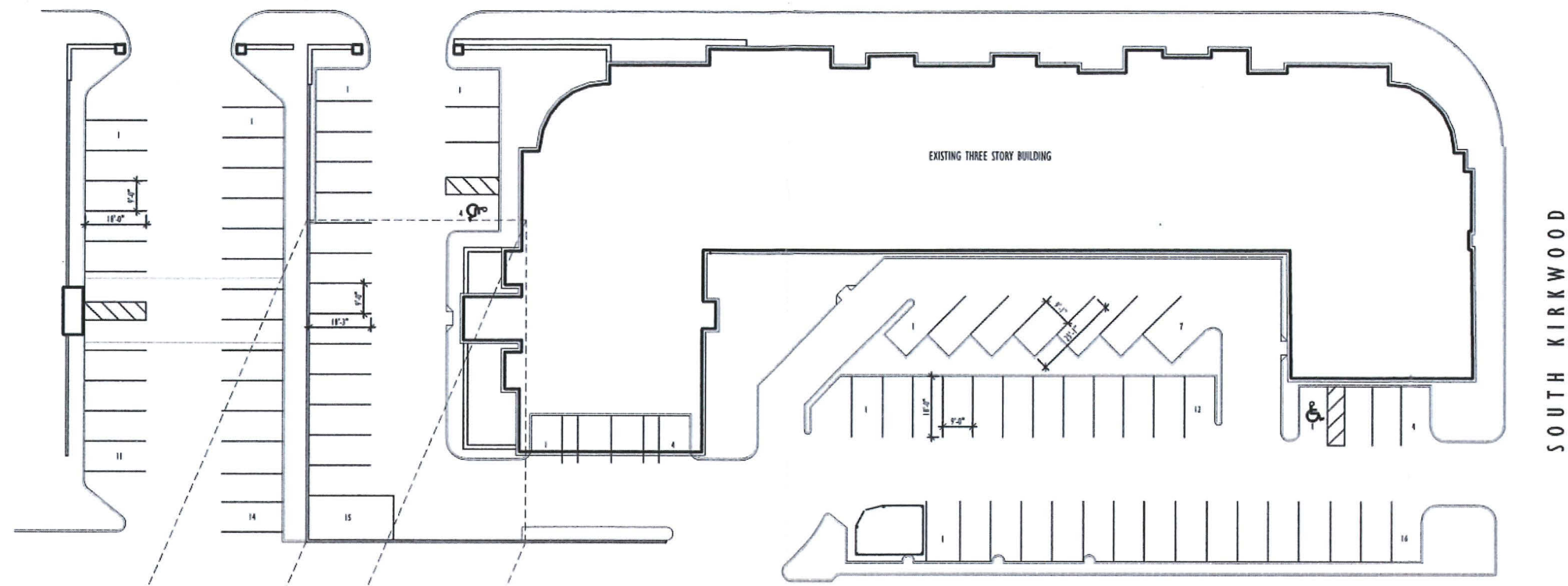
ATTEST:

  
\_\_\_\_\_  
City Clerk

Introduced:



WEST ADAMS



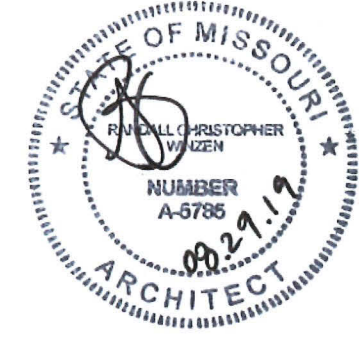
SOUTH KIRKWOOD

EXISTING THREE STORY BUILDING

ADAM'S PLACE SITE PLAN  
SCALE: 1"=20'-0" 87 TOTAL SPACES

ADAM'S PLACE PARKING GARAGE  
SCALE: 1"=20'-0" 17 TOTAL SPACES

RECEIVED  
AUG 30 2019  
CITY OF KIRKWOOD  
PUBLIC SERVICES DEPARTMENT



**ALIGNED STUDIO, LLC**  
ARCHITECTURE • DESIGN  
13100 HANCHESTER  
SUITE 225  
ST. LOUIS, MO 63131  
314.317.0060 www.aligned-studio.com

REVISIONS

MISSOURI CERTIFICATE OF AUTHORITY  
No. 2016030702

A SITE PLAN FOR:  
**ADAM'S PLACE**  
120 WEST ADAMS  
KIRKWOOD, MISSOURI 63122

DRAWN BY: RCW  
REVIEWED BY: RCW

CONTACT:  
RANDY WINZEN  
randy@aligned-studio.com  
JILL FUMAGALLI  
jill@aligned-studio.com

ARCHITECTURAL  
SITE PLAN AND  
PARKING LAYOUT

JOB NO. 1972.1

**A2.00**

1 OF 1

DATE: 08.29.19

RESOLUTION 149-2019

A RESOLUTION AMENDING THE CONTRACT WITH BSI CONSTRUCTORS, INC., BY INCREASING THE CONTRACT AMOUNT BY \$800,000 FOR A NOT TO EXCEED AMOUNT OF \$23,461,000 FOR THE CONSTRUCTION OF THE PERFORMING ARTS CENTER. THIS BRINGS THE TOTAL BUDGET FOR THE PERFORMING ARTS CENTER TO \$26,000,000.

WHEREAS, the cost to complete and equip the studio theater building shell was investigated, and

WHEREAS, BSI Constructors prepared a report of the costs for both necessary construction activity and provision of equipment covered by the original bidding documents, and

WHEREAS, in order to continue progress on constructing the studio theater of the Performing Arts Center it is necessary to authorize an increase in the contract with BSI Constructors, Inc., and

WHEREAS, the Director of Parks and Recreation is requesting an amendment of the contract with BSI Constructors, Inc. by \$800,000 for a total not to exceed amount of \$23,461,000 for the construction of the Performing Arts Center, and

WHEREAS, if the amount is approved the total budget for the Performing Arts Center to \$26,000,000, and

WHEREAS, funds are available in Account #302-2001-600.75.03 (Building & Site Improvement), Project #PR1911.

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

SECTION 1. The contract with BSI Constructors, Inc. is hereby amended in the amount of \$800,000 for a not to exceed of \$23,461,000 for the construction of the Performing Arts Center.

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

PASSED AND APPROVED THIS 7<sup>TH</sup> DAY OF NOVEMBER 2019.

\_\_\_\_\_  
Mayor, City of Kirkwood

ATTEST:

\_\_\_\_\_  
City Clerk

# Legislation Request

Resolution

Place On The Agenda Of: 11/7/2019

Step #1:

Strategic Plan YES Goal # & Title #4, Nurture Downtown, Object A Develop Performing Arts Center

Background To Issue:

At the request of City Council the cost to complete and equip the studio theater building shell was investigated. BSI Constructors prepared a report of the costs for both necessary construction activity and provision of equipment covered by the original bidding documents. The report was then revised to incorporate some value engineering opportunities developed by BSI in consultation with the design team and city staff. In order to maintain the current construction schedule a decision to move forward on some construction items is needed at this time.

Recommendations and Action Requested:

This is a request to increase the existing contract with BSI Constructors for construction of the Performing Arts Center by \$800,000.00 to a not to exceed total of \$23,461,000.00, to cover the costs of additional construction activities to bring the studio theater space to completion as a fully functioning theater space. The additional \$800,000.00 would be charged to Account 302-2001-600-7503 (Building & Site Improvements)) Project PR1911 (PAC Construction).

Alternatives Available:

The current plan to complete the building shell and complete the outfitting of the space for full theatrical purposes could be maintained, eliminating the need for any additional funding at this time. Another option would be to consider some additional value engineering options which reduce in a modest fashion the need for additional funding but at the cost of some functionality of the space.

Does this project have a public information component?  Yes  No

Cost: \$800,000.00 Account #: 30220016007503 Project #: PR1911 Budgeted: YES

If YES, Budgeted Amount: \$24,090,000.00 If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

This additional allocation will cover near term construction activities, particularly electric and some carpentry work that is most effectively done at this stage of construction, as well as funding to add amenities and equipment needed to complete the facility. See attached memo for further details.

BY: Murray Pounds

Date: 10/24/2019

Authenticated: poundsm

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



BSI Studio Theater 11-19.docx  
Microsoft Word Document  
41.2 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:

The Director of Parks and recreation is seeking to amend Resolution 10-2019 in order to increase BSI Constructor's GMP contract for the Performing Arts Center by \$800,000 for a total of \$22,961,000.00, to cover the costs of additional construction activities to bring the studio theater space closer to completion as a fully functioning theater space. This amendment will bring the allocation for the project construction to \$23,461,000.00.

BY: David Weidler

Date: 10/31/2019

Authenticated: weidledc

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).**

Budgetary Approval

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

Budget appropriation is sufficient to increase BSA Constructor's GMP contract by \$800,000 as requested above for account 302-2001-600-75-03, Building and Site Improvement, Project PR1911, PAC Construction.

BY: Sandra Stephens

Date: 10/31/2019

Authenticated: stephesf

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

Approve     Diasapprove

Chief Administrative Officer's Comments:

BY: 

Date: 10-31-19

From the desk of:  
Murray Pounds, Director of Parks and Recreation  
111 S. Geyer Road, Kirkwood, MO 63122  
Phone: 314-822-5857 Fax: 314-984-5931  
E-mail: poundsm@kirkwoodmo.org



## Memo

**To:** Kirkwood City Council  
**From:** Murray Pounds  
**CC:** Russ Hawes, Sandra Stephens, David Weidler  
**Date:** October 31, 2019  
**Re:** Studio Theater Costs

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BSI has been working to secure the price to complete the construction and provision of equipment to allow for use of the studio/black box theater building shell as a fully functioning theatrical venue. Their effort includes not only securing prices from appropriate contractors and suppliers, but also a substantial look at value engineering various aspects of the existing drawings and specifications for the facility. The costs shown in this document generally reflect the acceptance of value engineering deductions deemed appropriate by staff and the design team.

The costs are broken into three categories. The first category involves work that would need to take place very soon, and as a result a decision would also need to be made in relatively short order. The second category involves work where a decision is not needed quite as quickly, but will need to be addressed in the next three to four months or so. The third category involves moveable equipment and can be addressed at a later date without impacting construction activities. If the Studio Theater is to function as a functional theatrical venue however, all of these items will need to be addressed.

### Category 1

This category focuses primarily on electrical service related to performance capabilities. It is the most significant portion of the cost and also needs to be addressed the most quickly. Some other building system changes are also included in this category.

Electrical system changes including value engineering reductions	\$437,453
Pipe grid	\$ 27,952
Miscellaneous building system changes (sprinklers, etc.)	\$ 9,467
BSI fee & insurance (4.3%)	\$ 20,420
<b>Total</b>	<b>\$495,292</b>

### Category 2

This category includes the performance floor and other items that directly support theatrical activity. These will need to be addressed somewhat later in the construction process but the decision to move forward with their inclusion in the facility needs to be made fairly quickly.

Addition of performance floor and related deductions for LVT flooring	\$45,724
Wall coverings	\$11,205
Curtain and track	\$24,068
BSI fee & insurance (4.3%)	<u>\$ 3,483</u>
<b>Total</b>	<b>\$84,480</b>

Category 3

Principal items in this category are seating and risers. BSI has bids for these items. It may be possible to reduce the cost for these items by utilizing different systems and suppliers. Research is currently underway to determine what possibilities there may be for a change. There is no particular urgency to finalize a decision other than lead time considerations as they do not involve any construction processes to complete.

Seating platforms	\$101,710
Seating	\$ 27,413
BSI fee & Insurance (4.3%)	<u>\$ 5,552</u>
<b>Total</b>	<b>\$134,675</b>

The total for BSI covered items under these three categories is \$714,447. BSI has offered to return \$14,300 of the contingency amount under their control, which means that the increase to BSI's actual contract price would be just over \$700,000.

One item not shown in this total would be the cost for stage lighting instruments. This is an owner acquisition not included in the construction contract. The current estimate for the cost of the necessary instruments is \$56,600. This estimate is based on bids received this summer and there may be some modest change in costs.

Based on all of these factors the total cost to complete the proper outfitting of the studio theater would be just over \$750,000. With an additional contingency of \$50,000 the total cost would be \$800,000. If the amount is approved the total budget for the PAC would \$26.00 million against the total PAC/CC project budget of \$30 million.



RESOLUTION 10-2019

A RESOLUTION AMENDING THE CONTRACT WITH BSI CONSTRUCTORS, INC., BY INCREASING THE CONTRACT AMOUNT BY \$17,606,964 FOR A NOT TO EXCEED AMOUNT OF \$22,661,000 (WHICH INCLUDES A CONTINGENCY OF \$500,000) FOR THE CONSTRUCTION OF THE PERFORMING ARTS CENTER.

WHEREAS, the Construction Manager at Risk, BSI Constructors, Inc., has provided a Maximum Guaranteed Price for the construction of the Performing Arts Center, and

WHEREAS, in order to continue progress on constructing the Performing Arts Center it is necessary to authorize an increase in the contract with BSI Constructors, Inc., and

WHEREAS, the Director of Parks and Recreation is requesting an amendment of the contract with BSI Constructors, Inc. by \$17,606,964 for a total not to exceed amount of \$22,661,000 (which includes a contingency of \$500,000) for the construction of the Performing Arts Center, and

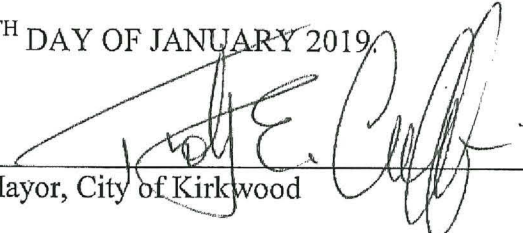
WHEREAS, funds are available in Account #302-2001-600.75.03, Project #PR1911.

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

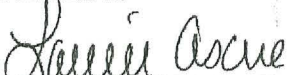
SECTION 1. The contract with BSI Constructors, Inc. is hereby amended in the amount of \$17,606,964 for a not to exceed of \$22,661,000 (which includes a contingency of \$500,000) for the construction of the Performing Arts Center.

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

PASSED AND APPROVED THIS 17<sup>TH</sup> DAY OF JANUARY 2019.

  
\_\_\_\_\_  
Mayor, City of Kirkwood

ATTEST:

  
\_\_\_\_\_  
City Clerk

13311



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

Approved: \_\_\_\_\_

Date: \_\_\_\_\_

- NEW
- RENEWAL

APPLICATION FOR LIQUOR LICENSE

Type of License Requested:

All applicants must pay \$20 Background check plus a \$20 check must be 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.

Name of Company: NAVI PIZZA INVESTMENTS LLC dba - RACANELLI'S PIZZAS

Location Address: 111N Kirkwood Rd Phone: 314-909-0008

Name of Owner of Business: Pimnopa Racanelli Phone: 314-323-7495

Address of Owner: 195 HAWKINS EST CT FENTON MO 63026

Name of Managing Officer: John Racanelli Jr Phone: 314-324-7383

Address of Managing Officer: 5035 Rohades Ave St. Louis MO 63109

Date of Birth: 1-1-1 Place of Birth: St. Louis

Driver's License #: VI 222 34 003 Social Security \_\_\_\_\_

Do you have an interest in any liquor license which is now in NO  
If so, give details \_\_\_\_\_

Have you previously held a liquor license of any type? NO  
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]  
Signature of Applicant

John Vito Racanelli JR.  
Print Applicant's Name