



**Kirkwood City Council  
Agenda  
Kirkwood City Hall  
City Council Chambers  
139 South Kirkwood Road  
Kirkwood, MO 63122  
Thursday, July 15, 2021, 7:00 p.m.  
*Posted on July 12, 2021***

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**III. INTRODUCTIONS AND RECOGNITIONS**

**IV. PRESENTATIONS**

1. Spire Silver Shovel Award
2. Achievement for Excellence in Financial Reporting

**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 July 1, 2021 Council Meeting Minutes
- b) Resolution 74-2021, accepting the proposal of KBM, Inc. for Janitorial Services for the Kirkwood Performing Arts Center for an initial term of 12 months with the option to renew for up to four additional 12 month terms, pending budgetary approval, and authorizing and directing the Mayor to enter into a contract (at the rates provided in the memo)

**VIII. UNFINISHED BUSINESS**

**IX. NEW BUSINESS**

1. Bill 10884, granting a Special Use Permit Amendment for Vehicle Sale and Rental; Motor Vehicle Repair Shop, Major; and Vehicle Wash, and approving the amended Site Plan at 10725 Manchester Road (Lou Fusz Toyota) subject to certain conditions



2. Bill 10885, amending the Kirkwood Code of Ordinances, Chapter 13, Article II, Section 13-34, Subsection (c) for "Itinerant merchants, peddlers and solicitors, plus any additional administrative costs incurred, including the cost of the criminal record check"
3. Bill 10886, amending the Kirkwood Code of Ordinances, Chapter 14, Article VIII, Section 14-396 "Schedule F: Speed Limit Designations"
4. Resolution 73-2021, amending and readopting the City of Kirkwood City Fee Schedules
5. Resolution 75-2021, authorizing and directing the Mayor to enter into a Ground Lease for the property located at 140 West Argonne Avenue, Kirkwood, Missouri

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

**XI. CITY COUNCIL REPORTS**

**XII. CHIEF ADMINISTRATIVE OFFICER REPORTS**

1. Application for Temporary Outdoor Promotional Variance from Teleo Coffee, 132 W. Monroe Avenue, for a grand opening event on the parking lot on August 14, 2021 from 6:00 a.m. to 6:00 p.m.

**XIII. CITY ATTORNEY REPORTS**

**XIV. CITY CLERK REPORTS**

1. Report of the July 7, 2021 meeting of the Planning & Zoning Commission
2. Upcoming Public Hearings:  
August 5, 2021
  - 1) A request for Zoning Code Text Amendments to amend the definition of "Catering Establishment" by adding mobile food trucks, pushcarts, and farmers' markets as an accessory use in residential districts that would be Permitted with Standards
  - 2) A request for allocation of \$46,800 in Community Development Block Grant funds which will become available after January 1, 2022

August 19, 2021

- 1) Establishing the Property Tax Rates for the City of Kirkwood
- 2) Establishing the Property Tax Rates for the Kirkwood Municipal Library

**XV. MEETING ADJOURNMENT**

The next regular meeting of the Kirkwood City Council will take place at **7:00 p.m. on August 5, 2021.**

**CONTINUED ITEMS**

NONE

**TABLED ITEMS**

NONE



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

**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.



City of Kirkwood  
Jeremy Collier, Street Superintendent  
139 S. Kirkwood Road  
Kirkwood, MO 63122

Congratulations, Jeremy! The City of Kirkwood has earned a Silver Shovel award! We are pleased to celebrate your commitment to natural gas pipeline awareness and safe digging!

At Spire, we believe energy exists to make people's lives better. We help more than 1.2 million families and business owners in Missouri fuel their daily lives through our natural gas. To fulfill our mission to "answer every challenge, advance every community and enrich every life through the strength of our energy," we need strong partnerships with the municipalities we serve.

And since safety is one of our core values, we created the Silver Shovel award to recognize municipal public works departments that safely excavate and work carefully around our gas facilities.

To be awarded, a municipality is required to:

1. be located within Spire's service territory,
2. utilize the Missouri One Call System, and adhere to its statutes, and
3. have no "at fault" damages on a gas facility in the calendar year of 2020.

We are happy to share that The City of Kirkwood has reported more than 152 jobs in 2020 without any "at fault" damages.

A Spire representative would like to present this award to you and your team at an upcoming council meeting. Please contact me at [Tod.Fagan@Spireenergy.com](mailto:Tod.Fagan@Spireenergy.com) by May 30, 2021, to confirm a date and time for the presentation.

We are excited to celebrate your commitment to natural gas pipeline awareness and safe digging! The dedication and coordination of your public works team helps our communities thrive.

We hope this Silver Shovel acknowledgment will shine a light on your work and inspire other municipalities to continue their commitment to safe excavation!

Congratulations Again,

A handwritten signature in black ink that reads "Tod Fagan".

Tod Fagan  
Dir, Right of Way & Land Management

A handwritten signature in black ink that reads "Alan Meyer".

Alan Meyer  
Manager, Damage Prevention

CC: Mayor Tim Griffin;  Russell B. Hawes, Chief Administrative Officer



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

- a) Approval of the July 1, 2021 Council Meeting Minutes
- b) Resolution 74-2021, accepting the proposal of KBM, Inc. for Janitorial Services for the Kirkwood Performing Arts Center for an initial term of 12 months with the option to renew for up to four additional 12 month terms, pending budgetary approval, and authorizing and directing the Mayor to enter into a contract (at the rates provided in the memo)



WHERE COMMUNITY AND SPIRIT MEET\*

# DRAFT

## Kirkwood City Council Meeting Minutes

Kirkwood City Hall

Thursday, July 1, 2021, 7:00 p.m.

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, July 1, 2021, at 7:00 p.m. at Kirkwood City Hall, 139 South Kirkwood Road, Kirkwood, Missouri. Present were Mayor Griffin, Council Member Duwe, Gibbons, Sears, Ward, Wurtz, and Zimmer. Also in attendance were Chief Administrative Officer Russell Hawes, Assistant Chief Administrative Officer David Weidler, City Clerk Laurie Asche, Deputy City Clerk Kim Sansegraw, Fire Chief Jim Silvernail, Assistant Chief Brian Zaitz, Captain John Wiley, Planning and Development Services Director Jonathan Raiche, City Planner II Amy Lowry, City Engineer Chris Krueger, and City Attorney John Hessel.

### INTRODUCTIONS AND RECOGNITIONS

Fire Chief Jim Silvernail recognized Chris Gleason for his heroism for saving his neighbor's life by assisting him to safety during a house fire.

### PRESENTATIONS

NONE

### PUBLIC HEARINGS

Mayor Griffin recessed the meeting for the purpose of conducting a public hearing regarding a request for A Special Use Permit Amendment and Site Plan Amendment to enclose the canopy for additional showroom/office use and enclose the rear area north of the service reception area at 10725 Manchester Road (Lou Fusz Toyota). Mr. Hessel entered the following exhibits into record: an Affidavit of Publication in the St. Louis Countian on June 10, 2021, as Exhibit 1; an Affidavit of Publication in the Webster-Kirkwood Times on June 11, 2021, as Exhibit 2; a list of property owners who were sent notice of the public hearing, as Exhibit 3; an aerial view map showing the subject property and the properties that were notified of the hearing, as Exhibit 4; the report of the Planning and Zoning Commission dated June 3, 2021, as Exhibit 5; a memorandum from City Planner II Amy Lowry dated June 2, 2021, as Exhibit 6; and the Kirkwood Code of Ordinances, as Exhibit 7.

City Planner II Amy Lowry presented information pertaining to the request:

- The petitioner is requesting Special Use Permit and Site Plan Review Amendments to make alterations and additions in two areas of the main building of the automobile dealership located in the B-3, Highway Business District, at 10725 Manchester Road
- Since these 3 uses are available Special Uses in the B-3, Highway Business District, are there reasonable conditions that can be placed upon the use at this specific site that will ensure that it does not:
  - Substantially increase traffic hazards or congestion
  - Substantially increase fire hazards



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## DRAFT

- Adversely affect the character of the neighborhood
- Adversely affect the general welfare of the community
- Overtax public utilities
- Does the proposal meet the 12 review criteria listed in Section 25-20(e)?
- Does the proposed site plan meet the various site development standards stated in the Zoning code and the 19 criteria listed in Section 25-19(h)?
- Staff recommends this petition be approved with conditions
- The Fire Marshal indicated that Fire/EMS access to the site is adequate
- The provided amount of parking meets the code
- No additional landscaping is required
- No additional lighting is proposed
- Along with standard conditions, the ARB shall approve all exterior architecture

Petitioner Stephen J. Hollander addressed the council. Some of the discussion that took place is as follows:

- Question was raised regarding the overflow of inventory and space for transporter on-loading and off-loading automobiles

The bill will be placed on the July 15, 2021 agenda for council consideration.

### **PUBLIC COMMENTS** NONE

### **CONSENT AGENDA**

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

- a) Approval of the June 17, 2021 Council Meeting Minutes
- b) Resolution 69-2021, accepting the proposal of Professional Environmental Engineers, Inc. for Professional Environmental Services for use by various City departments, for an initial term of 12 months with the option to renew for up to four additional 12 month terms pending budgetary approval, and authorizing and directing the Mayor to enter into a contract (at the rates provided in the memo)
- c) Resolution 70-2021, accepting the bid of Graybar Electric Co. for the purchase street lighting equipment for the Argonne Alley Project and authorizing and directing the Director of Procurement to issue a Purchase Order (\$21,623)
- d) Resolution 71-2021, accepting the bid of Raineri Building Materials for Ready Mix Concrete for use by various City departments for an initial term of 12 months with the option to renew for up to four additional 12 month terms pending budgetary approval, and authorizing and



WHERE COMMUNITY AND SPIRIT MEET\*

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directing the Mayor to enter into a contract (at the rates provided in the memo)

## UNFINISHED BUSINESS

Bill 10882, amending the provisions of the Municipal Code, Chapter 25 – Zoning and Subdivision, regarding revisions to the review procedures for Special Use Permits and revisions to the minimum standards for Row Dwellings and Two-Family Dwellings in the B-2, Central Business District was brought before the council.

Roll Call:

Mayor Griffin	“Yes”
Council Member Duwe	“Yes”
Council Member Zimmer	“Yes”
Council Member Ward	“Yes”
Council Member Wurtz	“Yes”
Council Member Gibbons	“Yes”
Council Member Sears	“Yes”

Bill 10883, authorizing and directing the Mayor to enter into a Missouri Highways and Transportation Commission Transportation Alternatives Funds Program Agreement for the awarded Surface Transportation Program (STP) 5502(613) Historic Kirkwood Amtrak Station Restoration Project was brought before the council.

Roll Call:

Mayor Griffin	“Yes”
Council Member Duwe	“Yes”
Council Member Zimmer	“Yes”
Council Member Ward	“Yes”
Council Member Wurtz	“Yes”
Council Member Gibbons	“Yes”
Council Member Sears	“Yes”

## NEW BUSINESS

Resolution 72-2021, accepting the proposal of The Barn for Concession Services for the Kirkwood Performing Arts Center for an initial term of 12 months with the option to renew for four additional 12 month terms and authorizing and directing the Mayor to enter into a contract was brought before the council. Motion was made by Council Member Duwe and seconded by Council Member Ward to accept the bill for first reading approval.



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## Roll Call:

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

## CONSENT AGENDA ITEMS FOR DISCUSSION

NONE

## CITY COUNCIL REPORTS

Council Member Wurtz reported on the sub-committee for streets activities: 1)Alta presented us with initial crash data and analysis, which covers all crashes involving vehicles and their severity over the past 10 years in Kirkwood city limits. This information will be finalized in the upcoming weeks and lead into info graphs and a development of high injury network map, 2) Alta is reaching out to 15 community partners we have identified to participate in the Steering Committee to build the plan. We have targeted a number of local stakeholders such as the Human Rights Commission, Park Board, and School District along with technical organizations such as MoDOT, County Dept. of Transportation and Dept. of Public Health. Goal is to have the first meeting within the next two-three weeks, 3) Community Kick-off Event is slated for mid-August along with the start of the first local Demonstration Project and community survey. More details on that will be released soon, 4) on top of all that, the Smart Growth America Complete Streets Consortium started up again last month with Joplin and Eastern Jackson County Missouri. So we want to thank all of the City staff who have participated alongside us in all of these learning and planning opportunities, it takes a lot of time and effort and I appreciate their eagerness to help Kirkwood improve.

Mayor Griffin announced that the 4<sup>th</sup> of July Fireworks will take place in Kirkwood Park with music starting at 7:00 p.m.

## CHIEF ADMINISTRATIVE OFFICER REPORT

Mr. Hawes had nothing to report.

## CITY ATTORNEY REPORT

Mr. Hessel had nothing to report.

## CITY CLERK REPORT

Ms. Asche had nothing to report.



WHERE COMMUNITY AND SPIRIT MEET\*

# DRAFT

## ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 7:21 p.m. The next regular council meeting is scheduled for July 15, 2021 at 7:00 p.m.

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Laurie Asche  
City Clerk

***Approved:***



RESOLUTION 74-2021

A RESOLUTION ACCEPTING THE PROPOSAL OF KBM, INC. AT THE RATES PROVIDED IN THE MEMO (A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN) FOR JANITORIAL SERVICES FOR THE KIRKWOOD PERFORMING ARTS CENTER FOR AN INITIAL TERM OF 12 MONTHS WITH THE OPTION TO RENEW FOR UP TO FOUR ADDITIONAL 12 MONTH TERMS, PENDING BUDGETARY APPROVAL, AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT.

WHEREAS, a Request for Proposals was developed and proposals were received for Janitorial Services for the Kirkwood Performing Arts Center, and

WHEREAS, a Selection Committee consisting of the Director of Procurement, Assistant Director of Procurement, Director of Parks and Recreation, Kirkwood Performing Arts Center General Manager, and Procurement Officer/Analyst reviewed the proposals, and

WHEREAS, the Selection Committee recommends KBM, Inc. as the most qualified to provide Janitorial Services for the Kirkwood Performing Arts Center for an initial term of 12 months with the option to renew for four additional 12 month terms, pending budgetary approval, and

WHEREAS, funds are available in Account #101-2010-451.31.10.

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

SECTION 1. The proposal of KBM, Inc. at the rates provided in the memo (a copy of which is attached hereto and incorporated by reference herein) for Janitorial Services for the Kirkwood Performing Arts Center for an initial term of 12 months with the option to renew for up to four additional 12 month terms, pending budgetary approval.

SECTION 2. The Mayor is hereby authorized and directed to enter into a contract with KBM, Inc. at the rates provided in the memo (a copy of which is attached hereto and incorporated by reference herein) for Janitorial Services for the Kirkwood Performing Arts Center for an initial term of 12 months with the option to renew for up to four additional 12 month terms, pending budgetary approval.

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

PASSED AND APPROVED THIS 15<sup>TH</sup> DAY OF JULY 2021.

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Mayor, City of Kirkwood

ATTEST:

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City Clerk

# Legislation Request

## Resolution

Place On The Agenda Of: 7/15/2021

Step #1:

Strategic Plan NO Goal # & Title

Background To Issue:

The Kirkwood Performing Art Center (KPAC) is preparing to open as a full service theater for resident art organization Stages, KTG and many other professional and amateur performance companies, private rentals and users. The yearly attendance is expected to reach 90,000 visitors. Keeping the facility clean, safe, and ready for use is a top priority of the city.

Recommendations and Action Requested:

The specific legislative request is to enter into a contract to provide Janitorial services with KBM Inc. at the Kirkwood Performing Arts Center.

Alternatives Available:

Another alternative would be to hire a full time custodian. Staff knows this will not work due to the overwhelming square footage that is required to be cleaned during the course of one night.

Does this project have a public information component?  Yes  No

Cost: \$84,500.00 Account #: 10120104513110 Project #: Budgeted: YES

If YES, Budgeted Amount: \$90,000.00 If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

The actual cost for this year will be \$56,500 because eight months remain in the fiscal year.

BY: Kyle Henke

Date: 6/25/2021

Authenticated: henkekk

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



KPAC Janitorial Services  
2021.docx  
Microsoft Word Document  
21.3 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:

KBM, Inc. experience and expertise in cleaning theaters gives them an advantage over the other bidder and makes them the recommended choice for janitorial services at KPAC.

BY: Brian Mullady

Date: 7/7/2021

Authenticated: mulladbd

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



13831 Resolution Letter-  
signed.pdf  
Microsoft Edge PDF Document  
1.02 MB

File Attachment

File Attachment

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

Budgetary Approval

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

Budgetary appropriation is available and sufficient for \$84,500.00 in account 101-2010-451-31-10, Other Professional Services to approve the above request.

BY: Sandra Stephens

Date: 7/7/2021

Authenticated: Stephesf

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

Approve     Disapprove

Chief Administrative Officer's Comments:

BY: 

Date: 7-9-21

# Memo

**To:** Russ Hawes  
**From:** Kyle Henke  
**CC:** Brian Mullady, Rick Duplissie  
**Date:** 7/8/2021  
**Re:** Kirkwood Performing Arts Center Janitorial Services

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The Kirkwood Performing Art Center (KPAC) is preparing to open as a full service theater for resident art organization Stages, KTG and many other professional and amateur performance companies, private rentals and users. The yearly attendance is expected to reach 90,000 visitors.

Cleaning the Performing Arts Center restrooms, lobbies and house before and after shows needs to be accomplished quickly and with a critical eye for detail. The original idea for staffing the KPAC involved the use of a single full time custodian. The need for additional man hours has become apparent during the limited operation KPAC and custodial staff have undertaken thus far. The idea to eliminate the full time custodian position and contract with a janitorial service is the ideal scenario.

With that in mind, A Request for Proposal was issued on 6/11/21 for Kirkwood Performing Arts Center Janitorial Services. To KBM Inc., ACS Enterprises, All Pro Cleaning Services, Commercial Building Services, Grimebusters Inc, Coverall St. Louis and Spencer Commercial Cleaning. Two proposals were received. One from KBM Inc. and one from Coverall St. Louis.

A selection committee which consisted of Brian Mullady - Director of Procurement, Sara Foan-Oliver – Asst. Dir. of Procurement, Kyle Henke - Director of Parks and Recreation, Rick Duplissie – KPAC G.M., and Dan Gatti, Procurement Officer/Analyst reviewed the proposals.

The selection committee used the most pertinent criteria to narrow down a single choice. Specialized experience with theaters, past record of performance, capacity and capability became the top priority for KPAC.

After review of the qualified company's proposals to perform janitorial services, the Selection Committee is recommending, KBM Inc. to provide the Kirkwood Performing Arts Center Concession Services based on their specific experience, capability, capacity and cleaning theaters. The contract will be for one year, and the agreement allows for four additional one year extensions.

The specific legislative request is to enter into a contract to provide Janitorial services with KBM Inc. at the Kirkwood Performing Arts Center.

July 6, 2021

**To:** Russell B. Hawes, Chief Administrative Officer

**For Your Consideration:** Selection Committee's Recommendation for Kirkwood Performing Arts Center – Janitorial Services, RFP # 13831

Per Article VI. Procurement of the City of Kirkwood's Code of Ordinances, a Selection Committee was appointed by the Chief Administrative Officer and chaired by the Director of Procurement to review and recommend to Council a qualified company to provide Kirkwood Performing Arts Center – Janitorial Services.

A Request for Proposal was issued on 6/11/21 for Kirkwood Performing Arts Center – Janitorial Services to KBM Inc, ACS Enterprises, All Pro Cleaning Services, Commercial building Services, Grimebusters Inc, Coverall of St Louis, and Spencer Commercial Cleaning.

Proposals were received on 6/29/21 from KBM Inc, and Coverall of St Louis.

A selection committee which consisted of Brian Mullady - Director of Procurement, Sara Foan-Oliver – Asst. Dir. of Procurement, Kyle Henke - Director of Parks and Recreation, Rick Duplissie – KPAC G.M., and Dan Gatti, Procurement Officer/Analyst reviewed the proposals.

The Selection Committee reviewed and evaluated the proposal response on:

- (a) The specialized experience and qualifications of the proposing firm.
- (b) The experience of the Contractor and the key management members in managing facilities of similar scope and magnitude. This includes use of formal training and development programs for non-management employees.
- (c) The past record of performance of the proposing firm with respect to control of costs, quality of work, and ability to meet schedules.
- (d) The capacity and capability of the proposing firm to perform the work within the established schedule.
- (e) The proposing firm's proximity to and familiarity with the City of Kirkwood.
- (f) The Contractor's proposed pricing and/or rate schedule.
- (g) Evaluation of Contractor's most recent income/balance sheet.
- (h) Contractor's additional information pertinent to the evaluation of its Proposal.

After review of the qualified company's proposals to perform these types of services, the Selection Committee is recommending KBM, Inc to provide the Kirkwood Performing Arts Center – Janitorial Services based on the criteria listed above.

The schedule of costs is as follows:


Monthly Cost	\$7,012.33
Yearly Cost	\$84,147.96

Funding is available in account number 101-1704-429.31-10 in the amount of \$90,000.00.

The anticipated contract term will be twelve (12) months with an option to renew annually thereafter one term at a time, up to four consecutive twelve (12) month terms. Funding for future years will be contingent upon budgetary approval.

Attached is a request from Kyle Henke - Director of Parks & Recreation, requesting a contract be issued to KBM, Inc. to provide the Kirkwood Performing Arts Center – Janitorial Services.

Respectfully,



Brian Mullady  
Director of Procurement



BILL 10884

ORDINANCE

AN ORDINANCE GRANTING A SPECIAL USE PERMIT AMENDMENT FOR VEHICLE SALE AND RENTAL; MOTOR VEHICLE REPAIR SHOP, MAJOR; AND VEHICLE WASH, AND APPROVING THE AMENDED SITE PLAN AT 10725 MANCHESTER ROAD (LOU FUSZ TOYOTA) SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, Stephen J. Hollander made application (PZ-03-22) for a Special Use Permit amendment to Ordinances 9967 and 10341 and for amended site plan approval at 10725 Manchester Road for alterations and additions in two areas of the main building of the Lou Fusz automobile dealership located in the B-3, Highway Business District; and

WHEREAS, the Planning and Zoning Commission did on the 2<sup>nd</sup> day of June, 2021, by adopting the Staff memorandum dated June 2, 2021 (attached hereto and incorporated by reference herein), recommend the granting of said Special Use Permit amendment and the approval of such amended site plan after finding that the request met the criteria listed in Sections 25-20(e) and 25-19(h) of the Zoning and Subdivision Code, subject to certain conditions; and

WHEREAS, the Council did on the 1<sup>st</sup> day of July, 2021, hold a public hearing with respect to such application after duly advertising and giving proper notice of such hearing, and does find that the granting of such Special Use Permit amendment and the approval of such amended site plan would not substantially increase traffic hazards or congestion, substantially increase fire hazards, adversely affect the character of the neighborhood, adversely affect the general welfare of the community, or overtax public utilities; and

WHEREAS, the Council does find that the granting of such Special Use Permit amendment and the approval of the amended site plan would meet the criteria listed in Sections 25-20(e) and 25-19(h) of the Zoning and Subdivision Code; and

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

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

SECTION 1. A Special Use Permit amendment for Vehicle Sale and Rental; Motor Vehicle Repair Shop, Major; and Vehicle Wash and an amended site plan for alterations and additions shall be approved at 10725 Manchester Road subject to the following conditions:

1. Ordinances 9967 and 10341 shall remain in effect except that the following conditions shall prevail when conflicting with those conditions found in Ordinances 9967 and 10341.

2. The additions and alterations are limited to the enclosure of approximately 1,570 square feet under the open canopy area on the south side of the building for new showroom space, the addition of two new overhead doors on the south side of the building, and the addition of approximately 1,091 square feet on the west side of the building for new service area in accordance with the Architectural Site Plan stamped "Received June 23, 2021 City of Kirkwood Public Services Department".
3. A performance guarantee in an amount approved by the City Engineer shall be submitted to the City prior to the issuance of any building permits.
4. An administrative fee in the amount of 10% of the first \$10,000 of performance guarantee plus 2% exceeding \$10,000 shall be submitted before acceptance of the performance guarantee by the City. The fee supports site inspection and project administration costs.
5. Any new lighting used to illuminate the site or building shall be designed in accordance with Section 25-52 of the Zoning and Subdivision Code and fixture cut sheets shall be submitted to the City.
6. All rooftop equipment, air-conditioning units, and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.
7. During excavation and construction activities, the area of the site that is disturbed for this project shall be fully enclosed by a 6-foot high chain link fence to prevent the entry of unauthorized persons. The gate for the fence shall be locked during non-working hours.
8. No parking of construction trailers, material storage, equipment storage or construction equipment is authorized on the public streets at any time.
9. The Architectural Review Board shall approve all exterior architecture prior to the issuance of a building permit.

SECTION 2. Erosion and sediment control devices shall be sufficient to protect all off-site property from siltation and shall be installed prior to beginning of any grading or construction. The siltation control measures shall be installed and approved by the Public Services Department prior to issuance of any permit. These devices shall be maintained during the construction activities. Failure to maintain these devices authorizes the Public Services Department to issue a Stop Work Order for the building permit until such devices are restored.

SECTION 3. The approval of this Special Use Permit and amended site plan shall not authorize any person to unreasonably alter, increase, or redirect the surface water runoff so as to cause harm to any person or property.

SECTION 4. The premises and improvements as approved by this Special Use Permit and amended site plan shall be in good working order and maintained in good repair at all times.

SECTION 5. The applicant, by accepting and acting under the Special Use Permit and amended site plan approval herein granted, accepts the permit and approval subject to the reservations, restrictions, and conditions set forth in the Code of Ordinances and in this ordinance and agrees to comply with each provision subject to the penalties prescribed under Section 1-8 of the Code of Ordinances and subject to revocation of this permit and approval in the event such provisions are not complied with.

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

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

SECTION 8. The applicant and his 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. 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 9. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS \_\_\_\_ day of \_\_\_\_\_, 2021.

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

ATTEST:

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

Introduced: July 1, 2021

1<sup>st</sup> Reading: July 15, 2021

2<sup>nd</sup> Reading: August 5, 2021

# Legislation Request

Ordinance

Place On The Agenda Of: 7/1/2021

Step #1:

Strategic Plan NO Goal # & Title

Background To Issue:

Stephen J. Hollander, on behalf of Lou Fusz Toyota, is requesting Special Use Permit and site plan amendments for additions and alterations in 2 areas of the vehicle dealership building at 10725 Manchester Road in the B-3 Zoning District. Additional information on the request can be found in the attached Staff Memos and applicant materials.

Recommendations and Action Requested:

The Planning & Zoning Commission unanimously recommended approval of the request at the June 2, 2021 meeting based upon Staff's memo. A public hearing is requested followed by the City Council's consideration of the ordinance drafted to approve said request, subject to conditions.

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: Amy Lowry

Date: 6/24/2021

Authenticated: lowryag

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



2021-07-01 PZ-3-22  
Ordinance.docx  
Microsoft Word Document  
22.9 KB



CCMemo&RevSitePlan.pdf  
Microsoft Edge PDF Document  
1.88 MB



P&ZMemo&ApplicationPacket.  
pdf  
Microsoft Edge PDF Document  
12.4 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:

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



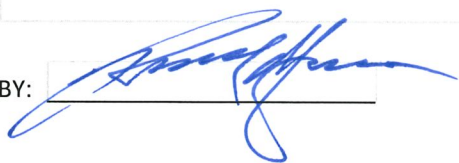
Approve



Disapprove

Chief Administrative Officer's Comments:

BY:



Date:

6-25-21

# MEMORANDUM



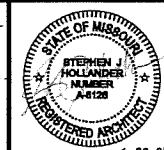
WHERE COMMUNITY AND SPIRIT MEET<sup>®</sup>

**TO:** MAYOR & CITY COUNCIL  
**FROM:** AMY LOWRY, PLANNER II *AGL*  
**SUBJECT:** PZ-03-22; 10725 MANCHESTER ROAD (LOU FUSZ TOYOTA) SPECIAL USE PERMIT AMENDMENT (VEHICLE SALE AND RENTAL; MOTOR VEHICLE REPAIR SHOP, MAJOR; AND VEHICLE WASH) AND SITE PLAN REVIEW  
**DATE:** JULY 1, 2021  
**CC:** RUSS HAWES, CHIEF ADMINISTRATIVE OFFICER  
BILL BENSING, PUBLIC SERVICES DIRECTOR  
JONATHAN RAICHE, PLANNING & DEVELOPMENT SERVICES DIRECTOR  
JOHN HESSEL, CITY ATTORNEY  
LAURIE ASCHE, CITY CLERK

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After the Planning and Zoning Commission meeting of June 2, 2021 whereby the Commission recommended approval of Special Use Permit and site plan amendments in accordance with an architectural site plan stamped "Received May 11, 2021 City of Kirkwood Public Services Department", the petitioner, Stephen J. Hollander on behalf of Lou Fusz Toyota, submitted a revised architectural site plan stamped "Received June 23, 2021 City of Kirkwood Public Services Department". The June 23<sup>rd</sup> architectural site plan further alters the south, front side of the building to install two new overhead doors to provide a new indoor vehicle delivery area, where vehicles are transferred to the new owners after purchase. Such installation would require a removal of three parking spaces in that area. Because said change does not have a major impact on the site plan as there are approximately 255 remaining parking spaces on the site and 87 parking spaces are required by the City's parking regulations, and as ARB review is required, Staff would recommend that the Mayor and Council review the petition with the architectural site plan stamped "Received June 23, 2021 City of Kirkwood Public Services Department". Alternatively, at their discretion, the Mayor and Council may send the petition back to the Planning and Zoning Commission for review of the project with the revised site plan.





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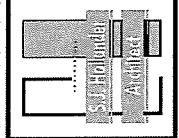
© 2021 S.J. HOLLANDER ARCHITECT

Remodel for:  
**Lou Fusz Toyota**  
 10725 Manchester Road  
 Kirkwood, MO 63122

PROJECT NO.  
**210042**

REVISIONS NO.	DATE	ITEM

S.J. Hollander Architect  
 Stephen J. Hollander, AIA  
 516 First Capital Drive  
 St. Charles, Missouri 63301  
 Phone (636) 947-4440



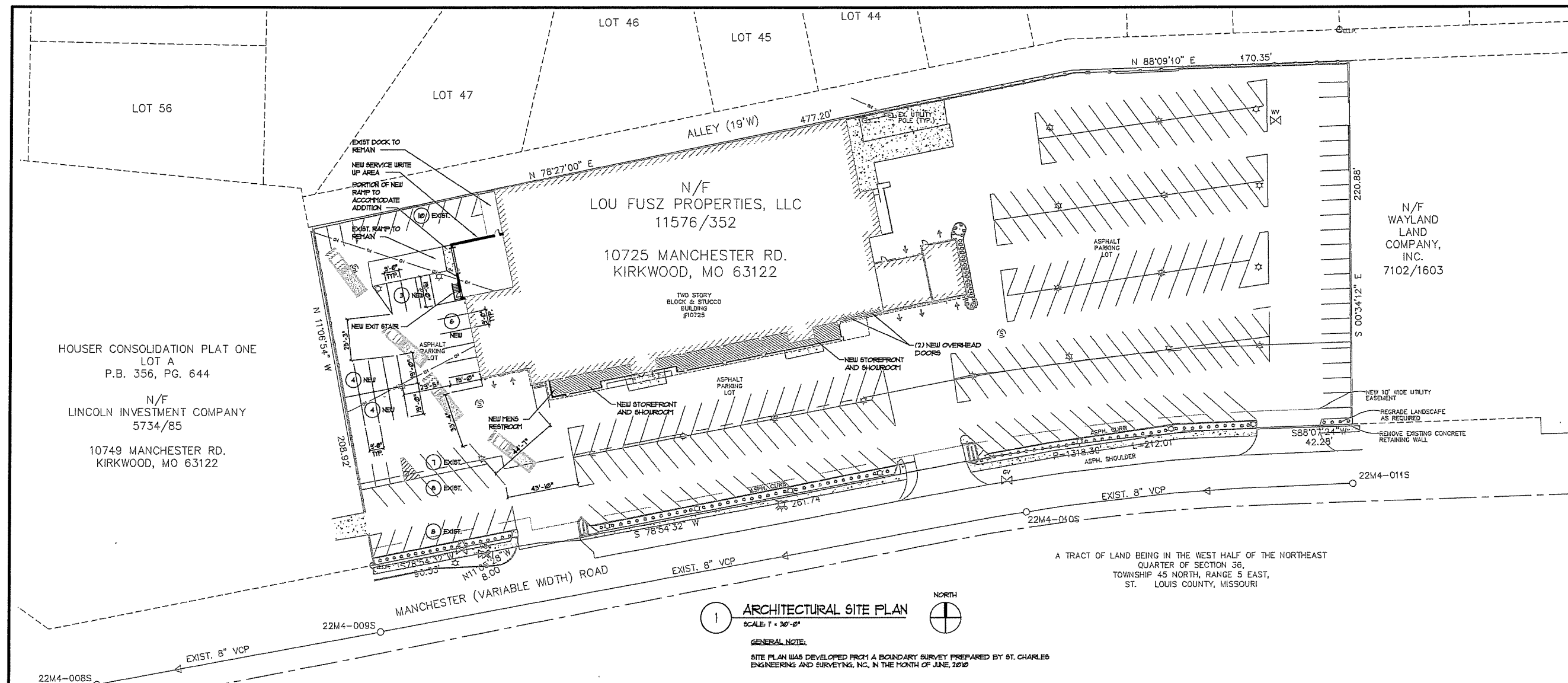
DATE  
**June 21, 2021**

SHEET TITLE  
**Architectural Site Plan**

SHEET NO.

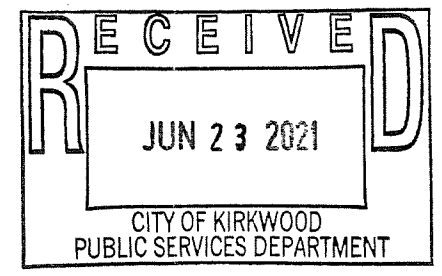
**A0.1**

Progress Set 6-21-2021 - NOT FOR CONSTRUCTION



**1 ARCHITECTURAL SITE PLAN**  
 SCALE: 1" = 30'-0"

GENERAL NOTE:  
 SITE PLAN WAS DEVELOPED FROM A BOUNDARY SURVEY PREPARED BY ST. CHARLES ENGINEERING AND SURVEYING, INC. IN THE MONTH OF JUNE, 2010



LAND DESCRIPTION  
 A Tract of land being in the west half of the northeast quarter of Section 36, Township 45 North, Range 5 East, St. Louis County, Missouri and being more particularly described as follows:

Beginning at the southeast corner of Lot A of "Houser Consolidation Plat One", a subdivision recorded in Plat Book 356, Fig. 644 of the St. Louis County records thence along the east line of said subdivision North 11 degrees 06 minutes 54 seconds West, a distance of 208.92 feet to a point in the southern line of a 19'W alley established by instrument recorded in Book 2669, Page 119 of said county records thence along said southern line North 78 degrees 21 minutes 00 seconds East, a distance of 411.20 feet and North 88 degrees 09 minutes 10 seconds East, a distance of 170.35 feet thence leaving said line and along the western line of property conveyed to Wayland Land Company, Inc. in Book 1107, Page 1603 of said county records South 00 degrees 34 minutes 12 seconds East, a distance of 220.88 feet to a point in the northern right of way line of Manchester (Variable Width) Road thence along said right of way line the following courses and distances: South 88 degrees 07 minutes 24 seconds West, a distance of 42.28 feet to a point of curve to the left having a radius of 1318.30 feet and a central angle of 09 degrees 12 minutes 52 seconds thence westerly along the arc a distance of 212.01 feet South 78 degrees 54 minutes 32 seconds West, a distance of 261.74 feet North 11 degrees 05 minutes 28 seconds West, a distance of 8.00 feet and South 78 degrees 54 minutes 32 seconds West, a distance of 90.33 feet to the POINT OF BEGINNING. Containing 15134 square feet or 3.148 acres, more or less.

**2 LAND DESCRIPTION**  
 SCALE: NO SCALE

# MEMORANDUM



**TO:** P&Z COMMISSION

**FROM:** AMY LOWRY, PLANNER II *AGL*

**SUBJECT:** PZ-03-22; 10725 MANCHESTER ROAD (LOU FUSZ TOYOTA) SPECIAL USE PERMIT (VEHICLE SALE AND RENTAL; MOTOR VEHICLE REPAIR SHOP, MAJOR; AND VEHICLE WASH) AND SITE PLAN REVIEW AMENDMENTS

**DATE:** JUNE 2, 2021

**CC:** JONATHAN D. RAICHE, PLANNING & DEVELOPMENT SERVICES DIRECTOR  
ANDI YANCEY, PLANNER I  
PATTI DODEL, ENGINEERING ADMIN. ASSISTANT

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The petitioner is requesting Special Use Permit and Site Plan Review Amendments to make alterations and additions in two areas of the main building of the automobile dealership located in the B-3, Highway Business District, at 10725 Manchester Road:

- (1) The open canopy area on the south side of the building fronting Manchester Rd is proposed to be enclosed for additional showroom and office use. Current showroom area is 6,709 sq. ft. with 1,570 sq. ft. to be added with the enclosure.
- (2) An addition is proposed on the west side of the building in the area north of the service reception and west of the service shop. Such addition will allow vehicles to move between the service reception and the service shop in an enclosed, covered area. Current service area is 12,325 sq. ft. with 1,091 sq. ft. to be added with the addition.

***DISCUSSION:***

A Zoning Matters sign was posted on the property on May 26, 2021. Although 12 display car parking spaces will be removed with the open canopy proposed enclosure, an analysis of parking at the site indicates 45 parking spaces required for the motor vehicle repair area and 42 parking spaces required for the vehicle sales area – for a total of 87 required parking spaces. The vehicle wash is private to the site (not open to the public) and therefore does not require additional required parking spaces. There are approximately 258 parking spaces on the site. The Fire Marshal has indicated that access to the site is adequate. Staff has determined that the proposed additions do not result in an extension of the building envelope in a north/south or east/west direction, which means that no additional linear footage of building frontage is being created. Therefore, no new landscaping is required or anticipated with the proposal. There are no expected changes to the site or building lighting.

***RECOMMENDATION:***

Staff finds that the proposed additions could be accomplished with few restrictions. Due to the simple nature of the request, Staff is requesting action from the Planning & Zoning Commission at the June 2, 2021 meeting rather than the formation of a subcommittee.

Staff recommends this petition be **approved** with the following conditions:

1. Special Use Permit (Vehicle Sale and Rental; Motor Vehicle Repair Shop, Major; and Vehicle Wash) and Site Plan Review Amendments shall be approved for 10725 Manchester Rd (Lou Fusz Toyota) limited to the enclosure of the open canopy area on the south side of the building and the addition on the west side of the building in accordance with the Architectural Site Plan stamped "Received May 11, 2021 City of Kirkwood Public Services Department".

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 the Staff memorandum dated June 2, 2021, and agrees to comply with each provision subject to the penalties prescribed under Section 1-8 of the Code of Ordinances and subject to revocation of this approval in the event such provisions are not complied with.
3. A performance guarantee in an amount approved by the City Engineer shall be submitted to the City of Kirkwood prior to the issuance of any building permits.
4. An administrative fee in the amount of 10% of the first \$10,000 of performance guarantee plus 2% exceeding \$10,000 shall be submitted before acceptance of the performance guarantee by the City. The fee supports site inspection and project administration costs.
5. 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.
6. Any new lighting used to illuminate the site or building shall be designed in accordance with Zoning Code Section A-1040 and fixture cut sheets shall be submitted.
7. All rooftop equipment, air-conditioning units, and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.
8. During excavation and construction activities, the area of the site that is disturbed for this project shall be fully enclosed by a 6-foot high chain link fence to prevent the entry of unauthorized persons. The gate for the fence shall be locked during non-working hours.
9. No parking of construction trailers, material storage, equipment storage or construction equipment is authorized on the public streets at any time.
10. The Architectural Review Board shall approve all exterior architecture prior to the issuance of a building permit.



APPLICATION FOR PLANNING AND ZONING REVIEW

DATE: May 10, 2021 ZONING DISTRICT: B-3 Highway Business
CASE NUMBER: PZ-3-22 LOCATOR NUMBER: 22M420042
PROJECT ADDRESS: 10725 Manchester Road
PROJECT NAME: Lou Fusz Toyota

ACTION REQUESTED

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

PETITIONER INFORMATION

I (We) hereby certify that I (we) have legal interest in the hereinabove described property and that all information given herein is true and a statement of fact
Name (Print): Lou Fusz Properties LLC Signature: [Signature] Phone No.: 314 568 0440
Mailing Address: 1 Athletic Dr Earth City, MO City: Earth City State: MO Zip: 63045
E-mail Address: CFO@Fusz.com
Petitioner's Status: [X] Corporation [ ] Partnership [ ] Individual
Relationship of Petitioner to Property: [X] Owner [ ] Tenant [ ] Option Holder (Attach Copy of Contract) [ ] Other

AGENT INFORMATION

Agent's Name: Stephen J Hollander Signature: [Signature] Phone No.: 636-947-4140
Mailing Address: 519 First Capitol Dr. City: St. Charles State: MO Zip: 63301
E-mail Address: Steve-sjharchitect@sbcglobal.net
(NOTE: The petitioner's agent, if listed, shall receive all official communication)

PROPERTY OWNERS

Signature required or submit proof petitioner has legal interest in property.
Name: Lou Fusz Properties LLC Name:
Signature: [Signature] CFO Signature:
Address: 1 Athletic Dr Address:
City/State/Zip: Earth City, Mo 63045 City/State/Zip:
Phone: 314 568-0440 Phone:

FOR CITY USE ONLY

Date Received: 5-11-2021 Total Received: \$ 1800.00 Agenda Date: 6-2-2021
B-4/B-5 Development Plan: \$1,000 + Acres @ \$100/Acre or portion over one acre) = \$
B-4/B-5 Final Site Plan or Amendment (when public hearing is not required): \$1,000
B-4/B-5 Development Plan Amendment (when public hearing is not required): \$500
CUP, Preliminary (Multi Family): \$1,000 + Dwelling units @ \$20/Each = \$ = \$
CUP, Preliminary (Detached Single Family): \$1,000 + Lots @ \$500/Lot = \$
CUP, Amendment, Without public hearing \$500; With public hearing \$800
CUP (Final): \$500 + 1-1/4% of \$ = \$
CUP Time Extension on Final: \$300
R6 Development Plan: \$1,000 + Dwelling units @ \$20/Unit = \$ = \$
Sidewalk Waiver on feet @ \$30/Foot = \$ = \$
Site Plan Review: \$1,000
[X] Site Plan Review Amendment \$800 or Extension: \$300
Site Plan Review, Mixed Use in B2 Zoning District (Preliminary): \$1,000 (includes SPR fee) + \$25/acre or portion over one acre
Site Plan Review, Mixed use in B2 Zoning District (Final): \$500
Site Plan Review, Mixed use in B2 Zoning District Amendment: \$300
[X] Special Use Permit and Special Use Permit Amendments: \$1,000
Subdivision, Major Preliminary (Detached Single Family): Lots @ \$500/Lot = \$
Subdivision, Major or CUP (Final): Lots @ \$100/Lot = \$ + 1-1/4% of \$ = \$
Subdivision Plat Development Plan Amendment: \$200
Text Amendment: \$1,000
Vacation, Easement: \$75
Vacation, Right-of-way: \$100
Zoning Map Amendment: \$1,000
SUBCOMMITTEE ( )





APPLICATION FOR PLANNING AND ZONING REVIEW  
APPLICATION CHECKLIST (NON SUBDIVISION)  
MARCH 2021

MUST BE SIGNED AND ATTACHED TO APPLICATION FORM

The Planning and Zoning Commission meets on the first and third Wednesdays of each month at 7:00 p.m. in the Council Chambers at Kirkwood City Hall, 139 South Kirkwood Road (see attached schedule). Submittal of a petition authorizes the City to place a Zoning Matters sign on the premises advising the public of the petition.

An applicant shall complete and submit the following items to the Public Services Department according to the attached schedule. **These are the minimum submittal requirements needed for review. Failure to provide all information will result in the application being delayed or returned.**

- APPLICATION FORM.** All forms must be completed in full, including signature of property owners. A copy of the Contract between the property owner and petitioner will suffice. Incomplete or partial applications will not be accepted and will be returned to the petitioner. *All designated spaces on the forms must be appropriately filled in prior to filing of the application.*
- COVER LETTER.** A one-page letter describing the project in detail, including nature of business, proposed use, hours of operation, number of employees, etc.
- PROOF OF OWNERSHIP.** A copy of the title, deed, title commitment, or survey which includes the legal description of the property and present ownership only if the owner's signature does not match County records.
- DRAWINGS.**
  - (a) **Site plan** shall be signed and sealed by a Professional Engineer and shall show all required information as noted on attached checklist.
    - (1) 16 sets 11"x17" (folded into 8.5"x11"); and
    - (2) 3 sets 24"x36" (folded into 12"x9").
  - (b) **Floor plan**, if applicable - 16 copies 11"x17", folded.
  - (c) **MA Landscaping plan** showing the required information as noted on attached checklist (Article VIII Sections 25-58 through 25-61 of the Zoning and Subdivision Code)
    - (1) 16 sets 11"x17" (folded into 8.5"x11") and
    - (2) 3 sets 24"x36" (folded into 12"x9").
  - (d) **MA Lighting Plan** shall be signed and sealed by a registered design professional and include all information as required in Section 25-52 of the Zoning and Subdivision Code.
    - (1) 16 sets 11"x17" (folded into 8.5"x11") and
    - (2) 3 sets 24"x36" (folded into 12"x9").
- TREE STUDY.** Study shall be signed by a certified forester, certified arborist, or landscape architect and include value of significant trees and protection methods. Trees on abutting public rights-of-way and private property within five feet of all property lines shall also be shown on study.
- PHOTOGRAPHS.** Two sets of color photographs of site frontage, adjacent properties, and significant site features, including significant trees.
- PROCESSING FEE.** See Application for filing fee required for application

  
Signature

5/11/2021  
Date



**APPLICATION FOR PLANNING AND ZONING REVIEW  
SITE PLAN REVIEW / SPECIAL USE PERMIT  
DEVELOPMENT PLANS  
MARCH 2021**

**INFORMATION TO BE SHOWN ON SITE PLAN**

An application for site plan review may be filed by any person with a financial, contractual or proprietary interest in the property to be developed according to the submitted plan.

All applications for site plan review shall be submitted to the Director of Public Services. The Director of Public Services shall forward appropriate applications to the Planning and Zoning Commission and City Council for review. All site plan review applications shall include a site plan skillfully drawn to scale, which shall include the following:

- Property line dimensions and bearings, or angles;
- All existing buildings and improvements;
- Existing zoning setback lines and proposed setback lines;
- New buildings or additions located with all dimensions to property lines;
- Parking layout and driveways, including parking stall size, aisle and driveway widths, entrance approach details, and the number of stalls in each row of parking spaces;
- Site topography showing existing and proposed contours at intervals of two (2) feet or less;
- Landscaping and/or buffering which meet the submittal requirements of Chapter 25, Article VIII and the requirements of the applicable zoning district;
- When a site plan includes a significant tree(s), a tree study prepared and endorsed by an arborist certified by the International Society of Arboriculture, a landscape architect licensed in the State of Missouri, or a horticulturist shall be required. The study shall provide the City with a professional opinion regarding the survivability of significant trees existing on the site, proposed tree replacement, and the appropriateness of the proposed landscaping. This study shall include tree protection methods for each tree and the dollar value of each tree designated to be saved. The dollar value of the tree(s) shall be based on data contained in the International Society of Arboriculture's "Guide for Tree Appraisal." If the petitioner fails to provide such study or it is inadequate or deficient, the City may conduct an internal study or hire an external professional to conduct a study under the provisions of the code.



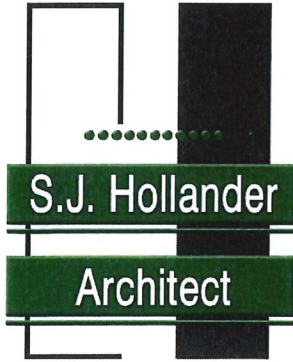
- Utilities. Indicate provisions for access to major utilities including water, storm sewers, sanitary sewers, gas and electricity;
- Storm water management and erosion control. Indicate provisions to be made to direct and detain storm water on-site in accordance with any applicable agencies (i.e. Metropolitan Sewer District) and applicable City regulations and to mitigate erosion both during and following completion of construction. Indicate location of any sinkholes, spring silt beams, ponds, and other silt control facilities;
- Outdoor Lighting Plan per Section 25-52;
- Existing Easements (provide book and page number); and,
- Existing and proposed right-of-way, streets, and entrances.

The site plan shall be drawn accurately to scale.

The Planning and Development Services Director may waive any of the items required in accordance with Section 25-16(c) where it is deemed appropriate. However, such a waiver shall not prohibit the Planning and Zoning Commission or City Council from requesting items previously waived by the Director of Public Services or any other additional information as deemed appropriate by such body.

  
\_\_\_\_\_  
Petitioner/Engineer

5/11/2022  
\_\_\_\_\_  
Date



## **S. J. HOLLANDER ARCHITECT, PC**

519 First Capitol Drive

St. Charles, Missouri 63301

Phone: 636-947-4140

FAX: 636-947-7195

Email: [Steve-SJHArchitect@SBCGlobal.net](mailto:Steve-SJHArchitect@SBCGlobal.net)

[www.SJHollanderArchitect.com](http://www.SJHollanderArchitect.com)

DATE: May 11, 2021

PROJECT: Lou Fusz Toyota  
10725 Manchester Road  
Kirkwood, MO 63122

Lou Fusz Toyota would like to enclose the area under the open canopy for additional showroom/office use and enclose the rear area north of service reception and west of the service shop so vehicles can go between each without going outside. These modifications do not change existing landscaping or site lighting.

Sincerely,

Stephen J. Hollander, AIA  
President







THIS DRAWING CONTAINS PROPRIETARY INFORMATION AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.

Model for  
**Lou Fusz Toyota**  
 10725 Manchester Road  
 Kirkwood, MO 63122

PROJECT NO.  
**219042**

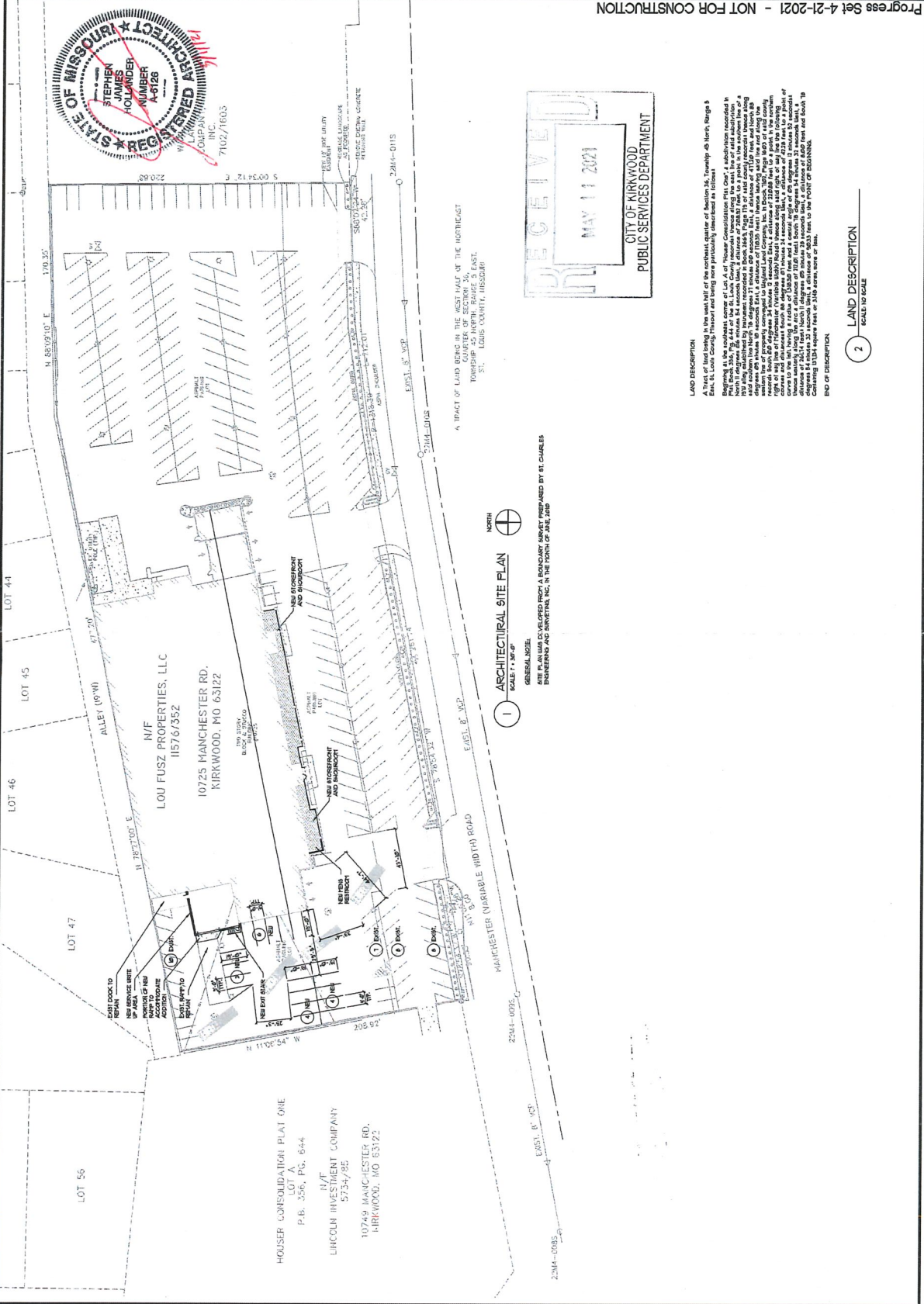
REVISIONS  
 NO. DATE ITEM

S.J. Hollander Architect  
 Stephen J. Hollander, AIA  
 6315 Chippewa  
 Kirkwood, Missouri 63122  
 Phone (636) 947-8140  
 Fax (636) 947-8140

DATE  
 April 23, 2021

SHEET TITLE  
**Architectural Site Plan**

SHEET NO.  
**A0.1**



HOUSE CONSIDERATION PLAT ONE  
 LOT A  
 P.B. 356, P.S. 644

N/T  
 LINCOLN INVESTMENT COMPANY  
 5734/762  
 10749 MANCHESTER RD.  
 KIRKWOOD, MO 63122

N/T  
 LOU FUSZ PROPERTIES, LLC  
 11576/352  
 10725 MANCHESTER RD.  
 KIRKWOOD, MO 63122

ARCHITECTURAL SITE PLAN  
 SCALE: 1/8" = 1'-0"

GENERAL NOTE  
 SITE PLAN WAS DEVELOPED FROM A BOUNDARY SURVEY PREPARED BY W. CHARLES  
 BURNING AND SURVEYING, INC. IN THE MONTH OF JUNE, 2018

LAND DESCRIPTION  
 A TRACT OF LAND BEING IN THE WEST HALF OF THE NORTHWEST  
 QUARTER OF SECTION 36,  
 TOWNSHIP 35 NORTH, RANGE 5 EAST,  
 S1, LAND COUNTY, MISSOURI

END OF DESCRIPTION

LAND DESCRIPTION  
 SCALE TO SCALE

STATE OF MISSOURI  
 REGISTERED ARCHITECT  
 STEPHEN J. HOLLANDER  
 NUMBER A-6126  
 7102/1003

WILLIAMSON COMPANY  
 INC.  
 7102/1003

RECEIVED  
 MAY 11 2021  
 CITY OF KIRKWOOD  
 PUBLIC SERVICES DEPARTMENT

PROGRESS SET 4-21-2021 - NOT FOR CONSTRUCTION

BILL 10095

ORDINANCE 9967

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR THE EXPANSION OF AN AUTOMOBILE DEALERSHIP AT 10725 MANCHESTER ROAD FOR LOU FUSZ TOYOTA SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, Steven Hollandar of S.J. Hollander Architects made application (PZ-06-11) for a special use permit and site plan review for a building addition on the east side of the existing showroom for vehicle delivery at Lou Fusz Toyota at 10725 Manchester Road; and

WHEREAS, the Planning and Zoning Commission did on the 15th day of September, 2010, by adopting the subcommittee report dated September 15, 2010, (attached hereto and incorporated by reference herein), recommend the granting of said Special Use Permit and site plan approval subject to certain conditions and did find that granting of said permit would not substantially increase traffic hazards or congestion, would not substantially increase fire hazards, would not adversely affect the character of the neighborhood, would not adversely affect the general welfare of the community, and would not overtax public utilities, and that granting such permit would be consistent with the zoning laws; and

WHEREAS, the Council did on the 21st day of October, 2010, hold a public hearing with respect to the special use permit after duly advertising and giving proper notice of such hearing and does find that the granting of such permit, subject to certain conditions, would not substantially increase traffic hazards or congestion, would not substantially increase fire hazards, would not adversely affect the character of the neighborhood, would not adversely affect the general welfare of the community, and would not overtax public utilities; and

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

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

SECTION 1. A Special Use Permit and Site Plan Approval are hereby granted for a building addition to the existing showroom for Lou Fusz Toyota on the property known as 10725 Manchester Road subject to the following conditions:

1. The project shall be constructed in accordance with the site plan stamped "Received August 13, 2010, City of Kirkwood Public Works", except as noted herein.
2. A performance guarantee in the amount of \$10,000 shall be submitted to the City of Kirkwood within six months of approval and prior to the issuance of any permits. The performance guarantee in the form of a cash deposit or letter of credit and approved by the Public Works Director shall be submitted to insure the completion of the proposed improvements, utilities, and landscaping and to replace public improvements damaged by construction activities (sidewalks, curbs, etc.). This ordinance shall become null and void in the event the performance guarantee is not submitted within six months of the date of this ordinance.

3. An administrative fee in the amount of \$1,000 shall be submitted before acceptance of the letter of credit by the City. The fee supports site inspection and project administration costs.
4. The water system shall meet the requirements of the Kirkwood Fire and Water Departments. The Fire Department shall approve the water flow for the project. If satisfactory water flow is not available from the existing water system in accordance with City policy, the petitioner shall install the necessary mains and accessories.
5. Storm water management plans shall be submitted to Metropolitan Sewer District (MSD) and City for review and approval prior to issuance of any permits. Storm water greater than one c.f.s. shall not be directed across the public sidewalk or driveway entrances. Storm water detention is at the discretion of MSD.
6. Construction along Manchester Road (Highway 100) shall be approved by the Missouri Department of Transportation prior to the issuance of any permits.
7. A ten-foot wide utility easement shall be granted to the City for public utilities along the Manchester Road right-of-way of.
8. A consolidation plat approved by the City and recorded in the St. Louis County Office of the Recorder of Deeds shall be filed in the Public Works Director's office prior to issuance of any permits for the project. All required city easements and dedication strips shall be shown on the consolidation plat.
9. Prior to the issuance of a permit, three copies of a revised site plan set signed and sealed by a professional engineer shall be submitted to the Public Works Department that fully incorporates the conditions of approval. When these plans are approved, the petitioner shall file the approved site plan with the building permit application and the site plan shall become a part of the building permit application.
10. If applicable, a grading permit shall be obtained from the Public Works Department in accordance with the Kirkwood Code of Ordinances prior to any grading on the site. The grading permit shall include a grading plan in accordance with the Code of Ordinances.
11. All existing easements on the site that conflict with the proposed construction shall be vacated prior to the issuance of any permits.
12. The Architectural Review Board shall approve all signs prior to issuance of a sign permit.
13. All rooftop equipment, air-conditioning units, and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.
14. No parking of construction trailers, material storage, equipment storage, nor construction equipment is authorized on the public streets at any time.

SECTION 2. The approval of this special use permit and site plan 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. Erosion and sediment control devices shall be sufficient to protect all off-site property from siltation and shall be installed prior to beginning of any grading or construction. The siltation control measures shall be installed and approved by the Public Works Department prior to issuance of a building permit. These devices shall be maintained during the construction activities. Failure to maintain these devices authorizes the Public Works Department to issue a Stop Work Order for the building permit until such devices are restored.

SECTION 4. The premises and improvements as approved by this Special Use Permit and Site Plan Approval shall be in good working order and maintained in good repair at all times.

SECTION 5. The applicant by accepting and acting under the Special Use Permit and Site Plan Approval herein granted accepts the permit subject to the reservations, restrictions, and conditions set forth in the Code of Ordinances and in this Ordinance and agrees to comply with each provision subject to the penalties prescribed under Section 1-8 of the Code of Ordinances and subject to revocation of this permit in the event such provisions are not complied with.


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

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


SECTION 8. The applicant and his 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 Works 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 9. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS 4<sup>TH</sup> DAY OF NOVEMBER 2010.

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

ATTEST:

  
\_\_\_\_\_  
City Clerk  
Public Hearing: October 21, 2010  
1<sup>st</sup> Reading: October 21, 2010  
2<sup>nd</sup> Reading: November 4, 2010

CITY OF KIRKWOOD  
PLANNING AND ZONING COMMISSION  
SUBCOMMITTEE REPORT  
SEPTEMBER 15, 2010

**PETITION NUMBER:** PZ-06-11

**ACTION REQUESTED:** SPECIAL USE EXCEPTION EXPANSION (AUTOMOBILE SALES) AND SITE PLAN REVIEW

**PETITIONER:** LOU FUSZ TOYOTA

**PETITIONER'S AGENT:** STEVEN J HOLLANDER

**PROPERTY LOCATION:** 10725 MANCHESTER ROAD

**DRAWINGS SUBMITTED:** SITE PLAN AND LANDSCAPE PLAN PREPARED BY S.J. HOLLANDER ARCHITECT STAMPED "RECEIVED AUGUST 13, 2010, CITY OF KIRKWOOD PUBLIC WORKS"

**ZONING:** B-3, HIGHWAY BUSINESS

**DESCRIPTION OF PROJECT:**

The petitioner is requesting to construct a 941 square foot building addition on the east side of the existing showroom for vehicle delivery. Concurrent with the addition but outside of the Planning and Zoning Commissions purview, the existing façade, showroom, and offices will also be updated as being requested by the Toyota Motor Company of their dealerships. The existing landscaping along the Manchester Road frontage will not be disturbed.

**COMPREHENSIVE PLAN & LAND USE:**

The property neighbors to the west, a commercially zoned (B-3) auto dealership, and east, a commercially zoned (B-3) furniture store. Across Manchester Road to the south is a multi-tenant, commercially zoned (B-3), retail and office building. To the north the property abuts residentially zoned (R-4) single family residences.

This existing site and the neighboring area are designated for General Commercial Use by the Vision 2015 Comprehensive Plan. The proposed development is considered a general commercial use and is consistent to the development policies presented by the Plan.



*DISCUSSION:*

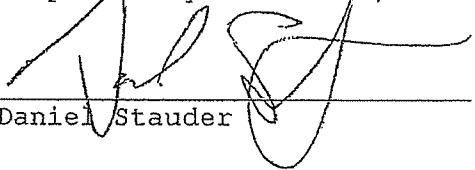
Zoning Matters signs were posted on the property on August 27, 2010. The petitioner's agent presented his plan at the September 1, 2010, Planning and Zoning Commission meeting; discussion was held and a subcommittee was appointed. The Subcommittee met on the site on September 3, 2010 with Phillip Fusz and Michael Hecht of Lou Fusz Toyota, the petitioner's agent Steve Hollander, Doug Diestelkamp of Diestelkamp Construction and Zoning Administrator Jeremy Knapp. Notice of the meeting had been properly posted.


*RECOMMENDATION:*

The Subcommittee recommends this petition be approved with the following conditions:

1. The project shall be constructed in accordance with the site plan stamped "Received August 13, 2010, City of Kirkwood Public Works", except as noted herein.
2. A performance guarantee in the amount of \$10,000.00 shall be submitted to the City of Kirkwood within six months of approval and prior to the issuance of any permits.
3. An administrative fee in the amount of \$1,000.00 shall be submitted before acceptance of the performance guarantee by the City. The fee supports site inspection and project administration costs.
4. Construction along Manchester Road (Highway 100) shall be approved by the Missouri Department of Transportation prior to the issuance of any permits.
5. A ten-foot wide utility easement shall be granted to the City for public utilities along the Manchester Road right-of-way.
6. A consolidation plat approved by the City and recorded in the St. Louis County Office of the Recorder of Deeds shall be filed in the Public Works Director's office prior to issuance of any permits for the project. All required city easements and dedication strips shall be shown on the consolidation plat.
7. The Architectural Review Board shall approve all signs prior to issuance of a sign permit.
8. The applicant shall comply with all standard conditions as listed on Exhibit A.

Respectfully submitted,

  
Daniel Stauder

  
Gil Kleinknecht

STANDARD CONDITIONS  
EXHIBIT A

1. The performance guarantee in a form approved by the Public Works Director shall be submitted within six months of approval and prior to the issuance of any permits to insure the completion of the proposed improvements, utilities, and landscaping and to replace public improvements damaged by construction activities (sidewalks, curbs, etc.). The letter of credit shall be in effect for a minimum of two years and may be extended in minimum six-month intervals as approved by the Department of Public Works. The Letter of Credit shall be drawn from a St. Louis area bank.
2. The water system shall meet the requirements of the Kirkwood Fire and Water Departments. The Fire Department shall approve the water flow for the project. If satisfactory water flow is not available from the existing water system the petitioner shall install the necessary mains and accessories, in accordance with City policy.
3. Storm water management plans shall be submitted to Metropolitan Sewer District (MSD) and City for review and approval prior to the issuance of any permits. Storm water greater than one c.f.s. shall not be directed across the public sidewalk or driveway entrances. Storm water detention is at the discretion of MSD.
4. The approval of this Special Use Exception and Site Plan Review 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.
5. All rooftop equipment, air-conditioning units, and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.
6. The premises and improvements as approved by this Special Use Exception Amendment and Site Plan Review shall be in good working order and maintained in good repair at all times.
7. If the Special Use Exception and Site Plan Review are approved by the City Council, the ordinance granting approval is valid for one year. If a building permit is not obtained within the one-year period, the Special Use Exception and Site Plan Review are invalid.
8. No parking of construction trailers, material storage, equipment storage, nor construction equipment is authorized on the public streets at any time.
9. Prior to the issuance of a permit, three copies of a revised site plan signed and sealed by a professional engineer and a revised landscape plan shall be submitted to the Public Works Department

that fully incorporates the conditions of approval. When these plans are approved, the petitioner shall file the approved site plan with the building permit application and the site plan shall become a part of the building permit application.

10. If applicable, a grading permit shall be obtained from the Public Works Department in accordance with the Kirkwood Code of Ordinances prior to any grading on the site. The grading permit shall include a grading plan in accordance with the Code of Ordinances.
11. All existing easements on the site that conflict with the proposed construction shall be vacated prior to the issuance of any permits.
12. Erosion and sediment control devices shall be sufficient to protect all off-site property from siltation and shall be installed prior to beginning of any grading or construction. The siltation control measures shall be installed and approved by the Public Works Department prior to issuance of a building permit. These devices shall be maintained during the construction activities.
13. The applicant, by accepting and acting under the Special Use Exception and Site Plan Review 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.
14. The applicant and his 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 Works 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.

PERFORMANCE GUARANTEE  
10725 MANCHESTER ROAD  
PZ-06-11  
SEPTEMBER 15, 2010

1.	Conformity to approved development plans and approval conditions, standard City specifications, and restoration of City improvements	\$ 10,000
	TOTAL	\$10,000

NOTE: Itemized costs are general estimates solely to establish amount of guarantee and determine intermediate reductions in the performance guarantee as the project progresses. All conditions listed in the approval ordinance are guaranteed individually and independently by the full amount of the guaranteed amount.

Before acceptance of the letter of credit by the City, the developer shall pay to the City of Kirkwood a fee equal to ten percent (10%) of the performance guarantee for the first \$10,000 plus two percent (2%) for any performance guarantee amount exceeding \$10,000. The fee supports site inspections and project administration costs.



BILL 10493

ORDINANCE 10341

AN ORDINANCE GRANTING A SPECIAL USE PERMIT AMENDMENT FOR A CAR WASH (LOU FUSZ TOYOTA) ON THE PROPERTY KNOWN AS 10725 MANCHESTER ROAD SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, Lou Fusz Toyota made application (PZ-21-16) for a special use permit amendment for an automatic, indoor car wash (Lou Fusz Toyota) on the property known as 10725 Manchester Road; and

WHEREAS, the Planning and Zoning Commission did on the 6<sup>th</sup> day of April, 2016, by adopting the subcommittee report dated April 6, 2016, (attached hereto and incorporated by reference herein), recommend the granting of said special use permit amendment subject to certain conditions and did find that granting of said permit would not substantially increase traffic hazards or congestion, would not substantially increase fire hazards, would not adversely affect the character of the neighborhood, would not adversely affect the general welfare of the community, and would not overtax public utilities, and that granting such permit would be consistent with the zoning laws; and

WHEREAS, the Council did on the 5<sup>th</sup> day of May, 2016, hold a public hearing with respect to the special use permit amendment after duly advertising and giving proper notice of such hearing and does find that the granting of such permit, subject to certain conditions, would not substantially increase traffic hazards or congestion, would not substantially increase fire hazards, would not adversely affect the character of the neighborhood, would not adversely affect the general welfare of the community, and would not overtax public utilities; and

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

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

SECTION 1. A special use permit amendment for a car wash is hereby granted on the property known as 10725 Manchester Road subject to the following conditions:

1. This special use permit amendment (car wash) is limited to the car wash bay addition on the property known as 10725 Manchester Road.
2. The project shall be consistent with the landscaping/site plan stamped "Received March 21, 2016, City of Kirkwood Public Services".
3. A performance guarantee in an amount approved by the Public Services Director shall be submitted to the City of Kirkwood prior to the issuance of any building permits.
4. An administrative fee in the amount of 10% of the first \$10,000 of performance guarantee plus 2% exceeding \$10,000 shall be submitted before acceptance of the performance guarantee by the City. The fee supports site inspection and project administration costs.
5. Construction along Manchester Road (Highway 100) shall be approved by the Missouri Department of Transportation prior to the issuance of any permits.

6. Any new lighting used to illuminate the site or building shall be designed in accordance with Zoning Code Section A-1040 and fixture cut sheets shall be submitted.
7. All rooftop equipment, air-conditioning units, and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way. Equipment associated with the operation of the car wash shall be enclosed and not permitted outdoors.
8. The Architectural Review Board shall approve all exterior architecture and signage prior to the issuance of a building permit.
9. No parking of construction trailers, vehicles, material storage, equipment storage, nor construction equipment is authorized on the public streets at any time.
10. The water system shall meet the requirements of the Kirkwood Fire and Water Departments. The Fire Department shall approve the water flow for the project. If satisfactory water flow is not available from the existing water system the petitioner shall install the necessary mains and accessories, in accordance with City policy.
11. Storm water management plans shall be submitted to Metropolitan Sewer District (MSD) and City for review and approval prior to the issuance of any permits. Storm water greater than one c.f.s. shall not be directed across the public sidewalk or driveway entrances. Storm water detention is at the discretion of MSD.
12. Prior to the issuance of a permit, three copies of a revised site/landscape plan shall be submitted to the Public Services Department that fully incorporates the conditions of approval. When these plans are approved, the petitioner shall file the approved site plan with the building permit application and the site plan shall become a part of the building permit application.
13. If applicable, a grading permit shall be obtained from the Public Services Department in accordance with the Kirkwood Code of Ordinances prior to any grading on the site. The grading permit shall include a grading plan in accordance with the Code of Ordinances.
14. All existing easements on the site that conflict with the proposed construction shall be vacated prior to the issuance of any permits.
15. Erosion and sediment control devices shall be sufficient to protect all off-site property from siltation and shall be installed prior to beginning of any grading or construction. The siltation control measures shall be installed and approved by the Public Works Department prior to issuance of a building permit. These devices shall be maintained during the construction activities.

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

SECTION 3. The premises and improvements as approved by this special use permit shall be in good working order and maintained in good repair at all times.

SECTION 4. The applicant by accepting and acting under the special use permit approval herein granted accepts the permit subject to the reservations, restrictions, and conditions set forth in the Code of Ordinances and in this Ordinance and agrees to comply with each provision subject to the penalties

prescribed under Section 1-8 of the Code of Ordinances and subject to revocation of this permit in the event such provisions are not complied with.

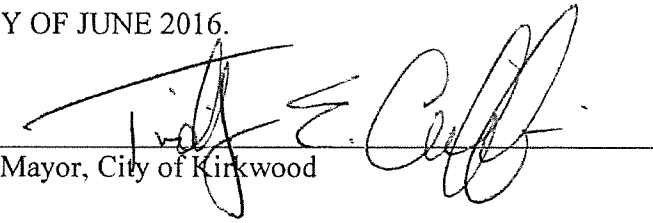
SECTION 5. The applicant further agrees by accepting and acting under this special use permit herein granted that this Ordinance does not grant applicant any special rights, privileges, or immunities

SECTION 6. This Ordinance shall become null and void in the event the petitioner does not obtain a building permit for the construction approved by this Ordinance within one year of the passage of this ordinance.

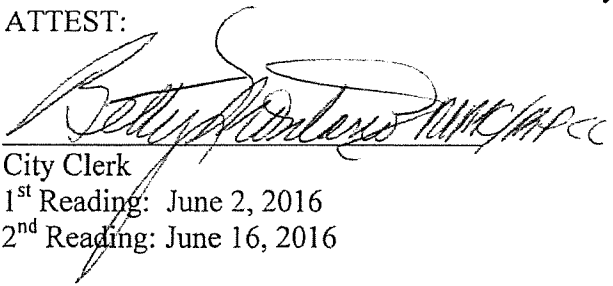
SECTION 7. The applicant and his successors and assigns by accepting and acting under the approval herein granted accepts the approval subject to the condition that failure to abate any violation of this approval or any provisions of the Code of Ordinances of the City of Kirkwood within five (5) days 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 ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS 16<sup>TH</sup> DAY OF JUNE 2016.

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

ATTEST:

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

1<sup>st</sup> Reading: June 2, 2016

2<sup>nd</sup> Reading: June 16, 2016



CITY OF KIRKWOOD  
PLANNING AND ZONING COMMISSION  
SUBCOMMITTEE REPORT  
April 6, 2016

PETITION NUMBER: PZ-21-16

ACTION REQUESTED: SPECIAL USE PERMIT AMDENDMENT (CAR WASH)

PETITIONER: PHILIP FUSZ, LOU FUSZ TOYOTA

PETITIONER'S AGENT: STEPHEN HOLLANDER - ARCHITECT

PROPERTY LOCATION: 10725 MANCHESTER ROAD

ZONING: B-3 HIGHWAY BUSINESS DISTRICT

DRAWINGS SUBMITTED: SITE/LANDSCAPE PLAN STAMPED "RECEIVED MARCH 21, 2016, CITY OF KIRKWOOD PUBLIC SERVICES"

DESCRIPTION OF PROJECT:

The petitioner is requesting a Special Use Permit Amendment to permit the installation of an automatic car wash bay. The car wash bay (752 square feet) will be constructed adjacent to the east side of the existing show room. It will not be for public use and will operate during the same business hours as the existing operations.

A Special Permit Amendment was previously granted on November 4, 2010 to allow for the expansion of the existing automobile dealership (vehicle delivery).

COMPREHENSIVE PLAN:

This site is designated for General Commercial use by the Vision 2015 Comprehensive Plan. The proposed use is consistent with the policies presented by the Plan.

LAND USE AND ZONING:

The subject property is currently zoned B-3 Highway Business District and is developed with Lou Fusz Toyota Dealership. Surrounding land uses and zoning include the following:

To the south: Across Manchester Rd. is vacant commercial building and a funeral home, zoned B-3 Highway Business District.

To the north: Directly abutting the site are single-family residences zoned R-4 Single-Family District.

To the east: Adjacent to the site is a furniture store zoned B-3 Highway Business District.

To the west: Adjacent to the site is a major motor vehicle repair use zoned B-3 Highway Business District.

**DEPARTMENTAL/AGENCY COMMENTS:**

Electric: Kirkwood Electric requests a load sheet on the projected load changes. - Per petitioner this will be provided by the applicant upon final selection of equipment.

Engineering: No Comments

Building: No Comments

Fire: No Comments

Water: No Comments per email sent 3/24/16

MoDOT: No Comments per email sent 3/29/16

**DISCUSSION:**

A Zoning Matters sign was posted on the property March 30, 2016. A subcommittee was appointed prior to the initial presentation and met on site on March 30, 2016. Please see Exhibit B for a list of those in attendance. General discussion concerned the nature of the addition as it relates to the existing building, whether or not chemicals are utilized during the car wash process and if outdoor equipment is necessary.

The petitioner presented the plan at the April 6, 2016, Planning and Zoning Commission meeting. Notice of the meetings had been properly posted.

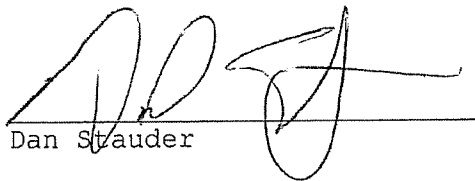
**RECOMMENDATION:**

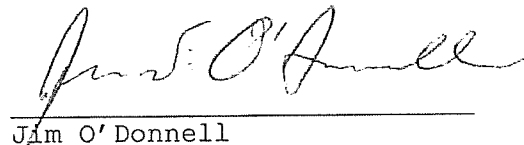
The Subcommittee recommends that this petition be **approved** with the following conditions:

1. This Special Use Permit Amendment (Car Wash) is limited to the car wash bay addition on property known as 10725 Manchester Road.
2. The project shall be consistent with the landscaping plan/site plan stamped "Received March 21, 2016, City of Kirkwood Public Services Department", Prior to proceeding to City Council, revised plans that incorporate all conditions of approval herein shall be submitted to the Public Services Department.

3. A performance guarantee in an amount approved by the Public Services Director shall be submitted to the City of Kirkwood prior to the issuance of any building permits.
4. An administrative fee in the amount of 10% of the first \$10,000 of performance guarantee plus 2% exceeding \$10,000 shall be submitted before acceptance of the performance guarantee by the City. The fee supports site inspection and project administration costs.
5. Construction along Manchester Road (Highway 100) shall be approved by the Missouri Department of Transportation prior to the issuance of any permits.
6. Any new lighting used to illuminate the site or building shall be designed in accordance with Zoning Code Section A-1040 and fixture cut sheets shall be submitted.
7. All rooftop equipment, air-conditioning units, and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way. Equipment associated with the operation of the car wash shall be enclosed and not permitted outdoors.
8. The Architectural Review Board shall approve all exterior architecture and signage prior to the issuance of a building permit.
9. The petitioner shall comply with all standard conditions as listed in Exhibit A.

Respectfully submitted,

  
\_\_\_\_\_  
Dan Stauder

  
\_\_\_\_\_  
Jim O'Donnell

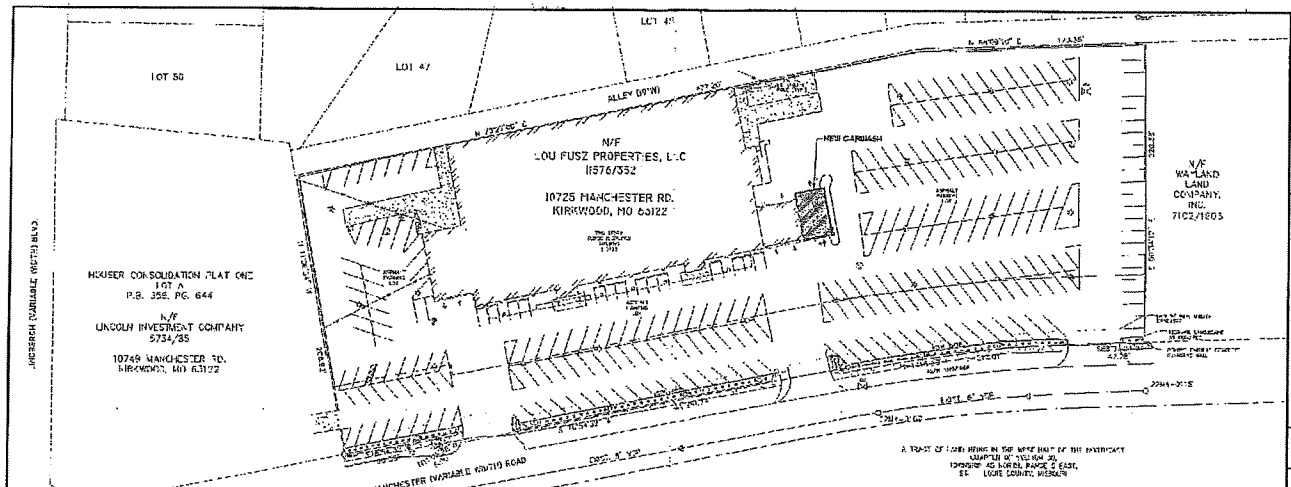
**EXHIBIT A**  
**STANDARD CONDITIONS**

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. No parking of construction trailers, vehicles, material storage, equipment storage, nor construction equipment is authorized on the public streets at any time.
3. If a building permit is not obtained within one-year of City Council approval, this Special Use Permit approval is invalid.
4. 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.
5. The applicant and his 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 Works 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.
6. The performance guarantee in a form approved by the Public Works Director shall be submitted prior to the issuance of any permits to insure the completion of the proposed improvements, utilities, and landscaping and to replace public improvements damaged by construction activities (sidewalks, curbs, etc.). The letter of credit shall be in effect for a minimum of two years and may be extended in minimum six-month intervals as approved by the Department of Public Services. The Letter of Credit shall be drawn from a St. Louis area bank.
7. The water system shall meet the requirements of the Kirkwood Fire and Water Departments. The Fire Department shall approve the water flow for the project. If satisfactory water flow is not available from the existing water system the petitioner shall install the necessary mains and accessories, in accordance with City policy.

8. Storm water management plans shall be submitted to Metropolitan Sewer District (MSD) and City for review and approval prior to the issuance of any permits. Storm water greater than one c.f.s. shall not be directed across the public sidewalk or driveway entrances. Storm water detention is at the discretion of MSD.
9. The approval of this Special Use Permit shall not authorize any person to unreasonably alter, increase, or redirect the surface water run off so as to cause harm to any person or property.
10. Prior to the issuance of a permit, three copies of a revised site/landscape plan shall be submitted to the Public Services Department that fully incorporates the conditions of approval. When these plans are approved, the petitioner shall file the approved site plan with the building permit application and the site plan shall become a part of the building permit application.
11. If applicable, a grading permit shall be obtained from the Public Services Department in accordance with the Kirkwood Code of Ordinances prior to any grading on the site. The grading permit shall include a grading plan in accordance with the Code of Ordinances.
12. All existing easements on the site that conflict with the proposed construction shall be vacated prior to the issuance of any permits.
13. Erosion and sediment control devices shall be sufficient to protect all off-site property from siltation and shall be installed prior to beginning of any grading or construction. The siltation control measures shall be installed and approved by the Public Works Department prior to issuance of a building permit. These devices shall be maintained during the construction activities.

EXHIBIT B  
SUBCOMMITTEE MEETING  
ATTENDANCE LIST  
March 30, 2016

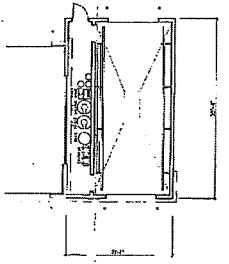
Jim O'Donnell	Planning and Zoning
Dan Stauder	Planning and Zoning
Stephen Hollander	Petitioner
Jeff Venetis	Petitioner
Ryan Spencer	City Planner
Chris Pflasterer	Asst. City Engineer



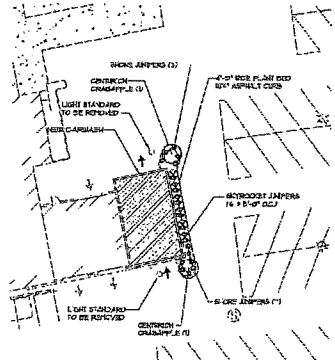
**RECEIVED**  
 MAR 2-1-2010  
 CITY OF KIRKWOOD  
 PUBLIC WORKS DEPARTMENT

**LAND DESCRIPTION**  
 A tract of land lying in the west half of the northeast quarter of Section 36, Township 45 North, Range 3 East, 31. Lots 47, 48 and 49, containing more particularly described as follows:  
 Reference is made to the plat of a "Newer Construction Plat One", a subdivision recorded in Plat Book 208, Pg. 144 of the St. Louis County records. Thence along the east line of said subdivision, north 11 degrees 05 minutes 34 seconds West, a distance of 200.32 feet to a point in the northern line of a "1974" plat recorded by instrument recorded in Book 1622, Page 179 of said county records, thence along said northern line, north 78 degrees 27 minutes 02 seconds East, a distance of 477.22 feet and north 06 degrees 28 minutes 10 seconds East, a distance of 1732.83 feet, thence along the east line of the western line of a tract owned by Hygiene Land Company, Inc. in Book 1709, Page 1603 of said county records, north 62 degrees 24 minutes 12 seconds East, a distance of 200.00 feet to a point in the northern line of the northern line of Manchester (Columbia West), thence along said northern line, the following courses and distances: South 88 degrees 07 minutes 04 seconds West, a distance of 62.68 feet to a point of curve in the left hand of which is 1.018232 feet and a curve angle of 68 degrees 22 minutes 02 seconds; thence along the arc a distance of 212.21 feet; South 79 degrees 54 minutes 32 seconds West, a distance of 393.78 feet; South 11 degrees 05 minutes 28 seconds East, a distance of 8.00 feet and South 02 degrees 14 minutes 32 seconds East, a distance of 216.81 feet to the POINT OF BEGINNING.  
 Containing 27,134 square feet or 2.168 acres, more or less.

**1 SITE PLAN**  
 SCALE: 1/8" = 1'-0"



**3 CAR WASH FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"



**4 LANDSCAPE PLAN**  
 SCALE: 1/8" = 1'-0"

THE SHOWN GRADING  
 REPRESENTS PROPOSED  
 FINISHED GRADE  
 EXCEPT WHERE SHOWN  
 OTHERWISE  
 ALL DIMENSIONS ARE IN  
 FEET UNLESS OTHERWISE  
 NOTED  
 DRAWN BY: J. HOLLOM  
 CHECKED BY: J. HOLLOM  
 DATE: 1/27/10

New Carwash for  
**Lou Fusz Toyota**  
 10725 Manchester Road  
 Kirkwood, MO 63122

PROJECT NO.  
**28008**

REVISION NO. | DATE | BY

S.J. Hollander Architect P.C.  
 2815 Park Center Drive  
 St. Louis, MO 63114  
 Phone: 314.433.1111  
 Fax: 314.433.1112

DATE  
 March 21, 2010

SHEET TITLE  
 Site Floor and  
 Landscape Plans

SHEET NO.  
**A-1**





# PROCEDURE FOR PUBLIC HEARING

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

**A request for a Special Use Permit Amendment and Site Plan Amendment to enclose the canopy for additional showroom/office use and enclose the rear area north of the service reception area at 10725 Manchester Road (Lou Fusz Toyota)**

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 II Amy Lowry**

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

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

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



# AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI  
COUNTY OF ST. LOUIS

} S.S.

Page 1 of 1

Before the undersigned Notary Public personally appeared **Stephen Pope** 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 **June 10, 2021** edition and ending with the **June 10, 2021** edition, for a total of 1 publications:

06/10/2021

**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, July 1, 2021 to consider the following:

***A request for a Special Use Permit Amendment and Site Plan Amendment to enclose the canopy for additional showroom/office use and enclose the rear area north of the service reception area at 10725 Manchester Road (Lou Fusz Toyota).***

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. 12008549 County June 10, 2021

Stephen Pope

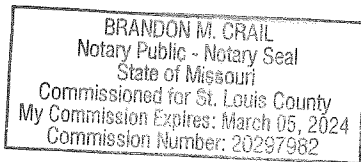
**Stephen Pope**

Subscribed & sworn before me this 10 day of June, 2021

(SEAL)

Brandon M. Crail

**Notary Public**




## AFFIDAVIT OF PUBLICATION

Date: 06/11/21

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

I, Randy Drilingas, being duly sworn, both depose and say that I am an authorized representative of the WKTimes LLC, publishers of the Webster-Kirkwood Times Newspaper in the county of St. Louis, MO, and that the advertisement shown below was published in the Webster-Kirkwood Times June 11, 2021 edition.

  
Authorized Agent, Randy Drilingas  
Webster-Kirkwood Times



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

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Laurie Asche, CMC/MRCC  
City Clerk

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PROPERTY OWNER  
10725 MANCHESTER ROAD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
1124 N KIRKWOOD RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
1200 N KIRKWOOD RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
126 WOODRIDGE RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
120 WOODRIDGE RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
130 WOODRIDGE RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
136 WOODRIDGE RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
1513 NORTHLIN DR  
KIRKWOOD, MO 63122

PROPERTY OWNER  
142 WOODRIDGE RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
148 WOODRIDGE RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
205 WOODRIDGE RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
8726 GENERAL GRANT LN  
SAINT LOUIS, MO 63123

PROPERTY OWNER  
214 WOODRIDGE RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
220 WOODRIDGE RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
1206 N KIRKWOOD RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
230 WOODRIDGE RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
224 WOODRIDGE RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
1201 LYNCHESATER LN  
KIRKWOOD, MO 63122

PROPERTY OWNER  
113 WOODRIDGE RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
1214 N KIRKWOOD RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
109 WOODRIDGE RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
1920 S FEDERAL ST., #D  
CHICAGO, IL 60616

PROPERTY OWNER  
133 WOODRIDGE RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
137 WOODRIDGE RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
151 WOODRIDGE RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
205 WOODRIDGE RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
213 WOODRIDGE RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
217 WOODRIDGE RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
223 WOODRIDGE RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
229 WOODRIDGE RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
106 WOODRIDGE RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
134 HUNTLEIGH DR  
KIRKWOOD, MO 63122

PROPERTY OWNER  
138 HUNTLEIGH DR  
KIRKWOOD, MO 63122

PROPERTY OWNER  
144 HUNTLEIGH DR  
KIRKWOOD, MO 63122

PROPERTY OWNER  
202 HUNTLEIGH DR  
KIRKWOOD, MO 63122

PROPERTY OWNER  
2626 S BIG BEND BLVD  
SAINT LOUIS, MO 63143

PROPERTY OWNER  
1043 CURRAN AVE  
KIRKWOOD, MO 63122

PROPERTY OWNER  
1951 NEWBURYPORT RD  
CHESTERFIELD, MO 63005

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

PROPERTY OWNER  
10610 MANCHESTER RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
10510 MANCHESTER RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
1204 WILLOW VIEW DR  
KIRKWOOD, MO 63122

PROPERTY OWNER  
843 N WOODLAWN AVE  
KIRKWOOD, MO 63122

PROPERTY OWNER  
1049 N TAYLOR AVE  
KIRKWOOD, MO 63122

PROPERTY OWNER  
129 E MAPLE AVE  
KIRKWOOD, MO 63122

PROPERTY OWNER  
P.O. BOX 31081  
SAINT LOUIS, MO 63131

PROPERTY OWNER  
2650 WARRENVILLE RDG, STE 700  
DOWNERS GROVE, IL 60515

PROPERTY OWNER  
214 MAIN ST, #476  
EL SEGUNDO, CA 90245

PROPERTY OWNER  
10811 MANCHESTER RD  
KIRKWOOD, MO 63122

PROPERTY OWNER  
925 N LINDBERGH BLVD  
SAINT LOUIS, MO 63141









WHERE COMMUNITY AND SPIRIT MEET

June 3, 2021

Russell B. Hawes  
Chief Administrative Officer

At the June 2, 2021, meeting of the Planning and Zoning Commission, the following action was taken:

1. After a presentation by staff and Lou Fusz Toyota for a Special Use Permit Amendment and Site Plan Amendment to enclose the canopy for additional showroom/office use and enclose the rear area north of the service reception area at 10725 Manchester Road, the Commission recommended approval subject to conditions contained in the staff memo dated June 2, 2021.
2. After a presentation by staff and Grace Episcopal Church for Zoning Code Text Amendments to allow commissaries and non-profit offices as renters in churches, Commissioners Adkins, Diel, and Salzer-Lutz were appointed to a Subcommittee. The Subcommittee will meet via Zoom on June 9, 2021, at 8:30 a.m.

The next meeting will be held on June 16, 2021, at 7 p.m. via Zoom.

Respectfully submitted,

Jim Adkins, Chair  
Planning and Zoning Commission

# MEMORANDUM



**TO:** P&Z COMMISSION

**FROM:** AMY LOWRY, PLANNER II

**SUBJECT:** PZ-03-22; 10725 MANCHESTER ROAD (LOU FUSZ TOYOTA) SPECIAL USE PERMIT (VEHICLE SALE AND RENTAL; MOTOR VEHICLE REPAIR SHOP, MAJOR; AND VEHICLE WASH) AND SITE PLAN REVIEW AMENDMENTS

**DATE:** JUNE 2, 2021

**CC:** JONATHAN D. RAICHE, PLANNING & DEVELOPMENT SERVICES DIRECTOR  
ANDI YANCEY, PLANNER I  
PATTI DODEL, ENGINEERING ADMIN. ASSISTANT

---

The petitioner is requesting Special Use Permit and Site Plan Review Amendments to make alterations and additions in two areas of the main building of the automobile dealership located in the B-3, Highway Business District, at 10725 Manchester Road:

- (1) The open canopy area on the south side of the building fronting Manchester Rd is proposed to be enclosed for additional showroom and office use. Current showroom area is 6,709 sq. ft. with 1,570 sq. ft. to be added with the enclosure.
- (2) An addition is proposed on the west side of the building in the area north of the service reception and west of the service shop. Such addition will allow vehicles to move between the service reception and the service shop in an enclosed, covered area. Current service area is 12,325 sq. ft. with 1,091 sq. ft. to be added with the addition.

***DISCUSSION:***

A Zoning Matters sign was posted on the property on May 26, 2021. Although 12 display car parking spaces will be removed with the open canopy proposed enclosure, an analysis of parking at the site indicates 45 parking spaces required for the motor vehicle repair area and 42 parking spaces required for the vehicle sales area – for a total of 87 required parking spaces. The vehicle wash is private to the site (not open to the public) and therefore does not require additional required parking spaces. There are approximately 258 parking spaces on the site. The Fire Marshal has indicated that access to the site is adequate. Staff has determined that the proposed additions do not result in an extension of the building envelope in a north/south or east/west direction, which means that no additional linear footage of building frontage is being created. Therefore, no new landscaping is required or anticipated with the proposal. There are no expected changes to the site or building lighting.

***RECOMMENDATION:***

Staff finds that the proposed additions could be accomplished with few restrictions. Due to the simple nature of the request, Staff is requesting action from the Planning & Zoning Commission at the June 2, 2021 meeting rather than the formation of a subcommittee.

Staff recommends this petition be **approved** with the following conditions:

1. Special Use Permit (Vehicle Sale and Rental; Motor Vehicle Repair Shop, Major; and Vehicle Wash) and Site Plan Review Amendments shall be approved for 10725 Manchester Rd (Lou Fusz Toyota) limited to the enclosure of the open canopy area on the south side of the building and the addition on the west side of the building in accordance with the Architectural Site Plan stamped "Received May 11, 2021 City of Kirkwood Public Services Department".



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 the Staff memorandum dated June 2, 2021, and agrees to comply with each provision subject to the penalties prescribed under Section 1-8 of the Code of Ordinances and subject to revocation of this approval in the event such provisions are not complied with.
3. A performance guarantee in an amount approved by the City Engineer shall be submitted to the City of Kirkwood prior to the issuance of any building permits.
4. An administrative fee in the amount of 10% of the first \$10,000 of performance guarantee plus 2% exceeding \$10,000 shall be submitted before acceptance of the performance guarantee by the City. The fee supports site inspection and project administration costs.
5. 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.
6. Any new lighting used to illuminate the site or building shall be designed in accordance with Zoning Code Section A-1040 and fixture cut sheets shall be submitted.
7. All rooftop equipment, air-conditioning units, and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.
8. During excavation and construction activities, the area of the site that is disturbed for this project shall be fully enclosed by a 6-foot high chain link fence to prevent the entry of unauthorized persons. The gate for the fence shall be locked during non-working hours.
9. No parking of construction trailers, material storage, equipment storage or construction equipment is authorized on the public streets at any time.
10. The Architectural Review Board shall approve all exterior architecture prior to the issuance of a building permit.

BILL 10885

ORDINANCE

AN ORDINANCE AMENDING THE KIRKWOOD CODE OF ORDINANCES, CHAPTER 13, ARTICLE II, SECTION 13-34, SUBSECTION (C) FOR "ITINERANT MERCHANTS, PEDDLERS AND SOLICITORS, PLUS ANY ADDITIONAL ADMINISTRATIVE COSTS INCURRED, INCLUDING THE COST OF THE CRIMINAL RECORD CHECK".

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

SECTION 1. The Kirkwood Code of Ordinances, Chapter 13, Article II, Section 13-34, Subsection (c) for "Itinerant merchants, peddlers and solicitors, plus any additional administrative costs incurred, including the cost of the criminal record check" is hereby amended by deleting the existing provisions and inserting the following in lieu thereof:

**Section 13-34. "Method of calculating license tax"**

~~(e) — Itinerant merchants, peddlers and solicitors, — \$25 per day  
— plus any additional administrative costs  
— incurred, including the cost of the criminal  
— record check~~

(c) Itinerant merchants, peddlers and solicitors \$50 for each individual itinerant merchant, peddler or solicitor from the time of issuance until December 31<sup>st</sup> of each year

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: 7/15/2021

Step #1:

Strategic Plan Select...      Goal # & Title

Background To Issue:

Recommendations and Action Requested:

Amend the Kirkwood Code of Ordinances, Chapter 13, Article II, Section 13-34, Subsection c for "Itinerant merchants, peddlers and solicitors, plus any additional administrative costs incurred, including the cost of the criminal record check"

Alternatives Available:

Does this project have a public information component?  Yes  No

Cost: \$0.00      Account #: 00000      Project #:      Budgeted: YES

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

Department Head Comments:

BY: Laurie Asche

Date: 6/1/2021

Authenticated: aschelb

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

 File Attachment

 File Attachment

 File Attachment

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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

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

Select...

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

BY: Select...

Date:

Authenticated:

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

Approve

Disapprove

Chief Administrative Officer's Comments:

BY:



Date:

7-8-21

BILL 10886

ORDINANCE

AN ORDINANCE AMENDING THE KIRKWOOD CODE OF ORDINANCES, CHAPTER 14, ARTICLE VIII, SECTION 14-396 "SCHEDULE F: SPEED LIMIT DESIGNATIONS"

WHEREAS, in the interest of the public health and safety of all pedestrians, bicyclist and all other modes of transportation in the within the City of Kirkwood, the unposted speed limit is lowered to 20 MPH, and

WHEREAS, in the review of National studies it has been shown that the reduction in speed limits has a direct collation in crash survivability of pedestrians, bicyclist and vehicle occupants, and

WHEREAS, , the lowering of all unposted street speed limits to 20 MPH is another step in moving Kirkwood neighborhoods towards a safer community for all users of the City's streets.

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

SECTION 1. The Kirkwood Code of Ordinances, Chapter 14, Article VIII, Section 14-396 "Schedule F: Speed Limit Designations" is hereby amended by deleting it in its entirety and replacing with the language set forth below:

**§ 14-396 Schedule F: Speed Limit Designations.**

No person shall operate a vehicle on any street in the City of Kirkwood at a rate of speed in excess of the posted speed limit. Vehicles traveling upon the streets described below shall be subject to the speed limits as indicated:

(a) 40 miles per hour:

Big Bend Road, from Marshall Road to Interstate 270

Kirkwood Road, from Big Bend Road to the south City limits

Kirkwood Road, from Manchester Road to the north City limits

Marshall Road, from 100 feet west of South Signal Hills to the west City limits

(b) 35 miles per hour:

Big Bend Road, from the east City limits to Marshall Road

Manchester Road

Marshall Road, from 100 feet west of South Signal Hills to Big Bend Road

South Kirkwood Road, from Big Bend to the Kirkwood City limits

(c) 30 miles per hour:

Adams Avenue

Ballas Road

Big Bend Road, from Interstate 270 to the west City limits

Dougherty Ferry Road, from Geyer Road to the west City limits  
Kirkwood Road, from Manchester Road to Big Bend Road  
Leffingwell Avenue  
Lindeman Road, from Dougherty Ferry Road to the north City limits  
Lockett Road, from Dougherty Ferry Road to the north City limits  
Old Big Bend Road, from Craig Drive to 100 feet south of Edna Avenue  
Rose Hill Avenue, from Geyer Road to Couch Avenue  
Woodlawn Avenue, from Manchester Road to Adams Avenue

(d) 25 miles per hour:

Alice Avenue	Kirkshire Drive
Alsobrook Street	Lark Avenue
Andrews Avenue	Laven Del Lane
Angenette Avenue	Lindeman Road, from Adams Avenue to Dougherty Ferry Road
Ann Avenue	Linwood Boulevard
Argonne Avenue, East	Longview Boulevard
Arminda Avenue	Mariedale Court
Attucks Street	Meacham Street
Ben Davis Lane	Memphis Street
Boaz Avenue	Milwaukee Street
Bodley Avenue, East	Missouri Avenue
Caroline Avenue	Mistletoe Lane
Chicago Street	Monroe Avenue, East, from Woodlawn Avenue to Smith Street
Clay Avenue, North	Monroe Place
Clay Avenue, South	New York Street
Cleveland Avenue	Nirk Avenue
Couch Avenue, South	Oakshire Court
Craig Drive	Oakshire Lane
Cranbrook Drive	Old Big Bend Road, from Craig Drive to Big Bend Road
Curran Avenue	Orleans Street
Dickson Street, South	Peeke Avenue
Dickson Street, North	Poinsetta Lane
Edna Avenue	Quan Avenue
Electric Street	Rochdale Drive
Elliott Avenue, East	Rose Hill Avenue, East
Essex Avenue, West	Rose Hill Avenue, West
Evans Avenue	Saratoga Street
Ferncliff Lane	Scott Avenue
Fillmore Avenue, South	Simmons Avenue
Folger Avenue	St. Giles Road
Forest Avenue	Taylor Avenue, North
Geyer Road, North	Taylor Avenue, South
Geyer Road, South	Thursby Avenue
Gill Avenue	Tolstoi Street
Grand Avenue	Twin Pine Drive

Grandview Drive	Van Buren Avenue, South
Harrison Avenue, North	Washington Avenue, West
Harrison Avenue, South	Whitecliff Drive
Highland Avenue	Wilson Avenue
Holmes Avenue, North	Wind Grove Road
Holmes Avenue, South	Woodbine Avenue, West
Huntleigh Forest Drive	Woodgate Drive
Jewel Avenue, West	Woodlawn Avenue, North
	Woodlawn Avenue, South

(e) 20 miles per hour:

All unposted streets or portions of streets not otherwise described in § **14-396**, Schedule F: Speed Limit Designations.

(f) School speed limit – 15 miles per hour on school days, 7:00 a.m. to 6:00 p.m.

Belva Avenue (Villa di Maria Montessori School)

Chopin Drive, from Dougherty Ferry Road to W. Essex Avenue (Kirkwood High School)

Couch Avenue, from Rose Hill Avenue to Grandview Avenue (Robinson Elementary School)

Dougherty Ferry Road, from Dougherty Place to 220 feet west of Chopin Drive (Kirkwood High School)

Dougherty Ferry Road, from Ballas Road to 725 feet east of Ballas Road (St. Gerard Majella Elementary School)

Essex Avenue West, from 425 feet west of Clemens Court to Pointe Essex Court (Kirkwood High School)

Folger at Charlene to the north City limits (Villa di Maria Montessori School)

Geyer Road, from Peeke Avenue to 250 feet south of Jewel Avenue (Keysor Elementary School)

Idlewild Place, 200 block of West Woodbine, 500 block of South Clay (between West Woodbine and Idlewild Place)

Jefferson Avenue (west side), from Clay Avenue to a point 100 feet west of the school property (St. Peter Grade School)

Quan Avenue, from Taylor Avenue to Wood Avenue (Tillman Elementary School)

Simmons at Charlene to the north City limits (Villa di Maria Montessori School)

Woodgate Drive, from Delchester Lane to Cherry Street (Westchester Elementary School)

(g) School speed limit – 25 miles per hour when signal is flashing:

Ballas Road, from 340 feet south of Dougherty Ferry to the north City limits (St. Gerard Majella Elementary School)

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: 7/15/2021

Step #1:

Strategic Plan NO Goal # & Title

### Background To Issue:

Over the past several years the City has taken steps to increase pedestrian and bicyclist safety on city streets through the use of posted/marked bicycle lanes, enhanced pedestrian sidewalks and crosswalks. Through research, training and literature reviews it has been shown that reducing neighborhood street speed limits is another low cost method to further increase pedestrian and bicyclist safety. Therefore it is being recommended that the City's unposted speed limit of 25 MPH be lowered to 20 MPH. This single action would reduce the speed limit on over 70 miles of streets in Kirkwood, converting nearly 63% of all Kirkwood to 20 MPH.

### Recommendations and Action Requested:

It is recommended that the City Council approve revisions to Chapter 14, Article VIII, Section 14-396 Schedule F: Speed limit Designation, establishing a 20 MPH unposted speed limit.

### Alternatives Available:

Does this project have a public information component?  Yes  No

Cost: \$1,000.00 Account #: 10114024316626 Project #: Budgeted: YES

If YES, Budgeted Amount: \$15,310.00 If NO, or if insufficient funding (Complete Step #3).

### Department Head Comments:

BY: Bill Bensing

Date: 7/7/2021

Authenticated: bensinwe

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



Speed Limit Ordinance.doc  
Microsoft Word 97 - 2003  
Document  
73.5 KB



Revised 25 mph Streets  
Only.pdf  
Microsoft Edge PDF Document  
1.19 MB

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**).

Select...

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

BY: Select...

Date:

Authenticated:

---

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

Approve

Disapprove

Chief Administrative Officer's Comments:

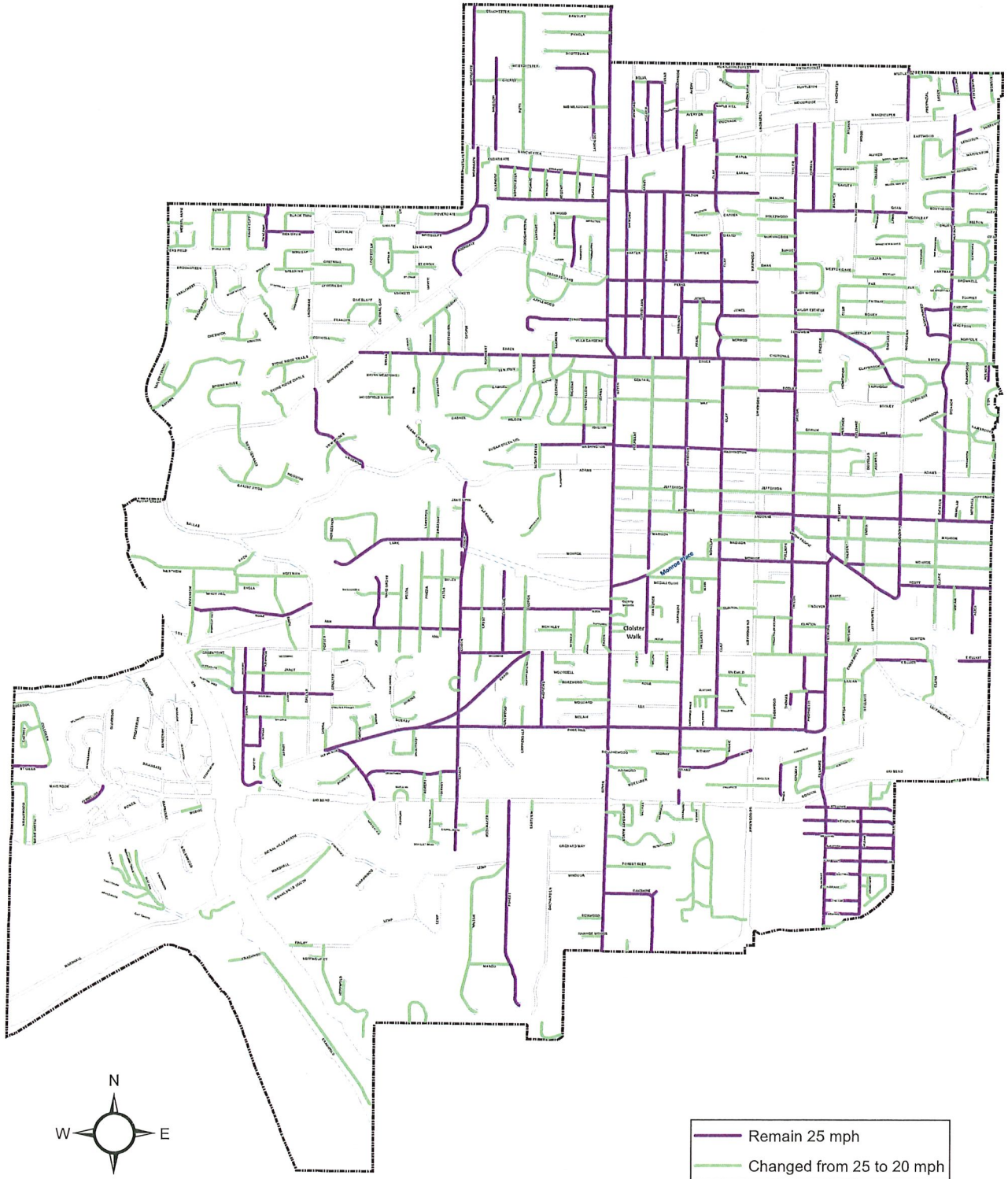
BY:



Date:

7-9-21

# Speed Limit Zones 2020



§ 14-396 Schedule F: Speed Limit Designations.

[Ord. No. 8700, § 2, 3-5-1998; Ord. No. 8704, § 1, 3-19-1998; Ord. No. 8703, § 1 3-19-1998; Ord. No. 8890, § 1, 1-6-2000; Ord. No. 9256, § 1, 6-5-2003; Ord. No. 9346, § 1, 11-6-2003; Ord. No. 9394, § 1, 4-1-2004; Ord. No. 9873, § 1, 9-3-2009; Ord. No. 9875, § 1, 9-3-2009; Ord. No. 9899, § 1, 2-18-2010; Ord. No. 9900, § 1, 2-18-2010; Ord. No. 9936, § 1, 7-15-2010; Ord. No. 9957, § 1, 9-16-2010]

No person shall operate a vehicle on any street in the City of Kirkwood at a rate of speed in excess of the posted speed limit. Vehicles traveling upon the streets described below shall be subject to the speed limits as indicated:

(a) 40 miles per hour:

Big Bend Road, from Marshall Road to Interstate 270  
Kirkwood Road, from Big Bend Road to the south City limits  
Kirkwood Road, from Manchester Road to the north City limits  
Marshall Road, from 100 feet west of South Signal Hills to the west City limits

(b) 35 miles per hour:

Big Bend Road, from the east City limits to Marshall Road  
Manchester Road  
Marshall Road, from 100 feet west of South Signal Hills to Big Bend Road  
South Kirkwood Road, from Big Bend to the Kirkwood City limits

(c) 30 miles per hour:

Adams Avenue  
Ballas Road  
Big Bend Road, from Interstate 270 to the west City limits  
Dougherty Ferry Road, from Geyer Road to the west City limits  
~~Geyer Road, from Big Ben Boulevard northbound to the Kirkwood City limits [Ord. No. 10346, 7-7-2016]~~  
Kirkwood Road, from Manchester Road to Big Bend Road  
Leffingwell Avenue  
Lindeman Road, from Dougherty Ferry Road to the north City limits  
Lockett Road, from Dougherty Ferry Road to the north City limits  
Old Big Bend Road, from Craig Drive to 100 feet south of Edna Avenue  
Rose Hill Avenue, from Geyer Road to Couch Avenue  
~~Woodbine Avenue [Repealed by Ord. No. 10645, 12-19-2019]~~  
Woodlawn Avenue, from Manchester Road to Adams Avenue

(d) 25 miles per hour:

~~All streets or portions of streets not otherwise described in § 14-396, Schedule F: Speed Limit Designations~~

~~Geyer Road, from Big Bend Boulevard southbound to the Kirkwood City limits [Ord. No. 10346, 7-7-2016]~~



Alice Avenue  
Alsobrook Street  
Andrews Avenue  
Angenette Avenue  
Ann Avenue  
Argonne Avenue, East  
Arminda Avenue  
Attucks Street  
Ben Davis Lane  
Boaz Avenue  
Bodley Avenue, East  
Caroline Avenue  
Chicago Street  
Clay Avenue, North  
Clay Avenue, South  
Cleveland Avenue  
Couch Avenue, South  
Craig Drive  
Cranbrook Drive  
Curran Avenue  
Dickson Street, South  
Dickson Street, North  
Edna Avenue  
Electric Street  
Elliott Avenue, East  
Essex Avenue, West  
Evans Avenue  
Ferncliff Lane  
Fillmore Avenue, South  
Folger Avenue  
Forest Avenue  
Geyer Road, North  
Geyer Road, South  
Gill Avenue  
Grand Avenue  
Grandview Drive  
Harrison Avenue, North  
Harrison Avenue, South  
Highland Avenue  
Holmes Avenue, North  
Holmes Avenue, South  
Huntleigh Forest Drive  
Jewel Avenue, West

Kirkshire Drive  
Lark Avenue  
Laven Del Lane  
Lindeman Road, from Adams Avenue to Dougherty Ferry Road  
Linwood Boulevard  
Longview Boulevard  
Mariedale Court  
Meacham Street  
Memphis Street  
Milwaukee Street  
Missouri Avenue  
Mistletoe Lane  
Monroe Avenue, East, from Woodlawn Avenue to Smith Street  
Monroe Place  
New York Street  
Nirk Avenue  
Oakshire Court  
Oakshire Lane  
Old Big Bend Road, from Craig Drive to Big Bend Road  
Orleans Street  
Peeke Avenue  
Poinsetta Lane  
Quan Avenue  
Rochdale Drive  
Rose Hill Avenue, East  
Rose Hill Avenue, West  
Saratoga Street  
Scott Avenue  
Simmons Avenue  
St. Giles Road  
Taylor Avenue, North  
Taylor Avenue, South  
Thursby Avenue  
Tolstoi Street  
Twin Pine Drive  
Van Buren Avenue, South  
Washington Avenue, West  
Whitecliff Drive  
Wilson Avenue  
Wind Grove Road  
Woodbine Avenue, West  
Woodgate Drive  
Woodlawn Avenue, North  
Woodlawn Avenue, South

(e) 20 miles per hour:

All streets or portions of streets not otherwise described in § 14-396, Schedule F: Speed Limit Designations

~~Avery Court~~  
~~Barberry Lane~~  
~~Bodley Avenue, from Taylor Avenue to Woodlawn Avenue~~  
~~Briargate Lane~~  
~~Bridlebrook Lane, from Lynkirk Lane to Trailerest Lane~~  
~~Brookcreek Lane, from Lynkirk Lane to Ballas Road~~  
~~Cedarbrook Lane~~  
~~Charmwood Court~~  
~~Charmwood Drive~~  
~~Chopin Avenue~~  
~~Coulter Avenue~~  
~~Craigwoods Drive~~  
~~Ferneliff Lane~~  
~~Frances Road~~  
~~Friar Lane~~  
~~Glenford Court~~  
~~Glenwood Lane~~  
~~Heatherbrook Lane~~  
~~Huntleigh Drive~~  
~~500—700 block of West Jewel [Ord. No. 10693, 12-3-2020]~~  
~~Lee Avenue~~  
~~Lemp Road~~  
~~Lewiston Drive~~  
~~Lindgate Drive~~  
~~Lynchester Lane~~  
~~Lynkirk Lane, from Lindeman Road to Bridlebrook Lane~~  
~~Madison Avenue, from Geyer Road to Harrison Avenue~~  
~~Madison Avenue, from Taylor Avenue to Woodlawn Avenue~~  
~~Maybrook Lane~~  
~~McLain Lane~~  
~~Milbrook Lane~~  
~~Monroe Avenue, from Geyer Road to Rifle Range Road~~  
~~North Signal Hills~~  
~~Northlin Drive~~  
~~Orehard Lane~~  
~~Orehard Way~~  
~~Playground Drive~~  
~~Ponca Trail~~

~~Rifle Range Road~~  
~~Robinhood Court~~  
~~Sarah Avenue~~  
~~Southlin Drive~~  
~~Sweetbriar Lane~~  
~~Thorncliff Lane~~  
~~Timberbrook Drive~~  
~~Timbercrest Drive~~  
~~Trailerrest Lane~~  
~~Van Buren Avenue, from 200 feet south of Madison Avenue to Adams Avenue~~  
~~Warrenton Drive~~  
~~Wildwood Lane~~  
~~Windsor Lane~~  
~~Wood Avenue~~  
~~Woodridge Road~~

- (f) School speed limit – 15 miles per hour on school days, 7:00 a.m. to 6:00 p.m.: [Ord. No. 10644, 12-19-2019; 2-6-2020 by Ord. No. 10650; Ord. No. 10679, 8-20-2020]

Belva Avenue (Villa di Maria Montessori School)

Chopin Drive, from Dougherty Ferry Road to W. Essex Avenue (Kirkwood High School)

Couch Avenue, from Rose Hill Avenue to Grandview Avenue (Robinson Elementary School)

Dougherty Ferry Road, from Dougherty Place to 220 feet west of Chopin Drive (Kirkwood High School)

Dougherty Ferry Road, from Ballas Road to 725 feet east of Ballas Road (St. Gerard Majella Elementary School)

Essex Avenue West, from 425 feet west of Clemens Court to Pointe Essex Court (Kirkwood High School)

Folger at Charlene to the north City limits (Villa di Maria Montessori School)

Geyer Road, from Peeke Avenue to 250 feet south of Jewel Avenue (Keysor Elementary School)

Idlewild Place, 200 block of West Woodbine, 500 block of South Clay (between West Woodbine and Idlewild Place)

Jefferson Avenue (west side), from Clay Avenue to a point 100 feet west of the school property (St. Peter Grade School)

Quan Avenue, from Taylor Avenue to Wood Avenue (Tillman Elementary School)

Simmons at Charlene to the north City limits (Villa di Maria Montessori School)

Woodgate Drive, from Delchester Lane to Cherry Street (Westchester Elementary School)

- (g) School speed limit – 25 miles per hour when signal is flashing:

Ballas Road, from 340 feet south of Dougherty Ferry to the north City limits (St. Gerard Majella Elementary School)

RESOLUTION 73-2021

A RESOLUTION AMENDING AND READOPTING THE CITY OF KIRKWOOD CITY FEE SCHEDULES.

WHEREAS, the City has recently updated its Zoning, Subdivision and Sign Codes, and

WHEREAS, the City desires to update the various development-related fees to align with the revisions adopted in the new development regulations and to re-organize the order portions of the fee schedules and tables included, and

WHEREAS, it is being recommended that the various development-related fees be adjusted upon passage of this resolution.

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

SECTION 1. The following City of Kirkwood fee structures are hereby approved and adopted:

**AMBULANCE SERVICE FEE SCHEDULE**

1.	Ambulance with Transport to Hospital	\$1,000
2.	Treatment – No Transport to Hospital	\$ 100
3.	Disposable Supplies	\$ 100
4.	Mileage	\$ 12 Per Mile

**BUILDING PERMIT FEE TABLES**

Valuation (Thousands of Dollars)	Permit Fee (Dollars)
Up to 1	72
Up to 2	99
Up to 3	118
Up to 4	137
Up to 5	173
Up to 6	199
Up to 7	209
Up to 8	233
Up to 9	245
Up to 15	248
Up to 16	249
Up to 18	258
Up to 23	272
Up to 25	282
Up to 27	297
Up to 30	307
Up to 33	320
Up to 35	331

Up to 36	343
Up to 37	344
Up to 38	356
Up to 39	357
Up to 40	369
Up to 42	380
Up to 44	393
Up to 46	403
Up to 48	418
Up to 50	428
Up to 52	442
Up to 54	465
Up to 56	467
Up to 58	477
Up to 60	491
Up to 62	501
Up to 64	516
Up to 66	526
Up to 68	540



Valuation (Thousands of Dollars)	Permit Fee (Dollars)
Up to 70	550
Up to 72	563
Up to 74	575
Up to 76	588
Up to 78	599
Up to 80	612
Up to 82	634
Up to 84	636
Up to 86	647
Up to 88	661
Up to 90	685
Up to 92	696
Up to 94	710
Up to 96	720
Up to 98	734
Up to 100	744
Up to 105	846
Up to 110	887
Up to 115	912
Up to 120	954
Up to 125	979
Up to 130	1,022
Up to 135	1,048
Up to 140	1,087
Up to 145	1,113
Up to 150	1,119
Up to 155	1,181
Up to 160	1,189
Up to 165	1,246
Up to 170	1,274
Up to 175	1,317
Up to 180	1,343
Up to 185	1,371
Up to 190	1,408
Up to 195	1,436
Up to 200	1,462
Up to 210	1,600
Up to 220	1,668
Up to 230	1,734
Up to 240	1,795
Up to 250	1,863
Up to 260	1,919

Up to 270	1,992
Up to 280	2,047
Up to 290	2,116
Up to 300	2,171
Up to 310	2,297
Up to 320	2,400
Up to 330	2,455
Up to 340	2,528
Up to 350	2,587
Up to 360	2,659
Up to 370	2,720
Up to 380	2,777
Up to 390	2,850
Up to 400	2,989
Up to 420	3,025
Up to 440	3,157
Up to 460	3,276
Up to 480	3,404
Up to 500	3,522
Up to 520	3,640
Up to 540	3,773
Up to 560	3,888
Up to 580	4,006
Up to 600	4,120
Up to 620	4,238
Up to 640	4,356
Up to 660	4,472
Up to 680	4,590
Up to 700	4,708
Up to 720	4,823
Up to 740	4,940
Up to 760	5,056
Up to 780	5,173
Up to 800	5,291
Up to 820	5,408
Up to 840	5,507
Up to 860	5,624
Up to 880	5,741
Up to 900	5,858
Up to 920	5,962
Up to 940	6,077
Up to 960	6,198
Up to 980	6,296

Valuation (Millions of Dollars)	Permit Fee (Dollars)
Up to 1	6,413
Up to 1.1	6,962
Up to 1.2	7,508
Up to 1.3	8,056
Up to 1.4	8,574
Up to 1.5	9,100
Up to 1.6	9,625
Up to 1.7	10,138
Up to 1.8	10,648
Up to 1.9	11,160
Up to 2.0	11,669
Up to 2.1	12,166
Up to 2.2	12,662
Up to 2.3	13,159
Up to 2.4	13,655
Up to 2.5	14,153
Up to 2.6	14,636
Up to 2.7	15,115
Up to 2.8	15,596
Up to 2.9	16,079
Up to 3.0	16,562
Up to 3.1	17,044
Up to 3.2	17,510
Up to 3.3	17,978
Up to 3.4	18,462
Up to 3.5	18,929
Up to 3.6	19,386
Up to 3.7	19,846
Up to 3.8	20,315
Up to 3.9	20,768
Up to 4.0	21,235
Up to 4.2	22,141
Up to 4.4	23,058
Up to 4.6	23,952
Up to 4.8	24,857

Up to 5.0	25,746
Up to 5.2	26,639
Up to 5.4	27,515
Up to 5.6	28,391
Up to 5.8	29,267
Up to 6.0	30,126
Up to 6.2	31,002
Up to 6.4	31,866
Up to 6.6	32,694
Up to 6.8	33,571
Up to 7.0	34,418
Up to 7.2	35,266
Up to 7.4	36,112
Up to 7.6	36,960
Up to 7.8	37,932
Up to 8.0	38,624
Up to 8.2	39,458
Up to 8.4	40,289
Up to 8.6	41,123
Up to 8.8	41,940
Up to 9.0	42,757
Up to 9.2	43,577
Up to 9.4	44,394
Up to 9.6	45,211
Up to 9.8	46,028
Up to 10.0	46,830
Up to 10.5	48,845
Up to 11.0	50,848
Up to 11.5	52,834
Up to 12.0	54,820
Up to 12.5	56,776
Up to 13.0	58,733
Up to 13.5	60,672
Up to 14.0	62,616
Up to 14.5	64,544
Up to 15.0	66,456
Each 0.5M over 15M	1,800

<i>Valuation</i> <i>Thousands</i> <i>of</i> <i>Dollars</i>	<i>Permit</i> <i>Fee</i>	<i>Valuation</i> <i>Thousands</i> <i>of</i> <i>Dollars</i>	<i>Permit</i> <i>Fee</i>
Up to 1	\$ 72	Up to 80	\$ 612
Up to 2	99.00	Up to 82	634

Up to 3	118.00	Up to 84	636
Up to 4	137	Up to 86	647
Up to 5	173	Up to 88	661
Up to 6	199	Up to 90	685
Up to 7	209	Up to 92	696
Up to 8	233	Up to 94	710
Up to 9	245	Up to 96	720
Up to 15	248	Up to 98	734
Up to 16	249	Up to 100	744
Up to 18	258	Up to 105	846

**BUILDING PERMIT FEE TABLE (continued)**

<i>Valuation</i>		<i>Valuation</i>	
<i>Thousands</i>		<i>Thousands</i>	
<i>of</i>	<i>Permit</i>	<i>of</i>	<i>Permit</i>
<i>Dollars</i>	<i>Fee</i>	<i>Dollars</i>	<i>Fee</i>
Up to 23	272	Up to 110	887
Up to 25	282	Up to 115	912
Up to 27	297	Up to 120	954
Up to 30	307	Up to 125	979
Up to 33	320	Up to 130	1,022
Up to 35	331	Up to 135	1,048
Up to 36	343	Up to 140	1,087
Up to 37	344	Up to 145	1,113
Up to 38	356	Up to 150	1,119
Up to 39	357	Up to 155	1,181
Up to 40	369	Up to 160	1,189
Up to 42	380	Up to 165	1,246
Up to 44	393	Up to 170	1,274
Up to 46	403	Up to 175	1,317
Up to 48	418	Up to 180	1,343
Up to 50	428	Up to 185	1,371
Up to 52	442	Up to 190	1,408
Up to 54	465	Up to 195	1,436
Up to 56	467	Up to 200	1,462
Up to 58	477	Up to 210	1,600
Up to 60	491	Up to 220	1,668
Up to 62	501	Up to 230	1,734
Up to 64	516	Up to 240	1,795
Up to 66	526	Up to 250	1,863
Up to 68	540	Up to 260	1,919
Up to 70	550	Up to 270	1,992
Up to 72	563	Up to 280	2,047
Up to 74	575	Up to 290	2,116
Up to 76	588	Up to 300	2,171
Up to 78	599	Up to 310	2,297
Up to 320	\$ 2,400	Up to 1.0	\$ 6,413
Up to 330	2,455	Up to 1.1	6,962
Up to 340	2,528	Up to 1.2	7,508
Up to 350	2,587	Up to 1.3	8,056
Up to 360	2,659	Up to 1.4	8,574
Up to 370	2,720	Up to 1.5	9,100
Up to 380	2,777	Up to 1.6	9,625

Up to 390	2,850	Up to 1.7	10,138
Up to 400	2,989	Up to 1.8	10,648
Up to 420	3,025	Up to 1.9	11,160
Up to 440	3,157	Up to 2.0	11,669
Up to 460	3,276	Up to 2.1	12,166
Up to 480	3,404	Up to 2.2	12,662
Up to 500	3,522	Up to 2.3	13,159
Up to 520	3,640	Up to 2.4	13,655
Up to 540	3,773	Up to 2.5	14,153
Up to 560	3,888	Up to 2.6	14,636
Up to 580	4,006	Up to 2.7	15,115
Up to 600	4,120	Up to 2.8	15,596

**BUILDING PERMIT FEE TABLE (continued)**

<i>Valuation</i>		<i>Valuation</i>	
<i>Thousands</i>		<i>Thousands</i>	
<i>of</i>	<i>Permit</i>	<i>of</i>	<i>Permit</i>
<i>Dollars</i>	<i>Fee</i>	<i>Dollars</i>	<i>Fee</i>
Up to 620	4,238	Up to 2.9	16,079
Up to 640	4,356	Up to 3.0	16,562
Up to 660	4,472	Up to 3.1	17,044
Up to 680	4,590	Up to 3.2	17,510
Up to 700	4,708	Up to 3.3	17,978
Up to 720	4,823	Up to 3.4	18,462
Up to 740	4,940	Up to 3.5	18,929
Up to 760	5,056	Up to 3.6	19,386
Up to 780	5,173	Up to 3.7	19,846
Up to 800	5,291	Up to 3.8	20,315
Up to 820	5,408	Up to 3.9	20,768
Up to 840	5,507	Up to 4.0	21,235
Up to 860	5,624	Up to 4.2	22,141
Up to 880	5,741	Up to 4.4	23,058
Up to 900	5,858	Up to 4.6	23,952
Up to 920	5,962	Up to 4.8	24,857
Up to 940	6,077	Up to 5.0	25,746
Up to 960	6,198	Up to 5.2	26,639
Up to 980	6,296	Up to 5.4	27,515

<i>Valuation</i>	
<i>Millions</i>	
<i>of</i>	<i>Permit</i>
<i>Dollars</i>	<i>Fee</i>
Up to 5.6	28,391
Up to 5.8	29,267
Up to 6.0	30,126
Up to 6.2	31,002
Up to 6.4	31,866
Up to 6.6	32,694
Up to 6.8	33,571
Up to 7.0	34,418
Up to 7.2	35,266
Up to 7.4	36,112
Up to 7.6	36,960
Up to 7.8	37,932

Up to	8.0	38,624
Up to	8.2	39,458
Up to	8.4	40,289
Up to	8.6	41,123
Up to	8.8	41,940
Up to	9.0	42,757
Up to	9.2	43,577
Up to	9.4	44,394
Up to	9.6	45,211
Up to	9.8	46,028
Up to	10.0	46,830
Up to	10.5	48,845

**BUILDING PERMITS (continued)**

\_\_\_\_\_  
 \_\_\_\_\_ *Valuation*  
 \_\_\_\_\_ *Millions*  
 \_\_\_\_\_ *of* \_\_\_\_\_ *Permit*  
 \_\_\_\_\_ *Dollars* \_\_\_\_\_ *Fee*

Up to	11.0	50,848
Up to	11.5	52,834
Up to	12.0	54,820
Up to	12.5	56,776
Up to	13.0	58,733
Up to	13.5	60,672
Up to	14.0	62,616
Up to	14.5	64,544
Up to	15.0	66,456

Each .5M over 15.0M ————— 1,800.00

**MISCELLANEOUS PERMIT FEES**

PERMIT TYPE	FEE	REMARKS
Demolition; <u>(1 &amp; 2 family units and accessory structures) single family and accessory structures</u>  <u>Accessory Structure Preservation</u>	\$120 <u>plus</u> \$100 <u>admin</u> <u>fee</u>  <u>Variable</u>	Each building or structure <u>plus a minimum \$2,000 deposit</u>  <u>Building Commissioner will estimate based upon the cost to demolish the structure if the principal building is not built</u>
Demolition, all others	240	Each building or structure
Driveway <del>apron</del> <u>Sidewalk</u>	48	Includes two inspections
Excavation Deposit (public right-of-way)	25	Per Square Foot of Paved Area (\$750 minimum and \$5,000 maximum)
	5	Per Square Foot of Grass Parkway (\$250 minimum and \$5,000 maximum)
Excavation Permit (public right-of-way)	100	Includes inspections
Fence Permit	48	Includes inspection

PERMIT TYPE	FEE	REMARKS
Foundation or Footing Permit or Letter	100	Value of foundation to be included in building permit calculation
Grading permit	150	Includes two inspections
Moving of building permit (building type permit)	500	Or \$.50/foot of route along public right-of-way from property line to property line, whichever is greater plus regular building permit
Parking Lot Permit	100	Includes one inspection
Sprinkler (fire) permit (building type permit)	Valuation of total cost	Valuation of system cost under Building Permit Fees plus Fire Department fees for processing, review, and inspections.
Tap Destroy (plumbing type permit)	50	Each
Tree Maintenance	48	Each Includes inspection
	120	Each tank
Underground tank removal (demolition type permit)		

#### ADMINISTRATIVE FEES

Fees for administrative and inspection activities necessary for the enforcement of various codes are listed in the following tables:

**TABLE I - ADMINISTRATIVE FEES**

ITEM	FEE	REMARKS
Amending permits	\$30	Plus difference for added work. No refund.
Architectural Review Board Review	\$200	Building applications in <del>B-2 &amp; B-5</del> <u>commercial and industrial</u> zoning districts, multi-family reviews
	\$150	New single-family residence
	\$100	Accessory structures and additions to single-family residences
	\$100	Sign permit (see Sign Permits)
	\$240	Sign variance request
Board of Building Appeals <del>hearing- Appeal of Building Commissioner decision</del>	\$240	
Board of Adjustment <del>hearing - Variance</del>	\$240 + \$50 per each additional request	Additions and alterations to existing single-family and accessory structures to existing single-family residences such as sheds, garages, and swimming pools
<del>Board of Adjustment – Fence Variance</del>	<del>\$200</del>	



ITEM	FEE	REMARKS
Board of Adjustment <u>hearing- Variance</u>	\$500 + \$50 <u>per each additional request</u>	All others not listed above
Building escrow for a temporary occupancy permit	\$75	
Inspections, extra inspections, and re-inspections	\$48	Each
<u>Permit Investigation Fee</u>	<u>Variable</u>	<u>Equal to the amount of the permit fee for work started without a permit</u>
Property maintenance (re-occupancy) inspections for single family and two family	\$75	Includes initial inspection and two follow-up inspections
Property maintenance (re-occupancy) inspections for apartments, condominiums, or other three or more family dwelling units	\$40	Includes initial inspection and one follow-up inspection
Property maintenance (re-occupancy) inspections for non-residential properties (commercial, business, industrial, institutional, etc)	\$100	Includes initial inspection and two follow-up inspections
Service charge for refund	\$24	Maximum refund 50% of total permit fee
Subcontractor transfer	\$54	

**TABLE 2 – PLANNING AND ZONING APPLICATION FEES**

ITEM	FEE
B4/B5 Development Plan	\$1,000 + <del>\$100</del> 25/acre or portion over one acre
B4/B5 Final Site Plan	\$1,000
B4/B5 Final Site Plan Amendment	<del>\$1,000</del> 500 (Public Hearing not required)
Community Unit Plan (single family), Development Plan/Preliminary Plat	\$1,000 + \$500/lot
Community Unit Plan (single family), Final Site Plan/Final Plat	\$100/Lot + 1.25% of public improvement guarantee + \$30/foot sidewalk waiver fee
Community Unit Plan (multi family), Development Plan/Preliminary Plat	\$1,000 + \$20/dwelling unit
Community Unit Plan (multi family), Final Site Plan/Final Plat	\$500 + 1.25% of public improvement guarantee
Community Unit Plan, Final Site Plan/Final Plat Amendment	\$800 (Public Hearing required) \$500 (Public Hearing not required)
Community Unit Plan, Final Site Plan Time Extension	\$300
Mixed Use in B2, Development Plan	\$1,000 + \$25/acre or portion over one acre
Mixed Use in B2, Final Site Plan	\$500
Mixed Use in B2, Final Site Plan Amendment	\$800 (Public Hearing required) <del>\$300-500</del> (Public Hearing not required)
Performance Guarantee Fee for Site Plan Review	10% of first \$10,000 of performance guarantee amount plus 2% exceeding \$10,000
R6 Development Plan	\$1,000 + \$20/dwelling unit
R6 Final Site Plan	\$500 + 1.25% of public improvement guarantee
Site Plan Review ( <u>Major</u> )	\$1,000

ITEM	FEE
Site Plan Review ( <u>Major</u> ) Amendment	\$800
<u>Site Plan Review (Minor)</u>	<u>\$500</u>
<u>Site Plan Review (Minor) Amendment</u>	<u>\$500</u>
Site Plan Review Extension ( <u>Major/Minor</u> )	\$300
Site Plan Review, New Single-Family Residential	\$500 + <u>minimum \$5,000 deposit</u>
Special Use Permit	\$1,000 ( <u>waived if submitted w/Site Plan Review</u> )
Special Use Permit Amendment	<del>\$1,000</del> <u>800 (waived if submitted w/Site Plan Review)</u>
Subdivision ( <u>Major</u> ), Preliminary Plat	\$500/Lot
Subdivision ( <u>Major</u> ), Final Plat and Improvement Plans	\$100/Lot + 1.25% of public improvement guarantee + \$30/foot sidewalk waiver fee
<u>Subdivision (Major), Amendment to Final Plat or Improvement Plans</u> <u>Amend Final Development Plan of approved subdivision plat</u>	\$200
<u>Subdivision Plat (Minor), Boundary Adjustment, Condominium, and Consolidation Plats</u>	\$100 + \$500 Deposit for return of recorded plat
<u>Subdivision Plat (Minor), Lot Split Plat</u>	<u>\$100/lot + \$500 Deposit for return of recorded plat</u>
Vacation of Easement	<del>\$75</del> <u>100</u>
Vacation of Dedicated Public Right-of-Way	<del>\$100</del> <u>200</u>
Zoning Code Text Amendment	\$1,000
Zoning Map Amendment	\$1,000

### MECHANICAL – BUILDING COMMISSIONER

#### Mechanical equipment permit fees

An application fee of twenty-five dollars (\$25) shall be charged for each permit application submitted. Mechanical permits shall be based on the schedule of equipment in this section for 1&2 family residential construction or for commercial and multi-family construction, the fee(s) can be based on the schedule or at the option of the city may be calculated by the cost of construction (mechanical equipment & install cost) method as outlined in this resolution under “building permit fee table”. The tabulated fee shall include the “rough and final” inspection as required. Additional inspection(s) shall be charged the fee of \$48 each.

#### WARM AIR FURNACE

<u>Under 200,000 BTU</u>	<u>\$48</u>
<u>Over 200,000 BTU</u>	<u>\$72</u>

#### COOLING

<u>Up to 4 ton</u>	<u>\$48</u>
<u>5 ton – 10 ton</u>	<u>\$60</u>
<u>Over 10 ton</u>	<u>\$72</u>
<u>(1 ton = 12,000)</u>	

COMBO HEATING/COOLING                      \$62

(singular residential dwelling units  
In 1&2 family or multi-family structure)



BOILER

Under 200,000 BTU	\$60
Over 200,000 BTU	\$72

AIR HANDLING EQUIPMENT

Up to 12,5000 cfm	\$48
Over 12,500 cfm	\$72

ELECTRIC HEAT COILS

_____	\$48
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EXHAUST HOOD

Over 600 cfm	\$48
Smoke removal/exhaust	\$48
Dust or Vapor exhaust	\$48

GENERATOR

_____	\$72
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MISCELLANEOUS FIXTURES

Other Mechanical fixtures requiring permits are assessed application fee, \$6 per unit and the required number of inspections.

**Self-Contained pre-fabricated fireplace permit fee.**

Permit application, plan review and inspection fee for the installation, modification, or replacement of self-contained, pre-fabricated fireplaces in projects not subject to integrated permit, shall be covered by the permit fee of sixty-two dollars (\$62) which shall include one inspection. A forty-eight (\$48) fee shall be charged for each additional inspection required.

**Mechanical equipment permit fees.**

~~A processing fee of twenty five dollars (\$25) shall be charged for each permit processed. At the option of the city the mechanical permit fee may be calculated by either the cost of construction method as outlined in section 5-103 or by use of the following schedule of unit prices except that all integrated permits shall be priced as provided in section 5-103.~~

- (1) ~~Forty eight dollars (\$48) for each of the first five (5) of the following units and six dollars (\$6) for each additional unit:~~

Duct furnace	Blower
Duct heater	Fan
Forced-air furnace	Broiler
Gravity air furnace	Fryer, fat
Radiant heating system	Griddle
Space heater	Grill
Unit heater	Kettle (gas fires)
Conveyor (power operated)	Oven (baking or roasting)
Range (commercial size)	Dry cleaning unit
Refuse chute	Infrared heater
Crematory	Water heaters over 20 gallons
Fireplace	Storage tanks
Incinerator	Unfired pressure vessel
Kiln	Tanks over 500 gallons
Fire damper	Cooling towers
Smoke damper	Emergency generators
Clothes dryer	Makeup air heater

(2) For each unit of the following categories of mechanical equipment, on commercial and industrial work, inspection and review fee shall be as follows:

*Air conditioning and air handling ventilating units:* \_\_\_\_\_ *Fee*

Up to 10,000 cfm system .....	\$ 48
10,001 to 15,000 cfm system .....	60
Over 15,000 cfm system .....	72

(3) *Boilers:*

Low pressure heating boilers (steam fifteen (15) psig or less, hot water one hundred sixty (160) psig or less, and less than two hundred fifty (250) degrees Fahrenheit):

*Unit Input Capacity* \_\_\_\_\_ *Fee*

Less than 500 MBH .....	\$ 48
501 to 1,000 MBH.....	60
Over 1,000 MBH.....	72

High pressure boilers (steam over fifteen (15) psig, hot water over one hundred sixty (160) psig and over two hundred fifty (250) degrees Fahrenheit):

*Unit Heating Surface Capacity* \_\_\_\_\_ *Fee*

Less than 200 sq. feet.....	\$ 48
201 to 2,000 sq. feet.....	60
Over 2,000 sq. feet.....	72

*Note:* 33,475 Btu = 1 hp (boiler horsepower) 240 Btu = 1 edr (equivalent direct radiations)

*Elevators, escalators, and Moving walks: (BY ST. LOUIS COUNTY)*

*Exhaust systems:*

*Unit Description* \_\_\_\_\_ *Fee*

Commercial hood exhaust.....	\$ 48
Smoke removal exhaust .....	48
Dust and/or vapor exhaust.....	48

*Refrigerator systems:*

*Unit Description* \_\_\_\_\_ *Fee*

Up to 100 tons .....	\$ 48
Up to 300 tons .....	60
301 to 1,000 tons.....	72
Over 1,000 tons.....	84

(4) The minimum total permit fee shall be fifty dollars (\$50) where no plan review is required, and seventy two (\$72) where plan review is required.

**Self-contained prefabricated fireplace permit fees.**



Permit processing, plan review and inspection charges for the installation, modification, or replacement of self-contained, prefabricated fireplaces, in projects not subject to integrated permit, shall be covered by a permit fee of sixty two (\$62) which shall include one (1) inspection. A forty eight dollar (\$48) fee shall be charged for each additional inspection required.

**Replacement of heating and air conditioning equipment permit fees.**

Permit processing and inspection charges for replacement of heating and air conditioning equipment shall be sixty two (\$62) per unit which shall include one (1) inspection. A forty eight dollar (\$48) fee shall be charged for each additional inspection required.

**Mechanical periodic inspection fees.**

Inspection and processing charge for mechanical periodic inspections at the frequency required by the Mechanical Code shall be covered by inspection fees as follows:

<i>Type of Equipment or Devices</i>	<i>Inspection Per Unit</i>
Air handlers.....	\$ 72
Air conditioning, up to 300 tons, under 15,000 cfm .....	60
Air conditioning, 301 to 1,000 tons, 15,000 to 40,000 cfm .....	72
Air conditioning over 1,000 tons, over 40,000 cfm .....	84
Amusement devices and kiddie rides <i>(By St. Louis County Permit)</i>	
Auto lifts.....	48

**Mechanical periodic inspection fees.**

Boilers .....	72
Conveyor, power operated .....	48
Dumbwaiters .....	72
Elevator..... <i>(By St. Louis County Permit)</i>	
Emergency generator.....	84
Escalators <i>(By St. Louis County Permit)</i>	
Fan (ventilation) exhaust over 5,000 cfm or 36 inch in diameter .....	48
Water heater over 120 gallons.....	48
Storage tanks over 120 gallons.....	48
Incinerators.....	48
Kitchen exhaust over 5,000 cfm .....	60
Moving walks <i>(By St. Louis County Permit)</i>	
Unfired pressure vessels.....	48
Unfired pressure vessel, with manhole.....	48
Refrigeration up to 100 tons.....	60
Refrigeration 101 to 300 tons.....	72
Refrigeration 301 to 1,000 tons.....	72
Refrigeration over 1,000 tons.....	90
Miscellaneous hoisting equipment .....	48

**PLUMBING – BUILDING COMMISSIONER**

**Plumbing inspection and permit fees.**

(a) *Calculation of fee.* At the option of the city the plumbing or sewer permit fee may be calculated by either the cost-of-construction method as outlined in section 5-103 or by use of the following schedule of unit prices except that all integrated permits shall be priced as provided above in section 5-103.

(b) *Processing fee; minimum fees.* All permits, except domestic water heater replacements, shall be subject to a twenty-five dollar (\$25) permit processing fee. The minimum total permit fee shall be thirty dollars (\$30.00) where no plan review is required, and seventy-two dollars (\$72) where plan review is required.

(c) *General inspection fees.* General inspection fees for each inspection performed shall be forty-eight dollars (\$48).

(1)	All domestic water heater replacements (total fee).....	\$ <b>2448</b>
(2)	The building sewer from the building to the septic tank shall be inspected before any part of the sewer pipe is covered. All filter trenches, absorption trenches and filter beds shall be inspected as the work progresses and in accordance with the schedule outlined below:	
	Inspection fees for each inspection of a sewage disposal system .....	48
	Extra fee or additional inspection fee.....	48
	Inspection of pipes for sewer mains, trunks, laterals and appurtenances per lineal foot: In addition to general inspection fee of \$48, \$0.36 per foot with a minimum charge of \$50.	
	Inspection of manholes, lampholes or catch basins: In addition to general inspection fee of \$48, \$6 per manhole, lamphole, or catch basin with a minimum charge of \$18.	
	Plumbing fixtures .....	5

**Plumbing inspection and permit fees (continued)**

Openings for future fixtures .....	5
Advising or investigation inspections .....	48
Any additional inspections or reinspections of any work listed on the above schedule.....	48

**ELECTRIC – BUILDING COMMISSIONER**

**Electric fee schedule.**

(a) *Calculation of fee.* At the option of the applicant, permit and inspection fees for all electrical work shall be calculated by the cost of construction method as outlined in section 5-103 or by use of the following schedule of unit prices, except that integrated permits shall be priced as provided in section 5-103. General inspection fees for each inspection performed shall be forty-eight dollars (\$48).

(b) A permit processing fee of \$25 shall be charged for each permit processed.

**ELECTRICAL PERMIT FEES – BUILDING COMMISSIONER**

<i>Item</i>	<i>First Unit</i>	<i>Each Additional Unit</i>
Electrical outlets (see note 1) .....	\$ 6.00	\$ 0.40
Elevators: a. Per floor.....	5.00	0.40
b. Per car .....	5.00	0.40
Service equipment (see note 2)		
a. Applied to service up to and		

including 200 ampere.....	8.00	4.00
b. Service over 200 ampere and up to and including 400 ampere.....	15.60	7.00
c. Service over 400 ampere .....	39.60	13.00
Motors: a. Less than 5 h.p. ....	6.00	0.40
b. 5 h.p. or greater .....	6.00	3.00
Panel board switches/switchboard sections.....	6.00	3.00
Transformers .....	8.00	3.00
X-rays .....	8.00	7.00
Carnivals, per each new location.....	<i>(Under St. Louis County Permit for amusement rides)</i>	
Residential new construction	Integrated permit	
Residential rewire:		
a. Service installed .....	\$ 24.00	\$16.00
b. Service not installed .....	24.00	10.00
Reinspections:		
a. Union electric .....	15.60	
b. Disconnected service.....	24.00	
c. Old installations.....	24.00	
Communication systems:		
a. Amplifiers.....	8.00	1.00
b. Telephones .....	8.00	1.00
c. Television antenna.....	8.00	1.00
d. Burglar alarm .....	8.00	N/A
Cable television:		
a. Head-end station, per street mile.....	3.60	
b. Power booster.....	31.20	31.00
Electric heat, per 10 kw.....	4.80	1.00

(b)..... *Notes.*

- (1) *Electrical outlets.* Each and every point on the electrical system where power or light is derived for any purpose whatsoever. In computing outlets for fluorescent fixtures, each fixture shall be counted as an electrical outlet.
- (2) *Service equipment.* Each and every point on the electrical system where power is derived from the public utility system or a private generating plant.

### ELECTRIC RATES

Class R (Residential)  
Bill Code E1

**(Effective: April 1, 2017)**

Each users charge shall be the total of the customer charge plus an energy charge:

Summer Rate (Applicable during four (4) monthly billing periods of June through September)

Customer Charge, per month .....	\$ 8.03
Energy Charge, per kWh.....	10.5¢

Winter Rate (Applicable during eight (8) monthly billing periods of October through May)

Customer Charge, per month .....	\$8.03
Energy Charge, per kWh.....	9.45¢

- (1) Budget billing. A budget billing payment plan will be available to all residential customers. To maintain eligibility in the plan, the budget amount must be paid monthly unless other arrangements have been made with the City's Director of Finance. Customers may request discontinuance of the plan at any time by contacting Customer Service. Monthly budget payments may be adjusted during the plan year to compensate for changes in usage, climate, or rates.

The total monthly bill to each multiple-occupancy residential building to which service is delivered and metered at one point shall be equal to the total number of dwelling units therein multiplied by the bill per dwelling unit, which bill per dwelling unit shall be calculated by applying the applicable residence rate to the average kilowatt-hour use per dwelling unit (equal to the total building use divided by the number of dwelling units, rounded to the nearest kilowatt-hour.) Electrical use for common building services such as hall lights, elevators and laundry areas used exclusively by tenants may be metered and billed through the main building meter.

Purchase Power Adjustment (Rider PPA). A purchased power adjustment will be applicable to all metered kilowatt-hours (kWh) of energy if approved by City Council. The current PPA shall be zero.

Class P (Primary Service)  
 Bill Code E2  
**(Effective: April 1, 2017)**

Each users charge shall be the total of the customer charge, plus the demand charges, plus the energy charge.

Summer Rate (Applicable during four (4) monthly billing periods of June through September)

Customer charge - per month .....	\$308.77
Energy charge - per kWh .....	10.5¢
Demand charge - per kW of Billing Demand.....	\$17.29
Reactive charge - per kvar.....	30¢

Winter Rate (Applicable during eight (8) monthly billing periods of October through May)

Customer charge - per month .....	\$308.77
Energy charge - per kWh .....	9.45¢
Demand charge - per kW of Billing Demand.....	\$7.85
Reactive charge - per kvar.....	30¢

1. Rate Application. This rate is applicable to primary service supplied by the City.
2. Character of service supplied. City will specify and supply a standard three-phase alternating current primary service voltage.
3. Cumulation of services. Service taken through each meter by the same customer on the same premises under this service classification will be cumulated for billing purposes. Such additional service, if any, supplied through facilities installed on and after January 1, 1991, will not be cumulated or otherwise combined for billing purposes with any other service supplied to customer.
4. Demand meters. City will install demand meters for the measurement of demands.
5. Demand: The billing demand in any month will be the highest fifteen-minute demand established during the month, but in no event less than 100 kW.

Purchase Power Adjustment (Rider PPA). A purchased power adjustment will be applicable to all metered kilowatt-hours (kWh) of energy if approved by City Council. The current PPA shall be zero.



Class GS-A (Small General Service)

Bill Code E3

**(Effective: April 1, 2017)**

Each users charge shall be the total of the customer charge plus an energy charge:

Summer Rate (Applicable during four (4) monthly billing periods of June through September)

Customer Charge  
Single-Phase, per month.....\$9.33

Energy Charge, per kWh..... 10.5¢

Winter Rate (Applicable during eight (8) monthly billing periods of October through May)

Customer Charge  
Single-Phase Service, per month.....\$ 9.33  
Three-Phase Service, per month .....\$18.56

Energy Charge  
Base Use, per kWh.....9.45¢  
Seasonal Use (1), per kWh.....9.497¢

(1) The winter seasonal energy use shall be all kWh in excess of one thousand (1,000) kWh per month and in excess of the lesser of: (a) The kWh use during the preceding May billing period, or (b) October billing period, or (c) the maximum monthly kWh use during any preceding summer month.

1. Rate application. This rate is applicable to all secondary service supplied for general use which does not qualify for any other secondary rate.
2. Character of service supplied. City will specify and provide a standard single-and/or three-phase alternating current secondary service voltage.
3. Cumulation of services. Service taken through each meter by the same customer on the same premises under this service classification will be cumulated for billing purposes. Additional service, if any, supplied through facilities installed on and after January 1, 1991, will not be cumulated or otherwise combined for billing purposes with any other service supplied to customer.
4. Customers without prior billing determinants. Customers on this rate who did not have sufficient use during preceding billing periods to establish their base use for the winter billing season will be billed entirely on the base rate unless electric heating supplies the customer's entire space heating requirements, in which case 1/2 of all use in excess of 1,000 kWh will be billed on the base rate and 1/2 on the seasonal energy rate.
5. Budget billing. A budget billing payment plan will be available to all small general service customers. To maintain eligibility in the plan, the budget amount must be paid monthly unless other arrangements have been made with the City's credit and utility billing supervisor. Customers may request discontinuance of the plan at any time by contacting Customer Service. Monthly budget payments may be adjusted during the plan year to compensate for changes in usage, climate, or rates.

Purchase Power Adjustment (Rider PPA). A purchased power adjustment will be applicable to all metered kilowatt-hours (kWh) of energy if approved by City Council. The current PPA shall be zero.

GS-B (Large General Service)

Bill Code E4



**(Effective: April 1, 2017)**

Each users charge shall be the total of the customer charge plus the demand charges, plus the energy charge subject to the limitation indicated.

Summer Rate (Applicable during four (4) monthly billing periods of June through September)

Customer Charge, per month .....\$80.89

Energy charge, per kWh..... 10.5¢

Demand Charge: Total Billing Demand, per kW.....\$4.15

Winter Rate (Applicable during eight (8) monthly billing periods of October through May)

Customer Charge, per month .....\$80.89

Base Energy Charge, per kWh.....9.45¢

Demand Charge: Total Billing Demand, per kW.....\$1.54

1. Rate application. This rate is applicable to all secondary service to any nonresidential customer whose billing demand in any summer month exceeds 100 kW; or at customer's request, to any other nonresidential customer.
2. Character of service supplied. City will specify and provide a standard single- and/or three-phase alternating current secondary service voltage.
3. Demand:
  - a) Billing demand. The monthly billing demand shall be the maximum demand measured during the month but in no event less than 100 kW.
  - b) Energy billing demand. Customer's billing demand shall be used to apportion customer's kilowatt hours to the kWh per kW energy rate steps for metered demands of 100 kW or greater. Where metered demands are less than 100 kW, the metered demand shall be used as the billing demand for purposes of apportioning kilowatt hours only.
  - c) Base billing demand. The base billing demand shall be the lesser of: the customer's billing demand established during the preceding May billing period, or October billing period; or the maximum billing demand established during the preceding summer billing period, but in no event less than 100 kW.
  - d) Seasonal billing demand. The seasonal billing demand shall be the customer's winter billing demand in excess of the customer's base billing demand.
  - e) Base and seasonal energy apportioning. The kilowatt hours for each winter billing period shall be apportioned to the base and seasonal energy rate steps in the same proportion as customer's base and seasonal billing demands.
  - f) Rate limitation. The sum of the demand and energy charges shall be limited to the rate limitation times customer's metered kilowatt-hours, but in no event shall be less than 100 kW times the base demand charge plus the customer's metered kilowatt hours times the energy charge.
  - g) Application of rate limitation to customer with seasonal demand. If a customer is billed any kW of seasonal demand in a winter billing period, the kWh's for that billing period shall be apportioned between base use and seasonal use in the same proportion as base demand and seasonal demand, and a separate rate limitation applied to base use and seasonal use.
  - h) Demand meters. When normal use of an existing customer or the estimated use of a new customer exceeds 25,000 kWh per month, or City has reason to believe that customer's summer demand exceeds 100 kW regardless of his kWh use, City will install a demand meter and measure customer's demands.

4. Cumulation of services. Service taken through each meter by the same customer on the same premises under this service classification will be cumulated for billing purposes. Additional service, if any, supplied through facilities installed on and after January 1, 1991, will not be cumulated or otherwise combined for billing purposes with any other service supplied to customer.
5. Customers without prior summer use. Customers on this rate who did not establish a demand during at least one of the June, July, August or September billing periods shall be billed during the succeeding winter billing periods entirely on the base demand charge.

Purchase Power Adjustment (Rider PPA). A purchased power adjustment will be applicable to all metered kilowatt-hours (kWh) of energy if approved by City Council. The current PPA shall be zero.

Class OL (Outdoor Lighting)  
City-Owned:

CITY OWNED

Type of Fixture	Lumens	Approved Type*	Rate Per Month
Mercury Vapor	6,800	B	\$7.60
Mercury Vapor	6,800	D	\$15.91
Mercury Vapor	11,000	B	\$11.63
Mercury Vapor	20,000	C	\$15.75
Mercury Vapor	54,000	C	\$24.91
High Pressure Sodium	9,500	B	\$7.60
High Pressure Sodium	9,500	D	\$15.91
High Pressure Sodium	16,000	B	\$12.80
High Pressure Sodium	25,500	C	\$15.75
High Pressure Sodium	50,000	C	\$24.91
Metal Halide 35 Watt decorative			\$5.20
Metal Halide 70 Watt decorative			\$6.42
Metal Halide 100 Watt decorative			\$10.60
Metal Halide 175 Watt decorative			\$14.30
Metal Halide 250 Watt decorative			\$19.81

\*All decorative Metal Halide fixture prices include black fiberglass pole.

Metal Halide 250 Watt Shoe Box	\$18.71
Metal Halide 400 Watt Shoe Box	\$22.58
Metal Halide 1000 Watt Shoe Box	\$49.15

\*All Shoe Box fixtures include pole.

Metal Halide 250 Watt Flood	\$15.79
Metal Halide 400 Watt Flood	\$19.66
Metal Halide 1000 Watt Flood	\$46.23

	Rate Per Month
Pole: 30 to 40 feet as required, per pole .....	\$7.68
Fiberglass Standard 30 feet, per pole .....	\$11.19
Ornamental Concrete, per pole.....	\$17.21
Wire: Standard, 2 cord, per span .....	\$2.38

Guy and Anchor, per set.....	\$2.07
Underground cable installed in and under dirt, per foot.....	7.06
All other underground cable installations, per foot.....	13.45¢

\*

- B: Standard side mounted, luminaire hood with open bottom glassware.
- C: Pole mounted, directional, mercury vapor luminaire; limited to installation on existing wood pole accessible to Electric Department basket truck and provided that capacitors, sectionalizers, regulators, cable terminations or 34.5 kW switches are not mounted on such pole.
- D: Post-top mounted, enclosed, luminaire, including standard post; limited to installations taken under 10 year contracts only.

Purchase Power Adjustment (Rider PPA). The kilowatt hours for lighting service provided under the terms of this rate shall be subject to the purchase power adjustment (Rider PPA). The kilowatt hour consumption of each lamp whole operating hours are determined by a photoelectric control, shall be determined from the manufacturer's rated wattage multiplied by the number of hours of operation for the month, in accordance with the following schedules:

Lamp Size (Lumens)	Rating (Watts)	Billing Burning	
		Month	Hours
<u>H. P. Sodium</u>		January	408
9,500	120	February	347
16,000	202	March	346
25,500	307	April	301
50,000	482	May	279
		June	255
		July	272
		August	298
<u>Mercury Vapor</u>		September	322
6,800	207	October	368
11,000	294	November	387
20,000	455	December	417
54,000	1080		

Customer-Owned: Rates per fixture per month unmetered.

Monthly Rate for Metered Service

Customer Charge Per Meter	\$5.17 per month
Energy Charge	3.49¢ per kWh

Rate Per Unit Per Month for Unmetered Service

Customer Charge per account	\$5.17 per month
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HIGH PRESSURE SODIUM Lumens	ENERGY & MAINTENANCE*	ENERGY ONLY
9,500	\$2.78	\$1.35
16,000	\$3.85	\$2.29
25,500	\$4.84	\$3.45
50,000	\$6.98	\$5.41
 MERCURY VAPOR		
6,800	\$3.62	\$2.32
11,000	\$4.89	\$3.30
20,000	\$6.49	\$5.10
54,000	\$13.68	\$12.13

\*Kirkwood will furnish energy, replace lamps and adjust or replace photo cell. Available to customers with three (3) or more lights.

Purchase Power Adjustment (Rider PPA).. The kilowatt hours for lighting service provided under the terms of this rate shall be subject to the purchase power adjustment (Rider PPA). The kilowatt hour consumption of each lamp whole operating hours are determined by a photoelectric control, shall be determined from the manufacturer's rated wattage multiplied by the number of hours of operation for the month, in accordance with the following schedules:

Lamp Size (Lumens)	Rating (Watts)	Billing Month	Burning Hours
		January	408
<u>H. P. Sodium</u>		February	347
9,500	120	March	346
16,000	202	April	301
25,500	307	May	279
50,000	482	June	255
		July	272
		August	298
<u>Mercury Vapor</u>		September	322
6,800	207	October	368
11,000	294	November	387
20,000	455	December	417
54,000	1080		

**METER ADJUSTMENT**

(MA)

**ADJUSTMENTS OF METER READINGS FOR METERING AT A  
VOLTAGE NOT PROVIDED FOR IN RATE SCHEDULES**

Where service is metered at a voltage other than the voltage provided for under the applicable rate schedule, an adjustment in both the kilowatt-hour and kilowatt meter readings for the total service will be made as follows:

- (1) Primary delivery metered at secondary voltage: add 0.0068% to the secondary meter readings.
- (2) Secondary delivery metered at primary voltage: deduct 0.0068% from the primary meter readings. Where City provides additional distribution facilities beyond its primary meter (limited to existing connections) said service shall be billed on City's primary service rate and no adjustment shall apply.

City shall not be required to provide any distribution facilities beyond the metering point except when required for engineering or other valid reasons.

**GARBAGE AND TRASH FEES**

<b>Collection from Residential Properties Effective May 7, 2021</b>	
<b>BASIC RESIDENTIAL SERVICES:</b>	
<b>Curbside Service</b>	<b>Rear Yard Service</b>
65 Gallon Garbage Cart	65 Gallon Garbage Cart
65 Gallon Recycling Cart	65 Gallon Recycling Cart
\$27.23/month	\$46.82/month
Additional Garbage Cart \$15.00/Month	Additional Garbage Cart \$15.00/Month

95 Gallon Garbage Cart 65 Gallon Recycling Cart \$32.23/month Additional Garbage Cart \$15.00/Month	95 Gallon Garbage Cart 65 Gallon Recycling Cart \$51.82/month Additional Garbage Cart \$15.00/Month
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**SPECIAL RESIDENTIAL SERVICES:**

Yard Waste Bags	Yard Waste Stickers	Special Pick Ups	Container Rental Services		
\$12.27/PKG OF 5	\$2.00/EA	\$25 Per Item Or \$25 Per 2 Cu. Yds. For Misc. Items By Appointment	<b>SIZE</b>	<b>FEE</b>	<b>EXTRA DUMP</b>
			2 Cu. Yds.	\$140	\$93
			4 Cu. Yds.	\$233	\$140
			6 Cu. Yds.	\$319	\$186
			30 Cu. Yds. 23.5' X 8' X 6.5' (L-W-H)	\$372	\$40/ton over three (3) ton
<b>BY APPOINTMENT</b> - Base Fee includes Off Street Delivery to front yard/building line, 7-day rental and one (1) dump. \$50/7-day rental after initial 7 days. Delivery beyond front building line is additional \$50.00. Materials <u>excluded</u> : yard waste, concrete, bricks, rock, gravel and dirt.					

**LIQUOR LICENSES**

**Licenses and fees.**

The following licenses for the sales indicated shall be issued pursuant to the provisions of this division at an annual fee as indicated:

- (a) Intoxicating liquor by the drink:
  - Sale any day except Sunday .....\$450.00
  - Sunday sales, additional fee ..... 100.00
  
- (b) Intoxicating liquor, retail sales in the original package, not to be consumed on the premises where sold:
  - Sales any day except Sunday .....\$150.00
  - Sunday sales, additional fee .....300.00
  
  - Establishments licensed to sell intoxicating liquor in the original package may apply for and obtain a license to conduct wine tastings on the premises of the licensed establishment for an additional fee .....\$25.00
  
- (c) Malt liquor by the drink:
  - Sales any day except Sunday .....\$200.00
  - Sunday sales, additional fee .....300.00
  
- (d) Malt liquor, retail sales in the original package, not to be consumed on the premises where sold ..... 22.50

- (e) Malt liquor and/or wine, by the drink, daily permit issued only to churches, schools, civic, service, fraternal, veteran, political or charitable club or organization for such sales at a picnic, bazaar, fair or similar gathering. (Such permit shall be issued only for specific days named therein. No such organization may obtain permits for more than seven (7) days per year, which year shall commence on the first day any such permit is issued to any such club or organization):
  - Original permit per year .....25.00
  - Each day in excess of one day per year..... 10.00
- (f) Wine, containing not in excess of fourteen (14) per cent alcohol by weight and malt liquor containing alcohol in excess of three and two-tenths (3.2) per cent by weight and not in excess of five (5) per cent by weight by the drink:
  - Sale any day except Sunday .....225.00
  - Sunday sales, additional fee .....300.00
- (g) Wholesaler or distributor of intoxicating liquor of all kinds to a person duly licensed to resale such intoxicating liquor, three-hundred seventy-five dollars (\$375.00) per annum.
- (h) Wholesaler or distributor of intoxicating liquor not in excess of twenty-two percent (22%) alcohol by weight to a person duly licensed to resale such intoxicating liquor, one hundred fifty dollars (4150.00) per annum.
- (i) Wholesaler or distributor of malt liquor containing not in excess of five percent (5%) alcohol by weight, seventy-five dollars (\$75.00) per annum.

**Annual license fees established; to be in lieu of portion of merchant's ad valorem tax.**

- (a) The annual license fees for licenses required by this division are as follows:
  - (1) For the manufacture or brewing of nonintoxicating beer .....\$375.00
  - (2) For the sale by any distributor or wholesaler other than the manufacturer or brewer thereof of nonintoxicating beer .....25.00
  - (3) For the sale of nonintoxicating beer at retail for consumption on the premises where sold .....37.50
  - (4) For the sale of nonintoxicating beer by grocers and other merchants and dealers, for sale in the original package direct to the consumer, but not for resale, and not to be consumed on the premises where sold ..... 22.50

(b) The annual license fees charged pursuant to subsection (a) are in lieu of the proportionate part of any merchant's license fee and ad valorem tax for stock and sales of non-intoxicating beer under this Code and the value of stocks of non-intoxicating beer and the aggregate amount of sales thereof made by any licensee shall not be returned by such merchant for purposes of merchant's license or ad valorem tax, nor shall such stock or sales be included in the computation of any merchant's license or ad valorem tax.

**PARKS AND RECREATION FEES**

**User fees for park and recreational facilities not to exceed the following maximum rates.**

The following identified fees shall be assessed for the use of the described facilities under the jurisdiction of the department of parks and recreation:

	<i>Resident</i>	<i>Nonresident</i>
(a) <i>Aquatic Center fees</i>		
Adult Daily Pass.....	\$6.00	\$ 10.00
Youth Daily Pass.....	6.00	10.00
Senior Daily Pass .....	5.00	10.00
Guest of Resident Daily Pass.....	8.00	8.00
Season Pass, Family of Three .....	210.00	315.00
Additional Family Member.....	20.00	30.00
Adult Season Pass (18-64).....	95.00	145.00
Youth Season Pass (4-17).....	80.00	120.00
Senior Season Pass (65+).....	80.00	145.00
Nonresident Pool ID Card.....		10.00
	<i>Resident</i>	<i>Nonresident</i>
(b) <i>Racquet Sports Court Fees:</i>		
Daily Permit.....	4.00	6.00
Daily Permit, Senior .....	3.00	6.00
Individual Season Pass .....	40.00	60.00
Individual Season Pass, Senior.....	25.00	60.00
Family of Three Season Pass .....	80.00	120.00
Additional Family Member.....	10.00	15.00
	<i>Resident</i>	<i>Nonresident</i>
(c) <i>Ice rink fees: (Effective April 1, 2018)</i>		
Single Session Youth (4-17) .....	4.00	5.00
Single Session Adult (18-64) .....	4.00	5.00
Single Session Senior Citizen (65+).....	3.50	4.50
Skate Rental .....	2.00	2.00
Prime Rink Rental (per hour).....	220.00	220.00
(d) Fees may be assessed per participant per program, session or event for all programs offered by, or in conjunction with the Kirkwood Parks and Recreation Department in an amount to be determined by the Director of Parks and Recreation.		

#### COMMUNITY CENTER RENTAL FEES

<u>Facility</u>	<u>Resident/Merit Group</u>	<u>Non-resident</u>
Small Room, per hour*	\$30.00 (\$30.00)	\$45.00 (\$40.00)
Large Room, per hour*	\$40.00 (\$40.00)	\$60.00 (\$50.00)
East Gym, per hour	\$50.00 (\$50.00)	\$75.00 (\$65.00)
East Gym, per day (10 hours)	\$470.00 (\$470.00)	\$705.00 (\$600.00)
West Gym, per hour	\$60.00 (\$60.00)	\$90.00 (\$85.00)
West Gym, per day (10 hours)	\$575.00 (\$575.00)	\$850.00 (\$700.00)
Theater, per day rehearsal	\$150.00 (\$150.00)	\$225.00 (\$200.00)
Theater, per day performance	\$600.00 (\$600.00)	\$900.00 (\$800.00)
Extra Show Fee, per show	\$100.00 (\$100.00)	\$150.00 (\$125.00)
Large Group Fee, per day	\$50.00 (\$50.00)	\$75.00 (\$50.00)

\*Merit groups receive half price rates for room rentals (not applicable for gyms or theater)

Current fees shown in parentheses

- (1) An extra \$50 fee per use will be assessed for groups of 300 or more utilizing rooms or gymnasiums in the Community Center.

### WATER RATES

#### Water rates.

(a) Except as provided herein, water furnished to all customers by the City shall be metered. Charges for such water shall be as follows:

#### MINIMUM CUSTOMER CHARGE

<u>METER SIZE</u>	<u>MONTHLY</u>
5/8"	\$11.51
3/4"	\$12.83
1"	\$15.55
1-1/2"	\$22.25
2"	\$30.28
3"	\$51.76
4"	\$75.90
6"	\$143.03
8"	\$223.52
10"	\$321.62
12"	\$438.25

*Water charge:* In addition to the minimum customer charge, for all water used as registered by the meter the charge is \$2.9851 per 100 cubic feet (748 gallons).

(b) Customers with unmetered fire protection will be billed at the following rates based upon the size of tap in the Water Department's main.

<u>TAP SIZE</u>	<u>ANNUAL RATE</u>
2" or less	\$32.87
3"	\$106.61
4"	\$131.20
6"	\$295.21
8"	\$524.87
10"	\$820.15
12"	\$1,181.12

- (2) Charges under this section (b) shall be paid monthly in advance. In addition to the tap size charge, fire service lines with detector meters will be billed as follows:

<u>METER SIZE</u>	<u>MONTHLY CHARGE</u>
5/8"	\$13.78
3/4"	\$14.86
1"	\$17.03



(c) Infrastructure Renewal Charge shall be billed monthly in accordance with the billing period for regular water service commencing on April 1<sup>st</sup>, 2015 and shall be determined as follows:

- (1) Infrastructure renewal charge - In addition to the regular water service and meter charge, for all water used as registered by the meter, the charge is \$1.10 per 100 cubic feet.
- (2) Large quantity users as defined in section (d) the infrastructure renewal charge rate is \$0.4761 per 100 cubic feet.

Billing for this service shall be in addition to charges for regular water service and meter charges.

(d) Charges for large quantity users shall be as follows:

- (1) Meter Charge - The charge for each month shall be based on the meter size or multiple meter sizes if more than one meter is installed as follows:

<u>Meter Size</u>	<u>Monthly Charge</u>
5/8"	\$10.49
3/4"	\$10.61
1"	\$14.14
1-1/2"	\$20.27
2"	\$27.60
3"	\$47.17
4"	\$69.17
6"	\$130.31
8"	\$203.67
10"	\$301.50
12"	\$373.18

- (2) Water Charge - In addition to the meter charge, for all water used as registered by the meter, the charge is \$1.2878 per 100 cubic feet.
- (3) The Director of Public Services and the Finance Director must determine who qualifies for this Section (d) rate, which user must use not less than 60,000 cubic feet per month.
- (4) Charges pursuant to this section (d) shall be billed monthly.
- (5) In addition to the meter charge, a monthly user charge for any month shall be equal to the water charge rate, times the greater of 1) sixty percent (60%) of the maximum usage during any of the months of June, July, August or September in the twelve (12) month period preceding the month for which the charge is made or 2) 60,000 cubic feet or 3) actual usage as registered by the meter.

(e) In addition to the above rates, there will be imposed a seven and one half percent (7½%) of the gross receipts of persons selling or distributing water in the City of Kirkwood in accordance with Section 23-212 of the Code of the City of Kirkwood.

(f) The foregoing rates do not include any franchise, license, occupation, sales, or any other charges or taxes that might be imposed by any other provision of the Code of Ordinances.

#### **VEHICLE ACCIDENT REPORTS**

Vehicle Accident Reports may be obtained at the Kirkwood Police Department for a cost of \$6.00.

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

PASSED AND APPROVED THIS 15<sup>TH</sup> DAY OF JULY 2021.

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Mayor, City of Kirkwood

ATTEST:

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City Clerk

# Legislation Request

## Resolution

Place On The Agenda Of: 7/15/2021

Step #1:

Strategic Plan NO                      Goal # & Title

### Background To Issue:

The Planning & Development Services Department is requesting various revisions to the City's Fee Schedule. The following revisions are proposed: 1) reformatting and re-organization of the Building Permit Fee table (no fees changed); 2) Updating the Miscellaneous Permit Fee chart to reflect current terminology and current deposit requirements in practice; 3) Updating the Administrative Fees table to reflect current terminology and consistency with the adopted building code; 4) Updating the Planning & Zoning Application Fees table to include new fee categories to match the newly adopted terminology and procedures in the Zoning and Subdivision Code ; 5) Updating language and terminology in the Mechanical fee section (no fees changed); and 6) Increase domestic water heater fee to match the generic minimum inspection fee amount.

Other than the complete reformatting of the Building Permit Fee table, proposed revisions are shown as redlined changes in the drafted resolution.

### Recommendations and Action Requested:

Staff recommends approval of the revised Fee Schedule as attached and requests the City Council's consideration of the drafted resolution.

### 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: 6/24/2021

Authenticated: raichejd

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



2021-07-01  
 FeeScheduleRevised.docx  
 Microsoft Word Document  
 66.1 KB

File Attachment

File Attachment

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

Select...

Purchasing Director's Comments:

BY: Select...

Date:

Authenticated:

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

File Attachment

File Attachment

File Attachment

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

Select...

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

BY: Select...

Date:

Authenticated:

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

Approve     Disapprove

Chief Administrative Officer's Comments:

BY:

A handwritten signature in blue ink, appearing to be "David Jones", written over a horizontal line.

Date:

7-9-21

RESOLUTION 75-2021

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A GROUND LEASE FOR THE PROPERTY LOCATED AT 140 WEST ARGONNE AVENUE, KIRKWOOD, MISSOURI.

WHEREAS, the City of Kirkwood recommends entering into a Ground Lease for the property located at 140 West Argonne Avenue, Kirkwood, Missouri, and

WEHREAS, the leased premises and improvements thereon may be used for retails sales of ice cream and similar food products for on and off site consumption, and

WHEREAS, the Lessee shall pay the Lessor, in advance, monthly rent of \$800 each month on the first day of the month without demand or set off.

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

SECTION 1. The Mayor is hereby authorized and directed to enter into a Ground Lease for the property located at 140 West Argonne Avenue, Kirkwood, Missouri (a copy of which is attached hereto and incorporated by reference herein).

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

PASSED AND APPROVED THIS 15<sup>TH</sup> DAY OF JULY 2021.

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

ATTEST:

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

# Legislation Request

Resolution

Place On The Agenda Of: 7/15/2021

Step #1:

Strategic Plan NO

Goal # & Title

Background To Issue:

Recommendations and Action Requested:

Authorize the Mayor to enter into a Ground Lease for the property at 140 W. Argonne, Kirkwood, MO 63122

Alternatives Available:

Does this project have a public information component?  Yes  No

Cost: \$0.00

Account #: 0000000

Project #:

Budgeted: YES

If YES, Budgeted Amount: \$0.00

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

Department Head Comments:

BY: Laurie Asche

Date: 7/12/2021

Authenticated: aschelb

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

 File Attachment

 File Attachment

 File Attachment

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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



Disapprove

Chief Administrative Officer's Comments:

BY:



Date:

7-12-21

## GROUND LEASE

This Lease ("Lease") is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ (hereinafter referred to as "Effective Date"), by and between the City of Kirkwood, Missouri, a municipality (hereinafter referred to as "Landlord"), and [insert name of building owner] (hereinafter referred to as "Tenant").

In consideration of the mutual promises, conditions, and other good and valuable consideration of the parties hereto, it is covenanted and agreed as follows:

1. Leased Premises; Use. Landlord leases to Tenant and Tenant leases from Landlord approximately 2,500 square feet of land (the "Leased Premises") with an address of 140 W. Argonne, Kirkwood, Missouri, which Leased Premises are shown on Exhibit A, hereto attached and made a part hereof, subject to the provisions of this Lease. Tenant represents to Landlord that the building presently located on the Leased Premises (the "Building") is owned by Tenant. Tenant further represents to Landlord that Tenant has executed a separate lease agreement with [name of subtenant to be inserted] ("Subtenant"), under which Subtenant leases and has the right to occupy the Building (the "Sublease") and which Sublease is consistent with this Lease in all respects, and permits Subtenant to perform and fulfill, Tenant's obligations hereunder, as may be required. Landlord and Tenant acknowledge and agree that this Lease is conditioned upon the Sublease and Subtenant's use of the Leased Premises and the Building for the retail sale of ice cream and similar products, including alcoholic and vegan options, and for no other purposes without the express written consent of Landlord (the "Permitted Use"). The sale of alcoholic ice cream shall be subject Tenant and/or Subtenant's receipt of all necessary permits and governmental approvals. Tenant and Subtenant shall have unlimited access to the Leased Premises twenty-four (24) hours per day, seven (7) days a week.

2. Term of Lease. The initial Lease term shall be five (5) years (the "Initial Term"), commencing upon [insert commencement date] (the "Commencement Date"). The Initial Term will terminate on the last day of the month in which the fifth anniversary of the Commencement Date falls.

3. Option to Renew. Provided that Tenant is in compliance with all of its obligations under this Lease on the date of the renewal, the then-current Term of this Lease may be extended for up to three (3) additional terms of five (5) years each (each, a "Renewal Term"), upon a continuation of all the same provisions, unless either party gives written notice to the other party of its intention to terminate this Lease at least one hundred eighty (180) days before the expiration of the then-existing Term. The "Term" of the Lease shall be the Initial Term and each Renewal Term timely exercised by Tenant.

4. Rent. Tenant shall pay to Landlord, in advance, base rent ("Base Rent") in the amount of Eight Hundred Dollars and 00/100 (\$800.00) per month, the first payment of which shall be due upon execution of this Lease and installments thereafter on the first day of each calendar month without demand. Tenant shall reimburse to Landlord all other costs incurred by Landlord which may become due and payable under this Lease as "additional rent". All amounts of additional rent shall be due and payable within ten (10) days of Tenant's receipt from Landlord of an invoice for the same. Base Rent and additional rent are sometimes referred to

herein as "Rent". Landlord shall specify the name, address, and taxpayer identification number of the payee who shall receive Rent on behalf of the Landlord. Base Rent will be prorated for any partial month. Tenant's covenant to pay Rent shall be independent of every other covenant set forth in this Lease and Tenant shall have no right of deduction or set-off.

5. Utilities. Tenant shall be solely and independently responsible for all costs of providing utilities to the Leased Premises, including the separate metering, billing, and payment of utility services consumed by Tenant's operations.

6. Property Taxes, Liens and Assessments. Tenant shall be responsible for and timely pay any real and personal property tax levied against the Leased Premises or against Tenant's tangible personal property located on the Leased Premises. Tenant shall not allow any liens to attach to the Leased Premises for any services, labor or materials furnished to the Leased Premises or otherwise arising from Tenant's use of the Leased Premises. Landlord shall have the right to discharge any such liens at Tenant's expense and shall bill the costs thereof to Tenant as additional rent.

7. Improvements. Improvements placed upon the Leased Premises by Tenant or Subtenant shall become a part of the realty. Tenant and Subtenant may not make any structural or exterior alterations, excavation or subsurface work, additions or improvements to or on the Leased Premises without the prior written consent of Landlord in each instance, but the foregoing shall not restrict interior, non-structural improvements or alterations which Tenant and Subtenant may desire to make to the Building, subject to all applicable governmental requirements. Such consent of Landlord, if given, shall be subject to the needs and requirements of Landlord in the operation of its governmental activities and to such other conditions as Landlord determines to impose. In all events such consent shall be conditioned upon strict conformance with all applicable governmental requirements, including, but not limited to, locating utilities at the Leased Premises. All alterations, improvements or installations at the Leased Premises shall be at Tenant's or Subtenant's sole cost and expense.

8. Repairs and Maintenance; Use; Casualty. Tenant and Subtenant shall be responsible for all repairs and maintenance and, if needed, replacements, of the Building and the Leased Premises, and may at their own expense alter or modify the Building to suit their needs consistent with the intended use of the Leased Premises, subject to the requirements of Section 7 of this Lease. The Building and the Leased Premises shall be kept by Tenant and Subtenant in a safe, neat, clean and presentable condition, free of debris, with grassy areas mowed and in good condition, appearance and repair. Tenant and Subtenant shall not use or permit the use of Building or the Leased Premises for any purpose other than the Permitted Use, maintain any nuisance, permit any waste, or use Building or the Leased Premises in any way that creates a hazard to persons or property. Tenant and Subtenant shall keep the areas they use or access on the Leased Premises clear from any substance that might create a hazard. Tenant and Subtenant shall not permit any sign on the Leased Premises, unless otherwise approved in writing by Landlord. If any improvements on the Leased Premises are damaged or destroyed by fire or other casualty, Tenant or Subtenant shall, within thirty (30) days after such casualty, remove all debris resulting therefrom, or promptly repair and restore the improvements to the same condition as existed prior to the casualty. If Tenant or Subtenant fails to do so, Landlord may

remove such debris, and Tenant shall reimburse Landlord, as additional rent, for all expenses incurred within ten (10) days after receipt of Landlord's bill for such removal.

9. Condemnation. If, as reasonably determined by Landlord, the Leased Premises cannot be used by Tenant because of a condemnation or sale in lieu of condemnation, then this Lease shall automatically terminate. Landlord shall be entitled to the entire award or proceeds for any total or partial condemnation or sale in lieu thereof, including, without limitation, any award or proceeds for the value of the leasehold estate created by this Lease. Notwithstanding the foregoing, Tenant shall have the right to pursue recovery from the condemning authority of such compensation as may be separately awarded to Tenant for Tenant's relocation expenses, the taking of Tenant's personal property and fixtures.

10. Compliance with Laws. Tenant shall comply with all governmental laws, ordinances, rules, regulations and orders relating to Tenant's use of the Building, the Leased Premises and the parking permits, as described in Section 38 of this Lease.

11. AS-IS. Tenant, for itself and on behalf of Subtenant, accepts the Leased Premises in its present condition with all faults, whether patent or latent, and without warranties or covenants, express or implied. Tenant, for itself and on behalf of Subtenant, acknowledges that Landlord shall have no duty to maintain, repair or improve the Leased Premises.

12. Release and Indemnity.

(a) As a material part of the consideration for this Lease, Tenant, to the extent it may lawfully do so, waives and releases any and all claims against Landlord for, and agrees to indemnify, defend and hold harmless Landlord, and its and their officials, officers, agents and employees ("*Indemnified Parties*") from and against, any loss, damage (including, without limitation, punitive or consequential damages), injury, liability, claim, demand, cost or expense (including, without limitation, attorneys' fees and court costs), fine or penalty (collectively, "*Loss*") incurred by any person (including, without limitation, Landlord, Tenant, or any employee of Tenant) and arising from or related to (i) any use of the Leased Premises by Tenant or any employee, invitee or licensee of Tenant, (ii) any act or omission of Tenant, its officers, agents, employees, licensees or invitees, or (iii) any breach of this Lease by Tenant.

(b) The foregoing release and indemnity shall apply regardless of any negligence, misconduct or strict liability of any Indemnified Party, except that the indemnity, only, shall not apply to any Loss caused by the sole, active and direct negligence of any Indemnified Party if the Loss (i) was not occasioned by fire or other casualty, or (ii) was not occasioned by water, including, without limitation, water damage due to the position, location, construction or condition of any structures or other improvements or facilities of any Indemnified Party.

(c) No provision of this Lease with respect to insurance shall limit the extent of the release and indemnity provisions of this Section.

13. Insurance. At all times during the Lease term, Tenant shall maintain property insurance on the Leased Premises to cover the Leased Premises and the Building located on the Leased Premises, with Landlord named as an additional insured. Tenant shall also maintain

insurance on all of Tenant's personal property on the Leased Premises in a commercially reasonable amount.

(a) Tenant shall maintain comprehensive public liability insurance with an insurance company licensed to do business in Missouri and satisfactory to Landlord, with coverage in an amount of not less than One Million Dollars (\$1,000,000.00) per occurrence and Two Million Dollars (\$2,000,000.00) in the aggregate for personal injury, death or property damage occurring on the Leased Premises. Tenant shall also maintain product liability, professional liability, business (income) interruption insurance, and such other insurance coverage to the extent required by state law. All insurance policies required to be maintained by Tenant hereunder shall be issued by reputable insurance companies having an A.M. Best's rating of "A-" or better. Landlord shall be named as an additional insured on Tenant's general liability policy. Tenant shall furnish Landlord with a certificate or certificates of insurance covering such insurance so maintained by Tenant. On or before the commencement of the Initial Term, Tenant shall deliver to Landlord a certificate evidencing the existence and amount of the insurance required to be carried by Tenant under this Section. No policy of insurance required to be obtained and maintained hereunder shall be cancelable except after thirty (30) days' prior written notice from either Tenant or such insurer to Landlord.

(b) Tenant waives all rights to recover against Landlord for any loss or damage to its tangible personal or real property (whether owned or leased) from any cause covered by insurance maintained by Tenant party, including any applicable deductible.

(c) If Tenant fails to obtain or maintain the insurance required to be maintained by Tenant hereunder, and such failure is not corrected within thirty (30) days following written notice thereof from Landlord, Landlord shall have the right, but not the obligation, to procure such insurance on behalf of Tenant, in which event, not later than ten (10) days after receipt of an invoice therefor, Tenant shall reimburse to Landlord, as additional rent, all costs incurred by Landlord in connection therewith.

#### 14. Default.

(a) Monetary Default. Tenant shall be in default under this Lease if Tenant fails to make a payment of Base Rent or other payment required hereunder ("Monetary Obligation") when due and such failure continues for five (5) days after the due date of such payment.

(b) Non-Monetary Default. Tenant shall be in default under this Lease if Tenant fails to comply with any obligation of Tenant under this Lease, other than a Monetary Obligation, and after written notice is given by Landlord to Tenant specifying the default, Tenant fails either to immediately commence to cure the default, or to complete the cure expeditiously but in all events within thirty (30) days after the default notice is given.

15. Remedies. Landlord's remedies for Tenant 's default are to (a) enter and take possession of the Leased Premises, without terminating this Lease, and relet the Leased Premises on behalf of Tenant, collect and receive the rent from reletting, and charge Tenant for the cost of reletting, and/or (b) terminate this Lease in the event of the occurrence of a default, as described

in Section 14 above and sue Tenant for damages, (c) accelerate all remaining rent payments and other payments required to be made by Tenant for the remainder of the Term after Tenant's default, and/or (d) execute such other remedies as Landlord may have at law or in equity, including the right to accelerate rent payments. Landlord may enter and take possession of the Leased Premises by self-help, by changing locks, if necessary, and may lock out Tenant, all without being liable for damages.

16. Assignment of Lease by Tenant. Tenant shall not assign this Lease or sublease or permit the use of any of the Leased Premises or any part of the Leased Premises, in whole or in part, or assign, encumber or transfer (by operation of law or otherwise) this Lease, without the prior consent of Landlord, which consent may be denied at Landlord's sole and absolute discretion. Any purported transfer or assignment without Landlord's consent shall be void and shall be a default by Tenant. Subject to this Section, this Lease shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and assigns.

17. Vacation of Leased Premises; Removal of Tenant's Property. Upon the expiration or earlier termination of this Lease, Tenant shall peaceably and quietly vacate and surrender possession and use of the Leased Premises to Landlord, without Landlord giving any notice to quit or demand for possession. If upon termination, the Building or other improvements are still located on the Leased Premises, Landlord may, at its election, and at any time after such termination, take title to all or any portion of such structures or property by giving notice of such election to Tenant (Tenant agreeing to release to Landlord any and all rights Tenant may have in the Building and improvements on the Leased Premises as of the date of termination) or Landlord may remove any building or structure or other improvement located on the Leased Premises for which no valid lease with Landlord is then in effect.

18. Quiet Enjoyment and No Interference. Landlord covenants that so long as Tenant shall not be in default of this Lease, Tenant shall have quiet and peaceable possession of the Leased Premises throughout the Initial Lease Term as the same may be extended, and that Landlord will not intentionally disturb Tenant's enjoyment thereof as long as Tenant is not in default under this Lease.

19. Authority. The persons signing this Lease on behalf of Landlord and Tenant, by each one's execution hereof, certify and stipulate that all necessary requirements have been followed and complied with to authorize and empower them to execute this Lease on behalf of Landlord and Tenant, respectively, and that this Lease is a binding obligation of Landlord and Tenant enforceable in accordance its terms.

20. Subordination and Non-Disturbance. Landlord represent and warrants to Tenant that there is no mortgage, lien, or other encumbrance affecting the Leased Premises which requires the consent to the Lease of any party which has not been obtained. The Tenant agrees to subordinate this Lease to any bonded indebtedness, mortgage or trust deed which may hereafter be placed on the Landlord's Parcel, provided the bondholders, mortgagee or trustee thereunder shall ensure to Tenant the right to possession of the Leased Premises and other rights granted to Tenant herein so long as Tenant is not in default beyond any applicable grace or cure period,

such assurance to be in writing and otherwise in form and substance reasonably satisfactory to Tenant.

21. Environmental.

(a) Without the prior written consent of Landlord, Tenant shall not use or permit the use of the Leased Premises for the generation, use, treatment, manufacture, production, storage or recycling of any Hazardous Substances. The consent of Landlord may be withheld by Landlord for any reason whatsoever, and may be subject to conditions in addition to those set forth below. It shall be the sole responsibility of Tenant to determine whether or not a contemplated use of the Leased Premises is a Hazardous Substance use.

(b) In no event shall Tenant (i) release, discharge or dispose of any Hazardous Substances, (ii) bring any hazardous wastes as defined in any environmental law or regulation onto the Leased Premises, (iii) install, use or store on the Leased Premises any underground storage tanks, or any Hazardous Substances.

(c) If requested by Landlord, Tenant shall cause to be performed an environmental assessment of the Leased Premises upon termination of the Lease and shall furnish Landlord a copy of such report, at Tenant's sole cost and expense.

(d) Without limitation of the provisions of this Lease, Tenant shall be responsible for all damages, losses, costs, expenses, claims, fines and penalties related in any manner to any Hazardous Substance use of the Leased Premises (or any damage to property in proximity to the Leased Premises migrating or leeching from Tenant's use of Hazardous Substances on the Leased Premises) during the Term of this Lease or, if longer, during Tenant's occupancy or use of the Leased Premises, regardless of Landlord's consent to such use, or any negligence, misconduct or strict liability of any Indemnified Party (as defined herein), and including, without limitation, (i) any diminution in the value of the Leased Premises, and/or any adjacent property of any of the Indemnified Parties, and (ii) the cost and expense of clean-up, restoration, containment, remediation, decontamination, removal, investigation, monitoring, closure or post-closure. Notwithstanding the foregoing, Tenant shall not be responsible for Hazardous Substances existing on, in or under the Leased Premises prior to the earlier to occur of the Commencement Date or Tenant's taking occupancy of or using any portion of the Leased Premises, or migrating from adjacent property not controlled by Tenant, or (iii) placed on, in or under the Leased Premises by any of the Indemnified Parties; except where the Hazardous Substance or the contamination is exacerbated by, or any excavation undertaken by, Tenant. Tenant shall have the burden of proving by a preponderance of the evidence that any exceptions of the foregoing to Tenant's responsibility for Hazardous Substances applies.

22. Binding Effect. All of the covenants, conditions, and provisions of this Lease shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

23. Notice. Any notice, request, complaint, demand or other communication required by this Lease to be given to or filed with Landlord or Tenant, shall be in writing and shall be given or filed in the manner and at the addresses specified below.



LANDLORD:

City Manager  
City of Kirkwood  
City Hall  
139 S. Kirkwood Road  
St. Louis, MO 63122  
Fax: \_\_\_\_\_  
e-mail: \_\_\_\_\_

With a copy to:

John Hessel, Esq.  
City Counselor  
Lewis Rice LLC  
600 Washington, Suite 2500  
St. Louis, MO 63101  
Fax: 314 612 7735  
e-mail: [jhessel@lewisrice.com](mailto:jhessel@lewisrice.com)

TENANT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Fax: \_\_\_\_\_  
e-mail: \_\_\_\_\_

or at such different address as the parties may give by written notice mailed, faxed, e-mailed or delivered personally to the addresses of the other party listed above. Any mailed notices will be effective three days after deposit in the United States Mail, properly addressed with postage prepaid.

24. Attorney's Fees. If either party retains an attorney to enforce this Lease (including, without limitation, the indemnity provisions of this Lease), the prevailing party is entitled to recover reasonable attorney's fees.

25. Execution of Other Instruments. Each of Tenant and Landlord agrees to execute, acknowledge, and deliver to the other party such other instruments respecting the Leased Premises as may reasonably be requested from time to time, provided such instruments are consistent with this Lease. Such instruments may include a memorandum of lease that may be recorded in the appropriate local land records setting forth the description of the Premise and the term of this Lease. Promptly on request of the other party, each of Tenant and Landlord shall from time to time execute estoppel certificates stating that this Lease is then in full force and effect, that such other party has performed through the date of the certificate and the party executing the estoppel certificate knows of no default by the other party hereunder, or if any of such facts are not true, then stating specifically in what respect they are not true.

26. Waiver. The rights and remedies of the parties under this Lease, as well as those provided or accorded by law, shall be cumulative, and none shall be exclusive of any other rights or remedies hereunder or allowed by law. A waiver by one party of any breach or breaches, default or defaults, of the other party hereunder shall not be deemed to be a waiver of any other breach or breaches, default or defaults, and shall not be deemed to be a continuing waiver of

such breach or default nor as a waiver of or permission, expressed or implied, for any subsequent breach or default. The acceptance by Landlord of any installment of Base Rent subsequent to the date the same should have been paid hereunder shall in no manner alter or affect the covenant and obligation of Tenant to pay subsequent installments of Base Rent promptly upon the due date thereof. No receipt of money by Landlord after termination of this Lease in any way shall reinstate, continue or extend the Lease term.

27. Holding Over. Any holding over after the expiration of the Term shall be as a tenancy from month to month subject to all provisions of this Lease, except that the rent shall be equal to 150% of the Base Rent in effect at the expiration of the Term and Tenant shall be liable to Landlord for any direct and consequential damages caused by such holdover, as well as all attorney's fees and expenses incurred by Landlord in terminating the Lease.

28. Successors and Assigns. All the covenants, agreements and conditions herein contained shall extend to and be binding upon the respective successors, heirs, executors, administrators, assigns, receivers or other personal representatives of the parties to this Lease. Upon request, Tenant shall attorn to any successor to Landlord and shall execute any documents in form reasonably acceptable to Tenant as required to carry out such attornment. Landlord shall notify Tenant of any transfer of its interest in the Lease and any transferee shall assume in writing all of Landlord's obligations under this Lease from and after the date thereof.

29. Interest. All amounts due under this Lease that are not paid within five (5) days of when due shall bear interest at the rate of ten percent (10%) per year from the due date until paid.

30. Entire Agreement. This Lease constitutes the entire agreement between the parties and supersedes any prior understandings or oral or written agreements between the parties respecting the within subject matter.

31. Modifications. This Lease may not be modified, except in writing signed by both parties.

32. Waiver of Consequential Damages. Except as otherwise provided in this Lease, under no circumstances shall either Landlord or Tenant be liable to the other under any theory of tort, contract, strict liability, or other legal or equitable theory for any punitive, special, incidental, indirect, or consequential damages, each of which is excluded by agreement of the parties regardless of whether or not any party has been advised of the possibility of such damages.

33. **WAIVER OF JURY TRIAL. LANDLORD AND TENANT EACH WAIVES ANY RIGHT IT MAY HAVE TO TRIAL BY JURY IN ANY ACTION, PROCEEDING, OR COUNTERCLAIM BROUGHT BY EITHER AGAINST THE OTHER ON ANY MATTER WHATSOEVER ARISING OUT OF OR IN ANY WAY CONNECTED WITH THIS LEASE, THE RELATIONSHIP OF LANDLORD AND TENANT, OR TENANT'S USE OR OCCUPANCY OF THE LEASED PREMISES.**

34. Jurisdiction. Any legal action or proceeding with respect to this Lease shall be brought in the courts of the state of Missouri in the jurisdiction where the Leased Premises is

located. By execution and delivery of this Lease, each party hereto hereby irrevocably accepts generally and unconditionally, the jurisdiction of the aforesaid courts.

35. Non-Binding Until Full Execution and Purchase of Building. Both parties agree that this Lease is not binding on both parties until (a) both parties execute the Lease and (b) the purchase of the Building by Tenant has been closed, satisfactory evidence of which shall be provided to Landlord.

36. Severability. If any term or provision of this Lease or its application shall to any extent be invalid or unenforceable, then the remainder of this Lease, or the application of such term or provision except those as to which it is invalid or unenforceable, shall not be affected by such invalidity. All remaining provisions of this Lease shall be valid and enforceable to the fullest extent applicable laws allow.

37. Construction. Unless the context otherwise requires, when used in the Lease, the singular includes the plural and vice versa, and the masculine includes the feminine and neuter and vice versa. A person is deemed to include an individual or any entity. If any provisions of this Lease be found by a court of competent jurisdiction to be contrary to law, or void as against public policy or otherwise, such provisions shall be either modified to conform to the laws or considered severable with the remaining provisions hereof continuing in full force. The titles and headings in this Lease are used only to facilitate reference, and in no way to define or limit the scope or intent of any of the provisions of this Lease. This Lease may be executed in two or more counterparts, all of which taken together shall constitute one instrument. Electronic counterparts as executed by the parties shall be deemed and treated as executed originals for all purposes, including, without limitation, signatures transmitted as scanned attachments to emails or signatures delivered through DocuSign or other electronic signature methods. All Exhibits attached to this Lease are incorporated herein by reference. This Lease shall be governed by the internal laws of Missouri.

38. Parking Permits. Landlord shall also provide to Tenant, at no additional charge, two parking permits for the parking of two vehicles in the "F" Lot. The "F" Lot is as shown on Exhibit B, hereto attached and made a part hereof. Landlord makes no representations or warranties regarding the "F" Lot or the current or future availability of parking spaces in the "F" Lot. Parking in such lot by Tenant or Subtenant shall be in accordance with all rules and regulations for such lot and at the sole risk of Tenant or Subtenant.

[SIGNATURE PAGE FOLLOWS]

**Signature Page**

IN WITNESS WHEREOF, the parties hereto bind themselves to this Ground Lease as of the day and year first above written.

TENANT:  
[insert name of building owner]

LANDLORD:  
City of Kirkwood

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF MISSOURI                    )  
  )  
\_\_\_\_\_ OF ST. LOUIS \_\_\_\_\_)

I, the undersigned, a notary public in and for the State and \_\_\_\_\_ aforesaid, do hereby certify that \_\_\_\_\_, known to me to be the same person whose name is subscribed to the foregoing Ground Lease, appeared before me this day in person and acknowledged that he is the \_\_\_\_\_ of the City of Kirkwood, and that the foregoing instrument was signed on behalf of the City and as the free and voluntary act of the City for the uses and purposes therein stated.

Given under my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 )  
COUNTY OF \_\_\_\_\_ )

I, the undersigned, a notary public in and for the State and County aforesaid, do hereby certify that (name) \_\_\_\_\_, being the \_\_\_\_\_, of [insert name of building owner], known to me to be the same person whose name is subscribed to the foregoing Ground Lease, appeared before me this day in person and acknowledged that, pursuant to his/her authority, the foregoing instrument was signed on behalf of [insert name of building owner] and as the free and voluntary act of said \_\_\_\_\_ for the uses and purposes therein stated.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

Exhibit A

Description of Leased Premises

**FOURI MINIMUM STANDARDS SURVEY**

Exhibit A

WEST ARGONNE (100'W.)

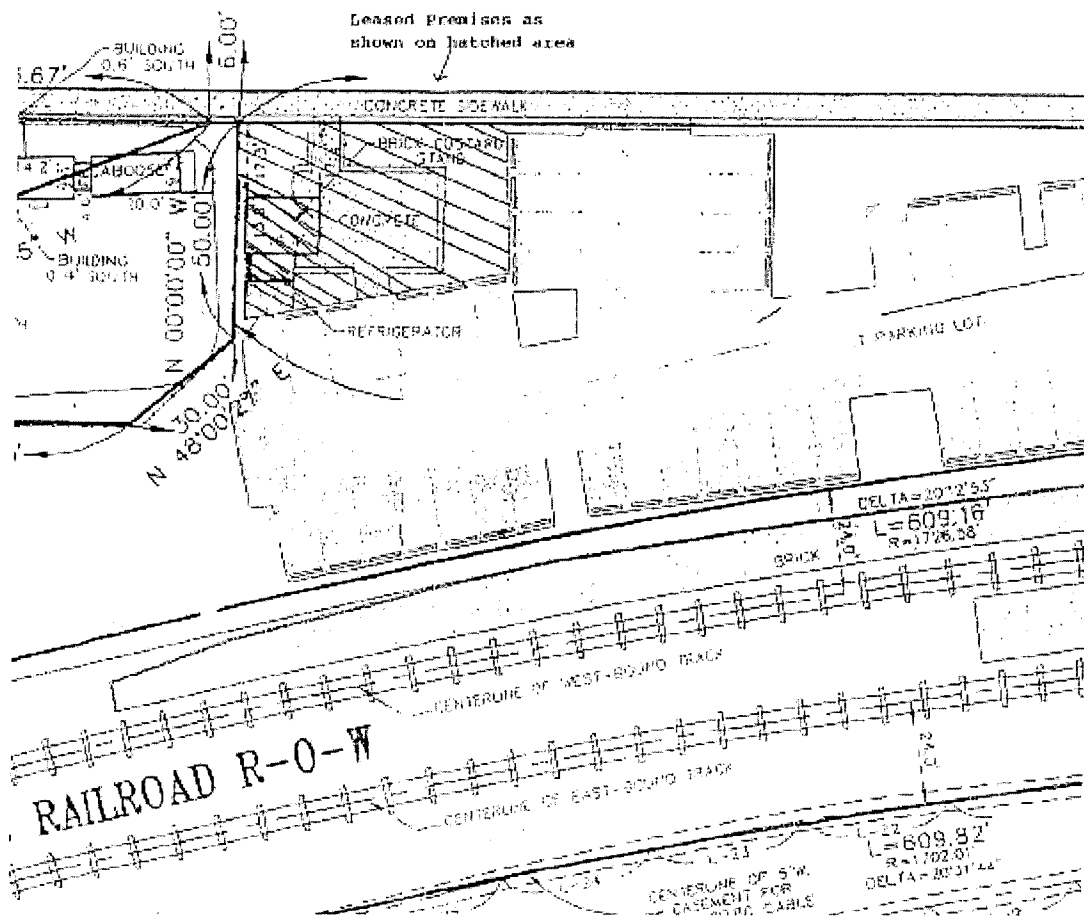
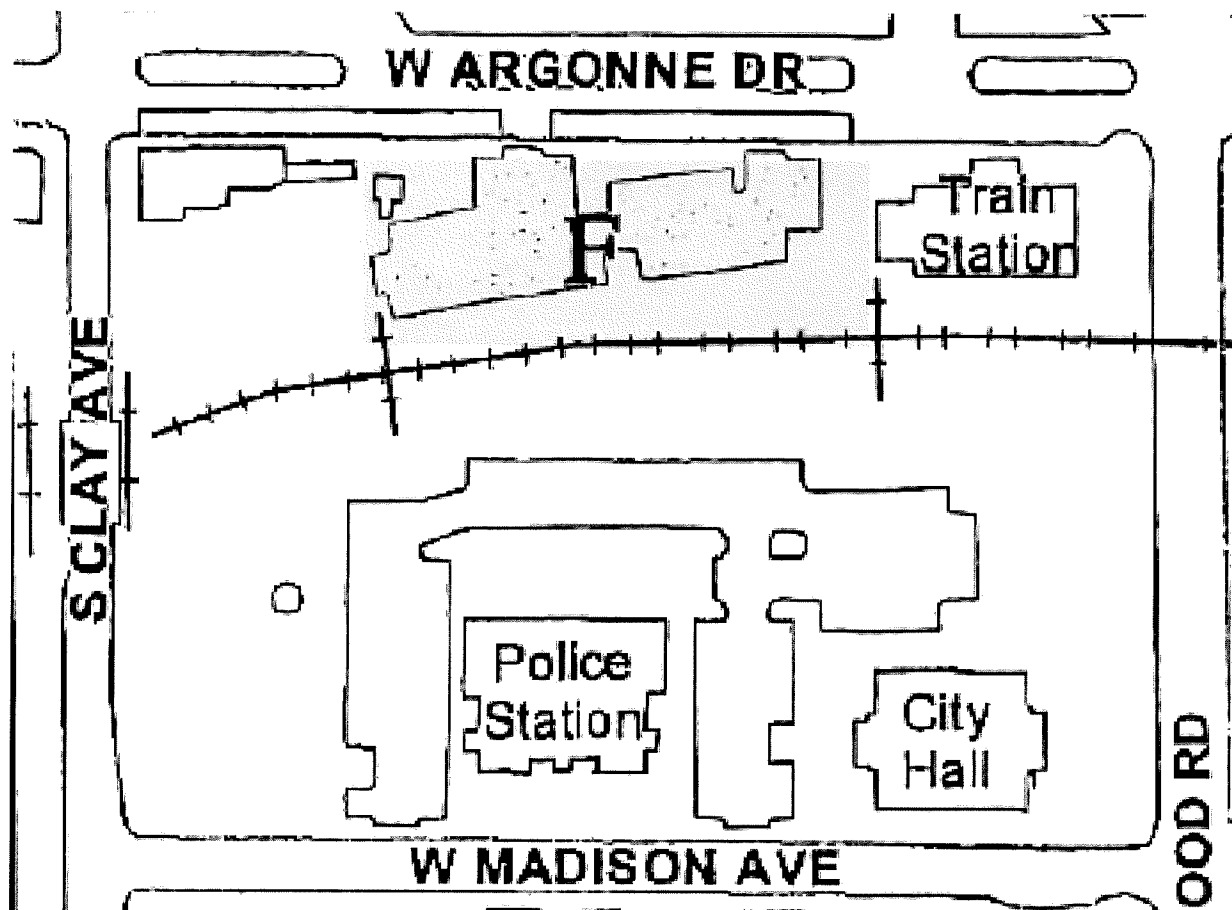


Exhibit B

"F" Lot





## APPLICATION FOR TEMPORARY OUTDOOR PROMOTIONAL VARIANCE

Business or Organization Seeking Variance:

\_\_\_\_\_Teleo Coffee\_\_\_\_\_

Name of Business Owner or Manager Seeking Variance:

\_\_\_\_\_Olivia Oglesby\_\_\_\_\_

Address or Location of Variance Site:

\_\_\_\_\_132 W Monroe Ave\_\_\_\_\_

Description of Activity Needing Variance Including Dates and Times:

This will be our grand opening for our coffee shop. We will have other local vendors come and be part of the celebration. Therefore, we will have them set up throughout the parking lot and some food trucks parked on the street. Last time we did our grand opening for the Mini on Monroe (a pop up tent in the parking lot), we had close to 250 people so we are expecting a lot more than that for the grand opening. Therefore, we are looking to block off the entrance to the parking lot on Monroe and have people enter through the entrance on S. Clay. We would have cones and signs to re-direct people. This will occur on August 7<sup>th</sup> and we will be open from 6am-6pm (times may be less but this would be the max we would decide to do).

Applicant's Telephone Number: \_\_\_\_\_(573) 777-2991\_\_\_\_\_

Email Address, if applicable: \_\_\_\_\_olivia@teleocoffee.com\_\_\_\_\_

If Applicant is not the Property Owner Provide Name and Contact Phone Number of Owner or Property Manager\*: \_\_\_\_\_Embrace Properties. (314) 722-4132\_\_\_\_\_

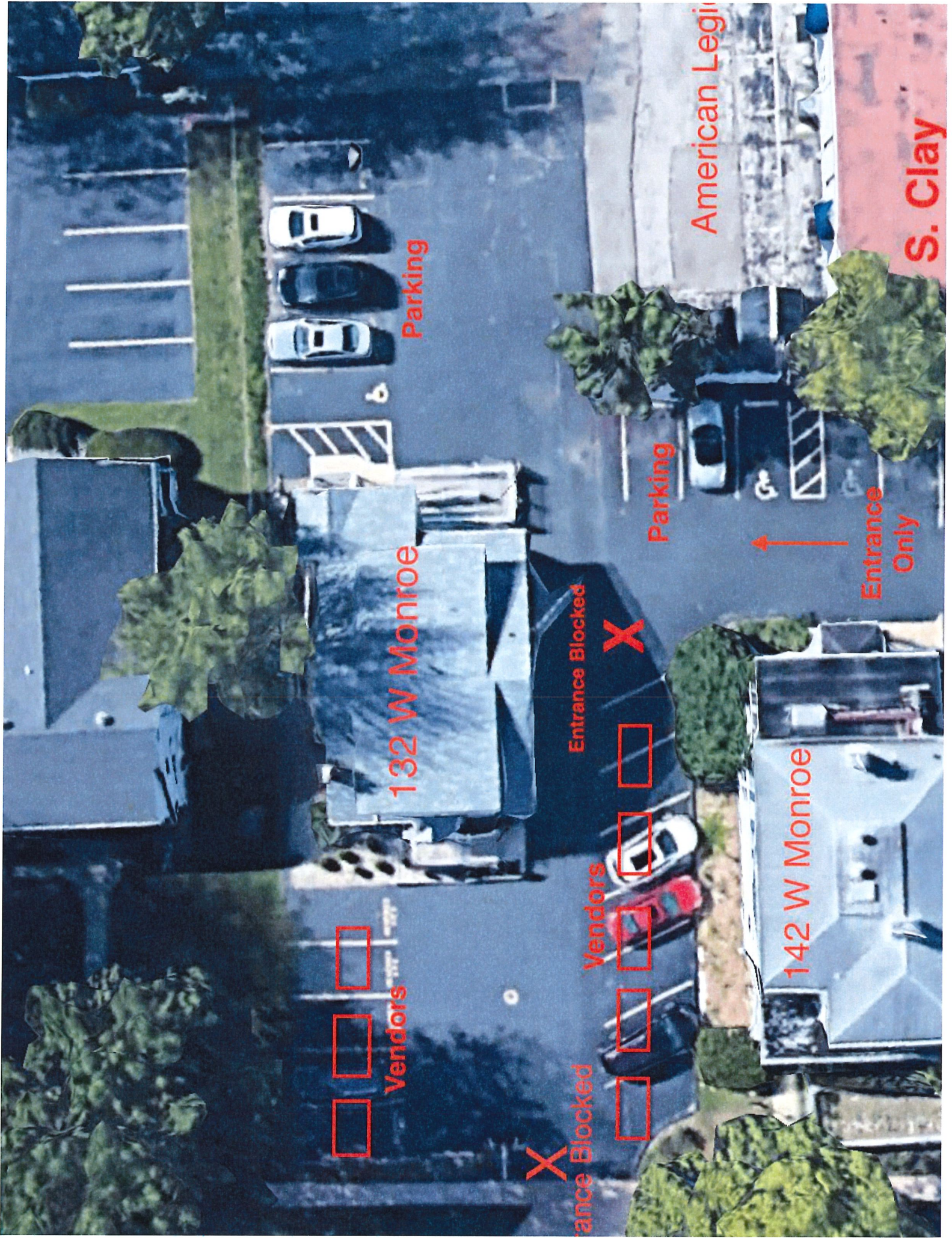
\*Approval from the Property Owner or Property Manager, prior to submittal to City of Kirkwood.

How Many Parking Spaces Will Be Affected: \_\_\_\_\_Could be up to 10 but we have street parking along with a reciprocal parking agreement with 142 W Monroe and the American Legion so we would have those additional spots\_\_\_\_\_

\_\_\_\_\_Olivia Oglesby\_\_\_\_\_

7/9/21





□ □ □

Vendors

X  
Entrance Blocked

□ □ □

Vendors

□ □ □

Entrance Blocked

X

132 W Monroe

□ □ □

142 W Monroe



Entrance Only

Parking

Parking

American Legiti

S. Clay



City Clerk Report

July 8, 2021

Russell B. Hawes  
Chief Administrative Officer

At the July 7, 2021, meeting of the Planning and Zoning Commission, the following action was taken:

1. The Commission recommended approval of Zoning Code Text Amendments to amend the definition of "Catering Establishment" by adding mobile food trucks, pushcarts, and farmers' markets as an accessory use in residential districts that would be Permitted with Standards.
2. After a presentation by staff to rezone 250 Commerce Avenue from R-4 to R-MM, Commissioners Klippel and Scott were appointed to a Subcommittee. The Subcommittee will meet on site on July 14, 2021, at 8:30 a.m.
3. After a presentation by staff and to extend the time period in which construction shall commence for a new Commerce Bank branch at 300 North Kirkwood Road, the Commission recommended approval of extending the Site Plan Approval to October 1, 2022.

The next meeting of the Planning and Zoning Commission will be held July 21, 2021, in the Council Chambers at City Hall.

Respectfully submitted,

Jim Adkins, Chair  
Planning and Zoning Commission