



WHERE COMMUNITY AND SPIRIT MEET®

**KIRKWOOD CITY COUNCIL
KIRKWOOD CITY HALL
May 21, 2015
7:00 p.m.**

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, May 21, 2015, at 7:00 p.m. at Kirkwood City Hall, 139 South Kirkwood Road, Kirkwood, Missouri. Present were Mayor McDonnell, Council Members Biedenstien, Griffin, Jaksetic, Luetzow, Sears, and Ward. Also in attendance were Chief Administrative Officer Russell Hawes, Assistant Chief Administrative Officer Georgia Ragland, City Clerk Betty Montañó, and City Attorney John Hessel.

**PRESENTATIONS
NONE**

**INTRODUCTIONS AND RECOGNITIONS
NONE**

PUBLIC HEARINGS

Public Hearing #1

Mayor McDonnell recessed the meeting for the purpose of conducting a public hearing regarding a request to rezone 1015 North Woodlawn Avenue from R-4 to B-3 for a parking lot. Mr. Hessel entered the following exhibits into the record: an Affidavit of Publication in the St. Louis Countian on May 8, 2015, as Exhibit 1; an Affidavit of Publication the St. Louis County Legal Ledger on May 6, 2015, as Exhibit 2; an Affidavit of Publication in the Webster Kirkwood Times on May 8, 2015, as Exhibit 3; an aerial view map showing the subject property and the properties that were notified of the hearing, as exhibit 4; a list of property owners who were sent notice of the public hearing, as Exhibit 5; the report of the Planning and Zoning Commission dated April 16, 2015, as Exhibit 6; the Planning and Zoning Commission Subcommittee Report dated April 15, 2015, as Exhibit 7; and the Kirkwood Code of Ordinances as Exhibit 8. City Attorney Hessel requested that any information provided during this public hearing be reflected in the minutes for each of the three public hearings tonight since they are all related to each other.

Petitioner Jonathan Browne presented the matter to the council. He explained that this is a three-part project that includes rezoning of this property, and amendment to the Special Use Permit for Sugar Creek Gardens and a Special Use Permit for Starbucks on the Greentree Shopping Center parking lot. The project will include the addition of a parking lot behind the Greentree Shopping Center that will create more parking for the site. The additional parking lot area behind the center will be used by the dance studio where a queuing lane will be provided. This parking lot will also



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be used by employees which will result in more parking for customers on the main lot. Some of the other issues discussed were as follows:

- The additional parking lot will be shared by Sugar Creek Gardens and it is believe that homeowners in the area will appreciate this to alleviate overflow parking from using residential streets to park.
- The petitioner owns 1015 Woodlawn.
- Starbucks will be located on the northeast corner of the parking lot.
- The petitioner provided a PowerPoint that included details of the proposal. A copy of the PowerPoint presentation is contained in the file.
- The current 10 foot easement for the Electric Department access to the substation area will be vacated and replaced with a 22 foot easement
- The Starbucks facility will be approximately 1,900 square feet.
- There will be a five to one ratio on parking on the site.
- A parking and traffic study has been completed.
- It was confirmed that the dance studio will use the new parking area.
- A representative from CBB Transportation Engineers presented information pertaining to the Traffic and Parking Study that was completed for the proposal.
- MoDOT has been contacted to discuss increase the cycling times at the signal located at Manchester Road and Woodlawn Avenue. The hope is that the cycling time can be increased by five to seven seconds.
- There are issues with the Manchester and Woodlawn intersection relating to pedestrian walkability that need to be addressed in the future.
- It is believed that MoDOT will make the cycling changes, but this will only occur after the opening of Starbucks.
- A discussion ensued about the drive thru lane at Starbucks

The majority of the council agreed to have first reading of the legislation and this item was placed on the agenda as Item 2 under New Business and became Bill 10423.

Public Hearing #2

Mayor McDonnell recessed the meeting for the purpose of conducting a public hearing regarding a request for an amendment to the Special Use Permit for Sugar Creek Gardens at 1011 North Woodlawn Avenue. Mr. Hessel entered the following exhibits into the record: an Affidavit of Publication in the St. Louis Countian on May 8, 2015, as Exhibit 1; an Affidavit of Publication the St. Louis County Legal Ledger on May 6, 2015, as Exhibit 2; an Affidavit of Publication in the Webster Kirkwood Times on May 8, 2015, as Exhibit 3; an aerial view map showing the subject property and the properties that were notified of the hearing, as exhibit 4; a list of property owners who were sent notice of the public hearing, as Exhibit 5; the report of the Planning and Zoning Commission dated April 16, 2015, as Exhibit 6; the Planning and Zoning Commission



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Subcommittee Report dated April 15, 2015, as Exhibit 7; and the Kirkwood Code of Ordinances as Exhibit 8.

Petitioner's Agent Mark McLean presented the matter to the council and advised that the petitioner is in full support of the proposal for Starbucks. The following information from the first public hearing is included as requested by City Attorney Hessel:

Petitioner Jonathan Browne presented the matter to the council. He explained that this is a three-part project that includes rezoning of this property, and amendment to the Special Use Permit for Sugar Creek Gardens and a Special Use Permit for Starbucks on the Greentree Shopping Center parking lot. The project will include the addition of a parking lot behind the Greentree Shopping Center that will create more parking for the site. The additional parking lot area behind the center will be used by the dance studio where a queuing lane will be provided. This parking lot will also be used by employees which will result in more parking for customers on the main lot. Some of the other issues discussed were as follows:

- The additional parking lot will be shared by Sugar Creek Gardens and it is believe that homeowners in the area will appreciate this to alleviate overflow parking from using residential streets to park.
- The petitioner owns 1015 Woodlawn.
- Starbucks will be located on the northeast corner of the parking lot.
- The petitioner provided a PowerPoint that included details of the proposal. A copy of the PowerPoint presentation is contained in the file.
- The current 10 foot easement for the Electric Department access to the substation area will be vacated and replaced with a 22 foot easement
- The Starbucks facility will be approximately 1,900 square feet.
- There will be a five to one ratio on parking on the site.
- A parking and traffic study has been completed.
- It was confirmed that the dance studio will use the new parking area.
- A representative from CBB Transportation Engineers presented information pertaining to the Traffic and Parking Study that was completed for the proposal.
- MoDOT has been contacted to discuss increase the cycling times at the signal located at Manchester Road and Woodlawn Avenue. The hope is that the cycling time can be increased by five to seven seconds.
- There are issues with the Manchester and Woodlawn intersection relating to pedestrian walkability that need to be addressed in the future.
- It is believed that MoDOT will make the cycling changes, but this will only occur after the opening of Starbucks.
- A discussion ensued about the drive thru lane at Starbucks



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There being no objection from the council this item was placed on the agenda as Item 3 under New Business and became Bill 10424.

Public Hearing #3

Mayor McDonnell recessed the meeting for the purpose of conducting a public hearing regarding a request for a Special Use Permit for a restaurant with a drive-thru and outdoor seating and Site Plan for a new building for Starbucks at 10300 Manchester Road. Mr. Hessel entered the following exhibits into the record: an Affidavit of Publication in the St. Louis Countian on May 8, 2015, as Exhibit 1; an Affidavit of Publication the St. Louis County Legal Ledger on May 6, 2015, as Exhibit 2; an Affidavit of Publication in the Webster Kirkwood Times on May 8, 2015, as Exhibit 3; an aerial view map showing the subject property and the properties that were notified of the hearing, as exhibit 4; a list of property owners who were sent notice of the public hearing, as Exhibit 5; an email from Wanda Herweck to Director of Public Services Bill Bensing dated May 8, 2015, as Exhibit 6; the report of the Planning and Zoning Commission dated April 16, 2015, as Exhibit 7; the Planning and Zoning Commission Subcommittee Report dated April 15, 2015, as Exhibit 8; and the Kirkwood Code of Ordinances as Exhibit 9.

City Attorney Hessel requested that any information provided during this public hearing be reflected in the minutes for each of the three public hearings tonight as they are all related to each other.

Petitioner Jonathan Browne presented the matter to the council. He explained that this is a three-part project that includes rezoning of this property, and amendment to the Special Use Permit for Sugar Creek Gardens and a Special Use Permit for Starbucks on the Greentree Shopping Center parking lot. The project will include the addition of a parking lot behind the Greentree Shopping Center that will create more parking for the site. The additional parking lot area behind the center will be used by the dance studio where a queuing lane will be provided. This parking lot will also be used by employees which will result in more parking for customers on the main lot. Some of the other issues discussed were as follows:

- The additional parking lot will be shared by Sugar Creek Gardens and it is believe that homeowners in the area will appreciate this to alleviate overflow parking from using residential streets to park.
- The petitioner owns 1015 Woodlawn.
- Starbucks will be located on the northeast corner of the parking lot.
- The petitioner provided a PowerPoint that included details of the proposal. A copy of the PowerPoint presentation is contained in the file.
- The current 10 foot easement for the Electric Department access to the substation area will be vacated and replaced with a 22 foot easement
- The Starbucks facility will be approximately 1,900 square feet.
- There will be a five to one ratio on parking on the site.



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- A parking and traffic study has been completed.
- It was confirmed that the dance studio will use the new parking area.
- A representative from CBB Transportation Engineers presented information pertaining to the Traffic and Parking Study that was completed for the proposal.
- MoDOT has been contacted to discuss increase the cycling times at the signal located at Manchester Road and Woodlawn Avenue. The hope is that the cycling time can be increased by five to seven seconds.
- There are issues with the Manchester and Woodlawn intersection relating to pedestrian walkability that need to be addressed in the future.
- It is believed that MoDOT will make the cycling changes, but this will only occur after the opening of Starbucks.
- A discussion ensued about the drive thru lane at Starbucks

Public Comments:

1. Don Herweck, 610 Alexandra Drive, expressed concern about traffic problems in the area of Manchester and Woodlawn. He said he believes the design looks good, but wants to make sure that traffic issues are considered during the decision on this project.

There being no objection from the council this item was placed on the agenda as Item 4 under New Business and became Bill 10425.

PUBLIC COMMENTS

NONE

CONSENT AGENDA

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

- a) Approval of the May 7, 2015 City Council Meeting Minutes
- b) Resolution 61-2015, accepting the proposal of Veraplan, LLC for scanning and indexing services for City-wide use (based on unit prices)
- c) Resolution 62-2015, accepting the bid of Bobcat of St. Louis pursuant to the MoDOT Cooperative Contract for a Bobcat skid-steer loader for the Street Department (\$26,815.60)
- d) Resolution 63-2015, appointing and reappointing members to various boards and Commissions
- e) Resolution 64-2015, authorizing the City to provide insurance coverage effective June 1, 2015 (annual cost of \$629,669)



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OLD BUSINESS

Bill 10418, appropriating \$10,000 from the Equitable Sharing Fund Balance to be available when necessary for the Police Dispatch Transition, was brought before the council.

Roll Call Vote as Follows:

Council Member Biedenstein	“Yes”
Council Member Griffin	“Yes”
Council Member Jaksetic	“Yes”
Council Member Luetzow	“Yes”
Mayor McDonnell	“Yes”
Council Member Sears	“Yes”
Council Member Ward	Absent

The bill, having received majority approval of the council, was adopted and became Ordinance 10268.

Bill 10419, appropriating \$960 from the Equitable Sharing Fund Balance to a Police Department Expenditure Account for the purchase of 80 ball caps for the Police Department, was brought before the council.

Roll Call Vote as Follows:

Council Member Biedenstein	“Yes”
Council Member Griffin	“Yes”
Council Member Jaksetic	“Yes”
Council Member Luetzow	“Yes”
Mayor McDonnell	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”

The bill, having received majority approval of the council, was adopted and became Ordinance 10269.

Bill 10420, appropriating \$13,791 from the Electric Fund (Fund Balance) to the Electric/Customer Accounting Other Professional Services Account to balance the Electric Department’s 2015 fiscal year budget, was brought before the council.



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Roll Call Vote as Follows:

Council Member Biedenstein	“Yes”
Council Member Griffin	“Yes”
Council Member Jaksetic	“Yes”
Council Member Luetzow	“Yes”
Mayor McDonnell	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”

The bill, having received majority approval of the council, was adopted and became Ordinance 10270.

Bill 10421, appropriating \$805,759 from the Electric Fund (Fund Balance) to the Electric Distribution/Energy Account to balance the Electric Department’s 2015 fiscal budget, was brought before the council.

Roll Call Vote as Follows:

Council Member Biedenstein	“Yes”
Council Member Griffin	“Yes”
Council Member Jaksetic	“Yes”
Council Member Luetzow	“Yes”
Mayor McDonnell	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”

The bill, having received majority approval of the council, was adopted and became Ordinance 10271.

NEW BUSINESS

Bill 10422, amending Chapter 18 1/2, Article I, Pensions and Retirement, Sections 18 ½-1 through 18 ½-9 of the Kirkwood Code of Ordinances, was brought before the council. Motion was made by Council Member Griffin and seconded by Council Member Biedenstein to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.



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Bill 10423, changing the zoning from R-4 Single Family to B-3 Highway Business on property known as 1015 North Woodlawn Avenue being a 0.28 acre site on the west side of North Woodlawn Avenue and directing such change in the Zoning District Map subject to certain conditions, was brought before the council. Motion was made by Council Member Ward and seconded by Council Member Biedenstein to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.

Bill 10424, granting a Special Use Permit Amendment for the expansion of a non-conforming use (Greenhouse with Retail Sales) on property known as 1011 North Woodlawn Avenue subject to certain conditions was brought before the council. Motion was made by Council Member Ward and seconded by Council Member Biedenstein to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.

Bill 10425, granting a Special Use Permit for a drive-thru restaurant (Starbucks) with outdoor seating and approving the site plan on the property known as 10300 Manchester Road and 1015 North Woodlawn Avenue subject to certain conditions was brought before the council. Motion was made by Council Member Griffin and seconded by Council Member Biedenstein to accept the bill for first reading approval.

Motion was made by Council Member Sears and seconded by Council Member Griffin to amend Section 1, by deleting #20 in its entirety. A discussion ensued. Motion was made by Council Member Sears and seconded by Council Member Griffin to suspend Robert's Rules of Order to allow the petitioner to address the council. All in favor to suspend Robert's Rules of Order. A discussion with the petitioner took place. During the discussion the petitioner said he is committed to using the material from the removal of the main parking lot for the new parking lot at the rear of the center. This will eliminate the material being taken to the landfill. The motion to amend Section 1, by deleting #20 in its entirety was unanimously approved. A discussion ensued about traffic patterns for ingress and egress from the site.

The motion to accept the bill for first reading approval was approved with Council Member Jaksetic abstaining.

The bill received first reading approval and was held over.



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CONSENT AGENDA ITEMS FOR DISCUSSION

NONE

CITY COUNCIL REPORTS

Council Member Luetzow reported that the open house on the comprehensive plan at Nipher Middle School was very nice. It is hoped that future outreach open houses result with more participation from the community.

CHIEF ADMINISTRATIVE OFFICER REPORTS

Mr. Hawes had nothing to report.

CITY CLERK REPORT

Mrs. Montaño read the report of the May 19, 2015, Planning and Zoning Commission meeting. The following action took place:

1. A public hearing was held for a Community Unit Plan Type A to develop a seven-lot subdivision at 36 thru 52 Ponca Trail. A rezoning from R-3 to R-4 is also required. A subcommittee consisting of Mr. Klippel, Ms. Drewel, and Mr. Stauder was appointed.
2. The following officers were elected:
 - Greg Frick, Chair
 - Wanda Drewel, Vice Chair
 - Allen Klippel, Secretary/Treasurer

CITY ATTORNEY REPORT

Mr. Hessel had nothing to report.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned. The next regular council meeting is scheduled for June 4, 2015, at 7:00 p.m.

Betty Montaño, MMC/MPCC
City Clerk

Approved: June 4, 2015