

KIRKWOOD CITY COUNCIL
KIRKWOOD CITY HALL
December 15, 2011
7:00 p.m.

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, December 15, 2011, at 7:00 p.m. at Kirkwood City Hall, 139 South Kirkwood Road, Kirkwood, Missouri. Present were Council Members Biedenstein, Griffin, Jaksetic, Sears, Ward, Yuan and Mayor McDonnell. Also in attendance were Chief Administrative Officer Mike Brown, Assistant Chief Administrative Officer Georgia Ragland, 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 for a Special Use Exception amendment to enclose a portion of the outdoor seating area for Ranoush Middle Eastern Cuisine at 200 North Kirkwood Road. Mr. Hessel entered the following exhibits into the record: an Affidavit of Publication in the St. Louis Countian on November 29, 2011, as Exhibit 1; an Affidavit of Publication in the Webster Kirkwood Times on December 2, 201, as Exhibit 2; an aerial view map showing the subject property and the properties that were notified of the hearing, as Exhibit 3; a list of property owners who were sent notice of the public hearing, as Exhibit 4; the report of the Planning and Zoning Commission dated October 20, 2011, as Exhibit 5; the Planning and Zoning Commission Subcommittee Report dated October 19, 2011, as Exhibit 6; the Kirkwood Code of Ordinances, as Exhibit 7; and the decision of the Board of Adjustment dated November 14, 2011 reducing the required number of parking spaces by 10 spaces, as Exhibit 8.

Petitioner Aboud Al Hamid distributed a sample of the proposed awning material and spoke regarding the Special Use Exception amendment. Some of the issues discussed are as follows:

- Request is to enclose the awning on the outdoor seating area
- Awning material will be fire resistant
- Awning will not change the number of seating in the outdoor patio area
- The awning enclosure would not affect the number of parking spaces
- Awning will be used when weather is not permitting for open outdoor seating
- The original plan included an awning enclosure but due to the time frame of the approval process the plan was changed
- Will work with the Fire Department on the best plan for heating the enclosed area

There being no objection from the council, this item was placed on the agenda as item 4 under New Business and became Bill 10194.

Public Hearing #2

Mayor McDonnell recessed the meeting for the purpose of conducting a public hearing regarding a request for a Special Use Exception for an automotive repair facility for GT's Automotive at 899 South Holmes Avenue. Mr. Hessel entered the following exhibits into the record: an Affidavit of Publication in the St. Louis Countian on November 29, 2011, as Exhibit 1; an Affidavit of Publication in the Webster Kirkwood Times on December 2, 2011, as Exhibit 2; an aerial view map showing the subject property and the properties that were notified of the hearing, as Exhibit 3; a list of property owners who were sent notice of the public hearing, as Exhibit 4; the report of the Planning and Zoning Commission dated October 20, 2011, as Exhibit 5; the Planning and Zoning Commission Subcommittee Report dated October 19, 2011, as Exhibit 6; and the Kirkwood Code of Ordinances, as Exhibit 7.

Petitioner George Evanoff spoke regarding the Special Use Exception. Some of the issues discussed are as follows:

- Requesting to revert the existing building back to a 3-bay auto repair facility
- There will be some minor repairs and renovations done to the building
- The issue of the easements was settled
- The gates will be locked and the Kirkwood Fire Marshall will have a key to be able to access the property
- When the driveway off of Big Bend is completed it will create more green space

The following information was requested for council review:

- A landscape plan be provided prior to the 2nd reading of the legislation

There being no objection from the council, this item was placed on the agenda as item 4 under New Business and became Bill 10195.

PUBLIC COMMENTS

1. Ted Warner, 251 Longview, opposed to the proposed West Jefferson purchase. Does not find parking to be a problem in Downtown Kirkwood. The charm of Downtown Kirkwood is walking and looking around. The proposed plan is too expensive and will take many years to earn back the money spent on it.
2. John Chappell, 74 Heatherbrook Lane, opposed to the proposed West Jefferson purchase. Encourages the council to consider something constructive, not destructive. Believes the Mel Bay building would be much better suited for something educational, such as a museum. This is an excessive amount of money that will not benefit Kirkwood.
3. Ed Golterman, 614 Woodleigh Court, opposed to the proposed West Jefferson parking. If Downtown Kirkwood needs more retail then two buildings that could possibly hold tenant should not be torn down. There are ten performing arts tenants that are losing their space in two months and could be possible tenants for the buildings.

4. Debbie McCormac, 800 Brownell, in favor of the proposed West Jefferson purchase. A number of variances for parking are granted for restaurants to create more parking. The purchase of the buildings would help eliminate the need for some variances.
5. Donna Poe, Special Business District Director, announced that the Special Business District has contracted with Premier Valet Company to park visitors, citizens and employees vehicles on December 23rd and 24th for any last minute Downtown Kirkwood shopping. Premier Valet will utilize the City Hall parking lot during this time.
6. Gina March, Kirkwood/Des Peres Chamber of Commerce, in favor of the proposed West Jefferson purchase. The Chamber of Commerce is dedicated to maintaining the vibrancy of Downtown Kirkwood and more parking will allow more consumer parking and increase sales tax revenue. More parking will open the door to future developers. The Chamber of Commerce supports the purchase of the two buildings.
7. Jim Durbin, 78 E. Glenwood Lane, in favor of the proposed West Jefferson purchase. There are 15 parking spaces located behind the Mel Bay building that have not been accessible for over twenty years. It is important in a community like Kirkwood to preserve existing buildings but we do have an opportunity to enhance Downtown Kirkwood with the purchase of the two buildings.
8. Diane Dooley, 510 Kirkshire Drive, opposed to the proposed Mobil on the Run expansion. Kirkwood is a city of charm and the proposal will affect the neighborhood in a negative way. Does not understand why the existing gas station needs more gas pumps.
9. Bill Bauer, 552 Bambury Way, in favor of the proposed Mobil on the Run expansion. This is an opportunity to improve the property but does believe there needs to be some limits on when deliveries are made.
10. Barb Cullmann, 1043 Simmons, opposed to the proposed Mobil on the Run expansion.
11. Jerry Cody, 338 W. Essex, opposed to the proposed Mobil on the Run expansion.
12. Gary Andrews, 2109 Westview, in favor of the proposed Mobil on the Run expansion. The proposal would increase sales tax revenue.
13. Laura Lasater, 1037 Simmons, opposed to the proposed Mobil on the Run expansion. Concerned about lighting and outside sales blocking the walkway.
14. Ron Glazer, 1030 Simmons, opposed to the proposed Mobil on the Run expansion. The proposal is a safety concern for residents along Simmons who do not have sidewalks. Is concerned that there has not been a traffic study provided.
15. James Van Hooser, 1025 Simmons, opposed to the proposed Mobil on the Run expansion. Concerned that a traffic study has not been provided. The intersection at Geyer and Manchester will have an increase in traffic. The landscape requirement should have a retainer and that retainer should be held for a year.
16. Betsy Kramer, 1031 Simmons, opposed to the proposed Mobil on the Run expansion.
17. Marylyn Simpson, 11150 Manchester, opposed to the proposed Mobil on the Run expansion. There is no guarantee that the tenants located in the building proposed to be torn down will stay in Kirkwood.
18. Craig Concannon, 1047 Simmons, opposed to the proposed Mobil on the Run expansion. Believes the charm of the community will be diminished by the expansion of the gas station.

CONSENT AGENDA

Motion was made by Council Member Griffin and seconded by Council Member Ward to approve the Consent Agenda. Council Member Biedenstein requested that item d) be removed and placed at the end of the agenda. The motion to approve the amended Consent Agenda was unanimously approved.

- a) Approval of the December 1, 2011, City Council Meeting Minutes
- b) Resolution 138-2011, accepting and approving the City of Kirkwood Deferred Compensation Restated Plan Document effective January 1, 2011
- c) Resolution 139-2011, transferring funds from the Water Department Training Account to the Administrative Overtime Account (\$90.00)
- d) Resolution 140-2011, transferring funds from various expenditure accounts to the Building Services Account for maintenances costs for the Farmers Market (\$5,000) **Removed and placed at the end of the regular agenda*
- e) Resolution 141-2011, accepting the bid of Franco Fire Equipment LLC for fire hose for the Fire Department (\$9,954.40)

OLD BUSINESS

Bill 10177, appropriating \$1,250,000 from the General Fund (Fund Balance) to other accounts and then to the Capital (Land) Account for the purchase of 107 and 113 West Jefferson Avenue, Kirkwood, Missouri, was brought before the council. A discussion took place.

Council Member Sears stated the following for the record:

- Should do more to make downtown attractive to bike riders and need to provide facilities and bike racks
- Should not be keen on increasing infrastructure and existing parking lots should be maintained by repairs and resurfacing
- Would like to establish a panel to investigate and recommend a long range plan for the site to include potential development into a parking structure with street level retail shops
- Would like to establish a panel to investigate and recommend a design plan for beautification of the parking lot and to commit to maintaining landscaping

Roll Call Vote as Follows:

Council Member Biedenstein	“No”
Council Member Griffin	“Yes”
Council Member Jaksetic	“No”
Mayor McDonnell	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”
Council Member Yuan	“Yes”

The bill, having received majority approval of the council, was adopted and became Ordinance 10053.

Bill 10189, appropriating funds in the amount of \$300 from Revenue Account 101-0000-381.10.00 and then to Expenditure Account 101-1102-412.31.02 for donations received on behalf of the Kirkwood Urban Forestry Commission, was brought before the council.

Roll Call Vote as Follows:

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

The bill, having received majority approval of the council, was adopted and became Ordinance 10054.

Bill 10190, appropriating grant proceeds in the amount of \$2,700 from the Revenue Account to the Expenditure Account for improvements to the Kirkwood Train Station, was brought before the council.

Roll Call Vote as Follows:

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

The bill, having received majority approval of the council, was adopted and became Ordinance 10055.

NEW BUSINESS

Bill 10191, approving a Special Use Exception for a convenience/gas store at 11152 and 11136 Manchester Road 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 Ward to waive Robert's Rule of Order to allow the petitioner to present the matter to the council and answer any questions. The motion was unanimously approved. A discussion took place.

Petitioner Kevin Kamp and Petitioner's Agent John King presented the proposal which included poster boards of the proposed plans and spoke regarding the Special Use Exception. Some of the issues discussed are as follows:

- Spoke with the Kirkwood Fire Marshal and was given permission to remove the proposed drive aisle behind the building. The area will be used as a landscape buffer which will include grass, plantings and trees.
- A floor plan of the convenience store was provided
- The fence material and design was changed to an 8 ft. artisan precast material fence
- Gas trucks will not be allowed to enter the site from Simmons and will only be allowed to enter and exit the site from Manchester Road
- Proposing to extend the fence around the southeast corner of the property so the trash dumpster will be concealed behind the fence
- There will be a single 35 ft. curb cut along Simmons that will create a barrier so drivers cannot make a right turn onto Simmons from the site. Turns will be marked by arrows.
- A light plan was submitted which will have the lighting in the canopies recessed with a lens that is flushed with the top of the canopy
- Lights around the perimeter of the property will be shielded appropriately so there will be no spill of light onto the neighbors
- Lights on the back of the building will be reduced to two instead of three and will be redirected downward towards the wall
- The sign on the front of the building will be back lit
- In accordance with the Fire Code there must be a second emergency exit door and the emergency door on the east side of the building will be locked from the outside
- The length of the delivery trucks and turning radius information was provided
- 25% of the site will be green space
- The sound speaker system from the station to the pump area will not be audible to the neighbors
- Requests that the delivery times be extended to 10:00 p.m.
- Council recommends making the curbs Simmons a vertical curb cut
- It was proposed that a retaining wall be provided along the landscape buffer

The following information was requested for council review:

- A revised landscape plan be submitted that substitutes Swamp White Oak trees for lilacs

Motion was made by Council Member Biedenstein and seconded by Council Member Griffin to amend Section 1, Condition 18 by adding a sentence to the condition stating "All canopy lights shall be recessed into the canopy, and no luminaries or fixture lens shall protrude below the canopy ceiling". The motion to amend was unanimously approved.

Motion was made by Council Member Biedenstein and seconded by Council Member Ward to amend Section 1, Condition 23 by striking “or a product equal to or similar to Simteck fencing” and by adding “and around the southeast corner as depicted on the drawing so as to enclose the dumpster area” to the end of the sentence. The motion to amend was unanimously approved.

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to amend Section 1 by adding a Condition 32 that states “The canopy and building exterior shall conform to the renderings attached. The canopy vertical sides shall be a deep blue color with a white band as shown and no logos, no lighting, no highlight lines or any other graphics are allowed on the canopy vertical sides.” The motion to amend was unanimously approved.

Motion was made by Council Member Griffin and seconded by Council Member Yuan to amend Section 1, Condition 1 by striking the date “November 7” and inserting “December 9”. The motion to amend was unanimously approved.

Motion was made by Council Member Griffin and seconded by Council Member Yuan to amend Section 1 by adding a Condition 33 that states “Simmons Avenue shall not be used for fuel delivery and fuel delivery shall occur in accordance with the “Truck Maneuvering Plan” dated December 2011”. The motion to amend was unanimously approved.

Motion was made by Council Member Griffin and seconded by Council Member Ward to amend Section 1, Condition 22 by striking the time “5:00 p.m.” and inserting “10:00 p.m.”. The motion to amend was approved with Council Members Biedenstein, Jaksetic and Sears opposed.

Motion was made by Council Member Ward and seconded by Council Member Griffin to amend Section 1, Condition 12 by striking the condition in its entirety. The motion to amend was unanimously approved.

Motion was made by Council Member Griffin and seconded by Council Member Yuan to amend Section 1, Condition 21 so the sentence shall read “No music shall be played over the outdoor system, and the volume shall be limited so it is not audible to adjoining properties.” The motion to amend was unanimously approved.

The amended bill received first reading approval and was held over. Council Members Biedenstein, Jaksetic and Sears were opposed.

Bill 10192, appropriating \$18,574 from the General Fund (Fund Balance) to the Derelict Structures Account for demolition of the structures as 400 South Fillmore and 210 Commerce Avenue, 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.

Bill 10193, amending the Kirkwood Code of Ordinances, Chapter 14, Section 14-393 “Schedule C: No Parking Zones” to prohibit parking on the west side of the 1000 block of Woodgate Drive from a point of 50 feet north and 50 feet south of Cedargate Circle, 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.

Bill 10194, approving a Special Use Exception Amendment to enclose a portion of the outdoor seating at 200 North Kirkwood Road subject to certain conditions, was brought before the council. Motion was made by Council Member Griffin and seconded by Council Member Sears to accept the bill for first reading approval. The motion was approved with Council Member Biedenstein opposed.

The bill received first reading approval and was held over.

Bill 10195, approving a Special Use Exception for an automobile repair facility at 899 South Holmes Avenue subject to certain conditions, was brought before the council. Motion was made by Council Member Griffin and seconded by Council Member Ward to accept the bill for first reading approval. A discussion took place. The motion was unanimously approved.

The bill received first reading approval and was held over.

CONSENT AGENDA ITEMS FOR DISCUSSION

Resolution 140-2011, transferring funds in the amount of \$5,000 from various expenditure accounts to the Building Services Account for maintenance costs for the Farmers Market, was brought before the council. Motion was made by Council Member Griffin and seconded by Council Member Biedenstein to accept the resolution as read. A discussion took place.

Roll Call Vote as Follows:

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

CITY COUNCIL REPORTS

NONE

CHIEF ADMINISTRATIVE OFFICER REPORTS

Mr. Brown reported that the City received a Special Event Permit Application Special Event Permit Application to hold a RUN4MS running event on April 7, 2012. The event will have setup to begin at 5:30 a.m., with the event beginning at 7:30 a.m. and teardown at 10:00 a.m. The route will be route #1. Motion was made by Council Member Griffin and seconded by Council Member Biedenstein to approve the request. The motion was unanimously approved.

CITY CLERK REPORT

Ms. Asche had nothing to report.

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 was scheduled for January 5, 2011 at 7:00 p.m.

Laurie Asche
Deputy City Clerk

Approved: January 5, 2012