SPECIAL ANNOUNCEMENT REGARDING CITY COUNCIL MEETINGS

Under Section 610.015 of the Mo. Sunshine Law provides that members of the City Council who are not physically in the Council Chambers can participate and vote on all matters when an emergency exists and the nature of the emergency is stated in the minutes.

The U.S., and the world, is in a state of emergency due to the Coronavirus—Covid-19. The Missouri Governor and the County Executive directed all citizens to limit meetings and gatherings to a few people to avoid the spread of the Coronavirus. Therefore, members of the City Council have elected to participate in this meeting electronically so that we are compliance with such Orders and for the public health and safety of each other and the general public.

To follow along with the City Council meeting please see instructions below. To make a comment during the public comment portion of the meeting please either click the hand icon via Zoom to “raise” your hand, or if you are dialing in from a phone you will “raise your hand” by dialing *9. Raised hands will be called on the order received. Any citizen comments received by e-mail by 4:00 p.m. on Thursday, October 1, 2020 will be distributed to the Mayor and City Council and entered into the record.

You are invited to a Zoom webinar.
When: Oct 1, 2020 07:00 PM Central Time (US and Canada)
Topic: October 1, 2020 City Council Meeting

Please click the link below to join the webinar:
https://us02web.zoom.us/j/88224520630

Or Join by Telephone:
Dial +1 301 715 8592  or +1 312 626 6799
Enter Webinar ID: 882 2452 0630

If you are unable to join the webinar the meeting will be live-streamed on the following platforms:

Facebook: www.facebook.com/cityofkirkwoodmo
YouTube: www.YouTube.com/kirkwoodcitymo
Twitter: @KirkwoodCity

**SEE THE FOLLOWING PAGES FOR THE AGENDA**
Kirkwood City Council
Agenda
Thursday, October 1, 2020, 7:00 p.m.
Via Zoom
Posted on September 25, 2020

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. INTRODUCTIONS AND RECOGNITIONS - NONE

IV. PRESENTATIONS - NONE

V. PUBLIC HEARINGS
1. A request to amend the Zoning Code by adding a definition for “Assisted Living Facility”, adding “Assisted Living Facility” as a Special Use Permit in the B-2 Zoning District, and adding a parking rate for Assisted Living Facility.
2. A request for a Special Use Permit for an Assisted Living Facility and of a Preliminary Development Plan for a Mixed-use Development in the B-2 District at 300 North Kirkwood Road as submitted by Opus Development.

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 September 17, 2020 Council Meeting Minutes

VIII. UNFINISHED BUSINESS
2. Bill 10848, granting a Special Use Permit for a Physical Fitness Facility at 10505 Big Bend Boulevard subject to certain conditions
3. Bill 10849, approving the Final Subdivision Plat of a two-lot commercial subdivision known as Kirkwood Mixed Use, in the City of Kirkwood, St. Louis County, Missouri
4. Motion to reconsider Resolution 107-2020, requesting that St. Louis County distribute $47 million of CARES Act funds on a per capita basis to the municipalities within the County to be used for eligible expenses, authorizing the Chief Administrative Officer of the City of Kirkwood, Missouri, to accept CARES Act funding and execute a Municipality Relief Program Funding Agreement, and Confirming Agreement to indemnify and hold harmless St. Louis County from such distribution

IX. NEW BUSINESS
1. Resolution 108-2020, approving the Site Plan for lot 2 of the proposed Kirkwood Mixed Use Subdivision located on the property known as 300 North Kirkwood Road subject to certain conditions
2. Resolution 109-2020, approving a one year extension to the approval of Ordinance 10627 granting a Special Use Permit and Site Plan approval for Motor Vehicle Sales at 10230 and 10240 Manchester Road
3. Resolution 110-2020, amending the contract with Krupp Construction to finalize improvements with the East Monroe Avenue Resurfacing Project and authorizing and directing the Mayor to enter into an amended contract (increasing the contract amount by $10,000 for a not to exceed amount of $354,616.09)
4. Resolution 111-2020, amending the contract with Krupp Construction for the painting of the raised intersection at Taylor Avenue and East Monroe Avenue and authorizing and directing the Mayor to enter into an amended contract (increasing the contract amount by $50,000 for a not to exceed amount of $404,616.09)
5. Resolution 112-2020, accepting the proposal of SSM Executive Health for Police and Fire Medical Services, on an as needed basis, for a term of 5 years, pending budgetary approval, and authorizing and directing the Mayor to enter into a contract (at the rates provided in the proposal)

X. CONSENT AGENDA ITEMS FOR DISCUSSION (IF ANY)

XI. CITY COUNCIL REPORTS

XII. CHIEF ADMINISTRATIVE OFFICER REPORTS

XIII. CITY ATTORNEY REPORTS

XIV. CITY CLERK REPORTS
1. Upcoming Public Hearings:
   - October 15, 2020
     - A request for a Site Plan for a 12-unit four-story residential building on the combined properties of 134 and 138 West Madison Avenue
   - October 22, 2020 (rescheduled from August 27, 2020)
     - A request for a Mixed-Use Development in the B-2 Zoning District known as The James (formerly Kirkwood Flats) at 426 N. Kirkwood Road

XV. MEETING ADJOURNMENT
PLEASE NOTE:
The next regular meeting of the Kirkwood City Council will take place at **7:00 p.m. on October 15, 2020.**

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.
PROCEDURE FOR PUBLIC HEARING

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

A request to amend the Zoning Code by adding a definition for “Assisted Living Facility”, adding “Assisted Living Facility” as a Special Use Permit in the B-2 Zoning District, and adding a parking rate for Assisted Living Facility.

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

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

Planning & Development Services Director Jonathan Raiche

Mayor: Is there anyone from the public wishing to speak regarding this proposal?

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  }  S.S.
COUNTY OF ST. LOUIS  

Before the undersigned Notary Public personally appeared Karie Clark on behalf of THE COUNTIAN, ST. LOUIS COUNTY who, being duly sworn, attests that said newspaper is qualified under the provisions of Missouri law governing public notices to publish, and did so publish, the notice annexed hereto, starting with the September 09, 2020 edition and ending with the September 09, 2020 edition, for a total of 1 publications:

09/09/2020

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 via Zoom at the hour of 7:00 p.m., Thursday, October 1, 2020 to consider the following:

1. A request to amend the Zoning Code by adding a definition for "Assisted Living Facility", adding "Assisted Living Facility" as a Special Use Permit in the B-2 Zoning District, and adding a parking rate for Assisted Living Facility.

2. A request for a Special Use Permit for an Assisted Living Facility and of a Preliminary Development Plan for a Mixed-use Development in the B-2 District at 300 North Kirkwood Road as submitted by Opus Development.

Laurie Asche, CMC/MRCC
City Clerk

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11916266  County Sept 9, 2020

Karie Clark
Subscribed & sworn before me this 9th day of Sept, 2020
(SEAL)

Notary Public

CHANEL JONES
Notary Public - Notary Seal
State of Missouri
Commissioned for St Louis County
My Commission Expires: August 08, 2022
Commission Number: 14397721
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 via Zoom at the hour of 7:00 p.m., Thursday, October 1, 2020 to consider the following:

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Published September 9, 2020
343
M2066

AFFIDAVIT OF PUBLICATION

State of Missouri

County of St. Louis

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

John Wingo

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

Public Hearing

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

September 9, 2020

in volume 12
and numbered 343

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

John Wingo

Sworn to and subscribed before me this September 09, 2020

Robert C. Tierney
Notary Public—Jackson County, State of Missouri
My Commission expires January 9, 2021
Commission No. 13433605
September 3, 2020

Russell B. Hawes  
Chief Administrative Officer

At the September 2, 2020, meeting of the Planning and Zoning Commission, the following action was taken:

1. By a vote of 8 to 1, the Commission recommended approval of a request to amend the Zoning Code by adding a definition for “Assisted Living Facility”, adding “Assisted Living Facility” as a Special Use Permit in the B-2 Zoning District, and adding a parking rate for Assisted Living Facility.

2. By a vote of 7 to 2, the Commission recommended approval of granting a Special Use Permit for an Assisted Living Facility and of a Preliminary Development Plan for a Mixed-use Development in the B-2 District at 300 North Kirkwood Road as submitted by Opus Development.

The next meeting will be held on September 16, 2020, via Zoom at 7 p.m.

Respectfully submitted,

Jim Adkins, Chair  
Planning and Zoning Commission
At the subcommittee meeting on August 4, 2020, the subcommittee members requested additional information both from the applicant and from City Staff. In response to the subcommittee’s request, Staff has prepared the following table and also provided excerpts of current regulations from our Community Unit Plan, Type-C procedure. This procedure has not been utilized in many years but is structured to specifically address age-restricted housing. This procedure; however, does not account for the mixed-use nature of the current Opus proposal.

**Sample of Existing Age-restricted Locations**

<table>
<thead>
<tr>
<th>Location</th>
<th># of Units</th>
<th>Lot Area (sf)</th>
<th>Density (sf/unit)</th>
<th>Parking (spaces/unit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Opus Bldg</td>
<td>122</td>
<td>62,687</td>
<td>514</td>
<td>1.02</td>
</tr>
<tr>
<td>Adams Place (as originally approved)</td>
<td>44</td>
<td>53,143</td>
<td>1,208</td>
<td>0.5</td>
</tr>
<tr>
<td>Manor at Parkside</td>
<td>28</td>
<td>28,497</td>
<td>1,000</td>
<td>1.5</td>
</tr>
<tr>
<td>Jefferson Manor</td>
<td>20</td>
<td>19,733</td>
<td>987</td>
<td>1.5</td>
</tr>
<tr>
<td>Bethesda Gardens</td>
<td>131</td>
<td>113,256</td>
<td>865</td>
<td>0.85</td>
</tr>
<tr>
<td>Concordia House</td>
<td>76</td>
<td>63,500</td>
<td>836</td>
<td>0.66</td>
</tr>
<tr>
<td>Kirkwood House</td>
<td>100</td>
<td>73,500</td>
<td>735</td>
<td>0.67</td>
</tr>
</tbody>
</table>

**Current CUP, Type-C Regulations**

820.2 - Permitted uses. A building or premises shall be used only for multiple-family residential structures designed solely for the elderly and/or physically or mentally challenged and related accessory structures.

820.5 - Intensity of use and floor area ratio.

(1) Every tract of land shall have a width at the building line of not less than 120 feet. (2) When a building is erected on a lot, such lot shall have an area of not less than 800 square feet per family; for each successive story above four stories, the lot area requirement for such story shall be reduced 100 square feet per family, so that the requirement for the fifth story is 700 square feet per family, for the sixth story, 600 square feet per family, etc., up to and including the 10th, 11th and 12th stories for which the lot area requirement shall be 200 square feet per family. There shall be a maximum floor area ratio of 1.5, except that where the building is set back from one or more of the required yard lines, the floor area of such building may be increased by one square foot for each one square foot of area left open within the portion of the lot bounded by the required front side and rear yards specified in § A-820.4, provided that in no event shall a building exceed 12 stories or 125 feet in height, above grade.

820.6 - Parking regulations. One parking space shall be provided for each dwelling unit.
August 18, 2020

Mr. Jonathan Raiche, AICP
City Planner, City of Kirkwood
139 S. Kirkwood Rd
Kirkwood, MO 63122

Re: P&Z Subcommittee Meeting: PZ-28-20 – 8/21/2020

Dear Jonathan:

At the Planning and Zoning Subcommittee meeting on Tuesday, August 4th, 2020, it was requested that we provide additional information regarding the density of our project and organizational charts for both the Opus and Allegro teams. Please find this information enclosed along with some additional documents we believe the subcommittee may find helpful.

- Opus Organizational Chart. Please note that a majority of our key project team members are located in St. Louis.
- Allegro Organizational Chart. St. Louis based.
- Density Analysis. This includes the density of existing Allegro communities and St. Louis communities in similar infill locations. Please note that our density is right in line with the averages.
- Resident Density Analysis. This reflects that our senior living project will have the same number of total residents at 122 units as compared to a traditional multifamily project containing 52 units which is permitted in the current zoning.
- Trip Generation Comparison. Lochmueller completed a study comparing the total number of new trips generated by the 122 unit Independent and Assisted Living project to a 52 unit traditional multifamily project and it is similar in total number of trips.
- Typical Monthly Allegro Activity Calendar. Please note the more than 30 highlighted group outings that are coordinated where the residents are engaging in activities and outings within the community.
- Envision Kirkwood Plan. Please note the information pulled from the Envision Kirkwood Plan that calls for a diversification in housing type to accommodate the ageing population.

The enclosed information provides support that our proposed Independent and Assisted Living project, even at a greater density than permitted by code, has an overall similar and in some cases less intense impact than a 52 unit traditional multifamily apartment project as permitted in the zoning.

We’re excited about this project and feel as though this modern senior housing project is a perfect fit for the Kirkwood community.

Opus Development Company, L.L.C.

Ryan S. Carlie

Director
## Allegro Kirkwood Density Analysis

<table>
<thead>
<tr>
<th>Existing Allegro Communities</th>
<th>Care Levels</th>
<th>Year Built</th>
<th>Lot Size</th>
<th>Units</th>
<th>Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegro Kirkwood</td>
<td>IL/AL</td>
<td>2023</td>
<td>62,726</td>
<td>122</td>
<td>514</td>
</tr>
<tr>
<td>Dadeland</td>
<td>IL/AL</td>
<td>2019</td>
<td>29,027</td>
<td>170</td>
<td>171</td>
</tr>
<tr>
<td>Doral</td>
<td>IL</td>
<td>2020</td>
<td>88,167</td>
<td>198</td>
<td>445</td>
</tr>
<tr>
<td>Richmond Heights</td>
<td>AL/MC</td>
<td>2019</td>
<td>41,818</td>
<td>87</td>
<td>481</td>
</tr>
<tr>
<td>Hyde Park</td>
<td>IL/AL</td>
<td>2011</td>
<td>82,328</td>
<td>136</td>
<td>605</td>
</tr>
<tr>
<td><strong>Subtotal / Average</strong></td>
<td></td>
<td></td>
<td><strong>60,335</strong></td>
<td><strong>591</strong></td>
<td><strong>408</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>St Louis Communities</th>
<th>Care Levels</th>
<th>Year Built</th>
<th>Lot Size</th>
<th>Units</th>
<th>Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegro Kirkwood</td>
<td>IL/AL</td>
<td>2023</td>
<td>62,726</td>
<td>122</td>
<td>514</td>
</tr>
<tr>
<td>Charter Senior Living of St Louis</td>
<td>AL/MC</td>
<td>1965/2010</td>
<td>46,391</td>
<td>109</td>
<td>426</td>
</tr>
<tr>
<td>Allegro Richmond Heights</td>
<td>AL/MC</td>
<td>2019</td>
<td>41,818</td>
<td>87</td>
<td>481</td>
</tr>
<tr>
<td>Clarendale Clayton</td>
<td>IL/AL/MC</td>
<td>2021</td>
<td>142,441</td>
<td>281</td>
<td>507</td>
</tr>
<tr>
<td>Brentmoor Retirement Community</td>
<td>IL/AL</td>
<td>1993</td>
<td>47,916</td>
<td>90</td>
<td>532</td>
</tr>
<tr>
<td>Bethesda Barclay House</td>
<td>IL</td>
<td>1995</td>
<td>50,965</td>
<td>84</td>
<td>607</td>
</tr>
<tr>
<td>Creve Coeur Assisted Living &amp; Memory Care</td>
<td>AL/MC</td>
<td>2015</td>
<td>69,696</td>
<td>99</td>
<td>704</td>
</tr>
<tr>
<td>Sunrise Webster Groves</td>
<td>AL/MC</td>
<td>2013</td>
<td>56,628</td>
<td>80</td>
<td>708</td>
</tr>
<tr>
<td>Bethesda Gardens</td>
<td>IL</td>
<td>1989</td>
<td>113,256</td>
<td>127</td>
<td>892</td>
</tr>
<tr>
<td><strong>Subtotal / Average</strong></td>
<td></td>
<td></td>
<td><strong>71,139</strong></td>
<td><strong>957</strong></td>
<td><strong>595</strong></td>
</tr>
</tbody>
</table>
Allegro

135 residents
Density based on 122, units using Allegro historical data*.

136 residents
Density based on current zoning, 52 units, using US Census average persons per household**.

*122 units x 1.11 residents/unit = 135 residents
** 62,725 sf (lot area) + 1,200 sf/unit = 52 units
52 units x 2.63 residents/unit = 136 residents
Lochmueller Group completed a traffic impact study for the proposed Commerce Bank/Opus Mixed Use development, located on the east side of Kirkwood Road between Adams Avenue and Washington Avenue in Kirkwood, Missouri. The proposed development consists of 66 independent living residential units, 56 assisted living residential units, 7,800 square feet (SF) of ground floor retail, and the relocation of the existing Commerce Bank to a new 3,600 SF building within the site.

Concern has been raised regarding the density of the proposed site. This memorandum compares the trip generation of the proposed independent living (IL) and assisted living (AL) residential units within the mixed use development, to 52 traditional multi-family residential units, which is the density currently allowed in the zoning for this site. The trip generation comparison is summarized in Table 1.

Table 1 – Opus Mixed Use Development Trip Generation Comparison

<table>
<thead>
<tr>
<th>Land Use</th>
<th>AM Peak Hour</th>
<th></th>
<th>PM Peak Hour</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In</td>
<td>Out</td>
<td>Total</td>
<td>In</td>
</tr>
<tr>
<td>Total New Trips (as proposed – IL &amp; AL)</td>
<td>15</td>
<td>14</td>
<td>29</td>
<td>26</td>
</tr>
<tr>
<td>Total New Trips (with 52 multifamily units)</td>
<td>8</td>
<td>15</td>
<td>23</td>
<td>25</td>
</tr>
</tbody>
</table>

As can be seen, the total new trips generated by the proposed development, inclusive of 66 independent living and 56 assisted living residential units, is similar to the total new trips that would be generated if the development included 52 traditional multi-family residential units as permitted in the zoning.

Please contact me at csharp@lochgroup.com or 314-446-3793 should you have any questions related to this comparison.
<table>
<thead>
<tr>
<th>SUN</th>
<th>MON</th>
<th>TUE</th>
<th>WED</th>
<th>THUR</th>
<th>FRI</th>
<th>SAT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>November 2019</strong></td>
<td><strong>Allegra Parkside - 5900 Loxahatchee Road - Parkland, FL 33067</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Monthly Events
- **Sundays (All Day)**: Church Service (Subject to change)
- **Mondays (1-4 pm)**: Piano night @ Senior Club
- **Tuesdays (1-4 pm)**: Senior Club Social Hour
- **Wednesdays (1-4 pm)**: Senior Club Social Hour
- **Thursdays (1-4 pm)**: Senior Club Social Hour
- **Fridays (1-4 pm)**: Senior Club Social Hour
- **Saturdays (1-4 pm)**: Senior Club Social Hour

### Transportation Schedule
- **Wednesdays at 10:30 am**
  - Palm Beach Gardens: 10:30 am
  - West Palm Beach: 11:30 am
  - North Palm Beach: 12:30 pm

### Activities
- **1st Wednesday of Every Month**: Senior Club Social Hour
- **2nd Wednesday of Every Month**: Senior Club Social Hour
- **3rd Wednesday of Every Month**: Senior Club Social Hour
- **4th Wednesday of Every Month**: Senior Club Social Hour

### Upcoming Events
- **November Events**
  - **1st November**: Senior Club Social Hour
  - **2nd November**: Senior Club Social Hour
  - **3rd November**: Senior Club Social Hour
  - **4th November**: Senior Club Social Hour
  - **5th November**: Senior Club Social Hour
  - **6th November**: Senior Club Social Hour
  - **7th November**: Senior Club Social Hour
  - **8th November**: Senior Club Social Hour
  - **9th November**: Senior Club Social Hour
  - **10th November**: Senior Club Social Hour
  - **11th November**: Senior Club Social Hour
  - **12th November**: Senior Club Social Hour
  - **13th November**: Senior Club Social Hour
  - **14th November**: Senior Club Social Hour
  - **15th November**: Senior Club Social Hour
  - **16th November**: Senior Club Social Hour
  - **17th November**: Senior Club Social Hour
  - **18th November**: Senior Club Social Hour
  - **19th November**: Senior Club Social Hour
  - **20th November**: Senior Club Social Hour
  - **21st November**: Senior Club Social Hour
  - **22nd November**: Senior Club Social Hour
  - **23rd November**: Senior Club Social Hour
  - **24th November**: Senior Club Social Hour
  - **25th November**: Senior Club Social Hour
  - **26th November**: Senior Club Social Hour
  - **27th November**: Senior Club Social Hour
  - **28th November**: Senior Club Social Hour
  - **29th November**: Senior Club Social Hour
  - **30th November**: Senior Club Social Hour

### Contact Information
- **Lifestyle Director**: Alice Abraham
  - **Phone**: 561-204-1500
  - **Email**: aabraham@allegrohealthcare.com

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**HOUSING OPTIONS**

During the EnVision Kirkwood 2035 process, many residents noted they were concerned with the increasing home prices in Kirkwood. In addition, fifty percent (50%) of residents at the first Open House event stated they wanted to promote a variety of housing types to accommodate a range of socio-economic needs. As reflected in Goal #4 of this Chapter, the Community has identified a need for housing that accommodates a range of ages, abilities, and socio-economic levels. This is the way in which this EnVision Kirkwood 2035 process has defined a diverse housing stock.

Diversification in housing types provides opportunities for residents to meet their changing housing needs throughout their lives, which helps create a strong economic foundation for the community and allows Kirkwood residents to remain in Kirkwood (See Figure 2-3). Such housing options should include:

- Small affordable units within developments.
- Lower income housing options.
- Senior housing options

The City of Kirkwood should evaluate the possibility of promoting new housing options throughout the City. Subsidized affordable housing, which started in the 1930s, suffers from a poor reputation. Public and affordable housing, which are different from one another, have undergone significant evolutions since inception and in response to demand. When proactive developers engage designers and the community the result can be creative solutions that are not only aesthetically pleasing, but may create innovative solutions and a safe and positive environment.

As national population increases, household sizes continue to decline. Household sizes have been shrinking since 1900 from an average of 4.6 persons to 2.6 while the number of single person households has doubled since 1960. Rental options for younger residents should be available in areas where they may wish to invest in the long term but initially may not be able to afford.

Per the 2010 US Census, over 17% of Kirkwood residents are 65 years or older and that percentage continues to increase. Many area residents who are not ready to move into assisted or senior housing stated they want the opportunity to have housing options available to them so they may remain in Kirkwood.

For those that are at the point of needing additional help and care, Kirkwood is home to several senior housing facility options, such as Aberdeen Heights and Manor Grove. These facilities contribute to housing diversity within Kirkwood and the ability to age in place. The current senior living facilities provide over 1100 living units (See Figure 2-6).

**RESOURCES:**

GOAL 4 //
Promote Housing to Accommodate Residents of Various Ages, Abilities and Socio-economic Needs

4.A. Support the development of senior-oriented housing and accessible home design.

At the time of the 2010 US Census, approximately 23% of the Kirkwood population was over the age of 60. The aging of the US workforce, or the Baby Boomer generation, will radically alter many aspects of life in America over the coming decades. This trend, coupled with the fact that today’s seniors are more active and living longer, healthier lives means that cities will need to be in a stronger position to accommodate senior citizens.

Seniors and people with mobility challenges often need to move out of a community because there is a lack of housing that accommodates their unique needs. One way to help them stay in the community is to promote universal design with respect to housing. Universal design is the concept of creating all products and the built environment to be aesthetic and usable to the greatest extent possible by everyone, regardless of their age, ability, or status in life.

4.A. ACTION STEPS

4.A.1. Research implementation methods such as through minimum requirements or an incentive program.

4.A.2. Set up a roundtable discussion with the building community to receive feedback. Distribute feedback.


PROJECTED DURATION: 3 years

Champions: Public Services Department

4.A. FOR CONSIDERATION

A number of initiatives influence the development of age and mobility friendly housing and community design options. Such initiatives could include:

- Creation of a Citizen and City Staff Based Task Force. Such task forces are being created around the country, often in partnership with organizations such as AARP, to assess the community’s needs relating to livability and to identify areas for improvement. The results from such an analysis would allow the City to create standards for all projects to include amenities and accommodations for all citizens.

- Creation of a Universal Design Ordinance. In many locations around the country this type of ordinance is for larger developments such as a block of 20 homes or for larger multi-family developments. Although Kirkwood is a built-out community, there is always a chance for new development, whether condominiums, townhomes or the subdivision of larger parcels. The City could consider the creation of an ordinance that would require a percentage of universally accessible housing units in new developments.

Having the necessary codes and ordinances in place will help the City reach the goal of having a variety of accommodating housing options.

EXAMPLES

The City of Sacramento, California approved a universal design ordinance for new construction in February 2010. This ordinance requires single family home builders to provide universal design features as an option available to buyers. Single-family and two-family developments of 20 units or more will need to offer basic universal design features to make homes more accessible. Universal design features include, but are not limited to, the following accessible amenities:

- Larger width primary and secondary entries.
- Wider exterior and interior routes.
- A bathroom on route from the primary entry.
- A kitchen on the primary entry level with wider clearances.
- A common use room and bedroom on the primary entry level.
- Outlets at the bottom and top of any stairs to facilitate the use of a chair lift.

The City of Colorado Springs, in conjunction with AARP and the Innovations on Aging Collaborative, issued “Age Friendly Colorado Springs, A Report and Action Plan” in September of 2016 which is an example of a community’s proactive approach to accommodating aging and mobility challenged citizens.
4.B. Encourage higher density residential/mixed-use in appropriate areas.

Downtown Kirkwood provides the community with a vibrant downtown that acts as the heart of the city. One of the most important ingredients to a successful downtown is a strong residential footprint. When a downtown or other form of commercial area has a “critical mass” of residents, retail follows and the commercial area becomes a place to shop, dine, and socialize. In 2004 Downtown Kirkwood took a leap forward with the mixed-use Station Plaza development which created a civic and commercial gathering space where a big box retailer was once located.

For access to basic needs. Currently, Kirkwood regulates residential units in downtown and highway commercial districts through either a special use permit or a mixed use development process. Investigating a more streamlined review process may encourage more residential uses in commercial areas and thus increase the customer base within the immediate area.

Another opportunity for creating more housing options through density would be the consideration of secondary/Accessory dwelling units. Secondary dwelling units are separate housing units located on the same property as a primary residence. They can either be attached or detached from the primary residence. Secondary dwelling units provide affordable housing that meets the needs of different family configurations. They offer a host of benefits including: increasing housing supply, allowing seniors to live closer to their families and helping young professionals entering the workforce.

One of the most important ingredients to a successful downtown is a strong residential footprint. When a downtown or other form of commercial area has a “critical mass” of residents, retail follows and the commercial area becomes a place to shop, dine, and socialize.”
CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
SUBCOMMITTEE REPORT
September 2, 2020

PETITION NUMBER: PZ-28-20

ACTION REQUESTED: ZONING CODE TEXT AMENDMENT, SPECIAL USE PERMIT, AND MIXED-USE PRELIMINARY DEVELOPMENT PLAN REVIEW IN B-2

PROPERTY OWNER: CLAYTON FINANCIAL CORPORATION (COMMERCE BANK)

APPLICANT: OPUS DEVELOPMENT COMPANY, LLC

APPLICANT'S AGENT: GEORGE STOCK, STOCK & ASSOCIATES

PROPERTY LOCATION: 300 NORTH KIRKWOOD ROAD

ZONING: B-2, GENERAL BUSINESS DISTRICT (CENTRAL BUSINESS DISTRICT)

DRAWINGS SUBMITTED: SITE PLAN PACKET (8 SHEETS) PREPARED BY OPUS DEVELOPMENT, STOCK & ASSOCIATES, AND COLE & ASSOCIATES STAMPED "RECEIVED AUGUST 26, 2020, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT"

ARCHITECTURAL EXHIBITS (13 SHEETS) PREPARED BY OPUS DEVELOPMENT, STAMPED "RECEIVED JUNE 26, 2020 CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT"

DESCRIPTION OF PROJECT:
The applicant is requesting three separate actions for this project, which will require three separate recommendations by the subcommittee. The first request is for text amendments to the Zoning Code that pertain to adding "Assisted Living Facility" as a Special Use category in the B-2 District. The proposed amendments would add a definition of "Assisted Living Facility" to Section A-140; add the new term as a Special use in Section A-510.3; and finally to add a parking rate for the new category in Section A-1000.4, Table 1000-2. The language for these amendments can be found in Exhibit A.

The second request is for a Special Use Permit for the newly-created category, "Assisted Living Facility", as part of the proposed mixed-use project at 300 N. Kirkwood Road. The mixed-use proposal includes approximately 7,800 sf of commercial space, 66 units of age-restricted multi-family housing, and 56 units of assisted living.

The third item for consideration is a Mixed-use Site Plan Review in the B-2 District for the 5-story mixed-use building mentioned above. This site plan is for Lot 1 of a proposed 2-lot subdivision of the property at 300 North Kirkwood Road. The subdivision is under separate consideration as part of PZ-27-20 but this site plan is contingent upon the approval of said subdivision. Lot 1 of the proposed subdivision is approximately 1.4 acres and is located at the northeast corner of Adams Avenue and Kirkwood Road. Additional detail about the proposed site plan is provided in the Site Element Analysis portion of this report.
COMPREHENSIVE PLAN, LAND USE AND ZONING:
The site is designated as Downtown on the EnVision Kirkwood 2035 Future Land Use Map. Attached Residential (Duplexes/Townhomes/Apartments) and Regional/Neighborhood are both listed in this land use category as appropriate development types.

The subject properties are currently zoned B-2, General Business District (Central Business District) which allows for mixed-use buildings subject to certain requirements. Surrounding land uses and zoning include the following:

To the north: Lot 1 of the proposed 2-lot commercial subdivision would be located to the north of this property and is zoned B-2. The current proposal for Lot 1 is for a stand-alone retail bank facility.

To the south: Across Adams Avenue, there is a church and various commercial uses which are zoned B-2.

To the east: Directly adjacent to the subject site are properties that are all zoned R-5, Multifamily Residential which are occupied by the local Kirkwood YMCA and a condominium development.

To the west: Across Kirkwood Road, there are various commercial uses which are zoned B-2.

DEPARTMENTAL/AGENCY COMMENTS:
Electric: Provide an electrical distribution plan.

Water: No Comments received.

Engineering/Planning: No Comments received.

Building/Fire: 1. ARB review is required.
2. The 2015 IBC must be followed.
3. The proposed assisted living units would not negatively impact EMS services.

SITE ELEMENTS ANALYSIS:
Structure & Pedestrian Access
The proposed building is 5-stories tall and 60’ tall to the top of the flat roof. The structures includes approximately 7,800 sf of commercial space along Kirkwood Road on the ground level with residential amenities and structured parking for the commercial spaces located behind the active commercial spaces on Kirkwood Road. The residential lobby and amenity area has minor Kirkwood Road frontage at the southwest corner of the building; however, the minor nature of the frontage is interpreted as a means to provide access for the residential component onto Kirkwood Road with minimal impact on the requirement to provide active commercial frontage on Kirkwood Road. On a related manor, because East Adams Avenue is not indicated as a “suggested commercial” or “mandatory commercial” street in the Downtown Master Plan’s Framework Plan, Staff interpreted that the allowance for parking and other non-commercial accessory uses could be applied to the Adams Avenue frontage. The requirement for active commercial space on the street frontage on the ground level is only being applied to the Kirkwood Road frontage.

The ground level also includes a one-way covered drop-off/parking area for the residential component that accesses from and exits to Adams Avenue. There is a proposed setback of approximately 31’ to the eastern property line which meets the minimum required when adjacent to a residentially-zoned property.
The proposed building is located 15' from the curb-line of Kirkwood Road and provides an 8' wide sidewalk along Kirkwood Road with an 8' wide tree-lawn. The building is approximately 18' from the curb-line of Adams Avenue. Due to underground and overhead utility conflicts, and to St. Louis County’s prohibition of trees in their controlled right-of-way, the pedestrian sidewalk shifts adjacent to the curb along Adams Avenue so that the required landscaping is still provided between the sidewalk and the building. To provide additional pedestrian benefit, the developer is also proposing a linear plaza/park along the northern border of the property that stretches the entire width of the site. At the request of the subcommittee, the developer revised their plans to include a 5’ wide pedestrian walkway along the eastern property line. This walkway will be located within the 10’ required buffer and will connect via a crosswalk to the linear park along the northern property line. The subcommittee ultimately decided to recommend this 5’ wide walkway knowing that it would prevent the required canopy trees from being provided in this 10’ wide buffer area; however, the applicant is proposing a 6’ tall sight-proof fence and other low-lying vegetation in this area. The subcommittee is recommending a modification to the required parking lot perimeter landscaping in this location in favor of the pedestrian access provided.

The eastern-most proposed access drive provides access to the residential portion on the south side of the building and provides vehicular access to the structured commercial parking located on the north side of the ground-level. Vehicular cross-access is proposed via the eastern drive that stretches across both Lots 1 and 2 of the proposed subdivision to provide additional access between the two sites.

**Landscaping/Screening**

The proposed Landscape Plan provides the required number of frontage trees on Kirkwood Road and on Adams Avenue. As previously mentioned, St. Louis County does not allow trees to be placed within their right-of-way, so the applicant has provided room for these trees on private property along Adams Avenue whereas the frontage trees along Kirkwood Road are proposed to be located within the public right-of-way. Aside from the required street frontage trees, there is additional landscaping provided within the proposed linear park on the north side of the development, the landscape buffer on the east and along the building frontages. As previously mentioned, the recommendation of the subcommittee to include a pedestrian pathway along the eastern property line precludes the proposal from providing the required parking lot perimeter trees. A recommendation for modification to this requirement has been added to the recommendations section of this report.

**Site Access, Traffic, & Parking**

The site is proposed to be accessed from one unrestricted access point in the southeast corner. From that access point, a vehicle could then drive along the south side of the building to access the residential portion of the development, drive along the east side of the building to access the structured commercial parking, or continue north to access the adjacent development on Lot 1 which ultimately connects to Washington Avenue. The only other vehicular connection is a right-out exit-only that is located approximately 120’ east of the Kirkwood Road and Adams Avenue intersection.

Due to the increased density of the proposed development when compared to the existing site, the City and St. Louis County required that the applicant provide a traffic and parking analysis. The traffic portion of the analysis provided some recommendations which have been incorporated into the recommendation section of this report; however, it ultimately found that the forecasted operating conditions after construction would be similar to existing conditions and that the adjacent intersections would generally still have favorable conditions during peak hours. The traffic analysis also compared a 20 year forecast both with and without the proposed development. While there were forecasted failing levels of service at the intersection of Taylor Avenue and Adams Avenue, this condition is forecasted with or without the proposed development which means that improvements may be needed at this location in the future regardless of this development.
The parking analysis concluded that the proposed parking rate of 1.02 parking spaces per unit is adequate to accommodate the anticipated demand for the proposed independent and assisted living units. Furthermore, the analysis concluded that it’s likely that there would be an excess of parking for the residential component and that the proposed parking rate for the text amendment of 0.53 parking spaces per unit is consistent with industry standards and evaluated to be adequate for the specific uses. In addition to the third-party parking analysis, the City’s current Community Unit Plan, Type C process is established for age-restricted housing and requires a reduced parking rate of 1 parking space per unit. Staff’s recommendation is that the 1 parking space per unit rate be applied to independent living units while the 0.53 parking space per unit requirement be rounded to 0.5 parking spaces per unit and apply to assisted living units. This recommendation has been incorporated into the subcommittee’s recommendation for the related text amendment.

**Lighting**

A lighting plan provided indicates a combination of ground and building-mounted lighting fixtures that provide average lighting levels within the site that meet the various code requirements. The plan indicates that the maximum light trespass levels are also in compliance with the Zoning Code. A condition has been added to require that a revised lighting plan be provided prior to City Council approval that includes the newly-proposed pedestrian pathway along the eastern property line to ensure that the pathway is adequately lit while also ensuring compliance with light trespass requirements.

**Modifications**

The proposed Site Plan requires consideration of 3 modifications from the current Zoning Code. To evaluate the density requirement for the proposed assisted living and independent living component, the proposed densities (500 sf/unit for assisted living; 800 sf/unit for independent living) were assigned and a blended average based upon the number of each type of unit was calculated. In the proposal with 56 assisted living units and 66 independent living units, a minimum lot size of 80,800 sf would be required. When the minimum lot size (80,800 sf) is divided by the total number of units proposed (122), the blended required density is 662 sf of lot area per unit. A comparison of the proposed and required items is as follows:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Required</th>
<th>Provided</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density (sf of lot area/unit)</td>
<td>(As proposed)</td>
<td>514</td>
<td>148</td>
</tr>
<tr>
<td>- Assisted Living</td>
<td>• 500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Independent Living</td>
<td>• 800</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Blended Average</td>
<td>• 662</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>2.5</td>
<td>2.56</td>
<td>0.06 (3,963sf)</td>
</tr>
<tr>
<td>Parking lot perimeter trees</td>
<td>8</td>
<td>0</td>
<td>8</td>
</tr>
</tbody>
</table>

As required by Section A-220.2 of the Zoning Code, the developer is providing the following benefits that help achieve the objectives listed in said section as attempted justification for the above modification requests.

1. Providing a public plaza/linear park along the northern property line that occupies an 18’ buffer area where no buffer is required.
2. Providing decorative street lights along Kirkwood Road to match the current decorative fixtures in Downtown.
3. Providing a ‘5’ wide public pedestrian walkway along the eastern property line to provide an alternative pedestrian path between Washington Avenue and Adams Avenue. Said walkway is proposed to connect to the proposed linear park.
4. Providing 16 bicycle racks (accommodating 32 bicycles) exceeding the 10 bicycle racks required.
The subcommittee finds that the justification provided and the circumstances of the modifications requested provide for a better development than might otherwise be realized. The subcommittee has included a recommendation for approval of the requested modifications in the recommendation section of this report.

DISCUSSION:
Zoning Matters signs were placed on the property on March 13, 2020. The request introduction was delayed due to COVID-19, but was ultimately introduced at the Planning & Zoning Commission meeting on July 15, 2020 held via Zoom. Online subcommittee meetings were subsequently held via Zoom on August 4th and August 21st. A list of attendees of the subcommittee meetings can be seen in Exhibit B. The overall proposal was discussed at the subcommittee meetings with attention given to the following items:

1) The subcommittee discussed the broader implications of the request to add “Assisted Living Facility” as a special use in the B-2 District. The subcommittee was concerned due to the potential for assisted living facilities taking property in an area that is intended to provide for vital commercial activity in the City. Because of the large amount of B-2 zoned property in the Downtown area, the subcommittee was also concerned that an overdevelopment of this type might also create a concentration of residents that, due to their need for assistance, would not be consistent with the desire for an active downtown population. Ultimately, the subcommittee agreed that this proposed use would be appropriate if it was conditioned such that it could only be provided in conjunction with other commercial uses through the B-2 mixed-use process.

2) The applicant presented information from their traffic/parking study and their market analysis related to the lower intensity of the proposed use when compared to a traditional multi-family proposal which was summarized in their letter dated August 18, 2020. The information included the following:
   a. An 11% average double occupancy for residential units.
   b. Car ownership of 14-39%.
   c. The total number of vehicle trips generated by the proposed development would be comparable to a 52 unit multi-family development.
   d. When compared to the average family size reported by the Census Bureau, the proposed development would have a total number of residents that is equivalent to approximately 52 multi-family units.
   e. The average density of comparable development that provide assisted living and independent living units was 547 sf of lot area per unit.

3) Staff provided a summary and comparison of existing age-restricted, independent living developments within Kirkwood in a memo dated August 21, 2020. The analysis indicated that these existing developments range in density from 735 sf of lot area per unit to 1,208 sf of lot area per unit. The typical process through which these developments are approved (Community Unit Plan, Type C) allows for a density of 800 sf of lot area per unit for developments that are 4 stories of residential. If height is increased past 4 stories, the density permitted is also increased. In this comparison, the information also indicated that the independent living units provided a parking ratio between 0.66 spaces per unit and 1.5 spaces per unit.

4) Based upon the information provided by the applicant and City Staff, the subcommittee concluded that it was appropriate to apply the 800 sf of lot area per unit requirement for independent living units that is currently required in the Community Unit Plan, Type C process. The subcommittee also agreed that 500 sf of lot area per unit would be an appropriate density requirement for the assisted living units. The assisted living unit density is viewed as a conservative estimate since the information provided was based upon developments that included both independent living and assisted living units which would create a higher number for the sf/unit calculation. These proposed unit densities have been incorporated into the proposed text amendments.

September 2, 2020
5) The applicant provided additional information, at the subcommittee’s request, related to the organizational structures of the partners involved in an effort to indicate their ability to successfully manage the proposed project. It was also clarified that the assisted living portion would be reviewed by the State of Missouri and is required to obtain a Certificate of Need through the State.

6) The subcommittee expressed their preference that a sidewalk for public use be provided in the approximate 10’ buffer area between the eastern property line and the proposed cross-access drive. The subcommittee agreed that the sidewalk would be preferred with low-lying landscaping in lieu of the larger trees proposed in the area currently. This recommendation is consistent with the recommendation for the adjacent project to the north (PZ-27-20).

RECOMMENDATIONS:
The Subcommittee recommends that the request to amend Section A-140, Section A-510.3, and Section A-1000.4, Table 1000-2 in accordance with the language in Exhibit A be approved.

The Subcommittee recommends that the requested Special Use Permit for an “Assisted Living Facility” be approved with the following conditions:

1. A maximum of 66 independent living units and 56 assisted living units are permitted within the proposed development.

The Subcommittee recommends that the proposed Preliminary Development Plan for Mixed-use in a B-2 District for the above referenced properties be approved with the following conditions:

1. A final site plan shall be submitted for review within 12 months of approval of this Preliminary Development Plan by the City Council and said plan shall be consistent with the Preliminary Development Plan documents referenced in the Drawings Submitted portion of this report.

2. Exhibit C contains a list of uses requested by the applicant as required by Section A-510.5(2)(a) and the uses are found to be appropriate. All uses listed under Section A-510.3, Special Uses shall require a separate application for a special use permit.

3. Based upon the justification submitted by the applicant per Section 220.2, the following modifications shall be approved:
   a. Minimum lot area per unit from 662 sf to 514 sf.
   b. Maximum Floor Area Ratio from 2.5 to 2.56.
   c. Parking lot perimeter trees along the eastern property line from 8 to 0.

4. A public linear park shall be constructed at the cost of the developer along the northern property line and a public use easement shall be provided for said area.

5. A 5’ wide public pathway shall be constructed at the cost of the developer along the eastern property line and a public use easement shall be provided for said area. A pedestrian connection shall be required to safely connect said pathway to the required linear park with details required to be provided during the final site plan process.

6. A 6’ high sight-proof fence shall be installed along the eastern property line and shall be constructed of material comparable to simtek composite fencing.

7. All proposed public sidewalks shall be constructed so that they terminate in a manner compliant with ADA/PROWAG and shall be exposed aggregate material.
8. Prior to City Council approval, a revised lighting plan shall be submitted which provides adequate lighting levels for the proposed sidewalk along the eastern property line.

9. A recorded cross-access easement for both vehicular and pedestrian access shall be required along the proposed eastern drive and the buffer area that will accommodate the requested sidewalk in this area to provide access across the site and toward Adams Avenue.

10. The following traffic mitigating efforts found in the third-party traffic analysis shall be required:
   
a. The proposed two-way site drives, as well as the internal access drive, shall have a minimum 22' in throat width.
   
b. All traffic exiting the site onto Washington Avenue and Adams Avenue shall be placed under STOP control via the installation of signage.
   
c. The proposed access drives shall conform to the sight distance requirements set forth by the American Association of State Highway and Transportation Officials (AASHTO).

11. The applicant shall comply with all standard conditions as listed in Exhibit D.

Respectfully submitted,

Jim Adkins

James Diel

Jim O’Donnell

September 2, 2020
EXHIBIT A
PROPOSED TEXT AMENDMENTS

Section A-140, Definitions

Assisted Living Facility –
Any premises, other than a residential care facility, intermediate care facility, or skilled nursing facility, that is utilized by its owner, operator, or manager to provide twenty-four-hour care, services, programs and protective oversight to three or more residents who are provided with shelter, board, and who may need and are provided with the following:

(a) Assistance with any activities of daily living and any instrumental activities of daily living,
(b) Storage, distribution, or administration of medications; and
(c) Supervision of health care under the direction of a license physician, provided that such services are consistent with a social model of care.

Such term shall not include a facility where all the residents are related within the fourth degree of consanguinity or affinity to the owner, operator, or manager of the facility. Such term may also include independent living units that are dedicated to residents aged 55 years or older who do not meet the criteria for required care listed above. In such case that independent living units are included, the required lot area per unit shall be increased from 500 sf to 800 sf of lot area per independent living unit.

When located in the B-2, General Business District, said Assisted Living Facility shall only be permitted when part of a mixed-use development subject to the requirements of Section A-510.5.

Section A-510.3

Add “Assisted Living Facility (500 square feet per dwelling unit)

Section A-1000.4, Table 1000-2

<table>
<thead>
<tr>
<th>Assisted Living Facility</th>
<th>0.5 parking spaces per assisted living dwelling unit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 parking space per independent living dwelling unit</td>
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</table>
EXHIBIT B
Subcommittee Meeting Attendees
August 4, 2020 (Via Zoom)

Jim Adkins - Subcommittee Member
James Diehl - Subcommittee Member
Jim O’Donnell - Subcommittee Member
Ryan Carlie - Applicant Rep
Joe Kelley - Applicant Rep
Gary Shuberth - Applicant Rep
Kate Swinford - Applicant Rep
Joe Miklich - Applicant Rep
John Kratochvil - Applicant Rep
George Stock - Applicant
Joe Horvath - Applicant
Allen Klippel - P&Z Commissioner
Ron Evens - P&Z Commissioner
Liz Gibbons - Councilmember
Maggie Duwe - Councilmember
Donna Poe - Downtown Kirkwood Executive Director
Jonathan Raiche - Planning & Development Services Director
Chris Krueger - City Engineer
Kristin Flanery - Attendee
Matt Weyer - Attendee
Patricia Jones - Attendee
Rich Vandegrift - Attendee
Ross Sanders - Attendee

August 21, 2020 (Via Zoom)

Jim Adkins - Subcommittee Member
James Diehl - Subcommittee Member
Jim O’Donnell - Subcommittee Member
Ryan Carlie - Applicant Rep
Joe Kelley - Applicant Rep
Cheryl Sharp - Applicant Rep
Joe Miklich - Applicant Rep
John Kratochvil - Applicant Rep
George Stock - Applicant
Joe Horvath - Applicant
Allen Klippel - P&Z Commissioner
Liz Gibbons - Councilmember
Maggie Duwe - Councilmember
Donna Poe - Downtown Kirkwood Executive Director
Jonathan Raiche - Planning & Development Services Director
Patricia Jones - Attendee
Rich Vandegrift - Attendee
Ross Sanders - Attendee

September 2, 2020
EXHIBIT C
Approved Permitted Uses

1. Administrative offices for a church or similar place of worship
2. Antique stores
3. Art supply store
4. Barbershops
5. Beauty parlors
6. Bicycle shops, including repair and rental
7. Blueprinting and photocopying establishments
8. Bookstores
9. Camera and photography supply shops for retail sales
10. Catering establishments
11. Clothing stores
12. Clubs and fraternal organizations
13. Custom dressmaking and tailoring
14. Department stores
15. Dry cleaners, drop off and pick up
16. Electronics stores, including repair
17. Financial institutions
18. Florist shops
19. Florist shop with greenhouses for retail trade on premises only
20. Food stores
21. Furniture stores and upholstery shops
22. Garden supplies and seed stores
23. Gift stores
24. Hardware stores
25. Hobby stores
26. Household appliance stores, including repair
27. Interior decorating shops
28. Jewelry stores and watch repair
29. Learning Centers
30. Libraries
31. Massage therapy offices
32. Meat markets
33. Medical clinics
34. Offices, general
35. Offices, medical and dental
36. Office supplies and equipment sales and service
37. Paint and wallpaper stores
38. Pet shops, including grooming and supplies
39. Pharmacies
40. Photography studios, art galleries or studios, including the developing of film and pictures when conducted as part of the retail business on the premises
41. Physical and rehabilitation facilities
42. Plumbing showrooms, without shop or repair facilities
43. Post offices
44. Public utility collection offices
45. Recreational developments, publicly owned
46. Shoe stores or shoe repair shops
47. Sporting goods stores
48. Stationery supply stores
49. Theaters, indoor
EXHIBIT D
STANDARD CONDITIONS

1. A performance guarantee in the form of a cash deposit or letter of credit in an amount approved by the Public Services Department and an administrative fee (10% of the first $10,000 and 2% of the remaining balance of the performance guarantee) shall be submitted within one year of final development plan approval and prior to the issuance of a foundation letter or building permit to insure the completion of the proposed improvements, utilities and landscaping; to replace public improvements damaged by construction activities (sidewalks, curbs, etc.); and to guarantee significant trees designated to be saved. 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.

2. All proposed public sidewalks shall be constructed so that they are compliant with ADA/PROWAG. Public sidewalks and/or curbs shall be reconstructed at the developer's expense at the direction of the Public Services Department.

3. Storm water management plans for the proposed site plan shall be submitted to Metropolitan Sewer District (MSD) and City for review and approval prior to the issuance of a grading, foundation or building permit. Storm water greater than one c.f.s. shall not be directed across the public sidewalk or driveway entrances.

4. Sanitary sewer plan shall be approved by MSD prior to the issuance of a foundation letter or building permit.

5. Entrances into the development shall be constructed per St. Louis County specifications.

6. The water system shall meet the requirements of the Kirkwood Fire and Water Departments. The Fire Department shall approve the water flow for the project. If satisfactory water flow is not available from the existing water system in accordance with City policy, the applicant shall install the necessary mains and accessories.

7. If applicable, proper ground disturbance permits through MDNR shall be obtained prior to issuance of permits from the City.

8. 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.

9. 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 a building permit. These devices shall be maintained during the construction activities.

10. 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.

11. No parking of construction trailers, material storage, equipment storage or construction equipment is authorized on the public streets at any time.
12. All rooftop equipment, air-conditioning units and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.

13. An accessible route in compliance with ADA standards shall be provided from the proposed accessible parking spaces to the accessible entrance of the building.

14. All rooftop equipment, air-conditioning units and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.

15. The Architectural Review Board shall approve all signs and building architecture prior to the issuance of any building permits.
BILL

ORDINANCE


WHEREAS, Opus Development Company LLC made application (PZ-28-20) for various text amendments to the Zoning Code for the purpose of adding a new Special Use Permit category in the B-2 District; and

WHEREAS, the Planning and Zoning Commission did on the 2nd day of September, 2020, by adopting the subcommittee report dated September 2, 2020, (attached hereto and incorporated by reference herein), recommend the approval of said Zoning Code text amendments; and

WHEREAS, on the 1st day of October, 2020, the City Council did hold a public hearing with respect to such amendments to the Zoning Code after duly advertising and giving proper notice of such hearing.

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

SECTION 1. That the City of Kirkwood Municipal Code of Ordinances, Appendix A – Zoning, is hereby amended by adding the following defined term in Section A-140.1:

Assisted Living Facility - Any premises, other than a residential care facility, intermediate care facility, or skilled nursing facility, that is utilized by its owner, operator, or manager to provide twenty-four-hour care, services, programs and protective oversight to three or more residents who are provided with shelter, board, and who may need and are provided with the following:

(a) Assistance with any activities of daily living and any instrumental activities of daily living,
(b) Storage, distribution, or administration of medications; and
(c) Supervision of health care under the direction of a license physician, provided that such services are consistent with a social model of care.

Such term shall not include a facility where all the residents are related within the fourth degree of consanguinity or affinity to the owner, operator, or manager of the facility. Such term may also include
independent living units that are dedicated to residents aged 55 years or older who do not meet the criteria for required care listed above. In such case that independent living units are included, the required lot area per unit shall be increased from 500 sf to 800 sf of lot area per independent living unit.

When located in the B-2, General Business District, said Assisted Living Facility shall only be permitted when part of a mixed-use development subject to the requirements of Section A-510.5.

SECTION 2. That the City of Kirkwood Municipal Code of Ordinances, Appendix A – Zoning, is hereby amended by inserting the following use category in Section A-510.3, Special Uses and renumbering subsequent use categories as necessary.

510.3 (4) Assisted Living Facility (500 square feet per dwelling unit)

SECTION 3. That the City of Kirkwood Municipal Code of Ordinances, Appendix A – Zoning, is hereby amended by inserting the following use category in Section A-1000.4, Table 1000-2.

Assisted Living Facility - 0.5 parking spaces per assisted living dwelling unit
1 parking space per independent living dwelling unit

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

PASSED AND APPROVED THIS ____ day of __________, 2020.

Mayor, City of Kirkwood

ATTEST:

__________________________
City Clerk

Public Hearing:
1ST Reading:
2nd Reading:
Legislation Request

Ordinance

Step #1:
Strategic Plan NO
Goal # & Title

Background To Issue:
Opus Development has submitted a request for various text amendments to the Zoning Code for the purpose of adding "Assisted Living Facility" as a special use in the B-2 District.

This request has been submitted in conjunction with a request to apply the new special use within a proposed mixed-use development on the property at 300 N. Kirkwood Road and for a preliminary development plan review for said property. These requests are submitted under separate legislation requests.

A copy of the subcommittee report that addresses all requests together is attached. Also attached are a memo provided by staff and materials provided by the applicant regarding density comparisons.

Recommendations and Action Requested:
The P&Z Commission recommended approval of the proposed text amendments by two separate votes each passing by a vote of 8-1. A public hearing at the October 1, 2020 meeting of the City Council is requested.

Alternatives Available:

Does this project have a public information component?  ○ Yes  ○ No

Cost:  $0.00  Account #:  0  Project #:  Budgeted:  YES
If YES, Budgeted Amount:  $0.00  If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

BY:  Jonathan Raiche  Date:  9/14/2020  Authenticated:  raichejd

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

TO: P&Z COMMISSION SUBCOMMITTEE
(PZ-28-20)
FROM: JONATHAN D. RAICHE, PLANNING & DEVELOPMENT SERVICES DIRECTOR

SUBJECT: AGE RESTRICTED HOUSING COMPARISON
DATE: AUGUST 21, 2020
CC: PLANNING & ZONING COMMISSIONERS
BILL BENSING, DIRECTOR OF PUBLIC SERVICES
AMY LOWRY, PLANNER II
PATTI DOBEL, ADMINISTRATIVE ASSISTANT

At the subcommittee meeting on August 4, 2020, the subcommittee members requested additional information both from the applicant and from City Staff. In response to the subcommittee’s request, Staff has prepared the following table and also provided excerpts of current regulations from our Community Unit Plan, Type-C procedure. This procedure has not been utilized in many years but is structured to specifically address age-restricted housing. This procedure; however, does not account for the mixed-use nature of the current Opus proposal.

Sample of Existing Age-restricted Locations

<table>
<thead>
<tr>
<th>Proposed Opus Bldg</th>
<th># of Units</th>
<th>Lot Area (sf)</th>
<th>Density(sf/unit)</th>
<th>Parking (spaces/unit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adams Place (as originally approved)</td>
<td>44</td>
<td>53,143</td>
<td>1,208</td>
<td>0.5</td>
</tr>
<tr>
<td>Manor at Parkside</td>
<td>28</td>
<td>28,497</td>
<td>1,000</td>
<td>1.5</td>
</tr>
<tr>
<td>Jefferson Manor</td>
<td>20</td>
<td>19,733</td>
<td>987</td>
<td>1.5</td>
</tr>
<tr>
<td>Bethesda Gardens</td>
<td>131</td>
<td>113,256</td>
<td>865</td>
<td>0.85</td>
</tr>
<tr>
<td>Concordia House</td>
<td>76</td>
<td>63,500</td>
<td>836</td>
<td>0.66</td>
</tr>
<tr>
<td>Kirkwood House</td>
<td>100</td>
<td>73,500</td>
<td>735</td>
<td>0.67</td>
</tr>
</tbody>
</table>

Current CUP, Type-C Regulations

820.2 - Permitted uses. A building or premises shall be used only for multiple-family residential structures designed solely for the elderly and/or physically or mentally challenged and related accessory structures.

820.5 - Intensity of use and floor area ratio.

(1) Every tract of land shall have a width at the building line of not less than 120 feet.
(2) When a building is erected on a lot, such lot shall have an area of not less than 800 square feet per family; for each successive story above four stories, the lot area requirement for such story shall be reduced 100 square feet per family, so that the requirement for the fifth story is 700 square feet per family, for the sixth story, 600 square feet per family, etc., up to and including the 10th, 11th and 12th stories for which the lot area requirement shall be 200 square feet per family.
There shall be a maximum floor area ratio of 1.5, except that where the building is set back from one or more of the required yard lines, the floor area of such building may be increased by one square foot for each one square foot of area left open within the portion of the lot bounded by the required front side and rear yards specified in § A-820.4, provided that in no event shall a building exceed 12 stories or 125 feet in height, above grade.

820.6 - Parking regulations. One parking space shall be provided for each dwelling unit.
August 18, 2020

Mr. Jonathan Raiche, AICP
City Planner, City of Kirkwood
139 S. Kirkwood Rd
Kirkwood, MO 63122

Re: P&Z Subcommittee Meeting: PZ-28-20 – 8/21/2020

Dear Jonathan:

At the Planning and Zoning Subcommittee meeting on Tuesday, August 4th, 2020, it was requested that we provide additional information regarding the density of our project and organizational charts for both the Opus and Allegro teams. Please find this information enclosed along with some additional documents we believe the subcommittee may find helpful.

- Opus Organizational Chart. Please note that a majority of our key project team members are located in St. Louis.
- Allegro Organizational Chart. St. Louis based.
- Density Analysis. This includes the density of existing Allegro communities and St. Louis communities in similar infill locations. Please note that our density is right in line with the averages.
- Resident Density Analysis. This reflects that our senior living project will have the same number of total residents at 122 units as compared to a traditional multifamily project containing 52 units which is permitted in the current zoning.
- Trip Generation Comparison. Lochmueller completed a study comparing the total number of new trips generated by the 122 unit Independent and Assisted Living project to a 52 unit traditional multifamily project and it is similar in total number of trips.
- Typical Monthly Allegro Activity Calendar. Please note the more than 30 highlighted group outings that are coordinated where the residents are engaging in activities and outings within the community.
- Envision Kirkwood Plan. Please note the information pulled from the Envision Kirkwood Plan that calls for a diversification in housing type to accommodate the ageing population.

The enclosed information provides support that our proposed Independent and Assisted Living project, even at a greater density than permitted by code, has an overall similar and in some cases less intense impact than a 52 unit traditional multifamily apartment project as permitted in the zoning.

We’re excited about this project and feel as though this modern senior housing project is a perfect fit for the Kirkwood community.

Opus Development Company, L.L.C.

Ryan S. Carlie
Director
Allegro Kirkwood Density Analysis

<table>
<thead>
<tr>
<th>Existing Allegro Communities</th>
<th>Care Levels</th>
<th>Year Built</th>
<th>Lot Size</th>
<th>Units</th>
<th>Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegro Kirkwood</td>
<td>IL/AL</td>
<td>2023</td>
<td>62,726</td>
<td>122</td>
<td>514</td>
</tr>
<tr>
<td>Dadeland</td>
<td>IL/AL</td>
<td>2019</td>
<td>29,027</td>
<td>170</td>
<td>171</td>
</tr>
<tr>
<td>Doral</td>
<td>IL</td>
<td>2020</td>
<td>88,167</td>
<td>198</td>
<td>445</td>
</tr>
<tr>
<td>Richmond Heights</td>
<td>AL/MC</td>
<td>2019</td>
<td>41,818</td>
<td>87</td>
<td>481</td>
</tr>
<tr>
<td>Hyde Park</td>
<td>IL/AL</td>
<td>2011</td>
<td>82,328</td>
<td>136</td>
<td>605</td>
</tr>
<tr>
<td><strong>Subtotal / Average</strong></td>
<td></td>
<td><strong>2017</strong></td>
<td><strong>60,335</strong></td>
<td><strong>591</strong></td>
<td><strong>408</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>St Louis Communities</th>
<th>Care Levels</th>
<th>Year Built</th>
<th>Lot Size</th>
<th>Units</th>
<th>Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegro Kirkwood</td>
<td>IL/AL</td>
<td>2023</td>
<td>62,726</td>
<td>122</td>
<td>514</td>
</tr>
<tr>
<td>Charter Senior Living of St Louis</td>
<td>AL/MC</td>
<td>1965/2010</td>
<td>46,391</td>
<td>109</td>
<td>426</td>
</tr>
<tr>
<td>Allegro Richmond Heights</td>
<td>AL/MC</td>
<td>2019</td>
<td>41,818</td>
<td>87</td>
<td>481</td>
</tr>
<tr>
<td>Clarendale Clayton</td>
<td>IL/AL/MC</td>
<td>2021</td>
<td>142,441</td>
<td>281</td>
<td>507</td>
</tr>
<tr>
<td>Brentmoor Retirement Community</td>
<td>IL/AL</td>
<td>1993</td>
<td>47,916</td>
<td>90</td>
<td>532</td>
</tr>
<tr>
<td>Bethesda Barclay House</td>
<td>IL</td>
<td>1995</td>
<td>50,965</td>
<td>84</td>
<td>607</td>
</tr>
<tr>
<td>Creve Coeur Assisted Living &amp; Memory Care</td>
<td>AL/MC</td>
<td>2015</td>
<td>69,696</td>
<td>99</td>
<td>704</td>
</tr>
<tr>
<td>Sunrise Webster Groves</td>
<td>AL/MC</td>
<td>2013</td>
<td>56,628</td>
<td>80</td>
<td>708</td>
</tr>
<tr>
<td>Bethesda Gardens</td>
<td>IL</td>
<td>1989</td>
<td>113,256</td>
<td>127</td>
<td>892</td>
</tr>
<tr>
<td><strong>Subtotal / Average</strong></td>
<td></td>
<td><strong>2006</strong></td>
<td><strong>71,139</strong></td>
<td><strong>957</strong></td>
<td><strong>595</strong></td>
</tr>
</tbody>
</table>
135 residents
Density based on 122 units using Allegro historical data*.

136 residents
Density based on current zoning, 52 units, using US Census average persons per household**.

*122 units x 1.11 residents/unit = 135 residents
** 62,726 sf (lot area) / 1,200 sf/unit = 52 units
52 units x 2.63 residents/unit = 136 residents
Lochmueller Group completed a traffic impact study for the proposed Commerce Bank/Opus Mixed Use development, located on the east side of Kirkwood Road between Adams Avenue and Washington Avenue in Kirkwood, Missouri. The proposed development consists of 66 independent living residential units, 56 assisted living residential units, 7,800 square feet (SF) of ground floor retail, and the relocation of the existing Commerce Bank to a new 3,600 SF building within the site.

Concern has been raised regarding the density of the proposed site. This memorandum compiles the trip generation of the proposed independent living (IL) and assisted living (AL) residential units within the mixed use development, to 52 traditional multi-family residential units, which is the density currently allowed in the zoning for this site. The trip generation comparison is summarized in Table 1.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In</td>
<td>Out</td>
</tr>
<tr>
<td>Total New Trips (as proposed – IL &amp; AL)</td>
<td>15</td>
<td>14</td>
</tr>
<tr>
<td>Total New Trips (with 52 multifamily units)</td>
<td>8</td>
<td>15</td>
</tr>
</tbody>
</table>

As can be seen, the total new trips generated by the proposed development, inclusive of 66 independent living and 56 assisted living residential units, is similar to the total new trips that would be generated if the development included 52 traditional multi-family residential units as permitted in the zoning.

Please contact me at csharp@lochgroup.com or 314-446-3793 should you have any questions related to this comparison.
<table>
<thead>
<tr>
<th>SUN</th>
<th>MON</th>
<th>TUE</th>
<th>WED</th>
<th>THUR</th>
<th>FRI</th>
<th>SAT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegra Parkland</td>
<td>5900 Lokohatchee Road</td>
<td>Parkland, FL 33067</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
HOUSING OPTIONS

During the EnVision Kirkwood 2035 process, many residents noted they were concerned with the increasing home prices in Kirkwood. In addition, fifty percent (50%) of residents at the first Open House event stated they wanted to promote a variety of housing types to accommodate a range of socio-economic needs. As reflected in Goal #4 of this Chapter, the Community has identified a need for housing that accommodates a range of ages, abilities, and socio-economic levels. This is the way in which this EnVision Kirkwood 2035 process has defined a diverse housing stock.

Diversification in housing types provides opportunities for residents to meet their changing housing needs throughout their lives, which helps create a strong economic foundation for the community and allows Kirkwood residents to remain in Kirkwood (See Figure 2-5). Such housing options should include:

- Small affordable units within developments.
- Lower income housing options.
- Senior housing options.

The City of Kirkwood should evaluate the possibility of promoting new housing options throughout the City. Subsidized affordable housing, which started in the 1930s, suffers from a poor reputation. Public and affordable housing, which are different from one another, have undergone significant evolutions since inception and in response to demand. When proactive developers engage designers and the community, the result can be creative solutions that are not only aesthetically pleasing, but may create innovative solutions and a safe and positive environment.

As national population increases, household sizes continue to decline. Household sizes have been shrinking since 1980 from an average of 4.6 persons to 2.6 while the number of single person households has doubled since 1960. Rental options for younger residents should be available in areas where they may wish to invest in the long term but initially may not be able to afford.

Per the 2010 US Census, over 17% of Kirkwood residents are 65 years or older and that percentage continues to increase. Many area residents who are not ready to move into assisted or senior housing stated they want the opportunity to have housing options available to them so they may remain in Kirkwood.

For those that are at the point of needing additional help and care, Kirkwood is home to several senior housing facility options, such as Aberdeen Heights and Manor Grove. These facilities contribute to housing diversity within Kirkwood and the ability to age in place. The current senior living facilities provide over 1100 living units (See Figure 2-6).

RESOURCES:

GOAL 4 //
Promote Housing to Accommodate Residents of Various Ages, Abilities and Socio-economic Needs

4.A. Support the development of senior-oriented housing and accessible home design.

At the time of the 2010 US Census, approximately 23% of the Kirkwood population was over the age of 60. The aging of the US workforce, or the Baby Boomer generation, will radically alter many aspects of life in America over the coming decades. This trend, coupled with the fact that today’s seniors are more active and living longer, healthier lives means that cities will need to be in a stronger position to accommodate senior citizens.

Seniors and people with mobility challenges need to move out of a community because there is a lack of housing that accommodates their unique needs. One way to help them stay in the community is to promote universal design with respect to housing. Universal design is the concept of creating all products and the built environment to be aesthetic and usable to the greatest extent possible by everyone, regardless of their age, ability, or status in life.

4.A. ACTION STEPS

4.A.1. Research implementation methods such as through minimum requirements or an incentive program.

4.A.2. Set up a roundtable discussion with the building community to receive feedback. Distribute feedback.


PROJECTED DURATION: 3 years

Champions: Public Services Department

4.A. FOR CONSIDERATION

A number of initiatives influence the development of age and mobility friendly housing and community design options. Such initiatives could include:

- Creation of a Citizen and City Staff Based Task Force. Such task forces are being created around the country, often in partnership with organizations such as AARP, to assess the community’s needs relating to livability and to identify areas for improvement. The results from such an analysis would allow the City to create standards for all projects to include amenities and accommodations for all citizens.

- Creation of a Universal Design Ordinance. In many locations around the country this type of ordinance is for larger developments such as a block of 20 homes or for larger multi-family developments. Although Kirkwood is a builtout community, there is always a chance for new development, whether condominiums, townhomes or the subdivision of larger parcels. The City could consider the creation of an ordinance that would require a percentage of universally accessible housing units in new developments.

Having the necessary codes and ordinances in place will help the City reach the goal of having a variety of accommodating housing options.

EXAMPLES

The City of Sacramento, California approved a universal design ordinance for new construction in February 2010. This ordinance requires single family home builders to provide universal design features as an option available to buyers. Single-family and two-family developments of 20 units or more will need to offer basic universal design features to make homes more accessible. Universal design features include, but are not limited to, the following accessible amenities:

- Larger width primary and secondary entries.
- Wider exterior and interior routes.
- A bathroom on route from the primary entry.
- A kitchen on the primary entry level with wider clearances.
- A common use room and bedroom on the primary entry level.
- Outlets at the bottom and top of any stairs to facilitate the use of a chair lift.

The City of Colorado Springs, in conjunction with AARP and the Innovations on Aging Collaborative, issued “Age Friendly Colorado Springs, A Report and Action Plan” in September of 2016 which is an example of a community’s proactive approach to accommodating aging and mobility challenged citizens.
4.8. Encourage higher density residential/mixed-use in appropriate areas.

Downtown Kirkwood provides the community with a vibrant downtown that acts as the heart of the city. One of the most important ingredients to a successful downtown is a strong residential footprint. When a downtown or other form of commercial area has a “critical mass” of residents, retail follows and the commercial area becomes a place to shop, dine, and socialize. In 2004 Downtown Kirkwood took a leap forward with the mixed-use Station Plaza development which created a civic and commercial gathering space where a big box retailer was once located.

Kirkwood’s commercial areas can be strengthened by the presence of nearby higher density residential development. A 2014 survey by the American Planning Association found that 56% of millennials and 46% of active baby boomers would like to live in walkable communities that minimize reliance on cars for access to basic needs. Currently, Kirkwood regulates residential units in downtown and highway commercial districts through either a special use permit or a mixed use development process. Investigating a more streamlined review process may encourage more residential uses in commercial areas and thus increase the customer base within the immediate area.

Another opportunity for creating more housing options through density would be the consideration of secondary/accessory dwelling units. Secondary dwelling units are separate housing units located on the same property as a primary residence. They can either be attached or detached from the primary residence. Secondary dwelling units provide affordable housing that meets the needs of different family configurations. They offer a host of benefits including: increasing housing supply, allowing seniors to live closer to their families and helping young professionals entering the workforce.

One of the most important ingredients to a successful downtown is a strong residential footprint. When a downtown or other form of commercial area has a “critical mass” of residents, retail follows and the commercial area becomes a place to shop, dine, and socialize.”
CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
SUBCOMMITTEE REPORT
September 2, 2020

PETITION NUMBER: PZ-28-20

ACTION REQUESTED: ZONING CODE TEXT AMENDMENT, SPECIAL USE PERMIT, AND MIXED-USE PRELIMINARY DEVELOPMENT PLAN REVIEW IN B-2

PROPERTY OWNER: CLAYTON FINANCIAL CORPORATION (COMMERCE BANK)

APPLICANT: OPUS DEVELOPMENT COMPANY, LLC

APPLICANT’S AGENT: GEORGE STOCK, STOCK & ASSOCIATES

PROPERTY LOCATION: 300 NORTH KIRKWOOD ROAD

ZONING: B-2, GENERAL BUSINESS DISTRICT (CENTRAL BUSINESS DISTRICT)

DRAWINGS SUBMITTED: SITE PLAN PACKET (8 SHEETS) PREPARED BY OPUS DEVELOPMENT, STOCK & ASSOCIATES, AND COLE & ASSOCIATES STAMPED “RECEIVED AUGUST 26, 2020, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

ARCHITECTURAL EXHIBITS (13 SHEETS) PREPARED BY OPUS DEVELOPMENT, STAMPED “RECEIVED JUNE 26, 2020 CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

DESCRIPTION OF PROJECT:
The applicant is requesting three separate actions for this project, which will require three separate recommendations by the subcommittee. The first request is for text amendments to the Zoning Code that pertain to adding “Assisted Living Facility” as a Special Use category in the B-2 District. The proposed amendments would add a definition of “Assisted Living Facility” to Section A-140; add the new term as a Special use in Section A-510.3; and finally to add a parking rate for the new category in Section A-1000.4, Table 1000-2. The language for these amendments can be found in Exhibit A.

The second request is for a Special Use Permit for the newly-created category, “Assisted Living Facility”, as part of the proposed mixed-use project at 300 N. Kirkwood Road. The mixed-use proposal includes approximately 7,800 sf of commercial space, 66 units of age-restricted multi-family housing, and 56 units of assisted living.

The third item for consideration is a Mixed-use Site Plan Review in the B-2 District for the 5-story mixed-use building mentioned above. This site plan is for Lot 1 of a proposed 2-lot subdivision of the property at 300 North Kirkwood Road. The subdivision is under separate consideration as part of PZ-27-20 but this site plan is contingent upon the approval of said subdivision. Lot 1 of the proposed subdivision is approximately 1.4 acres and is located at the northeast corner of Adams Avenue and Kirkwood Road. Additional detail about the proposed site plan is provided in the Site Element Analysis portion of this report.
COMPREHENSIVE PLAN, LAND USE AND ZONING:
The site is designated as Downtown on the EnVision Kirkwood 2035 Future Land Use Map. Attached Residential (Duplexes/Townhomes/Apartments) and Regional/Neighborhood are both listed in this land use category as appropriate development types.

The subject properties are currently zoned B-2, General Business District (Central Business District) which allows for mixed-use buildings subject to certain requirements. Surrounding land uses and zoning include the following:

To the north: Lot 1 of the proposed 2-lot commercial subdivision would be located to the north of this property and is zoned B-2. The current proposal for Lot 1 is for a stand-alone retail bank facility.

To the south: Across Adams Avenue, there is a church and various commercial uses which are zoned B-2.

To the east: Directly adjacent to the subject site are properties that are all zoned R-5, Multifamily Residential which are occupied by the local Kirkwood YMCA and a condominium development.

To the west: Across Kirkwood Road, there are various commercial uses which are zoned B-2.

DEPARTMENTAL/AGENCY COMMENTS:
Electric: Provide an electrical distribution plan.

Water: No Comments received.

Engineering/Planning: No Comments received.

Building/Fire: 1. ARB review is required.
   2. The 2015 IBC must be followed.
   3. The proposed assisted living units would not negatively impact EMS services.

SITE ELEMENTS ANALYSIS:
*Structure & Pedestrian Access*
The proposed building is 5-stories tall and 60' tall to the top of the flat roof. The structures includes approximately 7,800 sf of commercial space along Kirkwood Road on the ground level with residential amenities and structured parking for the commercial spaces located behind the active commercial spaces on Kirkwood Road. The residential lobby and amenity area has minor Kirkwood Road frontage at the southwest corner of the building; however, the minor nature of the frontage is interpreted as a means to provide access for the residential component onto Kirkwood Road with minimal impact on the requirement to provide active commercial frontage on Kirkwood Road. On a related manor, because East Adams Avenue is not indicated as a “suggested commercial” or “mandatory commercial” street in the Downtown Master Plan’s Framework Plan, Staff interpreted that the allowance for parking and other non-commercial accessory uses could be applied to the Adams Avenue frontage. The requirement for active commercial space on the street frontage on the ground level is only being applied to the Kirkwood Road frontage.

The ground level also includes a one-way covered drop-off/parking area for the residential component that accesses from and exits to Adams Avenue. There is a proposed setback of approximately 31' to the eastern property line which meets the minimum required when adjacent to a residentially-zoned property.

September 2, 2020
The proposed building is located 16’ from the curb-line of Kirkwood Road and provides an 8’ wide sidewalk along Kirkwood Road with an 8’ wide tree-lawn. The building is approximately 18’ from the curb-line of Adams Avenue. Due to underground and overhead utility conflicts, and to St. Louis County’s prohibition of trees in their controlled right-of-way, the pedestrian sidewalk shifts adjacent to the curb along Adams Avenue so that the required landscaping is still provided between the sidewalk and the building. To provide additional pedestrian benefit, the developer is also proposing a linear plaza/park along the northern border of the property that stretches the entire width of the site. At the request of the subcommittee, the developer revised their plans to include a 5’ wide pedestrian walkway along the eastern property line. This walkway will be located within the 10’ required buffer and will connect via a crosswalk to the linear park along the northern property line. The subcommittee ultimately decided to recommend this 5’ wide walkway knowing that it would prevent the required canopy trees from being provided in this 10’ wide buffer area; however, the applicant is proposing a 6’ tall sight-proof fence and other low-lying vegetation in this area. The subcommittee is recommending a modification to the required parking lot perimeter landscaping in this location in favor of the pedestrian access provided.

The eastern-most proposed access drive provides access to the residential portion on the south side of the building and provides vehicular access to the structured commercial parking located on the north side of the ground-level. Vehicular cross-access is proposed via the eastern drive that stretches across both Lots 1 and 2 of the proposed subdivision to provide additional access between the two sites.

**Landscaping/Screening**

The proposed Landscape Plan provides the required number of frontage trees on Kirkwood Road and on Adams Avenue. As previously mentioned, St. Louis County does not allow trees to be placed within their right-of-way, so the applicant has provided room for these trees on private property along Adams Avenue whereas the frontage trees along Kirkwood Road are proposed to be located within the public right-of-way. Aside from the required street frontage trees, there is additional landscaping provided within the proposed linear park on the north side of the development, the landscape buffer on the east and along the building frontages. As previously mentioned, the recommendation of the subcommittee to include a pedestrian pathway along the eastern property line precludes the proposal from providing the required parking lot perimeter trees. A recommendation for modification to this requirement has been added to the recommendations section of this report.

**Site Access, Traffic, & Parking**

The site is proposed to be accessed from one unrestricted access point in the southeast corner. From that access point, a vehicle could then drive along the south side of the building to access the residential portion of the development, drive along the east side of the building to access the structured commercial parking, or continue north to access the adjacent development on Lot 1 which ultimately connects to Washington Avenue. The only other vehicular connection is a right-out exit-only that is located approximately 120’ east of the Kirkwood Road and Adams Avenue intersection.

Due to the increased density of the proposed development when compared to the existing site, the City and St. Louis County required that the applicant provide a traffic and parking analysis. The traffic portion of the analysis provided some recommendations which have been incorporated into the recommendation section of this report; however, it ultimately found that the forecasted operating conditions after construction would be similar to existing conditions and that the adjacent intersections would generally still have favorable conditions during peak hours. The traffic analysis also compared a 20 year forecast both with and without the proposed development. While there were forecasted falling levels of service at the intersection of Taylor Avenue and Adams Avenue, this condition is forecasted with or without the proposed development which means that improvements may be needed at this location in the future regardless of this development.
The parking analysis concluded that the proposed parking rate of 1.02 parking spaces per unit is adequate to accommodate the anticipated demand for the proposed independent and assisted living units. Furthermore, the analysis concluded that it's likely that there would be an excess of parking for the residential component and that the proposed parking rate for the text amendment of 0.53 parking spaces per unit is consistent with industry standards and evaluated to be adequate for the specific uses. In addition to the third-party parking analysis, the City's current Community Unit Plan, Type C process is established for age-restricted housing and requires a reduced parking rate of 1 parking space per unit. Staff's recommendation is that the 1 parking space per unit rate be applied to independent living units while the 0.53 parking space per unit requirement be rounded to 0.5 parking spaces per unit and apply to assisted living units. This recommendation has been incorporated into the subcommittee's recommendation for the related text amendment.

**Lighting**

A lighting plan provided indicates a combination of ground and building-mounted lighting fixtures that provide average lighting levels within the site that meet the various code requirements. The plan indicates that the maximum light trespass levels are also in compliance with the Zoning Code. A condition has been added to require that a revised lighting plan be provided prior to City Council approval that includes the newly-proposed pedestrian pathway along the eastern property line to ensure that the pathway is adequately lit while also ensuring compliance with light trespass requirements.

**Modifications**

The proposed Site Plan requires consideration of 3 modifications from the current Zoning Code. To evaluate the density requirement for the proposed assisted living and independent living component, the proposed densities (500 sf/unit for assisted living; 800 sf/unit for independent living) were assigned and a blended average based upon the number of each type of unit was calculated. In the proposal with 56 assisted living units and 66 independent living units, a minimum lot size of 80,800 sf would be required. When the minimum lot size (80,800 sf) is divided by the total number of units proposed (122), the blended required density is 662 sf of lot area per unit. A comparison of the proposed and required items is as follows:

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<thead>
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<th>Requirement</th>
<th>Required</th>
<th>Provided</th>
<th>Difference</th>
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<tr>
<td>Density (sf of lot area/unit)</td>
<td>(As proposed)</td>
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<td>148</td>
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<tr>
<td>- Assisted Living</td>
<td>• 500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Independent Living</td>
<td>• 800</td>
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<tr>
<td>- Blended Average</td>
<td>• 662</td>
<td>• 514</td>
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<tr>
<td>Floor Area Ratio</td>
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<td>2.56</td>
<td>0.06 (3,963sf)</td>
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<tr>
<td>Parking lot perimeter trees</td>
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As required by Section A-220.2 of the Zoning Code, the developer is providing the following benefits that help achieve the objectives listed in said section as attempted justification for the above modification requests.

1. Providing a public plaza/linear park along the northern property line that occupies an 18’ buffer area where no buffer is required.
2. Providing decorative street lights along Kirkwood Road to match the current decorative fixtures in Downtown.
3. Providing a 5’ wide public pedestrian walkway along the eastern property line to provide an alternative pedestrian path between Washington Avenue and Adams Avenue. Said walkway is proposed to connect to the proposed linear park.
4. Providing 16 bicycle racks (accommodating 32 bicycles) exceeding the 10 bicycle racks required.

September 2, 2020
The subcommittee finds that the justification provided and the circumstances of the modifications requested provide for a better development than might otherwise be realized. The subcommittee has included a recommendation for approval of the requested modifications in the recommendation section of this report.

DISCUSSION:
Zoning Matters signs were placed on the property on March 13, 2020. The request introduction was delayed due to COVID-19, but was ultimately introduced at the Planning & Zoning Commission meeting on July 15, 2020 held via Zoom. Online subcommittee meetings were subsequently held via Zoom on August 4th and August 21st. A list of attendees of the subcommittee meetings can be seen in Exhibit B. The overall proposal was discussed at the subcommittee meetings with attention given to the following items:

1) The subcommittee discussed the broader implications of the request to add “Assisted Living Facility” as a special use in the B-2 District. The subcommittee was concerned due to the potential for assisted living facilities taking property in an area that is intended to provide for vital commercial activity in the City. Because of the large amount of B-2 zoned property in the Downtown area, the subcommittee was also concerned that an overdevelopment of this type might also create a concentration of residents that, due to their need for assistance, would not be consistent with the desire for an active downtown population. Ultimately, the subcommittee agreed that this proposed use would be appropriate if it was conditioned such that it could only be provided in conjunction with other commercial uses through the B-2 mixed-use process.

2) The applicant presented information from their traffic/parking study and their market analysis related to the lower intensity of the proposed use when compared to a traditional multi-family proposal which was summarized in their letter dated August 18, 2020. The information included the following:
   a. An 11% average double occupancy for residential units.
   b. Car ownership of 14-39%.
   c. The total number of vehicle trips generated by the proposed development would be comparable to a 52 unit multi-family development.
   d. When compared to the average family size reported by the Census Bureau, the proposed development would have a total number of residents that is equivalent to approximately 52 multi-family units.
   e. The average density of comparable development that provide assisted living and independent living units was 547 sf of lot area per unit.

3) Staff provided a summary and comparison of existing age-restricted, independent living developments within Kirkwood in a memo dated August 21, 2020. The analysis indicated that these existing development range in density from 735 sf of lot area per unit to 1,208 sf of lot area per unit. The typical process through which these developments are approved (Community Unit Plan, Type C) allows for a density of 800 sf of lot area per unit for developments that are 4 stories of residential. If height is increased past 4 stories, the density permitted is also increased. In this comparison, the information also indicated that the independent living units provided a parking ratio between 0.66 spaces per unit and 1.5 spaces per unit.

4) Based upon the information provided by the applicant and City Staff, the subcommittee concluded that it was appropriate to apply the 800 sf of lot area per unit requirement for independent living units that is currently required in the Community Unit Plan, Type C process. The subcommittee also agreed that 500 sf of lot area per unit would be an appropriate density requirement for the assisted living units. The assisted living unit density is viewed as a conservative estimate since the information provided was based upon developments that included both independent living and assisted living units which would create a higher number for the sf/unit calculation. These proposed unit densities have been incorporated into the proposed text amendments.
5) The applicant provided additional information, at the subcommittee’s request, related to the organizational structures of the partners involved in an effort to indicate their ability to successfully manage the proposed project. It was also clarified that the assisted living portion would be reviewed by the State of Missouri and is required to obtain a Certificate of Need through the State.

6) The subcommittee expressed their preference that a sidewalk for public use be provided in the approximate 10’ buffer area between the eastern property line and the proposed cross-access drive. The subcommittee agreed that the sidewalk would be preferred with low-lying landscaping in lieu of the larger trees proposed in the area currently. This recommendation is consistent with the recommendation for the adjacent project to the north (PZ-27-20).

RECOMMENDATIONS:
The Subcommittee recommends that the request to amend Section A-140, Section A-510.3, and Section A-1000.4, Table 1000-2 in accordance with the language in Exhibit A be approved.

The Subcommittee recommends that the requested Special Use Permit for an “Assisted Living Facility” be approved with the following conditions:

1. A maximum of 66 independent living units and 56 assisted living units are permitted within the proposed development.

The Subcommittee recommends that the proposed Preliminary Development Plan for Mixed-use in a B-2 District for the above referenced properties be approved with the following conditions:

1. A final site plan shall be submitted for review within 12 months of approval of this Preliminary Development Plan by the City Council and said plan shall be consistent with the Preliminary Development Plan documents referenced in the Drawings Submitted portion of this report.

2. Exhibit C contains a list of uses requested by the applicant as required by Section A-510.5(2)(a) and the uses are found to be appropriate. All uses listed under Section A-510.3, Special Uses shall require a separate application for a special use permit.

3. Based upon the justification submitted by the applicant per Section 220.2, the following modifications shall be approved:
   a. Minimum lot area per unit from 662 sf to 514 sf.
   b. Maximum Floor Area Ratio from 2.5 to 2.56.
   c. Parking lot perimeter trees along the eastern property line from 8 to 0.

4. A public linear park shall be constructed at the cost of the developer along the northern property line and a public use easement shall be provided for said area.

5. A 5’ wide public pathway shall be constructed at the cost of the developer along the eastern property line and a public use easement shall be provided for said area. A pedestrian connection shall be required to safely connect said pathway to the required linear park with details required to be provided during the final site plan process.

6. A 6’ high sight-proof fence shall be installed along the eastern property line and shall be constructed of material comparable to simtek composite fencing.

7. All proposed public sidewalks shall be constructed so that they terminate in a manner compliant with ADA/PROWAG and shall be exposed aggregate material.
8. Prior to City Council approval, a revised lighting plan shall be submitted which provides adequate lighting levels for the proposed sidewalk along the eastern property line.

9. A recorded cross-access easement for both vehicular and pedestrian access shall be required along the proposed eastern drive and the buffer area that will accommodate the requested sidewalk in this area to provide access across the site and toward Adams Avenue.

10. The following traffic mitigating efforts found in the third-party traffic analysis shall be required:

   a. The proposed two-way site drives, as well as the internal access drive, shall have a minimum 22' in throat width.

   b. All traffic exiting the site onto Washington Avenue and Adams Avenue shall be placed under STOP control via the installation of signage.

   c. The proposed access drives shall conform to the sight distance requirements set forth by the American Association of State Highway and Transportation Officials (AASHTO).

11. The applicant shall comply with all standard conditions as listed in Exhibit D,

Respectfully submitted,

[Signatures]

September 2, 2020
EXHIBIT A
PROPOSED TEXT AMENDMENTS

Section A-140, Definitions

Assisted Living Facility –
Any premises, other than a residential care facility, intermediate care facility, or skilled nursing facility, that is utilized by its owner, operator, or manager to provide twenty-four-hour care, services, programs and protective oversight to three or more residents who are provided with shelter, board, and who may need and are provided with the following:
(a) Assistance with any activities of daily living and any instrumental activities of daily living,
(b) Storage, distribution, or administration of medications; and
(c) Supervision of health care under the direction of a license physician, provided that such services are consistent with a social model of care.

Such term shall not include a facility where all the residents are related within the fourth degree of consanguinity or affinity to the owner, operator, or manager of the facility. Such term may also include independent living units that are dedicated to residents aged 55 years or older who do not meet the criteria for required care listed above. In such case that independent living units are included, the required lot area per unit shall be increased from 500 sf to 800 sf of lot area per independent living unit.

When located in the B-2, General Business District, said Assisted Living Facility shall only be permitted when part of a mixed-use development subject to the requirements of Section A-510.5.

Section A-510.3

Add “Assisted Living Facility (500 square feet per dwelling unit)

Section A-1000.4, Table 1000-2
Assisted Living Facility - 0.5 parking spaces per assisted living dwelling unit
1 parking space per independent living dwelling unit
EXHIBIT B
Subcommittee Meeting Attendees
August 4, 2020 (Via Zoom)

Jim Adkins – Subcommittee Member
James Diel - Subcommittee Member
Jim O’Donnell - Subcommittee Member
Ryan Carlie - Applicant Rep
Joe Kelley - Applicant Rep
Gary Shuberth - Applicant Rep
Kate Swinford - Applicant Rep
Joe Miklich - Applicant Rep
John Kratochvil- Applicant Rep
George Stock - Applicant
Joe Horvath - Applicant
Allen Klippel - P&Z Commissioner
Ron Evens - P&Z Commissioner
Liz Gibbons - Councilmember
Maggie Duwe - Councilmember
Donna Poe - Downtown Kirkwood Executive Director
Jonathan Raiche - Planning & Development Services Director
Chris Krueger - City Engineer
Kristin Flanery - Attendee
Matt Wever - Attendee
Patricia Jones - Attendee
Rich Vandegrift - Attendee
Ross Sanders - Attendee

August 21, 2020 (Via Zoom)

Jim Adkins – Subcommittee Member
James Diel - Subcommittee Member
Jim O’Donnell - Subcommittee Member
Ryan Carlie - Applicant Rep
Joe Kelley - Applicant Rep
Cheryl Sharp - Applicant Rep
Joe Miklich - Applicant Rep
John Kratochvil- Applicant Rep
George Stock - Applicant
Joe Horvath - Applicant
Allen Klippel - P&Z Commissioner
Liz Gibbons - Councilmember
Maggie Duwe - Councilmember
Donna Poe - Downtown Kirkwood Executive Director
Jonathan Raiche - Planning & Development Services Director
Patricia Jones - Attendee
Rich Vandegrift - Attendee
Ross Sanders - Attendee
EXHIBIT C
Approved Permitted Uses

1. Administrative offices for a church or similar place of worship
2. Antique stores
3. Art supply store
4. Barbershops
5. Beauty parlors
6. Bicycle shops, including repair and rental
7. Blueprinting and photocopying establishments
8. Bookstores
9. Camera and photography supply shops for retail sales
10. Catering establishments
11. Clothing stores
12. Clubs and fraternal organizations
13. Custom dressmaking and tailoring
14. Department stores
15. Dry cleaners, drop off and pick up
16. Electronics stores, including repair
17. Financial institutions
18. Florist shops
19. Florist shop with greenhouses for retail trade on premises only
20. Food stores
21. Furniture stores and upholstery shops
22. Garden supplies and seed stores
23. Gift stores
24. Hardware stores
25. Hobby stores
26. Household appliance stores, including repair
27. Interior decorating shops
28. Jewelry stores and watch repair
29. Learning Centers
30. Libraries
31. Massage therapy offices
32. Meat markets
33. Medical clinics
34. Offices, general
35. Offices, medical and dental
36. Office supplies and equipment sales and service
37. Paint and wallpaper stores
38. Pet shops, including grooming and supplies
39. Pharmacies
40. Photography studios, art galleries or studios, including the developing of film and pictures when conducted as part of the retail business on the premises
41. Physical and rehabilitation facilities
42. Plumbing showrooms, without shop or repair facilities
43. Post offices
44. Public utility collection offices
45. Recreational developments, publicly owned
46. Shoe stores or shoe repair shops
47. Sporting goods stores
48. Stationery supply stores
49. Theaters, indoor
EXHIBIT D
STANDARD CONDITIONS

1. A performance guarantee in the form of a cash deposit or letter of credit in an amount approved by the Public Services Department and an administrative fee (10% of the first $10,000 and 2% of the remaining balance of the performance guarantee) shall be submitted within one year of final development plan approval and prior to the issuance of a foundation letter or building permit to insure the completion of the proposed improvements, utilities and landscaping; to replace public improvements damaged by construction activities (sidewalks, curbs, etc.); and to guarantee significant trees designated to be saved. 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.

2. All proposed public sidewalks shall be constructed so that they are compliant with ADA/PROWAG. Public sidewalks and/or curbs shall be reconstructed at the developer’s expense at the direction of the Public Services Department.

3. Storm water management plans for the proposed site plan shall be submitted to Metropolitan Sewer District (MSD) and City for review and approval prior to the issuance of a grading, foundation or building permit. Storm water greater than one c.f.s. shall not be directed across the public sidewalk or driveway entrances.

4. Sanitary sewer plan shall be approved by MSD prior to the issuance of a foundation letter or building permit.

5. Entrances into the development shall be constructed per St. Louis County specifications.

6. The water system shall meet the requirements of the Kirkwood Fire and Water Departments. The Fire Department shall approve the water flow for the project. If satisfactory water flow is not available from the existing water system in accordance with City policy, the applicant shall install the necessary mains and accessories.

7. If applicable, proper ground disturbance permits through MDNR shall be obtained prior to issuance of permits from the City.

8. 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.

9. 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 a building permit. These devices shall be maintained during the construction activities.

10. 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.

11. No parking of construction trailers, material storage, equipment storage or construction equipment is authorized on the public streets at any time.
12. All rooftop equipment, air-conditioning units and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.

13. An accessible route in compliance with ADA standards shall be provided from the proposed accessible parking spaces to the accessible entrance of the building.

14. All rooftop equipment, air-conditioning units and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.

15. The Architectural Review Board shall approve all signs and building architecture prior to the issuance of any building permits.
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 for an Assisted Living Facility and of a Preliminary Development Plan for a Mixed-use Development in the B-2 District at 300 North Kirkwood Road as submitted by Opus Development.

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

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

Planning & Development Services Director Jonathan Raiche

Mayor: Is there anyone from the public wishing to speak regarding this proposal?

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

Before the undersigned Notary Public personally appeared Karie Clark on behalf of THE COUNTIAN, ST. LOUIS COUNTY who, being duly sworn, attests that said newspaper is qualified under the provisions of Missouri law governing public notices to publish, and did so publish, the notice annexed hereto, starting with the September 09, 2020 edition and ending with the September 09, 2020 edition, for a total of 1 publications:

09/09/2020

Karie Clark
Subscribed & sworn before me this 9th day of Sept., 2020
(SEAL)

Notary Public

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

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 via Zoom at
the hour of 7:00 p.m., Thursday,
October 1, 2020 to consider the
following:
1. A request to amend the Zoning
Code by adding a definition for
"Assisted Living Facility", adding
"Assisted Living Facility" as a
Special Use Permit in the B-2 Zoning
District, and adding a parking rate
for Assisted Living Facility.
2. A request for a Special Use
Permit for an Assisted Living
Facility and of a Preliminary Devel-
opment Plan for a Mixed-use Devel-
opment in the B-2 District at 300
North Kirkwood Road as submitted
by Opus Development.

Laurie A. Sche, CMC/MRC
City Clerk

The City of Kirkwood is interested in
effective communication for all
persons. Persons requiring an accom-
modation 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 inter-
preter 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.
11916266 County Sept 9, 2020
St. Louis County

Legal Ledger

AFFIDAVIT OF PUBLICATION

State of Missouri

County of St. Louis

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

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

Public Hearing

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

September 9, 2020

in volume 12
and numbered 343

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

John Wingo

Sworn to and subscribed before me this September 09, 2020

Robert C. Tierney
Notary Public—Jackson County, State of Missouri
My Commission expires January 9, 2021
Commission No. 13433605

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 via Zoom at the hour of 7:00 p.m., Thursday, October 1, 2020 to consider the following:

1. A request to amend the Zoning Code by adding a definition for “Assisted Living Facility”, adding “Assisted Living Facility” as a Special Use Permit in the B-2 Zoning District, and adding a parking rate for Assisted Living Facility.

2. A request for a Special Use Permit for an Assisted Living Facility and of a Preliminary Development Plan for a Mixed-use Development in the B-2 District at 300 North Kirkwood Road as submitted by Opus Development.

Laurie Asche, CMC/CMRCC
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.

Published September 9, 2020

343

M2066
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<td>Saint Louis, MO 63122</td>
<td>Saint Louis</td>
<td>63122</td>
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<td>211 N Taylor Ave Unit 202</td>
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<tr>
<td>131 E Adams Ave # 3A</td>
<td>Saint Louis, MO 63122</td>
<td>Saint Louis</td>
<td>63122</td>
</tr>
<tr>
<td>131 E Adams Ave 1A</td>
<td>Saint Louis, MO 63122</td>
<td>Saint Louis</td>
<td>63122</td>
</tr>
</tbody>
</table>
PROPERTY OWNER
131 E ADAMS AVE 1B
SAINT LOUIS, MO 63122

PROPERTY OWNER
127 E WASHINGTON AVE UNIT 1N
SAINT LOUIS, MO 63122

PROPERTY OWNER
415 W JERRSON AVE UNIT 404
SAINT LOUIS, MO 63122

PROPERTY OWNER
131 E ADAMS AVE 2B
SAINT LOUIS, MO 63122

PROPERTY OWNER
9909 CLAYTON RD SUITE 224
SAINT LOUIS, MO 63124

PROPERTY OWNER
111 E WASHINGTON AVE # 1N
SAINT LOUIS, MO 63122

PROPERTY OWNER
129 E WASHINGTON AVE UNIT 1N
SAINT LOUIS, MO 63122

PROPERTY OWNER
127 E WASHINGTON AVE 2N
SAINT LOUIS, MO 63122

PROPERTY OWNER
1300 KIEFER BLUFFS DR
BALLWIN, MO 63021

PROPERTY OWNER
4353 STANBRIDGE AVE
LONG BEACH, CA 90808

PROPERTY OWNER
127 E WASHINGTON AVE # 2S
SAINT LOUIS, MO 63122

PROPERTY OWNER
111 E WASHINGTON AVE 2N
SAINT LOUIS, MO 63122

PROPERTY OWNER
8880 N SEA OAKS WAY 307
VERO BEACH, FL 32963

PROPERTY OWNER
131 E ADAMS AVE UNIT 2A
SAINT LOUIS, MO 63122

PROPERTY OWNER
111 E WASHINGTON AVE UNIT 2S
SAINT LOUIS, MO 63122

PROPERTY OWNER
129 E ADAMS AVE UNIT 3D
SAINT LOUIS, MO 63122

PROPERTY OWNER
109 E WASHINGTON AVE UNIT 2N
SAINT LOUIS, MO 63122

PROPERTY OWNER
115 E WASHINGTON AVE 1N
SAINT LOUIS, MO 63122

PROPERTY OWNER
131 E ADAMS AVE 2D
SAINT LOUIS, MO 63122

PROPERTY OWNER
115 E WASHINGTON AVE UNIT 2S
SAINT LOUIS, MO 63122

PROPERTY OWNER
131 E ADAMS AVE 3C
SAINT LOUIS, MO 63122

PROPERTY OWNER
115 E WASHINGTON AVE UNIT 1S
SAINT LOUIS, MO 63122

PROPERTY OWNER
117 E WASHINGTON AVE 2S
SAINT LOUIS, MO 63122

PROPERTY OWNER
509 BASHFORD LN APT 1
ALEXANDRIA, VA 22314

PROPERTY OWNER
6770 NOESHO ST
SAINT LOUIS, MO 63109

PROPERTY OWNER
109 E WASHINGTON AVE # 1N
SAINT LOUIS, MO 63122

PROPERTY OWNER
119 E WASHINGTON AVE 2S
SAINT LOUIS, MO 63122

PROPERTY OWNER
121 E WASHINGTON AVE 1E
SAINT LOUIS, MO 63122

PROPERTY OWNER
237 MULBERRY ROW CT
SAINT LOUIS, MO 63141

PROPERTY OWNER
1567 TALLOW TREE DR
LADY LAKE, FL 32162
September 3, 2020

Russell B. Hawes  
Chief Administrative Officer

At the September 2, 2020, meeting of the Planning and Zoning Commission, the following action was taken:

1. By a vote of 8 to 1, the Commission recommended approval of a request to amend the Zoning Code by adding a definition for "Assisted Living Facility", adding "Assisted Living Facility" as a Special Use Permit in the B-2 Zoning District, and adding a parking rate for Assisted Living Facility.

2. By a vote of 7 to 2, the Commission recommended approval of granting a Special Use Permit for an Assisted Living Facility and of a Preliminary Development Plan for a Mixed-use Development in the B-2 District at 300 North Kirkwood Road as submitted by Opus Development.

The next meeting will be held on September 16, 2020, via Zoom at 7 p.m.

Respectfully submitted,

Jim Adkins, Chair  
Planning and Zoning Commission
MEMORANDUM

TO: P&Z COMMISSION SUBCOMMITTEE
(PZ-28-20)
FROM: JONATHAN D. RAICHE, PLANNING &
DEVELOPMENT SERVICES DIRECTOR

SUBJECT: AGE RESTRICTED HOUSING COMPARISON
DATE: AUGUST 21, 2020
CC: PLANNING & ZONING COMMISSIONERS
BILL BENSING, DIRECTOR OF PUBLIC SERVICES
AMY LOWRY, PLANNER II
PATTI DODEL, ADMINISTRATIVE ASSISTANT

At the subcommittee meeting on August 4, 2020, the subcommittee members requested additional information both from the applicant and from City Staff. In response to the subcommittee’s request, Staff has prepared the following table and also provided excerpts of current regulations from our Community Unit Plan, Type-C procedure. This procedure has not been utilized in many years but is structured to specifically address age-restricted housing. This procedure, however, does not account for the mixed-use nature of the current Opus proposal.

Sample of Existing Age-restricted Locations

<table>
<thead>
<tr>
<th></th>
<th># of Units</th>
<th>Lot Area (sf)</th>
<th>Density(sf/unit)</th>
<th>Parking (spaces/unit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Opus Bldg</td>
<td>122</td>
<td>62,687</td>
<td>514</td>
<td>1.02</td>
</tr>
<tr>
<td>Adams Place</td>
<td>44</td>
<td>53,143</td>
<td>1,208</td>
<td>0.5</td>
</tr>
<tr>
<td>(as originally approved)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manor at Parkside</td>
<td>28</td>
<td>28,497</td>
<td>1,000</td>
<td>1.5</td>
</tr>
<tr>
<td>Jefferson Manor</td>
<td>20</td>
<td>19,733</td>
<td>987</td>
<td>1.5</td>
</tr>
<tr>
<td>Bethesda Gardens</td>
<td>131</td>
<td>113,256</td>
<td>865</td>
<td>0.85</td>
</tr>
<tr>
<td>Concordia House</td>
<td>76</td>
<td>63,500</td>
<td>836</td>
<td>0.66</td>
</tr>
<tr>
<td>Kirkwood House</td>
<td>100</td>
<td>73,500</td>
<td>735</td>
<td>0.67</td>
</tr>
</tbody>
</table>

Current CUP, Type-C Regulations

820.2 - Permitted uses. A building or premises shall be used only for multiple-family residential structures designed solely for the elderly and/or physically or mentally challenged and related accessory structures.

820.5 - Intensity of use and floor area ratio.
(1) Every tract of land shall have a width at the building line of not less than 120 feet.
(2) When a building is erected on a lot, such lot shall have an area of not less than 800 square feet per family; for each successive story above four stories, the lot area requirement for such story shall be reduced 100 square feet per family, so that the requirement for the fifth story is 700 square feet per family, for the sixth story, 600 square feet per family, etc., up to and including the 10th, 11th and 12th stories for which the lot area requirement shall be 200 square feet per family. There shall be a maximum floor area ratio of 1.5, except that where the building is set back from one or more of the required yard lines, the floor area of such building may be increased by one square foot for each one square foot of area left open within the portion of the lot bounded by the required front side and rear yards specified in § A-820.4, provided that in no event shall a building exceed 12 stories or 125 feet in height, above grade.

820.6 - Parking regulations. One parking space shall be provided for each dwelling unit.
August 18, 2020

Mr. Jonathan Raiche, AICP
City Planner, City of Kirkwood
139 S. Kirkwood Rd
Kirkwood, MO 63122

Re: P&Z Subcommittee Meeting: PZ-28-20 – 8/21/2020

Dear Jonathan:

At the Planning and Zoning Subcommittee meeting on Tuesday, August 4th, 2020, it was requested that we provide additional information regarding the density of our project and organizational charts for both the Opus and Allegro teams. Please find this information enclosed along with some additional documents we believe the subcommittee may find helpful.

- Opus Organizational Chart. Please note that a majority of our key project team members are located in St. Louis.
- Allegro Organizational Chart. St. Louis based.
- Density Analysis. This includes the density of existing Allegro communities anc St. Louis communities in similar infill locations. Please note that our density is right in line with the averages.
- Resident Density Analysis. This reflects that our senior living project will have the same number of total residents at 122 units as compared to a traditional multifamily project containing 52 units which is permitted in the current zoning.
- Trip Generation Comparison. Lothmuller completed a study comparing the total number of new trips generated by the 122 unit Independent and Assisted Living project to a 52 unit traditional multifamily project and it is similar in total number of trips.
- Typical Monthly Allegro Activity Calendar. Please note the more than 30 highlighted group outings that are coordinated where the residents are engaging in activities and outings within the community.
- Envision Kirkwood Plan. Please note the information pulled from the Envision Kirkwood Plan that calls for a diversification in housing type to accommodate the ageing population.

The enclosed information provides support that our proposed Independent and Assisted Living project, even at a greater density than permitted by code, has an overall similar and in some cases less intense impact than a 52 unit traditional multifamily apartment project as permitted in the zoning.

We’re excited about this project and feel as though this modern senior housing project is a perfect fit for the Kirkwood community.

Opus Development Company, L.L.C.

Ryan S. Carlie
Director
ALLEGRO ORGANIZATIONAL CHART AND KEY PROJECT TEAM MEMBERS

ALLEGRO SENIOR LIVING

HALLMARK INVESTMENT CORP.

ALLEGRO SENIOR LIVING

LOVE INVESTMENT COMPANY

LAWRENCE SCHIFFER
CHAIRMAN & CEO

ROBERT KARN
EVP & CFO

DOUGLAS SCHIFFER
PRESIDENT & COO

STEVEN SCHUMM
EVP, STRATEGY & FINANCE

RICHARD MILLER
EVP & COO

MARY RIESER
PRESIDENT & CIO, ADMINISTRATION

JOSEPH RUGGERI
PRESIDENT & CIO, OPERATIONS

ADRIENNE SHELTON
VICE PRESIDENT, RESIDENT SERVICES

JASON ROCK
SR. VICE PRESIDENT, SALES & MARKETING

CHERYL GRAY
SR. VICE PRESIDENT, HUMAN RESOURCES

JOSEPH MIKLICH
SR. VICE PRESIDENT, DEV & ACQUISITION

JOHN KRATOVIL
ASSISTANT VICE PRESIDENT, INVESTMENT ANALYST

ALLEGRO SENIOR LIVING
ALLEGRO MANAGEMENT COMPANY
ALLEGRO DEVELOPMENT COMPANY
## Allegro Kirkwood Density Analysis

<table>
<thead>
<tr>
<th>Existing Allegro Communities</th>
<th>Care Levels</th>
<th>Year Built</th>
<th>Lot Size</th>
<th>Units</th>
<th>Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegro Kirkwood</td>
<td>IL/AL</td>
<td>2023</td>
<td>62,726</td>
<td>122</td>
<td>514</td>
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<tr>
<td>Dadeland</td>
<td>IL/AL</td>
<td>2019</td>
<td>29,027</td>
<td>170</td>
<td>171</td>
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<tr>
<td>Doral</td>
<td>IL</td>
<td>2020</td>
<td>88,167</td>
<td>198</td>
<td>445</td>
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<tr>
<td>Richmond Heights</td>
<td>AL/MC</td>
<td>2019</td>
<td>41,818</td>
<td>87</td>
<td>481</td>
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<tr>
<td>Hyde Park</td>
<td>IL/AL</td>
<td>2011</td>
<td>82,328</td>
<td>136</td>
<td>605</td>
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<tr>
<td><strong>Subtotal / Average</strong></td>
<td></td>
<td><strong>2017</strong></td>
<td><strong>60,335</strong></td>
<td><strong>591</strong></td>
<td><strong>408</strong></td>
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</table>

<table>
<thead>
<tr>
<th>St Louis Communities</th>
<th>Care Levels</th>
<th>Year Built</th>
<th>Lot Size</th>
<th>Units</th>
<th>Density</th>
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</thead>
<tbody>
<tr>
<td>Allegro Kirkwood</td>
<td>IL/AL</td>
<td>2023</td>
<td>62,726</td>
<td>122</td>
<td>514</td>
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<tr>
<td>Charter Senior Living of St Louis</td>
<td>AL/MC</td>
<td>1965/2010</td>
<td>46,391</td>
<td>109</td>
<td>426</td>
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<tr>
<td>Allegro Richmond Heights</td>
<td>AL/MC</td>
<td>2019</td>
<td>41,818</td>
<td>87</td>
<td>481</td>
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<tr>
<td>Clarendale Clayton</td>
<td>IL/AL/MC</td>
<td>2021</td>
<td>142,441</td>
<td>281</td>
<td>507</td>
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<tr>
<td>Brentmoor Retirement Community</td>
<td>IL/AL</td>
<td>1993</td>
<td>47,916</td>
<td>90</td>
<td>532</td>
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<tr>
<td>Bethesda Barclay House</td>
<td>IL</td>
<td>1995</td>
<td>50,965</td>
<td>84</td>
<td>607</td>
</tr>
<tr>
<td>Creve Coeur Assisted Living &amp; Memory Care</td>
<td>AL/MC</td>
<td>2015</td>
<td>69,696</td>
<td>99</td>
<td>704</td>
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<tr>
<td>Sunrise Webster Groves</td>
<td>AL/MC</td>
<td>2013</td>
<td>56,628</td>
<td>80</td>
<td>708</td>
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<tr>
<td>Bethesda Gardens</td>
<td>IL</td>
<td>1989</td>
<td>113,256</td>
<td>127</td>
<td>892</td>
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<tr>
<td><strong>Subtotal / Average</strong></td>
<td></td>
<td><strong>2006</strong></td>
<td><strong>71,139</strong></td>
<td><strong>957</strong></td>
<td><strong>595</strong></td>
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</table>
135 residents
Density based on 122, units using Allegro historical data*.

136 residents
Density based on current zoning, 52 units, using US Census average persons per household**.

*122 units x 1.11 residents/unit = 135 residents
** 62,726 sf (lot area) / 1,200 sf/unit = 52 units
52 units x 2.63 residents/unit = 136 residents
Lochmueller Group completed a traffic impact study for the proposed Commerce Bank/Opus Mixed Use development, located on the east side of Kirkwood Road between Adams Avenue and Washington Avenue in Kirkwood, Missouri. The proposed development consists of 66 independent living residential units, 56 assisted living residential units, 7,800 square feet (SF) of ground floor retail, and the relocation of the existing Commerce Bank to a new 3,600 SF building within the site.

Concern has been raised regarding the density of the proposed site. This memorandum compares the trip generation of the proposed independent living (IL) and assisted living (AL) residential units within the mixed use development, to 52 traditional multi-family residential units, which is the density currently allowed in the zoning for this site. The trip generation comparison is summarized in Table 1.

### Table 1 – Opus Mixed Use Development Trip Generation Comparison

<table>
<thead>
<tr>
<th>Land Use</th>
<th>AM Peak Hour</th>
<th></th>
<th></th>
<th></th>
<th>PM Peak Hour</th>
<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>In</td>
<td>Out</td>
<td>Total</td>
<td></td>
<td>In</td>
<td>Out</td>
<td>Total</td>
<td></td>
</tr>
<tr>
<td>Total New Trips (as proposed – IL &amp; AL)</td>
<td>15</td>
<td>14</td>
<td>29</td>
<td></td>
<td>26</td>
<td>29</td>
<td>55</td>
<td></td>
</tr>
<tr>
<td>Total New Trips (with 52 multifamily units)</td>
<td>8</td>
<td>15</td>
<td>23</td>
<td></td>
<td>25</td>
<td>21</td>
<td>46</td>
<td></td>
</tr>
</tbody>
</table>

As can be seen, the total new trips generated by the proposed development, inclusive of 66 independent living and 56 assisted living residential units, is similar to the total new trips that would be generated if the development included 52 traditional multi-family residential units as permitted in the zoning.

Please contact me at csharp@lochgroup.com or 314-446-3793 should you have any questions related to this comparison.
<table>
<thead>
<tr>
<th>SUN</th>
<th>MON</th>
<th>TUE</th>
<th>WED</th>
<th>THUR</th>
<th>FRI</th>
<th>SAT</th>
</tr>
</thead>
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<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**November 2019**

Allegro Parkland - 5900 Loxahatchee Road, Parkland, Fl 33067
HOUSING OPTIONS

During the EnVision Kirkwood 2035 process, many residents noted they were concerned with the increasing home prices in Kirkwood. In addition, fifty percent (50%) of residents at the first Open House event stated they wanted to promote a variety of housing types to accommodate a range of socio-economic needs. As reflected in Goal #4 of this Chapter, the Community has identified a need for housing that accommodates a range of ages, abilities, and socio-economic levels. This is the way in which this EnVision Kirkwood 2035 process has defined a diverse housing stock.

Diversification in housing types provides opportunities for residents to meet their changing housing needs throughout their lives, which helps create a strong economic foundation for the community and allows Kirkwood residents to remain in Kirkwood (See Figure 2-5). Such housing options should include:

- Small affordable units within developments.
- Lower income housing options.
- Senior housing options

The City of Kirkwood should evaluate the possibility of promoting new housing options throughout the City. Subsidized affordable housing, which started in the 1930s, suffers from a poor reputation. Public and affordable housing, which are different from one another, have undergone significant evolutions since inception and in response to demand. When proactive developers engage designers and the community the result can be creative solutions that are not only aesthetically pleasing, but may create innovative solutions and a safe and positive environment.

As national population increases, household sizes continue to decline. Household sizes have been shrinking since 1900 from an average of 4.6 persons to 2.6 while the number of single person households has doubled since 1960. Rental options for younger residents should be available in areas where they may wish to invest in the long term but initially may not be able to afford.

Per the 2010 US Census, over 17% of Kirkwood residents are 65 years or older and that percentage continues to increase. Many area residents who are not ready to move into assisted or senior housing state they want the opportunity to have housing options available to them so they may remain in Kirkwood.

For those that are at the point of needing additional help and care, Kirkwood is home to several senior housing facility options, such as Aberdeen Heights and Manor Grove. These facilities contribute to housing diversity within Kirkwood and the ability to age in place. The current senior living facilities provide over 1100 living units (See Figure 2-6).

RESOURCES:

GOAL 4 //
Promote Housing to Accommodate Residents of Various Ages, Abilities and Socio-economic Needs

4.A. FOR CONSIDERATION

A number of initiatives influence the development of age and mobility friendly housing and community design options. Such initiatives could include:

- Creation of a Citizen and City Staff Based Task Force. Such task forces are being created around the country, often in partnership with organizations such as AARP, to assess the community’s needs relating to livability and to identify areas for improvement. The results from such an analysis would allow the City to create standards for all projects to include amenities and accommodations for all citizens.

- Creation of a Universal Design Ordinance. In many locations around the country this type of ordinance is for larger developments such as a block of 20 homes or for larger multifamily developments. Although Kirkwood is a builtout community, there is always a chance for new development, whether condominiums, townhomes or the subdivision of larger parcels. The City could consider the creation of an ordinance that would require a percentage of universally accessible housing units in new developments.

Having the necessary codes and ordinances in place will help the City reach the goal of having a variety of accommodating housing options.

**EXAMPLES**
The City of Sacramento, California approved a universal design ordinance for new construction in February 2010. This ordinance requires single family home builders to provide universal design features as an option available to buyers. Single-family and two-family developments of 20 units or more will need to offer basic universal design features to make homes more accessible. Universal design features include, but are not limited to, the following accessible amenities:

- Larger width primary and secondary entries.
- Wider exterior and interior routes.
- A bathroom on route from the primary entry.
- A kitchen on the primary entry level with wider clearances.
- A common use room and bedroom on the primary entry level.
- Outlets at the bottom and top of any stairs to facilitate the use of a chair lift.

The City of Colorado Springs, in conjunction with AARP and the Innovations on Aging Collaborative, issued “Age Friendly Colorado Springs, A Report and Action Plan” in September of 2016 which is an example of a community’s proactive approach to accommodating aging and mobility challenged citizens.

---

### 4.A. ACTION STEPS

| 4.A.1. | Research implementation methods such as through minimum requirements or an incentive program. |
| 4.A.2. | Set up a roundtable discussion with the building community to receive feedback. Distribute feedback. |

**PROJECTED DURATION:** 3 years

**Champions:** Public Services Department
4.B. Encourage higher density residential/mixed-use in appropriate areas.

Downtown Kirkwood provides the community with a vibrant downtown that acts as the heart of the city. One of the most important ingredients to a successful downtown is a strong residential footprint. When a downtown or other form of commercial area has a “critical mass” of residents, retail follows and the commercial area becomes a place to shop, dine, and socialize. In 2004 Downtown Kirkwood took a leap forward with the mixed-use Station Plaza development which created a civic and commercial gathering space where a big box retailer was once located.

Kirkwood’s commercial areas can be strengthened by the presence of nearby, higher density residential development. A 2014 survey by the American Planning Association found that 56% of millennials and 46% of active baby boomers would like to live in walkable communities that minimize reliance on cars for access to basic needs. Currently, Kirkwood regulates residential units in downtown and highway commercial districts through either a special use permit or a mixed use development process. Investigating a more streamlined review process may encourage more residential uses in commercial areas and thus increase the customer base within the immediate area.

Another opportunity for creating more housing options through density would be the consideration of secondary/accessory dwelling units. Secondary dwelling units are separate housing units located on the same property as a primary residence. They can either be attached or detached from the primary residence. Secondary dwelling units provide affordable housing that meets the needs of different family configurations. They offer a host of benefits including: increasing housing supply, allowing seniors to live closer to their families and helping young professionals entering the workforce.

One of the most important ingredients to a successful downtown is a strong residential footprint. When a downtown or other form of commercial area has a “critical mass” of residents, retail follows and the commercial area becomes a place to shop, dine, and socialize."
CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
SUBCOMMITTEE REPORT
September 2, 2020

PETITION NUMBER: PZ-28-20

ACTION REQUESTED: ZONING CODE TEXT AMENDMENT, SPECIAL USE PERMIT, AND MIXED-USE PRELIMINARY DEVELOPMENT PLAN REVIEW IN B-2

PROPERTY OWNER: CLAYTON FINANCIAL CORPORATION (COMMERCE BANK)

APPLICANT: OPUS DEVELOPMENT COMPANY, LLC

APPLICANT’S AGENT: GEORGE STOCK, STOCK & ASSOCIATES

PROPERTY LOCATION: 300 NORTH KIRKWOOD ROAD

ZONING: B-2, GENERAL BUSINESS DISTRICT (CENTRAL BUSINESS DISTRICT)

DRAWINGS SUBMITTED: SITE PLAN PACKET (8 SHEETS) PREPARED BY OPUS DEVELOPMENT, STOCK & ASSOCIATES, AND COLE & ASSOCIATES STAMPED “RECEIVED AUGUST 26, 2020, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

ARCHITECTURAL EXHIBITS (13 SHEETS) PREPARED BY OPUS DEVELOPMENT, STAMPED “RECEIVED JUNE 26, 2020 CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

DESCRIPTION OF PROJECT:
The applicant is requesting three separate actions for this project, which will require three separate recommendations by the subcommittee. The first request is for text amendments to the Zoning Code that pertain to adding “Assisted Living Facility” as a Special Use category in the B-2 District. The proposed amendments would add a definition of “Assisted Living Facility” to Section A-140; add the new term as a Special use in Section A-510.3; and finally to add a parking rate for the new category in Section A-1000.4, Table 1000-2. The language for these amendments can be found in Exhibit A.

The second request is for a Special Use Permit for the newly-created category, “Assisted Living Facility”, as part of the proposed mixed-use project at 300 N. Kirkwood Road. The mixed-use proposal includes approximately 7,800 sf of commercial space, 66 units of age-restricted multi-family housing, and 56 units of assisted living.

The third item for consideration is a Mixed-use Site Plan Review in the B-2 District for the 5-story mixed-use building mentioned above. This site plan is for Lot 1 of a proposed 2-lot subdivision of the property at 300 North Kirkwood Road. The subdivision is under separate consideration as part of PZ-27-20 but this site plan is contingent upon the approval of said subdivision. Lot 1 of the proposed subdivision is approximately 1.4 acres and is located at the northeast corner of Adams Avenue and Kirkwood Road. Additional detail about the proposed site plan is provided in the Site Element: Analysis portion of this report.
COMPREHENSIVE PLAN, LAND USE AND ZONING:
The site is designated as Downtown on the EnVision Kirkwood 2035 Future Land Use Map. Attached Residential (Duplexes/Townhomes/Apartments) and Regional/Neighborhood are both listed in this land use category as appropriate development types.

The subject properties are currently zoned B-2, General Business District (Central Business District) which allows for mixed-use buildings subject to certain requirements. Surrounding land uses and zoning include the following:

To the north: Lot 1 of the proposed 2-lot commercial subdivision would be located to the north of this property and is zoned B-2. The current proposal for Lot 1 is for a stand-alone retail bank facility.

To the south: Across Adams Avenue, there is a church and various commercial uses which are zoned B-2.

To the east: Directly adjacent to the subject site are properties that are all zoned R-5, Multifamily Residential which are occupied by the local Kirkwood YMCA and a condominium development.

To the west: Across Kirkwood Road, there are various commercial uses which are zoned B-2.

DEPARTMENTAL/AGENCY COMMENTS:
Electric: Provide an electrical distribution plan.

Water: No Comments received.

Engineering/Planning: No Comments received.

Building/Fire:
1. ARB review is required.
2. The 2015 IBC must be followed.
3. The proposed assisted living units would not negatively impact EMS services.

SITE ELEMENTS ANALYSIS:
Structure & Pedestrian Access
The proposed building is 5-stories tall and 60’ tall to the top of the flat roof. The structures includes approximately 7,800 sf of commercial space along Kirkwood Road on the ground level with residential amenities and structured parking for the commercial spaces located behind the active commercial spaces on Kirkwood Road. The residential lobby and amenity area has minor Kirkwood Road frontage at the southwest corner of the building; however, the minor nature of the frontage is interpreted as a means to provide access for the residential component onto Kirkwood Road with minimal impact on the requirement to provide active commercial frontage on Kirkwood Road. On a related manner, because East Adams Avenue is not indicated as a “suggested commercial” or “mandatory commercial” street in the Downtown Master Plan’s Framework Plan, Staff interpreted that the allowance for parking and other non-commercial accessory uses could be applied to the Adams Avenue frontage. The requirement for active commercial space on the street frontage on the ground level is only being applied to the Kirkwood Road frontage.

The ground level also includes a one-way covered drop-off/parking area for the residential component that accesses from and exits to Adams Avenue. There is a proposed setback of approximately 31’ to the eastern property line which meets the minimum required when adjacent to a residentially-zoned property.
The proposed building is located 16' from the curb-line of Kirkwood Road and provides an 8' wide sidewalk along Kirkwood Road with an 8' wide tree-lawn. The building is approximately 18' from the curb-line of Adams Avenue. Due to underground and overhead utility conflicts, and to St. Louis County's prohibition of trees in their controlled right-of-way, the pedestrian sidewalk shifts adjacent to the curb along Adams Avenue so that the required landscaping is still provided between the sidewalk and the building. To provide additional pedestrian benefit, the developer is also proposing a linear plaza/park along the northern border of the property that stretches the entire width of the site. At the request of the subcommittee, the developer revised their plans to include a 5' wide pedestrian walkway along the eastern property line. This walkway will be located within the 10' required buffer and will connect via a crosswalk to the linear park along the northern property line. The subcommittee ultimately decided to recommend this 5' wide walkway knowing that it would prevent the required canopy trees from being provided in this 10' wide buffer area; however, the applicant is proposing a 6' tall sight-proof fence and other low-lying vegetation in this area. The subcommittee is recommending a modification to the required parking lot perimeter landscaping in this location in favor of the pedestrian access provided.

The eastern-most proposed access drive provides access to the residential portion on the south side of the building and provides vehicular access to the structured commercial parking located on the north side of the ground-level. Vehicular cross-access is proposed via the eastern drive that stretches across both Lots 1 and 2 of the proposed subdivision to provide additional access between the two sites.

**Landscaping/Screening**

The proposed Landscape Plan provides the required number of frontage trees on Kirkwood Road and on Adams Avenue. As previously mentioned, St. Louis County does not allow trees to be placed within their right-of-way, so the applicant has provided room for these trees on private property along Adams Avenue whereas the frontage trees along Kirkwood Road are proposed to be located within the public right-of-way. Aside from the required street frontage trees, there is additional landscaping provided within the proposed linear park on the north side of the development, the landscape buffer on the east and along the building frontages. As previously mentioned, the recommendation of the subcommittee to include a pedestrian pathway along the eastern property line precludes the proposal from providing the required parking lot perimeter trees. A recommendation for modification to this requirement has been added to the recommendations section of this report.

**Site Access, Traffic, & Parking**

The site is proposed to be accessed from one unrestricted access point in the southeast corner. From that access point, a vehicle could then drive along the south side of the building to access the residential portion of the development, drive along the east side of the building to access the structured commercial parking, or continue north to access the adjacent development on Lot 1 which ultimately connects to Washington Avenue. The only other vehicular connection is a right-out exit-only that is located approximately 120' east of the Kirkwood Road and Adams Avenue intersection.

Due to the increased density of the proposed development when compared to the existing site, the City and St. Louis County required that the applicant provide a traffic and parking analysis. The traffic portion of the analysis provided some recommendations which have been incorporated into the recommendation section of this report; however, it ultimately found that the forecasted operating conditions after construction would be similar to existing conditions and that the adjacent intersections would generally still have favorable conditions during peak hours. The traffic analysis also compared a 20 year forecast both with and without the proposed development. While there were forecasted falling levels of service at the intersection of Taylor Avenue and Adams Avenue, this condition is forecasted with or without the proposed development which means that improvements may be needed at this location in the future regardless of this development.
The parking analysis concluded that the proposed parking rate of 1.02 parking spaces per unit is adequate to accommodate the anticipated demand for the proposed independent and assisted living units. Furthermore, the analysis concluded that it’s likely that there would be an excess of parking for the residential component and that the proposed parking rate for the text amendment of 0.53 parking spaces per unit is consistent with industry standards and evaluated to be adequate for the specific uses. In addition to the third-party parking analysis, the City’s current Community Unit Plan, Type C process is established for age-restricted housing and requires a reduced parking rate of 1 parking space per unit. Staff’s recommendation is that the 1 parking space per unit rate be applied to independent living units while the 0.53 parking space per unit requirement be rounded to 0.5 parking spaces per unit and apply to assisted living units. This recommendation has been incorporated into the subcommittee’s recommendation for the related text amendment.

**Lighting**
A lighting plan provided indicates a combination of ground and building-mounted lighting fixtures that provide average lighting levels within the site that meet the various code requirements. The plan indicates that the maximum light trespass levels are also in compliance with the Zoning Code. A condition has been added to require that a revised lighting plan be provided prior to City Council approval that includes the newly-proposed pedestrian pathway along the eastern property line to ensure that the pathway is adequately lit while also ensuring compliance with light trespass requirements.

**Modifications**
The proposed Site Plan requires consideration of 3 modifications from the current Zoning Code. To evaluate the density requirement for the proposed assisted living and independent living component, the proposed densities (500 sf/unit for assisted living; 800 sf/unit for independent living) were assigned and a blended average based upon the number of each type of unit was calculated. In the proposal with 56 assisted living units and 66 independent living units, a minimum lot size of 80,800 sf would be required. When the minimum lot size (80,800 sf) is divided by the total number of units proposed (122), the blended required density is 662 sf of lot area per unit. A comparison of the proposed and required items is as follows:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Required</th>
<th>Provided</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density (sf of lot area/unit)</td>
<td>(As proposed)</td>
<td>514</td>
<td>148</td>
</tr>
<tr>
<td>- Assisted Living</td>
<td>500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Independent Living</td>
<td>800</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Blended Average</td>
<td>662</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>2.5</td>
<td>2.56</td>
<td>0.06 (3,963sf)</td>
</tr>
<tr>
<td>Parking lot perimeter trees</td>
<td>8</td>
<td>0</td>
<td>8</td>
</tr>
</tbody>
</table>

As required by Section A-220.2 of the Zoning Code, the developer is providing the following benefits that help achieve the objectives listed in said section as attempted justification for the above modification requests.

1. Providing a public plaza/linear park along the northern property line that occupies an 18’ buffer area where no buffer is required.
2. Providing decorative street lights along Kirkwood Road to match the current decorative fixtures in Downtown.
3. Providing a ‘5’ wide public pedestrian walkway along the eastern property line to provide an alternative pedestrian path between Washington Avenue and Adams Avenue. Said walkway is proposed to connect to the proposed linear park.
4. Providing 16 bicycle racks (accommodating 32 bicycles) exceeding the 10 bicycle racks required.
The subcommittee finds that the justification provided and the circumstances of the modifications requested provide for a better development than might otherwise be realized. The subcommittee has included a recommendation for approval of the requested modifications in the recommendation section of this report.

DISCUSSION:
Zoning Matters signs were placed on the property on March 13, 2020. The request introduction was delayed due to COVID-19, but was ultimately introduced at the Planning & Zoning Commission meeting on July 15, 2020 held via Zoom. Online subcommittee meetings were subsequently held via Zoom on August 4th and August 21st. A list of attendees of the subcommittee meetings can be seen in Exhibit B. The overall proposal was discussed at the subcommittee meetings with attention given to the following items:

1) The subcommittee discussed the broader implications of the request to add “Assisted Living Facility” as a special use in the B-2 District. The subcommittee was concerned due to the potential for assisted living facilities taking property in an area that is intended to provide for vital commercial activity in the City. Because of the large amount of B-2 zoned property in the Downtown area, the subcommittee was also concerned that an overdevelopment of this type might also create a concentration of residents that, due to their need for assistance, would not be consistent with the desire for an active downtown population. Ultimately, the subcommittee agreed that this proposed use would be appropriate if it was conditioned such that it could only be provided in conjunction with other commercial uses through the B-2 mixed-use process.

2) The applicant presented information from their traffic/parking study and their market analysis related to the lower intensity of the proposed use when compared to a traditional multi-family proposal which was summarized in their letter dated August 18, 2020. The information included the following:
   a. An 11% average double occupancy for residential units.
   b. Car ownership of 14-39%.
   c. The total number of vehicle trips generated by the proposed development would be comparable to a 52 unit multi-family development.
   d. When compared to the average family size reported by the Census Bureau, the proposed development would have a total number of residents that is equivalent to approximately 52 multi-family units.
   e. The average density of comparable development that provide assisted living and independent living units was 547 sf of lot area per unit.

3) Staff provided a summary and comparison of existing age-restricted, independent living developments within Kirkwood in a memo dated August 21, 2020. The analysis indicated that these existing development range in density from 735 sf of lot area per unit to 1,208 sf of lot area per unit. The typical process through which these developments are approved (Community Unit Plan, Type C) allows for a density of 800 sf of lot area per unit for developments that are 4 stories of residential. If height is increased past 4 stories, the density permitted is also increased. In this comparison, the information also indicated that the independent living units provided a parking ratio between 0.66 spaces per unit and 1.5 spaces per unit.

4) Based upon the information provided by the applicant and City Staff, the subcommittee concluded that it was appropriate to apply the 800 sf of lot area per unit requirement for independent living units that is currently required in the Community Unit Plan, Type C process. The subcommittee also agreed that 500 sf of lot area per unit would be an appropriate density requirement for the assisted living units. The assisted living unit density is viewed as a conservative estimate since the information provided was based upon developments that included both independent living and assisted living units which would create a higher number for the sf/unit calculation. These proposed unit densities have been incorporated into the proposed text amendments.
5) The applicant provided additional information, at the subcommittee's request, related to the organizational structures of the partners involved in an effort to indicate their ability to successfully manage the proposed project. It was also clarified that the assisted living portion would be reviewed by the State of Missouri and is required to obtain a Certificate of Need through the State.

6) The subcommittee expressed their preference that a sidewalk for public use be provided in the approximate 10' buffer area between the eastern property line and the proposed cross-access drive. The subcommittee agreed that the sidewalk would be preferred with low-lying landscaping in lieu of the larger trees proposed in the area currently. This recommendation is consistent with the recommendation for the adjacent project to the north (PZ-27-20).

RECOMMENDATIONS:
The Subcommittee recommends that the request to amend Section A-140, Section A-510.3, and Section A-1000.4, Table 1000-2 in accordance with the language in Exhibit A be approved.

The Subcommittee recommends that the requested Special Use Permit for an “Assisted Living Facility” be approved with the following conditions:

1. A maximum of 66 independent living units and 56 assisted living units are permitted within the proposed development.

The Subcommittee recommends that the proposed Preliminary Development Plan for Mixed-use in a B-2 District for the above referenced properties be approved with the following conditions:

1. A final site plan shall be submitted for review within 12 months of approval of this Preliminary Development Plan by the City Council and said plan shall be consistent with the Preliminary Development Plan documents referenced in the Drawings Submitted portion of this report.

2. Exhibit C contains a list of uses requested by the applicant as required by Section A-510.5(2)(a) and the uses are found to be appropriate. All uses listed under Section A-510.3, Special Uses shall require a separate application for a special use permit.

3. Based upon the justification submitted by the applicant per Section 220.2, the following modifications shall be approved:
   a. Minimum lot area per unit from 662 sf to 514 sf.
   b. Maximum Floor Area Ratio from 2.5 to 2.56.
   c. Parking lot perimeter trees along the eastern property line from 8 to 0.

4. A public linear park shall be constructed at the cost of the developer along the northern property line and a public use easement shall be provided for said area.

5. A 5’ wide public pathway shall be constructed at the cost of the developer along the eastern property line and a public use easement shall be provided for said area. A pedestrian connection shall be required to safely connect said pathway to the required linear park with details required to be provided during the final site plan process.

6. A 6’ high sight-proof fence shall be installed along the eastern property line and shall be constructed of material comparable to simtek composite fencing.

7. All proposed public sidewalks shall be constructed so that they terminate in a manner compliant with ADA/PROWAG and shall be exposed aggregate material.
8. Prior to City Council approval, a revised lighting plan shall be submitted which provides adequate lighting levels for the proposed sidewalk along the eastern property line.

9. A recorded cross-access easement for both vehicular and pedestrian access shall be required along the proposed eastern drive and the buffer area that will accommodate the requested sidewalk in this area to provide access across the site and toward Adams Avenue.

10. The following traffic mitigating efforts found in the third-party traffic analysis shall be required:
   a. The proposed two-way site drives, as well as the internal access drive, shall have a minimum 22' in throat width.
   b. All traffic exiting the site onto Washington Avenue and Adams Avenue shall be placed under STOP control via the installation of signage.
   c. The proposed access drives shall conform to the sight distance requirements set forth by the American Association of State Highway and Transportation Officials (AASHTO).

11. The applicant shall comply with all standard conditions as listed in Exhibit D.

Respectfully submitted,

Jim Adkins

__________________________
James Diel

__________________________
Jim O'Donnell

September 2, 2020
EXHIBIT A
PROPOSED TEXT AMENDMENTS

Section A-140, Definitions

Assisted Living Facility —
Any premises, other than a residential care facility, intermediate care facility, or skilled nursing facility, that is utilized by its owner, operator, or manager to provide twenty-four-hour care, services, programs and protective oversight to three or more residents who are provided with shelter, board, and who may need and are provided with the following:
   (a) Assistance with any activities of daily living and any instrumental activities of daily living,
   (b) Storage, distribution, or administration of medications; and
   (c) Supervision of health care under the direction of a license physician, provided that such services are consistent with a social model of care.

Such term shall not include a facility where all the residents are related within the fourth degree of consanguinity or affinity to the owner, operator, or manager of the facility. Such term may also include independent living units that are dedicated to residents aged 55 years or older who do not meet the criteria for required care listed above. In such case that independent living units are included, the required lot area per unit shall be increased from 500 sf to 800 sf of lot area per independent living unit.

When located in the B-2, General Business District, said Assisted Living Facility shall only be permitted when part of a mixed-use development subject to the requirements of Section A-510.5.

Section A-510.3

Add “Assisted Living Facility (500 square feet per dwelling unit)"

Section A-1000.4, Table 1000-2
Assisted Living Facility — 0.5 parking spaces per assisted living dwelling unit
                              1 parking space per independent living dwelling unit
EXHIBIT B
Subcommittee Meeting Attendees
August 4, 2020 (Via Zoom)

Jim Adkins – Subcommittee Member
James Diel - Subcommittee Member
Jim O’Donnell - Subcommittee Member
Ryan Carlie - Applicant Rep
Joe Kelley - Applicant Rep
Gary Shuberth - Applicant Rep
Kate Swinford - Applicant Rep
Joe Miklich - Applicant Rep
John Kratochvil- Applicant Rep
George Stock - Applicant
Joe Horvath - Applicant
Allen Klippel - P&Z Commissioner
Ron Evens - P&Z Commissioner
Liz Gibbons - Councilmember
Maggie Duwe - Councilmember
Donna Poe - Downtown Kirkwood Executive Director
Jonathan Raiche - Planning & Development Services Director
Chris Krueger - City Engineer
Kristin Flanery - Attendee
Matt Wever - Attendee
Patricia Jones - Attendee
Rich Vandegrift - Attendee
Ross Sanders - Attendee

August 21, 2020 (Via Zoom)

Jim Adkins – Subcommittee Member
James Diel - Subcommittee Member
Jim O’Donnell - Subcommittee Member
Ryan Carlie - Applicant Rep
Joe Kelley - Applicant Rep
Cheryl Sharp - Applicant Rep
Joe Miklich - Applicant Rep
John Kratochvil- Applicant Rep
George Stock - Applicant
Joe Horvath - Applicant
Allen Klippel - P&Z Commissioner
Liz Gibbons - Councilmember
Maggie Duwe - Councilmember
Donna Poe - Downtown Kirkwood Executive Director
Jonathan Raiche - Planning & Development Services Director
Patricia Jones - Attendee
Rich Vandegrift - Attendee
Ross Sanders - Attendee
1. Administrative offices for a church or similar place of worship
2. Antique stores
3. Art supply store
4. Barbershops
5. Beauty parlors
6. Bicycle shops, including repair and rental
7. Blueprinting and photocopying establishments
8. Bookstores
9. Camera and photography supply shops for retail sales
10. Catering establishments
11. Clothing stores
12. Clubs and fraternal organizations
13. Custom dressmaking and tailoring
14. Department stores
15. Dry cleaners, drop off and pick up
16. Electronics stores, including repair
17. Financial institutions
18. Florist shops
19. Florist shop with greenhouses for retail trade on premises only
20. Food stores
21. Furniture stores and upholstery shops
22. Garden supplies and seed stores
23. Gift stores
24. Hardware stores
25. Hobby stores
26. Household appliance stores, including repair
27. Interior decorating shops
28. Jewelry stores and watch repair
29. Learning Centers
30. Libraries
31. Massage therapy offices
32. Meat markets
33. Medical clinics
34. Offices, general
35. Offices, medical and dental
36. Office supplies and equipment sales and service
37. Paint and wallpaper stores
38. Pet shops, including grooming and supplies
39. Pharmacies
40. Photography studios, art galleries or studios, including the developing of film and pictures when conducted as part of the retail business on the premises
41. Physical and rehabilitation facilities
42. Plumbing showrooms, without shop or repair facilities
43. Post offices
44. Public utility collection offices
45. Recreational developments, publicly owned
46. Shoe stores or shoe repair shops
47. Sporting goods stores
48. Stationery supply stores
49. Theaters, Indoor
EXHIBIT D
STANDARD CONDITIONS

1. A performance guarantee in the form of a cash deposit or letter of credit in an amount approved by the Public Services Department and an administrative fee (10% of the first $10,000 and 2% of the remaining balance of the performance guarantee) shall be submitted within one year of final development plan approval and prior to the issuance of a foundation letter or building permit to insure the completion of the proposed improvements, utilities and landscaping; to replace public improvements damaged by construction activities (sidewalks, curbs, etc.); and to guarantee significant trees designated to be saved. 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.

2. All proposed public sidewalks shall be constructed so that they are compliant with ADA/PROWAG. Public sidewalks and/or curbs shall be reconstructed at the developer’s expense at the direction of the Public Services Department.

3. Storm water management plans for the proposed site plan shall be submitted to Metropolitan Sewer District (MSD) and City for review and approval prior to the issuance of a grading, foundation or building permit. Storm water greater than one c.f.s. shall not be directed across the public sidewalk or driveway entrances.

4. Sanitary sewer plan shall be approved by MSD prior to the issuance of a foundation letter or building permit.

5. Entrances into the development shall be constructed per St. Louis County specifications.

6. The water system shall meet the requirements of the Kirkwood Fire and Water Departments. The Fire Department shall approve the water flow for the project. If satisfactory water flow is not available from the existing water system in accordance with City policy, the applicant shall install the necessary mains and accessories.

7. If applicable, proper ground disturbance permits through MDNR shall be obtained prior to issuance of permits from the City.

8. 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.

9. 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 a building permit. These devices shall be maintained during the construction activities.

10. 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.

11. No parking of construction trailers, material storage, equipment storage or construction equipment is authorized on the public streets at any time.
12. All rooftop equipment, air-conditioning units and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.

13. An accessible route in compliance with ADA standards shall be provided from the proposed accessible parking spaces to the accessible entrance of the building.

14. All rooftop equipment, air-conditioning units and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.

15. The Architectural Review Board shall approve all signs and building architecture prior to the issuance of any building permits.
BILL

ORDINANCE

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR AN ASSISTED LIVING FACILITY ON LOT 1 OF THE PROPOSED KIRKWOOD MIXED USE SUBDIVISION LOCATED ON THE PROPERTY KNOWN AS 300 NORTH KIRKWOOD ROAD SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, Opus Development Company LLC made application (PZ-28-20) for a special use permit for an Assisted Living Facility as part of a proposed mixed-use development in the B-2 District on Lot 1 of the proposed Kirkwood Mixed Use subdivision located on the property known as 300 North Kirkwood Road; and

WHEREAS, Opus Development Company LLC made application (PZ-28-20) for various text amendments to the Zoning Code for the purpose of adding a new Special Use Permit category in the B-2 District and said request was approved by Ordinance__________; and

WHEREAS, Opus Development Company LLC made application (PZ-28-20) for a preliminary development plan for a mixed-use development on Lot 1 of the proposed Kirkwood Mixed Use subdivision located on the property known as 300 North Kirkwood Road and said request was approved by Resolution__________; and

WHEREAS, the Planning and Zoning Commission did on the 2nd day of September, 2020, by adopting the subcommittee report dated September 2, 2020 (attached hereto and incorporated by reference herein), recommend the granting of said Special Use Permit 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 1st day of October, 2020, 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 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 is hereby granted for an Assisted Living Facility on Lot 1 of the proposed Kirkwood Mixed Use subdivision located on the property known as 300 North Kirkwood Road subject to the following conditions:
1. A maximum of 66 independent living units and 56 assisted living units are permitted within the proposed development.

2. The special use is subject to final site plan review as part of the mixed-use site plan review process in the B-2 District. Said final plan shall be consistent with the site plan packet (8 sheets) prepared by Opus Development, Stock & Associates, and Cole & Associates stamped “Received August 26, 2020, City of Kirkwood Public Services Department” and the Architectural Exhibits (13 sheets) prepared by Opus Development, stamped “Received June 26, 2020 City of Kirkwood Public Services Department” except as noted herein.

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

SECTION 3. The premises and improvements as approved by this Special Use Permit shall be in good working order and maintained in good repair at all times.

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

SECTION 5. The applicant and 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 6. The applicant further agrees by accepting and acting under this Special Use Permit herein granted that this ordinance does not grant applicant any special rights, privileges, or immunities.

SECTION 7. This ordinance shall become null and void in the event the 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. This ordinance shall be in full force and effect after its passage and approval, as provided by law.
PASSED AND APPROVED THIS ___ day of __________, 2020.

__________________________
Mayor, City of Kirkwood

ATTEST:

__________________________
City Clerk

Introduced:
1st Reading:
2nd Reading:
Legislation Request

Ordinance

Place On The Agenda Of: 10/1/2020

Step #1:
Strategic Plan NO Goal # & Title

Background To Issue:
Opus Development has submitted a request for a special use permit to operate an Assisted Living Facility as part of the proposed mixed-use development for the property at 300 N. Kirkwood Road. Additional detail regarding the special use permit can be found in the attached P&Z subcommittee report. This report relies upon the concurrent requests for text amendments to the Zoning Code and preliminary development plan review for a mixed-use development in the B-2 District. References to these separate considerations have been included in the draft ordinance.

Separate legislation requests have been prepared for the Zoning Code text amendments and the preliminary development plan review.

Recommendations and Action Requested:
At their September 2, 2020 meeting, the P&Z Commission recommended approval of the proposed special use permit by a vote of 7-2. A public hearing at the October 1, 2020 meeting of the City Council is requested. An ordinance for the approval of said special use permit subject to conditions has been drafted for the Council's consideration.

Alternatives Available:

Does this project have a public information component? ○ Yes ○ No

Cost: $0.00 Account #: 0 Project #: Budgeted: YES
If YES, Budgeted Amount: $0.00 If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

BY: Jonathan Raiche Date: 9/14/2020 Authenticated: raichejd

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

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:
CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
SUBCOMMITTEE REPORT
September 2, 2020

PETITION NUMBER: PZ-28-20

ACTION REQUESTED: ZONING CODE TEXT AMENDMENT, SPECIAL USE PERMIT, AND MIXED-USE PRELIMINARY DEVELOPMENT PLAN REVIEW IN B-2

PROPERTY OWNER: CLAYTON FINANCIAL CORPORATION (COMMERCE BANK)

APPLICANT: OPUS DEVELOPMENT COMPANY, LLC

APPLICANT'S AGENT: GEORGE STOCK, STOCK & ASSOCIATES

PROPERTY LOCATION: 300 NORTH KIRKWOOD ROAD

ZONING: B-2, GENERAL BUSINESS DISTRICT (CENTRAL BUSINESS DISTRICT)

DRAWINGS SUBMITTED: SITE PLAN PACKET (8 SHEETS) PREPARED BY OPUS DEVELOPMENT, STOCK & ASSOCIATES, AND COLE & ASSOCIATES STAMPED “RECEIVED AUGUST 26, 2020, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

ARCHITECTURAL EXHIBITS (13 SHEETS) PREPARED BY OPUS DEVELOPMENT, STAMPED “RECEIVED JUNE 26, 2020 CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

DESCRIPTION OF PROJECT:
The applicant is requesting three separate actions for this project, which will require three separate recommendations by the subcommittee. The first request is for text amendments to the Zoning Code that pertain to adding “Assisted Living Facility” as a Special Use category in the B-2 District. The proposed amendments would add a definition of “Assisted Living Facility” to Section A-140; add the new term as a Special use in Section A-510.3; and finally to add a parking rate for the new category in Section A-1000.4, Table 1000-2. The language for these amendments can be found in Exhibit A.

The second request is for a Special Use Permit for the newly-created category, “Assisted Living Facility”, as part of the proposed mixed-use project at 300 N. Kirkwood Road. The mixed-use proposal includes approximately 7,800 sf of commercial space, 66 units of age-restricted multi-family housing, and 56 units of assisted living.

The third item for consideration is a Mixed-use Site Plan Review in the B-2 District for the 5-story mixed-use building mentioned above. This site plan is for Lot 1 of a proposed 2-lot subdivision of the property at 300 North Kirkwood Road. The subdivision is under separate consideration as part of PZ-27-20 but this site plan is contingent upon the approval of said subdivision. Lot 1 of the proposed subdivision is approximately 1.4 acres and is located at the northeast corner of Adams Avenue and Kirkwood Road. Additional detail about the proposed site plan is provided in the Site Element Analysis portion of this report.
COMPREHENSIVE PLAN, LAND USE AND ZONING:
The site is designated as Downtown on the EnVision Kirkwood 2035 Future Land Use Map. Attached Residential (Duplexes/Townhomes/Apartments) and Regional/Neighborhood are both listed in this land use category as appropriate development types.

The subject properties are currently zoned B-2, General Business District (Central Business District) which allows for mixed-use buildings subject to certain requirements. Surrounding land uses and zoning include the following:

To the north: Lot 1 of the proposed 2-lot commercial subdivision would be located to the north of this property and is zoned B-2. The current proposal for Lot 1 is for a stand-alone retail bank facility.

To the south: Across Adams Avenue, there is a church and various commercial uses which are zoned B-2.

To the east: Directly adjacent to the subject site are properties that are all zoned R-5, Multifamily Residential which are occupied by the local Kirkwood YMCA and a condominium development.

To the west: Across Kirkwood Road, there are various commercial uses which are zoned B-2.

DEPARTMENTAL/AGENCY COMMENTS:
Electric: Provide an electrical distribution plan.

Water: No Comments received.

Engineering/Planning: No Comments received.

Building/Fire: 1. ARB review is required.
2. The 2015 IBC must be followed.
3. The proposed assisted living units would not negatively impact EMS services.

SITE ELEMENTS ANALYSIS:
Structure & Pedestrian Access
The proposed building is 5-stories tall and 60’ tall to the top of the flat roof. The structures includes approximately 7,800 sf of commercial space along Kirkwood Road on the ground level with residential amenities and structured parking for the commercial spaces located behind the active commercial spaces on Kirkwood Road. The residential lobby and amenity area has minor Kirkwood Road frontage at the southwest corner of the building; however, the minor nature of the frontage is interpreted as a means to provide access for the residential component onto Kirkwood Road with minimal impact on the requirement to provide active commercial frontage on Kirkwood Road. On a related manor, because East Adams Avenue is not indicated as a “suggested commercial” or “mandatory commercial” street in the Downtown Master Plan’s Framework Plan, Staff interpreted that the allowance for parking and other non-commercial accessory uses could be applied to the Adams Avenue frontage. The requirement for active commercial space on the street frontage on the ground level is only being applied to the Kirkwood Road frontage.

The ground level also includes a one-way covered drop-off/parking area for the residential component that accesses from and exits to Adams Avenue. There is a proposed setback of approximately 31’ to the eastern property line which meets the minimum required when adjacent to a residually-zoned property.

September 2, 2020
The proposed building is located 16’ from the curb-line of Kirkwood Road and provides an 8’ wide sidewalk along Kirkwood Road with an 8’ wide tree-lawn. The building is approximately 18’ from the curb-line of Adams Avenue. Due to underground and overhead utility conflicts, and to St. Louis County’s prohibition of trees in their controlled right-of-way, the pedestrian sidewalk shifts adjacent to the curb along Adams Avenue so that the required landscaping is still provided between the sidewalk and the building. To provide additional pedestrian benefit, the developer is also proposing a linear plaza/park along the northern border of the property that stretches the entire width of the site. At the request of the subcommittee, the developer revised their plans to include a 5’ wide pedestrian walkway along the eastern property line. This walkway will be located within the 10’ required buffer and will connect via a crosswalk to the linear park along the northern property line. The subcommittee ultimately decided to recommend this 5’ wide walkway knowing that it would prevent the required canopy trees from being provided in this 10’ wide buffer area; however, the applicant is proposing a 6’ tall sight-proof fence and other low-lying vegetation in this area. The subcommittee is recommending a modification to the required parking lot perimeter landscaping in this location in favor of the pedestrian access provided.

The eastern-most proposed access drive provides access to the residential portion on the south side of the building and provides vehicular access to the structured commercial parking located on the north side of the ground-level. Vehicular cross-access is proposed via the eastern drive that stretches across both Lots 1 and 2 of the proposed subdivision to provide additional access between the two sites.

**Landscaping/Screening**

The proposed Landscape Plan provides the required number of frontage trees on Kirkwood Road and on Adams Avenue. As previously mentioned, St. Louis County does not allow trees to be placed within their right-of-way, so the applicant has provided room for these trees on private property along Adams Avenue whereas the frontage trees along Kirkwood Road are proposed to be located within the public right-of-way. Aside from the required street frontage trees, there is additional landscaping provided within the proposed linear park on the north side of the development, the landscape buffer on the east and along the building frontages. As previously mentioned, the recommendation of the subcommittee to include a pedestrian pathway along the eastern property line precludes the proposal from providing the required parking lot perimeter trees. A recommendation for modification to this requirement has been added to the recommendations section of this report.

**Site Access, Traffic, & Parking**

The site is proposed to be accessed from one unrestricted access point in the southeast corner. From that access point, a vehicle could then drive along the south side of the building to access the residential portion of the development, drive along the east side of the building to access the structured commercial parking, or continue north to access the adjacent development on Lot 1 which ultimately connects to Washington Avenue. The only other vehicular connection is a right-out exit-only that is located approximately 120’ east of the Kirkwood Road and Adams Avenue intersection.

Due to the increased density of the proposed development when compared to the existing site, the City and St. Louis County required that the applicant provide a traffic and parking analysis. The traffic portion of the analysis provided some recommendations which have been incorporated into the recommendation section of this report; however, it ultimately found that the forecasted operating conditions after construction would be similar to existing conditions and that the adjacent intersections would generally still have favorable conditions during peak hours. The traffic analysis also compared a 20 year forecast both with and without the proposed development. While there were forecasted failing levels of service at the intersection of Taylor Avenue and Adams Avenue, this condition is forecasted with or without the proposed development which means that improvements may be needed at this location in the future regardless of this development.
The parking analysis concluded that the proposed parking rate of 1.02 parking spaces per unit is adequate to accommodate the anticipated demand for the proposed independent and assisted living units. Furthermore, the analysis concluded that it’s likely that there would be an excess of parking for the residential component and that the proposed parking rate for the text amendment of 0.53 parking spaces per unit is consistent with industry standards and evaluated to be adequate for the specific uses. In addition to the third-party parking analysis, the City’s current Community Unit Plan, Type C process is established for age-restricted housing and requires a reduced parking rate of 1 parking space per unit. Staff’s recommendation is that the 1 parking space per unit rate be applied to independent living units while the 0.53 parking space per unit requirement be rounded to 0.5 parking spaces per unit and apply to assisted living units. This recommendation has been incorporated into the subcommittee’s recommendation for the related text amendment.

**Lighting**
A lighting plan provided indicates a combination of ground and building-mounted lighting fixtures that provide average lighting levels within the site that meet the various code requirements. The plan indicates that the maximum light trespass levels are also in compliance with the Zoning Code. A condition has been added to require that a revised lighting plan be procured prior to City Council approval that includes the newly-proposed pedestrian pathway along the eastern property line to ensure that the pathway is adequately lit while also ensuring compliance with light trespass requirements.

**Modifications**
The proposed Site Plan requires consideration of 3 modifications from the current Zoning Code. To evaluate the density requirement for the proposed assisted living and independent living component, the proposed densities (500 sf/unit for assisted living; 800 sf/unit for independent living) were assigned and a blended average based upon the number of each type of unit was calculated. In the proposal with 56 assisted living units and 66 independent living units, a minimum lot size of 80,800 sf would be required. When the minimum lot size (80,800 sf) is divided by the total number of units proposed (122), the blended required density is 662 sf of lot area per unit. A comparison of the proposed and required items is as follows:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Required</th>
<th>Provided</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density (sf of lot area/unit)</td>
<td>(As proposed)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Assisted Living</td>
<td>500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Independent Living</td>
<td>800</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Blended Average</td>
<td>662</td>
<td>514</td>
<td>148</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>2.5</td>
<td>2.56</td>
<td>0.06 (3,963sf)</td>
</tr>
<tr>
<td>Parking lot perimeter trees</td>
<td>8</td>
<td>0</td>
<td>8</td>
</tr>
</tbody>
</table>

As required by Section A-220.2 of the Zoning Code, the developer is providing the following benefits that help achieve the objectives listed in said section as attempted justification for the above modification requests.

1. Providing a public plaza/linear park along the northern property line that occupies an 18’ buffer area where no buffer is required.
2. Providing decorative street lights along Kirkwood Road to match the current decorative fixtures in Downtown.
3. Providing a 5’ wide public pedestrian walkway along the eastern property line to provide an alternative pedestrian path between Washington Avenue and Adams Avenue. Said walkway is proposed to connect to the proposed linear park.
4. Providing 16 bicycle racks (accommodating 32 bicycles) exceeding the 10 bicycle racks required.

September 2, 2020
The subcommittee finds that the justification provided and the circumstances of the modifications requested provide for a better development than might otherwise be realized. The subcommittee has included a recommendation for approval of the requested modifications in the recommendation section of this report.

DISCUSSION:
Zoning Matters signs were placed on the property on March 13, 2020. The request introduction was delayed due to COVID-19, but was ultimately introduced at the Planning & Zoning Commission meeting on July 15, 2020 held via Zoom. Online subcommittee meetings were subsequently held via Zoom on August 4th and August 21st. A list of attendees of the subcommittee meetings can be seen in Exhibit B. The overall proposal was discussed at the subcommittee meetings with attention given to the following items:

1) The subcommittee discussed the broader implications of the request to add “Assisted Living Facility” as a special use in the B-2 District. The subcommittee was concerned due to the potential for assisted living facilities taking property in an area that is intended to provide for vital commercial activity in the City. Because of the large amount of B-2 zoned property in the Downtown area, the subcommittee was also concerned that an overdevelopment of this type might also create a concentration of residents that, due to their need for assistance, would not be consistent with the desire for an active downtown population. Ultimately, the subcommittee agreed that this proposed use would be appropriate if it was conditioned such that it could only be provided in conjunction with other commercial uses through the B-2 mixed-use process.

2) The applicant presented information from their traffic/parking study and their market analysis related to the lower intensity of the proposed use when compared to a traditional multi-family proposal which was summarized in their letter dated August 18, 2020. The information included the following:
   a. An 11% average double occupancy for residential units.
   b. Car ownership of 14-39%.
   c. The total number of vehicle trips generated by the proposed development would be comparable to a 52 unit multi-family development.
   d. When compared to the average family size reported by the Census Bureau, the proposed development would have a total number of residents that is equivalent to approximately 52 multi-family units.
   e. The average density of comparable development that provide assisted living and independent living units was 547 sf of lot area per unit.

3) Staff provided a summary and comparison of existing age-restricted, independent living developments within Kirkwood in a memo dated August 21, 2020. The analysis indicated that these existing development range in density from 735 sf of lot area per unit to 1,208 sf of lot area per unit. The typical process through which these developments are approved (Community Unit Plan, Type C) allows for a density of 800 sf of lot area per unit for developments that are 4 stories of residential. If height is increased past 4 stories, the density permitted is also increased. In this comparison, the information also indicated that the independent living units provided a parking ratio between 0.66 spaces per unit and 1.5 spaces per unit.

4) Based upon the information provided by the applicant and City Staff, the subcommittee concluded that it was appropriate to apply the 800 sf of lot area per unit requirement for independent living units that is currently required in the Community Unit Plan, Type C process. The subcommittee also agreed that 500 sf of lot area per unit would be an appropriate density requirement for the assisted living units. The assisted living unit density is viewed as a conservative estimate since the information provided was based upon developments that included both independent living and assisted living units which would create a higher number for the sf/unit calculation. These proposed unit densities have been incorporated into the proposed text amendments.
5) The applicant provided additional information, at the subcommittee’s request, related to the organizational structures of the partners involved in an effort to indicate their ability to successfully manage the proposed project. It was also clarified that the assisted living portion would be reviewed by the State of Missouri and is required to obtain a Certificate of Need through the State.

6) The subcommittee expressed their preference that a sidewalk for public use be provided in the approximate 10’ buffer area between the eastern property line and the proposed cross-access drive. The subcommittee agreed that the sidewalk would be preferred with low-lying landscaping in lieu of the larger trees proposed in the area currently. This recommendation is consistent with the recommendation for the adjacent project to the north (PZ-27-20).

RECOMMENDATIONS:
The Subcommittee recommends that the request to amend Section A-140, Section A-510.3, and Section A-1000.4, Table 1000-2 in accordance with the language in Exhibit A be approved.

The Subcommittee recommends that the requested Special Use Permit for an “Assisted Living Facility” be approved with the following conditions:

1. A maximum of 66 independent living units and 56 assisted living units are permitted within the proposed development.

The Subcommittee recommends that the proposed Preliminary Development Plan for Mixed-use in a B-2 District for the above referenced properties be approved with the following conditions:

1. A final site plan shall be submitted for review within 12 months of approval of this Preliminary Development Plan by the City Council and said plan shall be consistent with the Preliminary Development Plan documents referenced in the Drawings Submitted portion of this report.

2. Exhibit C contains a list of uses requested by the applicant as required by Section A-510.5(2)(a) and the uses are found to be appropriate. All uses listed under Section A-510.3, Special Uses shall require a separate application for a special use permit.

3. Based upon the justification submitted by the applicant per Section 220.2, the following modifications shall be approved:
   a. Minimum lot area per unit from 662 sf to 514 sf.
   b. Maximum Floor Area Ratio from 2.5 to 2.56.
   c. Parking lot perimeter trees along the eastern property line from 8 to 0.

4. A public linear park shall be constructed at the cost of the developer along the northern property line and a public use easement shall be provided for said area.

5. A 5’ wide public pathway shall be constructed at the cost of the developer along the eastern property line and a public use easement shall be provided for said area. A pedestrian connection shall be required to safely connect said pathway to the required linear park with details required to be provided during the final site plan process.

6. A 6’ high sight-proof fence shall be installed along the eastern property line and shall be constructed of material comparable to simtek composite fencing.

7. All proposed public sidewalks shall be constructed so that they terminate in a manner compliant with ADA/PROWAG and shall be exposed aggregate material.
8. Prior to City Council approval, a revised lighting plan shall be submitted which provides adequate lighting levels for the proposed sidewalk along the eastern property line.

9. A recorded cross-access easement for both vehicular and pedestrian access shall be required along the proposed eastern drive and the buffer area that will accommodate the requested sidewalk in this area to provide access across the site and toward Adams Avenue.

10. The following traffic mitigating efforts found in the third-party traffic analysis shall be required:
   a. The proposed two-way site drives, as well as the internal access drive, shall have a minimum 22' in throat width.
   b. All traffic exiting the site onto Washington Avenue and Adams Avenue shall be placed under STOP control via the installation of signage.
   c. The proposed access drives shall conform to the sight distance requirements set forth by the American Association of State Highway and Transportation Officials (AASHTO).

Respectfully submitted,

Jim Adkins

James O'Sullivan

Jim O'Donnell
EXHIBIT A
PROPOSED TEXT AMENDMENTS

Section A-140. Definitions

Assisted Living Facility — Any premises, other than a residential care facility, intermediate care facility, or skilled nursing facility, that is utilized by its owner, operator, or manager to provide twenty-four-hour care, services, programs and protective oversight to three or more residents who are provided with shelter, board, and who may need and are provided with the following:
   (a) Assistance with any activities of daily living and any instrumental activities of daily living,
   (b) Storage, distribution, or administration of medications; and
   (c) Supervision of health care under the direction of a license physician, provided that such services are consistent with a social model of care.

Such term shall not include a facility where all the residents are related within the fourth degree of consanguinity or affinity to the owner, operator, or manager of the facility. Such term may also include independent living units that are dedicated to residents aged 55 years or older who do not meet the criteria for required care listed above. In such case that independent living units are included, the required lot area per unit shall be increased from 500 sf to 800 sf of lot area per independent living unit.

When located in the B-2, General Business District, said Assisted Living Facility shall only be permitted when part of a mixed-use development subject to the requirements of Section A-510.5.

Section A-510.3

Add “Assisted Living Facility (500 square feet per dwelling unit)

Section A-1000.4, Table 1000-2

Assisted Living Facility -

<table>
<thead>
<tr>
<th></th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.5 parking spaces per assisted living dwelling unit</td>
<td></td>
</tr>
<tr>
<td>1 parking space per independent living dwelling unit</td>
<td></td>
</tr>
</tbody>
</table>
EXHIBIT B
Subcommittee Meeting Attendees
August 4, 2020 (Via Zoom)

Jim Adkins - Subcommittee Member
James Diel - Subcommittee Member
Jim O’Donnell - Subcommittee Member
Ryan Carlie - Applicant Rep
Joe Kelley - Applicant Rep
Gary Shuberth - Applicant Rep
Kate Swinford - Applicant Rep
Joe Miklich - Applicant Rep
John Kratochvil - Applicant Rep
George Stock - Applicant
Joe Horvath - Applicant
Allen Klippel - P&Z Commissioner
Ron Evens - P&Z Commissioner
Liz Gibbons - Councilmember
Maggie Duwe - Councilmember
Donna Poe - Downtown Kirkwood Executive Director
Jonathan Raiche - Planning & Development Services Director
Chris Krueger - City Engineer
Kristin Flanery - Attendee
Matt Wever - Attendee
Patricia Jones - Attendee
Rich Vandegrift - Attendee
Ross Sanders - Attendee

August 21, 2020 (Via Zoom)

Jim Adkins - Subcommittee Member
James Diel - Subcommittee Member
Jim O’Donnell - Subcommittee Member
Ryan Carlie - Applicant Rep
Joe Kelley - Applicant Rep
Cheryl Sharp - Applicant Rep
Joe Miklich - Applicant Rep
John Kratochvil - Applicant Rep
George Stock - Applicant
Joe Horvath - Applicant
Allen Klippel - P&Z Commissioner
Liz Gibbons - Councilmember
Maggie Duwe - Councilmember
Donna Poe - Downtown Kirkwood Executive Director
Jonathan Raiche - Planning & Development Services Director
Patricia Jones - Attendee
Rich Vandegrift - Attendee
Ross Sanders - Attendee
EXHIBIT C
Approved Permitted Uses

1. Administrative offices for a church or similar place of worship
2. Antique stores
3. Art supply store
4. Barbershops
5. Beauty parlors
6. Bicycle shops, including repair and rental
7. Blueprinting and photocopying establishments
8. Bookstores
9. Camera and photography supply shops for retail sales
10. Catering establishments
11. Clothing stores
12. Clubs and fraternal organizations
13. Custom dressmaking and tailoring
14. Department stores
15. Dry cleaners, drop off and pick up
16. Electronics stores, including repair
17. Financial institutions
18. Florist shops
19. Florist shop with greenhouses for retail trade on premises only
20. Food stores
21. Furniture stores and upholstery shops
22. Garden supplies and seed stores
23. Gift stores
24. Hardware stores
25. Hobby stores
26. Household appliance stores, including repair
27. Interior decorating shops
28. Jewelry stores and watch repair
29. Learning Centers
30. Libraries
31. Massage therapy offices
32. Meat markets
33. Medical clinics
34. Offices, general
35. Offices, medical and dental
36. Office supplies and equipment sales and service
37. Paint and wallpaper stores
38. Pet shops, including grooming and supplies
39. Pharmacies
40. Photography studios, art galleries or studios, including the developing of film and pictures when conducted as part of the retail business on the premises
41. Physical and rehabilitation facilities
42. Plumbing showrooms, without shop or repair facilities
43. Post offices
44. Public utility collection offices
45. Recreational developments, publicly owned
46. Shoe stores or shoe repair shops
47. Sporting goods stores
48. Stationery supply stores
49. Theaters, indoor
EXHIBIT D
STANDARD CONDITIONS

1. A performance guarantee in the form of a cash deposit or letter of credit in an amount approved by the Public Services Department and an administrative fee (10% of the first $10,000 and 2% of the remaining balance of the performance guarantee) shall be submitted within one year of final development plan approval and prior to the issuance of a foundation letter or building permit to insure the completion of the proposed improvements, utilities and landscaping; to replace public improvements damaged by construction activities (sidewalks, curbs, etc.); and to guarantee significant trees designated to be saved. 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.

2. All proposed public sidewalks shall be constructed so that they are compliant with ADA/PROWAG. Public sidewalks and/or curbs shall be reconstructed at the developer’s expense at the direction of the Public Services Department.

3. Storm water management plans for the proposed site plan shall be submitted to Metropolitan Sewer District (MSD) and City for review and approval prior to the issuance of a grading, foundation or building permit. Storm water greater than one c.f.s. shall not be directed across the public sidewalk or driveway entrances.

4. Sanitary sewer plan shall be approved by MSD prior to the issuance of a foundation letter or building permit.

5. Entrances into the development shall be constructed per St. Louis County specifications.

6. The water system shall meet the requirements of the Kirkwood Fire and Water Departments. The Fire Department shall approve the water flow for the project. If satisfactory water flow is not available from the existing water system in accordance with City policy, the applicant shall install the necessary mains and accessories.

7. If applicable, proper ground disturbance permits through MDNR shall be obtained prior to issuance of permits from the City.

8. 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.

9. 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 a building permit. These devices shall be maintained during the construction activities.

10. 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.

11. No parking of construction trailers, material storage, equipment storage or construction equipment is authorized on the public streets at any time.
12. All rooftop equipment, air-conditioning units and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.

13. An accessible route in compliance with ADA standards shall be provided from the proposed accessible parking spaces to the accessible entrance of the building.

14. All rooftop equipment, air-conditioning units and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.

15. The Architectural Review Board shall approve all signs and building architecture prior to the issuance of any building permits.
RESOLUTION

A RESOLUTION APPROVING THE PRELIMINARY DEVELOPMENT PLAN FOR A MIXED-USE DEVELOPMENT IN THE B-2 ZONING DISTRICT FOR LOT 1 OF THE PROPOSED KIRKWOOD MIXED USE SUBDIVISION LOCATED ON THE PROPERTY KNOWN AS 300 NORTH KIRKWOOD ROAD SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, Opus Development Company LLC made application (PZ-28-20) for a site plan approval to construct a mixed-use development on Lot 1 of the proposed Kirkwood Mixed Use subdivision located on the property known as 300 North Kirkwood Road; and

WHEREAS, the Planning and Zoning Commission did on the 2nd day of September, 2020, by adopting the subcommittee report dated September 2, 2020, (attached hereto and incorporated by reference herein), recommend the approval of said preliminary development plan subject to conditions; and

WHEREAS, on the 1st day of October, 2020, the City Council did hold a public hearing with respect to such preliminary development plan after duly advertising and giving proper notice of such hearing.

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

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

SECTION 1. A preliminary development plan is hereby approved for a mixed-use development on Lot 1 of the proposed Kirkwood Mixed Use subdivision located on the property known as 300 North Kirkwood Road subject to the following conditions:

1. A final site plan shall be submitted for review within 12 months of approval of this Preliminary Development Plan by the City Council and said plan shall be consistent with the site plan packet (8 sheets) prepared by Opus Development, Stock & Associates, and Cole & Associates stamped “Received August 26, 2020, City of Kirkwood Public Services Department” and the Architectural Exhibits (13 sheets) prepared by Opus Development, stamped “Received June 26, 2020 City of Kirkwood Public Services Department” except as noted herein.

2. A performance guarantee in the form of a cash deposit or letter of credit in an amount approved by the Public Services Department and an administrative fee (10% of the first $10,000 and 2% of the remaining balance of the performance guarantee) shall be submitted within one year of final approval and prior to the issuance of a foundation letter or building permit to insure the completion of the proposed improvements, utilities and landscaping; to replace public improvements damaged by construction activities (sidewalks, curbs, etc.); and to guarantee significant trees designated to be saved. 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.

3. The following list of permitted uses requested by the applicant in accordance with Section A-510.5(2)(a) are found to be appropriate. All uses listed under Section A-510.3, Special Uses shall require a separate application for a special use permit.

1. Administrative offices for a church or similar place of worship
2. Antique stores
3. Art supply store
4. Barbershops
5. Beauty parlors
6. Bicycle shops, including repair and rental
7. Blueprinting and photocopying establishments
8. Bookstores
9. Camera and photography supply shops for retail sales
10. Catering establishments
11. Clothing stores
12. Clubs and fraternal organizations
13. Custom dressmaking and tailoring
14. Department stores
15. Dry cleaners, drop off and pick up
16. Electronics stores, including repair
17. Financial institutions
18. Florist shops
19. Florist shop with greenhouses for retail trade on premises only
20. Food stores
21. Furniture stores and upholstery shops
22. Garden supplies and seed stores
23. Gift stores
24. Hardware stores
25. Hobby stores
26. Household appliance stores, including repair
27. Interior decorating shops
28. Jewelry stores and watch repair
29. Learning Centers
30. Libraries
31. Massage therapy offices
32. Meat markets
33. Medical clinics
34. Offices, general
35. Offices, medical and dental
36. Office supplies and equipment sales and service
37. Paint and wallpaper stores
38. Pet shops, including grooming and supplies
39. Pharmacies
40. Photography studios, art galleries or studios, including the developing of film and pictures when conducted as part of the retail business on the premises
41. Physical and rehabilitation facilities
42. Plumbing showrooms, without shop or repair facilities
43. Post offices
44. Public utility collection offices
45. Recreational developments, publicly owned
46. Shoe stores or shoe repair shops
47. Sporting goods stores
48. Stationery supply stores
49. Theaters, indoor

4. Based upon the justification submitted by the applicant per Section 220.2, the following modifications shall be approved:
   a) Minimum lot area per unit from 662 sf to 514 sf.
   b) Maximum Floor Area Ratio from 2.5 to 2.56.
   c) Parking lot perimeter trees along the eastern property line from 8 to 0.

5. A public linear park shall be constructed at the cost of the developer along the northern property line and a public use easement shall be provided for said area.

6. A 5’ wide public pathway shall be constructed at the cost of the developer along the eastern property line and a public use easement shall be provided for said area. A pedestrian connection shall be required to safely connect said pathway to the required linear park with details required to be provided during the final site plan process.

7. A 6’ high sight-proof fence shall be installed along the eastern property line and shall be constructed of material comparable to simtek composite fencing.

8. All proposed public sidewalks shall be constructed so that they terminate in a manner compliant with ADA/PROWAG and shall be exposed aggregate material. Public sidewalks and/or curbs shall be reconstructed at the developer’s expense at the direction of the Public Services Department.

9. Prior to City Council approval, a revised lighting plan shall be submitted which provides adequate lighting levels for the proposed sidewalk along the eastern property line.

10. A recorded cross-access easement for both vehicular and pedestrian access shall be required along the proposed eastern drive and the buffer area that will accommodate the requested sidewalk in this area to provide access across the site and toward Adams Avenue.

11. The following traffic mitigating efforts found in the third-party traffic analysis shall be required:
   a. The proposed two-way site drives, as well as the internal access drive, shall have a minimum 22’ wide throat width.
b. All traffic exiting the site onto Washington Avenue and Adams Avenue shall be placed under STOP control via the installation of signage.

c. The proposed access drives shall conform to the sight distance requirements set forth by the American Association of State Highway and Transportation Officials (AASHTO).

12. Storm water management plans for the proposed site plan shall be submitted to Metropolitan Sewer District (MSD) and City for review and approval prior to the issuance of a grading, foundation or building permit. Storm water greater than one c.f.s. shall not be directed across the public sidewalk or driveway entrances.

13. Sanitary sewer plan shall be approved by MSD prior to the issuance of a foundation letter or building permit.

14. Entrances into the development shall be constructed per St. Louis County specifications.

15. The water system shall meet the requirements of the Kirkwood Fire and Water Departments. The Fire Department shall approve the water flow for the project. If satisfactory water flow is not available from the existing water system in accordance with City policy, the applicant shall install the necessary mains and accessories.

16. If applicable, proper ground disturbance permits through MDNR shall be obtained prior to issuance of permits from the City.

17. 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.

18. 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.

19. No parking of construction trailers, material storage, equipment storage or construction equipment is authorized on the public streets at any time.

20. All rooftop equipment, air-conditioning units and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.

21. An accessible route in compliance with ADA standards shall be provided from the proposed accessible parking spaces to the accessible entrance of the building.
22. The Architectural Review Board shall approve all signs and building architecture prior to the issuance of any building permits.

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 preliminary development 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 4. The premises and improvements as approved by this preliminary development 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 preliminary development plan approval herein granted accepts the approval subject to the reservations, restrictions, and conditions set forth in the Code of Ordinances and in this resolution and agrees to comply with each provision subject to the penalties prescribed under Section 1-8 of the Code of Ordinances in the event such provisions are not complied with.

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

SECTION 7. This resolution shall become null and void in the event the petitioner does not submit a final development plan in accordance with Section 510.5(4) of Appendix A, Zoning, of the General Code of Ordinances.

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 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 resolution shall be in full force and effect after its passage and approval, as provided by law.
PASSED AND APPROVED THIS ___ day of ___________, 2020.

______________________________
Mayor, City of Kirkwood

ATTEST:

______________________________
City Clerk

Public Hearing:
1st Reading:
Legislation Request

Resolution

Step #1:
Strategic Plan NO Goal & Title

Background To Issue:
Opus Development has submitted a request for preliminary development plan review for a mixed-use development proposed on the property at 300 N. Kirkwood Road. Additional detail regarding the preliminary development plan can be found in the attached P&Z subcommittee report. This request does rely upon other concurrent requests due to the fact that proposed parking rates are specific to the Assisted Living proposal. Staff has also provided copies of a memo provided by Staff and materials submitted by the developer regarding density comparisons.

This request has been submitted in conjunction with a request for multiple text amendments to the Zoning Code for the purpose of adding "Assisted Living Facility" as a special use in the B-2 District and also to apply the new special use within the proposed mixed-use development on the subject property at 300 N. Kirkwood Road. These requests are submitted under separate legislation requests. A copy of the subcommittee report that addresses all requests together is attached.

Recommendations and Action Requested:
At their September 2, 2020 meeting, the P&Z Commission recommended approval of the proposed preliminary development plan by a vote of 7-2. A public hearing at the October 1, 2020 meeting of the City Council is requested. A resolution for the approval of said preliminary development plan subject to conditions has been drafted for the Council's consideration.

Alternatives Available:

Does this project have a public information component?  ○ Yes  ○ No

Cost: $0.00  Account #: 0  Project #:  Budgeted: YES
If YES, Budgeted Amount: $0.00  If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

BY: Jonathan Raiche Date: 9/14/2020  Authenticated: raichejd

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

TO: P&Z COMMISSION SUBCOMMITTEE
   (PZ-28-20)
FROM: JONATHAN D. RAICHE, PLANNING & DEVELOPMENT SERVICES DIRECTOR

SUBJECT: AGE RESTRICTED HOUSING COMPARISON

DATE: AUGUST 21, 2020
CC: PLANNING & ZONING COMMISSIONERS
    BILL BENSING, DIRECTOR OF PUBLIC SERVICES
    AMY LOWRY, PLANNER II
    PATTI DODEL, ADMINISTRATIVE ASSISTANT

At the subcommittee meeting on August 4, 2020, the subcommittee members requested additional information both from the applicant and from City Staff. In response to the subcommittee's request, Staff has prepared the following table and also provided excerpts of current regulations from our Community Unit Plan, Type-C procedure. This procedure has not been utilized in many years but is structured to specifically address age-restricted housing. This procedure; however, does not account for the mixed-use nature of the current Opus proposal.

Sample of Existing Age-restricted Locations

<table>
<thead>
<tr>
<th>Proposed Opus Bldg</th>
<th># of Units</th>
<th>Lot Area (sf)</th>
<th>Density(sf/unit)</th>
<th>Parking (spaces/unit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adams Place</td>
<td>122</td>
<td>62,687</td>
<td>514</td>
<td>1.02</td>
</tr>
<tr>
<td>(as originally approved)</td>
<td>44</td>
<td>53,143</td>
<td>1,208</td>
<td>0.5</td>
</tr>
<tr>
<td>Manor at Parkside</td>
<td>28</td>
<td>28,497</td>
<td>1,000</td>
<td>1.5</td>
</tr>
<tr>
<td>Jefferson Manor</td>
<td>20</td>
<td>19,733</td>
<td>987</td>
<td>1.5</td>
</tr>
<tr>
<td>Bethesda Gardens</td>
<td>131</td>
<td>113,256</td>
<td>865</td>
<td>0.85</td>
</tr>
<tr>
<td>Concordia House</td>
<td>76</td>
<td>63,500</td>
<td>836</td>
<td>0.66</td>
</tr>
<tr>
<td>Kirkwood House</td>
<td>100</td>
<td>73,500</td>
<td>735</td>
<td>0.67</td>
</tr>
</tbody>
</table>

Current CUP, Type-C Regulations

820.2 - Permitted uses. A building or premises shall be used only for multiple-family residential structures designed solely for the elderly and/or physically or mentally challenged and related accessory structures.

820.5 - Intensity of use and floor area ratio.
(1) Every tract of land shall have a width at the building line of not less than 120 feet.
(2) When a building is erected on a lot, such lot shall have an area of not less than 800 square feet per family; for each successive story above four stories, the lot area requirement for such story shall be reduced 100 square feet per family, so that the requirement for the fifth story is 700 square feet per family, for the sixth story, 600 square feet per family, etc., up to and including the 10th, 11th and 12th stories for which the lot area requirement shall be 200 square feet per family. There shall be a maximum floor area ratio of 1.5, except that where the building is set back from one or more of the required yard lines, the floor area of such building may be increased by one square foot for each one square foot of area left open within the portion of the lot bounded by the required front side and rear yards specified in § A-820.4, provided that in no event shall a building exceed 12 stories or 125 feet in height, above grade.

820.6 - Parking regulations. One parking space shall be provided for each dwelling unit.
August 18, 2020

Mr. Jonathan Raiche, AICP
City Planner, City of Kirkwood
139 S. Kirkwood Rd
Kirkwood, MO 63122

Re: P&Z Subcommittee Meeting: PZ-28-20 – 8/21/2020

Dear Jonathan:

At the Planning and Zoning Subcommittee meeting on Tuesday, August 4th, 2020, it was requested that we provide additional information regarding the density of our project and organizational charts for both the Opus and Allegro teams. Please find this information enclosed along with some additional documents we believe the subcommittee may find helpful.

- Opus Organizational Chart. Please note that a majority of our key project team members are located in St. Louis.
- Allegro Organizational Chart. St. Louis based.
- Density Analysis. This includes the density of existing Allegro communities and St. Louis communities in similar infill locations. Please note that our density is right in line with the averages.
- Resident Density Analysis. This reflects that our senior living project will have the same number of total residents at 122 units as compared to a traditional multifamily project containing 52 units which is permitted in the current zoning.
- Trip Generation Comparison. Lochmuller completed a study comparing the total number of new trips generated by the 122 unit Independent and Assisted Living project to a 52 unit traditional multifamily project and it is similar in total number of trips.
- Typical Monthly Allegro Activity Calendar. Please note the more than 30 highlighted group outings that are coordinated where the residents are engaging in activities and outings within the community.
- Envision Kirkwood Plan. Please note the information pulled from the Envision Kirkwood Plan that calls for a diversification in housing type to accommodate the ageing population.

_The enclosed information provides support that our proposed independent and Assisted Living project, even at a greater density than permitted by code, has an overall similar and in some cases less intense impact than a 52 unit traditional multifamily apartment project as permitted in the zoning._

We’re excited about this project and feel as though this modern senior housing project is a perfect fit for the Kirkwood community.

Opus Development Company, L.L.C.

Ryan S. Carlie
Director
OPUS ORGANIZATIONAL CHART AND KEY PROJECT TEAM MEMBERS

THE OPUS GROUP

JOSEPH DOWNS
EXECUTIVE VICE PRESIDENT & GM
ST. LOUIS

OPUS DEVELOPMENT

RYAN CARLIE
DIRECTOR, REAL ESTATE DEVELOPMENT
ST. LOUIS

RYAN BUMB
MANAGER, REAL ESTATE DEVELOPMENT
ST. LOUIS

JOE KELLEY
REAL ESTATE REP., REAL ESTATE DEVELOPMENT
ST. LOUIS

OPUS DESIGN BUILD

OSCAR HEALY
REGIONAL VICE PRESIDENT
KANSAS CITY

MARK WINSCHEL
DIRECTOR, PROJECT MANAGEMENT
ST. LOUIS

OPUS A&E

GARY SCHUBERTH
VICE PRESIDENT, DESIGN ARCHITECTURE
KANSAS CITY
ALLEGRO ORGANIZATIONAL CHART AND KEY PROJECT TEAM MEMBERS

HALLMARK INVESTMENT CORP.

ALLEGRO SENIOR LIVING

LOVE INVESTMENT COMPANY

LAWRENCE SCHIFFER
CHAIRMAN & CEO

ROBERT KARN
EVP & CFO

DOUGLAS SCHIFFER
PRESIDENT & COO

STEVEN SCHUMM
EVP, STRATEGY & FINANCE

RICHARD MILLER
EVP & CDO

MARY RIESER
PRESIDENT & DIR. OF ADMINISTRATION

JOSEPH RUGGERI
PRESIDENT & DIR. OF OPERATIONS

ADRIENNE SHELTON
VICE PRESIDENT, RESIDENT SERVICES

JASON ROCK
SR. VICE PRESIDENT, SALES & MARKETING

CHERYL GRAY
SR. VICE PRESIDENT, HUMAN RESOURCES

JOSEPH MIKLICH
SR. VICE PRESIDENT, DEV. & ACQUISITION

JOHN KRATOCHVIL
ASS'T VICE PRESIDENT, INVESTMENT ANALYSIS

COLOR KEY:
- ALLEGRO SENIOR LIVING
- ALLEGRO MANAGEMENT COMPANY
- ALLEGRO DEVELOPMENT COMPANY
## Allegro Kirkwood Density Analysis

<table>
<thead>
<tr>
<th>Existing Allegro Communities</th>
<th>Care Levels</th>
<th>Year Built</th>
<th>Lot Size</th>
<th>Units</th>
<th>Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegro Kirkwood</td>
<td>IL/AL</td>
<td>2023</td>
<td>62,726</td>
<td>122</td>
<td>514</td>
</tr>
<tr>
<td>Dadeland</td>
<td>IL/AL</td>
<td>2019</td>
<td>29,027</td>
<td>170</td>
<td>171</td>
</tr>
<tr>
<td>Doral</td>
<td>IL</td>
<td>2020</td>
<td>88,167</td>
<td>198</td>
<td>445</td>
</tr>
<tr>
<td>Richmond Heights</td>
<td>AL/MC</td>
<td>2019</td>
<td>41,818</td>
<td>87</td>
<td>481</td>
</tr>
<tr>
<td>Hyde Park</td>
<td>IL/AL</td>
<td>2011</td>
<td>82,328</td>
<td>136</td>
<td>605</td>
</tr>
<tr>
<td><strong>Subtotal / Average</strong></td>
<td></td>
<td></td>
<td>2017</td>
<td></td>
<td><strong>408</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>St Louis Communities</th>
<th>Care Levels</th>
<th>Year Built</th>
<th>Lot Size</th>
<th>Units</th>
<th>Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegro Kirkwood</td>
<td>IL/AL</td>
<td>2023</td>
<td>62,726</td>
<td>122</td>
<td>514</td>
</tr>
<tr>
<td>Charter Senior Living of St Louis</td>
<td>AL/MC</td>
<td>1965/2010</td>
<td>46,391</td>
<td>109</td>
<td>426</td>
</tr>
<tr>
<td>Allegro Richmond Heights</td>
<td>AL/MC</td>
<td>2019</td>
<td>41,818</td>
<td>87</td>
<td>481</td>
</tr>
<tr>
<td>Clarendale Clayton</td>
<td>IL/AL/MC</td>
<td>2021</td>
<td>142,441</td>
<td>281</td>
<td>507</td>
</tr>
<tr>
<td>Brentmoor Retirement Community</td>
<td>IL/AL</td>
<td>1993</td>
<td>47,916</td>
<td>90</td>
<td>532</td>
</tr>
<tr>
<td>Bethesda Barclay House</td>
<td>IL</td>
<td>1995</td>
<td>50,965</td>
<td>84</td>
<td>607</td>
</tr>
<tr>
<td>Creve Coeur Assisted Living &amp; Memory Care</td>
<td>AL/MC</td>
<td>2015</td>
<td>69,696</td>
<td>99</td>
<td>704</td>
</tr>
<tr>
<td>Sunrise Webster Groves</td>
<td>AL/MC</td>
<td>2013</td>
<td>56,628</td>
<td>80</td>
<td>708</td>
</tr>
<tr>
<td>Bethesda Gardens</td>
<td>IL</td>
<td>1989</td>
<td>113,256</td>
<td>127</td>
<td>892</td>
</tr>
<tr>
<td><strong>Subtotal / Average</strong></td>
<td></td>
<td></td>
<td>2006</td>
<td></td>
<td><strong>595</strong></td>
</tr>
</tbody>
</table>
135 residents
Density based on 122 units using Allegro historical data*.

136 residents
Density based on current zoning, 52 units, using US Census average persons per household**.

*122 units x 1.11 residents/unit = 135 residents
** 61,726 sf (lot area) / 4,200 sf/unit = 52 units
52 units x 2.63 residents/unit = 136 residents
Lochmueller Group completed a traffic impact study for the proposed Commerce Bank/Opus Mixed Use development, located on the east side of Kirkwood Road between Adams Avenue and Washington Avenue in Kirkwood, Missouri. The proposed development consists of 66 independent living residential units, 56 assisted living residential units, 7,800 square feet (SF) of ground floor retail, and the relocation of the existing Commerce Bank to a new 3,600 SF building within the site.

Concern has been raised regarding the density of the proposed site. This memorandum compares the trip generation of the proposed independent living (IL) and assisted living (AL) residential units within the mixed use development, to 52 traditional multi-family residential units, which is the density currently allowed in the zoning for this site. The trip generation comparison is summarized in Table 1.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In</td>
<td>Out</td>
</tr>
<tr>
<td>Total New Trips (as proposed – IL &amp; AL)</td>
<td>15</td>
<td>14</td>
</tr>
<tr>
<td>Total New Trips (with 52 multifamily units)</td>
<td>8</td>
<td>15</td>
</tr>
</tbody>
</table>

As can be seen, the total new trips generated by the proposed development, inclusive of 66 independent living and 56 assisted living residential units, is similar to the total new trips that would be generated if the development included 52 traditional multi-family residential units as permitted in the zoning.

Please contact me at csharp@lochgroup.com or 314-446-3793 should you have any questions related to this comparison.
HOUSING OPTIONS

During the EnVision Kirkwood 2035 process, many residents noted they were concerned with the increasing home prices in Kirkwood. In addition, fifty percent (50%) of residents at the first Open House event stated they wanted to promote a variety of housing types to accommodate a range of socio-economic needs. As reflected in Goal #4 of this Chapter, the Community has identified a need for housing that accommodates a range of ages, abilities, and socio-economic levels. This is the way in which this EnVision Kirkwood 2035 process has defined a diverse housing stock.

Diversification in housing types provides opportunities for residents to meet their changing housing needs throughout their lives, which helps create a strong economic foundation for the community and allows Kirkwood residents to remain in Kirkwood. (See Figure 2-5). Such housing options should include:

- Small affordable units within developments.
- Lower income housing options.
- **Senior housing options.**

The City of Kirkwood should evaluate the possibility of promoting new housing options throughout the City. Subsidized affordable housing, which started in the 1930s, suffers from a poor reputation. Public and affordable housing, which are different from one another, have undergone significant evolutions since inception and in response to demand. When proactive developers engage designers and the community, the result can be creative solutions that are not only aesthetically pleasing but may create innovative solutions and a safe and positive environment.

As national population increases, household sizes continue to decline. Household sizes have been shrinking since 1900 from an average of 4.6 persons to 2.6 while the number of single person households has doubled since 1960. Rental options for younger residents should be available in areas where they may wish to invest in the long term but initially may not be able to afford.

Per the 2010 US Census, over 17% of Kirkwood residents are 65 years or older and that percentage continues to increase. Many area residents who are not ready to move into assisted or senior housing stated they want the opportunity to have housing options available to them so they may remain in Kirkwood.

For those that are at the point of needing additional help and care, Kirkwood is home to several senior housing facility options, such as Aberdeen Heights and Manor Grove. These facilities contribute to housing diversity within Kirkwood and the ability to age in place. The current senior living facilities provide over 1100 living units (See Figure 2-6).

RESOURCES:

GOAL 4 //
Promote Housing to Accommodate Residents of Various Ages, Abilities and Socio-economic Needs

4.A. Support the development of senior-oriented housing and accessible home design.

At the time of the 2010 US Census, approximately 23% of the Kirkwood population was over the age of 60. The aging of the US workforce, or the Baby Boomer generation, will radically alter many aspects of life in America over the coming decades. This trend, coupled with the fact that today’s seniors are more active and living longer, healthier lives means that cities will need to be in a stronger position to accommodate senior citizens.

Seniors and people with mobility challenges often need to move out of a community because there is a lack of housing that accommodates their unique needs. One way to help them stay in the community is to promote universal design with respect to housing. Universal design is the concept of creating all products and the built environment to be aesthetic and usable to the greatest extent possible by everyone, regardless of their age, ability, or status in life.

4.A. FOR CONSIDERATION

A number of initiatives influence the development of age and mobility friendly housing and community design options. Such initiatives could include:

- Creation of a Citizen and City Staff Based Task Force. Such task forces are being created around the country, often in partnership with organizations such as AARP, to assess the community’s needs relating to livability and to identify areas for improvement. The results from such an analysis would allow the City to create standards for all projects to include amenities and accommodations for all citizens.

- Creation of a Universal Design Ordinance. In many locations around the country this type of ordinance is for larger developments such as a block of 20 homes or for larger multi-family developments. Although Kirkwood is a builtout community, there is always a chance for new development, whether condominiums, townhomes or the subdivision of larger parcels. The City could consider the creation of an ordinance that would require a percentage of universally accessible housing units in new developments.

Having the necessary codes and ordinances in place will help the City reach the goal of having a variety of accommodating housing options.

EXAMPLES

The City of Sacramento, California approved a universal design ordinance for new construction in February 2010. This ordinance requires single family home builders to provide universal design features as an option available to buyers. Single-family and two-family developments of 20 units or more will need to offer basic universal design features to make homes more accessible. Universal design features include, but are not limited to, the following accessible amenities:

- Larger width primary and secondary entries.
- Wider exterior and interior routes.
- A bathroom on route from the primary entry.
- A kitchen on the primary entry level with wider clearances.
- A common use room and bedroom on the primary entry level.
- Outlets at the bottom and top of any stairs to facilitate the use of a chair lift.

The City of Colorado Springs, in conjunction with AARP and the Innovations on Aging Collaborative, issued “Age Friendly Colorado Springs, A Report and Action Plan” in September of 2016 which is an example of a community’s proactive approach to accommodating aging and mobility challenged citizens.

4.A. ACTION STEPS

4.A.1. Research implementation methods such as through minimum requirements or an incentive program.

4.A.2. Set up a roundtable discussion with the building community to receive feedback. Distribute feedback.


PROJECTED DURATION: 3 years

Champions: Public Services Department
4.B. Encourage higher density residential/mixed-use in appropriate areas.

Downtown Kirkwood provides the community with a vibrant downtown that acts as the heart of the city. One of the most important ingredients to a successful downtown is a strong residential footprint. When a downtown or other form of commercial area has a “critical mass” of residents, retail follows and the commercial area becomes a place to shop, dine, and socialize. In 2004 Downtown Kirkwood took a leap forward with the mixed-use Station Plaza development which created a civic and commercial gathering space where a big box retailer was once located.

Kirkwood’s commercial areas can be strengthened by the presence of nearby higher density residential development. A 2014 survey by the American Planning Association found that 56% of millennials and 46% of active baby boomers would like to live in walkable communities that minimize reliance on cars for access to basic needs. Currently, Kirkwood regulates residential units in downtown and highway commercial districts through either a special use permit or a mixed use development process. Investigating a more streamlined review process may encourage more residential uses in commercial areas and thus increase the customer base within the immediate area.

Another opportunity for creating more housing options through density would be the consideration of secondary/accessory dwelling units. Secondary dwelling units are separate housing units located on the same property as a primary residence. They can either be attached or detached from the primary residence. Secondary dwelling units provide affordable housing that meets the needs of different family configurations. They offer a host of benefits including: increasing housing supply, allowing seniors to live closer to their families and helping young professionals entering the workforce.

One of the most important ingredients to a successful downtown is a strong residential footprint. When a downtown or other form of commercial area has a “critical mass” of residents, retail follows and the commercial area becomes a place to shop, dine, and socialize.”
CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
SUBCOMMITTEE REPORT
September 2, 2020

**PETITION NUMBER:**  PZ-28-20

**ACTION REQUESTED:**  ZONING CODE TEXT AMENDMENT, SPECIAL USE PERMIT, AND MIXED-USE PRELIMINARY DEVELOPMENT PLAN REVIEW IN B-2

**PROPERTY OWNER:**  CLAYTON FINANCIAL CORPORATION (COMMERCE BANK)

**APPLICANT:**  OPUS DEVELOPMENT COMPANY, LLC

**APPLICANT’S AGENT:**  GEORGE STOCK, STOCK & ASSOCIATES

**PROPERTY LOCATION:**  300 NORTH KIRKWOOD ROAD

**ZONING:**  B-2, GENERAL BUSINESS DISTRICT (CENTRAL BUSINESS DISTRICT)

**DRAWINGS SUBMITTED:**  SITE PLAN PACKET (8 SHEETS) PREPARED BY OPUS DEVELOPMENT, STOCK & ASSOCIATES, AND COLE & ASSOCIATES STAMPED “RECEIVED AUGUST 26, 2020, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

ARCHITECTURAL EXHIBITS (13 SHEETS) PREPARED BY OPUS DEVELOPMENT, STAMPED “RECEIVED JUNE 26, 2020 CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

**DESCRIPTION OF PROJECT:**
The applicant is requesting three separate actions for this project, which will require three separate recommendations by the subcommittee. The first request is for text amendments to the Zoning Code that pertain to adding “Assisted Living Facility” as a Special Use category in the B-2 District. The proposed amendments would add a definition of “Assisted Living Facility” to Section A-140; add the new term as a Special use in Section A-510.3; and finally to add a parking rate for the new category in Section A-1000.4, Table 1000-2. The language for these amendments can be found in Exhibit A.

The second request is for a Special Use Permit for the newly-created category, “Assisted Living Facility”, as part of the proposed mixed-use project at 300 N. Kirkwood Road. The mixed-use proposal includes approximately 7,800 sf of commercial space, 66 units of age-restricted multi-family housing, and 56 units of assisted living.

The third item for consideration is a Mixed-use Site Plan Review in the B-2 District for the 5-story mixed-use building mentioned above. This site plan is for Lot 1 of a proposed 2-lot subdivision of the property at 300 North Kirkwood Road. The subdivision is under separate consideration as part of PZ-27-20 but this site plan is contingent upon the approval of said subdivision. Lot 1 of the proposed subdivision is approximately 1.4 acres and is located at the northeast corner of Adams Avenue and Kirkwood Road. Additional detail about the proposed site plan is provided in the Site Element Analysis portion of this report.
COMPREHENSIVE PLAN, LAND USE AND ZONING:
The site is designated as Downtown on the EnVision Kirkwood 2035 Future Land Use Map. Attached Residential (Duplexes/Townhomes/Apartments) and Regional/Neighborhood are both listed in this land use category as appropriate development types.

The subject properties are currently zoned B-2, General Business District (Central Business District) which allows for mixed-use buildings subject to certain requirements. Surrounding land uses and zoning include the following:

To the north:  Lot 1 of the proposed 2-lot commercial subdivision would be located to the north of this property and is zoned B-2. The current proposal for Lot 1 is for a stand-alone retail bank facility.

To the south:  Across Adams Avenue, there is a church and various commercial uses which are zoned B-2.

To the east:  Directly adjacent to the subject site are properties that are all zoned R-5, Multifamily Residential which are occupied by the local Kirkwood YMCA and a condominium development.

To the west:  Across Kirkwood Road, there are various commercial uses which are zoned B-2.

DEPARTMENTAL/AGENCY COMMENTS:
Electric:  Provide an electrical distribution plan.

Water:  No Comments received.

Engineering/Planning:  No Comments received.

Building/Fire:  1. ARB review is required.
               2. The 2015 IBC must be followed.
               3. The proposed assisted living units would not negatively impact EMS services.

SITE ELEMENTS ANALYSIS:
Structure & Pedestrian Access
The proposed building is 5-stories tall and 60' tall to the top of the flat roof. The structures includes approximately 7,800 sf of commercial space along Kirkwood Road on the ground level with residential amenities and structured parking for the commercial spaces located behind the active commercial spaces on Kirkwood Road. The residential lobby and amenity area has minor Kirkwood Road frontage at the southwest corner of the building; however, the minor nature of the frontage is interpreted as a means to provide access for the residential component onto Kirkwood Road with minimal impact on the requirement to provide active commercial frontage on Kirkwood Road. On a related manor, because East Adams Avenue is not indicated as a “suggested commercial” or “mandatory commercial” street in the Downtown Master Plan’s Framework Plan, Staff interpreted that the allowance for parking and other non-commercial accessory uses could be applied to the Adams Avenue frontage. The requirement for active commercial space on the street frontage on the ground level is only being applied to the Kirkwood Road frontage.

The ground level also includes a one-way covered drop-off/parking area for the residential component that accesses from and exits to Adams Avenue. There is a proposed setback of approximately 31’ to the eastern property line which meets the minimum required when adjacent to a residentially-zoned property.

September 2, 2020
The proposed building is located 16’ from the curb-line of Kirkwood Road and provides an 8’ wide sidewalk along Kirkwood Road with an 8’ wide tree-lawn. The building is approximately 18’ from the curb-line of Adams Avenue. Due to underground and overhead utility conflicts, and to St. Louis County's prohibition of trees in their controlled right-of-way, the pedestrian sidewalk shifts adjacent to the curb along Adams Avenue so that the required landscaping is still provided between the sidewalk and the building. To provide additional pedestrian benefit, the developer is also proposing a linear plaza/park along the northern border of the property that stretches the entire width of the site. At the request of the subcommittee, the developer revised their plans to include a 5’ wide pedestrian walkway along the eastern property line. This walkway will be located within the 10’ required buffer and will connect via a crosswalk to the linear park along the northern property line. The subcommittee ultimately decided to recommend this 5’ wide walkway knowing that it would prevent the required canopy trees from being provided in this 10’ wide buffer area; however, the applicant is proposing a 6’ tall sight-proof fence and other low-lying vegetation in this area. The subcommittee is recommending a modification to the required parking lot perimeter landscaping in this location in favor of the pedestrian access provided.

The eastern-most proposed access drive provides access to the residential portion on the south side of the building and provides vehicular access to the structured commercial parking located on the north side of the ground-level. Vehicular cross-access is proposed via the eastern drive that stretches across both Lots 1 and 2 of the proposed subdivision to provide additional access between the two sites.

**Landscaping/Screening**

The proposed Landscape Plan provides the required number of frontage trees on Kirkwood Road and on Adams Avenue. As previously mentioned, St. Louis County does not allow trees to be placed within their right-of-way, so the applicant has provided room for these trees on private property along Adams Avenue whereas the frontage trees along Kirkwood Road are proposed to be located within the public right-of-way. Aside from the required street frontage trees, there is additional landscaping provided within the proposed linear park on the north side of the development, the landscape buffer on the east and along the building frontages. As previously mentioned, the recommendation of the subcommittee to include a pedestrian pathway along the eastern property line precludes the proposal from providing the required parking lot perimeter trees. A recommendation for modification to this requirement has been added to the recommendations section of this report.

**Site Access, Traffic, & Parking**

The site is proposed to be accessed from one unrestricted access point in the southeast corner. From that access point, a vehicle could then drive along the south side of the building to access the residential portion of the development, drive along the east side of the building to access the structured commercial parking, or continue north to access the adjacent development on Lot 1 which ultimately connects to Washington Avenue. The only other vehicular connection is a right-out exit-only that is located approximately 120’ east of the Kirkwood Road and Adams Avenue intersection.

Due to the increased density of the proposed development when compared to the existing site, the City and St. Louis County required that the applicant provide a traffic and parking analysis. The traffic portion of the analysis provided some recommendations which have been incorporated into the recommendation section of this report; however, it ultimately found that the forecasted operating conditions after construction would be similar to existing conditions and that the adjacent intersections would generally still have favorable conditions during peak hours. The traffic analysis also compared a 20 year forecast both with and without the proposed development. While there were forecasted falling levels of service at the intersection of Taylor Avenue and Adams Avenue, this condition is forecasted with or without the proposed development which means that improvements may be needed at this location in the future regardless of this development.
The parking analysis concluded that the proposed parking rate of 1.02 parking spaces per unit is adequate to accommodate the anticipated demand for the proposed independent and assisted living units. Furthermore, the analysis concluded that it's likely that there would be an excess of parking for the residential component and that the proposed parking rate for the text amendment of 0.53 parking spaces per unit is consistent with industry standards and evaluated to be adequate for the specific uses. In addition to the third-party parking analysis, the City's current Community Unit Plan, Type C process is established for age-restricted housing and requires a reduced parking rate of 1 parking space per unit. Staff's recommendation is that the 1 parking space per unit rate be applied to independent living units while the 0.53 parking space per unit requirement be rounded to 0.5 parking spaces per unit and apply to assisted living units. This recommendation has been incorporated into the subcommittee's recommendation for the related text amendment.

**Lighting**

A lighting plan provided indicates a combination of ground and building-mounted lighting fixtures that provide average lighting levels within the site that meet the various code requirements. The plan indicates that the maximum light trespass levels are also in compliance with the Zoning Code. A condition has been added to require that a revised lighting plan be provided prior to City Council approval that includes the newly-proposed pedestrian pathway along the eastern property line to ensure that the pathway is adequately lit while also ensuring compliance with light trespass requirements.

**Modifications**

The proposed Site Plan requires consideration of 3 modifications from the current Zoning Code. To evaluate the density requirement for the proposed assisted living and independent living component, the proposed densities (500 sf/unit for assisted living; 800 sf/unit for independent living) were assigned and a blended average based upon the number of each type of unit was calculated. In the proposal with 56 assisted living units and 66 independent living units, a minimum lot size of 80,800 sf would be required. When the minimum lot size (80,800 sf) is divided by the total number of units proposed (122), the blended required density is 662 sf of lot area per unit. A comparison of the proposed and required items is as follows:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Required</th>
<th>Provided</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density (sf of lot area/unit)</td>
<td>(As proposed)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assisted Living</td>
<td>• 500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Independent Living</td>
<td>• 800</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blended Average</td>
<td>• 662</td>
<td>• 514</td>
<td>• 148</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>2.5</td>
<td>2.56</td>
<td>0.06 (3,963sf)</td>
</tr>
<tr>
<td>Parking lot perimeter trees</td>
<td>8</td>
<td>0</td>
<td>8</td>
</tr>
</tbody>
</table>

As required by Section A-220.2 of the Zoning Code, the developer is providing the following benefits that help achieve the objectives listed in said section as attempted justification for the above modification requests.

1. Providing a public plaza/linear park along the northern property line that occupies an 18' buffer area where no buffer is required.
2. Providing decorative street lights along Kirkwood Road to match the current decorative fixtures in Downtown.
3. Providing a 5' wide public pedestrian walkway along the eastern property line to provide an alternative pedestrian path between Washington Avenue and Adams Avenue. Said walkway is proposed to connect to the proposed linear park.
4. Providing 16 bicycle racks (accommodating 32 bicycles) exceeding the 10 bicycle racks required.

September 2, 2020
The subcommittee finds that the justification provided and the circumstances of the modifications requested provide for a better development than might otherwise be realized. The subcommittee has included a recommendation for approval of the requested modifications in the recommendation section of this report.

DISCUSSION:
Zoning Matters signs were placed on the property on March 13, 2020. The request introduction was delayed due to COVID-19, but was ultimately introduced at the Planning & Zoning Commission meeting on July 15, 2020 held via Zoom. Online subcommittee meetings were subsequently held via Zoom on August 4th and August 21st. A list of attendees of the subcommittee meetings can be seen in Exhibit B. The overall proposal was discussed at the subcommittee meetings with attention given to the following items:

1) The subcommittee discussed the broader implications of the request to add “Assisted Living Facility” as a special use in the B-2 District. The subcommittee was concerned due to the potential for assisted living facilities taking property in an area that is intended to provide for vital commercial activity in the City. Because of the large amount of B-2 zoned property in the Downtown area, the subcommittee was also concerned that an overdevelopment of this type might also create a concentration of residents that, due to their need for assistance, would not be consistent with the desire for an active downtown population. Ultimately, the subcommittee agreed that this proposed use would be appropriate if it was conditioned such that it could only be provided in conjunction with other commercial uses through the B-2 mixed-use process.

2) The applicant presented information from their traffic/parking study and their market analysis related to the lower intensity of the proposed use when compared to a traditional multi-family proposal which was summarized in their letter dated August 18, 2020. The information included the following:
   a. An 11% average double occupancy for residential units.
   b. Car ownership of 14-39%.
   c. The total number of vehicle trips generated by the proposed development would be comparable to a 52 unit multi-family development.
   d. When compared to the average family size reported by the Census Bureau, the proposed development would have a total number of residents that is equivalent to approximately 52 multi-family units.
   e. The average density of comparable development that provide assisted living and independent living units was 547 sf of lot area per unit.

3) Staff provided a summary and comparison of existing age-restricted, independent living developments within Kirkwood in a memo dated August 21, 2020. The analysis indicated that these existing developments range in density from 735 sf of lot area per unit to 1,208 sf of lot area per unit. The typical process through which these developments are approved (Community Unit Plan, Type C) allows for a density of 800 sf of lot area per unit for developments that are 4 stories of residential. If height is increased past 4 stories, the density permitted is also increased. In this comparison, the information also indicated that the independent living units provided a parking ratio between 0.66 spaces per unit and 1.5 spaces per unit.

4) Based upon the information provided by the applicant and City Staff, the subcommittee concluded that it was appropriate to apply the 800 sf of lot area per unit requirement for independent living units that is currently required in the Community Unit Plan, Type C process. The subcommittee also agreed that 500 sf of lot area per unit would be an appropriate density requirement for the assisted living units. The assisted living unit density is viewed as a conservative estimate since the information provided was based upon developments that included both independent living and assisted living units which would create a higher number for the sf/unit calculation. These proposed unit densities have been incorporated into the proposed text amendments.

September 2, 2020
5) The applicant provided additional information, at the subcommittee’s request, related to the organizational structures of the partners involved in an effort to indicate their ability to successfully manage the proposed project. It was also clarified that the assisted living portion would be reviewed by the State of Missouri and is required to obtain a Certificate of Need through the State.

6) The subcommittee expressed their preference that a sidewalk for public use be provided in the approximate 10’ buffer area between the eastern property line and the proposed cross-access drive. The subcommittee agreed that the sidewalk would be preferred with low-lying landscaping in lieu of the larger trees proposed in the area currently. This recommendation is consistent with the recommendation for the adjacent project to the north (PZ-27-20).

**RECOMMENDATIONS:**
The Subcommittee recommends that the request to amend Section A-140, Section A-510.3, and Section A-1000.4, Table 1000-2 in accordance with the language in Exhibit A be **approved**.

The Subcommittee recommends that the requested Special Use Permit for an “Assisted Living Facility” be **approved** with the following conditions:

1. A maximum of 66 independent living units and 56 assisted living units are permitted within the proposed development.

The Subcommittee recommends that the proposed Preliminary Development Plan for Mixed-use in a B-2 District for the above referenced properties be **approved** with the following conditions:

1. A final site plan shall be submitted for review within 12 months of approval of this Preliminary Development Plan by the City Council and said plan shall be consistent with the Preliminary Development Plan documents referenced in the Drawings Submitted portion of this report.

2. Exhibit C contains a list of uses requested by the applicant as required by Section A-510.5(2)(a) and the uses are found to be appropriate. All uses listed under Section A-510.3, Special Uses shall require a separate application for a special use permit.

3. Based upon the justification submitted by the applicant per Section 220.2, the following modifications shall be approved:
   a. Minimum lot area per unit from 662 sf to 514 sf.
   b. Maximum Floor Area Ratio from 2.5 to 2.56.
   c. Parking lot perimeter trees along the eastern property line from 8 to 0.

4. A public linear park shall be constructed at the cost of the developer along the northern property line and a public use easement shall be provided for said area.

5. A 5’ wide public pathway shall be constructed at the cost of the developer along the eastern property line and a public use easement shall be provided for said area. A pedestrian connection shall be required to safely connect said pathway to the required linear park with details required to be provided during the final site plan process.

6. A 6’ high sight-proof fence shall be installed along the eastern property line and shall be constructed of material comparable to simtek composite fencing.

7. All proposed public sidewalks shall be constructed so that they terminate in a manner compliant with ADA/PROWAG and shall be exposed aggregate material.
8. Prior to City Council approval, a revised lighting plan shall be submitted which provides adequate lighting levels for the proposed sidewalk along the eastern property line.

9. A recorded cross-access easement for both vehicular and pedestrian access shall be required along the proposed eastern drive and the buffer area that will accommodate the requested sidewalk in this area to provide access across the site and toward Adams Avenue.

10. The following traffic mitigating efforts found in the third-party traffic analysis shall be required:

   a. The proposed two-way site drives, as well as the internal access drive, shall have a minimum 22' in throat width,

   b. All traffic exiting the site onto Washington Avenue and Adams Avenue shall be placed under STOP control via the installation of signage,

   c. The proposed access drives shall conform to the sight distance requirements set forth by the American Association of State Highway and Transportation Officials (AASHTO).

11. The applicant shall comply with all standard conditions as listed in Exhibit D.

Respectfully submitted,

[Signatures]

September 2, 2020
EXHIBIT A
PROPOSED TEXT AMENDMENTS

Section A-140, Definitions

Assisted Living Facility –
Any premises, other than a residential care facility, intermediate care facility, or skilled nursing facility, that is utilized by its owner, operator, or manager to provide twenty-four-hour care, services, programs and protective oversight to three or more residents who are provided with shelter, board, and who may need and are provided with the following:
(a) Assistance with any activities of daily living and any instrumental activities of daily living,
(b) Storage, distribution, or administration of medications; and
(c) Supervision of health care under the direction of a license physician, provided that such services are consistent with a social model of care.

Such term shall not include a facility where all the residents are related within the fourth degree of consanguinity or affinity to the owner, operator, or manager of the facility. Such term may also include independent living units that are dedicated to residents aged 55 years or older who do not meet the criteria for required care listed above. In such case that independent living units are included, the required lot area per unit shall be increased from 500 sf to 800 sf of lot area per independent living unit.

When located in the B-2, General Business District, said Assisted Living Facility shall only be permitted when part of a mixed-use development subject to the requirements of Section A-510.5.

Section A-510.3

Add “Assisted Living Facility (500 square feet per dwelling unit)"

Section A-1000.4, Table 1000-2

<table>
<thead>
<tr>
<th>Assisted Living Facility</th>
<th>0.5 parking spaces per assisted living dwelling unit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 parking space per independent living dwelling unit</td>
</tr>
</tbody>
</table>
EXHIBIT B
Subcommittee Meeting Attendees
August 4, 2020 (Via Zoom)

Jim Adkins - Subcommittee Member
James Diel - Subcommittee Member
Jim O’Donnell - Subcommittee Member
Ryan Carlie - Applicant Rep
Joe Kelley - Applicant Rep
Gary Shuberth - Applicant Rep
Kate Swinford - Applicant Rep
Joe Miklich - Applicant Rep
John Kratochvil - Applicant Rep
George Stock - Applicant
Joe Horvath - Applicant
Allen Klippel - P&Z Commissioner
Ron Evens - P&Z Commissioner
Liz Gibbons - Councilmember
Maggie Duwe - Councilmember
Donna Poe - Downtown Kirkwood Executive Director
Jonathan Raiche - Planning & Development Services Director
Chris Krueger - City Engineer
Kristin Flanery - Attendee
Matt Wever - Attendee
Patricia Jones - Attendee
Rich Vandegrift - Attendee
Ross Sanders - Attendee

August 21, 2020 (Via Zoom)

Jim Adkins - Subcommittee Member
James Diel - Subcommittee Member
Jim O’Donnell - Subcommittee Member
Ryan Carlie - Applicant Rep
Joe Kelley - Applicant Rep
Cheryl Sharp - Applicant Rep
Joe Miklich - Applicant Rep
John Kratochvil - Applicant Rep
George Stock - Applicant
Joe Horvath - Applicant
Allen Klippel - P&Z Commissioner
Liz Gibbons - Councilmember
Maggie Duwe - Councilmember
Donna Poe - Downtown Kirkwood Executive Director
Jonathan Raiche - Planning & Development Services Director
Patricia Jones - Attendee
Rich Vandegrift - Attendee
Ross Sanders - Attendee
EXHIBIT C
Approved Permitted Uses

1. Administrative offices for a church or similar place of worship
2. Antique stores
3. Art supply store
4. Barbershops
5. Beauty parlors
6. Bicycle shops, including repair and rental
7. Blueprinting and photocopying establishments
8. Bookstores
9. Camera and photography supply shops for retail sales
10. Catering establishments
11. Clothing stores
12. Clubs and fraternal organizations
13. Custom dressmaking and tailoring
14. Department stores
15. Dry cleaners, drop off and pick up
16. Electronics stores, including repair
17. Financial institutions
18. Florist shops
19. Florist shop with greenhouses for retail trade on premises only
20. Food stores
21. Furniture stores and upholstery shops
22. Garden supplies and seed stores
23. Gift stores
24. Hardware stores
25. Hobby stores
26. Household appliance stores, including repair
27. Interior decorating shops
28. Jewelry stores and watch repair
29. Learning Centers
30. Libraries
31. Massage therapy offices
32. Meat markets
33. Medical clinics
34. Offices, general
35. Offices, medical and dental
36. Office supplies and equipment sales and service
37. Paint and wallpaper stores
38. Pet shops, including grooming and supplies
39. Pharmacies
40. Photography studios, art galleries or studios, including the developing of film and pictures when conducted as part of the retail business on the premises
41. Physical and rehabilitation facilities
42. Plumbing showrooms, without shop or repair facilities
43. Post offices
44. Public utility collection offices
45. Recreational developments, publicly owned
46. Shoe stores or shoe repair shops
47. Sporting goods stores
48. Stationery supply stores
49. Theaters, indoor
EXHIBIT D
STANDARD CONDITIONS

1. A performance guarantee in the form of a cash deposit or letter of credit in an amount approved by the Public Services Department and an administrative fee (10% of the first $10,000 and 2% of the remaining balance of the performance guarantee) shall be submitted within one year of final development plan approval and prior to the issuance of a foundation letter or building permit to insure the completion of the proposed improvements, utilities and landscaping; to replace public improvements damaged by construction activities (sidewalks, curbs, etc.); and to guarantee significant trees designated to be saved. 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.

2. All proposed public sidewalks shall be constructed so that they are compliant with ADA/PROWAG. Public sidewalks and/or curbs shall be reconstructed at the developer’s expense at the direction of the Public Services Department.

3. Storm water management plans for the proposed site plan shall be submitted to Metropolitan Sewer District (MSD) and City for review and approval prior to the issuance of a grading, foundation or building permit. Storm water greater than one c.f.s. shall not be directed across the public sidewalk or driveway entrances.

4. Sanitary sewer plan shall be approved by MSD prior to the issuance of a foundation letter or building permit.

5. Entrances into the development shall be constructed per St. Louis County specifications.

6. The water system shall meet the requirements of the Kirkwood Fire and Water Departments. The Fire Department shall approve the water flow for the project. If satisfactory water flow is not available from the existing water system in accordance with City policy, the applicant shall install the necessary mains and accessories.

7. If applicable, proper ground disturbance permits through MDNR shall be obtained prior to issuance of permits from the City.

8. 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.

9. 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 a building permit. These devices shall be maintained during the construction activities.

10. 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.

11. No parking of construction trailers, material storage, equipment storage or construction equipment is authorized on the public streets at any time.
12. All rooftop equipment, air-conditioning units and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.

13. An accessible route in compliance with ADA standards shall be provided from the proposed accessible parking spaces to the accessible entrance of the building.

14. All rooftop equipment, air-conditioning units and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.

15. The Architectural Review Board shall approve all signs and building architecture prior to the issuance of any building permits.
TREE PROTECTION NOTES:

WARNING

1. All trees and vegetation to be preserved are protected by a Tree Protection Zone in accordance with the provisions of this project.

2. The Tree Protection Zone shall extend 20 feet (6.1 meters) from the edge of any street, sidewalk, or public right-of-way.

3. Trees and vegetation within the Tree Protection Zone shall not be allowed to be disturbed, damaged, or removed without the written permission of the City of Denver.

4. Any trees or vegetation that are cut down, trimmed, or otherwise disturbed within the Tree Protection Zone shall be replaced with a like number and species of trees or vegetation.

5. A tree damage survey shall be completed prior to any construction or excavation within the Tree Protection Zone.

6. All trees and vegetation within the Tree Protection Zone shall be protected from construction or excavation activity.

7. Any tree or vegetation that is damaged within the Tree Protection Zone shall be replaced with a like number and species of tree or vegetation.

8. The City of Denver reserves the right to inspect any construction or excavation activity within the Tree Protection Zone.

PLANT SCHEDULE

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
<th>Size</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dogwood</td>
<td>Cornus florida</td>
<td>6&quot;</td>
<td>Front Yard</td>
</tr>
<tr>
<td>Juniper</td>
<td>Juniperus virginiana</td>
<td>8&quot;</td>
<td>Back Yard</td>
</tr>
<tr>
<td>Spruce</td>
<td>Picea species</td>
<td>10&quot;</td>
<td>Side Yard</td>
</tr>
</tbody>
</table>

Notes:
- Names not listed shall be kept as much as practicable.
- All trees within the Tree Protection Zone shall be protected from construction or excavation activity.
- Any tree or vegetation that is damaged within the Tree Protection Zone shall be replaced with a like number and species of tree or vegetation.

Signature:
[Signature]
[Date]
THE CONSENT AGENDA IS ATTACHED

a) Approval of the September 17, 2020 Council Meeting Minutes
Kirkwood City Council Meeting Minutes
Via Zoom
Thursday, September 17, 2020, 7:00 p.m.

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, September 17, 2020, at 7:00 p.m. via Zoom Virtual meeting. Present were Mayor Griffin, Council Members Duwe, Gibbons, Sears, Ward, Wurtz, and Zimmer. Also in attendance were Chief Administrative Officer Russell Hawes, Assistant Chief Administrative Officer Georgia Ragland, City Clerk Laurie Asche, Director of Public Services Bill Bensing, Planning and Services Director Jonathan Raiche, City Engineer Chris Krueger, Director of Finance Sandy Stephens, Public Information Officer Freddy Doss, and City Attorney John Hessel.

ANNOUNCEMENTS FROM CITY ATTORNEY

City Attorney John Hessel stated for the record that under Section 610.015 of the Mo. Sunshine Law provides that members of the City Council who are not physically in the Council Chambers can participate and vote on all matters when an emergency exists and the nature of the emergency is stated in the minutes.

So, let the minutes reflect that the U.S., and the world, is in a state of emergency due to the Coronavirus—Covid 19. The Missouri Governor and the County Executive directed all citizens to limit meetings and gatherings to a few people to avoid the spread of the Coronavirus. Therefore, members of the City Council have elected to participate in this meeting electronically so that we are compliance with such Orders and for the public health and safety of each other and the general public.

INTRODUCTIONS AND RECOGNITIONS
NONE

PRESENTATIONS

Mayor Griffin presented the Urban Forestry Commission Advocate of the Year Award to Dr. David Slane.

PUBLIC HEARINGS
NONE

PUBLIC COMMENTS

1. Chris Raeker, 3 Ivanhoe Woods, spoke regarding their concern for the condition of their street.
CONSENT AGENDA

September 3, 2020 Council Meeting Minutes was brought before the council. Motion was made by Council Member Gibbons and seconded by Council Member Ward to approve the minutes. Motion was made by Council Member Gibbons and seconded by Council Member Ward to amend the minutes by adding concerns on the two-way access points to the Public Hearing #1 discussion. The motion to amend was unanimously approved.

a) Approval of the September 3, 2020 Council Meeting Minutes

UNFINISHED BUSINESS

Motion was made by Council Member Zimmer and seconded by Council Member Duwe to bring Substitute Bill 10844 on the floor for consideration. The motion was unanimously approved.

Substitute Bill 10844, an ordinance fixing and establishing the rate of taxation to be levied upon all real estate and certain tangible personal property in the City of Kirkwood, County of St. Louis, State of Missouri, for the year 2020, for the maintenance of the Kirkwood Public Parks; for the Police and Firemen's Pension Fund; for general government services and for businesses in the Special Business District, was brought before the council.

Roll Call:

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

The bill, having received majority approval of the Council, was adopted and became Ordinance 10682.

Motion was made by Council Member Duwe and seconded by Council Member Gibbons to bring Substitute Bill 10845 on the floor for consideration. The motion was unanimously approved.

Substitute Bill 10845, an ordinance fixing and establishing the rate of taxation to be levied upon all real estate and certain tangible personal property in the City of Kirkwood, County of St. Louis, State of Missouri, for the year 2020, for the operation and
maintenance of the Municipal Library District of Kirkwood, was brought before the council.

Roll Call:

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

The bill, having received majority approval of the Council, was adopted and became Ordinance 10683.

Bill 10846, an ordinance appropriating funds in the amount of $91,359.92 from the Debt Service Fund to the Transfer to Other Funds Account, and then transferring funds in the amount of $91,359.92 from the Transfer to Other Funds Account to the General Fund, was brought before the council.

Roll Call:

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

The bill, having received majority approval of the Council, was adopted and became Ordinance 10684.

NEW BUSINESS

Bill 10847, amending the provisions of the Municipal Code, Appendix A – Zoning, Section A-510.8 regarding the Frontage Occupation Requirement in the B-2, General Business District (Central Business District), was brought before the council. Motion was made by Council Member Sears seconded by Council Member Wurtz to accept the Bill as read. A discussion took place.

The bill received first reading approval and was held over.
Bill 10848, an ordinance granting a Special Use Permit for a Physical Fitness Facility at 10505 Big Bend Boulevard subject to certain conditions, was brought before the council. Motion was made by Council Member Zimmer and seconded by Council Member Ward to accept the Bill as read.

The bill received first reading approval and was held over.

Bill 10849, an ordinance approving the Final Subdivision Plat of a two-lot commercial subdivision known as Kirkwood Mixed Use, a tract of land being part of the west ½ of block 11 of the Town of Kirkwood as recorded in plat book 3, page 57 in the City of Kirkwood, St. Louis County, Missouri, was brought before the council. Motion was made by Council Member Sears and seconded by Council Member Ward to accept the Bill as read. A discussion took place. There was a typographical error in the third Whereas Clause, which will be corrected prior to second reading of the bill.

The bill received first reading approval and was held over.

Resolution 103-2020, a resolution approving the preliminary subdivision plat of a two-lot commercial subdivision known as Kirkwood Mixed Use, a tract of land being part of the west ½ block 11 of the Town of Kirkwood as recorded in plat book 3, page 57 in the City of Kirkwood, St. Louis County, Missouri, was brought before the council. Motion was made by Council Member Ward and seconded by Council Member Wurtz to accept the Resolution as read.

Roll Call:

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

Resolution 104-2020, a resolution accepting the bid of T. Hill Construction in the not to exceed amount of $30,000 (which includes a contingency of $2,030) for a Public Sidewalk Releveling Program and authorizing and directing the Mayor to enter into a contract, was brought before the council. Motion was made by Council Member Zimmer and seconded by Council Member Wurtz to accept the Resolution as read. A discussion took place.
Roll Call:

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

Resolution 105-2020, a resolution accepting the bid of Lamke Trenching and Excavating in the not to exceed amount of $254,465 (which includes a contingency of $23,133) for Marshall Road High Pressure Reduction and authorizing and directing the Mayor to enter into a contract, was brought before the council. Motion was made by Council Member Zimmer and seconded by Council Member Ward to accept the Resolution as read.

Roll Call:

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

Resolution 106-2020, a resolution amending the contract with TWM by increasing the contract amount by $18,913.35 for a not to exceed amount of $360,772.35 for Transportation Engineering Services for Manchester Road Improvement Project Additional Streetscape Design and authorizing and directing the Mayor to enter into an amended contract, was brought before the council. Motion was made by Council Member Duwe and seconded by Council Member Ward to accept the Resolution as read. A discussion took place.

Roll Call:

Mayor Griffin          “Yes
Council Member Sears   “Yes”
Council Member Duwe    “Yes”
Council Member Zimmer  “Yes”
Council Member Ward    “Yes”
Council Member Wurtz   “Yes”
Council Member Gibbons “Yes”
Resolution 107-2020, a resolution requesting that St. Louis County distribute $47 million of CARES Act funds on a per capita basis to the municipalities within the County to be used for eligible expenses, authorizing the Chief Administrative Officer of the City of Kirkwood, Missouri, to accept CARES Act funding and execute a Municipality Relief Program Funding Agreement, and Confirming Agreement to indemnify and hold harmless St. Louis County from such distribution, was brought before the council. Motion was made by Council Member Zimmer and seconded by Council Member Duwe to accept the Resolution as read. A discussion took place.

Roll Call:

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

"Yes"
"Yes"
"Yes"
"Yes"
"Yes"
"Yes"

CONSENT AGENDA ITEMS FOR DISCUSSION
NONE

CITY COUNCIL REPORTS
Mayor Griffin mentioned Party on the Porch including live music will be played throughout the streets in the City from 4:30 p.m. until 10:00 p.m. on Friday, September 18.

Council Member Zimmer acknowledged today as being Constitution Day.

Council Member Gibbons mentioned the Autumn Outdoor Fest is being held in the Special Business District this Saturday from 10:00 a.m. until 5:00 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 read the report of the September 16, 2020 meeting of the Planning & Zoning Commission. The following action took place.
1. The Commission recommended approval of granting a one-year extension of the period in which construction shall commence under
the Special Use Permit granted by Ordinance No. 10627 for Audi Kirkwood at 10230-10240 Manchester Road.

2. The Commission recommended approval of a Site Plan for a 12-unit four-story residential building on the combined properties of 134 and 138 West Madison Avenue.

3. After a presentation for a request for a Special Use Permit for a Restaurant with Outdoor Seating and Site Plan Review for a coffee shop at 132 West Monroe Avenue, Commissioners Evens and Eagleton were appointed to the Subcommittee. The Subcommittee will meet via Zoom on September 24th at 9 a.m.

Ms. Asche reported on upcoming public hearings:

Upcoming Public Hearings:
October 1, 2020
- A request to amend the Zoning Code by adding a definition for “Assisted Living Facility”, adding “Assisted Living Facility” as a Special Use Permit in the B-2 Zoning District, and adding a parking rate for Assisted Living Facility.
- A request for a Special Use Permit for an Assisted Living Facility and of a Preliminary Development Plan for a Mixed-use Development in the B-2 District at 300 North Kirkwood Road as submitted by Opus Development.

Based on the report of the September 6th Planning & Zoning Commission report, item number two of the report will be scheduled for public hearings on October 15, 2020.

October 15, 2020
1. Based on the report of the September 16, 2020 Planning & Zoning Commission meeting, a public hearing will be scheduled for item #2 of the report on October 15, 2020.

October 22, 2020 (rescheduled from August 27, 2020)
1. A request for a Mixed-Use Development in the B-2 Zoning District known as The James (formerly Kirkwood Flats) at 426 N. Kirkwood Road

ADJOURNMENT
There being no further business to come before the Council, the meeting was adjourned at 8:00 p.m. The next regular council meeting is scheduled for October 1, 2020 at 7:00 p.m.
BILL 10847

ORDINANCE


WHEREAS, Clayton Financial Corporation LLC (DBA Commerce Bank) made application (PZ-27-20) for a text amendment to the Zoning Code to revise the street frontage occupation requirement in the B-2 District; and

WHEREAS, the Planning and Zoning Commission did on the 5th day of August, 2020, by adopting the subcommittee report as amended dated August 5, 2020, (attached hereto and incorporated by reference herein), recommend the approval of said Zoning Code text amendment; and

WHEREAS, on the 3rd day of September, 2020, the City Council did hold a public hearing with respect to such amendment to the Zoning Code after duly advertising and giving proper notice of such hearing.

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

SECTION 1. That the City of Kirkwood Municipal Code of Ordinances, Appendix A – Zoning, is hereby amended by removing the existing provision in Section A-510.8(2) in its entirety and replacing it with the following language:

When located within the study area of the 2018 Downtown Master Plan and Parking Study and located on a Phase 2 street, as identified in the Thoroughfare Hierarchy Map located in said plan, a minimum frontage occupation requirement of 75% shall be provided. However, said requirement shall not apply to streets identified as B-streets in the Phase 2 portion of Downtown. Furthermore, with respect to corner lots only, said minimum frontage occupation requirement shall not apply to Downtown Phase 2, B-streets provided that the required frontage occupation requirement is met on the A-street frontage of said corner lot. In the event said corner lot fronts on two Phase 2, B-streets, then said frontage occupation requirement shall apply only to one such street frontage.

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 ________, 2020.

__________________________________________
Mayor, City of Kirkwood

ATTEST:

______________________________
City Clerk

Public Hearing:
1ST Reading:
2nd Reading:
Legislation Request

Ordinance

Place On The Agenda Of: 9/3/2020

Step #1:

Strategic Plan NO  Goal # & Title

Background To Issue:
Commerce Bank has applied for multiple items related to the redevelopment of their property at 300 N. Kirkwood Road. This application is under the number PZ-27-20 and includes a 2-lot commercial subdivision, a zoning code text amendment, and a site plan review. The subdivision request does not require a public hearing and will therefore be presented at a future date to correspond with the vote meetings of the other related items.

The remaining two items (zoning code text amendment and site plan) require a public hearing and are being presented at the September 3rd City Council Meeting. This legislation request is specific to the zoning code text amendment while a separate legislation request will be submitted related to the site plan review.

The applicant is proposing a text amendment to the street frontage occupation requirement in the B-2 District. This new requirement was added in response to the Downtown Master Plan and has not been tested through practical application. The proposed site plan has highlighted challenges with the current language and the applicant has proposed a text amendment to address this challenge. The Planning & Zoning Commission amended the applicant’s proposal such that it would only exclude the requirement in very narrow circumstances. The subcommittee report for the entire redevelopment project is attached and includes additional detail on this, and the other, requests.

Recommendations and Action Requested:
After amending the request language, the Planning & Zoning Commission unanimously approved the request. A public hearing is requested for the September 3, 2020 City Council meeting followed by consideration of the drafted ordinance.

Alternatives Available:

Does this project have a public information component? ☐ Yes ☐ No

Cost: $0.00  Account #: 0  Project #:  Budgeted: YES

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

Department Head Comments:

BY: Jonathan Raiche  Date: 8/26/2020  Authenticated: raichejd

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

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:
PETITION NUMBER: PZ-27-20

ACTION REQUESTED: SUBDIVISION (PRELIMINARY & FINAL), ZONING CODE TEXT AMENDMENT, AND SITE PLAN REVIEW

PROPERTY OWNER: CLAYTON FINANCIAL CORPORATION (COMMERC BANK)

APPLICANT: CLAYTON FINANCIAL CORPORATION (COMMERC BANK)

APPLICANT'S AGENT: CHRIS MROZEWISKI, V3 STUDIOS

PROPERTY LOCATION: 300 NORTH KIRKWOOD ROAD

ZONING: B-2, GENERAL BUSINESS DISTRICT (CENTRAL BUSINESS DISTRICT)

DRAWINGS SUBMITTED: SITE PLAN PACKET (10 SHEETS) PREPARED BY V3 STUDIOS, STOCK & ASSOCIATES, AND COLE & ASSOCIATES STAMPED "RECEIVED JULY 24, 2020, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT"

DESCRIPTION OF PROJECT:
The applicant is requesting three separate actions for this project which will require three separate recommendations by the subcommittee. The first request is to subdivide the current site (approximately 2.18 acres) into two commercial lots: Lot 1 (1.44 acres) and Lot 2 (0.74 acres). No new public roadways or significant public infrastructure is proposed with the subdivision. The remaining two portions of this request both pertain to Lot 2 of the proposed subdivision.

The second request is for a text amendment in the B-2, General Business District regulations regarding street frontage occupation in Section A-510.8 (2). This provision of the code was adopted in December of 2018 in response to a recommendation from the City’s Downtown Master Plan. Currently, the provision that applies to this site would require that 75% of the street frontage is occupied by building. The proposal complies with this requirement on Kirkwood Road, but does not comply along Washington Avenue. After discussion with Staff, the applicant chose to pursue a text amendment that would revise the current requirement to acknowledge a difference between streets that are identified as A-streets and those that are identified as B-streets in the Downtown Master Plan. The proposed revised language for Section A-510.8(2) is included below with the new text underlined:

"When located within the study area of the 2018 Downtown Master Plan and Parking Study and located on a Phase 2 street, as identified in the Thoroughfare Hierarchy Map located in said plan, a minimum frontage occupation requirement of 75% shall be provided. However, said requirement shall not apply to streets identified as B-streets in the Phase 2 portion of Downtown."

The third item for consideration is a Site Plan Review for an approximately 3,800 sf, 1-story retail bank building located along Kirkwood Road. The proposed plan includes a surface parking lot to the east of the proposed building, 3 advanced ATM lanes near the northeast corner of the property, 2 unrestricted access points from Washington Avenue, and a cross-access drive to Lot 1 to the south.
COMPREHENSIVE PLAN, LAND USE AND ZONING:
The site is designated as being located in the Downtown land use category on the EnVision Kirkwood 2035 Future Land Use Map. Regional/Neighborhood Commercial is listed in this land use category as an appropriate development type.

The subject property is currently zoned B-2, General Business District (Central Business District) and financial institutions are a permitted use in this district.

Surrounding land uses and zoning include the following:
To the north: Across Washington Avenue, there are various commercial uses which are zoned B-2.

To the south: Across Adams Avenue, there is a church and various commercial uses which are zoned B-2.

To the east: Directly adjacent to the subject site are properties that are all zoned R-5, Multifamily Residential which are occupied by the local Kirkwood YMCA and a condominium development.

To the west: Across Kirkwood Road, there are various commercial uses which are zoned B-2.

DEPARTMENTAL/AGENCY COMMENTS:
Electric: 1. Provide an electrical distribution plan.

Water: No Comments received.

Engineering/Planning: 1. MSD approval is required.
2. Street tree species on Washington Avenue may need to be revised to avoid conflicts with overhead utility lines as determined by the City Forester.
3. An additional canopy tree and evergreen tree are required in the landscape island near the proposed trash enclosure. Prior to City Council approval, a revised plan to address this shall be submitted.

Building/Fire: 1. ARB review is required.
2. The 2015 IBC must be followed.

SITE ELEMENTS ANALYSIS:
Structure & Pedestrian Access
The proposed building is approximately 3,800 sf, 1 story, and approximately 22’ tall which complies with the maximum building height of 40’ in the B-2 District. The structure complies with all setback requirements and with the street frontage occupation requirement along Kirkwood Road. As previously mentioned, it does not comply with the street frontage occupation requirement on Washington Avenue which is the impetus for the requested text amendment.

The applicant is proposing new 6’ wide sidewalks adjacent to an 8’ wide tree-lawn to provide a benefit for pedestrian circulation. A private plaza is also included in the southwest corner of the project site which provides access to the building along with a private sidewalk along the eastern-side of the building. As reflected in the recommendation section of this report, the subcommittee prefers that a sidewalk be provided along the eastern property line to provide north/south pedestrian access through the site. This revision will likely necessitate the removal of the proposed trees in this area, but it is likely that shrubs and other low-lying landscaping may remain. The subcommittee is recommending a
modification to the required parking lot perimeter landscaping in this location in favor of the pedestrian access being provided.

**Landscaping/Screening**
The proposed Landscape Plan provides the required number of frontage trees which are proposed to be located in the public right-of-way along Kirkwood Road and on private property along Washington Avenue due to the presence of overhead utility lines. A condition has been added regarding the fact that tree species may need to be revised based upon recommendation of the City Forester to avoid conflict with the overhead utility lines along Washington Avenue. The applicant has also provided the required landscaping throughout the parking lot internally on the site with a couple minor exceptions which are anticipated to be addressed by the applicant prior to City Council approval. A condition has been added to the recommendation portion of this report which requires the addition of one canopy tree and one evergreen tree in the landscape island near the proposed dumpster enclosure. In addition to proposed landscaping, the applicant is proposing a 6’ tall sight-proof vinyl fence along the eastern property line.

**Site Access & Parking**
The site is proposed to be accessed from two separate two-way drives from Washington Avenue on the eastern half of the site. Additionally there is a proposed cross-access drive along the eastern property line that will provide access between the subject property and Lot 1 to the south. There are 15 parking spaces required with 26 currently proposed. The site plan also provides the required minimum 60’ queue length for each of the proposed ATM lanes.

**DISCUSSION:**
Zoning Matters signs were placed on the property on March 13, 2020. The request introduction was delayed due to COVID-19, but was ultimately introduced at the Planning & Zoning Commission meeting on July 15, 2020 held via Zoom. An online subcommittee meeting was subsequently held via Zoom on July 27th. A list of attendees of the subcommittee meeting can be seen in Exhibit B. The overall proposal was discussed at the subcommittee meeting with attention given to the following items:

1) The subcommittee expressed their preference that a sidewalk for public use be provided in the approximate 10’ buffer area between the eastern property line and the proposed cross-access drive. The subcommittee agreed that the sidewalk would be preferred with low-lying landscaping in lieu of the larger trees proposed in the area currently.

2) It was confirmed that there was still excess parking with the revised site plan after removing parking spaces to accommodate the minimum 10’ parking setback from the right-of-way along Washington Avenue.

3) A recorded cross-access easement for both vehicular and pedestrian access shall be required along the proposed eastern drive and the buffer area that will accommodate the requested sidewalk in this area.

4) The Downtown Master Plan did recognize that B-streets should receive different treatment and attention which would allow more utilitarian and vehicular-focused activity. The current street frontage occupation requirement was drafted by Staff as a first attempt at codifying the recommendation from the consultant and is applied to all B-Districts and the I-1 District within the Downtown area. If approved, the applicant’s request would apply to the following street frontages:

- Washington Avenue from Clay Avenue to Kirkwood Road
- Western half of Washington Avenue from Kirkwood Road to Taylor Avenue
- Northeastern frontage of Woodbine Avenue from Clay Avenue to Kirkwood Road
- Northern half of Fillmore Avenue from Monroe Avenue to Clinton Place

The applicant’s request was believed to be in keeping with the intent of the plan and seen to have minimal impact due to the low number of properties that have frontage on a B-street in Phase 2 and are zoned either B-1, B-2, B-4, B-5 or I-1.
5) The subcommittee had no concerns about the proposed subdivision.

RECOMMENDATIONS:
The subcommittee recommends that the proposed 2-lot commercial subdivision as proposed in the plan packet stamped “Received July 24, 2020 City of Kirkwood Public Services Department” be approved with the following conditions:

1. Evidence of MSD approval shall be provided to the City prior to approval of the final plat by the City Council.

2. A subdivision plat approved by the City and recorded in the St. Louis County Office of the Recorder of Deeds shall be filed in the Public Services Director’s Office within 90 days of City Council Approval of the Final Plat.

The Subcommittee recommends that the request to amend Section A-510.8(2) of the Zoning Code to remove the existing provision and replace with the following language be approved:

“When located within the study area of the 2018 Downtown Master Plan and Parking Study and located on a Phase 2 street, as identified in the Thoroughfare Hierarchy Map located in said plan, a minimum frontage occupation requirement of 75% shall be provided. However, said requirement shall not apply to streets identified as B-streets in the Phase 2 portion of Downtown. *However, with respect to corner lots only, said minimum frontage occupation requirement shall not apply to Downtown Phase 2 B-Streets provided the required frontage occupation is met on the A-Street frontage of said corner lot, but in the event said corner lot fronts on two Phase 2 B-Streets, then said frontage occupancy requirement shall apply only to one such street frontage."

The Subcommittee recommends that the Site Plan Review application be approved with the following conditions:

1. The project shall be constructed and maintained in accordance with the plans referenced in the Drawing Submitted portion of this report, except as noted herein.

2. A 6’ high sight-proof fence shall be installed along the eastern property line and shall be constructed of material comparable to simtek composite fencing.

3. All proposed public sidewalks shall be constructed so that they terminate in a manner compliant with ADA/PROWAG and shall be replaced with a 6’ wide exposed aggregate sidewalk.

4. The species of street frontage trees along Washington Avenue may need to be revised to avoid conflict with the existing overhead utility lines as advised by the City Forester.

5. Prior to City Council approval, a revised landscape plan shall be submitted which includes one additional canopy tree and one additional evergreen tree near the proposed trash enclosure.

6. Prior to City Council approval, a revised site plan, lighting plan, and landscape plan shall be submitted which includes a pedestrian sidewalk along the eastern property line. Said area shall include low-lying vegetation and trees as possible; however, it is recognized that the width of the buffer area may not accommodate trees alongside the desired sidewalk. Because of this, a modification to the parking lot landscaping requirements along the eastern property line is recommended to accommodate the sidewalk. Said revised lighting plan shall ensure that the proposed pedestrian sidewalk meets the regulations in Section A-1040.
7. A recorded cross-access easement for both vehicular and pedestrian access shall be required along the proposed eastern drive and the buffer area that will accommodate the requested sidewalk in this area to provide access across the site and toward Adams Avenue.

8. A demolition permit for the existing building on Lot 1 shall be submitted prior to occupancy of the proposed building on Lot 2 and said existing building shall be demolished within 180 days of the date of the occupancy permit of the proposed building on Lot 2. Alternatively, the applicant shall provide documentation that the parking requirements for the proposed bank structure and the existing bank structure are fulfilled.

9. The applicant shall comply with all standard conditions as listed in Exhibit A.

Respectfully submitted,

_____________________________   ______________________________
David Eagleton                  Tom Feiner

_____________________________
Allen Klipple
EXHIBIT A
STANDARD CONDITIONS

1. A performance guarantee in the form of a cash deposit or letter of credit in an amount approved by the Public Services Department and an administrative fee (10% of the first $10,000 and 2% of the remaining balance of the performance guarantee) shall be submitted within one year of approval and prior to the issuance of a foundation letter or building permit to insure the completion of the proposed improvements, utilities and landscaping; to replace public improvements damaged by construction activities (sidewalks, curbs, etc.); and to guarantee significant trees designated to be saved. 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.

2. Storm water management plans for the proposed site plan shall be submitted to Metropolitan Sewer District (MSD) and City for review and approval prior to the issuance of a grading, foundation or building permit. Storm water greater than one c.f.s. shall not be directed across the public sidewalk or driveway entrances.

3. Sanitary sewer plan shall be approved by MSD prior to the issuance of a foundation letter or building permit.

4. Parking lot entrances shall be 7" thick concrete and ADA compliant.

5. The water system shall meet the requirements of the Kirkwood Fire and Water Departments. The Fire Department shall approve the water flow for the project. If satisfactory water flow is not available from the existing water system in accordance with City policy, the applicant shall install the necessary mains and accessories.

6. 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.

7. 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 a building permit. These devices shall be maintained during the construction activities.

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. An accessible route in compliance with ADA standards shall be provided from the proposed accessible parking spaces to the accessible entrance of the building.

11. All rooftop equipment, air-conditioning units and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.
12. The Architectural Review Board shall approve all signs and building architecture prior to the issuance of any building permits.
## EXHIBIT B
Subcommittee Meeting Attendees
July 27, 2020 (Via Zoom)

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
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<tbody>
<tr>
<td>David Eagleton</td>
<td>Subcommittee Member</td>
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<tr>
<td>Tom Feiner</td>
<td>Subcommittee Member</td>
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<tr>
<td>Allen Klippel</td>
<td>Subcommittee Member</td>
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<tr>
<td>Chris Mrozewski</td>
<td>Applicant</td>
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<tr>
<td>George Stock</td>
<td>Applicant</td>
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<td>Josh Hellman</td>
<td>Applicant</td>
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<td>Denny Hoelzer</td>
<td>Applicant</td>
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<tr>
<td>Joe Horvath</td>
<td>Applicant</td>
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<tr>
<td>Maggie Duwe</td>
<td>Councilmember</td>
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<tr>
<td>Donna Poe</td>
<td>Downtown Kirkwood Executive Director</td>
</tr>
<tr>
<td>Jonathan Raiche</td>
<td>Planning &amp; Development Services Director</td>
</tr>
<tr>
<td>Chris Krueger</td>
<td>City Engineer</td>
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PROCEDURE FOR PUBLIC HEARING

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

A request for a Zoning Code Text Amendment and Site Plan Review for Commerce Bank at 300 North Kirkwood Road.

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

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

City Planner Jonathan Raiche

Mayor: Is there anyone from the public wishing to speak regarding this proposal?

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

Before the undersigned Notary Public personally appeared Kathy Travis 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 August 18, 2020 edition and ending with the August 18, 2020 edition, for a total of 1 publications:

08/18/2020

Kathy Travis
Subscribed & sworn before me this 18th day of Aug, 2020
(SEAL)

Notary Public

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 via Zoom at the hour of 7:30 p.m., Thursday, September 3, 2020 to consider the following:

1. A request for a Zoning Code Text Amendment and Site Plan Review for Commerce Bank at 300 North Kirkwood Road.
2. A request for a Special Use Permit for a Physical Fitness Facility known as RiverNorth Strength in Suites A and B at 10505 Big Bend Boulevard.

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.

11909 607 County August 18, 2020
CITY OF KIRKWOOD
NOTICE OF PUBLIC HEARING
BEFORE THE CITY COUNCIL
OF KIRKWOOD, MISSOURI
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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.

Published August 18, 2020

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CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
SUBCOMMITTEE REPORT
August 5, 2020

PETITION NUMBER: PZ-27-20

ACTION REQUESTED: SUBDIVISION (PRELIMINARY & FINAL), ZONING CODE TEXT AMENDMENT, AND SITE PLAN REVIEW

PROPERTY OWNER: CLAYTON FINANCIAL CORPORATION (COMMERCE BANK)

APPLICANT: CLAYTON FINANCIAL CORPORATION (COMMERCE BANK)

APPLICANT’S AGENT: CHRIS MROZEWSKI, V3 STUDIOS

PROPERTY LOCATION: 300 NORTH KIRKWOOD ROAD

ZONING: B-2, GENERAL BUSINESS DISTRICT (CENTRAL BUSINESS DISTRICT)

DRAWINGS SUBMITTED: SITE PLAN PACKET (10 SHEETS) PREPARED BY V3 STUDIOS, STOCK & ASSOCIATES, AND COLE & ASSOCIATES STAMPED “RECEIVED JULY 24, 2020, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

DESCRIPTION OF PROJECT:
The applicant is requesting three separate actions for this project which will require three separate recommendations by the subcommittee. The first request is to subdivide the current site (approximately 2.18 acres) into two commercial lots: Lot 1 (1.44 acres) and Lot 2 (0.74 acres). No new public roadways or significant public infrastructure is proposed with the subdivision. The remaining two portions of this request both pertain to Lot 2 of the proposed subdivision.

The second request is for a text amendment in the B-2, General Business District regulations regarding street frontage occupation in Section A-510.8 (2). This provision of the code was adopted in December of 2018 in response to a recommendation from the City’s Downtown Master Plan. Currently, the provision that applies to this site would require that 75% of the street frontage is occupied by building. The proposal complies with this requirement on Kirkwood Road, but does not comply along Washington Avenue. After discussion with Staff, the applicant chose to pursue a text amendment that would revise the current requirement to acknowledge a difference between streets that are identified as A-streets and those that are identified as B-streets in the Downtown Master Plan. The proposed revised language for Section A-510.8(2) is included below with the new text underlined:

“When located within the study area of the 2018 Downtown Master Plan and Parking Study and located on a Phase 2 street, as identified in the Thoroughfare Hierarchy Map located in said plan, a minimum frontage occupation requirement of 75% shall be provided. However, said requirement shall not apply to streets identified as B-streets in the Phase 2 portion of Downtown.”

The third item for consideration is a Site Plan Review for an approximately 3,800 sf, 1-story retail bank building located along Kirkwood Road. The proposed plan includes a surface parking lot to the east of the proposed building, 3 advanced ATM lanes near the northeast corner of the property, 2 unrestricted access points from Washington Avenue, and a cross-access drive to Lot 1 to the south.
COMPREHENSIVE PLAN, LAND USE AND ZONING:
The site is designated as being located in the Downtown land use category on the EnVision Kirkwood 2035 Future Land Use Map. Regional/Neighborhood Commercial is listed in this land use category as an appropriate development type.

The subject property is currently zoned B-2, General Business District (Central Business District) and financial institutions are a permitted use in this district.

Surrounding land uses and zoning include the following:
To the north: Across Washington Avenue, there are various commercial uses which are zoned B-2.

To the south: Across Adams Avenue, there is a church and various commercial uses which are zoned B-2.

To the east: Directly adjacent to the subject site are properties that are all zoned R-5, Multifamily Residential which are occupied by the local Kirkwood YMCA and a condominium development.

To the west: Across Kirkwood Road, there are various commercial uses which are zoned B-2.

DEPARTMENTAL/AGENCY COMMENTS:
Electric: 1. Provide an electrical distribution plan.

Water: No Comments received.

Engineering/Planning: 1. MSD approval is required.
2. Street tree species on Washington Avenue may need to be revised to avoid conflicts with overhead utility lines as determined by the City Forester.
3. An additional canopy tree and evergreen tree are required in the landscape island near the proposed trash enclosure. Prior to City Council approval, a revised plan to address this shall be submitted.

Building/Fire: 1. ARB review is required.
2. The 2015 IBC must be followed.

SITE ELEMENTS ANALYSIS:
Structure & Pedestrian Access
The proposed building is approximately 3,800 sf, 1 story, and approximately 22’ tall which complies with the maximum building height of 40’ in the B-2 District. The structure complies with all setback requirements and with the street frontage occupation requirement along Kirkwood Road. As previously mentioned, it does not comply with the street frontage occupation requirement on Washington Avenue which is the impetus for the requested text amendment.

The applicant is proposing new 6’ wide sidewalks adjacent to an 8’ wide tree-lawn to provide a benefit for pedestrian circulation. A private plaza is also included in the southwest corner of the project site which provides access to the building along with a private sidewalk along the eastern-side of the building. As reflected in the recommendation section of this report, the subcommittee prefers that a sidewalk be provided along the eastern property line to provide north/south pedestrian access through the site. This revision will likely necessitate the removal of the proposed trees in this area, but it is likely that shrubs and other low-lying landscaping may remain. The subcommittee is recommending a
modification to the required parking lot perimeter landscaping in this location in favor of the pedestrian access being provided.

**Landscaping/Screening**
The proposed Landscape Plan provides the required number of frontage trees which are proposed to be located in the public right-of-way along Kirkwood Road and on private property along Washington Avenue due to the presence of overhead utility lines. A condition has been added regarding the fact that tree species may need to be revised based upon recommendation of the City Forester to avoid conflict with the overhead utility lines along Washington Avenue. The applicant has also provided the required landscaping throughout the parking lot internally on the site with a couple minor exceptions which are anticipated to be addressed by the applicant prior to City Council approval. A condition has been added to the recommendation portion of this report which requires the addition of one canopy tree and one evergreen tree in the landscape island near the proposed dumpster enclosure. In addition to proposed landscaping, the applicant is proposing a 6’ tall sight-proof vinyl fence along the eastern property line.

**Site Access & Parking**
The site is proposed to be accessed from two separate two-way drives from Washington Avenue on the eastern half of the site. Additionally there is a proposed cross-access drive along the eastern property line that will provide access between the subject property and Lot 1 to the south. There are 15 parking spaces required with 26 currently proposed. The site plan also provides the required minimum 60’ queue length for each of the proposed ATM lanes.

**DISCUSSION:**
Zoning Matters signs were placed on the property on March 13, 2020. The request introduction was delayed due to COVID-19, but was ultimately introduced at the Planning & Zoning Commission meeting on July 15, 2020 held via Zoom. An online subcommittee meeting was subsequently held via Zoom on July 27th. A list of attendees of the subcommittee meeting can be seen in Exhibit B. The overall proposal was discussed at the subcommittee meeting with attention given to the following items:

1) The subcommittee expressed their preference that a sidewalk for publicuse be provided in the approximate 10’ buffer area between the eastern property line and the proposed cross-access drive. The subcommittee agreed that the sidewalk would be preferred with low-lying landscaping in lieu of the larger trees proposed in the area currently.

2) It was confirmed that there was still excess parking with the revised site plan after removing parking spaces to accommodate the minimum 10’ parking setback from the right-of-way along Washington Avenue.

3) A recorded cross-access easement for both vehicular and pedestrian access shall be required along the proposed eastern drive and the buffer area that will accommodate the requested sidewalk in this area.

4) The Downtown Master Plan did recognize that B-streets should receive different treatment and attention which would allow more utilitarian and vehicular-focused activity. The current street frontage occupation requirement was drafted by Staff as a first attempt at codifying the recommendation from the consultant and is applied to all B-Districts and the I-1 District within the Downtown area. If approved, the applicant’s request would apply to the following street frontages:
   - Washington Avenue from Clay Avenue to Kirkwood Road
   - Western half of Washington Avenue from Kirkwood Road to Taylor Avenue
   - Northeastern frontage of Woodbine Avenue from Clay Avenue to Kirkwood Road
   - Northern half of Fillmore Avenue from Monroe Avenue to Clinton Place

The applicant’s request was believed to be in keeping with the intent of the plan and seen to have minimal impact due to the low number of properties that have frontage on a B-street in Phase 2 and are zoned either B-1, B-2, B-4, B-5 or I-1.
5) The subcommittee had no concerns about the proposed subdivision.

RECOMMENDATIONS:
The subcommittee recommends that the proposed 2-lot commercial subdivision as proposed in the plan packet stamped “Received July 24, 2020 City of Kirkwood Public Services Department” be approved with the following conditions:

1. Evidence of MSD approval shall be provided to the City prior to approval of the final plat by the City Council.

2. A subdivision plat approved by the City and recorded in the St. Louis County Office of the Recorder of Deeds shall be filed in the Public Services Director’s Office within 90 days of City Council Approval of the Final Plat.

The Subcommittee recommends that the request to amend Section A-510.8(2) of the Zoning Code to remove the existing provision and replace with the following language be approved:

“When located within the study area of the 2018 Downtown Master Plan and Parking Study and located on a Phase 2 street, as identified in the Thoroughfare Hierarchy Map located in said plan, a minimum frontage occupation requirement of 75% shall be provided. However, said requirement shall not apply to streets identified as B-streets in the Phase 2 portion of Downtown. *However, with respect to corner lots only, said minimum frontage occupation requirement shall not apply to Downtown Phase 2 B-Streets provided the required frontage occupation is met on the A-Street frontage of said corner lot, but in the event said corner lot fronts on two Phase 2 B-Streets, then said frontage occupancy requirement shall apply only to one such street frontage.**

The Subcommittee recommends that the Site Plan Review application be approved with the following conditions:

1. The project shall be constructed and maintained in accordance with the plans referenced in the Drawing Submitted portion of this report, except as noted herein.

2. A 6’ high sight-proof fence shall be installed along the eastern property line and shall be constructed of material comparable to Simtek composite fencing.

3. All proposed public sidewalks shall be constructed so that they terminate in a manner compliant with ADA/PROWAG and shall be replaced with a 6’ wide exposed aggregate sidewalk.

4. The species of street frontage trees along Washington Avenue may need to be revised to avoid conflict with the existing overhead utility lines as advised by the City Forester.

5. Prior to City Council approval, a revised landscape plan shall be submitted which includes one additional canopy tree and one additional evergreen tree near the proposed trash enclosure.

6. Prior to City Council approval, a revised site plan, lighting plan, and landscape plan shall be submitted which includes a pedestrian sidewalk along the eastern property line. Said area shall include low-lying vegetation and trees as possible; however, it is recognized that the width of the buffer area may not accommodate trees alongside the desired sidewalk. Because of this, a modification to the parking lot landscaping requirements along the eastern property line is recommended to accommodate the sidewalk. Said revised lighting plan shall ensure that the proposed pedestrian sidewalk meets the regulations in Section A-1040.
7. A recorded cross-access easement for both vehicular and pedestrian access shall be required along the proposed eastern drive and the buffer area that will accommodate the requested sidewalk in this area to provide access across the site and toward Adams Avenue.

8. A demolition permit for the existing building on Lot 1 shall be submitted prior to occupancy of the proposed building on Lot 2 and said existing building shall be demolished within 180 days of the date of the occupancy permit of the proposed building on Lot 2. Alternatively, the applicant shall provide documentation that the parking requirements for the proposed bank structure and the existing bank structure are fulfilled.

9. The applicant shall comply with all standard conditions as listed in Exhibit A.

Respectfully submitted,

[Signatures]

David Eagleton

Allen Klijpel

Tom Feiner

August 5, 2020
EXHIBIT A
STANDARD CONDITIONS

1. A performance guarantee in the form of a cash deposit or letter of credit in an amount approved by the Public Services Department and an administrative fee (10% of the first $10,000 and 2% of the remaining balance of the performance guarantee) shall be submitted within one year of approval and prior to the issuance of a foundation letter or building permit to insure the completion of the proposed improvements, utilities and landscaping; to replace public improvements damaged by construction activities (sidewalks, curbs, etc.); and to guarantee significant trees designated to be saved. 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.

2. Storm water management plans for the proposed site plan shall be submitted to Metropolitan Sewer District (MSD) and City for review and approval prior to the issuance of a grading, foundation or building permit. Storm water greater than one c.f.s. shall not be directed across the public sidewalk or driveway entrances.

3. Sanitary sewer plan shall be approved by MSD prior to the issuance of a foundation letter or building permit.

4. Parking lot entrances shall be 7" thick concrete and ADA compliant.

5. The water system shall meet the requirements of the Kirkwood Fire and Water Departments. The Fire Department shall approve the water flow for the project. If satisfactory water flow is not available from the existing water system in accordance with City policy, the applicant shall install the necessary mains and accessories.

6. 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.

7. 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 a building permit. These devices shall be maintained during the construction activities.

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. An accessible route in compliance with ADA standards shall be provided from the proposed accessible parking spaces to the accessible entrance of the building.

11. All rooftop equipment, air-conditioning units and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.
12. The Architectural Review Board shall approve all signs and building architecture prior to the issuance of any building permits.
EXHIBIT B
Subcommittee Meeting Attendees
July 27, 2020 (Via Zoom)

David Eagleton - Subcommittee Member
Tom Feiner - Subcommittee Member
Allen Klippel - Subcommittee Member
Chris Mrozewski - Applicant
George Stock - Applicant
Josh Hellman - Applicant
Denny Hoelzer - Applicant
Joe Horvath - Applicant
Maggie Duwe - Councilmember
Donna Poe - Downtown Kirkwood Executive Director
Jonathan Raiche - Planning & Development Services Director
Chris Krueger - City Engineer
August 6, 2020

Russell B. Hawes  
Chief Administrative Officer

At the August 5, 2020, meeting of the Planning and Zoning Commission, the following action was taken:

1. The Commission recommended approval of a request for a Zoning Code Text Amendment, Site Plan Review, and two-lot commercial Subdivision for Commerce Bank at 300 North Kirkwood Road.

2. After a presentation for a request for a Special Use Permit for a Physical Fitness Facility known as RiverNorth Strength in Suites A and B at 10505 Big Bend Boulevard, the Commission recommended approval.

The next meeting will be held on August 19, 2020, at 7 p.m. via Zoom.

Respectfully submitted,

Jim Adkins, Chair  
Planning and Zoning Commission
BILL 10848

ORDINANCE

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A PHYSICAL FITNESS FACILITY AT 10505 BIG BEND BOULEVARD SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, RiverNorth Strength LLC, made application (PZ-1-21) for a Special Use Permit for a physical fitness facility use at 10505 Big Bend Boulevard; and

WHEREAS, the Planning and Zoning Commission did on the 5th day of August, 2020, by adopting the Staff memo dated July 29, 2020 (attached hereto and incorporated by reference herein), recommend the granting of said Special Use Permit 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 3rd day of September, 2020, 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 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 is hereby granted for a physical fitness facility at 10505 Big Bend Boulevard subject to the following conditions:

1. Said facility shall be restricted to the approximately 1,100sf area in suites A and B indicated on the plans stamped “Received July 13, 2020 City of Kirkwood Public Services Department”.

2. Said facility shall be required to comply with the City’s parking requirements and parking for future tenants of the remaining suites shall be subject to review and evaluation according to the City’s parking requirements.

SECTION 2. The approval of this special use permit shall not authorize any person to unreasonably alter, increase, or redirect the surface water run off so as to cause harm to any person or property.
SECTION 3. The premises and improvements as approved by this Special Use Permit shall be in good working order and maintained in good repair at all times.

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

SECTION 5. The applicant and 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 6. The applicant further agrees by accepting and acting under this Special Use Permit herein granted that this ordinance does not grant applicant any special rights, privileges, or immunities.

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

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

PASSED AND APPROVED THIS ___ day of __________, 2020.

________________________________________
Mayor, City of Kirkwood

ATTEST:

________________________________________
City Clerk

Introduced:
1st Reading:
2nd Reading:
Legislation Request

Ordinance

Place On The Agenda Of: 9/3/2020

Step #1:
Strategic Plan NO Goal # & Title

Background To Issue:
RiverNorth Strength, LLC has applied for a special use permit to operate a physical fitness facility in the new multi-tenant building at 10505 Big Bend Boulevard. The tenant is proposing to occupy approximately 1,100 square feet of the building which contains approximately 3,000 sf of useable area. No outdoor use is proposed in conjunction with this request. Additional information on the request can be found in the attached Staff Memo and applicant materials.

Recommendations and Action Requested:
The Planning & Zoning Commission unanimously recommended approval of the request at their August 5, 2020 meeting. 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: Jonathan Raiche Date: 8/26/2020 Authenticated: raichejd

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

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

Purchasing Director's Comments:

| File Attachment | File Attachment | File Attachment |

BY: Select... Date: Authenticated:

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

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: 8-27-20
MEMORANDUM

TO: PLANNING & ZONING COMMISSION
FROM: JONATHAN D. RAICHE, PLANNING & DEVELOPMENT SERVICES DIRECTOR
SUBJECT: PZ-1-21; 10505 BIG BEND BLVD – RIVERNORTH STRENGTH (SUP–PHYSICAL FITNESS FACILITY)
DATE: JULY 29, 2020
CC: BILL BENSING, PUBLIC SERVICES DIRECTOR

PROJECT DESCRIPTION:
The subject property was rezoned to B-1, Neighborhood Business District in 2017 and was also approved for a site plan to develop the property with the approximately 3,800 gsf multi-tenant building that exists today. The building was constructed in 2018 in compliance with the site plan approval. The owner is now requesting a Special Use Permit for a Physical Fitness Facility on behalf of a potential tenant, RiverNorth Strength. The tenant is proposed to occupy suites A and B for an approximately 1,100 sf tenant space. Suites C and D would be currently vacant.

DISCUSSION:
Zoning Matters signs will be posted on the property by July 31, 2020. The B-1 District has very few permitted uses, but does allow for various special uses to be requested. One of these uses is a physical fitness facility. Section A-1000: Parking Regulations of the Zoning Code requires that physical fitness facilities provide 1 space for every 5 customers at maximum occupancy plus 1 space for every 2 employees. The applicant’s plans indicate that the maximum occupancy for the space is 12 individuals and that they would have a maximum of 2 employees. These numbers are under review by the City’s Building Department and verification will be provided. If the numbers provided are accurate, this would require a minimum of 4 total parking spaces for this user. The subject site provides a total of 19 parking spaces.

RECOMMENDATION:
Staff recommends this petition be **approved** with the following conditions:
1. A Special Use Permit shall be granted to allow for the operation of a physical fitness facility in approximately 1,127sf of space in the building located at 10505 Big Bend Boulevard.

2. The physical fitness facility shall be required to comply with the City’s parking requirements.

Attachments:
Planning & Zoning Application
Applicant Cover Letter
Floor Plan and Site Plan
CITY OF KIRKWOOD
APPLICATION FOR PLANNING AND ZONING COMMISSION ACTION

DATE: 5/14/2020
PROJECT ADDRESS: 10505 Big Bend Blvd.
ZONING DISTRICT: B-1
LOT SIZE: ______________
LOCATOR NUMBER: 24M211927

ACTION REQUESTED
☐ Zoning Change From _________ to _________
☐ Community Unit Plan, Type:________
☒ Special Use Permit, Category: Fitness Center
☐ Subdivision Development, Number of Lots:________
☐ B4 Development Plan
☐ B5 Development Plan
☐ Site Plan Review
☐ Right-of-Way/Easement Vacation
☐ Other: ________________________________
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): RiverNorth LLC
Signature: ________________________________
Phone No.: (314) 244-8325
Mailing Address: 3 Parkland Ave
City: St. Louis State: MO Zip: 63122
E-mail Address: ron@icontractinginc.com

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

AGENT INFORMATION
Agent's Name: Ron Hampp
Signature: ________________________________
Phone No.: (314) 962-2211
Mailing Address: 1590 Ashby Road
City: St. Louis State: MO Zip: 63031
E-mail Address: ron@icontractinginc.com

(NOTE: The petitioner's agent, if listed, shall receive the official notice of public hearing)

PROPERTY OWNERS
Signature required or submit proof petitioner has legal interest in property.
Name: Big Bend Filmore
Signature: ________________________________
Address: 1590 Ashby Road
City/State/Zip: St. Louis MO 63132
Phone: (314) 962-2211

FOR CITY USE ONLY
Date Received: 7-14-2020 Total Received: $1,000 Agenda Date:
☐ B-4/B-5 Development Plan (Preliminary): $1,000 + Acres @ $100/Acre or portion over one acre = $
☐ CUP, Preliminary (Multi Family): $1,000 + Dwelling units @ $20/Each = $
☐ CUP, Preliminary (Detached Single Family): $1,000 + Lots @ $500/Lot = $
☐ Letter of Credit Extension: $100
☐ Rezoning: $1,000
☐ Site Plan Review: $1,000
☐ 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
☐ Special Use Permit and Special Use Permit Amendments: $1,000
☐ Subdivision, Preliminary (Detached Single Family): Lots @ $500/Lot = $
☐ Vacation, Easement: $75
☐ Vacation, Right-of-way: $100
☐ Zoning Code Amendment: $1,000

Final Subdivision Plat/Community Unit Plan/B-4 or B-5 Development Plan
Date Received: 7-14-2020 Total Received: $1,000 Agenda Date:
☐ B-4 and B-5 Development Plan (Final) or B4 Development Plan Amendment (when public hearing is not required): $1,000
☐ B-5 Development Plan Amendment (when public hearing is not required): $500
☐ CUP Amendment, Type A or Type C: Without public hearing $500; With public hearing $800
☐ CUP Type C (Final): $500 + 1-1/4% of = $
☐ CUP Type A or C Time Extension on Final: $300
☐ Sidewalk Waiver on feet @ $30/Feet = $
☐ Site Plan Review, Mixed use in B2 Zoning District (Final): $500
☐ Site Plan, Mixed use in B2 Zoning District Amendment: $300
☐ Subdivision Plat or CUP Type A (Final): Lots @ $100/Lot = $ + 1-1/4% of $ = $
☐ Subdivision Plat Development Plan Amendment: $200
Y:\PlanningAndZoning\FORMS\PetitionForm2018.docx

SUBCOMMITTEE ( )
July 14, 2020

Jonathan Raiche  
Planning & development Service Director  
City of Kirkwood  
139 South Kirkwood Road  
Kirkwood MO 63122

Re: 10505 Big Bend Road Suite A

Mr. Raiche,  
Big Bend Filmore is submitting a special use permit for a fitness center located at 10505 Big Bend Road Suite A Kirkwood MO 63122. Their business plan is to be a one-on-one personal trainer for their clients. Maximum of four clients at one given time.

The rentable space 1,127 square feet with one (1) office, two (2) ADA compliant restrooms, and one (1) utility room.

Currently there is only one employee, which is the owner, with a possibility of a second personal trainer.

Their hours of operation will be from 6:30 am to 9:30 pm. Peak times will be in the early morning and the evening hours.

If you have any questions, please do not hesitate to call me at 314-581-5200.

Ron Hampp  
Manager
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 for a Physical Fitness Facility known as RiverNorth Strength in Suites A and B at 10505 Big Bend Boulevard.

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

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

City Planner Jonathan Raiche

Mayor: Is there anyone from the public wishing to speak regarding this proposal?

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

Before the undersigned Notary Public personally appeared Kathy Travis 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 August 18, 2020 edition and ending with the August 18, 2020 edition, for a total of 1 publications:

08/18/2020

Kathy Travis
Subscribed & sworn before me this 18th day of Aug, 2020
(SEAL)

Notary Public

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 via Zoom at the hour of 7:00 pm, Thursday, September 3, 2020 to consider the following:

1. A request for a Zoning Code Text Amendment and Site Plan Review for Cornerstone Bank at 300 North Kirkwood Road.

2. A request for a Special Use Permit for a Physical Fitness Facility known as RiverNorth Strength in Suites A and B at 10505 Big Bend Boulevard.

Laurie Ashme, CMC/WRCC
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 a CD, by calling 314-822-5802.

1190607 County August 18, 2020

CHANEL JONES
Notary Public - Notary Seal
State of Missouri
Commissioned for St Louis County
Commission Expires: August 08, 2022
Commission Number: 14397721
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 via Zoom at the hour of 7:00 p.m., Thursday, September 3, 2020 to consider the following:

1. A request for a Zoning Code Text Amendment and Site Plan Review for Commerce Bank at 300 North Kirkwood Road.

2. A request for a Special Use Permit for a Physical Fitness Facility known as RiverNorth Strength in Suites A and B at 10505 Big Bend Boulevard.

Laurie Asche, CMC/MRCC
City Clerk

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Published August 18, 2020

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MEMORANDUM

TO: PLANNING & ZONING COMMISSION
FROM: JONATHAN D. RAICHE, PLANNING & DEVELOPMENT SERVICES DIRECTOR
SUBJECT: PZ-1-21; 10505 BIG BEND BLVD – RIVERNORTH STRENGTH (SUP– PHYSICAL FITNESS FACILITY)
DATE: JULY 29, 2020
CC: BILL BENSING, PUBLIC SERVICES DIRECTOR

PROJECT DESCRIPTION:
The subject property was rezoned to B-1, Neighborhood Business District in 2017 and was also approved for a site plan to develop the property with the approximately 3,800 gsf multi-tenant building that exists today. The building was constructed in 2018 in compliance with the site plan approval. The owner is now requesting a Special Use Permit for a Physical Fitness Facility on behalf of a potential tenant, RiverNorth Strength. The tenant is proposed to occupy suites A and B for an approximately 1,100 sf tenant space. Suites C and D would are currently vacant.

DISCUSSION:
Zoning Matters signs will be posted on the property by July 31, 2020. The B-1 District has very few permitted uses, but does allow for various special uses to be requested. One of these uses is a physical fitness facility. Section A-1000: Parking Regulations of the Zoning Code requires that physical fitness facilities provide 1 space for every 5 customers at maximum occupancy plus 1 space for every 2 employees. The applicant’s plans indicate that the maximum occupancy for the space is 12 individuals and that they would have a maximum of 2 employees. These numbers are under review by the City’s Building Department and verification will be provided. If the numbers provided are accurate, this would require a minimum of 4 total parking spaces for this user. The subject site provides a total of 19 parking spaces.

RECOMMENDATION:
Staff recommends this petition be approved with the following conditions:
1. A Special Use Permit shall be granted to allow for the operation of a physical fitness facility in approximately 1,127sf of space in the building located at 10505 Big Bend Boulevard.

2. The physical fitness facility shall be required to comply with the City’s parking requirements.

Attachments:
Planning & Zoning Application
Applicant Cover Letter
Floor Plan and Site Plan
August 6, 2020

Russell B. Hawes
Chief Administrative Officer

At the August 5, 2020, meeting of the Planning and Zoning Commission, the following action was taken:

1. The Commission recommended approval of a request for a Zoning Code Text Amendment, Site Plan Review, and two-lot commercial Subdivision for Commerce Bank at 300 North Kirkwood Road.

2. After a presentation for a request for a Special Use Permit for a Physical Fitness Facility known as RiverNorth Strength in Suites A and B at 10505 Big Bend Boulevard, the Commission recommended approval.

The next meeting will be held on August 19, 2020, at 7 p.m. via Zoom.

Respectfully submitted,

Jim Adkins, Chair
Planning and Zoning Commission
BILL 10849

ORDINANCE

AN ORDINANCE APPROVING THE FINAL SUBDIVISION PLAT OF A TWO-LOT COMMERCIAL SUBDIVISION KNOWN AS KIRKWOOD MIXED USE, A TRACT OF LAND BEING PART OF THE WEST 1/6 OF BLOCK 11 OF THE TOWN OF KIRKWOOD AS RECORDED IN PLAT BOOK 3, PAGE 57 IN THE CITY OF KIRKWOOD, ST. LOUIS COUNTY, MISSOURI.

WHEREAS, Clayton Financial Corporation (DBA Commerce Bank) made application (PZ-27-20) for a two-lot commercial subdivision upon a tract of land known as 300 North Kirkwood Road; and

WHEREAS, the Planning and Zoning Commission did on the 5th day of August, 2020, by adopting the Planning & Zoning Commission Subcommittee Report dated August 5, 2020 (attached hereto as Exhibit “A” and incorporated by reference herein), recommend approval of the preliminary and final subdivision plats.

WHEREAS, the City Council did on the 17th day of September, 2020, approve the preliminary subdivision plat by Resolution 103-2020.

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

SECTION 1. That the final subdivision plat on the property known as 300 North Kirkwood Road in the City of Kirkwood, St. Louis County, Missouri, is hereby approved.

SECTION 2. The approval of said subdivision plat is subject to the following conditions:

1. The subdivision shall be developed in accordance with the Final Subdivision Plat stamped “Received July 24, 2020 City of Kirkwood Public Services Department”.

SECTION 3. The easements designated for public use on such plat are hereby accepted and dedicated for public use.

SECTION 4. The approval of this subdivision shall not authorize any person to increase or unreasonably alter or redirect the surface water run off so as to cause harm to any person or property.

SECTION 5. The premises and improvements as approved by this Ordinance shall be in good working order and maintained in good repair at all times.

SECTION 6. That the applicant by accepting and acting under the Subdivision approval herein granted accepts the subdivision 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.
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. That the City Clerk is authorized to execute such plat on behalf of the City, and the Council does hereby authorize that such plat and a copy of this ordinance be recorded at the office of the Recorder of Deeds for St. Louis County, Missouri, at the expense of the applicant, within 90 days of the passage of this ordinance.

SECTION 9. Within ten days after recording, one printed copy, one PDF digital version, and one CAD or comparable digital version of the recorded plat shall be submitted to the Public Services Department.

SECTION 10. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS ___ DAY OF ______, 2020.

__________________________
Mayor, City of Kirkwood

ATTEST:

__________________________
City Clerk

1st Reading:
2nd Reading:
Legislation Request

Ordinance

Place On The Agenda Of: 9/17/2020

Step #1:
Strategic Plan NO Goal # & Title

Background To Issue:
Commerce Bank has applied to subdivide their property at 300 N. Kirkwood into 2 commercial lots. The southern lot (Lot 1) would be approximately 1.4 acres and the norther lot (Lot 2) would be approximately 0.7 acres. This request was submitted in conjunction with a request for site plan review and a zoning code text amendment; however, the subdivision request should be evaluated separately. This legislation request if for the final plat which is approved by ordinance and requires 2 readings. A separate legislation request for the preliminary subdivision plat will also be submitted for this same meeting.

More information on this request can be found in the attached P&Z subcommittee report.

Recommendations and Action Requested:
The P&Z Commission unanimously recommended approval of the request. First reading vote of the attached legislation is requested at the September 17, 2020 meeting of the City Council.

Alternatives Available:

Does this project have a public information component? ☐ Yes ☐ No

Cost: $0.00 Account #: 0 Project #: Budgeted: YES
If YES, Budgeted Amount: $0.00
If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

BY: Jonathan Raiche Date: 9/8/2020 Authenticated: raichejd

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

- 7.24.2020 FinalPlat.pdf Adobe Acrobat Document 3.01 MB
- 2020-09-03 PZ-27-20 FinalPlat Ord.doc Microsoft Word 97 - 2003 Document 36.0KB
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: 9-10-20
CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
SUBCOMMITTEE REPORT
August 5, 2020

*As Amended on page 4

PETITION NUMBER: PZ-27-20

ACTION REQUESTED: SUBDIVISION (PRELIMINARY & FINAL), ZONING CODE TEXT AMENDMENT, AND SITE PLAN REVIEW

PROPERTY OWNER: CLAYTON FINANCIAL CORPORATION (COMMERCE BANK)

APPLICANT: CLAYTON FINANCIAL CORPORATION (COMMERCE BANK)

APPLICANT’S AGENT: CHRIS MROZEWSKI, V3 STUDIOS

PROPERTY LOCATION: 300 NORTH KIRKWOOD ROAD

ZONING: B-2, GENERAL BUSINESS DISTRICT (CENTRAL BUSINESS DISTRICT)

DRAWINGS SUBMITTED: SITE PLAN PACKET (10 SHEETS) PREPARED BY V3 STUDIOS, STOCK & ASSOCIATES, AND COLE & ASSOCIATES STAMPED “RECEIVED JULY 24, 2020, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

DESCRIPTION OF PROJECT:
The applicant is requesting three separate actions for this project which will require three separate recommendations by the subcommittee. The first request is to subdivide the current site (approximately 2.18 acres) into two commercial lots: Lot 1 (1.44 acres) and Lot 2 (0.74 acres). No new public roadways or significant public infrastructure is proposed with the subdivision. The remaining two portions of this request both pertain to Lot 2 of the proposed subdivision.

The second request is for a text amendment in the B-2, General Business District regulations regarding street frontage occupation in Section A-510.8 (2). This provision of the code was adopted in December of 2018 in response to a recommendation from the City’s Downtown Master Plan. Currently, the provision that applies to this site would require that 75% of the street frontage is occupied by building. The proposal complies with this requirement on Kirkwood Road, but does not comply along Washington Avenue. After discussion with Staff, the applicant chose to pursue a text amendment that would revise the current requirement to acknowledge a difference between streets that are identified as A-streets and those that are identified as B-streets in the Downtown Master Plan. The proposed revised language for Section A-510.8(2) is included below with the new text underlined:

“When located within the study area of the 2018 Downtown Master Plan and Parking Study and located on a Phase 2 street, as identified in the Thoroughfare Hierarchy Map located in said plan, a minimum frontage occupation requirement of 75% shall be provided. However, said requirement shall not apply to streets identified as B-streets in the Phase 2 portion of Downtown.”

The third item for consideration is a Site Plan Review for an approximately 3,800 sf, 1-story retail bank building located along Kirkwood Road. The proposed plan includes a surface parking lot to the east of the proposed building, 3 advanced ATM lanes near the northeast corner of the property, 2 unrestricted access points from Washington Avenue, and a cross-access drive to Lot 1 to the south.
COMPREHENSIVE PLAN, LAND USE AND ZONING:
The site is designated as being located in the Downtown land use category on the EnVision Kirkwood 2035 Future Land Use Map. Regional/Neighborhood Commercial is listed in this land use category as an appropriate development type.

The subject property is currently zoned B-2, General Business District (Central Business District) and financial institutions are a permitted use in this district.

Surrounding land uses and zoning include the following:
To the north: Across Washington Avenue, there are various commercial uses which are zoned B-2.

To the south: Across Adams Avenue, there is a church and various commercial uses which are zoned B-2.

To the east: Directly adjacent to the subject site are properties that are all zoned R-5, Multifamily Residential which are occupied by the local Kirkwood YMCA and a condominium development.

To the west: Across Kirkwood Road, there are various commercial uses which are zoned B-2.

DEPARTMENTAL/AGENCY COMMENTS:
Electric: 1. Provide an electrical distribution plan.

Water: No Comments received.

Engineering/Planning: 1. MSD approval is required.
2. Street tree species on Washington Avenue may need to be revised to avoid conflicts with overhead utility lines as determined by the City Forester.
3. An additional canopy tree and evergreen tree are required in the landscape island near the proposed trash enclosure. Prior to City Council approval, a revised plan to address this shall be submitted.

Building/Fire: 1. ARB review is required.
2. The 2015 IBC must be followed.

SITE ELEMENTS ANALYSIS:
Structure & Pedestrian Access
The proposed building is approximately 3,800 sf, 1 story, and approximately 22' tall which complies with the maximum building height of 40' in the B-2 District. The structure complies with all setback requirements and with the street frontage occupation requirement along Kirkwood Road. As previously mentioned, it does not comply with the street frontage occupation requirement on Washington Avenue which is the impetus for the requested text amendment.

The applicant is proposing new 6' wide sidewalks adjacent to an 8' wide tree-lawn to provide a benefit for pedestrian circulation. A private plaza is also included in the southwest corner of the project site which provides access to the building along with a private sidewalk along the eastern-side of the building. As reflected in the recommendation section of this report, the subcommittee prefers that a sidewalk be provided along the eastern property line to provide north/south pedestrian access through the site. This revision will likely necessitate the removal of the proposed trees in this area, but it is likely that shrubs and other low-lying landscaping may remain. The subcommittee is recommending a
modification to the required parking lot perimeter landscaping in this location in favor of the pedestrian access being provided.

**Landscaping/Screening**
The proposed Landscape Plan provides the required number of frontage trees which are proposed to be located in the public right-of-way along Kirkwood Road and on private property along Washington Avenue due to the presence of overhead utility lines. A condition has been added regarding the fact that tree species may need to be revised based upon recommendation of the City Forester to avoid conflict with the overhead utility lines along Washington Avenue. The applicant has also provided the required landscaping throughout the parking lot internally on the site with a couple minor exceptions which are anticipated to be addressed by the applicant prior to City Council approval. A condition has been added to the recommendation portion of this report which requires the addition of one canopy tree and one evergreen tree in the landscape island near the proposed dumpster enclosure. In addition to proposed landscaping, the applicant is proposing a 6’ tall sight-proof vinyl fence along the eastern property line.

**Site Access & Parking**
The site is proposed to be accessed from two separate two-way drives from Washington Avenue on the eastern half of the site. Additionally there is a proposed cross-access drive along the eastern property line that will provide access between the subject property and Lot 1 to the south. There are 15 parking spaces required with 26 currently proposed. The site plan also provides the required minimum 60’ queue length for each of the proposed ATM lanes.

**DISCUSSION:**
Zoning Matters signs were placed on the property on March 13, 2020. The request introduction was delayed due to COVID-19, but was ultimately introduced at the Planning & Zoning Commission meeting on July 15, 2020 held via Zoom. An online subcommittee meeting was subsequently held via Zoom on July 27th. A list of attendees of the subcommittee meeting can be seen in Exhibit B. The overall proposal was discussed at the subcommittee meeting with attention given to the following items:

1) The subcommittee expressed their preference that a sidewalk for public use be provided in the approximate 10’ buffer area between the eastern property line and the proposed cross-access drive. The subcommittee agreed that the sidewalk would be preferred with low-lying landscaping in lieu of the larger trees proposed in the area currently.

2) It was confirmed that there was still excess parking with the revised site plan after removing parking spaces to accommodate the minimum 10’ parking setback from the right-of-way along Washington Avenue.

3) A recorded cross-access easement for both vehicular and pedestrian access shall be required along the proposed eastern drive and the buffer area that will accommodate the requested sidewalk in this area.

4) The Downtown Master Plan did recognize that B-streets should receive different treatment and attention which would allow more utilitarian and vehicular-focused activity. The current street frontage occupation requirement was drafted by Staff as a first attempt at codifying the recommendation from the consultant and is applied to all B-Districts and the I-1 District within the Downtown area. If approved, the applicant’s request would apply to the following street frontages:

- Washington Avenue from Clay Avenue to Kirkwood Road
- Western half of Washington Avenue from Kirkwood Road to Taylor Avenue
- Northeastern frontage of Woodbine Avenue from Clay Avenue to Kirkwood Road
- Northern half of Fillmore Avenue from Monroe Avenue to Clinton Place

The applicant’s request was believed to be in keeping with the intent of the plan and seen to have minimal impact due to the low number of properties that have frontage on a B-street in Phase 2 and are zoned either B-1, B-2, B-4, B-5 or I-1.
5) The subcommittee had no concerns about the proposed subdivision.

RECOMMENDATIONS:
The subcommittee recommends that the proposed 2-lot commercial subdivision as proposed in the plan packet stamped “Received July 24, 2020 City of Kirkwood Public Services Department” be approved with the following conditions:

1. Evidence of MSD approval shall be provided to the City prior to approval of the final plat by the City Council.

2. A subdivision plat approved by the City and recorded in the St. Louis County Office of the Recorder of Deeds shall be filed in the Public Services Director’s Office within 90 days of City Council Approval of the Final Plat.

The Subcommittee recommends that the request to amend Section A-510.8(2) of the Zoning Code to remove the existing provision and replace with the following language be approved:

“When located within the study area of the 2018 Downtown Master Plan and Parking Study and located on a Phase 2 street, as identified in the Thoroughfare Hierarchy Map located in said plan, a minimum frontage occupation requirement of 75% shall be provided. However, said requirement shall not apply to streets identified as B-streets in the Phase 2 portion of Downtown. *However, with respect to corner lots only, said minimum frontage occupation requirement shall not apply to Downtown Phase 2 B-Streets provided the required frontage occupation is met on the A-Street frontage of said corner lot, but in the event said corner lot fronts on two Phase 2 B-Streets, then said frontage occupancy requirement shall apply only to one such street frontage."

The Subcommittee recommends that the Site Plan Review application be approved with the following conditions:

1. The project shall be constructed and maintained in accordance with the plans referenced in the Drawing Submitted portion of this report, except as noted herein.

2. A 6’ high sight-proof fence shall be installed along the eastern property line and shall be constructed of material comparable to Simtek composite fencing.

3. All proposed public sidewalks shall be constructed so that they terminate in a manner compliant with ADA/PROWAG and shall be replaced with a 6’ wide exposed aggregate sidewalk.

4. The species of street frontage trees along Washington Avenue may need to be revised to avoid conflict with the existing overhead utility lines as advised by the City Forester.

5. Prior to City Council approval, a revised landscape plan shall be submitted which includes one additional canopy tree and one additional evergreen tree near the proposed trash enclosure.

6. Prior to City Council approval, a revised site plan, lighting plan, and landscape plan shall be submitted which includes a pedestrian sidewalk along the eastern property line. Said area shall include low-lying vegetation and trees as possible; however, it is recognized that the width of the buffer area may not accommodate trees alongside the desired sidewalk. Because of this, a modification to the parking lot landscaping requirements along the eastern property line is recommended to accommodate the sidewalk. Said revised lighting plan shall ensure that the proposed pedestrian sidewalk meets the regulations in Section A-1040.
7. A recorded cross-access easement for both vehicular and pedestrian access shall be required along the proposed eastern drive and the buffer area that will accommodate the requested sidewalk in this area to provide access across the site and toward Adams Avenue.

8. A demolition permit for the existing building on Lot 1 shall be submitted prior to occupancy of the proposed building on Lot 2 and said existing building shall be demolished within 180 days of the date of the occupancy permit of the proposed building on Lot 2. Alternatively, the applicant shall provide documentation that the parking requirements for the proposed bank structure and the existing bank structure are fulfilled.

9. The applicant shall comply with all standard conditions as listed in Exhibit A.

Respectfully submitted,

______________________________
David Eagleton

______________________________
Tom Feiner

______________________________
Allen Klippel
EXHIBIT A
STANDARD CONDITIONS

1. A performance guarantee in the form of a cash deposit or letter of credit in an amount approved by the Public Services Department and an administrative fee (10% of the first $10,000 and 2% of the remaining balance of the performance guarantee) shall be submitted within one year of approval and prior to the issuance of a foundation letter or building permit to insure the completion of the proposed improvements, utilities and landscaping; to replace public improvements damaged by construction activities (sidewalks, curbs, etc.); and to guarantee significant trees designated to be saved. 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.

2. Storm water management plans for the proposed site plan shall be submitted to Metropolitan Sewer District (MSD) and City for review and approval prior to the issuance of a grading, foundation or building permit. Storm water greater than one c.f.s. shall not be directed across the public sidewalk or driveway entrances.

3. Sanitary sewer plan shall be approved by MSD prior to the issuance of a foundation letter or building permit.

4. Parking lot entrances shall be 7" thick concrete and ADA compliant.

5. The water system shall meet the requirements of the Kirkwood Fire and Water Departments. The Fire Department shall approve the water flow for the project. If satisfactory water flow is not available from the existing water system in accordance with City policy, the applicant shall install the necessary mains and accessories.

6. 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.

7. 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 a building permit. These devices shall be maintained during the construction activities.

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. An accessible route in compliance with ADA standards shall be provided from the proposed accessible parking spaces to the accessible entrance of the building.

11. All rooftop equipment, air-conditioning units and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.
12. The Architectural Review Board shall approve all signs and building architecture prior to the issuance of any building permits.
EXHIBIT B
Subcommittee Meeting Attendees
July 27, 2020 (Via Zoom)

David Eagleton - Subcommittee Member
Tom Feiner - Subcommittee Member
Allen Klippel - Subcommittee Member
Chris Mrozewski - Applicant
George Stock - Applicant
Josh Hellman - Applicant
Denny Hoelzer - Applicant
Joe Horvath - Applicant
Maggie Duwe - Councilmember
Donna Poe - Downtown Kirkwood Executive Director
Jonathan Raiche - Planning & Development Services Director
Chris Krueger - City Engineer
RESOLUTION 107-2020

A RESOLUTION REQUESTING THAT ST. LOUIS COUNTY DISTRIBUTE $47 MILLION OF CARES ACT FUNDS ON A PER CAPITA BASIS TO THE MUNICIPALITIES WITHIN THE COUNTY TO BE USED FOR ELIGIBLE EXPENSES, AUTHORIZING THE CHIEF ADMINISTRATIVE OFFICER OF THE CITY OF KIRKWOOD, MISSOURI, TO ACCEPT CARES ACT FUNDING AND EXECUTE A MUNICIPALITY RELIEF PROGRAM FUNDING AGREEMENT, AND CONFIRMING AGREEMENT TO INDEMNIFY AND HOLD HARMLESS ST. LOUIS COUNTY FROM SUCH DISTRIBUTION

WHEREAS, the United States Congress enacted the Coronavirus Aid, Relief and Economic Security Act (the “CARES Act”) providing a $2 trillion economic relief package to provide assistance for American workers, families, and small businesses; to provide assistance to state and local governments; and to preserve jobs for American industry; and

WHEREAS, the State of Missouri received $1.9 billion from The CARES Act, a portion of which was subsequently distributed in part to Missouri counties proportionally based on population, except those counties that received a direct payment under the CARES Act, along with a recommendation from the Governor that counties that received funds directly from the State of Missouri in turn distribute CARES Act funds to local governments located within their jurisdictions; and

WHEREAS, the US Department of the Treasury distributed funds from the CARES Act proportionally based on 2019 census data directly to certain local governments, including cities and counties with a population greater than 500,000 and to state governments; and

WHEREAS, based on St Louis County’s population, which includes the residents of municipalities located in the County, the County received $173.5 million directly from the United States Treasury designated to cover necessary expenses incurred due to the public health emergency caused by the COVID-19 pandemic; and

WHEREAS, the US Department of the Treasury has issued eligibility guidelines for use of the CARES Act funds which includes, in part, that payroll expenses for public safety may be presumed to be costs for services substantially dedicated to mitigation or responding to the COVID-19 public health emergency from and after the effective date of the CARES Act from March 27, 2020 thru December 30, 2020 (the “Eligibility Period”); and

WHEREAS, the County Executive has allocated $47 million for distribution to municipalities for use for eligible expenditures.
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. The City of Kirkwood hereby requests a per capita distribution of the above referenced $47 million allocated by St. Louis County for municipal public safety expenses.

SECTION 2. The Chief Administrative Officer of the City of Kirkwood, Missouri, is hereby authorized to accept Coronavirus Aid, Relief and Economic Security Act (the “CARES Act”) funding from and execute a Municipality Relief Program Funding Agreement with St. Louis County, Missouri, for and on behalf of the City of Kirkwood.

SECTION 3. Upon receipt of such funds and to the extent thereof, the City of Kirkwood agrees to indemnify and hold harmless St. Louis County from and against any claims of misuse thereof and repay such funds (or portion thereof) immediately upon notice that the U.S. Treasury Department has made a final determination that such distribution (or portion thereof) was not lawful pursuant to its above referenced guidance or otherwise.

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

PASSED AND APPROVED THIS 17TH DAY OF SEPTEMBER 2020.

______________________________
Mayor, City of Kirkwood

ATTEST:

______________________________
City Clerk
RESOLUTION 108-2020

A RESOLUTION APPROVING THE SITE PLAN FOR LOT 2 OF THE PROPOSED KIRKWOOD MIXED USE SUBDIVISION LOCATED ON THE PROPERTY KNOWN AS 300 NORTH KIRKWOOD ROAD SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, Clayton Financial Corporation LLC (DBA Commerce Bank) made application (PZ-27-20) for a site plan approval to construct a commercial building on Lot 2 of the proposed Kirkwood Mixed Use subdivision located on the property known as 300 North Kirkwood Road; and

WHEREAS, the Planning and Zoning Commission did on the 5th day of August, 2020, by adopting the subcommittee report as amended dated August 5, 2020, (attached hereto and incorporated by reference herein), recommend the approval of said site plan subject to conditions; and

WHEREAS, on the 3rd day of September, 2020, the City Council did hold a public hearing with respect to such site plan review after duly advertising and giving proper notice of such hearing.

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

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

SECTION 1. A site plan approval is hereby granted to allow the construction of a commercial building on Lot 2 of the proposed Kirkwood Mixed Use subdivision located on the property known as 300 North Kirkwood Road subject to the following conditions:

1. The project shall be constructed and maintained in accordance with the Site Plan Packet (10 Sheets) Prepared by V3 Studios, Stock & Associates, and Cole & Associates stamped “Received September 14, 2020, City of Kirkwood Public Services Department”, except as noted herein.

2. A performance guarantee in the form of a cash deposit or letter of credit in an amount approved by the Public Services Department and an administrative fee (10% of the first $10,000 and 2% of the remaining balance of the performance guarantee) shall be submitted within one year of approval and prior to the issuance of a foundation letter or building permit to insure the completion of the proposed improvements, utilities and landscaping; to replace public improvements damaged by construction activities (sidewalks, curbs, etc.); and to guarantee significant trees designated to be saved. 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.
3. A 6’ high sight-proof fence shall be installed along the eastern property line and shall be constructed of material comparable to simtek composite fencing.

4. All proposed public sidewalks shall be constructed so that they terminate in a manner compliant with ADA/PROWAG and shall be replaced with a 6’ wide exposed aggregate sidewalk.

5. A pedestrian sidewalk along the eastern property line shall be required. Said area shall include low-lying vegetation per the proposed landscape plan. It is recognized that the width of the buffer does not accommodate trees alongside the desired sidewalk. Because of this, a modification to the parking lot landscaping requirements along the eastern property line, per Section 220.2, is granted to accommodate the sidewalk.

6. All traffic exiting the site onto Washington Avenue shall be placed under STOP control via the installation of signage.

7. A recorded cross-access easement for both vehicular and pedestrian access shall be required along the proposed eastern drive and the buffer area that will accommodate the requested sidewalk in this area to provide access across the site and toward Adams Avenue.

8. A demolition permit for the existing building on Lot 1 shall be submitted prior to occupancy of the proposed building on Lot 2 and said existing building shall be demolished within 180 days of the date of the occupancy permit of the proposed building on Lot 2. Alternatively, the applicant shall provide documentation that the parking requirements for the proposed bank structure and the existing bank structure are fulfilled.

9. All proposed public sidewalks shall be constructed so that they terminate in a manner compliant with ADA/PROWAG and must be replaced with exposed aggregate material and at widths required by the Public Services Department.

10. Parking lot entrances shall be 7” thick concrete and ADA compliant.

11. Storm water management plans shall be submitted to Metropolitan Sewer District (MSD) and City for review and approval prior to the issuance of a grading, foundation or building permit. Storm water greater than one c.f.s. shall not be directed across the public sidewalk or driveway entrances.

12. Sanitary sewer plan shall be approved by MSD prior to the issuance of a foundation letter or building permit.

13. 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.
14. 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.

15. 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.

16. No parking of construction trailers, material storage, equipment storage or construction equipment is authorized on the public streets at any time.

17. An accessible route in compliance with ADA standards shall be provided from the proposed accessible parking spaces to the accessible entrance of the building.

18. Enclosures are required to screen all dumpsters on the site and shall be constructed of sight-proof materials (e.g. masonry, split-faced concrete masonry units, etc.) similar or complementary to the main building and not less than six feet in height. Latching gates of similar or complementary materials shall be required to completely enclose the dumpster.

19. All rooftop equipment, air-conditioning units and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.

20. The Architectural Review Board shall approve all signs and building architecture prior to the issuance of any building permits.

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

SECTION 5. The applicant by accepting and acting under the site plan approval herein granted accepts the approval subject to the reservations, restrictions, and conditions set forth in the Code of Ordinances and in this resolution and agrees to comply with each provision subject to the penalties prescribed under Section 1-8 of the Code of Ordinances in the event such provisions are not complied with.
SECTION 6. The applicant further agrees by accepting and acting under this site plan approval herein granted that this resolution does not grant applicant any special rights, privileges, or immunities.

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

SECTION 8. The applicant and her successors and assigns by accepting and acting under the approval herein granted accepts the approval subject to the condition that failure to abate any violation of this approval or any provisions of the Code of Ordinances of the City of Kirkwood within five (5) days after notice by hand delivery or first-class mail shall result in an administrative investigation fee of $500 due to the City of Kirkwood. An invoice shall be issued. A Stop Work Order to cease all work on the premises except such work as directed by the Public Services Director to abate the violation may be issued for any work on the premises until the investigation fee is paid in full. The City may demand payment of said fee from the holder of the letter of credit, any bond, or escrow if not paid within 30 days of the invoice.

SECTION 9. This resolution shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS 1ST DAY OF OCTOBER 2020.

Mayor, City of Kirkwood

ATTEST:

City Clerk
Legislation Request

Resolution

Step #1:
Strategic Plan NO Goal & Title

Background To Issue:
This legislation request is the second of two related to the same project, Commerce Bank, for the September 3, 2020 City Council meeting. A separate request for a zoning code text amendment ordinance was submitted. This request pertains to the site plan review for the proposed construction of a new Commerce Bank building to be located on the northern portion of the existing Commerce Bank Site at 300 N. Kirkwood Road.

Additional detail on the request can be found in the attached subcommittee report for the project. The attached report also discusses information related to the related zoning code text amendment and the proposed commercial subdivision.

Recommendations and Action Requested:
The Planning & Zoning Commission unanimously recommended approval of the proposed site plan subject to certain conditions at their meeting on August 5, 2020. A public hearing on September 3, 2020 is requested followed by consideration of the attached 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:  8/26/2020  Authenticated: raichejd

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

2020-09-03 P2-27-20 Packet.pdf
Adobe Acrobat Document 25.4 MB

2020-09-03 P2-27-20 SitePlan Resolution.doc
Microsoft Word 97 - 2003 Document 71.5 KB

2020-08-05 P2-27-20 ReportAmended.pdf
Adobe Acrobat: Document 773 KB
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.*

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: 8-27-20
MEMORANDUM

TO: MAYOR & CITY COUNCIL
FROM: JONATHAN D. RAICHE, PLANNING & DEVELOPMENT SERVICES DIRECTOR
SUBJECT: COMMERCE BANK SITE PLAN (PZ-27-20)
DATE: SEPTEMBER 18, 2020
CC: RUSS HAWES, CAO
     BILL BENSING, PUBLIC SERVICES DIRECTOR
     JOHN HESSEL, CITY ATTORNEY
     CHRIS KRUEGER, CITY ENGINEER
     CORY MEYER, CITY FORESTER
     LAURIE ASCHE, CITY CLERK

ATTACHMENTS: APPLICANT RESPONSE LETTER DATED SEPTEMBER 14, 2020
              CITY FORESTER TREE EVALUATION DATED SEPTEMBER 8, 2020
              REVISED RESOLUTION REFERENCING NEW PLANS
              REVISED PLANS RECEIVED SEPTEMBER 14, 2020

During the City Council meeting on September 3, 2020, there were a number of questions raised regarding the proposed site plan for the new proposed Commerce Bank building. In response to those concerns, Staff has obtained additional input and information. This item will be on the October 1, 2020 City Council agenda for consideration and I ask that you please consider the following information prior to that meeting.

Revised Plans and Resolution
Revised plans have been submitted which reflect the additional lighting required for the internal sidewalk proposed along the eastern property line. These plans also include the latest site plans and landscape plans which include the internal sidewalk along the eastern property line and the 8' wide sidewalk along Kirkwood Road. The proposed resolution has been revised to reference these new plans.

City Forester Tree Evaluation
During the initial project review, the City Forester reviewed the proposed plans and concluded that the proposal for removal of the public tree located near the northwestern corner of the subject property was appropriate. After the September 3, 2020 City Council meeting, the City Forester has provided an updated written evaluation of the tree (attached). As you see in the evaluation, he has affirmed his initial recommendation for removal based on a combination of existing issues and proposed conflicts. It is my understanding that this update will also be provided to the Urban Forestry Commission at their September meeting. Based upon this evaluation, any attempt to require the preservation of the tree would cause increased liability of the City because it is a public tree and is not recommended.

The applicant has also provided a separate re-assessment of the potential for tree preservation in their attached written response.

Reduction of Parking Stalls for Increased Landscaping
The City has minimum parking requirements, but does not have parking maximums. The applicant’s response letter addresses their rationale for including parking spaces that exceed our minimum. The City is not able to require removal of parking spaces just because they exceed our minimum requirements. Similarly, the City has specific landscaping requirements and, if these requirements are met, is not able to require additional landscaping. The original proposal complied with all landscaping requirements and it
was the City's recommendation for an additional sidewalk along the eastern property line that caused the lack trees along the eastern property line. Commerce could feasibly remove this additional sidewalk from their request in order to meet all landscaping requirements.

**Reduction of Access Drives**
City Staff has reviewed this item further and understands that there needs to be consideration given to both on-site and offsite vehicle/pedestrian safety. City Staff agrees that there is value to keeping the drive-thru ATM traffic as isolated as possible from the remainder of the site so that visitors using the parking lot to access the building will not have to contend with the drive-thru traffic as much. However, it is also Staff's opinion that an alternative scenario should be considered whereby the western entrance would be limited to an exit-only access point. This design would allow the drive-thru ATM traffic to avoid the other parking lot circulation area and would also provide multiple safety benefits for pedestrians using the public sidewalk along Washington Avenue. These benefits include narrowing the driveway width thus decreasing the distance that pedestrians must cross, and also eliminating the incoming vehicular movement and the potential conflicts created by said movements. Staff believes that this revision in the plan could be accommodated by a condition placed upon the approval which would require revised plans being submitted for Staff review prior to issuance of permits.

The applicant has provided an initial written response to this in their attached letter; however, Staff has had additional conversation with the applicant regarding this topic and we expect an updated response on this specific item prior to the October 1, 2020 meeting. We will provide this additional information to the City Council once it is received.

**Preservation of the Existing Chain-link Fence/Retaining Wall**
The applicant has provided a written response to this in their attached letter. Additionally, Staff has concern that the current topography between the existing retaining wall and the parking lot would not accommodate the recommended pedestrian sidewalk in this buffer area.
September 14, 2020

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

Re: Commerce Bank Kirkwood Retail Branch

City Council Members,

On behalf of our client, Commerce Bank, V Three Studios would like to thank the members of the Kirkwood City Council for their comments pertaining to the proposed Commerce Bank branch to be located at 350 N. Kirkwood Rd. Our team has given each of your concerns careful consideration, and hope the responses below illustrate our commitment to this project and continuing Commerce Bank’s investment in the City of Kirkwood.

Existing historic flag pole and plaque

The existing flag pole and plaque will be saved and relocated on the proposed Commerce Bank site in a location to be determined.

Existing retaining wall and fence along east property line

In circa 2006, Commerce Bank encapsulated the existing stone retaining wall with conventional construction to preserve its integrity. As observed on 9/1/2020, the past 14 years have continued to put strain on the original wall construction. This includes evidence of stone which has disintegrated in some areas and structural failure in other areas. If the circa 2006 conventional construction is removed, which is required for other proposed work, it is likely that the stone wall will rapidly deteriorate. With the proposed site work including grading, landscaping, sidewalk and ancillary construction, the recommendation will be to remove the existing construction.

The existing vertical steel fence posts appear to be original and are embedded into the stone wall. The condition of the posts is unknown below the top of the wall, however are likely compromised due to the condition of the wall and water infiltration. The chain-link infill is a vinyl coated product suggestive of a recent installation. In light of these observations, the recommendation will be to remove the existing assemblies and replace with construction that complies with current zoning code.
Additional parking lot entrance and excess parking

The proposed curb cut is intended to primarily serve as the exit for drive-through customers. The team explored redesigning the parking lot using the existing east curb-cut as the single point of exit and entry. The layout causes several serious issues including reducing the number of parking spaces below what is required by code. The design would also increase internal traffic on the parking lot, creating a less safe environment for customers. The remaining parking lane would have a dead-end with little room to turn around, creating a confusing entry and exiting condition.

Commerce Bank has experimented with parking strategies at its locations and found that a code-minimum allotment of parking is inadequate for a variety of reasons. These additional spaces provide future flexibility for remote workers, bank hosted community events, internal meetings/training, and a variety of other situations. Commerce Bank has found it necessary to provide a minimum of 10 additional spaces in excess of the code minimum to adequately support the building’s functions. In addition, Commerce Bank has considered the potential for overflow parking of a future development of the south parcel during non-bank hour demand.

Existing tree at the corner of N Kirkwood and E Washington

Commerce Bank has explored several options to incorporate the existing tree at the northwest corner of the site. These efforts have included architects, civil engineers, and landscape designers. Recently the team expanded this review to include an arborist and the conclusion has been unanimous regarding viability of the tree. Regretfully the new construction of the building and sitework, to be in compliance with the zoning code, will compromise the tree. If the building were to move east and/or south, it would begin to violate zoning code requirements and city master plan aspirations as setbacks and building relationship to “A” streets would not be maintained. Furthermore, if setback restrictions were to be amended and the building moved, an increased burden would be placed on the building construction for current and future uses as fire-separation distances would be reduced. In addition, the tree as observed on 9/11/2020, is beginning to crowd the existing street lighting and traffic signal pole. Even if no new work was planned on this property, eventually this tree would be subjected to extreme pruning measures given its proximity to the overhead utility lines, street lighting, traffic signals, and 4-way street intersection. The following diagram illustrates the canopy size at maturity and highlights the conflicts with the building, sidewalk, and existing utilities.
In light of the community's connection to this tree, Commerce Bank would like to offer the following: At the project's completion, there could be a special dedication ceremony for Keep Kirkwood Green and 50 Tree Street-tree program to commemorate the efforts by the hundreds of volunteers that have made these programs possible. This would include a permanent plaque to memorialize the organizations to be placed at the base of one of the new trees located on the site.
If you have any questions, feel free to contact Chris Mrozewski with V Three Studios or Joshua Hellmann with Commerce Bank.

Sincerely,

[Signature]

Chris Mrozewski
Chris@V3-Studios.com
314-603.2797
V Three Studios
2717 Sutton Blvd
Maplewood, MO, 63143

[Signature]

Joshua Hellmann
Josh.Hellmann@commercebank.com
314.504.2331
Commerce Bank
8000 Forsyth Blvd
Clayton, MO, 63105
Tree Evaluation

Inspected By: Cory Meyer  Date of Inspection: September 08, 2020

Reason for Inspection: Development request for removal – 50 Trees request for protection

Address: __________________________________________________________

Species of Tree: Shumard Oak  Diameter: 12 inches  Height: 20 feet

Condition: Fair  City Tree: Yes  No

Pictures: See attached

Comments:

The tree in question has been marked for removal for a proposed redevelopment of the Commerce Bank lot.

Inspection of the tree occurred on Tuesday, September 09/09/2020. This tree in proximity to the existing City infrastructure and proposed construction raises some concerns. Those concerns are as follows:

- This species is considered a “Large” canopy tree species that has an approximate mature spread of 30-40 feet. This trees canopy is a concern with the existing utility lines and new intersection signal lights and posts in the area. The existing utility lines are estimated to be 15 feet from the trunk of the tree and the light pole of the intersection signal lights is approximately 10 feet away. At the size age of the tree in its current state these distances pose no issue. However as the tree will grow in time, the electric lines will require a minimum separation of 10 feet and the signal light pole will require a minimum of 5 feet clearance, with additional pruning needed for any visual site lines or additional clearance needs.

- The tree currently has 2 large co-dominant leads that show signs of included bark. One of these leads grows north towards the utility lines and one that grows south towards the proposed building site. The way that these co-dominant leads are growing is showing signs of poor structure and branch connections that have a high potential for failure. (Photograph 4). At a younger age this could have been corrected through pruning, however at this time pruning to adjust this will severely distress the tree, and possible kill it.

Branch connections like these often fail and cause catastrophic damage when in a high frequency area like this one.
• The current staff approved plan, calls for building construction and disturbance to interfere with this existing tree and its roots system. After an initial inspection during the plan review the City Urban Forester approved the plan to remove this tree based on the following criteria:
  o Species growth habit and future infrastructure conflicts
  o The replacement of trees both throughout the project and along the streetscape with species that will have minor conflicts.
  o Landscaping is to be installed within the ROW in this area to improve overall aesthetics
  o At the time of original approval by the City Urban Forester, the Kirkwood Urban Forestry Commission was not meeting due to Covid-19. Administration authorized the Urban Forester to waive the need for tree removal requests to be presented to the KUFC until meetings were reinstated.

After this inspection that was completed on September 8, 2020; the initial recommendation of having this tree removed and new landscaping replaced in the area is still supported by the Urban Forester.

Cory Meyer
City Forester
ISA Certified Arborist
Mw-5131 AM
CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
SUBCOMMITTEE REPORT
August 5, 2020

*As Amended on page 4

PETITION NUMBER: PZ-27-20

ACTION REQUESTED: SUBDIVISION (PRELIMINARY & FINAL), ZONING CODE TEXT AMENDMENT, AND SITE PLAN REVIEW

PROPERTY OWNER: CLAYTON FINANCIAL CORPORATION (COMMERCE BANK)

APPLICANT: CLAYTON FINANCIAL CORPORATION (COMMERCE BANK)

APPLICANT'S AGENT: CHRIS MROZEWSKI, V3 STUDIOS

PROPERTY LOCATION: 300 NORTH KIRKWOOD ROAD

ZONING: B-2, GENERAL BUSINESS DISTRICT (CENTRAL BUSINESS DISTRICT)

DRAWINGS SUBMITTED: SITE PLAN PACKET (10 SHEETS) PREPARED BY V3 STUDIOS, STOCK & ASSOCIATES, AND COLE & ASSOCIATES STAMPED “RECEIVED JULY 24, 2020, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

DESCRIPTION OF PROJECT:
The applicant is requesting three separate actions for this project which will require three separate recommendations by the subcommittee. The first request is to subdivide the current site (approximately 2.18 acres) into two commercial lots: Lot 1 (1.44 acres) and Lot 2 (0.74 acres). No new public roadways or significant public infrastructure is proposed with the subdivision. The remaining two portions of this request both pertain to Lot 2 of the proposed subdivision.

The second request is for a text amendment in the B-2, General Business District regulations regarding street frontage occupation in Section A-510.8 (2). This provision of the code was adopted in December of 2018 in response to a recommendation from the City’s Downtown Master Plan. Currently, the provision that applies to this site would require that 75% of the street frontage is occupied by building. The proposal complies with this requirement on Kirkwood Road, but does not comply along Washington Avenue. After discussion with Staff, the applicant chose to pursue a text amendment that would revise the current requirement to acknowledge a difference between streets that are identified as A-streets and those that are identified as B-streets in the Downtown Master Plan. The proposed revised language for Section A-510.8(2) is included below with the new text underlined:

“When located within the study area of the 2018 Downtown Master Plan and Parking Study and located on a Phase 2 street, as identified in the Thoroughfare Hierarchy Map located in said plan, a minimum frontage occupation requirement of 75% shall be provided. However, said requirement shall not apply to streets identified as B-streets in the Phase 2 portion of Downtown.”

The third item for consideration is a Site Plan Review for an approximately 3,800 sf, 1-story retail bank building located along Kirkwood Road. The proposed plan includes a surface parking lot to the east of the proposed building, 3 advanced ATM lanes near the northeast corner of the property, 2 unrestricted access points from Washington Avenue, and a cross-access drive to Lot 1 to the south.
COMPREHENSIVE PLAN, LAND USE AND ZONING:
The site is designated as being located in the Downtown land use category on the EnVision Kirkwood 2035 Future Land Use Map. Regional/Neighborhood Commercial is listed in this land use category as an appropriate development type.

The subject property is currently zoned B-2, General Business District (Central Business District) and financial institutions are a permitted use in this district.

Surrounding land uses and zoning include the following:
To the north: Across Washington Avenue, there are various commercial uses which are zoned B-2.

To the south: Across Adams Avenue, there is a church and various commercial uses which are zoned B-2.

To the east: Directly adjacent to the subject site are properties that are all zoned R-5, Multifamily Residential which are occupied by the local Kirkwood YMCA and a condominium development.

To the west: Across Kirkwood Road, there are various commercial uses which are zoned B-2.

DEPARTMENTAL/AGENCY COMMENTS:
Electric: 1. Provide an electrical distribution plan.

Water: No Comments received.

Engineering/Planning: 1. MSD approval is required.
2. Street tree species on Washington Avenue may need to be revised to avoid conflicts with overhead utility lines as determined by the City Forester.
3. An additional canopy tree and evergreen tree are required in the landscape island near the proposed trash enclosure. Prior to City Council approval, a revised plan to address this shall be submitted.

Building/Fire: 1. ARB review is required.
2. The 2015 IBC must be followed.

SITE ELEMENTS ANALYSIS:
Structure & Pedestrian Access
The proposed building is approximately 3,800 sf, 1 story, and approximately 22' tall which complies with the maximum building height of 40' in the B-2 District. The structure complies with all setback requirements and with the street frontage occupation requirement along Kirkwood Road. As previously mentioned, it does not comply with the street frontage occupation requirement on Washington Avenue which is the impetus for the requested text amendment.

The applicant is proposing new 6' wide sidewalks adjacent to an 8' wide tree-lawn to provide a benefit for pedestrian circulation. A private plaza is also included in the southwest corner of the project site which provides access to the building along with a private sidewalk along the eastern-side of the building. As reflected in the recommendation section of this report, the subcommittee prefers that a sidewalk be provided along the eastern property line to provide north/south pedestrian access through the site. This revision will likely necessitate the removal of the proposed trees in this area, but it is likely that shrubs and other low-lying landscaping may remain. The subcommittee is recommending a
modification to the required parking lot perimeter landscaping in this location in favor of the pedestrian access being provided.

**Landscaping/Screening**

The proposed Landscape Plan provides the required number of frontage trees which are proposed to be located in the public right-of-way along Kirkwood Road and on private property along Washington Avenue due to the presence of overhead utility lines. A condition has been added regarding the fact that tree species may need to be revised based upon recommendation of the City Forester to avoid conflict with the overhead utility lines along Washington Avenue. The applicant has also provided the required landscaping throughout the parking lot internally on the site with a couple minor exceptions which are anticipated to be addressed by the applicant prior to City Council approval. A condition has been added to the recommendation portion of this report which requires the addition of one canopy tree and one evergreen tree in the landscape island near the proposed dumpster enclosure. In addition to proposed landscaping, the applicant is proposing a 6’ tall sight-proof vinyl fence along the eastern property line.

**Site Access & Parking**

The site is proposed to be accessed from two separate two-way drives from Washington Avenue on the eastern half of the site. Additionally there is a proposed cross-access drive along the eastern property line that will provide access between the subject property and Lot 1 to the south. There are 15 parking spaces required with 26 currently proposed. The site plan also provides the required minimum 60’ queue length for each of the proposed ATM lanes.

**DISCUSSION:**

Zoning Matters signs were placed on the property on March 13, 2020. The request introduction was delayed due to COVID-19, but was ultimately introduced at the Planning & Zoning Commission meeting on July 15, 2020 held via Zoom. An online subcommittee meeting was subsequently held via Zoom on July 27th. A list of attendees of the subcommittee meeting can be seen in Exhibit B. The overall proposal was discussed at the subcommittee meeting with attention given to the following items:

1) The subcommittee expressed their preference that a sidewalk for public use be provided in the approximate 10’ buffer area between the eastern property line and the proposed cross-access drive. The subcommittee agreed that the sidewalk would be preferred with low-lying landscaping in lieu of the larger trees proposed in the area currently.

2) It was confirmed that there was still excess parking with the revised site plan after removing parking spaces to accommodate the minimum 10’ parking setback from the right-of-way along Washington Avenue.

3) A recorded cross-access easement for both vehicular and pedestrian access shall be required along the proposed eastern drive and the buffer area that will accommodate the requested sidewalk in this area.

4) The Downtown Master Plan did recognize that B-streets should receive different treatment and attention which would allow more utilitarian and vehicular-focused activity. The current street frontage occupation requirement was drafted by Staff as a first attempt at codifying the recommendation from the consultant and is applied to all B-Districts and the I-1 District within the Downtown area. If approved, the applicant’s request would apply to the following street frontages:
   - Washington Avenue from Clay Avenue to Kirkwood Road
   - Western half of Washington Avenue from Kirkwood Road to Taylor Avenue
   - Northeastern frontage of Woodbine Avenue from Clay Avenue to Kirkwood Road
   - Northern half of Fillmore Avenue from Monroe Avenue to Clinton Place

The applicant’s request was believed to be in keeping with the intent of the plan and seen to have minimal impact due to the low number of properties that have frontage on a B-street in Phase 2 and are zoned either B-1, B-2, B-4, B-5 or I-1.
5) The subcommittee had no concerns about the proposed subdivision.

RECOMMENDATIONS:
The subcommittee recommends that the proposed 2-lot commercial subdivision as proposed in the plan packet stamped “Received July 24, 2020 City of Kirkwood Public Services Department” be approved with the following conditions:

1. Evidence of MSD approval shall be provided to the City prior to approval of the final plat by the City Council.

2. A subdivision plat approved by the City and recorded in the St. Louis County Office of the Recorder of Deeds shall be filed in the Public Services Director’s Office within 90 days of City Council Approval of the Final Plat.

The Subcommittee recommends that the request to amend Section A-510.8(2) of the Zoning Code to remove the existing provision and replace with the following language be approved:

“When located within the study area of the 2018 Downtown Master Plan and Parking Study and located on a Phase 2 street, as identified in the Thoroughfare Hierarchy Map located in said plan, a minimum frontage occupation requirement of 75% shall be provided. However, said requirement shall not apply to streets identified as B-streets in the Phase 2 portion of Downtown.

*However, with respect to corner lots only, said minimum frontage occupation requirement shall not apply to Downtown Phase 2 B-Streets provided the required frontage occupation is met on the A-Street frontage of said corner lot, but in the event said corner lot fronts on two Phase 2 B-Streets, then said frontage occupancy requirement shall apply only to one such street frontage."

The Subcommittee recommends that the Site Plan Review application be approved with the following conditions:

1. The project shall be constructed and maintained in accordance with the plans referenced in the Drawing Submitted portion of this report, except as noted herein.

2. A 6’ high sight-proof fence shall be installed along the eastern property line and shall be constructed of material comparable to Simtek composite fencing.

3. All proposed public sidewalks shall be constructed so that they terminate in a manner compliant with ADA/PROWAG and shall be replaced with a 6’ wide exposed aggregate sidewalk.

4. The species of street frontage trees along Washington Avenue may need to be revised to avoid conflict with the existing overhead utility lines as advised by the City Forester.

5. Prior to City Council approval, a revised landscape plan shall be submitted which includes one additional canopy tree and one additional evergreen tree near the proposed trash enclosure.

6. Prior to City Council approval, a revised site plan, lighting plan, and landscape plan shall be submitted which includes a pedestrian sidewalk along the eastern property line. Said area shall include low-lying vegetation and trees as possible; however, it is recognized that the width of the buffer area may not accommodate trees alongside the desired sidewalk. Because of this, a modification to the parking lot landscaping requirements along the eastern property line is recommended to accommodate the sidewalk. Said revised lighting plan shall ensure that the proposed pedestrian sidewalk meets the regulations in Section A-1040.
7. A recorded cross-access easement for both vehicular and pedestrian access shall be required along the proposed eastern drive and the buffer area that will accommodate the requested sidewalk in this area to provide access across the site and toward Adams Avenue.

8. A demolition permit for the existing building on Lot 1 shall be submitted prior to occupancy of the proposed building on Lot 2 and said existing building shall be demolished within 180 days of the date of the occupancy permit of the proposed building on Lot 2. Alternatively, the applicant shall provide documentation that the parking requirements for the proposed bank structure and the existing bank structure are fulfilled.

9. The applicant shall comply with all standard conditions as listed in Exhibit A.

Respectfully submitted,

[Signatures]

David Eagleton

[Signature]

Tom Feiner

Allen Klippel
EXHIBIT A
STANDARD CONDITIONS

1. A performance guarantee in the form of a cash deposit or letter of credit in an amount approved by the Public Services Department and an administrative fee (10% of the first $10,000 and 2% of the remaining balance of the performance guarantee) shall be submitted within one year of approval and prior to the issuance of a foundation letter or building permit to insure the completion of the proposed improvements, utilities and landscaping; to replace public improvements damaged by construction activities (sidewalks, curbs, etc.); and to guarantee significant trees designated to be saved. 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.

2. Storm water management plans for the proposed site plan shall be submitted to Metropolitan Sewer District (MSD) and City for review and approval prior to the issuance of a grading, foundation or building permit. Storm water greater than one c.f.s. shall not be directed across the public sidewalk or driveway entrances.

3. Sanitary sewer plan shall be approved by MSD prior to the issuance of a foundation letter or building permit.

4. Parking lot entrances shall be 7" thick concrete and ADA compliant.

5. The water system shall meet the requirements of the Kirkwood Fire and Water Departments. The Fire Department shall approve the water flow for the project. If satisfactory water flow is not available from the existing water system in accordance with City policy, the applicant shall install the necessary mains and accessories.

6. 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.

7. 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 a building permit. These devices shall be maintained during the construction activities.

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. An accessible route in compliance with ADA standards shall be provided from the proposed accessible parking spaces to the accessible entrance of the building.

11. All rooftop equipment, air-conditioning units and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.

August 5, 2020
12. The Architectural Review Board shall approve all signs and building architecture prior to the issuance of any building permits.
EXHIBIT B
Subcommittee Meeting Attendees
July 27, 2020 (Via Zoom)

David Eagleton - Subcommittee Member
Tom Feiner - Subcommittee Member
Allen Klippel - Subcommittee Member
Chris Mrozewski - Applicant
George Stock - Applicant
Josh Hellman - Applicant
Denny Hoelzer - Applicant
Joe Horvath - Applicant
Maggie Duwe - Councilmember
Donna Poe - Downtown Kirkwood Executive Director
Jonathan Raiche - Planning & Development Services Director
Chris Krueger - City Engineer
Commerce Bank
Kirkwood Retail Branch

Revised Planning & Zoning Submittal
July 24, 2020

ATTN: Amy Lowry, AICP
Original P&Z Reference: PZ-27-20

The following documents have been revised to address comments by the Kirkwood Public Services Department in a letter dated March 9, 2020.
CITY OF KIRKWOOD
APPLICATION FOR PLANNING AND ZONING COMMISSION ACTION

CASE NUMBER: P2-27-20

DATE: 07/24/2020
PROJECT ADDRESS: 350 N Kirkwood Rd
ZONING DISTRICT: B2
LOT SIZE: 0.736 AC
LOCATOR NUMBER: 23M142710

ACTIONS REQUESTED
- Zoning Change From _____________ to _____________
- Community Unit Plan, Type: _____________
- Special Use Permit, Category: _____________
- Subdivision Development, Number of Lots: _____________
- B4 Development Plan
- B5 Development Plan
- Site Plan Review
- Right-of-Way/Easement Vacation
- Other: _____________

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): Dennis Hoelzer
Signature: ________________________________
Phone No.: 314-746-3364
Mailing Address: 8000 Forsyth Blvd
City: Clayton
State: MO
Zip: 63105
E-mail Address: dennis.hoelzer@commercebank.com
Agency: _____________

Petitioner's Status: □ Corporation □ Partnership □ Individual

Relationship of Petitioner to Property: □ Owner □ Tenant □ Option Holder (Attach Copy of Contract) □ Other

AGENT INFORMATION
Agent's Name: Chris Mrozewski
Signature: ________________________________
Phone No.: 314-603-2797
Mailing Address: 2717 Sutton Blvd
City: Maplewood
State: MO
Zip: 63143
E-mail Address: chris.mrozewski@v3-studios.com

PROPERTY OWNERS
Signature required or submit proof petitioner has legal interest in property.
Name: Dennis Hoelzer on behalf of Commerce Bank
Name: ________________________________
Signature: ________________________________
Address: 8000 Forsyth Blvd
City/State/Zip: Clayton, MO 63105
Phone: 314-746-3364

FOR CITY USE ONLY
Date Received: __________________________
Total Received: $ ____________________
Agenda Date: __________________________

- B-4/B-5 Development Plan (Preliminary): $1,000 + _______ Acres @ $100/Acre or portion over one acre = $ _______
- CUP, Preliminary (Multi-Family): $1,000 + _______ Dwelling units @ $20/Each = $ _______
- CUP, Preliminary (Detached Single Family): $1,000 + _______ Lots @ $500/Lot = $ _______
- Letter of Credit Extension: $100
- Zoning Code Amendment: $1,000
- Zoning Code Amendment: $1,000
- Site Plan Review: $100
- 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
- Special Use Permit and Special Use Permit Amendments: $1,000
- Subdivision, Preliminary (Detached Single Family): 2 Lots @ $500/Lot = $ 1,000
- Vacation, Right-of-way: $75
- Zoning Code Amendment: $1,000

Final Subdivision Plat/Community Unit Plan/B-4 or B-5 Development Plan
Date Received: __________________________
Total Received: $ ____________________
Agenda Date: __________________________

- B-4 and B-5 Development Plan (Final) or B4 Development Plan Amendment (when public hearing is not required): $1,000
- B-5 Development Plan Amendment (when public hearing is not required): $500
- CUP Amendment, Type A or Type C: Without public hearing $500; With public hearing $800
- CUP Type C (Final): $500 + 1-1/4% of $ _______ = $ _______
- CUP Type A or C Time Extension on Final: $300
- Sidewalk Waiver on _______ feet @ $30/Foot = $ _______
- Site Plan Review, Mixed use in B2 Zoning District (Final): $500
- Site Plan, Mixed use in B2 Zoning District Amendment: $300
- Subdivision Plat or CUP Type A (Final): 2 Lots @ $100/Lot = $ 200 + 1-1/4% of $ _______ = $ _______
- Subdivision Plat Development Plan Amendment: $200

Y:\PlanningAndZoning\FORMS\PetitionForm2018.docx
SUBCOMMITTEE ( )
City of Kirkwood  
Planning & Zoning  
139 S. Kirkwood Rd  
Kirkwood, MO 63122

At Commerce Bank, we regularly evaluate our physical branch network to understand how we’re helping connect our solutions with the needs of our customers. We take a holistic approach and align our market presence with the communities we serve. Rebuilding our Commerce Bank location in Kirkwood is a tangible example of our commitment to the community.

As customers continue to engage with us through a variety of channels (online banking, mobile, customer care center, ATM, branch), this rebuild enables a balance of the digital solutions customers expect with the human connection they deserve. The project will enhance the look and feel of our branch, making it more current and appealing to customers, while also aligning our overall footprint to the sales and service demands. Operationally, the branch will feature our team of banking experts providing lobby services Monday through Thursday 9:00 am to 5:00 pm, Friday, 9:00 to 6:00, and Saturday 9:00 to noon. We will extend our drive-up capabilities by using advanced ATMs to deliver enhanced capabilities and extend service hours by leveraging video bankers to service clients. We will leverage digital and static marketing to bring vibrancy and our brand to life in this highly visible area of Kirkwood.

Very truly yours,

Dennis Hoelzer  
Corporate Real Estate  
VP Design & Construction Manager
July 2020

Jonathan D. Raiche, AICP  
City Planner, City of Kirkwood  
139 S. Kirkwood Rd  
Kirkwood, MO 63122

Re: Commerce Bank Kirkwood Retail Branch

Mr. Raiche,

On behalf of our client, Commerce Bank, V Three Studios would respectfully request that the Kirkwood Planning and Zoning Commission consider a text amendment to Ordinance A-510.8 (2) concerning Street Frontage Occupation for properties located in the Central Business District (B-2). Specifically, we request that the ordinance be amended to exclude Phase 2 B-grid Streets, as identified in the 2018 Downtown Master Plan, from the existing 75% Street Frontage Occupation requirement.

Thank you in advance for your consideration in this matter, we appreciate the commission considering our client’s request for this text amendment. If you have any questions or need additional information do not hesitate to contact me at 314-603-2797 or by email at Chris@V3-Studios.com.

Sincerely,

Chris Mrozewski  
V Three Studios  
2717 Sutton Blvd  
Maplewood, MO, 63143

Dennis Hoelzer  
Commerce Bank  
8000 Forsyth Blvd  
Clayton, MO, 63105
# Project Data Sheet

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<th>Zoning</th>
<th>B-2 General Business District</th>
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<td>2018 Downtown Master Plan Area - Phase 2</td>
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<td>22'-3&quot;</td>
</tr>
<tr>
<td>Front Yard</td>
<td>0' min - 20' max</td>
<td>14'-5&quot;</td>
</tr>
<tr>
<td>Rear Yard</td>
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<td>36'-6&quot;</td>
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<tr>
<td>A Street Frontage - N. Kirkwood Rd</td>
<td>75% (61.8')</td>
<td>77'</td>
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<tr>
<td>B Street Frontage - E. Washington Ave</td>
<td>75% (205.163')</td>
<td>42.302'</td>
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<tr>
<td>Parking Spaces</td>
<td>16 Spaces</td>
<td>26 Spaces (2 ADA)</td>
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<tr>
<td>ATM Queuing Area</td>
<td>9'x60'</td>
<td>9'x60' (3 Lanes)</td>
</tr>
<tr>
<td>Bike Racks</td>
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<td>4</td>
</tr>
</tbody>
</table>
Project Site Photographs
September 23, 2020

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

Re: Commerce Bank Kirkwood Retail Branch

City Council Members,

Commerce Bank and their design team had the opportunity to meet with Kirkwood's City Engineer, the Public Services Director, and Jonathan Raiche to discuss possible changes to the parking layout to improve pedestrian safety.

Based on the City Council's concerns, the team initially analyzed eliminating the new access point completely. In an attempt to understand the technical feasibility of that change as well as the impacts on the customer experience, our Civil Engineers performed a vehicle turning radius study (exhibit A). The results of this study showed that it was not possible to route traffic from the ATMs back through the east access point without conflicting with planned parking spaces.

After analyzing various other alternatives, Commerce Bank would like to propose the attached plan (exhibit B). The design decreases the width of the new access point to a single lane (12'-6") and limits traffic to be exit only. Additional stop signs will help control speed and create greater awareness near the access point. This will provide a safer pedestrian experience at the public sidewalk, while also isolating traffic at the ATM lanes from the majority of the parking lot. This isolation is critical to creating a safe environment for customers walking through the parking lot.

If you have any questions, feel free to contact Chris Mrozewski with V Three Studios or Joshua Hellmann with Commerce Bank.

Sincerely,

Chris Mrozewski
Chris@V3-Studios.com

Joshua Hellmann
Josh.Hellmann@commercebank.com
PROJECT: COMMERCE BANK
KIRKWOOD BRANCH
350 N KIRKWOOD RD, KIRKWOOD, MO 63122

OWNER: COMMERCE BANK

V THREE STUDIOS LLC
2711 S. Hanley Rd
St. Louis, Missouri 63105
855.909.3561

CONTACTS
OWNER: COMMERCE BANK
ATTN: DONNIE HOLZER
3200 FOREST HILL BLVD
CLAYTON, Mo 63124
DONNIE.HOLZER@COMMERCEBANK.COM

GENERAL CONTRACTOR: TBD

CIVIL ENGINEER: STOCK & ASSOCIATES
20 CHESTERFIELD BUSINESS PARKWAY
Chesterfield, MO 63005
(636) 809-4120

STRUCTURAL ENGINEER: TBD

MEP ENGINEER: TBD

LIST OF DRAWINGS

ARCHITECTURE

G107 PLAN & ELEVATIONS
08-14-2020

C11 SITE PLAN
08-14-2020

L1.1 SITE PHOTOMETRIC PLAN
08-14-2020

LANDSCAPE

L1.8 LANDSCAPE PLAN
08-14-2020

L1.1 AESC TO BE INFRICED
08-14-2020

L2.2 TREE PRESERVATION PLAN
08-14-2020

LOCATION PLAN

PROJECT DATA

Occupancy:
S. BUSINESS - METAL BANK BRANCH

Building Area:
2,520 SF GROSS
3,950 SF NET

Building Height:
22'-0" MAX HEIGHT (1-STORE)

Lot Area:
0.706 ARES

Zoning:
B-2 GENERAL BUSINESS DISTRICT
2016 DOWNTOWN MASTER PLAN AREA - PHASE 2

This drawing and sketch is the sole property of the contractor and may be used for the specific project only. It shall not be copied, scanned, or reproduced, in whole or in part, or for any other purpose without written permission from the architect. This drawing is intended for use in the current project only and not for any other project.
RESOLUTION 109-2020

A RESOLUTION APPROVING A ONE YEAR EXTENSION TO THE APPROVAL OF ORDINANCE 10627 GRANTING A SPECIAL USE PERMIT AND SITE PLAN APPROVAL FOR MOTOR VEHICLE SALES AT 10230 AND 10240 MANCHESTER ROAD.

WHEREAS, Ordinance 10627, granting a special use permit and site plan approval for motor vehicle sales at 10230 and 10240 Manchester Road subject to certain conditions, was approved by the City Council on September 19, 2019; and

WHEREAS, in the event that an applicant fails to commence construction within one year of the date a special use permit has been granted such permit shall expire; and

WHEREAS, any applicant desiring to extend the period in which construction shall commence under a special use permit shall, no later than thirty (30) days prior to the date such special use permit shall terminate, submit a written request to the City Council setting forth the reasons such exception should be extended; and

WHEREAS, an extension request letter was submitted on August 28, 2020; and

WHEREAS, the Planning and Zoning Commission did on September 16, 2020, recommend a one year extension of Ordinance 10627 to September 19, 2021.

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

SECTION 1. The approval of Ordinance 10627 is extended one year to September 19, 2021.

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

PASSED AND APPROVED THIS 1ST DAY OF OCTOBER 2020.

Mayor, City of Kirkwood

ATTEST:

City Clerk
Legislation Request

Resolution

Place On The Agenda Of: 10/1/2020

Step #1:

Strategic Plan NO Goal # & Title

Background To Issue:
The property/business owner of Audi Kirkwood at 10230 and 10240 Kirkwood Road has requested a 1 year time extension to the SUP and Site Plan approval they received on September 19, 2019. They have indicated that construction delays and financial challenges due to the COVID-19 pandemic have provided them challenges in making the original 1 year deadline. A packet is attached with the additional information about the original approval.

Recommendations and Action Requested:
The Planning & Zoning Commission unanimously recommended approval of the request at their meeting on September 16, 2020. Consideration of the attached resolution by the City Council is requested.

Alternatives Available:

Does this project have a public information component? ○ Yes ○ No

Cost: $0.00 Account #: 0

Project #: Budgeted: YES

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

Department Head Comments:

BY: Jonathan Raiche Date: 9/18/2020 Authenticated: raichejd

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

2020-10-01 PZ-8-20 Time Ext Resolution.docx 2020-10-01 PZ-8-20 CC Packet.pdf
Microsoft Word Document Adobe Acrobat Document
16.0 KB 2.35 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.

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: [Signature] Date: 9/24/2020
MEMORANDUM

TO: PLANNING & ZONING COMMISSION
FROM: JONATHAN D. RAICHE, PLANNING AND DEVELOPMENT SERVICES DIRECTOR

SUBJECT: PZ-08-20, 10230 MANCHESTER ROAD (AUDI KIRKWOOD) – SPECIAL USE PERMIT EXTENSION
DATE: SEPTEMBER 3, 2020
CC: BILL BENSING, PUBLIC SERVICES DIRECTOR

Per Section 900.3 (1) b. of the City's Zoning Code, the applicant has requested a 12-month extension to the period in which construction shall commence under the previously approved Special Use Permit. If a building permit is not issued by September 19, 2020, the current approval, Ordinance 10627, will expire.

Attached for your consideration are copies of the following items:

1) The Application and request letter from the applicant,
2) Ordinance 10627,
3) The original July 17, 2019, Subcommittee Report.
4) Sheet 2.1 from Approved Plan
CITY OF KIRKWOOD
APPLICATION FOR PLANNING AND ZONING COMMISSION ACTION

DATE: 8-28-20
PROJECT ADDRESS: 10230 W. Manchester Rd., Kirkwood, MO
ZONING DISTRICT: LOT SIZE: 1.5 acres
LOCATOR NUMBER: 879382-1072
PROJECT NAME: Audi, Kirkwood

ACTION REQUESTED
- Site Plan Review
- Right-of-Way/Encroachment Vacation
- Other: Time Extension

Comments: Ordinance No. 10627

PETITIONER INFORMATION
I hereby certify that I own or have legal interest in the hereinafter described property and that all information given hereon is true and a statement of fact.
Name (Pdnt): Manchester 10200 LLC
Signature: [Signature]
Witnessed: [Witness Signature]
Phone No.: 414-881-8079
Address: 478 Water St., Wauwatosa, WI 53226
E-mail Address: jwhitir@leland.com
Partered's Status: Corporation
Partered's Indivdual: X LLC
Relationship of Petitioner to Property: Owner
Tenant: Option Holder
Other: Option Holder

AGENT INFORMATION
Agent's Name: [Name]
Signature: [Signature]
Phone No.: [Phone]
Address: [Address]
City: [City]
State: [State]
Zip: [Zip]
(Note: The petitioner's agent, if listed, shall receive the official notice of public hearing.)

PROPERTY OWNERS
Name: Manchester 10200 LLC
Signature: [Signature]
Address: 478 Water St., Wauwatosa, WI 53226
Phone: 414-881-8079

FOR CITY USE ONLY

Date Received: 9-2-2020

- Total Received: $ 3,000
- Agenda Date: [Date]

- B-4&B Development Plan (Preliminary): $1,000
- CUP, Preliminary: $1,000
- Letter of Credit Extension: $100
- Renting, $1,000
- Site Plan Review: $1,000
- Site Plan Review Amendment: $100
- Site Plan Review, Mixed Use in BZ District (Final), $1,000
- Special Use Permit and Special Use Permit Amendments: $3,000
- Subdivision Preliminary (Detached Single Family): $500
- Vacation, Extent: $75
- Vacation, Right-of-Way or Extension: $100
- Zoning Code Amendment: $1,000

Final Subdivision Plat/Community Unit Plan/B-5 Development Plan

Date Received: [Date]

- Total Received: $ [Amount]
- Agenda Date: [Date]

- B-4 and B-5 Development Plan (Final) or B4 Development Plan Amendment (when public hearing is not required): $1,000
- CUP Amendment, Type A or Type B, Public hearing not required: $500
- CUP Type C (Final): $1,000
- CUP Type A or C, Time Extension or Final: $300
- Sidewalk/Walkway: $500
- Site Plan Review: $1,000
- Site Plan Review, Mixed Use in BZ District (Final): $1,000
- Site Plan Review: $1,000
- Subdivision Plat or CUP Type A (Final): $1,000
- Subdivision Plat: $1,000
- Subdivision Plat Development Plan Amendment: $300

Y Planning and Zoning/OPMS/Platinated Form/2018.docx
SUBCOMMITTEE: [Committee]
LEADCAR
Manchester 10230, LLC

Sent via FedEx & Email

August 28, 2020

Jonathan D. Raiche
Planning & Development Services Director
City of Kirkwood
139 S. Kirkwood Road
Kirkwood, MO 63122-4303

Re: Extension of Time Under Ordinance No. 10627

Dear Jonathan:

Manchester 10230, LLC, an affiliate of Audi Kirkwood and LeadCar, hereby formally requests a one-year time extension under Ordinance No. 10627, including with respect to building permit, performance guaranty, administrative fee and related deadlines. We are requesting additional time for final construction design/planning and unexpected delays, including due to the COVID-19 pandemic.

Please contact our General Counsel, Jeremy Whitt, at 414-881-8099 or jwhitt@leadcar.com with any questions. We greatly appreciate the opportunity to continue working with the City of Kirkwood on this project.

Sincerely,

Manchester 10230, LLC

Jason R. Brickl, Manager
BILL 10788AA
ORDINANCE 10627

AN ORDINANCE GRANTING A SPECIAL USE PERMIT AND SITE PLAN APPROVAL FOR MOTOR VEHICLE SALES AT 10230 AND 10240 MANCHESTER ROAD SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, Manchester 10230, LLC made application (PZ-8-20) for a Special Use Permit and Site Plan approval for the purpose of a building addition and site improvement on the subject property to be utilized for motor vehicle sales to be located at 10230 and 10240 Manchester Road; and

WHEREAS, the Planning and Zoning Commission did on the 17th day of July, 2019, by adopting the Planning and Zoning Commission Report dated July 17, 2019, (attached hereto as Exhibit “A” 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 and site plan approval 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 15th day of August, 2019, 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 permit and site plan approval, 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 and Site Plan approval for motor vehicle sales is granted on the properties known as 10230 and 10240 Manchester Road subject to the following conditions:

1. The project shall be constructed and maintained in accordance with the Site Plan stamped “Received July 2, 2019, City of Kirkwood Public Services Department”, the Landscape Plan stamped “Received September 16, 2019, City of Kirkwood Public Services Department”, and the Lighting Plan stamped “Received July 10, 2019, City of Kirkwood Public Services Department”, except as noted herein.

2. A performance guarantee in the form of a cash deposit or letter of credit in an amount approved by the Public Services Department and an administrative fee (10% of the first $10,000 and 2% of the remaining balance of the performance guarantee) shall be submitted within one year of approval and prior to the issuance of a foundation letter or building permit to insure the completion of the proposed improvements, utilities and
landscaping; to replace public improvements damaged by construction activities (sidewalks, curbs, etc.); and to guarantee significant trees designated to be saved. 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.

3. Based upon the justification submitted per Section 220.2, the following modifications shall be granted:

   a. A reduced drive aisle width for the ramp to the western parking lot from 22' to 20'.

   b. A full waiver of the required 10' planting screen along Manchester Road.

   c. A full waiver of the 8 canopy trees required along Manchester Road.

   d. A full waiver of the 11 canopy trees required along the southern property line.

   e. A full waiver of the 7 canopy trees required along the west perimeter of the western parking lot.

   f. An allowance for 2 of the required parking island canopy trees to be replaced with 2 understory trees.

4. The 18 parking spaces near the southeast corner of the site and indicated on the site plan as "Inventory or Service Car Parking Spots Only" shall be reserved for those uses and designated with signage and/or striping.

5. One additional ADA parking space is required, a total of 4 ADA spaces, per Section A-1000.5 (3) and shall be included on a revised Site Plan prior to issuance of permits.

6. A landscape island shall be added in the southeast corner of the site to accommodate landscaping consistent with other landscaping proposed in consultation with the Public Services Department.

7. All permanent and temporary easements for the Route 100 project shall be provided as part of this project prior to issuance of a building permit.

8. A consolidation plat with easements as required by the City shall be recorded and a recorded copy provided to the City prior to the issuance of a building permit.

9. All proposed public sidewalks shall be constructed so that they terminate in a manner compliant with ADA/PROWAG.

10. Site plan approval from MoDOT is required prior to issuance of permits.

11. If applicable, proper ground disturbance permits through MDNR shall be obtained prior to issuance of permits from the City.

12. All new curb is required to be 18" concrete barrier curb.

13. Storm water management plans shall be submitted to Metropolitan Sewer District (MSD) and City for review and approval prior to the issuance of a grading, foundation or building permit. Storm water greater than one c.f.s. shall not be directed across the public sidewalk or driveway entrances.
14. If applicable, sanitary sewer plan shall be approved by MSD prior to the issuance of a foundation letter or building permit.

15. Parking lot entrances shall be 7" thick concrete and ADA compliant.

16. 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.

17. 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.

18. 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.

19. No parking of construction trailers, material storage, equipment storage, or construction equipment is authorized on the public streets at any time.

20. Enclosures are required to screen all dumpsters, grease receptacles, and similar items on the site and shall be constructed of sight-proof materials (e.g. masonry, split-faced concrete masonry units, etc.) similar or complementary to the main building and not less than six feet in height. Latching gates of similar or complementary materials shall be required to completely enclose the dumpster.

21. An accessible route in compliance with ADA standards shall be provided from the proposed accessible parking spaces to the accessible entrance of the building.

22. All rooftop equipment, air-conditioning units and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.

23. The Architectural Review Board shall approve all signs and building architecture prior to the issuance of any building permits.

24. Between the hours of 8 p.m. and 8 a.m., interior lighting for second story rooms along the south façade shall be limited to lighting required for building and fire code compliance, janitorial services, and security.

25. The use of outdoor speakers for amplification of sound including, but not limited to, music and voice shall be prohibited.

26. An 8 foot tall sight-proof fence in an earth-tone color and made of Simtek, or a similar durable composite product as approved by the Public Services Department, shall be provided along the southern property line adjacent to residentially zoned property.

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 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 4. The premises and improvements as approved by this special use permit and 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 site plan 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 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 within one year of the passage of this ordinance.

SECTION 8. The applicant and her successors and assigns by accepting and acting under the approval herein granted accepts the approval subject to the condition that failure to abate any violation of this approval or any provisions of the Code of Ordinances of the City of Kirkwood within five (5) days after notice by hand delivery or first-class mail shall result in an administrative investigation fee of $500 due to the City of Kirkwood. An invoice shall be issued. A Stop Work Order to cease all work on the premises except such work as directed by the Public Services Director to abate the violation may be issued for any work on the premises until the investigation fee is paid in full. The City may demand payment of said fee from the holder of the lien 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 19TH DAY OF SEPTEMBER 2019

Mayor, City of Kirkwood

ATTEST:

City Clerk
Public Hearing: August 15, 2019
1st Reading: September 5, 2019
2nd Reading: September 19, 2019
CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
SUBCOMMITTEE REPORT
July 17, 2019

PETITION NUMBER: PZ-8-20

ACTION REQUESTED: SPECIAL USE PERMIT (MOTOR VEHICLE SALES) AND SITE PLAN REVIEW – AUDI KIRKWOOD

PROPERTY OWNER: MANCHESTER 10230, LLC

APPLICANT: MANCHESTER 10230, LLC

APPLICANT’S AGENT: JEREMY WHITT, ATTORNEY

PROPERTY LOCATION: 10230 – 10240 MANCHESTER ROAD

ZONING: B-3, HIGHWAY BUSINESS DISTRICT

DRAWINGS SUBMITTED:
FLOOR PLAN (4 SHEETS) STAMPED “RECEIVED MAY 31, 2019, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

SITE PLAN BY STERLING ENGINEERING STAMPED “RECEIVED JULY 2, 2019, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

LANDSCAPE PLAN PREPARED BY LANDSCAPE TECHNOLOGIES STAMPED “RECEIVED JULY 10, 2019, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

LIGHTING PLAN PREPARED BY CHIODINI ARCHITECTS STAMPED “RECEIVED JULY 10, 2019, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

DESCRIPTION OF PROJECT:
The applicant is requesting a Special Use Permit and Site Plan approval for a significant building remodel/addition with associated parking lot improvements on the sites located at 10230 and 10240 Manchester Road for the existing Motor Vehicle Sales business. There is no active Special Use Permit on the site; however, Staff has determined that the business is a legal non-conforming use. Approximately the front third of the existing building is proposed to be removed and replaced with a 2-story building addition which will provide space for offices and showroom on the 2nd story and service department arrival area on the 1st story. The parking to the west will be reconstructed to further utilize the existing grade change on the site. The western parking lot will be built to gradually rise until it meets the 2nd story which will become the main entrance to the new showroom and office space. The remaining parking areas are proposed to remain in their current footprint with more minor repairs and resurfacing/restriping occurring to accommodate the proposed internal circulation.

The proposed site plan includes the elimination of three access points that currently exist on Manchester Road for a total proposed two access point (reduced from 5 existing). The applicant also shows a 5’ wide sidewalk along the entire frontage on private property and located in a public sidewalk easement. This sidewalk is separated from Manchester Road by a proposed 5’ wide greenspace. This
design was the result of consultation with City Staff in order to keep the project consistent with the City/MoDOT Route 100 project.

COMPREHENSIVE PLAN, LAND USE AND ZONING:
The site is designated as Corridor Commercial on the EnVision Kirkwood 2035 Future Land Use Map. Development types discussed in this land use include regional/neighborhood commercial. The proposed development maintains the current use of the site and is consistent with the uses listed.

The subject properties are zoned B-3, Highway Business District. The proposed use, Motor Vehicle Sales is technically termed “Motor vehicle and other vehicle sales by a factory franchised dealer, provided that sales of new vehicles shall exceed the sale of used vehicles each year and no streamer lights are used”. This use is a special use in this district which is why the applicant has applied for a Special Use Permit.

Surrounding land uses and zoning include the following:
To the north: Across Manchester Road, properties are zoned B-3 and B-4 with various commercial uses being conducted.

To the south: There is a single-family residential neighborhood zoned R-4.

To the east: There are multiple commercial properties zoned B-3.

To the west: There is a single commercial property zoned B-3 between the subject site and Woodlawn Avenue.

DEPARTMENTAL/AGENCY COMMENTS:
Electric: No comments received.

Water: Water service and appurtenances to be installed per City specs.

Engineering:
1. Provide all permanent and temporary easements for the Route 100 project.
2. MSD approval is required.
3. MoDOT approval is required.

Building/Fire:
1. A flow test is required.
2. Identify fire hydrant locations
3. Provide turning radius details for the entrances.
4. Front loading spaces may limit access to front of building.

Forester: No Comments.

MoDOT:
1. Project is found to be feasible subject to final approval in form of a permit issued by MoDOT.
2. MoDOT objects to new trees being located in the right-of-way.

SITE ELEMENTS ANALYSIS:
Structure & Parking:
The proposed building addition is located approximately 38' from the front property line which is approximately 5' further back from the property line when compared to the existing building. The front yard setback is 37.8' which is determined by averaging the setback of the adjacent buildings. The

July 17, 2019
building addition complies with all structure setbacks in the B-3 District. The proposed building also conforms to the height which is regulated through a maximum F.A.R. of 2.0.

The proposed building includes 8 service bays with 7 service employees (47 parking spaces required), and 4,150 sf of office space (21 parking spaces required) which require a total of 68 parking spaces. The proposed plan includes 104 parking spaces including 10 internal spaces in the service arrival area. There are 18 spaces designated as Inventory or Service car parking-only. This restriction is included in the recommendation section of this report and is due to the fact that these spaces are double-parked. A condition has also been added that 1 additional ADA parking space be provided to comply with Section A-1000.5 (3). Additionally, the proposed plan includes 3 inverted-U bicycle racks as required by Code.

**Site Access & Traffic Management**

As mentioned in the Project Description, the proposal reduces the number of access points from 5 to 2 which will eliminate many potential conflict points for vehicles and pedestrians. There is a concrete median across from the western entrance which restricts this entrance to right-in, right-out movements. The eastern entrance is proposed as full-access. In addition to reducing the number of entrances, the current access points also range in size from 29' wide to 59' wide nearly creating one continuous curb-cut along the property line. To further the circulation concerns, the existing site also has parking spaces directly adjacent to the right-of-way. The proposed plan has all parking spaces a minimum of 15' from the property line with an additional 5' of greenspace before the proposed curb. This design will create further separation and better visibility for all users.

**Landscaping**

Five of the six modifications listed in the Modifications section below are due to deficiencies in the proposed plan when compared to the City’s landscaping requirements. For landscaping purposes, the proposal was evaluated in two separate parts. The existing building site (10230 Manchester) was evaluated as a redevelopment for purposes of frontage and rear yard trees. This parcel, however, was not evaluated to require additional trees around the parking areas since these areas are in the same location and are not being reconstructed. Because the western parking lot is being reconstructed, Staff evaluated this portion to require frontage trees, rear yard trees, and perimeter trees.

The proposed plan includes 8 trees (6 canopy and 2 understory) and various shrubs within landscape islands in the western parking lot. On the eastern portion of the project, there are various shrubs around the proposed monument sign and 4 evergreen trees around the proposed dumpster enclosure.

The applicant’s original proposal included street frontage trees that met the requirements, with the exception of understory trees being proposed under overhead utility lines. After review by MoDOT, however, the City received comment that MoDOT would not allow the proposed trees in their right-of-way. The applicant could provide a 5’ sidewalk in the public right-of-way and a 5’ greenspace for planting of trees on their property; however, City Staff recommends that the current proposal which locates the greenspace between the sidewalk and the street is preferable. This design will be safer for pedestrians and will be consistent with the Route 100 project occurring along the corridor from Kirkwood Road east into Brentwood. The other option would be for the developer to provide additional greenspace on their property; however, this would make significant changes to their building and site layout design. The applicant has elected to request modifications for these items that they have not complied with.

**Lighting**

A revised lighting plan was provided on July 10, 2019 which addressed Staff’s outstanding comments. The proposed plan includes 15 pole-mounted LED fixtures and 4 building-mounted LED fixtures designed to meet the requirements of the Zoning Code.

July 17, 2019
MODIFICATIONS
Along with their request, the applicant has requested multiple modifications per Section 220.2 of the Zoning Code regarding parking and landscaping requirements. The following is a summary of the various modifications that would be needed to accommodate the proposed design:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Required</th>
<th>Provided</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drive aisle width</td>
<td>22’</td>
<td>20’</td>
<td>2’</td>
</tr>
<tr>
<td>Planting screen on private property between parking and abutting street</td>
<td>10’</td>
<td>0’ (5’ in public ROW)</td>
<td>10’</td>
</tr>
<tr>
<td>Street frontage trees</td>
<td>8 canopy</td>
<td>0 (not permitted in MdDOT ROW)</td>
<td>8</td>
</tr>
<tr>
<td>Rear yard trees</td>
<td>11 canopy</td>
<td>0</td>
<td>11</td>
</tr>
<tr>
<td>Parking lot perimeter trees (west property line only)</td>
<td>7 canopy trees</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>Parking lot island trees (western lot only)</td>
<td>8 canopy trees</td>
<td>6 canopy trees 2 understory trees</td>
<td>-2 canopy +2 understory</td>
</tr>
</tbody>
</table>

The applicant has submitted the following items for consideration regarding the modification. Additional detail on these items can be found in their letter received by the City on July 10, 2019:

1. Trees are proposed at 3.5’ caliper rather than the 2’ caliper required.
2. Adding as much landscape (irrigation included) as possible while allowing for adequate parking.
3. The architectural design provides an improved view for neighbors to the south.
4. The site and building will utilize high-efficiency lighting and HVAC equipment.
5. Reducing existing access points from 5 to 2 to promote safer vehicle and pedestrian circulation both on and off-site.
6. Public sidewalk easement on-site to coordinate with larger Route 100 plan and provide a 5’ greenspace along Manchester Road and the addition of bicycle racks for safer access for all users.
7. The proposed site plan reduced the impervious area on-site which is currently 100% impervious.

DISCUSSION:
Zoning Matters signs were placed on the property on June 14, 2019. The request was introduced at the Planning & Zoning Commission meeting on June 19, 2019. An on-site subcommittee meetings was held on June 25th. A list of attendees of the subcommittee meeting can be seen in Exhibit B. At the subcommittee meeting, the following items were discussed:

1. On-site and off-site circulation improvements including pedestrian improvements.
2. The applicant expected to submit a modification request for multiple of the landscape issues.
3. The topography of the site was discussed with relation to the building’s design and its utilization of the existing grade changes within the site.
4. Due to the existing raised-median, the western access point will be right-in/right-out and the eastern access point will be full-access.

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

RECOMMENDATION:
The Subcommittee recommends that this application be approved with the following conditions:

July 17, 2019
1. The project shall be constructed and maintained in accordance with the plans referenced in the Drawing Submitted portion of this report, except as noted herein.

2. Based upon the justification submitted per Section 220.2, the following modifications shall be granted:
   
   a. A reduced drive aisle width for the ramp to the western parking lot from 22' to 20'.
   b. A full waiver of the required 10' planting screen along Manchester Road.
   c. A full waiver of the 8 canopy trees required along Manchester Road.
   d. A full waiver of the 11 canopy trees required along the southern property line.
   e. A full waiver of the 7 canopy trees required along the west perimeter of the western parking lot.
   f. An allowance for 2 of the required parking island canopy trees to be replaced with 2 understory trees.

3. The 18 parking spaces near the southeast corner of the site and indicated on the site plan as “Inventory of Service Car Parking Spots Only” shall be reserved for those uses and designated with signage and/or striping.

4. One additional ADA parking space is required, a total of 4 ADA spaces, per Section A-1000.5 (3) and shall be included on a revised Site Plan prior to issuance of permits.

5. All permanent and temporary easements for the Route 100 project shall be provided as part of this project prior to issuance of a building permit.

6. All proposed public sidewalks shall be constructed so that they terminate in a manner compliant with ADA/PROWAG.

7. Site plan approval from MoDOT is required prior to issuance of permits.

8. If applicable, proper ground disturbance permits through MDNR shall be obtained prior to issuance of permits from the City.

9. The applicant shall comply with all standard conditions as listed in Exhibit A.

10. A landscape island shall be added in the southeast corner of the site to accommodate landscaping consistent with other landscaping proposed in consultation with the Public Services Department.

Respectfully submitted,

James Diel

Jim O’Donnell

July 17, 2019
EXHIBIT A
STANDARD CONDITIONS

1. A performance guarantee in the form of a cash deposit or letter of credit in an amount approved by the Public Services Department and an administrative fee (10% of the first $10,000 and 2% of the remaining balance of the performance guarantee) shall be submitted within one year of approval and prior to the issuance of a foundation letter or building permit to insure the completion of the proposed improvements, utilities and landscaping, to replace public improvements damaged by construction activities (sidewalks, curbs, etc.); and to guarantee significant trees designated to be saved. 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.

2. Storm water management plans shall be submitted to Metropolitan Sewer District (MSD) and City for review and approval prior to the issuance of a grading, foundation or building permit. Storm water greater than one c.f.s. shall not be directed across the public sidewalk or driveway entrances.

3. Sanitary sewer plan shall be approved by MSD prior to the issuance of a foundation letter or building permit.

4. Parking lot entrances shall be 7" thick concrete and ADA compliant.

5. The water system shall meet the requirements of the Kirkwood Fire and Water Departments. The Fire Department shall approve the water flow for the project. If satisfactory water flow is not available from the existing water system in accordance with City policy, the applicant shall install the necessary mains and accessories.

6. 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.

7. 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 a building permit. These devices shall be maintained during the construction activities.

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. An accessible route in compliance with ADA standards shall be provided from the proposed accessible parking spaces to the accessible entrance of the building.

11. All rooftop equipment, air-conditioning units and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.

July 17, 2019
12. The Architectural Review Board shall approve all signs and building architecture prior to the issuance of any building permits.
### EXHIBIT B
### Subcommittee Meeting Attendees
### June 25, 2019

P&Z Subcommittee Meeting
Project: P2-8-20, Auk Kirkwood
Date: 6/25/19
Location: 10330 Memorial Rd.

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jonathan Raithe</td>
<td>City of Kirkwood</td>
</tr>
<tr>
<td>Allison Kipper</td>
<td>P2Z</td>
</tr>
<tr>
<td>Michael A. Chiocini</td>
<td>(CHIODIV)</td>
</tr>
<tr>
<td>Jeremy Whitt</td>
<td>Audi Kirkwood</td>
</tr>
<tr>
<td>Adam Fitzgerald</td>
<td>Audi Kirkwood</td>
</tr>
<tr>
<td>Jim O'Sullivan</td>
<td>P2Z</td>
</tr>
<tr>
<td>Ted Junkmann</td>
<td>City of Kirkwood</td>
</tr>
<tr>
<td>Rick McKinley</td>
<td>Kirkwood Electric</td>
</tr>
<tr>
<td>James Dien</td>
<td>P2Z</td>
</tr>
<tr>
<td>Russ Todd</td>
<td>City of Kirkwood</td>
</tr>
<tr>
<td>Jack Schenck</td>
<td>City of Kirkwood</td>
</tr>
<tr>
<td>J. D. Howell</td>
<td>Sterling Engineering</td>
</tr>
</tbody>
</table>
RESOLUTION 110-2020

A RESOLUTION AMENDING THE CONTRACT WITH KRUPP CONSTRUCTION BY INCREASING THE CONTRACT AMOUNT BY $10,000 FOR A NOT TO EXCEED AMOUNT OF $354,616.09 TO FINALIZE IMPROVEMENTS WITH THE EAST MONROE AVENUE RESURFACING PROJECT AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AMENDED CONTRACT.

WHEREAS, the City of Kirkwood competitively bid and awarded the East Monroe Avenue Resurfacing Project to Krupp Construction on March 19, 2020, and

WHEREAS, the East Monroe Avenue Resurfacing Project is to enhance pedestrian safety in front of the Performing Arts Center by constructing a raised intersection at Taylor Avenue and East Monroe Avenue, and

WHEREAS, utility conflicts were encountered during construction requiring all storm sewers at the intersection to be redesigned and modified, and

WHEREAS, additional funds are needed to complete the project, and

WHEREAS, the Public Services Department is requesting an amendment of the contract with Krupp Construction by increasing the contract amount by $10,000 for a total not to exceed amount of $354,616.09 to finalize improvements with the East Monroe Avenue Resurfacing Project, and

WHEREAS, funds are available in Account #301-1401-600.75.14, Project #PW2001.

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

SECTION 1. The Mayor is hereby authorized and directed to enter into an amended contract with Krupp Construction by increasing the contract amount by $10,000 for a total not to exceed amount of $354,616.09 to finalize improvements with the East Monroe Avenue Resurfacing Project.

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

PASSED AND APPROVED THIS 1ST DAY OF OCTOBER 2020.

Mayor, City of Kirkwood

ATTEST:

City Clerk
Legislation Request

Resolution  
Place On The Agenda Of: 10/1/2020

Step #1:
Strategic Plan: YES  
Goal # & Title: Goal 5. Invest for the future through infrastructure. Objective C.2

Background To Issue:
The East Monroe Resurfacing project is to enhance pedestrian safety in front of the Performing Arts Center by constructing a raised intersection at Taylor and East Monroe. The Engineering Department contracted with Krupp Construction to construct the project. The project included paving of East Monroe between Taylor and S Fillmore and a raised intersection at East Monroe and Taylor. Major utility conflicts at the raised intersection were encountered during construction. The utility impacts to the project required that all storm sewers at the intersection required several redesigns. Krupp Construction, along with the Engineering Firm Jacobs, played a key role in completing this work. The engineering redesign work was completed under the contingency amount for Jacobs. The contractor was able to use the majority of the ordered storm structures by modifying them. All storm sewer structures have been approved by MSD. Contingency funds have been exhausted and need additional funds to complete the project. The original bid was $313,287.35 with a contingency amount of $31,328.74 or 10% of the contract amount for a not to exceed amount of $344,616.09. In order to complete the project, an additional $10,000 is required. This would result in a 13% contingency.

Recommendations and Action Requested:
It is recommended the City Council increase the not to exceed the contracted amount with Krupp Construction by $10,000 for a total amount of $354,616.09 to finalize improvements with the East Monroe Resurfacing Project.

Alternatives Available:

Does this project have a public information component?  ○ Yes  ○ No

Cost: $10,000.00  
Account #: 30114016007514  
Project #: PW2001  
Budgeted: YES  
If YES, Budgeted Amount: $10,000.00  
If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

BY: Christopher Krueger  
Date: 9/22/2020  
Authenticated: kruegeca

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

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

**Approve**

Purchasing Director's Comments:
Krupp Construction was issued Contract # 13475, approved through resolution 34-2020 on March 19, 2020, for in the amount of $344,616.09. The Public Services Department is requesting approval of an amendment to the Contract in the amount of $10,000 for additional work required to complete the project resulting in a net to exceed amount of $354,616.09.

BY: David Weidler  Date: 9/23/2020  Authenticated: weidledc

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).**

**Budgetary Approval**

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:
Budgetary appropriation is available and sufficient for $10,000 in account 301-1401-600-75-14, Streets, Project PW2001, Street Restoration to approve the above requests.

BY: John Adams  Date: 9/23/2020  Authenticated: stephesf

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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: 9/24/2020
RESOLUTION 34-2020

A RESOLUTION ACCEPTING THE BID OF KRUPP CONSTRUCTION IN THE NOT TO EXCEED AMOUNT OF $344,616.09 (WHICH INCLUDES A CONTINGENCY OF $31,328.74) FOR EAST MONROE AVENUE RESURFACING FROM SOUTH TAYLOR TO SOUTH FILLMORE AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT.

WHEREAS, pursuant to law, the City obtained bids for East Monroe Avenue Resurfacing from South Taylor to South Fillmore, and

WHEREAS, the most responsible bid received was that of Krupp Construction in the not to exceed amount of $344,616.09 (which includes a contingency of $31,328.74) and which bid acceptance is approved by the Chief Administrative Officer and recommended by the Director of Procurement and the Director of Public Services, and

WHEREAS, funds are available in Account #301-1401-600.75.14, Project #PW2001.

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

SECTION 1. The bid of Krupp Construction in the not to exceed amount of $344,616.09 (which includes a contingency of $31,328.74) for East Monroe Avenue Resurfacing from South Taylor to South Fillmore is hereby accepted and approved.

SECTION 2. The Mayor is hereby authorized and directed to enter into a contract with Krupp Construction in the not to exceed amount of $344,616.09 (which includes a contingency of $31,328.74) for East Monroe Avenue Resurfacing from South Taylor to South Fillmore.

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

PASSED AND APPROVED THIS 19TH DAY OF MARCH 2020.

Mayor, City of Kirkwood

ATTEST:

City Clerk
RESOLUTION 111-2020

A RESOLUTION AMENDING THE CONTRACT WITH KRUPP CONSTRUCTION BY INCREASING THE CONTRACT AMOUNT BY $50,000 (WHICH INCLUDES A CONTINGENCY OF $4,602.37) FOR A NOT TO EXCEED AMOUNT OF $404,616.09 FOR THE PAINTING OF THE RAISED INTERSECTION AT TAYLOR AVENUE AND EAST MONROE AVENUE AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AMENDED CONTRACT.

WHEREAS, the City of Kirkwood competitively bid and awarded the East Monroe Avenue Resurfacing Project to Krupp Construction on March 19, 2020, and

WHEREAS, the East Monroe Avenue Resurfacing Project is to enhance pedestrian safety in front of the Performing Arts Center by constructing a raised intersection at Taylor Avenue and East Monroe Avenue, and

WHEREAS, the East Monroe Resurfacing Project has completed the concrete and asphalt work in front of the Performing Arts Center, and

WHEREAS, Krupp Construction has received a proposal from 7C Contracting to paint the raised intersection at Taylor Avenue and East Monroe Avenue, and

WHEREAS, Krupp Construction has agreed to add 7C Contracting as a subcontractor to the contract for the additional work, and

WHEREAS, the Public Services Department is requesting an amendment of the contract with Krupp Construction by increasing the contract amount by $50,000 (which includes a contingency of $4,602.37) for a total not to exceed amount of $404,616.09 for the painting of the raised intersection at Taylor Avenue and East Monroe Avenue, and

WHEREAS, the not to exceed amount of $404,616.09 is contingent upon passage of Resolution 110-2020, which increases the not to exceed amount from $344,616.09 to $354,616.09, and

WHEREAS, funds are available in Account #301-1401-600.75.14, Project #PW2001.

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

SECTION 1. The Mayor is hereby authorized and directed to enter into an amended contract with Krupp Construction by increasing the contract amount by $50,000 (which includes a contingency of $4,602.37) for a total not to exceed amount of $404,616.09 for the painting of the raised intersection at Taylor Avenue and East Monroe Avenue.

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

PASSED AND APPROVED THIS 1ST DAY OF OCTOBER 2020.

Mayor, City of Kirkwood

ATTEST:

_____________________________
City Clerk
Resolution

Step #1: Strategic Plan YES  Goal # & Title  Goal 5. Invest for the future through infrastructure. Objective C.2

Background To Issue:
The East Monroe Resurfacing project has completed the concrete and asphalt work in front of the Performing Arts Center at the intersection of Taylor Avenue and Monroe Avenue. Krupp Construction has received a proposal from 7C's contracting to paint the raised intersection of Taylor and Monroe Avenue with the attached design from Tom Reed. Krupp Construction has agreed to add 7C's Contracting as a subcontractor to their contract. 7C's contracting successfully completed the crosswalk stamping and coloring on Kirkwood Road. The cost to complete the intersection painting is $45,397.63. The bid did not go through a formal bidding process as this work is very specialized and for the work to be completed in October 2020 prior to winter months.

Recommendations and Action Requested:
It is recommended the City Council increase the contract with Krupp Construction by $50,000 that covers the cost of the intersection mural that includes a $4,602.37 contingency for a total not to exceed amount of $404,616.09.

Alternatives Available:

Does this project have a public information component?  ○ Yes  ○ No

Cost:  $50,000.00  Account #:  30114016007514  Project #:  PW2001  Budgeted:  YES

If YES, Budgeted Amount:  $50,000.00  If NO, or if insufficient funding [Complete Step #3].

Department Head Comments:

BY: Christopher Krueger  Date:  9/22/2020  Authenticated:  kruegeca

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

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

Approve

Purchasing Director's Comments:
Krupp Construction was issued Contract # 13475, approved through resolution 34-2020 on March 19, 2020, for in the amount of $344,616.09. The Public Services Department through separate legislation has requested approval of an amendment to the Contract in the amount of $10,000 for additional work required to complete the project resulting in a not to exceed amount of $354,616.09. This request is to increase the contract by an additional $50,000 to increase Krupp Construction's Contract to not to exceed $404,616.09 to include 7C as a subcontractor in order to paint the raised intersection of Taylor and Monroe Avenue.

BY: David Weidler Date: 9/23/2020 Authenticated: weidledc

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

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

Budgetary Approval From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:
Budgetary appropriation is available and sufficient for $50,000 in account 301-1401-600-75-14, Streets, Project PW2001, Street Restoration to approve the above requests.

BY: John Adams Date: 9/23/2020 Authenticated: stephesf

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

☑ Approve ☐ Disapprove

Chief Administrative Officer's Comments:

BY: [Signature] Date: 9/24/2020
RESOLUTION 34-2020

A RESOLUTION ACCEPTING THE BID OF KRUPP CONSTRUCTION IN THE NOT TO EXCEED AMOUNT OF $344,616.09 (WHICH INCLUDES A CONTINGENCY OF $31,328.74) FOR EAST MONROE AVENUE RESURFACING FROM SOUTH TAYLOR TO SOUTH FILLMORE AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT.

WHEREAS, pursuant to law, the City obtained bids for East Monroe Avenue Resurfacing from South Taylor to South Fillmore, and

WHEREAS, the most responsible bid received was that of Krupp Construction in the not to exceed amount of $344,616.09 (which includes a contingency of $31,328.74) and which bid acceptance is approved by the Chief Administrative Officer and recommended by the Director of Procurement and the Director of Public Services, and

WHEREAS, funds are available in Account #301-1401-600.75.14, Project #PW2001.

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

SECTION 1. The bid of Krupp Construction in the not to exceed amount of $344,616.09 (which includes a contingency of $31,328.74) for East Monroe Avenue Resurfacing from South Taylor to South Fillmore is hereby accepted and approved.

SECTION 2. The Mayor is hereby authorized and directed to enter into a contract with Krupp Construction in the not to exceed amount of $344,616.09 (which includes a contingency of $31,328.74) for East Monroe Avenue Resurfacing from South Taylor to South Fillmore.

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

PASSED AND APPROVED THIS 19TH DAY OF MARCH 2020.

Mayor, City of Kirkwood

ATTEST:

City Clerk
RESOLUTION 112-2020

A RESOLUTION ACCEPTING THE PROPOSAL OF SSM EXECUTIVE HEALTH AT THE RATES PROVIDED IN THE PROPOSAL (A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN) FOR POLICE AND FIRE MEDICAL SERVICES, ON AN AS NEEDED BASIS, FOR A TERM OF 5 YEARS, 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 Police and Fire Medical Services, and

WHEREAS, a Selection Committee consisting of the Director of Procurement, Police Chief, Police Captain, Fire Chief, Deputy Chief/EMS Manager, and Procurement Officer reviewed the proposals, and

WHEREAS, the Selection Committee recommends SSM Executive Health as the most qualified to provide Police and Fire Medical Services, on an as needed basis, at the rates provided in the memo (a copy of which is attached hereto and incorporated by reference herein) for a term of 5 years, pending budgetary approval, and

WHEREAS, funds are available in Account #101-1201-421.31.07 and Account #101-1301-422.31.07.

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

SECTION 1. The proposal of SSM Executive Health at the rates provided in the memo (a copy of which is attached hereto and incorporated by reference herein) for Police and Fire Medical Services, on an as needed basis, for a term of 5 years, pending budgetary approval, is hereby accepted and approved.

SECTION 2. The Mayor is hereby authorized and directed to enter into a contract with SSM Executive Health at the rates provided in the memo (a copy of which is attached hereto and incorporated by reference herein) for Police and Fire Medical Services, on an as needed basis, for a term of 5 years, pending budgetary approval.

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

PASSED AND APPROVED THIS 1ST DAY OF OCTOBER 2020.

________________________
Mayor, City of Kirkwood

ATTEST:

________________________
City Clerk
Legislation Request

Resolution

Place On The Agenda Of: 10/1/2020

Step #1:

Strategic Plan NO

Goal # & Title

Background To Issue:
The Fire and Police Departments contract medical evaluation services for their staff that are performed on an annual basis. The current agreement is expiring and the Procurement Depart has solicited a Request for Proposals to enter into a new contract for these services. The services are funded out of accounts 101-1201-421.31-07 and 101-1301-422.31-07.

Recommendations and Action Requested:
To accept the RFP from SSM Executive Health for yearly physicals and enter into a 5 year contract for Police and Fire Department yearly physicals at the rates provided in their proposal response funded from operating through accounts 101-1201-421.31-07, current balance $32,500.00, and 101-1301-422.31-07, current balance $22,000.00, on an as needed basis.

Alternatives Available:
None, this is required for both Police and Fire each year.

Does this project have a public information component?  ○ Yes  ○ No

Cost: $22,000.00
Account #: 10113014223107
Project #: Budgeted: YES

If YES, Budgeted Amount: $22,000.00
If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:
Police and Fire Departments require yearly physicals and this vendor

BY: James Silvernail
Date: 9/16/2020
Authenticated: smithd

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

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:
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 $22,000 in account 101-1301-422-31-07, Fire Medical Examinations and $32,500 in account 101-1201-421-31-07, Police Medical Examinations to approve the above request.

BY: Sandra Stephens Date: 9/23/2020 Authenticated: stephesf

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

☐ Approve ☐ Disapprove

Chief Administrative Officer's Comments:

BY: [Signature] Date: 9/24/2020
September 23, 2020

To: Russell Hawes, Chief Administrative Officer

For Your Consideration: Selection Committee’s Recommendation for Police and Fire Medical Evaluation Program Services, RFP #13734.

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 Police and Fire Medical Evaluation Program Services.


On September 2, 2020 proposals were received from St. Luke’s Workplace Health, Mercy Occupational Health, and SSM Executive Health.

The Selection Committee which consisted of David Weidler, Director of Procurement, Brian Murphy, Police Chief, John Folluo, Police Captain, James Silvernail, Fire Chief, David Smith, Deputy Fire Chief/EMS Manager, and Dan Gatti, Procurement Officer, reviewed the proposals.

The Selection Committee reviewed and evaluated each proposal based on:

- Specialized experience and technical competence of Firm with respect to the type of services required.
- Capacity and capability of Firm to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project.
- Past record of performance of Firm with respect to such factors as control of costs, quality of work, and ability to meet schedules.
- Firm’s proximity to and familiarity with the area in which the projects are located.
- Proposed schedule of fees.

After review of the qualified agencies’ proposal to perform these types of services, the Selection Committee is recommending contracts be issued to SSM Executive Health to provide Police and Fire Medical Evaluation Program Services based on the criteria for the scope listed above. This selected qualified agency will provide the Medical Evaluation Services at the rates provided in their proposal response funded from operating accounts on an as needed basis.

Funding is available in account number 101-1201-421.31-07 in the amount of $32,500.00 and account number 101-1301-422.31-07 in the amount of $22,000.00.

The anticipated contract term will be 5 years. Funding for future years will be contingent upon budgetary approval.

Attached is a request from James Silvernail, Fire Chief, for a resolution authorizing a contract to be
issued to SSM Executive Health for Police and Fire Medical Evaluation Program Services for a term of 5 years at the rates provided in their proposal response funded from operating accounts on an as needed basis.

Respectfully,

[Signature]

David Weidler, CPPO, CPPB
Director of Procurement
August 31, 2020

Mr. David Weidler  
Director of Procurement  
212 South Taylor Avenue  
Kirkwood, MO 63122

Re: RFP No: 13734

Dear Mr. Weidler:

Enclosed you will find one (1) original and two (2) copies of RFP No: 13734 –  
Medical Evaluation Program – Police & Fire.

We truly appreciate the opportunity to participate in this process. If you have any  
questions or concerns regarding this information, please do not hesitate to contact  
me at 314-209-5170.

Sincerely,

Shari J. Bollman, M.S.  
Manager  
SSM Executive Health

enclosures
CITY OF KIRKWOOD
DIRECTOR OF PROCUREMENT
212 SOUTH TAYLOR AVENUE
KIRKWOOD, MISSOURI  63122

PROPOSAL FOR KIRKWOOD POLICE AND FIRE
MEDICAL EVALUATION PROGRAM SERVICES

RFP No: 13734

Provided by:

SSM Medical Group
SSM Executive Health
Fenton, Missouri

August 31, 2020
RFP No: 13734  
August 31, 2020

1. COMPANY INFORMATION:

ADDRESS:  SSM Health – Executive Health  
12277 DePaul Drive, Suite 501  
Bridgeton, MO 63044

TELEPHONE: 314-209-5122

CONTACT PERSON: Shari Bollman, Manager

2. OUR HISTORY:

SSM Executive Health has been providing comprehensive medical examinations to fire fighters, paramedics and police officers in the St. Louis area since 1985. With the inception of the IAFF/IAFC Fire Service Joint Labor Management Wellness-Fitness Initiative in 1998, we began to customize our services to better accommodate the specific wellness requirements of the first responder profession. We have uniquely designed our program to ensure the entire medical and fitness evaluation process is conducted in one location and is completed within 2 ½ hours. The appointments for the medical evaluations are scheduled with both convenience and cost effectiveness in mind. Additionally, certain components of the Wellness-Fitness Initiative, such as the laboratory (blood and urine) tests, vaccinations and tuberculin skin tests are provided on location at the fire houses and police stations. Therefore, the need to be removed from duty for these medical components is eliminated.

Our goal is to provide exceptional wellness/fitness evaluations for our area fire fighters, paramedics and police officers to ensure those individuals have the opportunity to maintain a healthy body and mind, therefore enabling them to safely perform their work duties, enjoy their careers and have a long and healthy retirement.

3. OUR CLIENTS:

SSM Executive Health is currently providing the IAFF/IAFC Fire Service Wellness-Fitness Initiative to the following public service entities:

Affton Fire Protection District  
Antonia Fire Protection District  
Maryland Heights Fire Protection District  
Metro North Fire Protection District
OUR CLIENTS (continued)

Black Jack Fire Protection District          Mid County Fire Protection District
Brentwood Fire Department                  New Melle Fire Protection District
Central County Fire & Rescue               North Jefferson County Ambulance District
Clayton Fire Department                    O’Fallon Fire Protection District
Community Fire Protection District         Olivette Fire Department
Cottleville Fire Protection District       Pattonville Fire Protection District
Crestwood Fire Department                  Richmond Heights Fire Department
Eureka Fire Protection District            Riverview Fire Protection District
Fenton Fire Protection District            Robertson Fire Protection District
Florissant Valley Fire Protection District  Rock Community Fire Protection District
Frontenac Fire Department                  Rock Hill Fire Department
Glendale Fire Department                   Saint Charles Fire Department
Hazelwood Fire Department                  Saint Charles County Ambulance District
High Ridge Fire Protection District         Saline Valley Fire Protection District
Kirkwood Fire Department                   Shrewsbury Fire Department
Kirkwood Police Department                 Spanish Lake Fire Protection District
Ladue Fire Department                      University City Fire Department
Lake St. Louis Fire Protection District    Valley Park Fire Protection District
Lemay Fire Protection District             Wentzville Fire Protection District
Lincoln County Ambulance District          West Overland Fire Protection District
Maplewood Fire Department                 Wright City Fire Protection District

4. STAFF CONTACT INFORMATION:

Sarah Hamer, RN, Supervisor - Executive Health – St. Clare
Telephone: 636-496-2488
Email: Sarah.Hamer@ssmhealth.com 
Fax: 636-496-2485

Jess Gannon, MBA, Supervisor - Executive Health – DePaul
Telephone: 314-209-5166
Email: Jess.Gannon@ssmhealth.com
Fax: 314-344-7720

Shari Bollman, Manager -
Telephone: 314-209-5122
Email: Shari.Bollman@ssmhealth.com
Fax: 314-344-7720

5. LOCATIONS:

SSM St. Clare Hospital campus
1015 Bowles Avenue, Suite 1200
Fenton, MO  63026

SSM DePaul Hospital campus
12277 DePaul Drive, Suite 501
Bridgeton, MO  63044
6. **FEE SCHEDULE – POLICE SERVICES (2020 – 2025):**

Medical evaluations to be performed between January 1st and March 31st annually unless specified otherwise by the assigned department contact. All bolded items may be submitted to Anthem for coverage.

**Annual Examination Services**

1. **Medical History and Physical Examination**  
   (Including body composition analysis)  
   $125.00

2. **Laboratory Analysis**  
   (Including CBC, CMP, Lipid panel and Urinalysis)  
   85.00

3. **Audiology**  
   30.00

4. **Pulmonary Function Test**  
   40.00

5. **Electrocardiogram**  
   35.00

6. **Vision Test**  
   35.00

7. **Fitness Assessment**  
   (Muscular Strength, Endurance and Flexibility)  
   30.00

8. **Aerobic Capacity Assessment**  
   (All participants under the age of 39)  
   30.00

9. **Maximum Cardiac Stress Test**  
   (Participants 40-49 every other year and 50 or older annually)  
   195.00

10. **PSA Blood Test (Annually in men age 40 or older)**  
    35.00

11. **Colon Cancer Screening (All participants of age 40 or older)**  
    5.00

12. **Mammogram (Annually for women over age 40)**  
    400.00

**Optional Immunizations, Infectious Disease Screening and Additional Services**

1. **PPD**  
   $20.00

2. **Tetanus-diptheria-pertussis booster (Tdap)**  
   60.00

3. **Hepatitis A Vaccine (2 shot series)**  
   190.00

4. **Hepatitis B Vaccine (3 shot series)**  
   210.00

5. **Varicella Vaccine (2 shot series)**  
   240.00

6. **Influenza Vaccine**  
   40.00

7. **QuantiFERON Gold TB Blood Test**  
   40.00

8. **Hepatitis C Antibody Test (Baseline Only)**  
   30.00

9. **Hepatitis B Antibody Titer Blood Test (Baseline Only)**  
   30.00

10. **Varicella (VZV) Antibody Test (Baseline Only)**  
    35.00

11. **Lead Level Testing**  
    15.00

**Additional services outside of the provided scope**

1. **Behavioral Health Assessment**  
   40.00

*See description of this service on Page 5*
### FEE SCHEDULE - FIRE SERVICES (2020 – 2025):

Medical evaluations to be performed between September 1<sup>st</sup> and November 30<sup>th</sup> annually unless specified otherwise by the assigned department contact. All bolded items may be submitted to Anthem for coverage.

#### Annual Examination Services

1. **Medical History and Physical Examination**  
   (Including body composition analysis)  
   $125.00
2. Laboratory Analysis  
   (Including CBC, CMP, Lipid panel and Urinalysis)  
   85.00
3. Audiology  
   30.00
4. Pulmonary Function Test  
   40.00
5. Electrocardiogram  
   35.00
6. Vision Test  
   35.00
7. Fitness Assessment  
   (Muscular Strength, Endurance and Flexibility)  
   30.00
8. Aerobic Capacity Assessment  
   (All participants under the age of 39)  
   30.00
9. Maximum Cardiac Stress Test  
   (Participants 40-49 every other year and 50 or older annually)  
   195.00
10. PSA Blood Test (Annually in men age 40 or older)  
    35.00
11. Colon Cancer Screening (All participants of age 40 or older)  
    5.00
12. **Mammogram (Annually for women over age 40)**  
    400.00
13. Chest X-ray (baseline, then every 5 years)  
    95.00

#### Optional Immunizations, Infectious Disease Screening and Additional Services

1. PPD  
   $20.00
2. Tetanus-diptheria-pertussis booster (Tdap)  
   60.00
3. Hepatitis A Vaccine (2 shot series)  
   190.00
4. Hepatitis B Vaccine (3 shot series)  
   210.00
5. Varicella Vaccine (2 shot series)  
   240.00
6. Influenza Vaccine  
   40.00
7. QuantIFERON Gold TB Blood Test  
   40.00
8. Hepatitis C Antibody Test (Baseline Only)  
   30.00
9. Hepatitis B Antibody Titer Blood Test (Baseline Only)  
   30.00
10. Varicella (VZV) Antibody Test (Baseline Only)  
    35.00
11. CT Heart Scan  
    225.00

#### Additional services outside of the provided scope

1. Behavioral Health Assessment*  
   40.00
2. Low-Dose Lung CT*  
   185.00

*See description of this service on Page 5
*ADDITIONAL SCREENING SERVICES NOW AVAILABLE:

Behavioral Health Assessment is now recommended to be included in the annual medical examination. The confidential behavioral health evaluation should include questions that address stress management; alcohol use; financial and family problems; substance abuse; and assistance with any concerns about immediate family members. The behavioral health specialist will review each survey, and then meet individually with each participant to review their survey and offer specific resources or counseling for identified problems. This step is a preventive and proactive way to address problems before they progress into life-altering, career-ending behavior. As with the other components of the medical evaluation, behavioral health assessments are only effective if privacy is ensured.

Low-Dose CT of the lungs is now available due to fire fighters being at an increased risk of certain types of cancer as a result of occupational exposure. A low-dose CT scan is a screening test for lung cancer. Using a special kind of x-ray, multiple pictures are taken which are then combined to create a detailed image of the lungs. Preventative screenings, such as the LDCT, can be key in early detection and survival of lung cancer.

RESULTS AND FINAL REPORTING

Upon completing the medical evaluation, each participant will be assigned to one of the designated categories: Medically Certified – Medically certified for full duty. Conditional Medical Clearance - Conditional 60-day medical certification. Removal from Duty - Immediate removal from duty. A report will also be provided to the department contact regarding the status of classification for each participant.

Each participant will receive a thorough report reviewing their medical and fitness evaluation results, along with any recommendations for follow-up treatment and/or suggestions for positive lifestyle changes the attending physician would like for them to consider. The medical and fitness evaluation results will be mailed directly to the participant’s home address. To protect the confidentiality of the participating individuals, detailed medical information will not be released to the City of Kirkwood. A medical file will be maintained on each participant within the Executive Health office. When requested and authorized by the participant, copies of the medical results will be sent to their private physician.
Qualifications Form

Request for Proposal 13734
(Medical Evaluation Program – Police & Fire)

The following information is required for the review of your company as it pertains to the referenced Request for Proposal.

Prior Product / Services Information:

1) Reference One
   Company Name: Maryland Heights Fire District
   Address: 2600 Schuetz Road
   Maryland Heights, MO 63043
   Contact Name: Chief Steve Olshwanger
   Contact Phone Number: 314-298-4400
   Date of Contracted Services: October 1, 2019
   Length of Contract: 5 years
   Description of Services Provided: Medical Evaluation Program for District's fire personnel.

2) Reference Two
   Company Name: City of Brentwood Fire Department
   Address: 8756 Eulalie Avenue
   Brentwood, MO 63144
   Contact Name: Chief Terry Kurten
   Contact Phone Number: 314-392-8711
   Date of Contracted Services: May 1, 2016
   Length of Contract: 5 years
   Description of Services Provided: Medical Evaluation Program for Department's fire personnel.
Qualifications Form (Continued)

3) Reference Three
Company Name: High Ridge Fire Protection District
Address: 2842 High Ridge Blvd
High Ridge, MO 63049
Contact Name: Deputy Chief Ken Theiling
Contact Phone Number: 636-677-3371 x 156
Date of Contracted Services: October 1, 2019
Length of Contract: 5 years
Description of Services Provided: Medical Evaluation Program for District's fire personnel.

Company Information:
1) Year Established: 1985
2) Number of Years Providing Requested Services: 35 years

Additional Experience:
List any additional experience that would be beneficial to the evaluation of your company.

SSM Executive Health has a dedicated facility for providing medical evaluations to our area fire and police departments. The physicians and clinical staff have several years of experience in working with the specific health concerns often seen in first responders.
NON-COLLUSIVE AFFIDAVIT OF PRIME BIDDER

State of Missouri
County of St. Louis  S.S.

Suemi Bowman, being first duly sworn, deposes and says that:

1. He is the (owner, partner, officer, representative, or agent) of SSM HEALTH, the Respondent that has submitted the attached Proposal Response;

2. He is fully informed respecting the preparation and contents of the attached Proposal and of all pertinent circumstances respecting such Proposal;

3. Such proposal is genuine and is not a collusive or sham proposal; and that all statements made and facts set out in the Proposal are true and correct;

4. Neither the said Respondent nor any of its officers, partners, owners, agents, representatives, employees, or parties in interest including this affiant, has in any way colluded, conspired, connived, or agreed, directly or indirectly with any other Respondent, company, or person, to submit a sham proposal in connection with the Contract for which the attached Proposal has been submitted or to refrain from responding in connection with such Contract; or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other respondent, company, or person to fix the price or prices in the attached Proposal or of any other Respondent, or to fix the overhead, profit, or cost element of the Proposal price of the other Respondent, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against the City of Kirkwood or any person interested in the proposed Contract;

5. The price or prices quoted in the attached Proposal are fair and proper, and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Respondent or any of its agents, representatives, owners, employees, or parties in interest, including this affidavit; and

6. He further certifies that Respondent is not financially interested in or financially affiliated with any other Respondent on this project.

Signed

MANAGER, BUSINESS OPERATIONS

Title

Subscribed and sworn to before me this 5th day of September, 2020.

Notary Public

ALAINA M. SUTTON
Notary Public, Notary Seal
State of Missouri
St. Charles County
Commission # 11480770
My Commission Expires 01-11-2024

13
My Commission expires: 1-11-24

EMPLOYMENT OF UNAUTHORIZED ALIENS PROHIBITED

I, ______________, (Company Agent), being duly sworn, attest and state, under penalty of perjury, as follows:

I am employed by ______________ (Company) and serve as the ______________ (Position with Company).

I hereby affirm ______________ (Company’s) enrollment and participation in a federal work authorization program with respect to all employees working in connection with any services provided to the City of Kirkwood. Documentation of participation in a federal work authorization program is attached to this affidavit.

______________ (Company) does not knowingly employ, hire for employment, or continue to employ an unauthorized alien in connection with the services being provided to the City of Kirkwood.

Furthermore, all subcontractors working on this contract for services to the City of Kirkwood shall affirmatively state in writing in their contracts with ______________ (Company) that they are not in violation of Section 285.530.1, R.S. Mo., and shall not thereafter be in violation. Alternatively, the subcontractor shall submit a sworn affidavit under penalty of perjury attesting that all employees are lawfully present in the United States.

(Please see attached DEEMED DOCUMENTS)

(Company Agent)

State of Missouri
County of St. Louis S.S.

Subscribed and sworn to me, a notary public, this 1st day of September, 2020.

Notary Public

My commission expires:
1-11-24

ALAINA M. SUTTON
Notary Public, Notary Seal
State of Missouri
St. Charles County
Commission # 11489779
My Commission Expires 01-11-2024
AFFIDAVIT OF COMPLIANCE WITH SECTION 285.500 RSMo et seq.

(REQUIRED FOR CONTRACTS FOR PROVISION OF SERVICES IN EXCESS OF $5,000)

STATE OF MISSOURI

COUNTY OF ST. LOUIS

Before me, the undersigned Notary Public, Carmen Gelert _____________________________(Name)
personally appeared who is Mgr Operations, People Services ________________(Title) of
SSM Health Care Corporation _____________________________(Company Name), and after being sworn did depose
and say:

(1) that said company is enrolled in and participates in a federal work authorization program
with respect to the employees working in connection with the contracted services; and

(2) that said company does not knowingly employ any person who is an unauthorized alien
in connection with the contracted services.

The terms used in this affidavit shall have the meaning set forth in Section 285.500 RSMo, et seq.

Documentation of participation in a federal work authorization program is attached to this affidavit.

Carmen Gelert
Signature (Person with Authority)

Carmen Gelert
Printed Name

Manager Operations, People Services
Title

December 18, 2019
Date

Subscribed and sworn to before me this 18th day of December, 2019 (Month, Year).

My commission expires: 12-18-19

Signature of Notary Date

NICOLE H. COSPER
Notary Public - Notary Seal
State of Missouri, St Charles County
Commission # 11385181
My Commission Expires Feb 29, 2020

Rev. 1/30/09
Additional Information

Employer Identification Number
431343281

Total Number of Employees
10,000 and over

Parent Organization
SSM Health Care

Administrator
SSM Health Care - St. Louis

Organization Designation

Employer Category
Federal Contractor with FAR E-Verify Clause

Federal Contractor Category
None of these categories apply

Employees Being Verified
All new hires and all existing employees assigned to a Federal contract

View / Edit

NAICS Code
622 - HOSPITALS

View / Edit

Total Hiring Sites
8

View / Edit

Total Points of Contact
2

View / Edit

View Original MOU Template

View MOU
SSM HEALTH STANDARDS OF ETHICAL CONDUCT
FOR VENDORS

Mission: "Through our Exceptional Health Care Services, we reveal the healing presence of God"
Values: Compassion, Respect, Excellence, Stewardship and Community

Consistent with SSM Health's values and in light of increased government scrutiny, SSM Health has voluntarily implemented a compliance plan that formalizes expectations for conduct. In addition, SSM Health desires to do business with partners who abide by similar principles. The following summarizes the principles that SSM Health wishes to reflect in its relationships with vendors.

COMMITMENT TO OUR PATIENTS AND THEIR FAMILIES
Everything we do is designed to provide exceptional care for our patients, their families, and the communities we serve. We reflect ethical and proper business practices in all we do. We expect vendors to do the same in their relationship with us.

BUSINESS ETHICS
All employees must represent SSM Health accurately and honestly and must not engage in any activity intended to defraud anyone of money, property, services, or care. All SSM Health employees must pay careful attention to business transactions with suppliers, contractors, and other third parties. Employees must not accept offers that would result in personal benefit. This includes gifts, favors and other incentives to perform work in a way that benefits outside parties. Only trivial items like pens and pencils may be accepted by an employee from a vendor. We ask that vendors and their representatives act consistently with such standards.

LEGAL COMPLIANCE
SSM Health is committed to conducting all of its activities in compliance with applicable federal, state and local laws. These laws pertain to human resource activities, fraud and abuse in the Medicare and Medicaid programs, lobbying and political activity, and many other areas. We ask that vendors and their representative's act in accordance with all applicable laws. See the attached written information about SSM Health's commitment to compliance with federal and state laws related to the false claims and whistleblower protection.

CONFIDENTIALITY: PRIVACY & SECURITY OF INFORMATION
All SSM Health employees, vendors, and their representatives must maintain the confidentiality of patient information and of confidential information concerning employees.

CONFLICTS OF INTEREST
A conflict of interest is any situation where an employee has a financial or business interest that might be in conflict with the financial or business interests of SSM Health. All employees must avoid conflicts of interest or the appearance of conflicts of interest. If a potential conflict of interest exists, make people aware of it, as well as the impact it could have on our patients and their families or on the organization. Talking about conflict-of-interest issues with your supervisor, other entity managers, or the System Vice President—Corporate Responsibility can clarify whether a true conflict exists. We ask that vendors act in accordance with this principle.

If you become aware of any situation involving an SSM Health employee that violates those Standards of Ethical Conduct, please contact the SSM Health Corporate Responsibility Office (314-994-2647) or the confidential CRP Help Line (1-877-4CRP-ASK).

September 2015
ADDENDUM #1
Request for Proposal # 13734

City of Kirkwood
Medical Evaluation Program – Kirkwood Police & Fire
August 27, 2020

The City of Kirkwood - Office of Procurement hereby makes the following Addendum to Request for Proposal # 13734, dated August 19, 2020.

Questions from Potential Respondent:

1. Question: Can you elaborate on the billing component for these services? Does Anthem cover any particular services for these exams currently?

   Answer: Currently No-Copay nor No-Coinsurance is paid by Police or Fire Department employee for these services. This component is built into the proposal pricing. However, each employee’s medical insurance provider, Anthem BlueCross – Blue Shield, is billed for testing allowable amounts.

2. Question: Is the Heart CT being performed to achieve a calcium score?

   Answer: Yes, it would be used to receive a calcium score, but this test has not been used in the past because of the high cost.

Please acknowledge and return this Addendum #1 when submitting proposal.

Company Name

Signature

Sincerely,

David Weidler
Director of Procurement
City of Kirkwood