



WHERE COMMUNITY AND SPIRIT MEET®

**City Council Meeting Minutes
Kirkwood City Hall
Thursday, January 5, 2023, 7:00 p.m.**

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, January 5, 2023, at 7:00 p.m. at Kirkwood City Hall, 139 South Kirkwood Road, Kirkwood, Missouri. Present were Mayor Griffin, Council Members Duwe, Gibbons, Luetzow, Sears, Ward and Zimmer. Also in attendance were Chief Administrative Officer Russell Hawes, Assistant Chief Administrative Office David Weidler, City Clerk Laurie Asche, Planning and Development Services Director Jonathan Raiche, City Planner II Amy Lowry, City Planner I Christine Voelker, and City Attorney John Hessel.

INTRODUCTIONS AND RECOGNITIONS

NONE

PRESENTATION

NONE

PUBLIC HEARINGS

Mayor Griffin recessed the meeting for the purpose of conducting a public hearing regarding a request for a Special Use Permit with Outdoor Use for an Animal Facility, Major, for Cark Animal Hospital. Mr. Hessel entered the following exhibits into record: an Affidavit of Publication in the St. Louis Countian on December 16, 2022, 2022, as Exhibit 1; an Affidavit of Publication in the Webster-Kirkwood Times on December 16, 2022, as Exhibit 2; a list of properties that were notified of the hearing, as Exhibit 3; an aerial view map showing the subject property, as Exhibit 4; the report of the Planning and Zoning Commission Subcommittee dated December 7, 2022, as Exhibit 5; the report of the Planning and Zoning Commission dated December 8, 2022, as Exhibit 6; and the Kirkwood Code of Ordinances, as Exhibit 7.

City Planner I Christine Voelker presented information pertaining to the request:

- The petitioner is requesting a Special Use Permit for an Animal Facility, Major with Outdoor Use, for an animal hospital at 10320 Manchester Road (Greentree Center) to occupy 10,229 square feet of the former Gold's Gym space.
- The proposed hours of operation will be 7:00 a.m. to 7:00 p.m. Monday through Sunday.
- There will be no commercial boarding and animals staying overnight will be solely for postoperative recovery.
- The petitioner has 30 employees total at their current location, including 6 veterinarians.
- The floor plan of the new space is being designed under the assumption that the practice could grow to include 10 veterinarians, at which point there would be approximately 30 employees during any single work shift.
- The petitioner plans to utilize an existing fenced-in loading dock area at the rear of the building as a pet relief area.
- Perfect Turft PetGrass PODS will be installed in the pet relief area along with a new drain to an existing sanitary sewer.



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- No outdoor lighting is being proposed.
- The proposed use of Animal Facility, Major, has a parking requirement of 1 space per 300 square feet. Based on updated tenant data, the Greentree Center currently meets the parking requirements.
- The applicant provided a sound assessment, with the results concluding that the estimated sound levels at the adjacent commercial businesses meet the St. Louis County ordinance.
- The applicant is proposing to use Acoustifence to mitigate noise. An updated sound assessment that includes analysis of the proposed Acoustifence material and its ability to meet the St. Louis County noise ordinance will be required prior to City Council approval.
- A few of the Planning & Zoning Commission conditions are as follows:
 - The petitioner shall receive approval from MSD for the installation of the drain in the pet relief area and connection to sanitary sewer prior to issuance of permits.
 - An updated sound assessment that evaluates the effectiveness of the proposed Acoustifence material to meet St. Louis County noise regulations shall be provided prior to City Council approval.
 - The petitioner shall install Acoustifence on the chain link fence around the outdoor pet relief area in accordance with any recommended provided by the required updated sound assessment.
 - Pets in the outdoor relief area shall be supervised at all times, with no more than two pets in the area at a time and only during the hours of operation.
 - The petitioner shall install a pet waste station in the front of the building in a location to be approved by the Planning & Development Services Department and authorized by the Landlord.

Council discussion:

- It was confirmed by the petitioner that there will be one employee per two pets in the outdoor pet relief area.
- There will be no staff present during overnight hours.
- Question was raised regarding if there will be any change in business operations moving from one location to another.

The Bill will be placed on the January 19, 2023 agenda for first reading consideration.

PUBLIC COMMENTS

1. Dr. Sandra Hoffmann, 231 E. Argonne Drive, spoke in support of Resolution 3-2023.
2. Steve Pozaric, 1125 Vinetta Drive, spoke in support of Resolution 3-2023.
3. John Bickel, 75 W. Glenwood Lane, spoke in support of Resolution 3-2023.
4. Julie Missey, 2131 Briargate Lane, spoke in opposition of Resolution 3-2023. Concerned about disturbing noise and adverse effects on the neighborhood.
5. Patti Smith, 134 Sweetbriar Lane, spoke in opposition of Resolution 3-2023. Concerned about adverse health effects from disturbing noise and decrease in property values.
6. James Holtrop, Acoustic Control, 1725 Old State, Wildwood, Missouri, spoke in support of Resolution 3-2023. Gave background in acoustics and believes the noise levels will be in regulation with St. Louis County Code.



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- 7. Dr. Leland McClure, 2110 Briargate Lane, spoke in opposition of Resolution 3-2023. Believes the topic should go back to the Planning & Zoning Commission to resolve the conflicting sound studies.

CONSENT AGENDA

Motion was made by Council Member Zimmer and seconded by Council Member Luetzow to approve the Consent Agenda. It was requested that item a) be removed from the Consent Agenda and placed at the end of the agenda. The Consent Agenda was unanimously approved with item a) being removed.

- a) Approval of the December 15, 2022 Council Meeting Minutes ****Removed and placed at the end of the agenda***
- b) Resolution 1-2023, accepting the proposal of Anixter, Inc. in the amount of \$16,176 for the purchase of secondary pedestals for the Electric Department and authorizing and directing the Director of Procurement to issue a Purchase Order
- c) Resolution 2-2023, entering into a contract between the City of Kirkwood and Payer Matrix for pharmaceutical patient assistance services for City employees

UNFINISHED BUSINESS

Bill 10957, authorizing and directing the City Clerk to submit a proposition to the voters within the City of Kirkwood, Missouri at the April 4, 2023 election allowing the City of Kirkwood, Missouri to impose a sales tax at a rate of three percent on all tangible personal property retail sales of adult use marijuana sold within the City of Kirkwood, Missouri, pursuant to Article XIV, Section 2.6(5) of the Missouri Constitution; designating the form of the ballot; and imposing such sales tax subject to the approval by the voters was brought before the council. A discussion took place.

Roll Call:

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

The bill, having received majority approval of the Council, was adopted and became Ordinance 10786.



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NEW BUSINESS

Resolution 3-2023, approving the Major Site Plan partial amendment on the property known as 12665 Big Bend Boulevard, Greenbriar Hills Country Club, subject to certain conditions was brought before the council. Motion was made by Council Member Sears and seconded by Council Member Ward to accept the Resolution as read. A discussion took place.

Motion was made by Council Member Ward and seconded by Council Member Zimmer to amend the Resolution by adding a new Section 2 to read as follows, "The approval of this major site plan partial amendment shall not authorize the applicant to violate the St. Louis County Noise Ordinance, and following construction of the pickleball courts but prior to use by the applicant's members, the City shall have a noise study performed at the applicant's expense by a private entity acceptable to the City for the purpose of measuring the actual noise generated by playing pickleball on the newly constructed pickleball courts. In the event that the noise study finds that the noise generated by playing pickleball is in violation of the St. Louis County Noise Ordinance, the authority granted by this Resolution with respect to the use of the pickleball courts for playing pickleball shall be rescinded and shall be null and void, unless and until it is determined that the playing of pickleball on the pickleball courts is not in violation of the St. Louis County Noise Ordinance", and renumbering the subsequent sections accordingly. A discussion took place. The motion to amend was unanimously approved.

Roll Call:

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

CONSENT AGENDA ITEMS FOR DISCUSSION

December 15, 2022 minutes. Motion was made by Council Member Luetzow and seconded by Council Member Zimmer to amend the minutes by amending the vote under Resolution 164-2022 to change Council Member Gibbons' vote to "No". The motion to amend was unanimously approved.

The minutes were unanimously approved.

CITY COUNCIL REPORTS

Council Member Luetzow questioned if the City Council should have the Planning & Zoning Commission review the City's Code of Ordinances Zoning Code regarding accessory uses, setbacks and sporting courts regarding noise levels. A discussion took place.



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Council Member Ward stated his concern regarding the City's emergency preparedness and attacks on electric substations.

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 December 22, 2022 meeting of the Planning & Zoning Commission. The following action was taken:

1. After a presentation by staff and the petitioner for a Special Use Permit and Site Plan Review for Vehicle Sales and Rental, at 10230 Manchester Road (Audi Exchange Kirkwood), Commissioners Evens and Klippel were appointed to the Subcommittee. The Subcommittee will meet on the subject site at 8am on Wednesday, January 4.
2. By a vote of 8-0, the Commission recommended approval of a staff-initiated zoning code text amendment related to recreational marijuana facilities. **A public hearing is scheduled for January 19, 2023.**

ADJOURNMENT

There being no further business to come before the Council, the formal meeting was adjourned at 8:05 p.m. The next regular council meeting is scheduled for January 19, 2023 at 7:00 p.m.

Laurie Asche
City Clerk

Approved: January 19, 2023