

City Council Meeting Minutes
Kirkwood City Hall
Thursday, November 21, 2024, 7:00 p.m.

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, November 21, 2024, at 7:00 p.m. at Kirkwood City Hall, 139 South Kirkwood Road, Kirkwood, Missouri. Present: Mayor Gibbons, Council Members Jaksetic, Luetzow, McLean, Rheinneck, Schaefer, and Zimmer. Also in attendance were Chief Administrative Officer Russell Hawes, Assistant Chief Administrative Officer David Weidler, City Clerk Laurie Asche, Public Services Director Chris Krueger, Planning & Development Services Director Jonathan Raiche, City Planner II Amy Lowry, and City Attorney John Hessel.

INTRODUCTIONS AND RECOGNITIONS

NONE

PRESENTATIONS

Mayor Gibbons presented a Small Business Saturday Proclamation.

PUBLIC HEARINGS

Public Hearing #1

Mayor Gibbons recessed the meeting for a request for a request for a Major Site Plan and Special Use Permit Amendment for vehicle sale and rental for Lou Fusz Toyota at 10525 & 10725 Manchester Road. City Attorney John Hessel entered the following exhibits into record: an Affidavit of Publication in The Countian on November 1, 2024, as Exhibit 1; an Affidavit of Publication an Affidavit of Publication in the Webster-Kirkwood Times on November 1, 2024, 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; a report from the Planning and Zoning Commission Subcommittee dated October 16, 2024, as Exhibit 5; a report from the Planning and Zoning Commission dated October 17, 2024, as Exhibit 6; and the Kirkwood Code of Ordinances, as Exhibit 7.

City Planner II Amy Lowry presented the matter to the Council:

- The applicant is requesting a Major Site Plan Review and amendment to its Special Use Permit for a vehicle sale and rental use for the property addressed as 10525 Manchester Road, with some minor changes in the parking and circulation on the property addressed as 10725 Manchester Road.
- The vacant buildings on the 10525 Manchester Road property were used for many years as a retail furniture store.
- The applicant proposes demolition of all buildings on the 10525 Manchester Road property with the exception of the eastern-most building that will be renovated for a parts warehouse for the existing service center.
- The remainder of the site will be redeveloped into a parking lot for storage of vehicle inventory.
- The applicant will consolidate the two lots into one.
- The building to remain is two stories and 7,262 square feet on each floor, for a total of about 14,524 square feet.
- Approximately 1,344 square feet will be used for office, with the remaining 13,180 square feet for warehousing of parts.

- The receiving dock on the southeastern front of the building will be altered with a larger, overhead door and the receiving dock on the north side of the building will remain as is.
- The required number of parking spaces for the office and warehouse use is 1 per 300 square feet of office or administrative area and 1 per 1,250 square feet for warehouse storage above 10,000 square feet. Therefore, 15 parking spaces are required and 18 are provided immediately adjacent to the building, including 1 accessible space.
- In addition, 127 parking spaces are available for vehicle inventory for a total of 145 spaces.
- The parking lot will connect to existing parking on the property to the west owned by the dealership and addressed as 10725 Manchester Road.
- The vehicle wash is private to the site and not open to the public, therefore it does not require additional required parking spaces.
- A total of 95 parking spaces is required; 133 striped parking spaces are provided (including 4 required accessible spaces), with unstriped vehicle inventory areas for about 120 additional vehicles.
- Primary vehicular access to the 10525 Manchester Road property will be from Manchester Road from the existing eastern entrance. The applicant does not wish to close the curb cut that is about midway through the property, but instead proposes blockage of the access by combination of striping and concrete planters. There is also vehicular access to the northeast corner of the property via a driveway on the City's alley from Lynchester Lane.
- The proposed landscaping meets the City's regulations.
- The proposed lighting plan includes 2 new pole-mounted lights and 4 new building wall packs. In addition, the plan anticipates replacement of 2 lighting fixtures each on 2 existing poles in the front of the property.
- Some of the recommended conditions of the Planning and Zoning Commission are as follows:
 - A consolidation plat of 10525 and 10725 Manchester Road shall be recorded before the issuance of building permits.
 - The existing rear fence shall be replaced with a sound mitigating and sight proof fence not less than 8' in height and made from SimTek or a comparable composite product. This shall include along the north side of the alley to the extension of the east property line northward.
 - The planters to block the west vehicular access on the 10525 Manchester Road property shall be approved by the City's Engineering Department.
 - The damage to the street infrastructure on Lynchester Lane shall be corrected by the property owner in a manner approved by the City's Engineering Department.
 - The driveway and apron from Lynchester Lane in the rear of the florist property and 10525 Manchester Road shall be repaired in a manner approved by the City's Engineering Department. The driveway and apron shall be maintained by the property owner of 10525 Manchester Road.
 - The grade on the easternmost driveway entrance from Manchester Road on the 10725 Manchester Road property shall be fixed in a manner approved by the City's Engineering Department to eliminate scraping of the pavement and curbs.
 - The applicant shall submit a revised lighting plan.
 - No vehicle repair shall take place at the 10525 Manchester Road building.

Applicant Paul Fusz addressed the Council. Some discussion took place as follows:

- Question was raised regarding what the basic intent for the request is? For storage of new vehicles and parts. The capacity for new cars is being expanded.
- There is a tree study for the trees located in the alley that is used by residents, for preservation of the trees.
- Question was raised regarding how far east the replacement of the fencing will go? The fence on Lou Fusz's property will remain. The only fencing being replaced is the one located at 10525 Manchester Road.
- Question was raised regarding what SimTek fencing is? SimTek is a higher quality fence than just a vinyl fence.
- Question was raised regarding the logistics of the performance guarantee? A performance guarantee is required for major projects for public improvements and is held until the project is finished.
- Any time there is a new development or parking lot the City requires a new lighting plan so there is no bleeding of lighting onto other properties.

Comments from the public:

1. Daniel Smith, 230 Woodridge, stated concerns with light bleeding off and the current fencing.

The Bill will be placed on the December 5, 2024, agenda for consideration.

Public Hearing #2

Mayor Gibbons recessed the meeting for a request for a request for a Zoning Code Text Amendment to add Tattoo/Body Piercing Studio as a Special Use in the B-3 Zoning District and to change the Use-Specific Standards in Section 25-36(bb). City Attorney John Hessel entered the following exhibits into record: an Affidavit of Publication in The Countian on November 1, 2024, as Exhibit 1; an Affidavit of Publication an Affidavit of Publication in the Webster-Kirkwood Times on November 1, 2024, 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; a report from the Planning and Zoning Commission Subcommittee dated October 16, 2024, as Exhibit 5; a report from the Planning and Zoning Commission dated October 17, 2024, as Exhibit 6; and the Kirkwood Code of Ordinances, as Exhibit 7. Mr. Hessel stated for the record the same exhibits will be offered for the second public hearing, as well as all testimony presented considering the rezoning will become part of the record associated with the consideration of the Zoning Text Amendment and Zoning Map Amendment.

City Planner II Amy Lowry presented the matter to the Council:

- The applicant has submitted two applications which include the following items: 1) a zoning code text amendment to change the definition of a "Tattoo Studio" to also include "Body Piercing", to add Tattoo/Body Piercing Studio as a special use in the B-3, Highway Business District, and to change the use-specific standards for Tattoo/Body Piercing Studio; and 2) a Special Use Permit for a new Tattoo/Body Piercing Studio in the tenant space of 11212 Manchester Road should the zoning code text amendment be approved.
- Tattoo Studio was added to the Zoning Code in 2019 (Ordinance 10634) with the requirements that the use is permitted only as a special use in the B-2, Central Business District, each establishment must be a minimum 1000 feet from any other

tattoo studio, and the tenant space may only have a maximum first- floor street frontage of 8 feet. The current tattoo studio definition in Section 25-104 is as follows:

- An establishment whose activity, either in terms of operation or as held out to the public, includes the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any persons; using ink or other substances that result in the permanent coloration of skin by means of the use of needles or other instruments designed to contact or puncture the skin.
- Applicant proposes the following definition for a Tattoo/Body Piercing Studio (redlined to show changes):
 - An establishment whose activity, either in terms of operation or as held out to the public, includes the practice of one or more of the following: (1) placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of skin by means of the use of needles or other instruments designed to contact or puncture the skin; and/or (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.
- Applicant also proposes the following changes in the use-use specific standards in Section 25-36(bb) (redlined to show changes):
 - A tattoo studio in the B-2 zoning district shall be located a minimum of 1,000 feet from any other tattoo studio and in the B-3 zoning district shall be located a minimum of 7,000 feet from any other tattoo studio.
 - In the B-2 zoning district, any tenant space containing a tattoo studio shall have a maximum first-floor street frontage of eight feet.
- The property is zoned B-3, Highway Commercial District, and contains a one-story, strip shopping center built in 1964 and updated in 2013.
- The total area of the center is 6320 square feet from outside, with tenant spaces addressed from 11208 to 11220 Manchester Road and totaling 5923 square feet.
- The proposed applicant tenant space is addressed as 11212 Manchester Road and contains approximately 1000 sq. ft.
- There are a total of 37 parking spaces on site, including 2 accessible. The parking rate for a tattoo studio is 2 spaces per chair or station; applicant anticipates 4 chairs for a total of 8 parking spaces.
- The other current uses in the center need 19 spaces, including the title company with 1989 square feet at the office rate of 1 space per 300 square feet (7 parking spaces); the chiropractic office with 1124 square feet at the personal and commercial services rate of 1 space per 250 square feet (5 parking spaces), and the remaining space of 1810 square feet at rate of 1 space per 250 square feet (assuming retail or personal and commercial services for 7 parking spaces).
- Applicant is also required to provide 1 bicycle rack, accommodating 2 bicycles, for every 20 required parking spaces; 1 bicycle rack will need to be provided unless waived by the City Council.
- Some of the recommended conditions of the Planning and Zoning Commission are as follows:
 - Table 35-1, Principally Permitted Uses in Base Zoning Districts, shall be updated to change "Tattoo Studio" to "Tattoo/Body Piercing Studio" and to indicate such use is a Special Use in the B-3 zoning district.
 - Section 25-36(bb), Use-Specific Standards, shall be updated as follows:
 - (1) A tattoo/body piercing studio shall be located a minimum of 1,000 feet

from any other tattoo/body piercing studio.

(2) In the B-2 zoning district, any occupied space containing a tattoo/body piercing studio shall have a maximum first-floor street frontage of eight feet.

- Table 65-1, Number of Required Off-Street Parking Spaces, shall be updated to change “Tattoo Studio” to “Tattoo/Body Piercing Studio”.
- Section 25-104, General Definitions, shall be updated with a new definition for Tattoo/Body Piercing Studio as follows (redlined to show changes):
 1. An establishment whose activity, either in terms of operation or as held out to the public, includes the practice of one or more of the following: (1) placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of skin by means of the use of needles or other instruments designed to contact or puncture the skin; and/or (2) creation of an opening in the body of a person, other than the ear, for the purpose of inserting jewelry or other decoration. Establishments that offer ear-piercing services in conjunction with the sale of jewelry, but no other body piercing, shall be considered a Retail Business.
- After finding that the request met the review criteria for a Special Use Permit listed in Zoning and Subdivision Code Section 25-20(e) and (f) of the Zoning Code, the subcommittee also recommends that a Special Use Permit for a Tattoo/Body Piercing Studio on the property addressed as 11212 Manchester Road with an occupied space of approximately 1000 square feet be approved with the following conditions:
 1. The hours of operation shall be permitted as 10 a.m. to 10 p.m., Monday through Saturday.
 2. No procedure areas shall be visible from the outside of the building.
 3. The applicant shall be required to provide one bicycle rack, accommodating 2 bicycles, at the property, unless waived by City Council.
 4. The Architectural Review Board shall approve all signs.

Applicant Rachele Lawrence made a presentation. Some discussion took place as follows:

- Question was raised regarding if the applicant looked for locations in the B-2 District? Yes, but the applicant did not find an appropriate location.
- Concern was raised regarding preferential treatment being given to the applicant if use is allowed in the B-3 District.
- State and County regulate tattoo and body piercing together. However, the applicant does not currently intend to do body piercing, but would like the option to do so.
- Question was raised regarding the process for the request to expand the use to the B-3 District. The applicant made an application to the City to amend the Zoning Code in the B-3 District and for a Special Use Permit. Staff then informed the applicant of what steps they would need to take.
- The use would still require a Special Use Permit within the B-2 District.
- Question and concern was raised regarding a bicycle rack on Manchester Road. It is within Council discretion to either allow or not allow a bicycle rack along Manchester Road.
- Patrons under the age of 18 years old would need a notarized consent form from a parent or guardian, as well as a parent or guardian being present. State law requires

a sign being posted on the entrance to the building that no person under 18 years of age is allowed without parental consent.

Comments from the public:

1. Jessica DeClue-Gardner, 7917 LaBelle St., St. Louis, MO, spoke in favor of the request.
2. Adam Wright, 810 Evergreen Forest Drive, Saint Peters, MO, spoke in favor of the request.
3. Christian Bailey, 209 Presswick Lane, Saint Charles, MO, spoke in favor of the request.
4. Piper Accalia, 3385 Tree Court Lane, Kirkwood, MO, spoke in favor of the request.
5. Rachelle Wilson, 11 Garden Lane, Kirkwood, MO, spoke in favor of the request.
6. Igal Alon, 13029 Fertrails Lane, Saint Louis, MO, spoke in favor of the request.
7. Donna Lockett, 7949 Pinetop Drive, Saint Louis, MO, spoke in favor of the request.
8. Ryan Phelan, 7949 Pinetop Drive, Saint Louis, MO, spoke in favor of the request.

The Bill will be placed on the December 5, 2024, agenda for consideration.

Public Hearing #3

Mayor Gibbons recessed the meeting for the purpose of conducting a public hearing regarding a request for a Special Use Permit for a tattoo/body piercing studio at 11212 Manchester Road. Mr. Hessel stated that exhibits 1 through 7 and all testimony and discussion that took place during the first public hearing be made a part of the record for this public hearing.

The Bill will be placed on the December 5, 2024, agenda for consideration.

PUBLIC COMMENTS

NONE

CONSENT AGENDA

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

- a) Approval of the November 7, 2024 Council Meeting Minutes
- b) Resolution 156-2024, accepting the bid of New Again, Inc. in the amount not to exceed of \$29,208 for the repair of 204 Kirkwood Aquatic Center Pool Chairs and Loungers and authorizing and directing the Director of Procurement to issue a Purchase Order
- c) Resolution 157-2024, accepting the bid of Byrne & Jones Construction in the amount not to exceed of \$30,397 for the sealing and striping of the Kirkwood Community Center Parking Lot and authorizing and directing the Mayor to enter into a contract
- d) Resolution 158-2024, amending the contract with Intertek-PSI by increasing the contract amount by \$2,123 for a new total not to exceed amount of \$17,123 for Community Center Material Testing and Special Inspection and authorizing and directing the Mayor to enter into an amended contract

UNFINISHED BUSINESS

Bill 11052, changing the zoning from B-1, Neighborhood Commercial District, to R-5, Multifamily Residential District, on the property known as 430 South Clay Avenue, being an approximately 0.52 acre site on the east side of South Clay Avenue and directing such change in the Zoning District Map was brought before the City Council.

Roll Call:

Mayor Gibbons	“Yes”
Council Member McLean	“Yes”
Council Member Rheinnecker	“Yes”
Council Member Schaefer	“Yes”
Council Member Zimmer	“Yes”
Council Member Jaksetic	“No”
Council Member Luetzow	“Yes”

The bill, having received majority approval of the Council, was adopted and became Ordinance 10878.

Bill 11053, amending the provisions of the Municipal Code, Chapter 25 – Zoning and Subdivision by changing the Use-Specific Standards for the Personal and Commercial Service Use in the B-2, Central Business District was brought before the City Council.

Roll Call:

Mayor Gibbons	“Yes”
Council Member McLean	“Yes”
Council Member Rheinnecker	“Yes”
Council Member Schaefer	“Yes”
Council Member Zimmer	“Yes”
Council Member Jaksetic	“Yes”
Council Member Luetzow	“Yes”

The bill, having received majority approval of the Council, was adopted and became Ordinance 10879.

NEW BUSINESS

Bill 11055, amending the provisions of the Municipal Code, Chapter 25 – Zoning and Subdivision, for Garage Design and Setback in Residential Districts in Section 25-48(f) in the R-MM, Missing Middle Residential District was brought before the City Council. Motion was made by Council Member Luetzow and seconded by Council Member Zimmer to accept the bill as read.

Motion was made by Council Member McLean and seconded by Council Member Schaefer to amend the Bill by amending Section 1, Subsection (f) to change where it reads, “lots that are less than 75 feet” to read, “lots that are 65 feet or less”. A discussion took place. The motion to amend was approved with Council Members Jaksetic, McLean, Rheinnecker, and Schaefer in favor. Mayor Gibbons and Council Members Luetzow and Zimmer were opposed.

The amended bill received first reading approval and was held over.

Bill 11056, changing the Zoning from R-5, Multifamily Residential District, to R-MM, Missing Middle Residential District, on the property known as 223 West Monroe Avenue, being an approximately 0.21 acre site on the north side of West Monroe Avenue and directing such change in the Zoning District Map was brought before the City Council. Motion was made by Council Member Zimmer and seconded by Council Member McLean to accept the bill as read.

The bill received first reading approval and was held over.

Bill 11057, authorizing and directing the Mayor to enter into a Missouri Highways and Transportation Commission Surface Transportation Block Grant Program Supplemental Agreement #2 for the awarded Surface Transportation Program STP-5502(612) Lindeman Road Improvement Project by increasing the Federal Grant Surface Transportation Funds amount by \$320,417 for a new total amount of project costs to be reimbursed by 80% by federal share in the amount not to exceed of \$1,670,154 was brought before the City Council. Motion was made by Council Member Luetzow and seconded by Council Member Zimmer to accept the bill as read.

The bill received first reading approval and was held over.

Bill 11058, authorizing and directing the Mayor to enter into a Missouri Highways and Transportation Commission Surface Transportation Block Grant Program Supplemental Agreement #2 for the awarded Surface Transportation Program STP-5502(610) West Essex Reconstruction Project by increasing the Federal Grant Surface Transportation Funds amount by \$360,480 for a new total amount of project costs to be reimbursed by 80% by federal share in the amount not to exceed of \$1,878,080 was brought before the City Council. Motion was made by Council Member Luetzow and seconded by Council Member McLean to accept the bill as read.

The bill received first reading approval and was held over.

Bill 11059, appropriating \$597,011 from the General Fund – Fund Balance to the Police Department Machinery and Equipment Account, accepting the grant of Missouri Department of Public Safety in the amount of \$656,610.97 and accepting the proposal of Motorola Solutions, Inc. in the amount of \$656,610.97 (pursuant to Johnson County, Kansas Cooperative Contract) for the purchase of new radios for the Police Department with 50% of the funds to be reimbursed by grant share and authorizing and directing the Director of Procurement to issue a Purchase Order was brought before the City Council. Motion was made by Council Member Schaefer and seconded by Council Member Luetzow to accept the bill as read.

The bill received first reading approval and was held over.

Resolution 159-2024, accepting the bid of Byrne & Jones Construction in the amount not to exceed of \$1,924,294.85 (which includes a 10% contingency in the amount of \$174,935.89) for Construction Services for the STP-5502(612) Lindeman Road Resurfacing Project and authorizing and directing the Mayor to enter into a contract was brought before the City Council. Motion was made by Council Member Zimmer and seconded by Council Member McLean to accept the Resolution as read. A discussion took place.

Roll Call:

Mayor Gibbons	“Yes”
Council Member McLean	“Yes”
Council Member Rheinnecker	“Yes”
Council Member Schaefer	“Yes”
Council Member Zimmer	“Yes”
Council Member Jaksetic	“Yes”
Council Member Luetzow	“Yes”

CONSENT AGENDA ITEMS FOR DISCUSSION

NONE

CITY COUNCIL REPORTS

Council Member Luetzow reported on the following:

- Commended the Kirkwood Arts Commission and the Kirkwood Arts Foundation on the Tribute to David Sandborn concert held at the Kirkwood Performing Arts Center.
- Commended the Kirkwood Arts Commission and the Kirkwood Arts Foundation on the piece of public art located outside of the Kirkwood Performing Arts Center.

Council Member Schaefer reported on the following:

- The Kirkwood Library received a donation from a former Kirkwood resident who left \$150,000 to the Kirkwood Public Library in their will.
- The Kirkwood Library suffered a flood in their basement recently.
- Congratulated the Kirkwood High School Football Team who are playing in Districts and on their way to State.

Council Member Zimmer reported that this past Tuesday evening he attended the Kirkwood Connectivity Public Meeting put on by the Meacham Park Neighborhood Association. The goal is to connect Meacham Park to the rest of the City.

CHIEF ADMINISTRATIVE OFFICER REPORTS

Mr. Hawes reported that the City of Kirkwood received an Application for Liquor License to sell Intoxicating Liquor by the Drink, Plus Sunday, from Napoli Kirkwood, 436 N. Kirkwood Road. Motion was made by Council Member Rheinnecker and seconded by Council Member Schaefer to approve the application. A discussion took place. The motion passed unanimously.

CITY ATTORNEY REPORTS

City Attorney Hessel reported that with the passage of Prop T, the next steps are:

- The City to obtain the certified election results from the St. Louis County Board of Election Commissioners.
- To comply with State Statute, a Motion for Declaratory Judgement will need to be filed with the Courts the first week of December and a hearing scheduled in mid-December.
- The City Council will need to designate the Mayor and one other member to serve on the Transportation Development District Board.

Mayor Gibbons stated that the sales tax will go into effect in July 2025 and that the City will start receiving funding from the sales tax proceeds in January 2026.

CITY CLERK REPORTS

Ms. Asche provided a report of Planning & Zoning Commission Meeting at the November 20, 2024 meeting of the Planning and Zoning Commission, the following action was taken:

1. By a vote of 7-0, the Commission recommended approval of a Zoning Code text amendment to change the size allowance in Zoning Code Section 25-42(i) and the use-specific standards in Zoning Code Sections 25-45(g) and 25-45(h) relating to accessory structures in residential zoning districts. A public hearing is requested on this text amendment.

Ms. Asche reported on scheduled upcoming public hearings:

December 5, 2024

1. A request for a Zoning Code Text Amendment on Sidewalk Requirements under Section 25-69(a)(2).
2. A request for a Zoning Code Text Amendment to add Tattoo/Body Piercing Studio as a Special Use in the B-3 Zoning District and to change the Use-Specific Standards in Section 25-36(bb).
3. A request for a Special Use Permit for a tattoo/body piercing studio at 11212 Manchester Road.

December 19, 2024

1. A request for a Zoning Code Text Amendment to change the size allowance in the Zoning Code, Section 25-42(i) and in the use-specific standards in the Zoning Code, Sections 25-45(g) and 25-45(h) relating to accessory structures in Residential Zoning Districts

ADJOURNMENT

There being no further business to come before the Council, the formal meeting was adjourned at 8:35 p.m. The next regular meeting of the Kirkwood City Council will take place at 7:00 p.m. on Thursday, December 5, 2024.

Laurie Asche
City Clerk

Approved:



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