



**Planning & Zoning Commission  
Agenda  
Wednesday, June 5, 2024, 7:00 p.m.  
Kirkwood City Hall  
139 S. Kirkwood Road  
Kirkwood, MO 63122  
Posted May 31, 2024**

**I. ROLL CALL**

**II. APPROVAL OF THE MAY 15, 2024 MEETING MINUTES**

**III. UNFINISHED BUSINESS**

None.

**IV. NEW BUSINESS**

**1. PZ-03-25 SPECIAL USE PERMIT FOR OUTDOOR DINING – 436 N. KIRKWOOD RD**

Submitted: 05-17-24; Automatic Recommendation Date: 09-16-24

Petitioner: Kye Pietoso, Napoli Brothers LLC

Petitioner's Agent: Paul Fusz, CBRE

*Opportunity for Public Comment*

**2. PZ-04-25 MAJOR SITE PLAN PARTIAL AMENDMENT – GREENBRIAR HILLS COUNTRY CLUB, 12665 BIG BEND BLVD**

Submitted: 5-30-24 Automatic Recommendation Date: 09-27-2024

Petitioner: John Matthew Lacefield, Greenbriar Hills Country Club

*Opportunity for Public Comment*

**V. COMMISSION/STAFF (INTERNAL) ITEMS**

1. Development Project Update

**VI. PLANNING AND ZONING SCHEDULE:**

1. July 17, 2024 – 7:00 p.m.

**Staff Liaison:** Jonathan Raiche; Phone: (314) 984-5926; email: [RaicheJD@kirkwoodmo.org](mailto:RaicheJD@kirkwoodmo.org)

**Kirkwood Planning and Zoning Commission:** Chairman Jim Adkins, Commissioners David Eagleton, Ron Evens, Tom Feiner, Sandy Washington, Mary Lee Salzer-Lutz, Darrell Scott, Allen Klippel, and Karen Coulson.

**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.



**CITY OF KIRKWOOD  
PLANNING AND ZONING COMMISSION  
MEETING MINUTES  
May 15, 2024**

**Members Present**

David Eagleton, Secretary/Treasurer  
Karen Coulson  
Ron Evens  
Allen Klippel  
Mary Lee Salzer-Lutz  
Darrell Scott  
Sandy Washington

**Members Absent**

Jim Adkins, Chair  
Tom Feiner, Vice-Chair

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, May 15, 2024 at 7:00 p.m. in the City Council Chambers. Planning and Development Services Director Jonathan Raiche and Planner II Amy Lowry attended the meeting.

1. Serving as Acting Chair, Secretary/Treasurer David Eagleton called the meeting to order at 7 p.m. He announced that Chair Adkins and Vice Chair Feiner were absent and their absences were excused.
2. A motion to approve the May 15, 2024 minutes was made by Commissioner Coulson and seconded by Commissioner Scott. The minutes were approved by a vote of 5-0, with Commissioner Salzer-Lutz and Washington abstaining.

**3. PZ-01-24 ZONING MAP AMENDMENT (B-4 TO B-2) – 119 W. WOODBINE AVE.**

**Presentation:** Ms. Lowry summarized the application for the Commission. The subject lot is south of the Woodbine Center, north of Concordia Lutheran Church, east of the Kirkwood Manor Condos, and west of an office use (insurance agency). The 60-foot by 150-foot, 9000-square foot lot contains a single-family house built in 1922 that has been continuously used as a residence. The proposed use is a multifamily condominium development. The subcommittee consisting of Chair Adkins and Commissioner Eagleton met on site on May 6, 2024. The subcommittee discussed the availability of the multifamily use under the B-2 zoning and the difference in setbacks between the current B-4 zoning and the proposed B-2. The subcommittee cited the inability under the current Zoning Code for the Planning and Zoning Commission/City Council to grant a modification with site plan review for the west side yard setback. The

subcommittee noted the consistency of the proposed zoning map amendment with the 2018 Downtown Master Plan Report, the Downtown Master Plan, and the Future Land Use Map.

Upon conclusion of Ms. Lowry's presentation, Acting Chair Eagleton opened the floor to the Commissioner's questions and comments. The Commission had no questions for either Ms. Lowry or the applicant. Acting Chair Eagleton read the results of the subcommittee report:

[INSERT REPORT]

**RECOMMENDATION:**

The Subcommittee recommends the Zoning Map amendment from B-4 to B-2 be **approved** after finding that the request met the review criteria for a zoning map amendment listed in Section 25-17(e) (1) of the Zoning Code.

Respectfully submitted by James Adkins and David Eagleton.

Motion to approve PZ-01-24 Zoning Map Amendment (B-4 to B-2) at 119 W. Woodbine Ave., as recommended in the subcommittee report, was made by Commissioner Klippel, and seconded by Commissioner Evens. Acting Chair Eagleton opened up the floor to discussion and questions from the Commission. Commissioner Klippel expressed his support for the map amendment as an improvement to the property. Acting Chair Eagleton called for a vote on the Motion. The seven members present unanimously approved the motion.

**4. PZ-02-25 SPECIAL USE PERMIT FOR OUTDOOR DINING – 10935 MANCHESTER RD., SUITE 200**

Ms. Lowry presented the application to the Commission. The property is on north side of Manchester Road between Clay and Harrison Avenues and zoned B-3, Highway Business District. The building first floor is occupied by a dentist's office. The second floor has been approved for occupancy for a new restaurant, Snarf's Sandwich Shop. The previous use of the entire building on the property was a restaurant, Pi Pizza, but the former SUP for outdoor dining has expired. The applicant, Maty Aronson of Snarf's Kirkwood LLC, has indicated that there would be up to 24 outdoor dining seats on the uncovered, raised deck of about 600 square feet on the east side of the building. The days and hours of operation are proposed as 8 a.m. to 8 p.m. seven days a week. The applicant anticipates 15-20 total employees, with 7 employees on the peak day shift and 4 employees on the evening shift. The applicant is also requesting outside entertainment in the form of speakers for the same hours of the restaurant. Because there is no physical expansion of the building and the deck seating is not covered by a roof, Ms. Lowry explained that no additional parking on site is required. Ms. Lowry referred the Commission to her memo recommending approval of the application for 24 outdoor dining seats.

In response to Commissioner Klippel and Evens' questions, it was determined that the previous restaurant tenant had no speakers and that the request here is for speakers only – no live entertainment. The applicant and Ms. Lowry clarified the issue of access to the deck for Commissioner Evens. In response to Commissioner Scott's question regarding disturbing noise levels, Ms. Lowry referred to the County noise ordinance on decibel levels and the City's nuisance code for resolution of complaints. She added that due to the background noise from Manchester Road, there would probably be no issue with the sound levels. Mr. Aronson confirmed that he is requesting 24 seats and that the speakers would be for ambient sound, but no live bands.

Acting Chair Eagleton called for public comment. There being none, a motion to approve PZ-02-25 Special Use Permit for Outdoor Dining at 10935 Manchester Rd., Suite 200 in accordance with Staff's memo to the P&Z was made by Commissioner Salzer-Lutz and seconded by Commissioner Scott. Commissioner Evens made a motion to amend Condition 3 in Staff's memo to add a statement that "This shall exclude live outdoor entertainment." Commissioner Coulson seconded the motion and it passed unanimously by the seven members present. There being no further discussion on the original motion, Acting Chair Eagleton called for a vote on the approval of PZ-02-25 in accordance with Staff's amended memo to the P&Z. The seven members present unanimously approved the motion. Commissioner Evens confirmed with Staff that if the restaurant opens before the SUP is approved by City Council, the restaurant could still have 12 seats by right on the deck.

## **5. COMMISSION STAFF INTERNAL ITEMS/DEVELOPMENT PROJECT UPDATES**

Mr. Raiche provided the Commission with updates regarding the Accessory Dwelling Unit application at 740 N. Taylor Avenue that will have second reading before City Council on May 16 and the staff-initiated code text amendment on hours of operation for uses in the B-1 zoning district that will have a public hearing before the City Council also on May 16. With no further business, a motion was made by Commissioner Salzer-Lutz and seconded by Commissioner Coulson to adjourn at 7:27 p.m. The next Planning and Zoning meeting will take place on June 5, 2024 at 7 p.m.

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David Eagleton, Acting Chair

Upon request, these minutes can be made available within three working days in an alternate format, such as CD, by calling 314-822-5822. Minutes can also be downloaded from the City's website at [www.kirkwoodmo.org](http://www.kirkwoodmo.org), then click on City Clerk, Boards & Commissions, Planning & Zoning Commission



# MEMORANDUM

**TO:** PLANNING & ZONING COMMISSION  
**FROM:** LAUREN HOERR, CITY PLANNER I *LH*  
**SUBJECT:** PZ-03-25; 436 N. KIRKWOOD RD, – CAFÉ  
NAPOLI (SUP – OUTDOOR DINING)  
**DATE:** MAY 31, 2024  
**CC:** JONATHAN RAICHE, PLANNING & DEVELOPMENT SERVICES DIRECTOR



WHERE COMMUNITY AND SPIRIT MEET®

The applicant, Paul Fusz, on behalf of Napoli Brothers LLC, is requesting a Special Use Permit (SUP) for outdoor dining in the B-2, Central Business District, for a new restaurant. The restaurant will be located in a first floor suite of a mixed use, 5-story, multi-family building with other businesses located on the first floor. The applicant has indicated that there would be up to 49 outdoor dining seats on the covered patio on the northwest side of the building. The days and hours of operation are proposed as follows:

11:00 AM – 10:00 PM Monday – Thursday  
11:00 AM – 11:00 PM Friday, Saturday  
11:00 AM – 9:00 PM Sunday

The applicant anticipates 15-20 total employees, with a maximum of 20 during the peak hours of the Friday and Saturday shifts.

The applicant is also requesting outside entertainment in the form of speakers during the same hours of the restaurant hours of operation in accordance with Zoning Code Section 25-45(o)(6).

## DISCUSSION:

Zoning Matters signs were posted on the property on May 30, 2024. The covered patio area is about 1,037 square feet. According to Code Section 25-63(b)(3), the restaurant is allowed up to 49 outdoor dining seats without additional parking requirements as long as the seats are in an unenclosed area. Therefore, no additional on-site parking is required to accommodate this outdoor dining request. The interior of the restaurant occupies 4,721 square feet. With an allowed reduction of 15% for storage, restrooms, utilities or maintenance areas, loading docks, or other areas incidental to the principal use, the area used to calculate the parking requirement decreases to 4,012 square feet. Therefore, with a parking rate of 1 space per 100 square feet of floor area, the restaurant would require 40 parking spaces. The James Apartment complex has a total of 152 dwelling units, and at a parking rate of 1.5 spaces per dwelling unit, requires 228 parking spaces. The adjacent UMB bank branch on the first floor occupies 2,200 square feet and at a parking rate of 1 space per 300 square feet, requires 7 parking spaces. In additions, the leasing office and the guest suite require 1 space each. In total, 277 parking spaces are required for the site. The property currently contains a parking garage and surface parking lots that provide a total of 291 off street parking spaces.

## RECOMMENDATION:

Staff finds that the proposed operations could be accomplished with few restrictions. Due to the simple nature of the request, Staff is requesting action from the Planning & Zoning Commission at the June 5, 2024 meeting rather than the formation of a subcommittee.

Staff recommends this petition be approved with the following conditions:

1. A Special Use Permit for Outdoor Dining shall be approved for the property addressed as 436 N. Kirkwood Rd in the approximately 1000 square foot area at the east end of the public plaza that is under the existing building overhang.
2. The days and hours of operation shall be permitted as follows:  
11:00 AM – 10:00 PM Monday – Thursday  
11:00 AM – 11:00 PM Friday, Saturday  
11:00 AM – 9:00 PM Sunday
3. Outside entertainment in the form of speakers shall be permitted as follows:  
11:00 AM – 10:00 PM Monday – Thursday  
11:00 AM – 11:00 PM Friday, Saturday  
11:00 AM – 9:00 PM Sunday  
  
This shall exclude live outdoor entertainment.
4. 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.
5. 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.
6. The applicant, by accepting and acting under the Special Use Permit approval granted, accepts the approval subject to the reservations, restrictions, and conditions set forth in the Code of Ordinances and in this memorandum 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 approval in the event such provisions are not complied with.



# APPLICATION FOR PLANNING AND ZONING REVIEW

DATE: 5/17/24 CASE NUMBER: 3-25  
ZONING DISTRICT: B-2 LOCATOR NUMBER: \_\_\_\_\_  
PROJECT ADDRESS: 436 N Kirkwood Rd.  
PROJECT NAME: Cafe Napoli

## ACTION REQUESTED

CUP, Development Plan or Final Site Plan (circle one)  
Development Plan, B4, B5, or R6 (circle one)  
Final Site Plan, B4, B5, or R6 (circle one)  
Site Plan Review, Minor or Major (circle one)  
Site Plan Modification  
Alternative Equivalency  
Special Use Permit, Category: Restaurant Outdoor Dining

☐ Subdivision, Major  
☐ Subdivision Modification  
☐ Text Amendment  
☐ Vacation, Right-of-Way or Easement (circle one)  
☐ Zoning Map Amendment, From \_\_\_\_\_ to \_\_\_\_\_  
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): Kye Pietoso Signature: [Signature] Phone No.: (636) 757-3418  
Mailing Address: 1450 Beale St #105 City: St. Charles State: MO Zip: 63303  
E-mail: \_\_\_\_\_ Address: \_\_\_\_\_ kye1014@gmail.com  
Petitioner's Status: ☐ Corporation ☐ Partnership ☐ Individual  
Relationship of Petitioner to Property: ☐ Owner ☒ Tenant - Napoli Brothers LLC ☐ Option Holder (Attach Copy of Contract) ☐ Other

## AGENT INFORMATION

Agent's Name: Paul Fusz Signature: \_\_\_\_\_ Phone No.: 314-596-1174  
Mailing Address: 190 Carondelet Plaza City: St. Louis State: MO Zip: 63105  
E-mail Address: paul.fusz@cbre.com  
(NOTE: The petitioner's agent, if listed, shall receive all official communication)

## PROPERTY OWNERS

Signature required or submit proof petitioner has legal interest in property.  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Signature: \_\_\_\_\_ Signature: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Phone: \_\_\_\_\_

## FOR CITY USE ONLY

Date Received: 5/17/24 Total Received: \$ 1000 Agenda Date: 6/5/24  
☐ B-4/B-5 Development Plan: \$1,000 + \_\_\_\_\_ Acres @ \$25/Acre or portion over one acre) = \$ \_\_\_\_\_  
☐ B-4/B-5 Final Site Plan: \$1,000  
☐ B-4/B-5 Final Site Plan Amendment (when public hearing is not required): \$500  
☐ CUP (Single family), Dev Plan/Preliminary Plat: \$1,000 + \_\_\_\_\_ Lots @ \$500/Lot = \$ \_\_\_\_\_  
☐ CUP (Single family), Final Site Plan/Final Plat: \_\_\_\_\_ Lots @ \$100/Lot = \$ \_\_\_\_\_ + 1-1/4% of \$ \_\_\_\_\_ = \$ \_\_\_\_\_  
☐ CUP, (Multi family), Development Plan/Prel. Plat: \$1,000 + \_\_\_\_\_ Dwelling units @ \$20/Each = \$ \_\_\_\_\_  
☐ CUP, (Multi family), Final Site Plan/Final Plat: \$500 + 1-1/4% of \_\_\_\_\_ = \$ \_\_\_\_\_  
☐ CUP, Final Site Plan/Final Plat Amendment: Public Hearing required \$800, Public Hearing not required \$500  
☐ CUP, Final Site Plan Time Extension: \$300  
☐ Mixed Use in B2 Development Plan: \$1,000 (includes SPR fee) + \$25/acre or portion over one acre  
☐ Mixed use in B2 Final Site Plan: \$500  
☐ Mixed use in B2 Final Site Plan Amendment: Public Hearing required \$800, Public Hearing not required \$500  
☐ R6 Development Plan: \$1,000 + \_\_\_\_\_ Dwelling units @ \$20/Unit = \$ \_\_\_\_\_  
☐ R6 Final Site Plan: \$500  
☐ Sidewalk Waiver on \_\_\_\_\_ feet @ \$30/Foot = \$ \_\_\_\_\_ = \$ \_\_\_\_\_  
☐ Site Plan Review (Major): \$1,000  
☐ Site Plan Review (Major): Amendment \$800 or Extension: \$300  
☐ Site Plan Review (Minor): \$500  
☐ Site Plan Review (Minor) Amendment \$500 or Extension: \$300  
☒ Special Use Permit: \$1,000 (waived if submitted with Site Plan Review)  
☐ Special Use Permit Amendment: \$800 (waived if submitted with Site Plan Review) or Extension: \$300  
☐ Subdivision (Major), Preliminary Plat \_\_\_\_\_ Lots @ \$500/Lot = \$ \_\_\_\_\_  
☐ Subdivision (Major), Final Plat/Improvement Plans: \_\_\_\_\_ Lots @ \$100/Lot + 1.25% of \$ \_\_\_\_\_ = \$ \_\_\_\_\_  
☐ Subdivision (Major) Amendment to Final Plat or Improvement Plans: \$200  
☐ Subdivision Modification (Boundary Adjustment): \$300  
☐ Vacation, Easement: \$100  
☐ Vacation, Right-of-way: \$200  
☐ Zoning Code Text Amendment: \$1,000  
☐ Zoning Map Amendment: \$1,000

SUBCOMMITTEE ( \_\_\_\_\_ )





WHERE COMMUNITY AND SPIRIT MEET®

May 31, 2024

TO: Paul Fusz – CBRE  
190 Carondelet Plaza  
St. Louis, MO 63105

Kye Pietoso – Napoli Brothers LLC  
1450 Beale St #105  
St. Charles, MO 63303

SENT VIA EMAIL: [paul.fusz@cbre.com](mailto:paul.fusz@cbre.com); [kye1014@gmail.com](mailto:kye1014@gmail.com)

SUBJECT: PZ-3-25; 436 N Kirkwood Rd  
Special Use Permit for Outdoor Dining

Mr. Fusz and Mr. Pietoso:

The City of Kirkwood Public Services Department is in receipt of your application for a Special Use Permit for Outdoor Dining at 436 N Kirkwood Rd. This item will be placed on the Planning and Zoning Commission agenda for its **7:00 p.m. meeting Wednesday, June 5, 2024** at Kirkwood City Hall, 139 South Kirkwood Road (agenda enclosed). City Staff will make an introduction presentation regarding the request at this meeting. You, or your representative, should attend this meeting to present this item to the Commission and answer any questions the Commission members may have.

The Planning and Zoning Commission will review the application in accordance with the Zoning Code. The Public Services Department has the following initial comments concerning the application:

1. Please see conditions in the enclosed memorandum to the Planning and Zoning Commission.

This is a preliminary review of the application. The Planning and Zoning Commission and Public Services Department will review the application in detail and provide further comments as necessary. This preliminary review is not an approval or acceptance of any part of the application submitted. The applicant is further advised that it is the applicant's responsibility to follow their petition through the entire process and to satisfy all submittal requirements and deadlines. Also note, this application and review does not grant the applicant any special rights, privileges, or immunities, and that all provisions of the Kirkwood Code of Ordinances shall apply.

Sincerely,

CITY OF KIRKWOOD

A handwritten signature in black ink that reads "Lauren Hoerr".

Lauren Hoerr  
Planner I  
314-822-5899  
[hoerrla@kirkwoodmo.org](mailto:hoerrla@kirkwoodmo.org)

Enclosures: June 5, 2024 P&Z Meeting Agenda  
June 5, 2024 Memo to Planning and Zoning Commission

# NAPOLI

May 17, 2024

The City of Kirkwood  
Jonathan Raiche  
Director of Planning and Development Services

Re: The James – Kirkwood, MO



Thank you for considering Café Napoli's application for outdoor dining in the city of Kirkwood. Napoli is requesting approval for an outdoor dining area with 49 seats for guests. Napoli is also requesting exterior speakers on the patio to provide ambiance from the street noise. There will not be a bar in the outdoor area and this will be strictly dining.

**Use:** Italian Restaurant with a focus on Pizza, Pasta, Steak and Chops

**Employees:** 15-20 estimate. The maximum shift during peak hours Fri/Sat will be 20.

**Hours of operation:**

-11:00 AM -10:00 PM Monday, Tuesday, Wednesday, Thursday

-11:00 AM -11:00 PM Friday, Saturday

-11:00 AM -9:00 PM Sunday

The Napoli Group is committed to continuing their success of 30+ years as restaurant leaders in the communities that they serve. The future is bright as they strive for steady, sustainable growth while committing to the highest quality food and service in the restaurant industry.

Their talented team of experienced restaurant management professionals has a proven record of food service success. Each team member specializes in specific areas of culinary expertise and food and beverage management. As operators, the experiences they have undertaken continue to shape the strategies they offer. What is clear is that no two restaurants are the same. As a restaurant management company, their seasoned team of food and beverage professionals focus on day-to-day operations, ensuring the ultimate experience in guest service, food quality operations.

The Napoli Group's restaurant management team offers streamlined financial reporting and revenue management, as well as processes for operational efficiency, goal setting, financial results, market growth, quality of service and food, people management, and policies and procedures to shape the vision and future of the company.

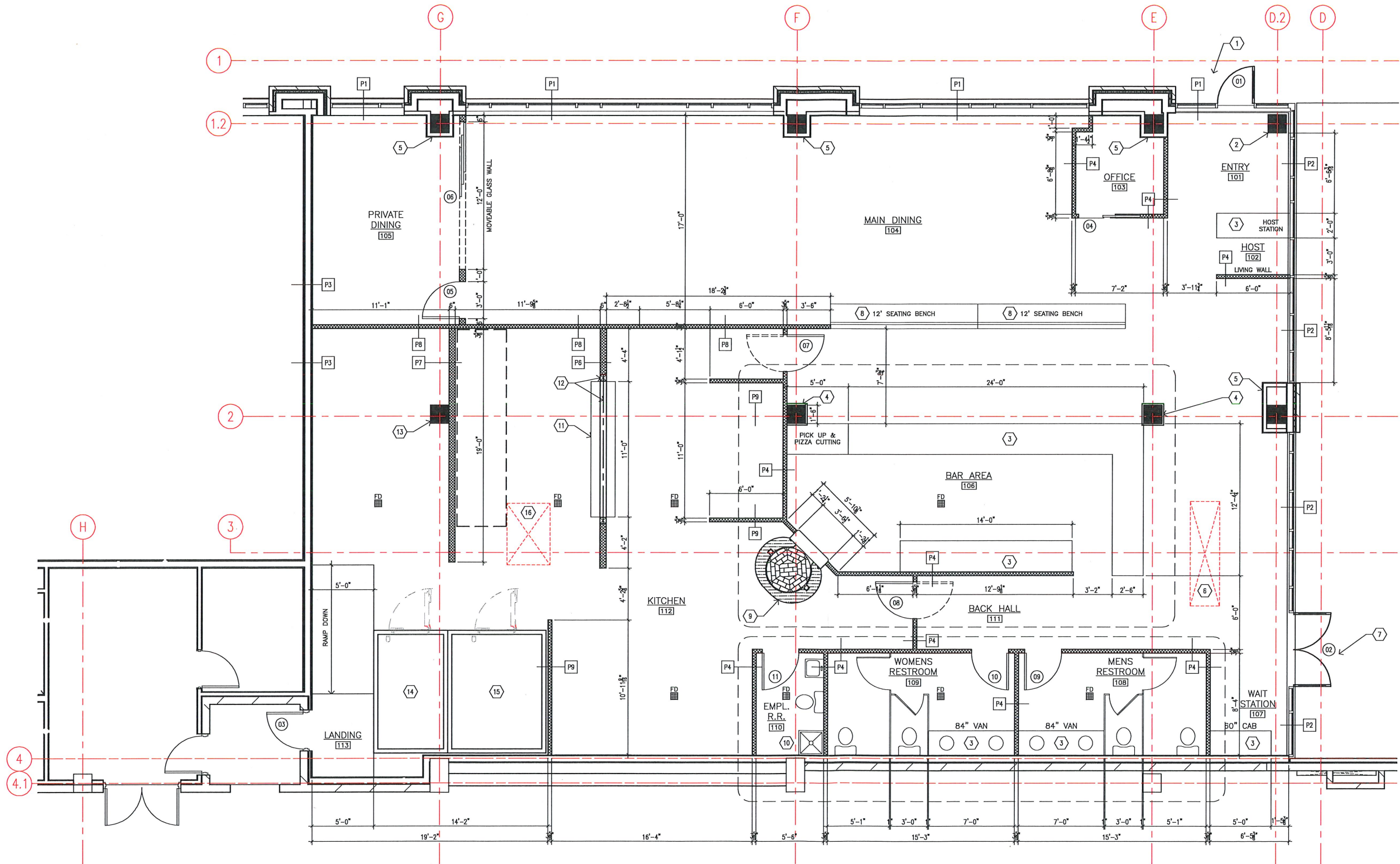
For new restaurants, The Napoli Group's restaurant concept development services span across many different specialties, including market research, target audience formulation, and niche definition, often inspired by guest feedback and the local community. They assist in coordinating interior design, as well as cuisine, menu, and beverage program development at various service levels. Whether it be fine-dining, upscale casual or family casual, our experience in restaurant openings, manager selection, and staff training promote efficiency and financial profitability for new developments. Proven processes and procedures ensure daily proficiency, and forward-thinking planning ensures continued success.

Menu and beverage programs are designed with guests in mind. The Napoli Group's culinary team helps create processes for execution, efficiency, and profitability.









1 FLOOR PLAN  
SCALE: 1/4" = 1'-0"

- FLOOR PLAN KEYED NOTES**
- EXISTING CITY OF KIRKWOOD CONCRETE SIDEWALK.
  - EXISTING CONCRETE COLUMN - PAINT.
  - MILLWORK DESIGNED & PROVIDED BY OTHERS - INSTALLED BY GENERAL CONTRACTOR.
  - EXISTING CONCRETE COLUMN - FURR OUT WITH 2-1/2" METAL STUDS AND 5/8" GYP. BD. FINISH - PAINT.
  - EXISTING CONCRETE COLUMN WITH GYP. BD. FINISH - PAINT.
  - MUA RETAIL CHASE TO ROOF ACCESS AT CEILING ABOVE.
  - EXISTING CONCRETE PATIO.
  - BUILT-IN SEATING - MILLWORK DESIGNED & PROVIDED BY OTHERS - INSTALLED BY GENERAL CONTRACTOR.
  - PIZZA OVEN - SEE \_\_\_\_\_ FOR BALANCE OF INFORMATION.
  - MOP SINK - SEE PLUMBING DRAWINGS.
  - STAINLESS STEEL SHELF AT PASS THROUGH - \_\_\_\_\_ A.F.F.
  - C7 X 9.8 BEAM WITH TS 6X8 X 9.5" COLUMN AT EACH END BEAM.
  - EXISTING CONCRETE COLUMN - INSTALL FRP FINISH.
  - 6' X 10' WALK-IN-FREEZER - SEE KITCHEN DRAWINGS.
  - 8' X 10' WALK-IN-COOLER - SEE KITCHEN DRAWINGS.
  - RETAIL GREASE DUCT CHASE TO ROOF ACCESS AT CEILING ABOVE.
- GENERAL NOTES:**
- CONTRACTOR TO VERIFY EXISTING CONDITIONS. NOTIFY THE DESIGNER IN RESPONSIBLE CHARGE WITH ANY DISCREPANCIES.
  - ALL FIRE PROTECTION, MECHANICAL, ELECTRICAL & PLUMBING IMPROVEMENTS SHALL BE PERFORMED BY CONTRACTORS LICENSED AND CERTIFIED FOR EACH RESPECTIVE TRADE AS REQUIRED IN THE STATE OF MISSOURI, ST. LOUIS COUNTY, THE CITY OF KIRKWOOD, MISSOURI AND WITH LOCAL AUTHORITIES HAVING JURISDICTION REGARDING THE PROJECT SITE.
  - EXISTING PARTITIONS TO REMAIN UNLESS NOTED OTHERWISE.
  - NEW PARTITIONS SHOWN SHADED. SEE: PARTITION TYPES.
  - INSTALL BLOCKING AT WALLS AS REQUIRED BY MANUFACTURER SPECIFICATIONS FOR ALL WALL MOUNTED EQUIPMENT AND FURNISHINGS. BLOCKING AND SHEATHING TO BE FIRE RETARDANT PER CODE.
  - ALL EQUIPMENT TO BE PROVIDED AND INSTALLED BY GENERAL CONTRACTOR AND GENERAL CONTRACTOR'S REPRESENTATIVES PER ANY AND ALL APPLICABLE CODES.
  - EXISTING TENANT ENTRY & EXIT DOORS TO REMAIN. BUILDING OWNER TO ENSURE THAT EXISTING HARDWARE TO REMAIN IS IN OPERABLE CONDITION AS REQUIRED PER CODE OR INSTALL NEW HARDWARE PER CODE.
  - PATCH AND REPAIR EXISTING CONCRETE FLOORS AS REQUIRED TO PROVIDE LEVEL FINISH.
  - FIRE, SMOKE AND OTHER SEPARATIONS OR BARRIERS BETWEEN BUILDING TENANTS, AS REQUIRED BY BUILDING CODES, SHALL BE PROVIDED AND INSTALLED BY BUILDING OWNER PER ANY AND ALL APPLICABLE BUILDING CODES.

NOT FOR  
CONSTRUCTION

SEAL  
CERTIFICATE OF AUTHORITY  
MISSOURI LIC. #2014008379  
BRADLEY COLLINS PETERSON  
MISSOURI LIC. #006865

**bradleycollins, llc**  
architecture  
131 east drake avenue  
st. louis, mo 63119  
phone: 314-968-2899  
www.bradley-collins.com

ISSUES / REVISIONS :		REMARKS
NO.	DATE	

**INTERIOR BUILD-OUT**  
**NAPOLI CUCINA**  
**416 N. KIRKWOOD ROAD, SUITE 103**  
**KIRKWOOD, MO 63122**  
**FLOOR PLAN**

PROJECT NUMBER  
24003

PROJECT PHASE  
CONTRACT DOCUMENTS

DRAWN BY:  
BCP

CHECKED BY:  
BCP

DATE:  
05.03.2024

SHEET NO.

**A1.4**



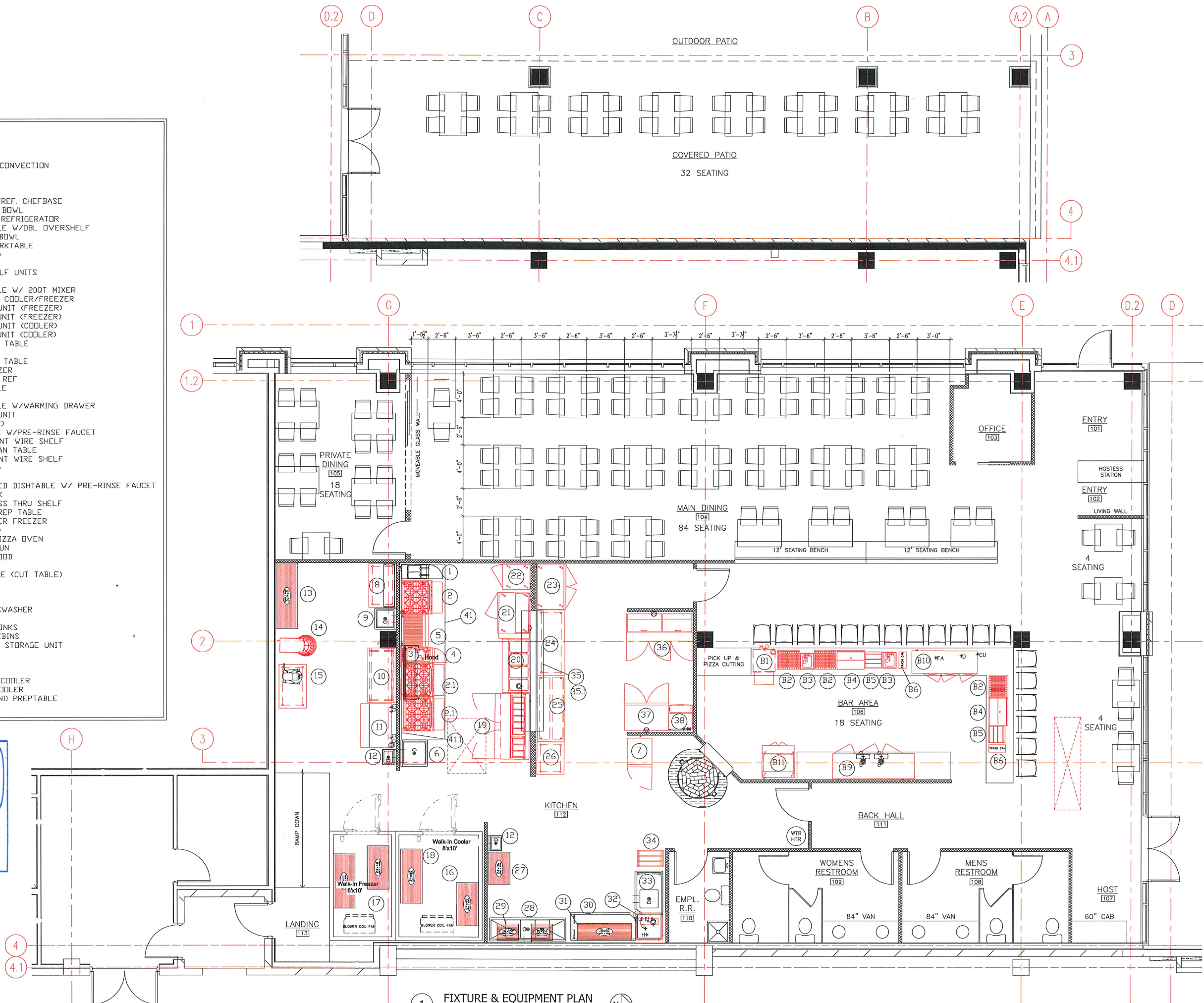


EQUIPMENT LIST

- 40LB FRYER
- 6 BURNER RANGE W/CONVECTION
- (2) 6 BURNER RANGE
- CHEESEMELTER
- PASTA COOKER
- 36" CHARBROILER W/REF. CHEFBASE
- 1 COMP SINK, 24X24 BOWL
- SINGLE GLASS DOOR REFRIGERATOR
- 30X48 S.S. WORKTABLE W/DBL OVERSHELF
- 1 COMP SINK, 18X18 BOWL
- 30X60 WOOD TOP WORKTABLE
- ICE MACHINE (LEASE)
- (2) HAND SINK
- (2) 24X72 WIRE SHELF UNITS
- SPIRAL DOUGH MIXER
- 30X48 S.S. WORKTABLE W/ 20QT MIXER
- 14'X10'X8'6" WALK-IN COOLER/FREEZER
- 24X48 WIRE SHELF UNIT (FREEZER)
- 24X60 WIRE SHELF UNIT (FREEZER)
- 24X48 WIRE SHELF UNIT (COOLER)
- 24X60 WIRE SHELF UNIT (COOLER)
- 72" REF PIZZA PREP TABLE
- 4 WELL STEAMTABLE
- 50" REF PIZZA PREP TABLE
- UNDERCOUNTER FREEZER
- 2 DOOR GLASS DOOR REF
- 30X72 S.S. WORKTABLE
- 30X72 DISH CABINET
- 30X36 S.S. WORKTABLE W/WARMING DRAWER
- 24X36 WIRE SHELF UNIT (ABOVE 3 COMP SINK)
- 3 COMPARTMENT SINK W/PRE-RINSE FAUCET
- (4) 18X24 WALL MOUNT WIRE SHELF
- 72" RIGHT SIDE CLEAN TABLE
- (4) 18X60 WALL MOUNT WIRE SHELF (ABOVE CLEANTABLE)
- DISHWASHER (LEASE)
- 48" LEFT SIDE SOILED DISHTABLE W/ PRE-RINSE FAUCET
- BUN/SHEET PAN RACK
- 24'X132" DOUBLE PASS THRU SHELF
- 3 DOOR REF SAND PREP TABLE
- 2 DOOR UNDERCOUNTER FREEZER
- ICE MACHINE (LEASE)
- OVEN, WOOD/COAL PIZZA OVEN
- PIZZA OVEN VENT RUN
- 192"X48" EXHAUST HOOD
- FIRE SUPPRESSION
- 30X60 S.S. WORKTABLE (CUT TABLE)

BAR EQUIPMENT

- UNDERCOUNTER GLASSWASHER
- (3) GLASS RACKS
- (2) UNDERBAR HAND SINKS
- (2) 24" UNDERBAR ICEBINS
- (2) UNDERBAR BOTTLE STORAGE UNIT
- (2) TRASH CANS
- BLANK NUMBER
- BLANK NUMBER
- 90" REF DRAFT BEER COOLER
- 72" REF BACK BAR COOLER
- 36" REF MEGATOP SAND PREPABLE



1 FIXTURE & EQUIPMENT PLAN  
SCALE: 1/4" = 1'-0"

NOT FOR  
CONSTRUCTION

SEAL  
CERTIFICATE OF AUTHORITY  
MISSOURI LIC. #2014008379  
BRADLEY COLLINS PETERSON  
MISSOURI LIC. #006865

**bradley/collins, llc**  
architecture  
131 east drake avenue  
st. louis, mo 63119  
phone: 314-968-2899  
www.bradley-collins.com

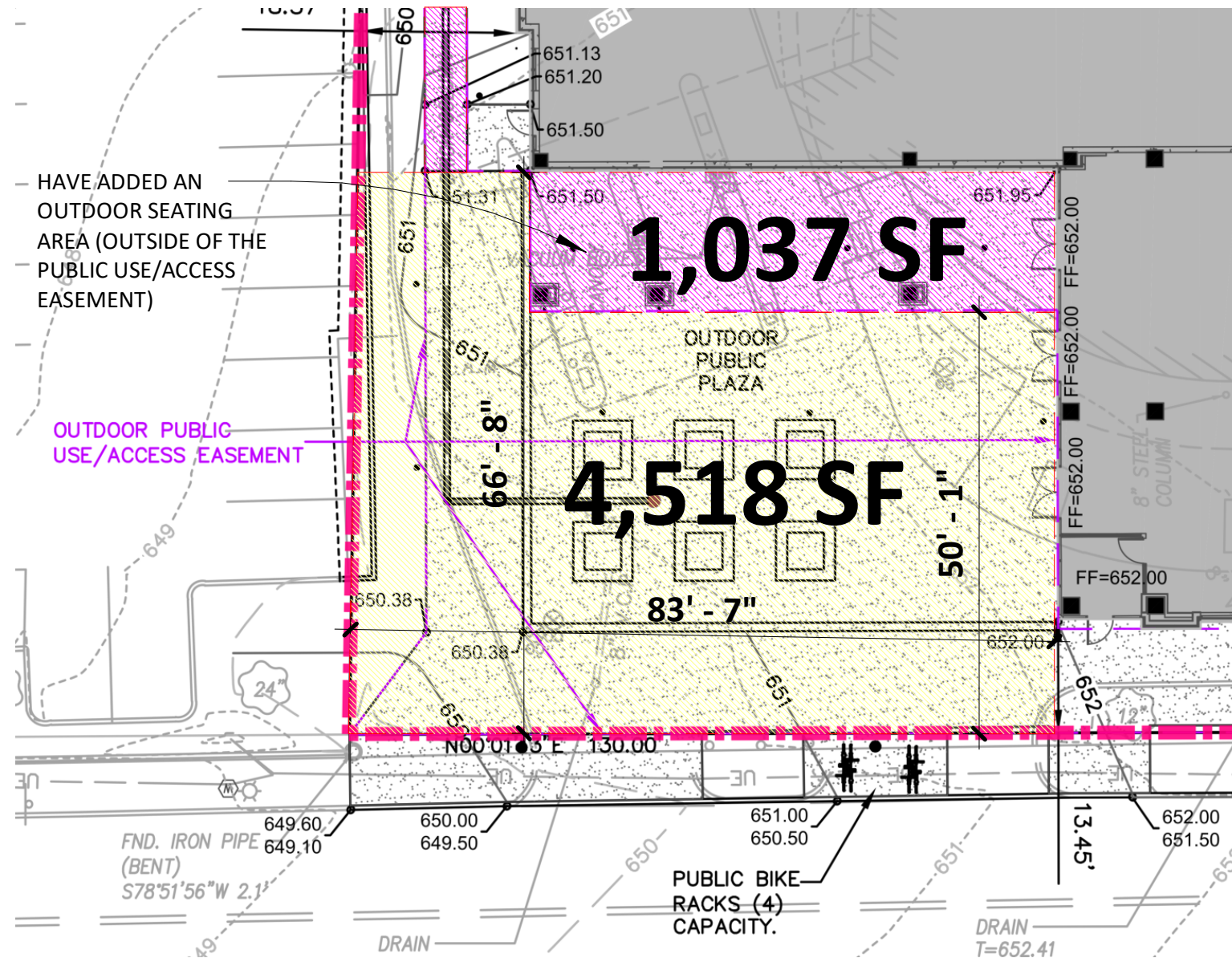
ISSUES / REVISIONS :

**INTERIOR BUILD-OUT**  
**NAPOLI CUCINA**  
**416 N. KIRKWOOD ROAD, SUITE 103**  
**KIRKWOOD, MO 63122**  
**FISTURE & EQUIPMENT PLAN**

PROJECT NUMBER  
24003  
PROJECT PHASE  
CONTRACT DOCUMENTS  
DRAWN BY:  
BCP  
CHECKED BY:  
BCP  
DATE:  
05.03.2024  
SHEET NO.

**A1.6**





PLAZA PORTION

$$\begin{array}{r}
 1,037 \text{ SF} \\
 + 4,518 \text{ SF} \\
 \hline
 5,555 \text{ SF}
 \end{array}$$

2A Plaza Plan\_TCC-ESG - Close-Up  
Z\_AD5 1" = 30'-0"

KIRKWOOD MIXED USE APARTMENTS  
426 N Kirkwood Rd / Kirkwood MO 63122

OUTDOOR PUBLIC SPACE &  
PLAZA COMPARISON









# APPLICATION FOR PLANNING AND ZONING REVIEW

DATE: May 29, 2024 CASE NUMBER: PZ-4-25  
ZONING DISTRICT: R3 LOCATOR NUMBER: 240310992  
PROJECT ADDRESS: 12665 Big Bend Blvd Kirkwood, MO 63122  
PROJECT NAME: Greenbriar Hills CC Pickleball Amendment

## ACTION REQUESTED

- |  |  |
|--|--|
| <input type="checkbox"/> CUP, Development Plan or Final Site Plan (circle one)                     | <input type="checkbox"/> Subdivision, Major                              |
| <input type="checkbox"/> Development Plan, B4, B5, or R6 (circle one)                              | <input type="checkbox"/> Subdivision Modification                        |
| <input type="checkbox"/> Final Site Plan, B4, B5, or R6 (circle one)                               | <input type="checkbox"/> Text Amendment                                  |
| <input checked="" type="checkbox"/> Site Plan Review, Minor or Major (circle one) <u>Amendment</u> | <input type="checkbox"/> Vacation, Right-of-Way or Easement (circle one) |
| <input checked="" type="checkbox"/> Site Plan Modification   | <input type="checkbox"/> Zoning Map Amendment, From _____ to _____       |
| <input type="checkbox"/> Alternative Equivalency   | Comments: _____  |
| <input type="checkbox"/> Special Use Permit, Category: _____                                       |  |

## 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): John M. Lacefield Signature: [Signature] Phone No.: 314-822-3011  
Mailing Address: 12665 Big Bend Rd City: Kirkwood State: MO Zip: 63122  
E-mail Address: matte@greenbriarhillscc.com  
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: John Mathew Lacefield Signature: \_\_\_\_\_ Phone No.: 314-822-3011  
Mailing Address: 12665 Big Bend Rd City: Kirkwood State: MO Zip: 63122  
E-mail Address: matte@greenbriarhillscc.com  
(NOTE: The petitioner's agent, if listed, shall receive all official communication)

## PROPERTY OWNERS

Signature required or submit proof petitioner has legal interest in property.

Name: <u>John M. Lacefield</u>	Name: _____
Signature: <u>[Signature]</u>	Signature: _____
Address: <u>12665 Big Bend Rd</u>	Address: _____
City/State/Zip: <u>Kirkwood, MO 63122</u>	City/State/Zip: _____
Phone: <u>314-822-3011</u>	Phone: _____

## FOR CITY USE ONLY

Date Received: 5/30/24 Total Received: \$ 800 Agenda Date: 6/5/24

- ☐ B-4/B-5 Development Plan: \$1,000 + \_\_\_\_\_ Acres @ \$25/Acre or portion over one acre) = \$ \_\_\_\_\_
- ☐ B-4/B-5 Final Site Plan: \$1,000
- ☐ B-4/B-5 Final Site Plan Amendment (when public hearing is not required): \$500
- ☐ CUP (Single family), Dev Plan/Preliminary Plat: \$1,000 + \_\_\_\_\_ Lots @ \$500/Lot = \$ \_\_\_\_\_
- ☐ CUP (Single family), Final Site Plan/Final Plat: \_\_\_\_\_ Lots @ \$100/Lot = \$ \_\_\_\_\_ + 1-1/4% of \$ \_\_\_\_\_ = \$ \_\_\_\_\_
- ☐ CUP, (Multi family), Development Plan/Prel. Plat: \$1,000 + \_\_\_\_\_ Dwelling units @ \$20/Each = \$ \_\_\_\_\_
- ☐ CUP, (Multi family), Final Site Plan/Final Plat: \$500 + 1-1/4% of \_\_\_\_\_ = \$ \_\_\_\_\_
- ☐ CUP, Final Site Plan/Final Plat Amendment: Public Hearing required \$800, Public Hearing not required \$500
- ☐ CUP, Final Site Plan Time Extension: \$300
- ☐ Mixed Use in B2 Development Plan: \$1,000 (includes SPR fee) + \$25/acre or portion over one acre
- ☐ Mixed use in B2 Final Site Plan: \$500
- ☐ Mixed use in B2 Final Site Plan Amendment: Public Hearing required \$800, Public Hearing not required \$500
- ☐ R6 Development Plan: \$1,000 + \_\_\_\_\_ Dwelling units @ \$20/Unit = \$ \_\_\_\_\_
- ☐ R6 Final Site Plan: \$500
- ☐ Sidewalk Waiver on \_\_\_\_\_ feet @ \$30/Foot = \$ \_\_\_\_\_ = \$ \_\_\_\_\_
- ☐ Site Plan Review (Major): \$1,000
- ☒ Site Plan Review (Major): Amendment \$800 or Extension: \$300
- ☐ Site Plan Review (Minor): \$500
- ☐ Site Plan Review (Minor) Amendment \$500 or Extension: \$300
- ☐ Special Use Permit: \$1,000 (waived if submitted with Site Plan Review)
- ☐ Special Use Permit Amendment: \$800 (waived if submitted with Site Plan Review) or Extension: \$300
- ☐ Subdivision (Major), Preliminary Plat \_\_\_\_\_ Lots @ \$500/Lot = \$ \_\_\_\_\_
- ☐ Subdivision (Major), Final Plat/Improvement Plans: \_\_\_\_\_ Lots @ \$100/Lot + 1.25% of \$ \_\_\_\_\_ = \$ \_\_\_\_\_
- ☐ Subdivision (Major) Amendment to Final Plat or Improvement Plans: \$200
- ☐ Subdivision Modification (Boundary Adjustment): \$300
- ☐ Vacation, Easement: \$100
- ☐ Vacation, Right-of-way: \$200
- ☐ Zoning Code Text Amendment: \$1,000
- ☐ Zoning Map Amendment: \$1,000

SUBCOMMITTEE ( \_\_\_\_\_ )



WHERE COMMUNITY AND SPIRIT MEET®

May 31, 2024

John Matthew Lacefield  
Greenbriar Hills Country Club  
12665 Big Bend Blvd  
Kirkwood, MO 63122

SENT VIA EMAIL: [matt@greenbriarhillsgcc.com](mailto:matt@greenbriarhillsgcc.com)

SUBJECT: PZ-4-25; 12665 Big Bend Blvd, Greenbriar Hills Country Club  
Major Site Plan Partial Amendment

Mr. Lacefield:

The City of Kirkwood Public Services Department is in receipt of your application for a Major Site Plan Partial Amendment at 12665 Big Bend Blvd for Greenbriar Hills Country Club. This item will be placed on the Planning and Zoning Commission agenda for its **7:00 p.m. meeting Wednesday, June 5, 2024** at Kirkwood City Hall, 139 South Kirkwood Road (agenda enclosed). City Staff will make an introduction presentation regarding the request at this meeting. You, or your representative, should attend this meeting to present this item to the Commission and answer any questions the Commission members may have.

The Planning and Zoning Commission will review the application in accordance with the Zoning Code. The Public Services Department will review the application in detail and provide further comments as necessary. This preliminary review is not an approval or acceptance of any part of the application submitted. The applicant is further advised that it is the applicant's responsibility to follow their petition through the entire process and to satisfy all submittal requirements and deadlines. Also note, this application and review does not grant the applicant any special rights, privileges, or immunities, and that all provisions of the Kirkwood Code of Ordinances shall apply.

Sincerely,  
CITY OF KIRKWOOD

A handwritten signature in blue ink, appearing to read "Amy Gillis Lowry".

Amy Gillis Lowry  
Planner II  
314-822-5815  
[lowryag@kirkwoodmo.org](mailto:lowryag@kirkwoodmo.org)

Enclosure: June 5, 2024 P&Z Meeting Agenda





## GREENBRIAR HILLS COUNTRY CLUB

12665 BIG BEND ROAD  
KIRKWOOD, MO 63122

June 1, 2024

Via Electronic Mail

Jonathan D. Raiche, AICP  
Planning & Development Services Director City of Kirkwood  
139 South Kirkwood Road  
Kirkwood MO 63122  
Attn: Jonathan Raiche  
[raichejd@kirkwoodmo.org](mailto:raichejd@kirkwoodmo.org)



Re: Application for Planning and Zoning Review

Dear Mr. Raiche

Please find attached an Application for Planning and Zoning Review ("Application") and other supporting documents submitted by Greenbriar Hills Country Club ("Greenbriar") in connection with its project subject to Resolution 3-2023A (the "Resolution"), A Resolution Approving the Major Site Plan Partial Amendment on the Property known as 12655 Big Bend Boulevard, Greenbriar Hills Country Club, Subject to Certain Conditions for the Planning and Zoning Committee meeting scheduled for June 5, 2024..

Consistent with Kirkwood Ordinance 5-39(d) and in order to provide enhanced sound mitigation, Greenbriar requests that the first sentence of Section 1, condition 2 be amended to read as follows: "The north and south barrier fences shall be up to 15 feet tall; the north fence shall include the Acoustifence Acoustical barrier to a height of at least 10 feet and the south fence shall include the Acoustifence acoustical barrier to 15 feet."

Please let us know if you have any questions regarding this application.

Best regards,

Matthew Lacefield  
General Manager



**GREENBRIAR HILLS**  
COUNTRY CLUB

MAJOR SITE PLAN PARTIAL AMENDMENT

SITE PHOTOS



Thank you to Planning & Zoning for their consideration of the submitted amendment to Resolution 3-2023A and the Major Site Plan Partial Amendment on the Property known as 12655 Big Bend Boulevard, Greenbriar Hills Country Club.

Consistent with Kirkwood Ordinance 5-39(d) and in order to provide enhanced sound mitigation, Greenbriar requests that the first sentence of Section 1, condition 2 be amended to read as follows: “The north and south barrier fences shall be up to 15 feet tall; the north fence shall include the Acousitfence Acoustical barrier to a height of at least 10 feet and the south fence shall include the Acoustifence acoustical barrier to 15 feet.”



**VIEW: EAST FACING**

**← NORTH SOUTH →**





**VIEW: WEST FACING**

**←SOUTH NORTH→**





**VIEW: EAST FACING ON SOUTH  
PROPERTY LINE EXTENDED**

**← NORTH SOUTH →**





**PROPOSED ADDITIONAL  
ACOUSTIFENCE**

**APPROX. 10 FT. BELOW ROOF LINE**

**← NORTH SOUTH →**

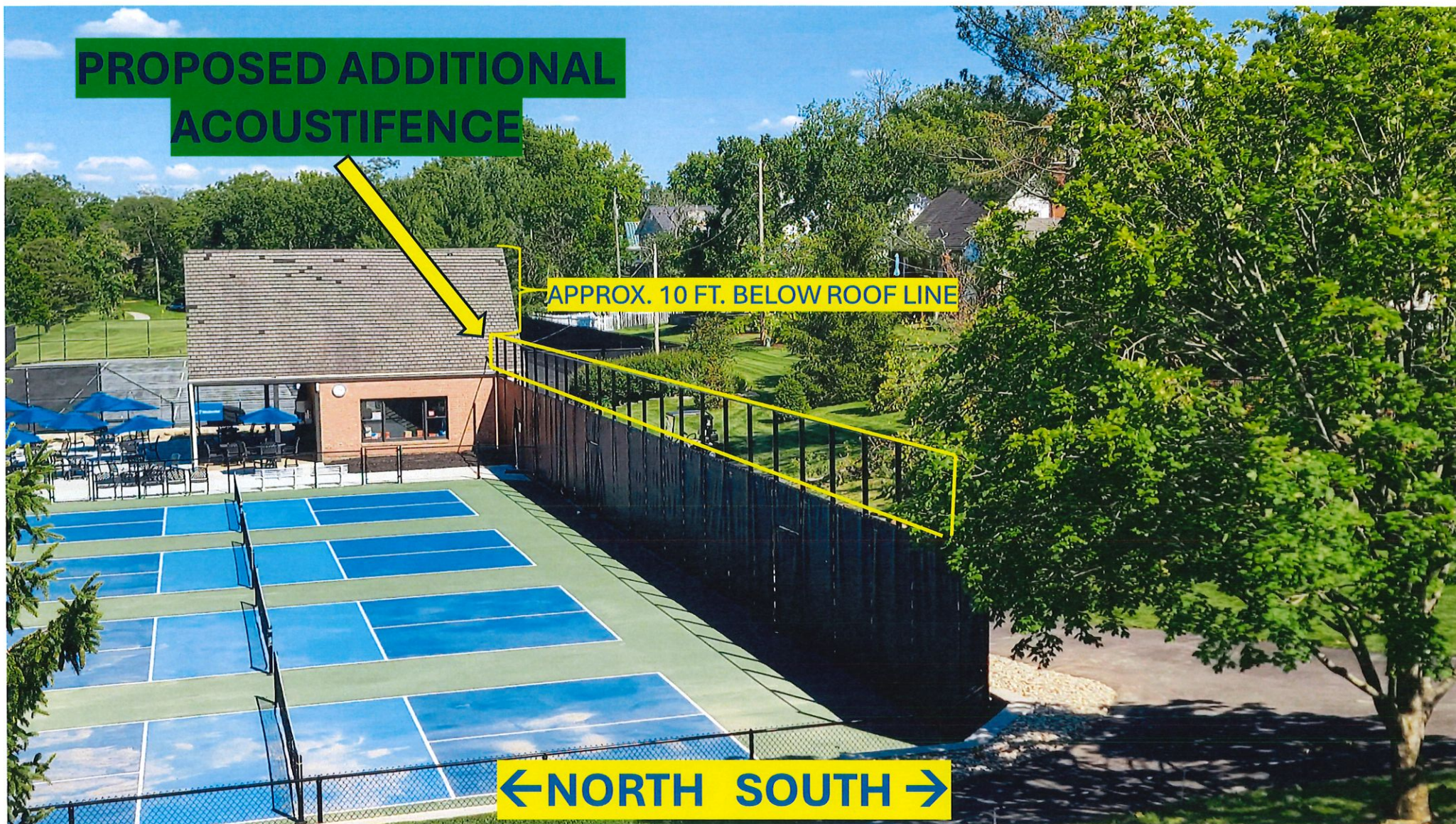




# PROPOSED ADDITIONAL ACOUSTIFENCE

APPROX. 10 FT. BELOW ROOF LINE

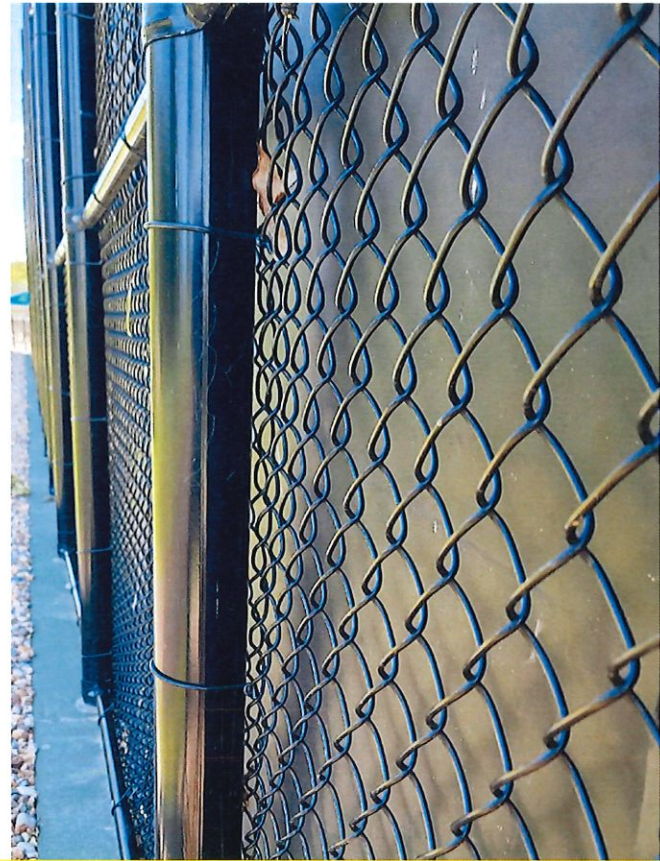
← NORTH SOUTH →







**FENCE OF OPEN MESH  
CONSTRUCTION**



**FENCE OF OPEN MESH  
CONSTRUCTION WITH  
ACOUSTIFENCE**





- Acoustifence-Noise Reducing Fences – Acoustifence® AF-6 is a patented, highly effective, yet simple to install, outdoor acoustical barrier.
- Acoustifence has an acoustical performance of STC 27 or STC 30, based on the selected model. This gives you a transmission loss of either 27dB or 30dB through the material.



<https://acoustiblok.com/acoustiblok-soundproofing-product-lines/acoustifence-noise-reducing-fences/>



## RESOLUTION 3-2023A

A RESOLUTION APPROVING THE MAJOR SITE PLAN PARTIAL AMENDMENT ON THE PROPERTY KNOWN AS 12665 BIG BEND BOULEVARD, GREENBRIAR HILLS COUNTRY CLUB, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, Aidan Delgado of McConnell & Associates, made application (PZ-05-23) for a major site plan partial amendment approval to construct four pickleball courts and to expand the swimming pool deck on the property known as 12665 Big Bend Boulevard; and

WHEREAS, the Planning and Zoning Commission did on the 16<sup>th</sup> day of November, 2022 by adopting the Subcommittee Report dated November 16, 2022 (attached hereto and incorporated by reference herein) recommend approval of the major site plan partial amendment after finding that the request met the site plan review criteria listed in Section 25-19(h) of the Zoning and Subdivision Code, subject to certain conditions; and

WHEREAS, on the 15<sup>th</sup> day of December, 2022, the City Council did hold a public meeting with respect to such major site plan partial amendment; and

WHEREAS, the Council does find that the approval of the major site plan partial amendment meets the review criteria listed in Section 25-19(h) of the Zoning and Subdivision Code; and

WHEREAS, the Council does further find that the general welfare requires that such major site plan partial amendment 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 major site plan partial amendment is hereby approved for the property known as 12665 Big Bend Boulevard subject to the following conditions:

1. The project shall be constructed and maintained in accordance with the Site Plan Packet (13 sheets) prepared by Weis Design Group stamped "Received November 3, 2022, City of Kirkwood Public Services Department"; the Photometric Site Plan (2 Sheets) prepared by G&W Engineering stamped "Received December 7, 2022, City of Kirkwood Public Services Department"; Acousticontrol Report H1709 Revised (dated October 12, 2022) And Acousticontrol Site Visit Comment Report (dated September 19, 2022), both stamped "Received November 3, 2022, City of Kirkwood Public Services Department"; and the Tree Protection Plan and Landscape Plan stamped "Received December 20, 2022, City of Kirkwood Public Services Department".
2. The north and south barrier fences of the pickle ball courts shall be 10 feet tall and include the Acoustifence acoustical barrier. Thereafter, such acoustical barrier be maintained at all times in good order, condition and state of repair.

3. The hours of operation for the pickleball courts shall be restricted to 8:00 a.m. to sunset, Sunday through Saturday.
4. No lights shall be installed on the pickleball courts.
5. Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital, or any other individual, group or mechanical device; or other amplified sound shall not be permitted for the pickleball courts.
6. Tree protection fencing shall be installed and maintained in accordance with the Tree Study as designated on the Landscape Plan. Failure to maintain the tree-protection fencing during the demolition and construction activities shall authorize the Public Services Department to issue a stop work order for the grading, foundation, or building permit until the fencing is restored.
7. 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.
8. 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.
9. 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.
10. If applicable, proper ground disturbance permits through MDNR shall be obtained prior to issuance of permits from the City.
11. 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.
12. 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.

13. 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.
14. No parking of construction trailers, material storage, equipment storage or construction equipment is authorized on the public streets at any time.

SECTION 2. 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.

SECTION 3. The approval of this major site plan partial amendment 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 major site plan partial amendment shall be in good working order and maintained in good repair at all times.

SECTION 5. The applicant by accepting and acting under the major site plan partial amendment 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 major site plan partial amendment approval herein granted that this resolution does not grant applicant any special rights, privileges, or immunities.

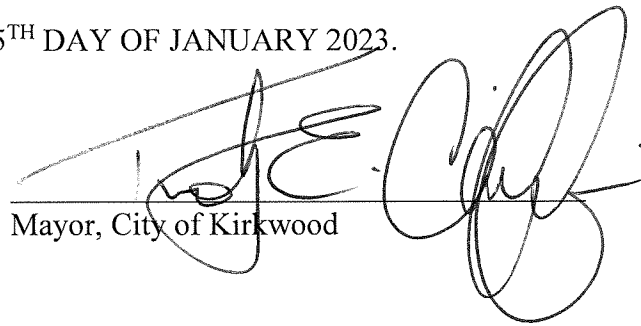
SECTION 7. This resolution shall become null and void in the event the applicant does not obtain a building permit for the construction approved by this resolution within one year of the passage of this resolution.

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.

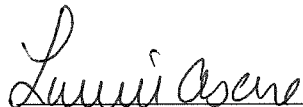
A Stop Work Order to cease all work on the premises except such work as directed by the Public Services Director to abate the violation may be issued for any work on the premises until the investigation fee is paid in full. The City may demand payment of said fee from the holder of the letter of credit, 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 5<sup>TH</sup> DAY OF JANUARY 2023.

  
\_\_\_\_\_  
Mayor, City of Kirkwood

ATTEST:

  
\_\_\_\_\_  
City Clerk

Public Hearing: December 15, 2022