

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**MEETING MINUTES**

**JULY 6th, 2022**

**PRESENT:** **ABSENT:**

Jim Adkins, Chair James Diel, Vice Chair

David Eagleton, Secretary/Treasurer Mary Lee Salzer-Lutz

Ron Evens

Sandy Washington

Allen Klippel

Tom Feiner

Darrell Scott

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, July 6th, 2022, at 7:00 p.m. in the City Hall Council Chambers. Planning and Development Services Director Jonathan Raiche, Planner II Amy Lowry, and Administrative Assistant Danielle Johnson also attended the meeting.

**1.** Chair Adkins called the meeting to order at 7 p.m. and announced that Commissioners Diel and Salzer-Lutz were absent and their absence was excused.

**2**. Motion was made by Commissioner Scott and seconded by Commissioner Eagleton to approve the minutes for the June 1st, 2022 meeting as written. The minutes were unanimously approved by the seven members present.

**3. PZ-1-23 COMMUNITY UNIT PLAN – WOODLAND HILL, 600 N BALLAS RD**

 Submitted: 5-25-22 Automatic Recommendation Date: 9-22-2022

 Petitioner, Nicholas Liuzza, NJL Custom Homes

Planner II Amy Lowry discussed the site plan and displayed an aerial photo and photographs of the site. Mrs. Lowry stated that the two subdivision modifications that had been requested have since been reconsidered at the subcommittee and staff’s requests: (1) the “hammerhead” street termination was changed to a cul-de-sac, and (2) the private street is now a public street. The 7.05-acre site is zoned R-1, and the applicant is proposing a six-lot single-family residential subdivision with common ground on the vacant property. The lots range in size from 23,633 to 35,609 square feet, but the net site area exceeds 6 acres which allows for a maximum of six single-family lots to be considered under the CUP process. All 6 lots show a 50-foot rear setback; 4 of the lots have 50-foot front setbacks and the 2 eastern lots adjacent to the cul-de-sac have 25-foot front setbacks to allow for a greater building area on these shallower lots. The two easternmost lots meet the required R-1 25-foot side setback from the common property line of Cheswick Place; however, the remaining lots’ side setbacks are shown as 12 feet. Ms. Lowry added that at the request of the sub-committee, the developer was now planning to provide a line of evergreen trees for privacy screening between the new construction and adjacent property on Cheswick.

Beth Lum, attorney with SmithAmundsen, made a presentation to the Commission discussing the plan changes that were made at the request of the subcommittee and City staff. Ms. Lum stated that the reason for not building a “traditional”, straight road is that the grading would be too steep, more trees would need to be removed, and more retaining walls installed. She added that with the proposed cul-de-sac plan, they will be able to preserve over 100 existing trees and they plan to plant 150 new trees from the City’s approved list – many of them native species. Ms. Lum addressed the concern of storm water runoff, maintaining landscape, and protecting surrounding properties from light pollution while adding privacy. She explained that the storm water runoff would be addressed, once approved, by grading to divert and slow the flow of runoff into a detention basin/water quality facility. The water would then be held for a short time and released at a controlled pace. As for light pollution/privacy, Ms. Lum explained that they would provide screening by planting multiple types of trees that will provide more coverage and privacy at maturity. She explained that all of these plans are consistent with the City’s code, the low density required by R-1 zoning, and the City’s comprehension plan, and will have minimal impact on traffic, schools, services, and infrastructure. Lastly, Ms. Lum stated that they were still waiting to hear if the County would approve the proposal of the crosswalk across N. Ballas Rd.

Mike Falkner, with Sterling Engineering, thanked the subcommittee for their work and suggestions. He explained the grading examples in the packet which show a straighter street would have more impact on the site as it would need more clearing and land disturbance.

Commission Klippel read the underlined sections of the Subcommittee Report recommending approval:

CITY OF KIRKWOOD

**PLANNING AND ZONING COMMISSION**

**SUBCOMMITTEE REPORT**

###### JULY 6, 2022

***PETITION NUMBER*:** PZ-1-23

***ACTION REQUESTED*:** Community Unit Plan (WOODLAND HILL – 6 lots) – Development Plan and Preliminary Plat

***PROPERTY OWNER*:** KIRKKENT HOLDINGS LLC

***APPLICANT*:** NICK LIUZZA, NJL CUSTOM HOMES

***PROPERTY LOCATION*:** 600 NORTH BALLAS ROAD

***ZONING*:** R-1, SINGLE FAMILY RESIDENTIAL

***DRAWINGS SUBMITTED:*** DEVELOPMENT PLAN AND PRELIMINARY PLAT PACKET (6 SHEETS) PREPARED BY STERLING ENGINEERING STAMPED “RECEIVED JUNE 29, 2022, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

SITE PLAN EXHIBIT PACKET (7 SHEETS) PREPARED BY STERLING ENGINEERING STAMPED “RECEIVED JUNE 29, 2022, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

LANDSCAPE PLAN (1 SHEET) PREPARED BY LOOMIS ASSOCIATES, LANDSCAPE ARCHITECTS & PLANNERS STAMPED “RECEIVED JUNE 30, 2022, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

**DESCRIPTION OF PROJECT:**

The applicant is requesting to subdivide the subject property of approximately 7 acres into 6 single-family residential lots and 2 common ground lots under the Community Unit Plan (CUP) process. The property is situated on the east side of North Ballas Road approximately 2,000 feet north of Dougherty Ferry Road. North Ballas Road is under the jurisdiction of St. Louis County. The proposal includes one street access point near the northwestern corner of the site directly opposite Pine Crest Manor Lane, a street in the City of Des Peres.

**COMPREHENSIVE PLAN, LAND USE AND ZONING:**

The site is designated as Suburban Residential on the EnVision Kirkwood 2035 Future Land Use Map. Development types discussed in this land use category include single-family residential (1-2 dwelling units per acre); community unit plan development (2-6 dwelling units per acre) that accommodates natural features and cluster designs; parks and public spaces; and institutional uses and utilities. Included in the characteristics of this land use are low density, single-family development; creative lot design that grants the option of higher density in return for greater open space to preserve the character of the area; and appropriate landscape buffers between residential areas of varying intensities. The proposed single-family subdivision is consistent with the development policies presented by the Comprehensive Plan.

The subject property is zoned R-1, Single-family Residential District.

Surrounding land uses and zoning include the following:

To the north: Multi-family residential development zoned R-1 with a Community Unit Plan.

To the south: Detached single-family homes zoned R-1.

To the east: Detached single-family homes zoned R-1.

To the west: Across North Ballas Road, there are detached single-family homes located in the City of Des Peres and subject to that city’s zoning regulations.

**DEPARTMENTAL/AGENCY COMMENTS:**

Electric: In Ameren service area.

Water: Project shall include the extension of City public water mains to the property for domestic water and fire protection purposes:

1. All water mains shall be installed per City of Kirkwood Water Specifications and under the direct supervision of Kirkwood Water personnel.

2. Minimum diameter for the proposed water main is 8”.

3. Hydrants shall have a valve installed at each.

4. Waterline shall be connected at both the Taylor Young connection and at the end of Trailcrest Ct. to allow for the development to be “looped” as opposed to simply a dead-end line.

Engineering: Street pavement shall be 7” of concrete, instead of 6”.

Building/Fire: 1. Provide distances between fire hydrants on entry road as well as the closest 2 fire hydrants on Ballas Road.

2. Provide a fire hydrant flow test.

3. Exact fire hydrant locations to be determined.

STL County: Under review.

**SITE ELEMENTS ANALYSIS:**

A CUP development plan is available in any district zoned for residential purposes where there is a question as to the suitability of a lot or lots for their intended use due to adverse natural physical conditions such as rock formation, soil conditions, steepness of terrain, or flood conditions. The terrain of the majority of the site is steep with a wooded creek area running northeast to southwest near the western property line. Additional analysis of the terrain is in the Discussion section below.

***Lot Area, Widths and Setbacks***

As per the CUP development plan regulations, flexibility in the required lot area, width, and setbacks of the underlying R-1 zoning may be requested. The CUP regulations allow for the average land area per dwelling unit contained in the net site area to be not be less than the land area per dwelling unit required by the area regulations of the existing R-1 zoning district. The gross site area is 7.05 acres. The land area excluding the road is 262,865 square feet or about 6.03 acres. This includes 2 common ground lots of 25,911 and 67,284 square feet and 6 residential lots ranging from 23,633 to 35,609 square feet – for an average of one acre per residential lot. Four of the 6 lots meet the R-1 minimum lot width of 150 feet; lot 4 is 141 feet wide and lot 5 is 123 feet wide. The proposal includes some deviation from the minimum structure setback requirements that apply to an R-1 property. The residential lots meet the R-1 setbacks against the adjacent properties with the required 50-foot rear yard setback provided on each lot and the required 25-foot side yard setback provided on the east side of lots 2 and 3 where they adjoin the lot addressed as 1819 Cheswick Place. All other proposed side yard setbacks will be 12 feet. The front yard setback from the roadway easement will be 50’ instead of the required 60’ on lots 1, 4, 5, and 6, and 25’ from the cul-de-sac right of way on lots 2 and 3. For a table of lot areas, setbacks, and widths, see Exhibit C attached hereto.

***Site Access and Circulation***

The proposed plan includes one street access point from North Ballas Road located at the northwest corner of the site, which leads to a 40-foot wide right of way with a 26-foot wide access drive that meanders south and east across the site ending in a cul-de-sac street termination. Sidewalks will be provided on both sides of the street and through the cul-de-sac. A condition has been added that requires the sidewalks to extend around the cul-de-sac in the improvement plan submission.

The plans referenced by this report indicate a crosswalk across Ballas Road with a note that the crosswalk design is to be based on engineering analysis and coordinated with St. Louis County and the City of Kirkwood. The plans also show a sidewalk in the right of way on the east side of North Ballas Road. The project is still under review by the County. The County has the ultimate decision on both the sidewalk and the crosswalk installation with this project because Ballas Road is under the County’s jurisdiction. More information on pedestrian access is provided in the Discussion section of the report and conditions regarding access have been included in the Recommendation section.

***Landscaping***

The development is proposing to preserve 101 of the existing on-site trees (out of 329 total trees on-site, shared with neighboring properties, and located immediately adjacent to the site). In addition to tree preservation, the Landscape Plan includes 78 canopy trees, 19 understory trees, and 53 evergreen trees, with 44 of those planted as street trees along North Ballas Road and the new interior street and cul-de-sac. The plan will need to be revised to meet site distance requirements in the cul-de-sac island; however, the major components of the Landscape Plan are as follows:

• Frontage Tree Plantings: 1 tree for each 50 feet of street frontage, minus 25’ of site distance from street intersections. To meet this requirement, 1 existing tree and 6 new trees along North Ballas and 38 trees along the new interior street and cul-de-sac will be provided.

• New and/or existing trees throughout the subdivision to the average minimum of 1 tree per 2,000 square feet of site area less street right-of-way. With the revised cul-de-sac area (which is not reflected in the area calculations on the Landscape Plan), 131 trees are needed. With the preservation of 101 trees and the planting of 106 non-street trees, the tree density requirement is met.

• Trees shall be spaced so that each lot has a minimum canopy area of 350 square feet per 1,000 square feet of lot area (35%). The Landscape Plan provides canopy coverage ranging from a low of 46% on lot 5 to a high of 81% on lot 2.

***Lighting***

Street lighting will be required with the proposed improvement plans in accordance with the Zoning and Subdivision Code Section 25-76(f).

**DISCUSSION:**

A Zoning Matters sign was placed on the property on May 27, 2022. The request was introduced at the Planning & Zoning Commission meeting on June 1, 2022. A subcommittee meeting was held on site on June 6, 2022 and a second subcommittee meeting was held at Kirkwood City Hall on June 17, 2022. A list of attendees of the subcommittee meetings can be seen in Exhibit B. At the subcommittee meetings, the following items were discussed:

1. The subcommittee walked the site to get context for the request.
2. The original request for a private street with a hammerhead termination was changed to a public street with a cul-de-sac termination at the request of the subcommittee. The cul-de-sac right of way will be 25’ from the eastern property line. The area between the cul-de-sac and the eastern property line will be landscaped for privacy screening and reduction of light trespass. The subcommittee suggested that this area be made subject to a landscape buffer easement to include evergreen trees and to provide for ongoing maintenance, with the easement to be shown on the final record plat to ensure the tree screening remains in this area.
3. The subcommittee concluded that the existing topography of the subject property makes it unsuitable for development in accordance with the Zoning and Subdivision Code. The subcommittee believes the land use is compatible with the surrounding neighborhood, and the size, shape, and density of lots and associated setbacks provided by the subdivision are justified by the topography of the subject property. The applicant provided exhibits that demonstrated that although a shorter, straighter street would provide larger lots, more extensive grading would be needed and a greater loss of trees would occur on the site. The grade of the street as proposed is not steeper than 8%; however, a straighter, shorter street would require a grade of up to 12%. See site grading plans and earthworks cut/fill maps in the Development Plan and Preliminary Plat Packet at page 2 and in the Site Plan Exhibit Packet at pages 5, 6, and 7.
4. Storm water runoff will be improved with the plans on the common ground. Storm water north on the site will sheet flow into the stream and then a box culvert. Storm water south on the site will flow into a nested basin designed for detention, volume reduction, and water quality. See pre-developed and post-developed drainage maps in the Site Plan Exhibit Packet at pages 2 and 3.
5. Although lots 2 and 3 will have reduced front yard setbacks from the 50’ proposed for the other lots, a larger front yard setback would reduce much of the buildable area. Visually the houses built at the reduced front yard setback will be in line with houses built with the 50-foot front yard setbacks of lots 1 and 4 due to their position on the cul-de-sac.
6. The subcommittee did not believe the addition of a sidewalk along the eastern side of North Ballas Road was necessary at this time since there is no connection to other sidewalks on this side of the road, but the requirement should be deferred to St. Louis County. The subcommittee requested that City staff and the applicant work with St. Louis County on safe pedestrian crossing of North Ballas Road including a cross walk subject to engineering analysis and County approval.
7. The subcommittee concluded that that the requirements of Community Unit Plan Section 25-40(a), (b), (c), (d), (e), and (g) have been met, with Section 25-40(h) non-applicable. The subcommittee did not see a need to require a set-aside of land as may be required pursuant to Section 25-40(f).

***RECOMMENDATION:***

The Subcommittee recommends that this application be **approved** with the following conditions:

1. The final plat, final site plan and improvement plans shall be consistent with the Development Plan and Preliminary Plat Packet and the Landscape Plan in the Drawing Submitted portion of this report, except as noted herein.
2. Easements as required by the Water Department shall be secured by applicant and recorded in the St. Louis County Recorder of Deeds office at the expense of the applicant.
3. The landscape buffer easement to include evergreen trees on the eastern side of the cul-de-sac shall be shown on the Final Plat and be included in the trust indentures/deed restrictions for the subdivision, which indentures/deed restrictions shall provide for continual maintenance of the landscape buffer and, as necessary, replacement of the landscaping installed by the homeowners’ association or the equivalent.
4. A draft copy of the subdivision trust indentures/deed restrictions shall be included with the Final Plat submittal package.
5. A crosswalk across North Ballas Road shall be provided subject to engineering analysis and St. Louis County approval.
6. If St. Louis County requires a sidewalk on the east side of North Ballas Road, the applicant shall comply with the County requirements.
7. Sidewalks shall be provided around the proposed cul-de-sac and shall be included on the final site plan and improvement plans.
8. The applicant shall complete and submit the Complete Streets Checklist with the improvement plans.
9. The Landscape Plan shall be revised to comply with the Zoning and Subdivision Code Section 25-61(c)(8) in which the groundcover in the center of the cul-de-sac is restricted to maximum height of 30” above grade and any trees planted are of a deciduous type trimmed to provide a minimum clearance to all limbs of 6’ above grade.
10. The land provided for the cul-de-sac island shall be platted as common ground on the final plat.
11. If the CUP Development Plan and Preliminary Plat are approved by the City Council, the Resolution granting approval shall be valid for one year by which time the final plat, final site plan, and improvement plans shall be submitted for review, or the preliminary approval shall expire.
12. If applicable, proper ground disturbance permits through MDNR shall be obtained prior to issuance of permits from the City.
13. The applicant shall comply with all standard conditions as listed in Exhibit A.

Respectfully submitted,

Tom Feiner, Allen Klippel and Darrell Scott

Motion was made by Chairman Feiner and seconded by Commissioner Washington to approve PZ-1-23 Community Unit Plan - Woodland Hill, 600 N. Ballas Rd., subject to conditions contained in Subcommittee Report.

Commissioner Eagleton made a motion to amend Condition No. 5 of the Subcommittee Report to read: “A crosswalk with a rapid flashing beacon across N. Ballas Rd. shall be recommended in accordance with the St. Louis County’s Complete Streets Ordinance passed in 2014, the Kirkwood Vision Zero Plan and the Envision 2035 Comprehensive Plan subject to engineering analysis and St. Louis County approval.” Commissioner Washington seconded the motion. Commissioner Feiner said that the subcommittee did discuss a beacon, but the applicant said that the County is reluctant to require a beacon that it would then need to maintain. Director of Planning and Development Services Jonathan Raiche said that regardless of the recommendation, it is still County’s decision to make on both the beacon and the crosswalk. The County has informed Mr. Raiche that they will not maintain a beacon. Commissioners Washington and Scott agreed with Commissioner Eagleton that it would not hurt to ask for a beacon as it may improve safety at the intersection. Chair Adkins called for a vote and the motion passed 5-2, with Commissioners Klippel and Evens voting not in favor.

Commissioner Eagleton made a motion to amend Condition No. 6 of the Subcommittee Report to read: “A sidewalk/multi-use path shall be recommended in accordance with the St. Louis County’s Complete Streets Ordinance passed in 2014, the Kirkwood Vision Zero Plan and the Envision 2035 Comprehensive Plan on the east side of North Balls Road.” Commissioner Feiner seconded the motion. Commission Evens questioned whether a sidewalk should be required that does not go anywhere. Mr. Raiche said that based on conversations he has had with the County, the County would most likely require an escrow for a sidewalk. Commissioner Feiner said that installation of a sidewalk would be difficult on the road to the south adjacent to the Hue Vista subdivision due to terrain issues. Neither Mr. Raiche nor Mr. Falkner has received written comment from the County on the sidewalk, but an answer will need to forthcoming before the improvement plan/final plat stage. Commissioner Eagleton withdrew the amendment.

Chair Adkins called for the vote on the motion to recommend approval of the Community Unit Plan. The motion was unanimously approved by the seven members present.

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**4.** **ELECTION OF OFFICERS**

Commission Feiner nominated Commissioner Adkins as Chair. Commissioner Evens seconded the nomination and Chair Adkins accepted the nomination. There were no other nominations, and nominations were closed. ELECTED BY ACCLAMATION.

Chair Adkins nominated Commissioner Feiner as Vice Chair. Commissioner Evens seconded the nomination and Commissioner Feiner accepted the nomination. There were no other nominations, and nominations were closed. ELECTED BY ACCLAMATION.

Chair Adkins nominated Commissioner Eagleton as Secretary/Treasurer. Commissioner Feiner seconded the nomination and Commissioner Eagleton accepted the nomination. There were no other nominations, and nominations were closed. ELECTED BY ACCLAMATION.

**5. DEVELOPMENT PROJECT UPDATE**

Mr. Raiche introduced new Administrative Assistant/Building Permit Clerk Danielle Johnson. Mr. Raiche stated that the R-MM rezoning request was approved on second reading at City Council and that the new R-MM zoning on 10414 Big Bend is official and on the City’s map. The Kennelwood Pet Resorts project also received approval on second reading as did Taco Buddha. The City Council did remove the prohibition on turning right onto Simmons Avenue on Taco Buddha’s plans to allow turning into the north alley on the site for recirculation.

Mr. Raiche reported that the permits have been issued for the Commerce Bank project, the UMB project, and the Fox Creek Veterinary Hospital in the Woodbine Shopping Center. He also reported that the subcommittee on the 5-year comprehensive plan has completed review of the plan itself and will be working to create a draft document and to decide the format of the public meeting.

The next meeting will be held on July 20th, 2022, at 7 p.m. There being no further business, motion was made by Chair Adkins and seconded by newly elected Vice Chair Feiner to adjourn at 8:00 p.m.

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 Jim Adkins, Chair

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 Thomas Feiner, Vice 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.