

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**MEETING MINTES**

**October 5, 2022**

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

Jim Adkins, Chair Ron Evens

Tom Feiner, Vice Chair Mary Lee Salzer-Lutz

David Eagleton, Secretary/Treasurer Sandy Washington

James Diel

Allen Klippel

Darrell Scott

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, October 5, 2022, at 7:00 p.m. in the City Hall Council Chambers. Planning and Development Services Director Jonathan Raiche and Planner II Amy Lowry also attended the meeting.

1. Chair Adkins called the meeting to order at 7 p.m. and informed the audience of the Speaker Cards and procedures for making comments regarding items on the agenda requiring Site Plan Review. Chair Adkins announced that Commissioners Evens, Salzer-Lutz, and Washington were absent and their absences were excused.

2. Motion was made by Commissioner Feiner and seconded by Commissioner Scott to approve the minutes for the September 7, 2022, meeting as written. The minutes were approved by the five members present during the vote. Commissioner Diel arrived directly after the approval of the minutes.

1. **PZ-2-23 COMMUNITY UNIT PLAN (CUP) FINAL SITE PLAN AMENDMENT – KIRKWOOD BLUFFS APARTMENTS, 1157 TIMBERBROOK DRIVE**

Submitted: 7-01-2022 Automatic Recommendation Date: 10-31-2022

 Petitioner Mark Walburg, ARCO Construction

Planner II Amy Lowry presented a reminder of the basics of this request related to the relocation of the apartment’s clubhouse and pool along with construction of a new parking lot. Ms. Lowry provided an update with items that have been revised since the introduction presentation which included items addressing Staff’s comments. The revised submission included a revised landscape plan meeting the requirements of City Code and a revised parking lot design to accommodate various Code requirements. A subcommittee meeting was held on-site on September 9, 2022. At the Subcommittee meeting, the following details were discussed:

* The areas to be improved were shown as buildable area on the original development plans. The improvement areas are within the applicant’s site and will not affect neighboring properties.
* The applicant will redesign the parking lot so as to comply with regulations on landscape islands, and perimeter trees and shrubs.
* Plans for both development areas will be sent to MSD for review.
* The subcommittee concluded that that the requirements of Site Plan review criteria in Section 25-19(h) have been met.

Ms. Lowry summarized the review criteria listed in Section 25-19(h). The applicant’s representatives stated that they were available for questions. Chair Adkins asked if there were any public comments and there were none.

Commissioner Scott read the underlined sections of the Subcommittee Report recommending approval:

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**SUBCOMMITTEE REPORT**

**October 5, 2022**

**PETITION NUMBER:** PZ-03-23

**ACTION REQUESTED:** PARTIAL FINAL SITE PLAN AMENDMENT

**PROPERTY OWNER:** MILLS TIMBERLAKE L P

**APPLICANT:** MARK WALBURG, ARCO CONSTRUCTION

**PROPERTY LOCATION:** 1157 TIMBERBROOK DRIVE

**ZONING:** R-6, PLANNED MULTIFAMILY RESIDENTIAL DISTRICT, AND R-5, MULTIFAMILY RESIDENTIAL DISTRICT, SUBJECT TO A COMMUNITY UNIT PLAN (CUP)

**DRAWINGS SUBMITTED**: SITE PLAN PACKET (12 SHEETS) PREPARED BY GRIMES CONSULTING STAMPED “RECEIVED SEPTEMBER 29, 2022, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

**DESCRIPTION OF PROJECT:**

The applicant is requesting approval for a partial final site plan amendment for the construction of a clubhouse, a utility/mail building, and an in-ground pool at the Kirkwood Bluffs Apartments just north of the intersection of Cork Elm Drive and Timberview Road, and for a parking lot west of Wealdwood Court. The existing clubhouse, pool, and parking area in the northeast of the site adjacent to Timberbrook Drive will be removed, and the area will be regraded and revegetated after completion of the new clubhouse project. Additional detail of the proposed site plan is provided later in this report.

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

The site is designated as Suburban Residential on the EnVision Kirkwood 2035 Future Land Use Map. Single-family residential (1-2 dwelling units per acre) is listed as an appropriate development type, although Community Unit Plan (CUP) development may also be accommodated. At the time the first apartments were approved in 1968, the Planning and Zoning Commission cited the project as a good development plan for a very rugged area, generally in accord with the intent of the zoning code. The proposed new construction under this application is on property zoned R-6, Planned Multifamily Residential District, and the new parking lot area is zoned R-5, Multifamily Residential District, with the entire project subject to a CUP. There is no request to change the existing zoning or land use for the subject property.

Surrounding land uses and zoning include the following:

To the north: Across the BNSF railroad tracks, the property is occupied by single-family homes, zoned R-3.

To the south and east: Directly adjacent to the east and across Marshall Road to the southeast, the property is occupied by Greentree Park, owned by the City of Kirkwood, and zoned FP (Floodplain District).

To the west: The property is occupied by single-family homes and vacant land, zoned R-1.

**DEPARTMENTAL/AGENCY COMMENTS:**

Electric: Not in service area.

Water: 1. Water service shall be installed per City of Kirkwood water service line specifications.

2. Construction plans require detail indicating proposed: water tap & service line diameter, service line material, location of service valve, and location of meter/vault.

Engineering: No comments.

Building/Fire: No comments.

Forestry: 1. Based on the City Ordinance, we will require tree protection to be installed on all trees that are to remain during demolition. This includes installing tree protection along the wooded areas to prevent damage to these areas during demolition and grading. All tree protection should be installed to meet or exceed the requirements presented in the City’s Tree Manual.

2. Post demolition on the original clubhouse area, the site will not have a building, however, we will require that frontage trees be planted along Timberbrook Drive.

**SITE ELEMENTS ANALYSIS:**

A clubhouse, a utility/mail building, and an in-ground pool will be constructed in the northwest of the Kirkwood Bluffs Apartments site adjacent to Timberview Road. The existing carport to the west of this area will be removed and replaced with surface parking spaces. The utility building will include golf cart parking and mailboxes; the clubhouse will have a leasing office, fitness area, office space, work space, kitchen, clubroom, and restrooms. A sidewalk extends south from the clubhouse to connect to the existing sidewalk along Timberview Road.

There is an existing parking lot off Wealdwood Court with 13 parking spaces; however, it was never permitted by the City. The parking lot will now be altered to meet City parking, access, lighting, and landscaping standards.

The final development plan for Timber Lake Plats 1, 2, and 3 was approved by City Council in Ordinance 6241 dated February 16, 1978. On that plan, the area of the proposed new clubhouse and swimming pool was shown as a building location on Plat 3 and the area of the parking lot was shown as a 12-space carport with a platform tennis court on Plat 2. Because the two areas were previously approved with improvements and are consistent with the existing development plan for the CUP, the application is for an amended partial final site plan, rather than a substantial amendment that would require an entirely new development plan. On the final development plan for Timber Lake Plat 3, the building shown had setbacks of 100’ from the north property line and 45’/25’ from the east line of Plat 3/west line of Plat 2. The proposed improvements meet the setbacks. Community buildings are permitted under the CUP regulations when used for recreation or meetings and not operated for profit, and the new clubhouse and pool will replace a previously permitted clubhouse and pool elsewhere on the site. With the project, the development does not exceed the maximum floor area ratio of 1.5. The new building is proposed at one story, which also meets the height requirements of 12 stories and 125 feet. The two projects are for the benefit of existing tenants and will not increase the number of dwelling units on site. The City will require that the parking lot and clubhouse be submitted to MSD for review.

**Parking**

The original plan from 1977/78 was approved for a total of 518 total dwelling units and 904 parking spaces. This equals a parking rate of 1.74 parking spaces per unit. According to the submission, there are currently 412 dwelling units. At the 1.74 parking space/unit rate, the current site is required to have 717 parking spaces. There are 767 existing parking spaces. The plans add 2 accessible spaces at the new clubhouse and 2 parking spaces in the reconfigured Wealdwood parking lot. At the existing clubhouse area, 25 spaces will be removed. Currently there are only 7 accessible spaces on the entire site, however, the City’s parking regulations require 2% of the parking spaces be accessible. To reach the 15 required accessible spaces, 7 existing spaces will be removed to create 6 additional accessible spaces. The final parking space count will be 739, with 15 accessible spaces.

**Landscaping**

In the area of the new clubhouse and pool, 4 canopy frontage trees are required and provided along Timberview Road, and 2 parking island canopy trees are required and provided for the 2 new accessible parking spaces. Staff believes the additional proposed landscaping in this area is appropriate and encourages its retention as shown on the landscape plan. The landscaping regulations for the outer perimeter of the parking lot require a 10’ landscaped area with one canopy tree per every 40’ and one deciduous and/or evergreen shrub per every 10’ provided in groupings. For the approximate 310’ perimeter, this would require 8 canopy trees and 31 shrubs; 7 canopy trees to be saved and 4 will be planted. A canopy tree will also be planted in the parking island as required. Twenty shrubs are also proposed. An additional 11 shrubs still need to be provided around the perimeter and a condition has been added under the recommendation section of this report regarding this requirement. For the redevelopment area of approximately 350’ along Timberbrook Drive, 9 canopy frontage trees are required and provided.

**Lighting**

The site photometric plans for both improvement areas meet the City’s lighting regulations.

**DISCUSSION:**

Section 25-18(e)(5)(ii) of the Zoning Code requires the submission to be reviewed in accordance with the Site Plan Review procedures in Section 25-19; however it allows for this to be reviewed as a final site plan without a public hearing when found to be consistent with the approved development plan.

A Zoning Matters sign was placed on the property on September 2, 2022. The request was introduced at the Planning & Zoning Commission meeting on September 7, 2022. A subcommittee meeting was held on site on September 9, 2022. A list of attendees of the subcommittee meeting may be viewed in Exhibit B. At the subcommittee meetings, the following items were discussed:

1) The areas to be improved were shown as buildable area on the original development plans. The improvement areas are within the applicant’s site and will not affect neighboring properties.

2) The applicant will redesign the parking lot so as to comply with regulations on landscape islands, and perimeter trees and shrubs.

3) A geotech survey will be conducted in the area of the new clubhouse and pool. Plans for both areas will be sent to MSD for review.

4) The subcommittee concluded that that the requirements of Site Plan review criteria in Section 25-19(h) have been met.

***RECOMMENDATION:***

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

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

2. A building permit shall be obtained and substantial construction commenced within 12 months of approval of this Site Plan by the City Council. Failure to comply with this timing may result in the expiration of the site plan approval.

3. The existing clubhouse, pool improvements and parking spaces adjacent to Timberbrook Drive shall be removed and the area regraded and revegetated, with frontage trees planted, within 60 days of the completion of the new clubhouse and in-ground pool.

4. A revised landscape plan to include the additional required shrubs in the new parking lot area shall be approved by Staff prior to the issuance of building permits.

5. A parking and striping plan shall be provided to and approved by the Public Services Department, including the new accessible spaces on the entire site, prior to the issuance of building permits.

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

Respectfully submitted,

Jim Adkins Darrell Scott

Motion was made by Commissioner Klippel and seconded by Commissioner Eagleton to approve PZ-2-23, Community Unit Plan (CUP) Partial Final Site Plan Amendment for the Kirkwood Bluffs Apartments, 1157 Timberbrook Drive, subject to the conditions contained in the Subcommittee Report. There being no discussion, the motion was unanimously approved by the six members present.

1. **PZ-06-23 ZONING MAP AMENDMENT (R-4 TO B-3), SPECIAL USE PERMIT FOR DAY CARE, AND MAJOR SITE PLAN – HIGHER GROUND EDUCATION, 10551 & 10557 BIG BEND BLVD**

Submitted: 9-16-22 Automatic Recommendation Date (1) for Zoning Map Amendment: 12-15-2022, (2) for SUP and Site Plan Review: 1-16-23

Petitioner’s Agent Chris Horney, Murphy Real Estate Services

Planner II Amy Lowry presented a summary of the submission for the request starting with providing the context of the existing uses and zoning of the subject site and surrounding area. This included the fact that the property at 10557 Big Bend Boulevard is being proposed to rezone from R-4, Single-family residential to B-3, Highway Business while the property at 10551 Big Bend is already zoned B-3. Ms. Lowry explained that the two properties would be required to be consolidated into one property prior to issuance of permits and comprise just over 1 acre in total. The proposed day-care building is approximately 10,600 sf located on two floors. The building will consist of a main level at-grade on the Big Bend Boulevard elevation and a lower level that will function as a walk-out style level accessed internally and from the rear of the site.

Ms. Lowry presented various details about the physical layout of the site including the existing public sidewalks that extend from Taylor Avenue and Ohlman Avenue toward Big Bend Boulevard and the fact that the site technically has three street frontages, which present unique setback requirements for the site. Ms. Lowry also referenced the fact that a traffic analysis was conducted by the applicant and submitted to St. Louis County and to the City to review the proposed access point and the proposed right-in/right-out restriction. The proposed access point is in the same location as an existing location and the right-in/right-out restriction acknowledges the existing median in Big Bend Boulevard at this location. The traffic analysis was accepted by St. Louis County and the City of Kirkwood. Lastly, Ms. Lowry reviewed the three sets of review criteria that apply to the rezoning, special use permit, and major site plan review processes.

In response to Commissioner Klippel’s question, Ms. Lowry confirmed that no variances or modifications are being requested for the proposal. In response to Commissioner Feiner’s question, Ms. Lowry stated that the proposal can be lawfully constructed without vacation of adjacent right-of-way. Commissioner Eagleton asked for confirmation that the proposed access is restricted to right-in/right-out and this was confirmed by Ms. Lowry. Commissioner Scott asked when the last rezoning from R-4 to B-3 occurred in the City. Mr. Raiche stated that Staff did not have that exact information available; however, there was a project a few properties to the east that was rezoned from R-4 to B-1 approximately 5 years ago and that the property to be rezoned is currently located between two properties zoned B-3. In response to another question by Commissioner Scott, the applicant confirmed that the current building at 10557 Big Bend Boulevard is occupied by a residential renter. Chair Adkins confirmed with Staff that the rezoning request would not be conditioned upon the site plan or the special use permit approval.

The applicant’s representative, Chris Horney with Murphy Real Estate Services, presented an introduction to Higher Ground Education and their basic business model. Mr. Horney explained the walk-out nature of the site including a two-level building and playground on the northern and eastern portion of the site. The playgrounds would include cedar playground structures with shade structures. Mr. Horney also presented additional background on the process to determine the proposed access to the site with the City of Kirkwood not wanting commercial access to Taylor Avenue as a residential street and St. Louis County not allowing them to add a fourth leg to the existing 3-leg intersection adjacent to the site. The proposed day-care would operate Monday through Friday from 7am – 6pm. The site plan includes excess parking above what is required by City code based upon the applicant’s experience of expected demand. Mr. Horney explained that there is an 8’ tall retaining wall proposed that would divide the upper and lower playground areas. Building elevations, fence examples, and photo examples of other sites developed by the applicant were provided. Mr. Horney discussed the typical traffic patterns along with typical drop-off/pick-up patterns and operations.

Commissioner Klippel asked for confirmation from St. Louis County that creating a fourth leg to the adjacent signalized intersection is not possible. In response to Commissioner Feiner’s questions, the applicant and Staff responded that because of the distance and topography from Taylor Avenue to the building entrance, it is not anticipated that clients would park on Taylor and walk around the site to access the day-care. The applicant confirmed for Chair Adkins that the proposal is to serve children ages 0 – 6 years old. Commissioner Eagleton made a comment about the high level of traffic volume that exists on Big Bend Boulevard at this location. Commissioner Scott questioned whether any study or analysis was conducted regarding stormwater run-off. The applicant’s engineer replied that they have received conceptual approval from MSD and that they understand final MSD approval is required prior to issuance of permits. The applicant’s engineer does not anticipate issues with meeting MSD’s requirements. Commissioner Feiner confirmed with the applicant that the properties were under contract and that the current owner consents to the applications. Commissioner Scott commented that he hopes the applicant works with the current renters to provide adequate time for them to relocate.

Chair Adkins asked if there were any public comments and there were none. Chair Adkins appointed Commissioner Scott and himself to the Subcommittee. The Subcommittee scheduled a meeting for Monday, October 10, 2022, at 8:00 a.m. at the subject site.

1. **DEVELOPMENT PROJECT UPDATE**

Mr. Raiche informed the Commission that the City Council has two items set for public hearing on October 6 including the proposed Kirkwood Apartments project at 300 N. Kirkwood Road and the staff-initiated text amendment related to the “Country Club” use. Mr. Raiche said that Villa di Maria Montessori School was issued the demolition permit for starting its for its Phase I construction. Mr. Raiche also noted that Taco Buddha is working under a demolition permit and Staff is working to get them operating under a building permit for the building renovations, followed by work for the expanded outdoor seating area and site work. Mr. Raiche also provided an update that the City’s Attainable Housing Study is underway with PGAV acting as the City’s consultant. Data analysis for that study is being conducted and stakeholder outreach is expected to occur primarily in November. The P&Z Commission’s subcommittee conducting the 5-year review of the EnVision Kirkwood 2035 comprehensive plan is finalizing their report and a public hearing has been scheduled before the P&Z Commission on October 19, 2022. Lastly, Mr. Raiche explained that Staff provided a memo with attachment to the Commissioners that include various clerical error corrections to Article VI in the Zoning Code.

In response to an inquiry from the Commission, Mr. Raiche responded that the applicant for the multi-family project at 144 W. Adams Avenue is still pursuing the project and has gone to the Architectural Review Board with a couple different designs. The revised designs will not require additional review by the P&Z Commission or City Council since they are limited to architectural changes. Mr. Raiche also responded to an inquiry regarding Smitty’s Autoshop located at Geyer Road and Peeke Avenue that a new owner has received approval for a complete renovation of the existing legally non-conforming use and legally non-conforming structure to continue the use as auto-repair. Commissioner Scott provided an update based upon a conversation he had with the owner of 4-Hands Brewery at a community event that they are moving forward with the project after receiving revised bids. In response to Commissioner Feiner’s question, Mr. Raiche confirmed that Audi Kirkwood has been purchased and the new owner will be coming forward with a completely new site plan. The previous approval for Audi Kirkwood has expired. Commissioner Klippel asked whether the City would be installing additional pickle ball courts at Kirkwood Park and Mr. Raiche referred Commissioner Klippel to Parks & Recreational Director Kyle Henke for information on that project.

There being no further business, motion was made by Commissioner Eagleton and seconded by Commissioner Diel to adjourn at 8:06 p.m. The next meeting will be held on October 19, 2022, at 7 p.m.

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 Jim Adkins, Chair

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 David Eagleton, Secretary/Treasurer

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.