

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**MEETING MINUTES**

**DECEMBER 21, 2022**

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

Jim Adkins, Chair James Diel

Tom Feiner, Vice Chair

David Eagleton, Secretary/Treasurer

Ron Evens

Allen Klippel

Mary Lee Salzer-Lutz

Darrel Scott

Sandy Washington

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, December 21, 2022 at 7:00 p.m. in the City Hall Main Level Conference Room. City Attorney John Hessel, Planning and Development Services Director Jonathan Raiche, and Permit Clerk Danielle Johnson 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 Commissioner James Diel was absent and his absence was excused.
2. Motion was made by Commissioner Evens and seconded by Commissioner Scott to approve the minutes for the December 7, 2022 meeting as written. The minutes were approved by seven of the eight members present with one abstention by Commissioner Salzer-Lutz. Chair Adkins recused himself due to a conflict of interest regarding PZ-08-23 and turned the meeting over to Vice Chairman Feiner.
3. **PZ-08-23 – VEHICLE SALE & RENTAL & SITE PLAN REVIEW - AUDI KIRKWOOD, 10230 MANCHESTER RD.**

Planning and Development Services Director Jonathan Raiche provided the Commission with an introduction on the application proposed for Audi Kirkwood. Mr. Raiche reported that the proposed site is currently a dealership and has been for decades; however, there is no existing special use permit for vehicle sales on the site. He also stated that it is Zoned B-3, is an existing legal non-conforming use and is approximately 1.5 acres total between the two lots that have recently been consolidated.

Mr. Raiche stated that the proposed plan is for demolition of the existing building, and replacing it with a new, two-story building, walkout style, with access to both levels from the adjacent surface. The building will have vehicle showroom and offices on the upper level with sales being the main focus and service areas on the lower level including 18 bays. The proposal also includes a new parking lot, new landscaping, new lighting, and new sight-proof fence along the south property line adjacent to the residential neighborhood. The site plan proposes a reduction in vehicular access from five to two entry/exits and there will no longer be a vehicle exit on the south side of the building to access the existing parking lot. Mr. Raiche explained that there have been requested changes to the landscaping plan and that most changes should be easily completed, however, on the north parking lot perimeter requirement, MoDot will not allow street trees. The applicant is already requesting modification from the 10’ wide planting area to accommodate a public sidewalk on private property rather than within the right-of-way. This design will allow a safer pedestrian facility with a buffer provided between the sidewalk and the roadway. With limited planting space, the City Forester specified that understory trees should be planted. The requirement is for 10 understory trees- modification may be needed if they cannot fit the 10 trees in the space. Each curb island is required to be at least 7’ in width with one canopy tree. The two center curb islands which contain the required walkway from the public sidewalk to the building entrance are not wide enough and do not contain a canopy tree so modification is needed.

The following is a list of requested modifications:

1. 10’ wide landscape area along Manchester
2. Parking lot perimeter landscaping in north – 10 required understory trees
3. 7’ wide landscape islands for all parking rows w/ canopy trees
4. Parking – 101 required to 92 provided spaces

Mr. Raiche also referenced the site plan and special use permit review criteria listed in section 25-19(h) and 25-20(e) of the Zoning Code.

Owner Chris Orth, Civil Engineer George Stock, Architect Jason Dutkovich, and Landscape Architect Rusty Saunders all introduced themselves and provided additional details of the proposal. Mr. Dutkovich asserted that the application demonstrates compliance at an even higher level than minimum standards for items 3, 5, and 6 per section 25-19(g), by (3) providing a 20’ buffer (more in some areas) along the back property line that does not currently exist, plus a new solid fence. Additionally, they are reducing storm water runoff onto adjacent residential property by more than half, and the existing tributary area is currently almost all pavement. He also cited (5) the modifications they are coordinating with MoDOT to reduce the site access from five to two entrances which will improve vehicular circulation/safety and pedestrian safety, both within the site and on Manchester. Mr. Dutkovich also explained that (6) by providing a sidewalk easement and allowing the sidewalk to be moved away from the roadway, it will improve pedestrian safety and ADA access along Manchester.

Vice Chair Feiner asked if there was anyone from the public wishing to speak, but no public comments were made.

Vice Chair Feiner appointed Commissioner Evens & Commissioner Klippel to the Subcommittee. Commissioners Evens and Klippel agreed to hold the subcommittee meeting on site on Wednesday, January 4, 2023 at 8 am.

Chair Adkins rejoined the proceedings.

1. **PZ-09-23 – STAFF INITIATED ZONING CODE TEXT AMENDMENT - RECREATIONAL MARIJUANA**

Planning and Development Services Director Jonathan Raiche presented information regarding PZ-09-23 Staff-initiated zoning code text amendment on Recreational Marijuana. Mr. Raiche explained that this request for a text amendment was spurred by the recent approval by Missouri voters of Constitutional Amendment 3 which legalized recreational marijuana for individuals over 21 years of age. The amendment is proposed to bring the City’s regulations in line with the amendment to the State’s constitution. Mr. Raiche provided the Commission with a memo summarizing Staff’s recommended language. The revision essentially removes specific reference to “medical marijuana” and applies the regulations more broadly to “marijuana”. Mr. Raiche explained that the City’s current requirements for medical marijuana would then apply to both medical and recreational marijuana facilities, if the amendment is approved. Mr. Raiche mentioned the requirement that all facilities be located a minimum of 1,000 feet from a “church, place of worship, public or private school, day-care center, or public park”.

City Attorney John Hessel explained that in 2019 when Medical Marijuana was initially addressed, City Council inserted “public parks” [section 25-36(t)(2) of the Zoning Code] into the buffer requirements, but public parks are not included in the Constitutional Amendment. He would recommend complying strictly with the Constitutional Amendment by removing “public parks” from the list of facilities that require a minimum 1,000-foot buffer.

 Commissioner Evens motioned to approve the proposed text amendment according to the Staff memo dated December 21, 2022. The motion was seconded by Commissioner Salzer-Lutz and the Chair opened it up to discussion. Commissioner Evens offered a second motion to amend the recommendation in the Staff report to eliminate “public parks” and Commissioner Scott seconded this motion. The motion to amend the report was approved by a vote of 8-0. There was no further discussion on the original motion, so Chair Adkins called for a vote on the motion to approve the text amendment according to the Staff memo dated December 21, 2022 as amended. The motion was approved by a vote of 8-0.

1. **DEVELOPMENT PROJECT UPDATE**

Mr. Raiche informed the Commission that he currently had no specific project updates at this time. Mr. Raiche responded to questions about the current renovation occurring at the old Smitty’s garage near Geyer Road and Peeke Avenue, status of the approved 4-Hands project, and reported on the status of the Greenbriar Hills Country Club request.

There being no further business, motion was made by Commissioner Evens and seconded by Commissioner Salzer-Lutz to adjourn at 8:30 p.m. The next meeting will be held on January 4, 2023 at 7 p.m.

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 Jim Adkins, Chair

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 David Eagleton, Secretary/Treasurer

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