

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**MEETING MINUTES**

**February 1, 2023**

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

Jim Adkins, Chair Mary Lee Salzer-Lutz

Tom Feiner, Vice Chair

David Eagleton, Secretary/Treasurer

Ron Evens

Allen Klippel

Darrel Scott

Sandy Washington

James Diel

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, February 1, at 7:00 p.m. in the City Hall Council Chambers. Planning and Development Services Director Jonathan Raiche, Planner II Amy Lowry, and Permit Clerk Danielle Johnson also attended the meeting.

1. Chair Adkins called the meeting to order at 7 p.m. and announced that Commissioner Mary Lee Salzer-Lutz was absent and her absence was in question. Her absence was later excused.
2. Motion was made by Commissioner Feiner and seconded by Commissioner Diel to amend the minutes from the January 18, 2023 meeting to add Commissioner Diel to the list of members present. Commissioner Feiner moved to approve the minutes, as amended, for the January 18, 2023 meeting. The minutes were unanimously approved by the eight members present.
3. **PZ-10-23 STAFF-INITIATED ZONING CODE TEXT AMENDMENT – OUTDOOR DINING PARKING REQUIREMENT**

Planning & Development Services Director Jonathan Raiche presented to the Commission that over the past year or so multiple existing and potential property/business owners have approached Staff with a desire to either add or expand outdoor dining areas for restaurants downtown. These inquiries have included at-grade patio seating as well as rooftop decks. One of the more difficult hurdles for these potential projects is the City’s current parking requirements. Staff recommends reviewing this requirement in an effort to encourage additional activity in the pedestrian-oriented downtown area.

Mr. Raiche expressed the importance of differences between outdoor dining space for restaurants that provide 12 seats or fewer as opposed to greater than 12 seats. The current code refers to 12 seats or fewer as Outdoor Seating and more than 12 seats as Outdoor Dining. Outdoor Seating (12 seats or fewer) is not required to provide additional parking anywhere in the City and this was the same under the previous Zoning Code. Outdoor Seating and Outdoor Dining are both considered accessory uses and, under the current Code, accessory uses are exempt from parking requirements. However, an Outdoor Dining area would be required to provide additional parking if there is a roof covering the dining area because it is considered to be an expansion of the principal building per Section 25-45(12). The City’s code already exempts existing buildings located in the downtown area from needing to provide additional parking when the land use changes, but the code requires that additional parking be provided when an existing structure is expanded.

Mr. Raiche went on to explain that over the course of the City’s history, outdoor dining/seating has oscillated between whether parking was required or not. Currently, Outdoor Dining only requires additional parking when a roof covers it. Staff believes that various amendments to the current zoning code should be considered to allow outdoor dining/seating areas to be covered by roof (not enclosed by walls), but not require additional parking requirements when the project is located within the pedestrian-oriented downtown area and when there are 49 seats are fewer. The threshold of 49 seats was taken from other thresholds in the building/fire code and deemed by Staff to be an appropriate number for consideration. This exemption would recognize the unique characteristics of a pedestrian-oriented area with an increased likelihood of patrons walking to the restaurants while also encouraging outdoor activity that generally helps generate interest and attract more users to a specific district.

In response to Commissioner’s Diel question, Mr. Raiche confirmed that the requirement that these spaces not be enclosed by wall also relates to the fact that people would be more likely to walk to these locations when the weather is nice which correlates to the potential parking demand. During discussion of Mr. Raiche’s presentation, staff identified three sections of Code that would need to be amended: two in the Zoning Code and one in the Streets & Sidewalks chapter that address this topic. The Planning & Zoning Commission does not typically review amendments to sections of the Municipal Code outside of the Zoning & Subdivision Code; however, due to the interrelated nature of these sections, Staff wanted the Commission to be aware of changes that would be necessary in Chapter 20 as well as if the amendments are supported. Mr. Raiche also suggested an amendment to his memo to clarify that any Outdoor Seating area, whether under roof or not, would not be required to provide additional parking. Chair Adkins asked how this would affect a business from putting a temporary tent/roof over their patio. Mr. Raiche explained that although some temporary tents were allowed during COVID, these are not permitted by City code unless approved by the City Council as a special event. The drafted language would include any roof whether temporary or permanent. In response to Commissioner Eagleton’s question about how this relates to required bicycle parking, Mr. Raiche stated that the City is addressing this under separate means including: required bicycle parking in new developments and plans to include larger bicycle shelters in strategic locations in various city projects such as the Grant’s Trail extension. Commissioner Eagleton encouraged the City to provide signage to help people find the various bicycle parking locations.

In response to Commissioner Scott’s question, Mr. Raiche responded that the code includes provisions for a minimum pedestrian path for any seating area located in the public right-of-way to ensure that pedestrians are able to navigate a sidewalk safely. Mr. Raiche also confirmed that the proposed language will still require any seating area over 12 seats to apply for a special use permit, but that it may not require additional parking if it meets the proposed criteria. Commissioner Adkins asked about whether it was clear that enclosing an Outdoor Seating area of 12 seats or fewer would still require parking. Mr. Raiche explained that the definition for outdoor seating and outdoor dining areas specifically reference that they are “unenclosed”. Any effort to enclose these spaces would mean that they are building additions and not an Outdoor Seating/Dining area.

Commissioner Evens inquired about the effect these provisions would have specifically on roof-top seating areas. Mr. Raiche confirmed that building a pergola or other roof structure for a roof-top seating area would still be eligible for the parking requirement exemption if it meets the other various requirements including the prohibition to enclose it with walls. These rooftop structures would be included in the measured building height.

Motion was made by Commissioner Feiner and seconded by Commissioner Klippel, to approve the proposal according to the Staff memo dated February 1, 2023. During discussion, Commissioner Diel made a motion to amend the report to remove the wording “or outdoor seating” from the first line of Section 25-45 (12). Commissioner Feiner seconded the motion. There was no further discussion on the motion to amend the report and it was approved by the 8 members present. Chair Adkins called for a vote on the original motion to approve PZ-10-23 according to the February 1, 2023 staff memo as amended by Commissioner Diel’s amendment. This motion was approved by the 8 members present.

1. **DEVELOPMENT PROJECT UPDATE**

Mr. Raiche provided the following development project updates: the Clark Animal hospital project received first reading approval on January 19th and is scheduled for second reading approval on February 2nd; the public hearing for the Audi Kirkwood project has been set for public hearing on February 16th; and the zoning code amendments pertaining to adult-use of marijuana had a public hearing on January 19th and are scheduled for first reading approval on February 2nd. Mr. Raiche also updated the Commission that the City is being recommended for TAP grant funding to build Phase 1A of the Grant’s Trail extension and that the City has been awarded a Safe Streets and Roads for All grant from the federal government for supplemental action plan activities related to the City’s Vision Zero Action Plan.

There being no further business, motion was made by Commissioner Eagleton and seconded by Commissioner Washington to adjourn at 7:37 p.m. The motion was approved by all 8 Commissioners present. The next meeting will be held on March 1, at 7 p.m.

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 Jim Adkins, Chair

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 David Eagleton, Secretary/Treasurer

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