

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**MEETING MINUTES**

**January 3, 2024**

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| Jim Adkins, Chair |  | Allen Klippel |
| Tom Feiner, Vice Chair |  |  |
| David Eagleton, Secretary/Treasurer |  |  |
| Ron Evens |  |  |
| Darrell Scott |  |  |
| Mary Lee Salzer-Lutz |  |  |
| Karen CoulsonSandy Washington |  |  |
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Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, January 3rd at 7:00 p.m. in the City Hall Council Chambers. Planning and Development Services Director Jonathan Raiche, Planner II Amy Lowry, and Administrative Associate Tiona Brooks also attended the meeting.

1. Chair Adkins called the meeting to order at 7 p.m. He announced that Commissioner Klippel was absent and the absence was excused.
2. Motion was made by Commissioner Eagleton and seconded by Commissioner Feiner to approve the minutes for the December 6th, 2023 meeting as written. The minutes were approved by a vote of 6 to 2, with Commissioners Scott and Washington abstaining.

**3. PZ-09-24 MAJOR SUBDIVISION – 111 W. ROSE HILL AVENUE (MANOR GROVE III)**

*Presentation:* City Planner II, Amy Lowry presented the background of the application. In 2014, Manor Grove applied to the City to demolish three houses addressed on College Avenue to the north of its building to expand its parking. At that time, the City required the former College Avenue to be vacated and the former house lots to be consolidated with the larger Manor Grove lot. Although the City did not require it, Manor Grove also consolidated the 111 W. Rose Hill lot with the larger property at the same time. Manor Grove sold a portion of its lot containing the former 111 W. Rose Hill lot in 2022 to Matthew and Susan Conger. After the sale, the Congers were informed by the City that the 111 W. Rose Hill property was no longer an independent lot of record in the City. The Congers subsequently sold the property to the current owner, Dan Head.

Mr. Head would like to keep the house that is on the property, however, because the house does not meet the required rear and west side yard setbacks, he is requesting subdivision of the 111 W. Rose Hill lot from the larger Manor Grove lot with modifications for the setbacks. If the house were demolished, City Staff could approve the subdivision as it otherwise meets the zoning code requirements for an R-5 zoned lot as it is a minimum of 7500 sq. ft. and 60’ wide. The required setbacks are 30’ in rear and 8’ in side. The house is 3.6’ from rear property line so a modification of 26.4’ is needed for the rear yard setback. It is also 1.9’ from the west side property line so a modification of 6.1’ is needed for the west side yard setback. With the existing trees on the lot, the proposed plan meets the subdivision requirements for frontage trees, 35% canopy coverage and average minimum of 1 tree for every 2000 sq. ft.

*Commission Questions:* Chair Adkins opened the floor to discussion from the Commission. In response to Commissioner Coulson’s question, Ms. Lowry affirmed that a motion may add conditions to an approval. In response to Commissioner Evens’s question, Ms. Lowry said that the house has not occupied for a number of years. Commissioner Evens also asked if the site must go through Architecture Review Board (ARB) and the Board of Adjustment (BoA) review. Ms. Lowry stated that the Commission is acting in the role of the BoA with regard to consideration of the requested modifications – which are to be considered under the same criteria as a variance – and therefore Staff should not make a recommendation as they would not do so to the BoA. Commissioner Evens also asked if façade conditions could be added to the motion. Ms. Lowry stated that she did not believe that was an appropriate condition to add. Director Raiche noted that the home would be subject to property maintenance code of the City. Finally, Mr. Evens asked about adjoining properties. Ms. Lowry stated that to the east is a parking lot, which is owned by Manor Grove, and to the west is a single-family residence owned by Mr. Head. Mr. Raiche offered clarification that if the subdivision is approved, the property would be a lot of record and the owner would be allowed to add onto the house like any other nonconforming single-family structure in the City. Mr. Raiche explained that the zoning code allows the house to be added onto along a nonconforming setback as long as the addition is no closer than five feet to the property line.

In response to Commissioner Feiner’s question, Ms. Lowry stated that if the subdivision were approved, the house would be considered a legal nonconforming structure. Chair Adkins questioned Staff regarding the easement on the property that is on the 2014 Manor Grove II plat that is not continued on the proposed III plat. Ms. Lowry explained that the easement is an error on the II plat and will be corrected on the proposed III plat. Commissioner Eagleton asked if the City has approved nonconforming lots in the past, and if there was specific language put into the legislation that prohibited additions. Ms. Lowry mentioned that the City had approved previous cases when there were errors, but did not restrict additions. In response to Commissioner Scott’s question regarding water runoff issues, Ms. Lowry explained that any addition or new construction would need to comply with the stormwater ordinance.

*Petitioner Comments:* With no further discussion from the Commission, Chair Adkins asked for comments from the petitioner. Dan Head, the current owner of the property, spoke to the Commission about the ongoing issues with the lot. He grew up next door to the house, and once it listed for sale, he decided to purchase the property. However, he mentioned that if he knew about the problems with the lot, he would have passed on the purchase. Mr. Head said that he wanted to rehab the house, redo the roof, and add a formal courtyard to the house. He also mentioned a front addition to the current living spaces. In response to Commissioner Coulson’s question, Mr. Head said it was more cost effective for him to rehab the house rather than build new due to his profession as a masonry contractor. Commissioner Feiner asked if Mr. Head had been informed of issues with the lot’s legality by the lender or seller. Mr. Head stated that he was not informed of the property issues. Chair Adkins asked about specifics of the proposed additions. Mr. Head provided detail about his plans to centralize a majority of the additions to the center of the lot. In response to Commissioner Salzer-Lutz’s question about the lot coverage, Mr. Raiche was not able to provide the specific percentage but confirmed it is below the maximum.

*Motion and Discussion:* With no further questions from the Commission, Chair Adkins called for a motion. Motion to approve the preliminary and final plats including modifications of 26.4 feet on the rear yard setback and 6.1 feet on the west side yard setback in case PZ-09-24 Major Subdivision at 111 W. Rose Hill Avenue (Manor Grove III), was made by Commissioner Eagleton and seconded by Commissioner Salzer-Lutz. Chair Adkins opened up the floor to discussion and questions from the Commission.

Chair Adkins suggested that the motion should mention the existing structure should stay in current location. Mr. Raiche offered suggestions and clarification on the language for the motion. Commissioner Eagleton made an amendment to the previous motion to clarify the modifications are for the existing structure only, seconded by Commissioner Salzer-Lutz.

Commissioner Evens commented that he thinks approval for this case is a dangerous precedent and the Commission should not approve subdivision for nonconforming lots. Commissioner Feiner remarked that he is sensitive to Commissioner Evens’s argument, but believes the subdivision is appropriate given the specific circumstances of this case. Chair Adkins noted that it would be a disservice and hardship on the owner not to approve this case. Commissioner Scott commented that he is comfortable with the approval as long as any additions will be required to follow the zoning code.

Chair Adkins called for a vote on the amended Motion to approve the preliminary and final plats for PZ-09-24 Major Subdivision at 111 W. Rose Hill Avenue (Manor Grove III) including the subdivision modifications as earlier cited by Mr. Raiche for the existing structure only. The motion passed 7 to 1, with Commissioner Evens voting not in favor.

**4. DEVELOPMENT PROJECT UPDATE**

Mr. Raiche asked the Commission to refer to Agenda B for updates since the last Commission meeting. There being no further business, a motion was made by Commissioner Scott and seconded by Commissioner Washington to adjourn at 8:05 p.m. There being no business for the January 17 meeting, the next meeting will be held on February 7th, 2024 at 7 p.m. Commissioner Coulson noted that she will not be in attendance.

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 Jim Adkins, Chair

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 David Eagleton, Secretary/Treasurer

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