

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**MEETING MINUTES**

**April 3, 2024**

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| **Members Present** |  | **Members Absent** |
| Jim Adkins, Chair |  | Darrell Scott |
| Tom Feiner, Vice-Chair  David Eagleton, Secretary/Treasurer |  | Mary Lee Salzer-Lutz |
| Allen Klippel |  |  |
| Ron Evens |  |  |
| Sandy Washington  Karen Coulson |  |  |
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Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, April 3, 2024 at 7:00 p.m. in the City Hall Council Chambers. Planning and Development Services Director Jonathan Raiche attended the meeting.

1. Chair Adkins called the meeting to order at 7 p.m. He announced that Commissioners Scott and Salzer-Lutz, were absent and their absences were excused.
2. A motion to amend the March 20, 2024 minutes was made by Commissioner Feiner to delete the words “add discussion from audio”, from the motion section. Seconded by Commissioner Evans. The minutes were approved by a vote of 5-2, with Commissioners Coulson, and Eagleton abstaining.
3. **COMMISSION STAFF (INTERNAL) ITEMS**

**PZ-13-24 SPECIAL USE PERMIT FOR ACCESSORY DWELLING UNIT -740 N. TAYLOR AVENUE**

*Presentation*:Director Raiche detailed specifics of the applicationto the Commission. The ADU as an accessory use in single-family residential zoning districts was added to the Zoning and Subdivision Code with its adoption in February 2021. The addition to the code was a direct result of the EnVision Kirkwood 2035 Comprehensive Plan Goal 4.B “Encourage higher density residential/ mixed-use in appropriate areas”, Action Item 4.B.3 “Consider potential for allowance of accessory/secondary dwelling units”.

The subject property is approximately 34,000 square feet (115’ wide x 300’ deep) and is comprised of the southern lot of a 2-lot infill subdivision. The proposed accessory dwelling unit is a total of 749 sf of floor area (excluding garage and unenclosed covered patio). The unenclosed status of the patio is to be confirmed and is referenced as a condition in the staff memo provided. Currently, there are 11 use-specific standards for accessory dwelling units included in Section 25-45(b). The proposal complies with all standards.

*Staff Recommendation:* Staff believes these standards provide the proper protections at this property and for the neighborhood while meeting the SUP review criteria in Zoning Code Section 25-20(e) and (f). Because the standards are met, Staff is requesting action from the Planning & Zoning Commission at the April 3, 2024 meeting rather than the formation of a subcommittee. Staff recommends this petition be approved with the following conditions:

* + - 1. A Special Use Permit for an Accessory Dwelling Unit shall be approved for the property addressed as 740 N. Taylor Avenue.
      2. If applicable, storm water management plans and sanitary sewer plans shall be approved by Metropolitan Sewer District (MSD) prior to issuance of a building permit. The approval of this project shall not authorize any person to increase or unreasonably alter or redirect the surface water run off so as to cause harm to any person or property.
      3. Prior to issuance of a building permit, applicant shall provide information for the City to determine that the proposed covered patio is unenclosed.
      4. The premises and improvements as approved by this Special Use Permit shall be in good working order and maintained in good repair at all times.
      5. The applicant, by accepting and acting under the Special Use Permit approval granted, accepts the approval subject to the reservations, restrictions, and conditions set forth in the Code of Ordinances and in this memorandum and agrees to comply with each provision subject to the penalties prescribed under Section 1-8 of the Code of Ordinances and subject to revocation of this approval in the event such provisions are not complied with.
      6. The Landmarks Commission and the Architectural Review Board shall review all building design.

Director Raiche concluded his presentation. Chair Adkins opened the floor to discussion from the Commission.

*Discussion:* Commissioner Feiner questioned if there was not a dwelling unit proposed in the detached accessory structure, would this still be subject to a SUP under different criteria, and could this building be made available as a rental unit. Mr. Raiche stated that if there were no dwelling unit, the structure would be shorter and could not have specific components that make it habitable unit. However, if it complied with the various restrictions for accessory structures, it would be permitted through the building permit process. Mr. Raiche also responded that as long as the owner resided in one of the structures, the other structure could act as a rental property. Commissioner Evans clarified whether this unit had to be a long-term rental, or could it act as an Airbnb. Mr. Raiche confirmed that the unit could not serve as a short-term rental without a separate SUP approval and that the applicant has not stated that they intend to use the space in that manner. Commissioner Eagleton questioned if there were issues surrounding runoff. Mr. Raiche responded that the Engineering department will review and consult with MSD to make sure the existing system covers everything during the permit process. Commissioner Coulson expressed her excitement over Kirkwood’s first ADU. Ms. Coulson also voiced concern over the lack of accessibility to the unit and certain living amenities available. Mr. Raiche explained that there is no access between the garage space and the unit directly and that any decision on access to portions of the proposed accessory dwelling unit to residents of the main house would be a private matter. Commissioner Feiner questioned whether the fire code allows only one point of entry and exit as proposed by this unit. Mr. Raiche responded that that is sufficient for a single-family residence.

*Petitioner Comments:* David Pape, architect for the project, provided details to the Commission. Commissioner Feiner questioned the reason for the rear garage door. The petitioner stated that is for lawn equipment, specifically to house a large tractor. Commissioner Evans asked if the pool house was a second thought for the project. Mr. Pape clarified that the pool house was not initially part of the plan but that the owners wanted to use the main house and pool to determine what their needs were for the accessory structure. With no additional questions, Mr. Pape concluded his presentation.

*Motion:* Chair Adkins called for a motion. Commissioner Eagleton made a motion to approve case PZ-13-24 Special Use Permit for Accessory Dwelling Unit - 740 N. Taylor Avenue, subject to the conditions contained in Ms. Lowry’s April 3, 2024 memorandum to the Planning and Zoning Commission. Commissioner Coulson seconded the motion. Chair Adkins opened the floor to discussion. With no comments, Chair Adkins called for a vote. The motion was approved unanimously by the seven members present.

1. **DEVELOPMENT PROJECT UPDATES**

Director Raiche reported that the Frei Stain Glass studio is scheduled for its final reading at the City Council meeting, April 4, 2024. They will also attend the ARB meeting scheduled for this month. The Aria project is currently under demolition and other projects throughout the City as in various construction stages. Mr. Raiche answered various questions about the status of active construction sites. With no further business, a motion was made by Commissioner Eagleton and seconded by Commissioner Evans to adjourn at 7:40 p.m. The next meeting will be held on May 1, 2024 at 7 p.m.

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Jim Adkins, Chair

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David Eagleton, Secretary/Treasurer

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