

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**MEETING MINUTES**

**May 15, 2024**

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| **Members Present** |  | **Members Absent** |
| David Eagleton, Secretary/Treasurer |  | Jim Adkins, Chair  |
| Karen Coulson |  | Tom Feiner, Vice-Chair  |
| Ron Evens |  |  |
| Allen Klippel |  |  |
| Mary Lee Salzer-Lutz |  |  |
| Darrell Scott |  |  |
| Sandy Washington |  |  |
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Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, May 15, 2024 at 7:00 p.m. in the City Council Chambers. Planning and Development Services Director Jonathan Raiche and Planner II Amy Lowry attended the meeting.

1. Serving as Acting Chair, Secretary/Treasurer David Eagleton called the meeting to order at 7 p.m. He announced that Chair Adkins and Vice Chair Feiner were absent and their absences were excused.
2. A motion to approve the May 15, 2024 minutes was made by Commissioner Coulson and seconded by Commissioner Scott. The minutes were approved by a vote of 5-0, with Commissioner Salzer-Lutz and Washington abstaining.
3. **PZ-01-24 ZONING MAP AMENDMENT (B-4 TO B-2) – 119 W. WOODBINE AVE.**

*Presentation*:Ms. Lowry summarized the application for the Commission. The subject lot is south of the Woodbine Center, north of Concordia Lutheran Church, east of the Kirkwood Manor Condos, and west of an office use (insurance agency). The 60-foot by 150-foot, 9000-square foot lot contains a single-family house built in 1922 that has been continuously used as a residence. The proposed use is a multifamily condominium development. The subcommittee consisting of Chair Adkins and Commissioner Eagleton met on site on May 6, 2024. The subcommittee discussed the availability of the multifamily use under the B-2 zoning and the difference in setbacks between the current B-4 zoning and the proposed B-2. The subcommittee cited the inability under the current Zoning Code for the Planning and Zoning Commission/City Council to grant a modification with site plan review for the west side yard setback. The subcommittee noted the consistency of the proposed zoning map amendment with the 2018 Downtown Master Plan Report, the Downtown Master Plan, and the Future Land Use Map.

Upon conclusion of Ms. Lowry’s presentation, Acting Chair Eagleton opened the floor to the Commissioner’s questions and comments. The Commission had no questions for either Ms. Lowry or the applicant. Acting Chair Eagleton read the results of the subcommittee report:

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**SUBCOMMITTEE REPORT**

**MAY 15, 2024**

***PETITION NUMBER:*** PZ-01-25

***ACTION REQUESTED:*** ZONING MAP AMENDMENT

***APPLICANT:*** LUCKY LEAF ENTERPRISES, LLC

***APPLICANT’S AGENT:*** CORE10 ARCHITECTURE, INC.

***PROPERTY LOCATION:*** 119 WEST WOODBINE AVENUE

***CURRENT ZONING:*** B-4, PLANNED COMMERCIAL DISTRICT

***PROPOSED ZONING:*** B-2, CENTRAL BUSINESS DISTRICT

**DESCRIPTION OF REQUEST:**

The applicant is requesting that the Zoning Map be amended to change the zoning on the property addressed as 119 W. Woodbine Avenue from B-4, Planned Commercial District, to B-2, Central Business District. Plans are not required to accompany the request and the applicant has not provided specific development plans with this request. The applicant’s cover letter states that an appropriate development for the site could be townhomes to fit within the buildable area and blend with the surrounding neighborhood scale and uses.

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

The property is located in the Downtown land use category on the EnVision Kirkwood 2035 Future Land Use Map. The Downtown module in the EnVision Kirkwood 2035 Comprehensive Plan is intended to promote a combination of attached residential and commercial uses that is geared toward the pedestrian and that supports the growth of entertainment and lodging options. This land use category provides for a wide-range of development types, including single-family residential at 3-6 dwelling units per acre, attached residential (Duplexes/Townhomes/Apartments), live/work units, lodging, entertainment, regional/neighborhood commercial, and regional/neighborhood office.

The property was identified in the 2018 Downtown Master Plan as a short to medium term (0-10 year) redevelopment opportunity for smaller, multifamily buildings to maintain the “Main Street” character of Kirkwood and appeal to households of multiple ages.

The property is currently zoned B-4, Planned Commercial District, and contains a single-family house built in 1922 that had been continuously used as a residence until the sale of the property to the current owner. Surrounding land uses and zoning include the following:

To the north: Woodbine Center, shopping center zoned B-4.

To the south: Across Woodbine Avenue, one single family residence zoned R-4, Single-Family Residential, and Concordia Lutheran Church and school with a split zoning of R-5, Mulitfamily Residential (eastern half of block) and R-4 (western half of block).

To the east: Immediately to the east is a two-story commercial building zoned B-4 and used for an insurance office.

To the west: Kirkwood Manor Condominiums zoned R-5. To the northwest along S. Clay Avenue are a number of single-family residences zoned B-1 and B-4 that have been converted for office use.

The block (bounded by W. Clinton Place to the north, W. Woodbine Avenue to the south, S. Kirkwood Road to the east and S. Clay Avenue to the west) was rezoned B-4, Planned Commercial, in 1968 from R-5, Multifamily, on a request from Southwestern Bell to construct a division office on the site. The office was never built and Southwestern Bell sold the property. At that time, the development standards for B-4 were the “same as B-2”. Development of the block was piecemeal from 1968 to 1984 when the Planning and and Zoning Commission recommended all parcels not being used commercially be rezoned back to residential. The rezoning was not realized, and the Woodbine Center was proposed shortly thereafter and completed in 1986.

The purpose of the B-4 zoning designation is to encourage more intense commercial uses and multiple uses in one or more buildings on a single lot. The purpose of the B-2 zoning designation is to encourage mixed-use development with commercial services, retail facilities, and residential uses that complement each other and attract customers from outside the district. Multifamily dwellings and row houses are among the principally “Permitted with Standards” land uses in the B-2 zoning district and are not permitted in the B-4 zoning district.

The property is 9000 square feet (.21 acres) and 60 feet in width. The development standards in the Zoning Code would limit any proposed project to eight multi-family dwelling units. Under the B-2 zoning, building height would be restricted to 40 feet. There would be no required front, rear or east side yard setbacks; the west side yard setback that is adjacent to the residential zoning district would be equal to 50% of the building height, but not less than 10 feet. The floor area ratio is limited to 2.5. Along with 1.5 parking spaces per dwelling unit, a proposed development would also need to meet stormwater, landscaping, lighting, and architectural standard requirements.

**DEPARTMENTAL/AGENCY COMMENTS:**

Electric: No comments.

Engineering: No comments.

Building/Fire/Water: Development of the site will require a full review of the building, use, access, and available water flows.

Forester: No comments.

**DISCUSSION:**

A Zoning Matters sign was placed on the property on April 29, 2024. The request was introduced at the Planning & Zoning Commission meeting on May 1, 2024. A subcommittee meeting was subsequently held at the property on May 6, 2024. A list of attendees of the subcommittee meeting is shown on Exhibit A. The following is a summary of the discussion from the meeting:

1) The subcommittee discussed the availability of the multifamily use under the B-2 zoning and the difference in setbacks between the current B-4 zoning and the proposed B-2. The subcommittee cited the inability under the current Zoning Code for the Planning and Zoning Commission/City Council to grant a modification with the site plan review for the west side yard setback.

2) The subcommittee noted the consistency of the proposed zoning map amendment with the 2018 Downtown Master Plan Report.

3) The subcommittee reacted favorably to the request due to the consistency with the Downtown Master Plan and the Future Land Use Map, and to the impractical zoning for the current property as is.

***RECOMMENDATION:***

The Subcommittee recommends the Zoning Map amendment from B-4 to B-2 be approved after finding that the request met the review criteria for a zoning map amendment listed in Section 25-17(e) (1) of the Zoning Code.

Respectfully submitted by James Adkins and David Eagleton.

Motion to approve PZ-01-24 Zoning Map Amendment (B-4 to B-2) at 119 W. Woodbine Ave., as recommended in the subcommittee report, was made by Commissioner Klippel, and seconded by Commissioner Evens. Acting Chair Eagleton opened up the floor to discussion and questions from the Commission. Commissioner Klippel expressed his support for the map amendment as an improvement to the property. Acting Chair Eagleton called for a vote on the Motion. The seven members present unanimously approved the motion.

1. **PZ-02-25 SPECIAL USE PERMIT FOR OUTDOOR DINING – 10935 MANCHESTER RD., SUITE 200**

Ms. Lowry presented the application to the Commission. The property is on north side of Manchester Road between Clay and Harrison Avenues and zoned B-3, Highway Business District. The building first floor is occupied by a dentist’s office. The second floor has been approved for occupancy for a new restaurant, Snarf’s Sandwich Shop. The previous use of the entire building on the property was a restaurant, Pi Pizza, but the former SUP for outdoor dining has expired. The applicant, Maty Aronson of Snarf’s Kirkwood LLC, has indicated that there would be up to 24 outdoor dining seats on the uncovered, raised deck of about 600 square feet on the east side of the building. The days and hours of operation are proposed as 8 a.m. to 8 p.m. seven days a week. The applicant anticipates 15-20 total employees, with 7 employees on the peak day shift and 4 employees on the evening shift. The applicant is also requesting outside entertainment in the form of speakers for the same hours of the restaurant. Because there is no physical expansion of the building and the deck seating is not covered by a roof, Ms. Lowry explained that no additional parking on site is required. Ms. Lowry referred the Commission to her memo recommending approval of the application for 24 outdoor dining seats.

In response to Commissioner Klippel and Evens’ questions, it was determined that the previous restaurant tenant had no speakers and that the request here is for speakers only – no live entertainment. The applicant and Ms. Lowry clarified the issue of access to the deck for Commissioner Evens. In response to Commissioner Scott’s question regarding disturbing noise levels, Ms. Lowry referred to the County noise ordinance on decibel levels and the City’s nuisance code for resolution of complaints. She added that due to the background noise from Manchester Road, there would probably be no issue with the sound levels. Mr. Aronson confirmed that he is requesting 24 seats and that the speakers would be for ambient sound, but no live bands.

Acting Chair Eagleton called for public comment. There being none, a motion to approve PZ-02-25 Special Use Permit for Outdoor Dining at 10935 Manchester Rd., Suite 200 in accordance with Staff’s memo to the P&Z was made by Commissioner Salzer-Lutz and seconded by Commissioner Scott. Commissioner Evens made a motion to amend Condition 3 in Staff’s memo to add a statement that “This shall exclude live outdoor entertainment.” Commissioner Coulson seconded the motion and it passed unanimously by the seven members present. There being no further discussion on the original motion, Acting Chair Eagleton called for a vote on the approval of PZ-02-25 in accordance with Staff’s amended memo to the P&Z. The seven members present unanimously approved the motion. Commissioner Evens confirmed with Staff that if the restaurant opens before the SUP is approved by City Council, the restaurant could still have 12 seats by right on the deck.

1. **COMMISSION STAFF INTERNAL ITEMS/DEVELOPMENT PROJECT UPDATES**

Mr. Raiche provided the Commission with updates regarding the Accessory Dwelling Unit application at 740 N. Taylor Avenue that will have second reading before City Council on May 16 and the staff-initiated code text amendment on hours of operation for uses in the B-1 zoning district that will have a public hearing before the City Council also on May 16. With no further business, a motion was made by Commissioner Salzer-Lutz and seconded by Commissioner Coulson to adjourn at 7:27 p.m. The next Planning and Zoning meeting will take place on June 5, 2024 at 7 p.m.

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 David Eagleton, Acting Chair

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