

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**MEETING MINUTES**

**October 2, 2024**

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| **Members Present** |  | **Members Absent** |
| Jim Adkins, Chair |  | Ron Evens, Secretary/Treasurer |
| Tom Feiner, Vice-ChairDarrell Scott |  | Mary Lee Salzer-LutzAllen Klippel |
| Sandy WashingtonKaren Coulson |  |  |
| Justin Arnold |  |  |
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Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, October 2nd at 7:00 p.m. in the City Hall Council Chambers. Planning and Development Services Director Jonathan Raiche, Planner II Amy Lowry and Admin. Associate Steven Davies also attended the meeting.

1. Chair Adkins called the meeting to order at 7 p.m. and announced that Commissioners Evens, Salzer-Lutz and Klippel were absent and their absences were excused.
2. The motion was made by Commissioner Scott and seconded by Vice-Chair Commissioner Feiner to approve the minutes for the September 18th meeting as written. The minutes were approved by a vote of 5-0, with Commissioner Coulson abstaining.
3. **PZ-08-25 ZONING CODE TEXT AMENDMENT FOR GARAGE DESIGN IN RESIDENTIAL ZONING DISTRICTS,SECTION 25-48(f) and PZ-09-25 ZONING MAP AMENDMENT (R-5 TO R-MM) – 223 W. MONROE AVENUE**

*Presentation*:Amy Lowry, Planner II, again reviewed that the Garage design was added to the Zoning Code in 2004 with the subsection (i) 55% rule. In 2008, subsections (ii) and (iii) were added with the garage permitted to be 10’ in front of the house, but did not require a porch. The final version of (iii) which requires a porch but allows only an eight-foot garage projection was added with the 2021 Zoning Code revision. Pre-2021, the Zoning Code was set up so that the rules were repeated in each zoning district and the garage design only applied to single-family residential, but not R-5 multifamily. Ms. Lowry reported that the subcommittee reviewed illustrations prepared by City Staff (shown on Exhibit B of the report) of R-5 and R-MM lots from 60 feet to 100 feet in width that show the resulting building width for each lot, given requirements for drive aisles, landscaping, side yard setbacks, and proposed front entry garages. The subcommittee discussed that properties less than 75’ in width cannot practically accommodate a drive aisle long the side of the building and would therefore be required to have front-facing garages. Due to the need for multiple garages in a multi-family development, the subcommittee also discussed that the 55% garage façade limitation is also not reasonable in these narrow, multi-family lot situations.

*Discussion and Motion*: Commissioner Coulson questioned why the applicant’s suggested language on duplexes was not used. Ms. Lowry said that the applicant had requested the duplex language as that is what he wants to build, but the amendment was written to allow for three or four units if tandem garages are proposed.

Commissioner Arnold read the results of the subcommittee report:

CITY OF KIRKWOOD

PLANNING AND ZONING COMMISSION

SUBCOMMITTEE REPORT

October 2, 2024

PETITION NUMBER: PZ-08-25 and PZ-09-25

ACTION REQUESTED: ZONING CODE TEXT AMENDMENT AND ZONING MAP AMENDMENT

APPLICANT: JKL INVESTMENTS, LLC

PROPERTY LOCATION: CITYWIDE FOR TEXT AMENDMENT AND 223 WEST MONROE AVENUE FOR ZONING MAP AMENDMENT

CURRENT ZONING: R-5, MULTIFAMILY RESIDENTIAL DISTRICT

PROPOSED ZONING: R-MM, MISSING MIDDLE RESIDENTIAL DISTRICT

DESCRIPTION OF REQUEST:

In case PZ-08-25, the applicant is requesting a zoning code text amendment in Section 25-48(f), garage design and setback in residential districts, so that this section shall not apply in the R-MM Zoning District to a duplex project when the lot is less than 65 feet in width. This change would apply citywide.

In case PZ-09-25, the applicant is requesting that the zoning map be amended to change the zoning on the property addressed as 223 West Monroe Avenue from R-5, Multifamily Residential District, to R-MM, Missing Middle Residential District. Plans are not required to accompany the request and the applicant has not provided specific development plans. The applicant’s cover letter states the R-MM zoning is more in line with the proposed construction of a duplex on the site that would complement the nearby homes and would be a less dense zoning than R-5.

BACKGROUND:

Garage design was added to the Zoning Code in 2004 (Ordinance 9410) with the requirement that the width of an attached garage with an entrance facing the front yard could not exceed 55% of the overall width of the façade (inclusive of the garage). In 2008 (Ordinance 9738), additional requirements were added to prohibit a garage projection of more than ten feet in front of the residential portion of the house and to allow only one sidewall projection of the residential portion of the house beyond the sidewall of the attached garage. Prior to the comprehensive update of the Zoning Code in 2021, these garage design restrictions only applied to single-family residential zoning districts, but not the multifamily residential district.

With the adoption of the 2021 Zoning Code, a new zoning district, R-MM Missing Middle, was added as a lower density, multifamily zoning as compared to the existing R-5 Multifamily. Garage design was also modified with the garage projection limited to eight feet as long as the garage is adjacent to a porch. With these revisions in 2021, the garage design restrictions were included in the site development standards for all residential zoning districts, not just single-family. This means that prior to 2021, the applicant would not have been restricted to a front-facing garage frontage of 55% of the overall façade width. By applying this requirement to the multifamily districts, it would prevent large multi-family development from being designed to have large banks of garage doors facing the street.

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

The property at 223 W. Monroe Avenue is located in the General Residential land use category on the EnVision Kirkwood 2035 Future Land Use Map. The General Residential land use category in the EnVision Kirkwood 2035 Comprehensive Plan is intended to promote a variety of residential uses and specifically references the area in and around downtown hosting small-scale multifamily developments that serve as a buffer between the single-family neighborhoods and the commercial downtown. This land use category provides for a wide-range of development types, including single-family residential at 3-6 dwelling units per acre and attached residential (Duplexes/Townhomes/Apartments).

The property is located within the Downtown Master Plan Study Area and was identified with the condominium complex to its east in the 2018 Downtown Master Plan as a long-term (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 contains a single-family house built in 1921 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 and east: Immediately to the north and east are the Monclay Place Condominiums, zoned R-5 (further north is Union Pacific railway).

To the west: Monroe Station Condominiums, zoned R-5.

To the south: Across Monroe Avenue are single-family homes, zoned R-4, Single-Family Residential.

The purpose of the R-5 zoning designation is to allow for multifamily residential uses that provide a transition from single-family residential districts and small-scale multifamily residential uses to nonresidential districts. The purpose of the R-MM zoning designation is to allow for small-scale, multifamily residential uses that provide a transition from detached single-family home districts and more intense districts, multifamily projects, or commercial districts. This district may also be appropriate along major thoroughfares and at major intersections and is considered less intense than the R-5 zoning designation because it limits each lot to a maximum of 6 units regardless of the lot size. Multifamily dwellings, row houses, and two-family dwellings are among the principally “Permitted with Standards” land uses in the R-MM zoning district.

The property is 9293 square feet (.21 acres) and about 61 feet in width. The development standards in the Zoning Code for the current R-5 district would limit any proposed project to nine multi-family dwelling units as it is located within the Downtown Master Plan Study Area with a maximum density of 43 dwelling units per acre. Under the proposed R-MM zoning, the minimum lot area is 7,500 square feet and the minimum lot width is 60 feet. The dwelling units would be limited to nine residential row dwelling units with a maximum of eight units per building or six general multifamily units. The building height would be restricted to 35 feet and three stories. The front yard setback would be the average of the front yard setbacks of adjacent lots; the side yard setbacks would be eight feet; and the rear yard setback would be 30 feet. The lot coverage is limited to 40%, but there is no floor area ratio. Along with 1.5 parking spaces per dwelling unit, a proposed development would also need to meet stormwater, landscaping, lighting, and architectural design 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 September 12, 2024. The request was introduced at the Planning & Zoning Commission meeting on September 18, 2024. A subcommittee meeting was subsequently held at City Hall on September 25, 2024. A list of attendees of the subcommittee meeting is shown on Exhibit A. The following is a summary of the meeting:

1) The subcommittee discussed that the R-MM zoning designation makes sense for this property, as the property is currently surrounded by multifamily developments and the use is less intense than the current R-5 zoning. The setbacks in R-MM are narrower, but less units are allowed with a cap at six multifamily or nine row dwelling units under R-MM in the downtown. The subcommittee reacted favorably to the zoning map amendment request due to the consistency with the review criteria for a zoning map amendment listed in Section 25-17(e)(1), with the Downtown Master Plan, and with the Future Land Use Map. The subcommittee noted the impractical side yard setbacks for the current property under the R-5 zoning.

2) The subcommittee deliberated on the impact of the request for the zoning code text amendment on the surrounding properties and the City as a whole. The property is located across the street from single-family houses, between two condominium complexes, and down the street from a single-family home zoned R-5, but built before the 55% garage façade regulation was applied to multi-family zoning.

3) The subcommittee reviewed illustrations prepared by City Staff (shown on Exhibit B) of R-5 and R-MM lots from 60 feet to 100 feet in width that show the resulting building width for each lot, given requirements for drive aisles, landscaping, side yard setbacks, and proposed front entry garages. Under the R-MM zoning with a side-entry attached garage or rear garage or parking lot, 37 feet must be subtracted from the lot width to accommodate a 22-foot, two-way drive aisle and a seven-foot landscape area for the drive aisle on one side and an eight-foot building side yard setback on the other. With a front entry garage, 16 feet would be subtracted from the lot width with the seven-foot landscape area accommodated within each eight-foot side yard building setback. Under the current R-5 zoning, the required side yard setback may range from 12 to 17.5 feet. The subcommittee discussed reasonable building widths and turning radius for entering and exiting garages and concluded that lots below 75 feet in width were most impacted by the reduced building width resulting from either a drive aisle along the side of the building or the 55% garage façade limitation. The subcommittee determined that properties less than 75’ in width cannot practically accommodate a drive aisle long the side of the building and would therefore be required to have front-facing garages. Due to the need for multiple garages in a multi-family development, the 55% garage façade limitation is also not reasonable in these narrow multi-family lot situations.

4) The subcommittee discussed the applicant’s request to limit the text amendment to duplexes or two-family dwellings versus a limitation on the size of the garage doors that would face the street. By limiting the garage door width rather than the number of units for which the exception applies, the text amendment may alleviate similar challenges for other small multifamily development in the future such as a three-family project with tandem garages.

5) The subcommittee discussed that the request met the criteria for a zoning code text amendment listed in Section 25-17(e)(2).

RECOMMENDATION:

The subcommittee concludes that the review criteria have been met on text amendments set forth in Zoning and Subdivision Code Section 25-17(e)(2) and recommends that this application be approved with Zoning Code Section 25-48(f) amended by deleting said section in its entirety and replacing it with the following language:

(f) Garage design and setback in residential districts. This section applies only to attached residential garages that have the vehicle entry facing the street; however, on a corner lot, this section shall only apply to the street frontage of the least dimension. In the R-MM zoning district, this section shall not apply to lots that are less than 75 feet in width with garage doors in total of 36 feet or less in width.

(1) The width of an attached garage with an entrance facing the front yard shall not exceed 55% of the overall width of the facade of the principal structure (inclusive of the garage.).

(2) Only one sidewall of the residential portion of the structure shall extend beyond the sidewall of the attached garage.

(3) The front facade of an attached garage shall not project beyond the facade of the residential portion of the house unless the garage is adjacent to a porch, in which case it may project up to eight feet.

The subcommittee also recommends the zoning map amendment on the property addressed as 223 W. Monroe Avenue from R-5 to R-MM 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, Justin Arnold, Ron Evens and Mary Lee Salzer-Lutz

Chair Adkins called for a motion to approve PZ-08-25 Text Amendment for Garage Design in Residential Zoning Districts, Section 25-48(f) as set forth in the subcommittee report. Commissioner Coulson made the motion and Commissioner Arnold seconded it. Chair Adkins opened discussion on the subcommittee report and recommendation. Commissioner Feiner said he is fully in favor of fixing this code section, but brought up his concern that only one 36’ garage door might be proposed, as opposed to two 18’ doors. Ms. Lowry said that the subcommittee contemplated at least two doors. Mr. Raiche reported that the applicant said that 16’ garage doors for a two-car garage were standard, but 18’ have been used. Mr. Raiche also pointed out that the variations in size were dependent on the number of cars, with the zoning code considering a garage of less than 14’ in width to be a single-car, 14’ to 21’ to be a two-car, and more than 21’ to be a three-car. Mr. Raiche added that the ARB would review the design and request high-quality materials for the individual doors. In response to Commissioner Scott’s questions, Mr. Raiche said that on these narrow lots, the majority of the first floor front façade would be garage space, but that a project may have four nine-foot wide doors for four, one-car garages for 36’ in total doors. The Commission discussed whether a project would propose one 36’-wide door and the language would then be tying the ARB’s hands to approve the same. Commissioner Washington said that one garage opening did not seem practical for a duplex. Mr. Raiche that that Staff does not have an issue with the proposed garage language as ARB approval is binding for multi-family projects. If a project were not aesthetically approved by the ARB, it would not be permitted.

There being no further discussion, Chair Adkins called for a vote on the motion on PZ-08-25. The motion was approved by a vote of 6-0. Because PZ-08-25 and PZ-09-25 are related and the subcommittee report dealt with both requests, Chair Adkins called for a motion on PZ-09-25 Zoning Map Amendment R-5 to R-MM at 223 W. Monroe Avenue. Commissioner Feiner made a motion to approve PZ-09-25 and Commissioner Coulson seconded it. There being no further comments or discussion, Chair Adkins called for a vote. The motion was approved by a vote of 6-0. A public hearing before City Council is requested on these requests.

1. **PZ-11-25 ZONING CODE TEXT AMENDMENT FOR TATTOO & BODY PIERCING STUDIO IN B-3, TABLE 35-1 AND SECTION 25-36(bb) and**

**PZ-12-25 SPECIAL USE PERMIT FOR TATTOO & BODY PIERCING STUDIO – 11214 & 11216 MANCHESTER ROAD**

*Presentation and Questions*:Ms. Lowry presented the applicant’s requested changes to the zoning code to add body piercing to the tattoo studio definition, to allow tattoo and body piercing as a special use in the B-3 zoning district, and to change the use-specific standards so that in the B-3 zoning district the distance between such studios shall be a minimum of 7,000 feet. The applicant also proposes that the limitation on first-floor street frontage of eight feet would not apply in the B-3 zoning district. Ms. Lowry reported that the strip center is currently zoned as a B-3, Highway Commercial, and is located on the south side of Manchester Road, west of Geyer Road. She displayed an older site plan from when Mavrik Jewelry went into the building, but noted that not much has changed since the facelift of the strip center then and the parking is adequate for this use. The applicant proposed to occupy the suites addressed as 11214 and 11216 Manchester where there is currently a chiropractic office, but Ms. Lowry said that there might be a change in the tenant space that the applicant will address in her presentation. Commissioner Feiner asked if the Commission recommends approval of the text amendment, whether it would apply wherever tattoo parlors are permitted. Ms. Lowry said that it would, unless the Commission elects to keep tattoo studios as a separate use from body piercing.

# *Petitioner’s Presentation*: Rachelle Lawrence stated that she is a Kirkwood resident, a mom with a child in the Kirkwood School District, a tattoo artist with 17 years of experience and licenses in multiple states, a holistic practitioner, a yoga instructor, and a business owner. She said that she enjoys giving back and likes to sponsor others in the community. She wants to bring her tattoo business closer to home with a therapy type of space. She said that many of her clients are overcoming trauma and the loss of loved ones and she wants to provide a healing environment. She presented maps of the B-3 locations in the City on Manchester and Big Bend, and on West Woodbine to illustrate what a 7,000-foot separation between studios would look like. She emphasized that the tattoo and body piercing industry is highly regulated by both the State of Missouri and St. Louis County. She also said that the state recently changed its regulations to include microblading and permanent makeup under the same license for tattoos and body piercing. She clarified that microblading is eyebrow tattooing. Finally, she pointed out that, according the FDA, 30% of the population is now tattooed, and over 7000 people in Kirkwood may be seeking this service. She added that the number one reason people get a tattoo is to memorialize or honor loved ones and her clients range from neurosurgeons to teachers.

*Discussion:* In response to Chair Adkin’s question, Ms. Lawrence said she is an independent contractor working out of a tattoo studio in Maryland Heights, but would create her own business in Kirkwood. Ms. Lawrence does not do body piercing, but in her current studio she estimates that 70% of their phone call inquiries are for body piercings. She does not have a body piercer lined up to work for her, but would like to have that opportunity. In response to Commissioner Feiner’s question, Ms. Lawrence says most studios would like to offer both services, but body piercers are hard to find. In response to Commissioner Scott’s question of whether she has financing in place, Ms. Lawrence said yes. In response to Commissioner Washington’s question on her goals, Ms. Lawrence said that ideally she would like one or two other tattoo artists working for her, a body piercer, and other healing artists such as a massage therapist. Commissioner Coulson asked if she would offer tattoo removal. Ms. Lawrence said that removal is a completely different practice done with a laser. She does not offer removal service; however, she does many tattoo cover-ups with new tattoos.

Chair Adkins asked about the timing for opening a studio. Ms. Lawrence said she is discussing space where the needlepoint store is now as that business will not renew its lease when it expires in March. Mr. Raiche said that as the new space is the same building, Staff would recommended that the lease would be finalized before the Commission recommendation. Madison Smith, the building lease representative, stated that the needlepoint space offers more possibility to expansion of Ms. Lawrence’s business. Commissioner Arnold requested clarification that tattooing was not in the zoning code before it was requested to be added by a potential studio. Ms. Lowry confirmed it was added in 2019 at an applicant’s request. Commissioner Arnold asked if body piercing was applied for at that time. Ms. Lowry confirmed that the previous applicant did not request approval for body piercing.

*Public Comments:*

Madison Smith, 11214 Manchester Road, said that Ms. Lawrence has the full support of the property management firm.

Bobbi & Rusty Baker, 10921 Manchester Road, said Ms. Lawrence worked for their business Namaste Yoga for the last two years as a yoga instructor and has their full support.

Bob Holtz, 1106 Pendant Ct, said that Ms. Lawrence has rented a house from him for the last five or six years and has been a great tenant.

Ben Merriman, 203 Mason Ridge Ct., said that he is a teacher at Westchester Elementary School, and Ms. Lawrence provided tattoos to him and two of his co-workers. He fully supports the studio and its work with teachers.

There being no further discussion or public comments, Commissioners Adkins, Evens, and Scott were appointed to a subcommittee for further review. The subcommittee will meet at City Hall in the Main Level Conference Room on Tuesday, October 8 at 8:00 am.

1. **DEVELOPMENT PROJECT UPDATE**

Mr. Raiche gave the Commission updates on development projects, including that the accessory dwelling unit at 1325 Lark Avenue was approved by City Council, and that the public hearings were scheduled for the zoning map amendment at 430 S. Clay and the text amendment for personal and commercial service tenant size in B-2. He also reported that the building permit has been issued for the Kirkwood Apartments, mixed-use project on the former Commerce Bank property, and that the Arby’s had been demolished for the new 7 Brew on South Kirkwood Road.

Commissioner Coulson asked about the status of the multifamily project at Clay and Adams Avenues. Mr. Raiche stated that there are still minor adjustments needed on the site plan with regard to a slight movement of the building and the landscaping. Mr. Raiche also said the multifamily project at 10414 Big Bend is still progressing with a new owner.

There being no further business, motion was made by Commissioner Scott and seconded by Commissioner Feiner to adjourn at 8:08 p.m. The next meeting will be held on October 16, 2024 at 7 p.m.

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 Jim Adkins, Chair

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 Ron Evens, Secretary/Treasurer

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