



**CITY OF KIRKWOOD  
PLANNING AND ZONING COMMISSION  
SEPTEMBER 6, 2017**

**PRESENT:**

Allen Klippel, Chair  
James Diel, Vice Chair  
Jim O'Donnell, Secretary/Treasurer  
Greg Frick  
Cindy Coronado  
Dan Stauder  
Madt Mallinckrodt  
David Eagleton  
Kathy Oughton

**ABSENT:**

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, September 6, 2017, at Kirkwood City Hall, 139 South Kirkwood Road. City Council Liaison Nancy Luetzow, City Planner Jonathan Raiche, and Administrative Assistant Patti Dodel also attended the meeting.

1. Chairman Allen Klippel called the meeting to order at 7:00 p.m. and noted all Commission members were present.
2. Motion was made by Mr. Diel and seconded by Mr. Mallinckrodt to approve the minutes from the August 16, 2017, meeting. The motion was unanimously approved.
3. **PZ-06-18 SUBDIVISION WAIVER/BOUNDARY ADJUSTMENT – 1126/1138/1142 FOLGER**  
Submitted: 7-28-17  
Petitioner's Agent, Josh Peterman  
(Subcommittee – Mr. O'Donnell and Mr. Mallinckrodt)

City Planner Jonathan Raiche stated the Subcommittee met on site on August 24th. The proposed lot line between 1126 and 1138 Folger would cross through the existing house at 1126 Folger. To avoid this issue, a condition is included in the Subcommittee Report that the house at 1126 Folger (Lot A) be demolished prior to the City signing the Boundary Adjustment Plat. Motion was made by Ms. Oughton and seconded by Mr. Mallinckrodt to recommend approval of PZ-6-18, an application for Subdivision Code Waivers for a boundary adjustment plat at 1126, 1138, and 1142 Folger Avenue in accordance with the associated boundary adjustment plat and Subcommittee Report. Mr. Mallinckrodt read the subcommittee report:

**CITY OF KIRKWOOD  
PLANNING AND ZONING COMMISSION  
SUBCOMMITTEE REPORT  
September 6, 2017**

**PETITION NUMBER:** PZ-6-18

**ACTION REQUESTED:** SUBDIVISION WAIVERS – BOUNDARY ADJUSTMENT PLAT

**PETITIONER:** JOSH PETERMAN, ELLINGTON HOMES

**PROPERTY LOCATION:** 1126/1138/1142 FOLGER AVENUE

**ZONING:** R-4 SINGLE-FAMILY RESIDENTIAL DISTRICT

**DRAWINGS SUBMITTED:** BOUNDARY ADJUSTMENT PLAT PREPARED BY STERLING ENGINEERS AND SURVEYORS, STAMPED "RECEIVED AUGUST 8, 2017, CITY OF KIRKWOOD PUBLIC WORKS DEPARTMENT"

1138 FOLGER AVENUE BOUNDARY SURVEY/LOCATION OF IMPROVEMENTS PREPARED BY STERLING ENGINEERS AND SURVEYORS, STAMPED "RECEIVED AUGUST 8, 2017, CITY OF KIRKWOOD PUBLIC WORKS DEPARTMENT"

**DESCRIPTION OF PROJECT:**

The petitioner is requesting multiple subdivision waivers in order to permit the adjustment of the boundary lines between properties addressed as 1126 Folger Avenue, 1138 Folger Avenue, and 1142 Folger Avenue. A similar request was granted in 2016 for the properties at 1126 and 1138 Folger Avenue to resolve the encroachment of the existing home at 1138 Folger onto the property at 1126 Folger. At that time, the applicant had the property at 1126 Folger under contract. Since the granting of that waiver, the applicant has applied to demolish the home at 1126 Folger Avenue with the intent to build a new home on the lot.

The applicant now has the property at 1138 Folger Avenue under contract for purchase and intends to demolish and redevelop this property as well. The applicant is requesting a similar waiver to adjust the common property line to resolve the encroachment issue between the properties at 1138 and 1142 Folger Avenue. This encroachment issue appears to have been created for three properties in this area when the original subdivision was platted and the homes were constructed. The applicant is requesting to resolve the issue so that they can close the sale of the property at 1138 Folger Avenue without title issues.

The applicant is proposing to adjust the property line between 1142 and 1138 Folger 11.5 feet to the South to remove the approximate 3' encroachment and to provide the

required 8' side yard setback for the remaining structure at 1142 Folger Avenue. The adjusted lot at 1142 Folger would then be 61.5' wide.

This adjustment alone would make the lot at 1138 Folger Avenue approximately 50 feet wide and the lot at 1126 Folger Avenue approximately 62 feet wide. Rather than have this uneven distribution of lots, the applicant is also requesting to adjust the lot line between 1138 and 1126 Folger by 6' to the South. This adjustment would result in both lots having a width of 56.25'.

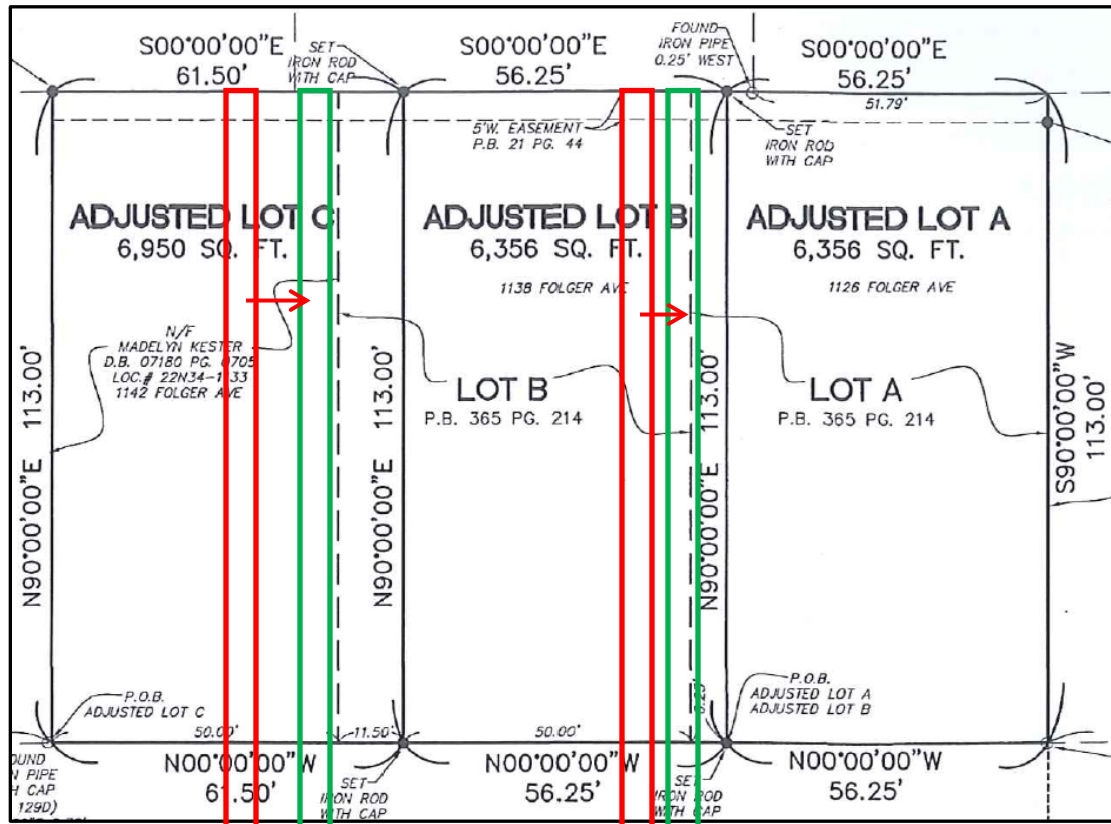


Figure 1 – Proposed Plat

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

This site is designated for Suburban Density Residential by the Vision 2015 Comprehensive Plan. The density of homes proposed is not increasing with this request and thus is consistent with the existing development patterns and the development policies presented by the Plan.

The subject properties are currently zoned R-4 Single-Family Dwelling District. The properties surrounding the subject property are all zoned R-4 Single-Family and are developed with single-family houses.

**DEPARTMENTAL/AGENCY COMMENTS:**

Water: No Comments

Building/Fire: No Comments

Electric: Be advised, the existing electrical distribution system near the SE corner of 1142 Folger Avenue may need to be relocated

Engineering: No Comments

**DISCUSSION:**

Zoning Matters signs were posted on the properties on August 11, 2017. The petition was presented at the August 16, 2017 Planning and Zoning Commission meeting and discussion was held. A subcommittee was appointed and met on site on August 24, 2017. Please see exhibit A for a list of those in attendance. Notices of the meetings were properly posted. Discussion at said meetings included an explanation of the proposal due to the existing encroachments.

Although Boundary Adjustment Plats are reviewed administratively, if a proposed plat requires a waiver from the Subdivision Code it is required to receive recommendation of said waiver from the Planning & Zoning Commission and approval from the City Council per Article X, Section 1. This provision requires that an unnecessary hardship exists because of conditions peculiar to the site.

The proposed boundary adjustment conflicts with the following sections of the Subdivision Code:

*Article IV, Section 2(b)(2): Boundary Adjustments shall be authorized for lawful lots of record provided that the resulting adjustment of lot lines does not increase the degree of non-compliance of the total area adjusted*

*Article VII, Section 4(a): Except as otherwise provided in the Kirkwood Zoning Code such as under a Community Unit Plan provision, all lots shall meet the minimum area; the front, side, and rear yard requirements; and the minimum width requirements of the zoning district in which the subdivision is located.*

A summary of these conflicts (red font) can be seen in the following table:

| Address             | Current Lot Area | Proposed Lot Area | Current Lot Width | Proposed Lot Width | Current North Setback | Proposed North Setback |
|---------------------|------------------|-------------------|-------------------|--------------------|-----------------------|------------------------|
| 1126 Folger (Lot A) | 7,062 sf         | 6,356 sf          | 62.5'             | 56.25'             | ~1'                   | N/A                    |
| 1138 Folger (Lot B) | 6,950 sf         | 6,356 sf          | 61.5'             | 56.25'             | 14'                   | 2.5'                   |
| 1142 Folger (Lot C) | 5,650 sf         | 6,950 sf          | 50'               | 61.5'              | 27'                   | 27'                    |
|                     |                  |                   |                   |                    |                       |                        |

As indicated above, this request requires the following waivers from the Subdivision Code:

1. 1126 Folger –Minimum lot area, and minimum lot width
2. 1138 Folger – Minimum lot area, minimum lot width, and side yard setback to the north

The proposed lot line between 1126 and 1138 Folger would cross through the existing home located at 1126 Folger. To avoid this issue, the subcommittee has included a

condition in the recommendation below that the home at 1126 Folger Avenue be demolished prior to the City signing the Boundary Adjustment Plat.

**RECOMMENDATION:**

The subcommittee finds that the encroachment of the house at 1142 Folger Avenue onto 1138 Folger Avenue is an unnecessary hardship and condition peculiar to the site and the proposed boundary adjustments warrant waivers from the Subdivision Code. By granting said waivers, the subcommittee also finds that it will not destroy the general intent and spirit of the Subdivision Code.

Therefore, the subcommittee recommends this petition be **approved** with the following conditions:

1. The following subdivision waivers shall be granted:
  - a. 1126 Folger Avenue – Minimum lot area and minimum lot width
  - b. 1138 Folger Avenue – Minimum lot area, minimum lot width, and the minimum side yard setback along the northern property line
2. The Boundary Adjustment Plat recorded shall be consistent with the Boundary Adjustment Plat stamped “Received August 8, 2017 City of Kirkwood Public Works Department”.
3. Prior to city officials signing the plat, the existing home at 1126 Folger Avenue shall be demolished to avoid the adjusted lot line conflicting with the existing home and creating an encroachment onto the adjusted lot of 1138 Folger Avenue.
4. The Boundary Adjustment Plat shall be recorded in the St. Louis County Office of the Recorder of Deeds at the expense of the applicant and a recorded copy shall be provided to the Public Service Director’s office prior to issuance of any building permits.

Respectfully submitted,

Madt Mallinckrodt

Jim O’Donnell

There being no discussion, the motion to recommend approval of the Subdivision Code waivers in accordance with the Subcommittee Report was unanimously approved.

Motion was made by Mr. Stauder and seconded by Mr. Mallinckrodt to approve the Subcommittee Report as read. The motion was unanimously approved.

4. **PZ-08-18 SPECIAL USE PERMIT (SERVICE STATION) AND SITE PLAN REVIEW –  
BP STATION, 401 NORTH KIRKWOOD**

Submitted: 8-18-17 Automatic Recommendation: 12-16-17

Petitioner's Agent, Paul Turner

City Planner Jonathan Raiche stated the petitioner is requesting a Special Use Permit Amendment and Site Plan Amendment at 401 North Kirkwood Road (Northwest corner of Kirkwood Road at Washington Avenue) to construct an approximately 300 square foot addition to the north for additional storage area. This addition will displace the existing trash dumpster and storage shed. To replace the current dumpster location, a new dumpster enclosure is proposed to the east of the proposed addition. The petitioner has indicated that the maximum number of employees on a shift will remain the same.

David Waters, owner of the station, stated the addition will provide for storage of merchandise. Two parking spaces will be removed for the relocated trash enclosure area. Mr. Raiche added that the site, as proposed, will comply with the parking requirement.

Chairman Klippel appointed Ms. Coronado and Ms. Oughton to the Subcommittee; and they scheduled a meeting at the site for September 12 at 4:30 p.m.

5. **PZ-07-18 AMEND ZONING CODE – RESIDENTIAL CORNER LOT SETBACKS**  
(Subcommittee – Mr. Klippel and Mr. Frick)

City Planner Jonathan Raiche stated the Subcommittee met on August 29 and requested additional information.

6. **PZ-09-18 AMEND ZONING CODE – NON-CONFORMING STRUCTURE SETBACKS**

City Planner Jonathan Raiche stated there are two revisions being proposed by staff regarding non-conforming structure setbacks: (1) additions to non-residential buildings that have non-conforming setbacks and (2) residential structures being less than five feet from the rear or front property lines.

After discussion, Mr. Klippel made a motion to recommend approval of the two Zoning Code amendments as proposed in the memo from the City Planner dated September 6, 2017. The motion was seconded by Mr. O'Donnell and passed seven to two (Mr. Klippel and Ms. Oughton were opposed).

7. **COMPREHENSIVE PLAN – ENVISION 2035**

City Planner Jonathan Raiche thanked the Commission members for all their work. After almost three years, the Plan is ready for adoption. Chairman Klippel read the Resolution adopting the EnVision Kirkwood 2035 Comprehensive Plan for the City of Kirkwood:

**A RESOLUTION ADOPTING THE  
ENVISION KIRKWOOD 2035 COMPREHENSIVE PLAN  
FOR THE CITY OF KIRKWOOD**

**WHEREAS**, the City of Kirkwood is committed to retaining and enhancing the desirability and livability of its community, and has sought to create a vision of the community through the development of a dynamic and living plan for the City; and

**WHEREAS**, in 2015, the Comprehensive Plan Steering Committee began the development process of the EnVision Kirkwood 2035 Comprehensive Plan; and

**WHEREAS**, the content of the EnVision Kirkwood 2035 Comprehensive Plan has been based on broad public input to establish community goals and objectives as they relate to Housing & Neighborhoods, Mobility & Infrastructure, Active Living & the Environment, and Economic Growth & Vitality; and

**WHEREAS**, the EnVision Kirkwood 2035 Comprehensive Plan establishes a future land use map and recommendations for future sub-area studies based on broad public input; and

**WHEREAS**, a Public Hearing relative to this matter was held before the Planning and Zoning Commission in accordance with the Missouri Revised Statutes on the 7th day of June, 2017; and

**WHEREAS**, the Planning and Zoning Commission reviewed the EnVision Kirkwood 2035 Comprehensive Plan as presented by the Comprehensive Plan Steering Committee, considered revisions to its content, and formed such recommendations into a final document; and

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KIRKWOOD, MISSOURI AS FOLLOWS:**

That the Planning and Zoning Commission of the City of Kirkwood, Missouri, under authority granted to it by the Revised Missouri Statutes, after a duly called public hearing, and after considering the views of all those who came before it, does hereby adopt the City of Kirkwood Comprehensive Plan EnVision Kirkwood 2035, and all maps contained therein or referenced thereby, as the official comprehensive plan for the City of Kirkwood, Missouri.

PASSED AND APPROVED THIS 6th day of September, 2017.

`Allen Klippel, Chairman

`Jim O'Donnell, Secretary/Treasurer

Motion was made by Mr. Diel and seconded by Mr. Stauder to approve the Resolution and adopt the Envision Kirkwood 2035 Comprehensive Plan. The motion was unanimously approved.

There being no further business, the meeting adjourned at 7:40 p.m. The next regular meeting will be held on September 20 at 7 p.m.

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Allen Klippel, Chair

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Jim O'Donnell, Secretary/Treasurer

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 and Commissions, Planning & Zoning Commission.