



**CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
OCTOBER 18, 2017**

PRESENT:

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

ABSENT:

James Diel, Vice Chair
Cindy Coronado

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, October 18, 2017, in the Main Level Conference Room at Kirkwood City Hall, 139 South Kirkwood Road. City Council Liaison Nancy Luetzow, City Planner Jonathan Raiche, Assistant City Planner Amy Lowry, 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 Commissioners Diel and Coronado were absent and their absence was excused.
2. Motion was made by Commissioner O'Donnell and seconded by Commissioner Stauder to amend the minutes of the October 4, 2017, meeting by adding the following to Item No. 5 regarding NACTO Guideline Discussion: "Those opposed believed this was outside the scope of the Planning and Zoning Commission," After discussion, Mr. O'Donnell withdrew his motion. Motion was made by Commissioner Oughton and seconded by Commissioner Stauder to approve the minutes from the October 4, 2017, meeting as written. The motion was unanimously approved by the seven members present.
3. **PZ-11-18 SPECIAL USE PERMIT AMENDMENT – CITIZEN KANE'S, 127 & 133 W CLINTON**
Submitted: 9-15-17 Automatic Recommendation: 1-13-18
Petitioner, Frank Kane
(Subcommittee – Commissioners Mallinckrodt and Eagleton)

Assistant City Planner Amy Lowry stated the subcommittee met last week and have prepared a report. The proposal includes a meat smoker with enclosure behind the building, a moveable bar under the stairs, tables, and speakers on the patio.

Ken Burns, the architect, and Frank Kane, the owner, were present. Mr. Burns commented they have read the Subcommittee Report and are agreeable to the conditions.

Motion was made by Commissioner Mallinckrodt and seconded by Commissioner Frick to recommend approval of PZ-11-18, an application for a Special Use Permit

Amendment for 133 West Clinton Place for restaurant use with outdoor seating and outdoor cooking and to include the adjacent property at 127 West Clinton Place in accordance with the Subcommittee Report. Commissioner Eagleton read the subcommittee report:

**CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
SUBCOMMITTEE REPORT
October 18, 2017**

PETITION NUMBER: PZ-11-18

ACTION REQUESTED: SPECIAL USE PERMIT AMENDMENT (RESTAURANT) –
CITIZEN KANE’S STEAK HOUSE

PROPERTY OWNER: FRANK AND JANET KANE (JF KANE, LLC)

PETITIONER: FRANK KANE

PROPERTY LOCATION: 127 & 133 W. CLINTON PLACE

ZONING: B-2 GENERAL BUSINESS DISTRICT (CENTRAL BUSINESS
DISTRICT)

DRAWINGS SUBMITTED: FLOOR PLAN, DINING ROOM AREA PLAN, AND SITE PLAN
(SHEETS A1 AND A2) PREPARED BY KEN BURNS,
ARCHITECT, STAMPED "RECEIVED OCTOBER 4, 2017, CITY
OF KIRKWOOD PUBLIC WORKS DEPARTMENT"

COMBINED SURVEY FOR 133 AND 127 WEST CLINTON AVE
STAMPED "RECEIVED OCTOBER 4, 2017, CITY OF
KIRKWOOD PUBLIC WORKS DEPARTMENT"

DESCRIPTION OF PROJECT:

The petitioner is requesting a Special Use Permit (SUP) Amendment for the approval of (1) a new restaurant at 127 W. Clinton Avenue specializing mostly in take-out foods with some indoor seating area, (2) outdoor restaurant seating on a patio that will be used by both the proposed new restaurant and the existing Citizen Kane’s Steak House restaurant at 133 W. Clinton Avenue, and (3) outdoor uses in connection with both restaurants for an outdoor service bar and electric meat smoker. The second floor of the building at 127 W. Clinton Avenue will be used for an office and storage, and the basement will be used for a walk-in cooler and storage. The hours for the new restaurant at 127 W. Clinton are proposed as Thursday through Saturday, 11:00 a.m. to 5:00 p.m. from April through December. The outdoor patio will be also be used by Citizen Kane’s Steak House from 5:00 p.m. to 11:00 p.m. nightly. The applicant would like to use outdoor speakers for recorded and live music.

COMPREHENSIVE PLAN, LAND USE AND ZONING:

The site is designated for Downtown Use on the Envision Kirkwood 2035 Future Land Use Plan map. The proposed development is commercial in nature and is consistent with the policies presented by the Comprehensive Plan. The subject properties are zoned B-2 General Business District. The building at 127 W. Clinton has been vacant since March 2016.

Surrounding land uses and zoning include the following:

To the north: Commercial uses zoned B-2 General Business District.

To the south: Across Clinton Place are commercial uses zoned B-4 Planned Commercial District.

To the east: Commercial uses zoned B-2 General Business District.

To the west: Commercial uses zoned B-2 General Business District.

DEPARTMENTAL/AGENCY COMMENTS:

Electric: No comments received.

Water: No comments.

Engineering: No comments received.

Building/Fire: Inventory storage is subject to fire/building codes.

SITE ELEMENTS ANALYSIS**PARKING & TRAFFIC ANALYSIS:**

The minimum parking requirements for the existing restaurant at 133 W. Clinton Place, the proposed restaurant at 127 W. Clinton Place, and the proposed outdoor seating patio are twenty (20) spaces per one thousand (1,000) square feet of seating area, plus two (2) spaces for every three (3) employees on the maximum shift, and plus one (1) space for every vehicle used in the conduct of the business. If both restaurants and the patio were in use at the same time, 70 parking spaces would be required. The submitted site plan shows 34 parking spaces, including 2 accessible parking spaces, on the combined lots at 127 and 133 W. Clinton Place. The applicant also submitted a Cross Parking Easement Agreement with the property owner at 143 W. Clinton Place allowing for an additional 31 parking spaces, and an Easement Agreement with the property owner at 123 W. Clinton Place allowing for an additional 9 parking spaces, including 1 accessible parking space. The total provided on site and through easements is 74 parking spaces, although those parking spaces provided through easements are only fully accessible after 5:00 p.m. The requirement for 28 parking spaces for the new restaurant and patio in operation from 11:00 a.m. to 5:00 p.m. can be met on site.

Currently, there is one point of one-way entrance onto the subject properties from Clinton Place and one point of one-way exit onto Clinton Place through a drive that encroaches on the property at 143 W. Clinton Place. There is also cross access with both 123 E. Clinton Place and 143 E. Clinton Place.

RETAINING WALLS/ENCLOSURES:

There are existing retaining walls and a dumpster enclosure to remain on site.

The meat smoker will be contained under a metal hut structure measuring 10'x14' with 4"x4" steel columns that is proposed to be located north of the building at 127 W. Clinton Place. The service bar will be located under the external staircase of the building at 127 W. Clinton Place and is planned to be portable at this time.

LANDSCAPING:

The new accessory structure may be required to be landscaped around its respective footprint with one (1) evergreen tree per structure side or one (1) understory tree per twenty (20) linear feet, depending on site conditions. The smoker hut is proposed to be 48 linear feet.

LIGHTING:

No lighting plan has been provided. Depending upon the extent of the lighting proposed for the patio, a lighting plan that meets the requirements of Section A-1040 of the Zoning Code may be required prior to approval by City Council.

DISCUSSION:

Zoning Matters signs were placed on the properties on September 28, 2017. The request was introduced at the Planning & Zoning Commission meeting on October 4, 2017. An on-site subcommittee meeting was subsequently held on October 11, 2017 (see Exhibit A for an attendance list). At this subcommittee meeting, the applicant explained the proposal and the following items were discussed: cross-access easements; location and portability of the service bar; location and design of the smoker hut; hours of operation for the patio and restaurants; patio seating and service; items for sale at the new restaurant; storage in the basement and second floor of the new restaurant; and the need for an early-detection smoke alarm system to meet fire and building codes.

RECOMMENDATION:

The Subcommittee recommends that this petition be **approved** with the following conditions:

1. The project shall be constructed and maintained in accordance with the Floor Plan, Dining Room Area Plan, and Site Plan (Sheets A1 And A2) prepared by Ken Burns, Architect, stamped "Received October 4, 2017, City Of Kirkwood Public Works Department" and the Combined Survey for 133 and 127 West Clinton Ave

stamped "Received October 4, 2017, City Of Kirkwood Public Works Department", except as noted herein.

2. The parking easements submitted with the SUP application shall be recorded with the St Louis County Office of Recorder of Deeds. Cross-access easements with 123 and 143 W. Clinton Place and an easement for the shared exit drive west of the building at 133 W. Clinton Place shall be presented to the City and subsequently recorded with the St Louis County Office of Recorder of Deeds. Recorded copies of all easements shall be filed in the Kirkwood Public Services Department office prior to issuance of an occupancy permit for 127 W. Clinton.
3. Depending upon the extent of the lighting proposed for the patio, a photometric plan meeting the requirements of Article X, Section A-1040 of the Zoning Code may need to be provided.
4. The Architectural Review Board (ARB) shall approve all exterior architecture/signage prior to issuance of a building permit.
5. Outdoor seating shall be in conformance with Article I, Section A 140.1 (111) of the Zoning Code. The hours of operation of the patio, including the use of outdoor speakers, shall be from 11:00 a.m. to 11:00 p.m. daily.
6. The applicant shall contact the St Louis County Health Department regarding use of a smoker for commercially-prepared foods. St Louis County's requirements shall be provided to the City. The smoker hut shall meet the landscaping requirements of Article X, Section 1020.7 (1) of the Zoning Code and its design shall be approved by the ARB.
7. Should the proposed service bar be a permanent structure, its design shall be approved by the ARB.
8. A bike rack that accommodates 3 to 5 bikes shall be placed on the site.
9. Due to the shared nature of the patio between the two buildings and the fact that the property line bisects it, a consolidation plat shall be approved by the City and recorded in the St Louis County Office of the Recorder of Deeds. A recorded copy of the consolidation plat shall be filed in the Public Services Department office prior to issuance of an occupancy permit for 127 W. Clinton Place.

Respectfully submitted,

Madt Mallinckrodt

David Eagleton

Commissioner O'Donnell questioned Condition No. 9 that requires a consolidation plat and made a motion to Delete Condition No. 9. The motion was seconded by

Commissioner Frick. City Planner Raiche commented that the consolidation of the two parcels would prevent future issues for the property owner and for the City. Mr. Burns and Mr. Kane had no objection to consolidating the two parcels. After discussion, the motion to delete Condition No. 9 passed six to one (Commissioners Eagleton, Frick, Klippel, Mallinckrodt, O'Donnell, and Oughton were in favor; Commissioner Stauder was opposed; and Commissioners Coronado and Diel were absent). The motion to approve the application was unanimously approved by the members present. Motion was made by Commissioner O'Donnell and seconded by Commissioner Stauder to approve the subcommittee report as amended. The subcommittee report as amended was unanimously approved by the members present.

4. PZ-07-16 SITE PLAN APPROVAL EXTENSION – LIAISON HOMES, 915 NORTH KIRKWOOD

Submitted: 10-17-16

Petitioner, Charlene Rooney

(Subcommittee – Commissioner Stauder)

City Planner Raiche stated Ms. Rooney requested a second one-year extension on the site plan approved November 18, 2015. Motion was made by Commissioner Frick and seconded by Commissioner O'Donnell to grant an additional one year extension on the site plan approved by PZ-07-16. There being no discussion, the motion was unanimously approved by the seven members present (Commissioners Diel and Coronado were absent).

5. PZ-12-18 REZONE R5 TO B2 - 103 NORTH TAYLOR AVENUE

Submitted: 9-28-17 Automatic Recommendation: 12-27-17

Petitioner, Dathu Doan

City Planner Jonathan Raiche stated the petitioner is requesting a rezoning from R5 to B2 at 103 North Taylor Avenue (Northwest corner of Argonne Drive at Taylor Avenue). The building was constructed in 1955 (according to St. Louis County records). In 1941 the property was zoned D which allowed multi-family uses and clinics. In 1967 the property was zoned R5 which allowed multi-family uses; and the medical uses in the building became legal, non-conforming uses. The current owner of the building has owned the property for approximately ten years and is requesting that the property be rezoned to accommodate the existing uses.

Thanh Tang stated he was representing the petitioner and that the rezoning was to allow the existing uses and building to remain.

Chairman Klippel appointed Commissioners Frick and Oughton to the Subcommittee. Due to the owner being out of town, a subcommittee meeting at the site will be scheduled at a later date.

6. PZ-14-18 SITE PLAN REVIEW – PARKING LOT, 120 WEST MONROE AVENUE

Submitted: 9-29-17 Automatic Recommendation: 1-27-18

Petitioner, Jonathan Browne

City Planner Jonathan Raiche stated the petitioner is requesting approval of a Site Plan at 120 West Monroe Avenue for a 17-space parking lot that connects to his current parking lot at 343 South Kirkwood Road. The property is zoned B-2 and a house that had been converted to commercial use was demolished by the previous owner. This connection will allow patrons of Pioneer Place to exit onto Monroe Avenue and utilize the existing traffic signal to turn left onto Kirkwood Road.

Diana Schaefer, Executive Assistant for Jonathan Browne, stated the proposed parking lot will improve safety by allowing motorists to access north bound Kirkwood Road via Monroe Avenue.

In response to Jane Vogl's (owner of 124 West Monroe) question, City Planner Raiche responded that the proposed parking lot was at the same grade as her driveway and that they were separated by a five-foot wide strip of grass. In response to Mr. Vogl's question if clients at 124 West Monroe could utilize the parking lot, Ms. Schaefer replied the purpose of the parking lot is for employees and patrons of Pioneer Place.

Chairman Klippel appointed Commissioners Mallinckrodt and Eagleton to the Subcommittee; and they scheduled a meeting at the site for October 20 at 9 a.m. (which was changed on October 19 to 3 p.m.)

7. PZ-07-18 AMEND ZONING CODE – RESIDENTIAL CORNER LOT SETBACKS

(Subcommittee – Mr. Klippel and Mr. Frick)

Chairman Klippel stated the Subcommittee will meet again and has not prepared a report.

8. City Planner Raiche stated the Downtown Master Plan and Parking Study charrette is being held this week in the Council Chambers. Approximately 60 attended the Opening Presentation on Tuesday and the Final Presentation will be held on Thursday at 5:30.
9. Commissioner Frick stated he attended the Subcommittee Meetings for Aberdeen Heights (PZ-10-18) to listen to the comments being made. Due to his conflict of interest, he will recuse himself from voting and will not attend the Commission meeting when Aberdeen Heights is on the agenda.

There being no further business, the meeting adjourned at 7:50 p.m. The next regular meeting will be held on November 1 at 7 p.m.

Allen Klippel, Chair

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, then click on City Clerk, Boards and Commissions, Planning & Zoning Commission.