



**CITY OF KIRKWOOD  
PLANNING AND ZONING COMMISSION  
NOVEMBER 1, 2017**

**PRESENT:**

Allen Klippel, Chair  
James Diel, Vice Chair  
Jim O'Donnell, Secretary/Treasurer  
Cindy Coronado  
Dan Stauder  
Madt Mallinckrodt  
Kathy Oughton  
David Eagleton (participated via telephone)

**ABSENT:**

Greg Frick

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, November 1, 2017, in the Council Chambers at Kirkwood City Hall, 139 South Kirkwood Road. City Council Liaison Nancy Luetzow, City Attorney John Hessel, 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 Commissioner Frick was absent and his absence was excused. Commissioner Eagleton participated in the meeting via telephone.
2. Motion was made by Commissioner Mallinckrodt and seconded by Commissioner Oughton to approve the minutes as written from the October 3, 2017, meeting of the Planning & Zoning Commission and Industrial Development Authority joint Work Session. The motion was unanimously approved.

Motion was made by Commissioner Coronado and seconded by Commissioner Oughton to approve the minutes as written from the October 18, 2017, Planning and Zoning Commission meeting. The motion was unanimously approved.

3. **PZ-12-18 REZONE R5 TO B2 - 103 NORTH TAYLOR AVENUE**  
Submitted: 9-28-17 Automatic Recommendation: 12-27-17  
Petitioner, Dathu Doan  
(Subcommittee – Commissioners Frick and Oughton)

City Planner Jonathan Raiche stated the petitioner is requesting a rezoning from R-5 to B-2 at 103 North Taylor Avenue. The Subcommittee met on October 27.

Motion was made by Commissioner Oughton and seconded by Commissioner Coronado to recommend approval of PZ-12-18, an application to rezone 103 North Taylor Avenue from R-5 to B-2. Commissioner Oughton read the subcommittee report:

**CITY OF KIRKWOOD  
PLANNING AND ZONING COMMISSION  
SUBCOMMITTEE REPORT  
November 1, 2017**

**PETITION NUMBER:** PZ-12-18

**ACTION REQUESTED:** REZONING FROM R-5 MULTIPLE-FAMILY RESIDENTIAL TO B-2 GENERAL BUSINESS DISTRICT (CENTRAL BUSINESS DISTRICT)

**PROPERTY OWNER:** KIRKWOOD CROSSING DENTAL, LLC

**PETITIONER:** DR. DATHU DOAN

**PROPERTY LOCATION:** 103 NORTH TAYLOR AVENUE

**ZONING:** R-5 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

**DRAWINGS SUBMITTED:** SURVEY STAMPED "RECEIVED SEPTEMBER 28, 2017 CITY OF KIRKWOOD PUBLIC WORKS DEPARTMENT"

**DESCRIPTION OF PROJECT:**

The petitioner has submitted a request for rezoning from the current R-5, Multiple-family Residential District to B-2, General Business District (Central Business District). A one-story, approximately 3,800 sf office building currently occupies the site and includes three tenant spaces. One of the tenant spaces is occupied by the property owner's dental practice. The property has been used as a mixture of medical and general office uses since it was built in the 1950's.

The R-5 District would typically require a Special Use Permit for General Office use and does not allow for Medical Office use. This current use of this property; however, is considered a legal non-conforming use. The current property owner was made aware of this status earlier this year by City Staff and has requested the rezoning in an effort to remove the legal non-conforming status of the property. The petitioner has not indicated any future plans to redevelop the site at this time.

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

The site is designated as Downtown Land Use on the EnVision Kirkwood 2035 Future Land Use Map. This designation indicates that Regional/neighborhood Commercial and Regional/Neighborhood Office are appropriate development types for this area. The existing use of general and medical offices is consistent with the policies presented by the Comprehensive Plan. The subject property is zoned R-5, Multiple-family Residential District.

Surrounding land uses and zoning include the following:

To the north: An old building converted to office use and the public library are located to the north and are both zoned R-5, Multiple-family Residential District.

To the south: The Farmer's Market is across Argonne Drive and is zoned B-2.

To the east: Single-family homes zoned R-3 Single-family Residential.

To the west: Various commercial/retail uses are located to the west and zoned B-2.

***DEPARTMENTAL/AGENCY COMMENTS:***

Electric: No Comments.

Water: No Comments.

Engineering: No Comments.

Building/Fire: No Comments.

City Forester: No Comments.

***DISCUSSION:***

Zoning Matters signs were placed on the property on October 12, 2017. The application was presented at the October 18, 2017 meeting of the Planning & Zoning Commission. A subcommittee meeting was scheduled, posted, and occurred on October 27, 2017. No issues or concerns were raised at the subcommittee meeting. A list of attendees at that meeting is attached as Exhibit A.

***RECOMMENDATION:***

Due to its consistency with the Comprehensive Plan and with the surrounding development patterns of the downtown area, the Subcommittee recommends that this petition be **approved**.

Respectfully submitted,

Greg Frick

Kathy Oughton

Commissioners discussed the buffer that multi-family zoning creates between commercial and single-family uses. City Planner Raiche responded that while mid-block zoning transition can be beneficial, it isn't always the best solution. Often times roadways can provide the appropriate separation between differing uses. The motion to approve the application was unanimously approved by the seven members present

and by Commissioner Eagleton’s participation via telephone. Motion was made by Commissioner O’Donnell and seconded by Commissioner Mallinckrodt to approve the subcommittee report as read. The subcommittee report was unanimously approved (Commissioner Frick was absent).

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

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

Petitioner, Jonathan Browne

(Subcommittee - Commissioners Mallinckrodt and Eagleton)

Opportunity for Public Comment

City Planner Jonathan Raiche stated the petitioner is requesting Site Plan Approval for the construction of a parking lot. An existing home on the site was demolished by the previous property owner and the property is currently vacant. The Subcommittee is recommending a continental-style striped, five-foot wide pedestrian walkway be provided in the driving lane along the east side of the parking lot and a bike rack that accommodates 10 bikes be provided in one of the proposed parking spaces. However, a 10-bike bicycle rack is larger than a parking space.

Diana Schaefer, Executive Assistant for Jonathan Browne, stated Mr. Browne wanted to go on record as saying that he believes the recommended pedestrian walkway would imply safety to the pedestrians and that it also reduces the width of the driving lane.

In accordance with Section 220.6 of the Zoning Code, Chairman Klippel asked if there was anyone in the audience who had comments concerning the site plan. Taylor Hunt, 308 East Adams, quoted two goals from the EnVision 2035 Comprehensive Plan that Kirkwood should become more walkable and bikeable.

Motion was made by Commissioner O’Donnell and seconded by Commissioner Oughton to recommend approval of PZ-14-18, an application for approval of a Site Plan for a parking lot at 120 West Monroe Avenue in accordance with the Subcommittee Report. Commissioner Mallinckrodt read the subcommittee report:

**CITY OF KIRKWOOD  
PLANNING AND ZONING COMMISSION  
SUBCOMMITTEE REPORT  
November 1, 2017**

**PETITION NUMBER:** PZ-14-18

**ACTION REQUESTED:** SITE PLAN REVIEW FOR PARKING LOT

**PROPERTY OWNER:** PIONEER PLACE, LLC

**PETITIONER:** PIONEER PLACE, LLC

***PETITIONER'S AGENT:*** JONATHAN BROWNE, NOVUS DEVELOPMENT

***PROPERTY LOCATION:*** 120 WEST MONROE AVE.

***ZONING:*** B-2 GENERAL BUSINESS DISTRICT

***DRAWINGS SUBMITTED:*** SITE PLAN (SHEET 1&2) PREPARED BY VANCE ENGINEERING COMPANY STAMPED "RECEIVED OCTOBER 24, 2017, CITY OF KIRKWOOD PUBLIC WORKS DEPARTMENT"

LANDSCAPE PLAN (SHEET 1) PREPARED BY VANCE ENGINEERING COMPANY STAMPED "RECEIVED OCTOBER 24, 2017, CITY OF KIRKWOOD PUBLIC WORKS DEPARTMENT"

LIGHTING PLAN (SHEET 1) PREPARED BY ST LOUIS LIGHTING GROUP STAMPED "RECEIVED OCTOBER 24, 2017, CITY OF KIRKWOOD PUBLIC WORKS DEPARTMENT"

TREE STUDY (SHEETS 1-4) PREPARED BY DAVEY RESOURCE GROUP STAMPED "RECEIVED SEPTEMBER 29, 2017, CITY OF KIRKWOOD PUBLIC WORKS DEPARTMENT" AND A REVISED TREE PROTECTION SITE PLAN STAMPED "RECEIVED OCTOBER 24, 2017, CITY OF KIRKWOOD PUBLIC WORKS DEPARTMENT"

**DESCRIPTION OF PROJECT:**

The petitioner is requesting Site Plan Approval for the construction of a 17-space parking lot. An existing home on the site was recently demolished and the property is currently vacant. The proposed parking lot will provide additional parking and access to the signalized intersection of Monroe Avenue and Kirkwood Road for the Pioneer Place shopping center.

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

The site is designated for Downtown Use on the Envision Kirkwood 2035 Future Land Use Map. The proposed development is commercial in nature and is consistent with the policies presented by the Comprehensive Plan. The subject property is zoned B-2 General Business District and parking lots are a permitted use in the district.

Surrounding land uses and zoning include the following:

To the north: Across Monroe Avenue are single-family homes converted to businesses and commercial buildings zoned B-2 General Business District and used for institutional and commercial uses.

To the south: Adjacent to the site are commercial businesses zoned B-2 General Business District in the Pioneer Place development.

To the east: Adjacent to the site is a restaurant zoned B-2 General Business District.

To the west: Adjacent to the site is a retail establishment zoned B-2 General Business District.

**DEPARTMENTAL/AGENCY COMMENTS:**

Electric: No comments received.

Water: Any water tap made shall be in accordance with the City of Kirkwood Water Department specifications.

Engineering: 

1. The proposed site plan requires MSD review.
2. Provide calculations for stormwater flow. The maximum discharged cannot exceed 1 CFS across the entrance.
3. Reconstruct the entrance and sidewalk adjacent to property to meet ADA/PROWAG and City Standards.
4. Provide a cross-access agreement with Pioneer Place.

Building/Fire: No comments received.

Forester No conflicts with proposed plan.

**SITE ELEMENTS ANALYSIS:**

***Site Layout & Parking***

The petitioner proposes to construct a parking lot with a 22-foot wide drive aisle on the east and 17 parking spaces on the west, including 1 lift van-accessible space. The drive aisle will provide access to West Monroe Avenue to the north and the Pioneer Place development to the south. The Site Plan has been provided to MSD and no MSD permit is required.

***Landscaping/Tree Study***

The Landscape Plan shows a 5' wide landscape buffer on the east and west sides of the property and open space for the interior of the parking lot at 404 square feet. The Landscape Plan has been reviewed and meets all code requirements; however, City Staff has recommended the following condition:

1. Note that if smaller trees shown to be preserved are evaluated by the City Forester and found to be in a condition such that preservation is not recommended, these trees will need to be compensated for in the overall trees proposed.

***Lighting***

The submitted Lighting Plan indicates 2 pole-mounted lights. The Zoning Code requires the illumination levels of the site lighting to be 0.5 footcandles (fc) at the property line. The proposed lighting plan meets this criteria; however, additional revision is needed to

clarify the fixture type proposed. The drawing indicated a fixture type “C” whereas the lighting schedule only lists fixtures “A” and “B”. A condition has been included in the recommendation to address this issue.

**DISCUSSION:**

A Zoning Matters signs was placed on the property on October 12, 2017. The application was presented at the October 18, 2017 meeting of the Planning & Zoning Commission. A subcommittee meeting was scheduled, posted, and occurred on October 20, 2017. A list of attendees at that meeting is attached as Exhibit B. At the subcommittee meeting, the subcommittee requested that Staff evaluate the potential for a pedestrian connection from Monroe Avenue to Pioneer Place and that the applicant replace one parking space with a bike rack to accommodate up to 10 bicycles. Recommendations to cover both of these items have been included in this report.

**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 Site Plan, Landscape Plan, Lighting Plan and Tree Study, all stamped “Received October 24, 2017, City of Kirkwood Public Works Department”, except as noted herein.
2. New construction shall be to ADA/PROWAG and City Standards, including a new concrete entrance and sidewalk along the West Monroe Avenue street frontage.
3. Prior to the issuance of any permit, the Site Plan shall be revised to indicate the painting of a continental-style striped, 5-foot wide pedestrian walkway along the east side of the proposed parking lot from West Monroe Avenue on the north to the property line with Pioneer Place on the south. Lettering and/or symbols, to be approved by the Public Services Department, shall be placed in the pedestrian walkway to designate it as such and similar signage shall be placed at both ends of the path on the subject property indicating access to Monroe Avenue and Pioneer Place as appropriate. A continental-style painted crosswalk shall also be provided to connect the required 5-foot wide pedestrian walkway with the nearest sidewalk on the Pioneer Place Development on west side of the commercial building located at 333 South Kirkwood Road.
4. The Landscape Plan shall meet the requirements of the Zoning Code Section A-1020.
5. The Tree Study shall be revised to indicate tree protection fencing for trees on adjacent property to the east which have root zones in the area of proposed grading, no grading permitted inside the tree protection fencing, and tree protection detail on the plan including measures to be taken to ensure tree protection.

6. The Lighting Plan shall be revised to meet the requirements of the Zoning Code Section A-1040 and to include a corrected lighting schedule prior to the issuance of any permit.
7. A cross-access easement with Pioneer Place shall be presented to the City and recorded with the St Louis County Office of Recorder of Deeds prior to release of the performance guarantee.
8. A bike rack that accommodates up to 10 bikes shall replace of one of the proposed parking spaces.
9. The petitioner shall comply with all standard conditions as listed in Exhibit A.

Respectfully submitted,

David Eagleton

Madt Mallinckrodt

Commissioners discussed the five-foot wide strip for pedestrians and bikes and the possibility of requiring a speed bump. Commissioner Eagleton stated the Subcommittee was attempting to create a balance between connectivity to Pioneer Place and West Monroe Avenue and the addition of a bike rack would add a nice amenity. Chairman Klippel made a motion to amend Condition of Approval No. 8 as follows: "A bike rack that accommodates ~~up to ten~~ 6 bikes shall replace of one of the proposed parking spaces." The motion was seconded by Commissioner Diel. Ms. Schaefer stated they would prefer to keep the parking space and install the bike rack in the landscape island or at another location at the Pioneer Place. The amendment was unanimously approved by the members present (Commissioner Frick was absent). The motion to approve the application was unanimously approved by the members present. Motion was made by Commissioner Mallinckrodt and seconded by Commissioner Oughton to approve the subcommittee report as amended. The subcommittee report as amended was unanimously approved by the members present and by Commissioner Eagleton's participation via telephone (Commissioner Frick was absent).

Commissioner Eagleton is no longer participating in the meeting via the telephone.

**5. PZ-15-18 SPECIAL USE PERMIT AND SITE PLAN REVIEW – FREI GLASS, 1017 W ADAMS**

Submitted: 10-13-17 Automatic Recommendation: 2-10-18

Petitioner, Stephen Frei

Opportunity for Public Comment

City Planner Jonathan Raiche stated the petitioner is requesting a Special Use Permit to expand a non-conforming use and Site Plan Approval for the construction of two buildings and parking spaces for 12 vehicles. The family-run business designs and fabricates liturgical art and has been located in Kirkwood for approximately 70 years. A ranch-style home, a round accessory building, and a shed are currently located on the site. The project consists of two new buildings: a 6,200 square foot building utilized for



office and shop space and for material storage. The second building would replace the circular shed and contain approximately 2,700 square feet. Three areas of the proposed buildings encroach into the front, rear, and side yard setback requirements and the accessory building is located in front of the primary structure and exceeds the 1,500 square foot maximum size permitted.

Stephen Frei, owner and former president of Emil Frei & Associates, Inc., provided a history of the company. Paul Boyer of Civil Engineering Design Consultants stated the elevation of the property rises from 536 to 595. Bollard lights would be placed adjacent to the parking areas. The business has 13 employees, with 7 of those on site daily. In accordance with Section 220.6 of the Zoning Code, Chairman Klippel asked if there was anyone in the audience who had comments concerning the site plan; and no one responded.

City Planner Raiche stated the petitioner would proceed to the Board of Adjustment if the bill to approve the Special Use Permit passes first reading by the City Council. Mr. Frei added that they might grow to 20 employees; however some of the employees do not work on-site but are away for months.

Chairman Klippel appointed Commissioners Diel and Coronado to the Subcommittee; and they scheduled a meeting at the site for November 7 at 9:45 a.m.

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

City Planner Jonathan Raiche presented statistics regarding variances that were requested by property owners for relief from the front yard setback in the R-3 and R-4 Zoning Districts since 2012. Motion was made by Commissioner O’Donnell and seconded by Commissioner Stauder to recommend approval of amendments to the Zoning Code as it pertains to single-family residential corner lot front yard setbacks in the R-3 and R-4 Zoning Districts. Chairman Klippel read the subcommittee report:

**CITY OF KIRKWOOD  
 PLANNING AND ZONING COMMISSION  
 SUBCOMMITTEE REPORT  
 NOVEMBER 1, 2017**

**PETITION NUMBER:** PZ-7-18

**ACTION REQUESTED:** AMENDMENTS TO CITY OF KIRKWOOD CODE OF ORDINANCES APPENDIX A: THE CITY OF KIRKWOOD ZONING CODE AS IT PERTAINS TO SINGLE-FAMILY RESIDENTIAL CORNER LOT FRONT YARD SETBACKS IN R-3 AND R-4 DISTRICTS, SPECIFICALLY SECTIONS 420.7 (2) and 430.7 (2).

**PETITIONER:** CITY INITIATED

**BACKGROUND/DESCRIPTION:**

In 2013, the Planning & Zoning Commission analyzed the need to amend the Floor Area Ratio and Corner Lot Setback requirements. At that time, it was decided that there were not a sufficient number of Board of Adjustment cases to study the need to revise the corner lot setback requirements and the issue was not pursued. Since that time, the requirements continue to cause issues for builders and homeowners by decreasing the buildable area of lots significantly and sometimes to a point that they are not practically buildable.

The following is a list of the number of setback variance requests for corner lots listed by year for the past 5 years. The high number of similar variance requests can often be viewed as a sign that the zoning requirement is creating a difficulty. While this does not automatically signify that a code amendment is needed, it does signify that discussion and consideration of an amendment is warranted. The list includes front, side, and rear setbacks which are all related to the amount of buildable area on the lots also referred to as the “building envelope”. It is possible that if relief is built into the front yard setback requirements, the need for rear and side yard variances could also decrease.

Year	Total # of Cases	# of Corner Lot Cases
2012	25	5
2013	30	7
2014	43	14
2015	28	8
2016	40	17
2017 (through July)	22	5

The City’s Zoning Code requires that a front yard setback be provided on both frontages of corner lots. The Code also requires that when the block on which the subject site is located is at least 40% developed, the setback is determined by averaging all structures within a certain distance (varies based on zoning district) on the same block and on the same frontage.

Currently the Board of Adjustment not only has to decide if a practical difficulty or undue hardship exists, but also if the extent of a setback variance requested is reasonable and therefore should be granted. In amending the code to provide a scenario by which more properties would have a building envelope that is more practical, the burden of making case-by-case decision by the Board of Adjustment would be lessened.

**DISCUSSION:**

Subcommittee meetings were held at City Hall on August 29, 2017 and September 28, 2017 (See Exhibit A for a list of attendees). The subcommittee requested that Staff provide a summary of the way in which surrounding municipalities regulate this topic (Exhibit B). This comparison, along with potential solutions, were presented to the subcommittee and discussed in detail. Staff provided data which also indicated what

percentage of Board of Adjustment cases would have been “solved” if the proposed language were adopted.

The subcommittee discussed many potential solutions including, but not limited to the following:

1. A secondary front yard setback (along the wider street frontage) which would be determined by comparison of the subject site’s lot depth to adjacent lots.
2. Providing a minimum building envelope which would be consistent with the Subdivision Code.
3. A secondary front yard setback which would be determined by averaging the side yard setback and the front yard setback.
4. Requiring a side yard setback, rather than front yard setback, in cases where the subject lot is oriented perpendicular to an adjacent lot.
5. Allow a minimum building envelope width similar to other communities in the area. Specifically a 35’ building envelope width in R-3 and 30’ building envelope width in R-4.
6. A secondary front yard setback that is 20% of the lot width in R-3 and 30% of the lot width in R-4.

	<b>Solution</b>	<b>% Solved</b>
<b>1</b>	Proportional to Lot Depth Comparison	<b>19%</b>
<b>2</b>	Subdivision Code Building Envelope	<b>2%</b>
<b>3</b>	Average Required Front & Side	<b>30%</b>
<b>4</b>	Side yard required if lots are parallel	<b>21%</b>
<b>5</b>	Other Communities building envelope	<b>21%</b>
<b>6</b>	20%/30% Secondary Front Yard	<b>39%</b>

After discussion of the options, the subcommittee chose to recommend item #6 above. The subcommittee believed this option offered a fairly simple method and that it would eliminate some of the instances in which lots would have an impractical building envelope width. The logic behind requiring a higher setback for R-4 is that property owners who own property in an R-3 zoned area would then be afforded the ability to build a larger home which would be the case if all lots conformed to the minimum lot size and lot width required by our current code. If adopted, this change would have solved approximately 39% of the Board of Adjustment cases between 2011 and 2017; however, the number of cases which could have been slightly altered to meet these new requirements (within 5’) would have been 66%.

**RECOMMENDATION:**

The Subcommittee recommends that the amendments, as detailed in Exhibit C, to Sections A-420.7 (2) and 430.7 (2) of the Zoning Code be **approved**.

Respectfully submitted,

Allen Klippel

Greg Frick

The motion to approve the amendments was unanimously approved by the seven members present. (Commissioners Frick and Eagleton were absent). Motion was made by Commissioner O'Donnell and seconded by Commissioner Diel to approve the Subcommittee Report as read. The motion was unanimously approved by the seven members present.

**7. PZ-16-18 AMEND ZONING CODE SECTION A-1040: LIGHTING REGULATIONS**

City Planner Jonathan Raiche stated that language was identified in Section A-1040 of the Zoning Code that could cause confusion and may be interpreted in a way that conflicts with other provisions of the section. A memo (dated October 24) with proposed language for amendments has been provided.

Motion was made by Commissioner Stauder and seconded by Commissioner O'Donnell to approve the Proposed Language in the October 24, 2017, memo from City Planner Jonathan Raiche. Chairman Klippel read a portion of the memo to amend Section A-1040.5(2) of the Zoning Code as follows:

(2) Maximum Illumination Levels. Site lighting shall be in compliance with the following maximum illumination levels:

- a. The maximum illumination level ~~at property lines~~ of light cast off-site shall be less than or equal to 0.5 footcandles (fc) at finished grade unless otherwise specified herein.
- b. The maximum illumination level ~~at property lines adjacent to~~ of light cast off-site onto properties with single-family residential uses shall be less than or equal to 0.1 footcandles (fc) at finished grade.
- c. The maximum illumination level under canopies shall be less than or equal to 42 footcandles (fc) at finished grade.

There being no discussion, the motion was unanimously approved by the seven members present (Commissioners Frick and Eagleton were absent).

There being no further business, the meeting adjourned at 8:53 p.m. The next regular meeting will be held on November 15 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.