



**CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
NOVEMBER 15, 2017**

PRESENT:

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

ABSENT:

Dan Stauder

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, November 15, 2017, in the Council Chambers 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 Commissioner Stauder was absent and his absence was excused. Commissioner Diel was absent but expected to arrive at any minute (arrived at 7:05).
2. Motion was made by Commissioner O'Donnell and seconded by Commissioner Mallinckrodt to approve the minutes as written from the November 1, 2017, Planning and Zoning Commission meeting. The motion was unanimously approved by the seven members present (Commissioners Stauder and Diel were absent).
3. **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
(Subcommittee – Commissioners Diel and Coronado)

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 14 vehicles. The project consists of two new buildings: a 6,200 square foot building utilized for studio and office space and a 2,700 square foot building for storage and a carport. Three areas of the proposed buildings encroach into the front, rear, and side yard setback requirements and a modification is needed from the parking requirement. The lighting levels are lower than required.

Commissioner Diel arrived at 7:05 p.m.

Stephen Frei, owner and former president of Emil Frei & Associates, Inc., stated there could be occasions when more than 14 employees are on site and therefore requests reconsideration of the restriction. Paul Boyer of Civil Engineering Design Consultants stated the adjacent property at 1021 West Adams is owned by a family member/employee who walks to the studio and has a parking area available for overflow parking.

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. Micki Button, 428 Gabriel, stated she supports the expansion.

Motion was made by Commissioner Oughton and seconded by Commissioner Coronado to recommend approval of PZ-15-18, an application for a Special Use Permit for the expansion of a non-conforming use and Site Plan Approval at 1017 West Adams Avenue. Commissioner Coronado read the subcommittee report:

**CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
SUBCOMMITTEE REPORT
November 15, 2017**

PETITION NUMBER: PZ-15-18

ACTION REQUESTED: SPECIAL USE PERMIT (EXPANSION OF A NONCONFORMING USE – ART STUDIO) AND SITE PLAN REVIEW – EMIL FREI STAINED GLASS STUDIO

PROPERTY OWNER: ROBERT & FRANCES FREI

APPLICANT: STEPHEN FREI, EMIL FREI STUDIO

APPLICANT’S AGENT: PAUL BOYER, CIVIL ENGINEERING DESIGN CONSULTANTS, INC.

PROPERTY LOCATION: 1017 WEST ADAMS AVENUE

ZONING: R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

DRAWINGS SUBMITTED: SITE DEVELOPMENT PLAN (3 SHEETS) PREPARED BY CEDC, INC., LANDSCAPE PLAN/TREE STAND DELINEATION/TREE PRESERVATION PLAN (3 SHEETS) PREPARED BY LOOMIS ASSOCIATES, AND PHOTOMETRIC PLAN (1 SHEET) STAMPED "RECEIVED NOVEMBER 6, 2017, CITY OF KIRKWOOD PUBLIC WORKS DEPARTMENT"

FLOOR PLANS (2 SHEETS) PREPARED BY LINK ARCHITECTURE, LLC STAMPED "RECEIVED OCTOBER 13, 2017, CITY OF KIRKWOOD PUBLIC WORKS DEPARTMENT"

TREE STUDY PREPARED BY LOOMIS ASSOCIATES STAMPED "RECEIVED NOVEMBER 8, 2017, CITY OF KIRKWOOD PUBLIC WORKS DEPARTMENT"

DESCRIPTION OF PROJECT:

The applicant is requesting a Special Use Permit and Site Plan Approval for the expansion of a nonconforming use of the subject site. The existing use of the residential structure and two accessory buildings is as a liturgical art studio for the production of stained glass, mosaics, and related items. The existing home also serves as a residence. It is also worth noting that the Frei family currently owns two of the five immediately adjacent properties (1021 West Adams Avenue and 432 Gabriel Drive).

In 2014, the use of the property for this purpose was determined to be a legal nonconforming use. As permitted in the Special Uses listed in the R-1 District, the applicant has requested an expansion of their legal nonconforming use for the purposes of demolishing the existing accessory structures to build one new studio/office building at approximately 6,200sf and a new 2,700sf accessory structure. Both of these buildings would be in addition to the existing home. In addition to the proposed structures, the applicant also proposes to construct surface parking for 12 vehicles (not including the 4 parking spaces in the proposed carport structure).

In its current state, the proposal would require a modification or variance for the number of required parking spaces and would also require a variance for the following items:

1. The location and size of the proposed accessory building,
2. Side yard setback on the west,
3. Rear yard setback, and
4. Lower lighting levels proposed than required by code.

COMPREHENSIVE PLAN, LAND USE AND ZONING:

The site is designated as Suburban Residential Use on the EnVision Kirkwood 2035 Future Land Use plan. Development types discussed in this land use are single-family residential, parks, and institutional uses (schools, churches, etc.). The studio does not fit into any of these categories which would indicate that it is expected to continue to be a nonconforming use into the foreseeable future.

The subject property is zoned R-1 Single Family Residential District. As previously mentioned, the current use of a stained glass studio is a nonconforming use in this

district. The existing use is not considered a home occupation due to the scale of the business.

Surrounding land uses and zoning include the following:

To the north: Single-family homes zoned R-3.

To the south: Single-family homes zoned R-1.

To the east: Single-family homes zoned R-1.

To the west: Single-family homes zoned R-1.

DEPARTMENTAL/AGENCY COMMENTS:

Electric: No additional requirements. Information requested for anticipated electric needs.

Water: New water lines are required to follow City specs.

Engineering: MSD approval required.

Building/Fire: Provide better access to fire hydrant as required by Fire Dept.

Forester: All pruning, tying back of branches, and installation shall be supervised by a Certified Arborist.

SITE ELEMENTS ANALYSIS:

Setbacks & Building Height

The existing primary building is located on the northern portion of the site and is a walk-out style ranch structure. The existing primary building is located approximately 32' from the rear property line at its closest point. The proposed annex building is located with its closest point at 35.6' from the rear property line. While this is further than the existing structure, the required setback is 50' and thus this portion of the proposal will require a variance to be sought.

The studio portion of the proposal also includes an encroachment of an unenclosed porch approximately 10.3' into the required 25' side yard to the west. There is an existing shed structure that is approximately 900 sf and is located in front of the primary structure and in front of the 60' front yard setback. The proposed structure to replace the shed is similarly located and exceeds the maximum 1,500 sf size for an accessory structure. All of these items will also require variances to be sought.

The proposed structure heights range from 16' to 18'-9" and are proposed to be built into the topography of the site to limit the vertical presence on the site.

Parking

When assessed for the commercial use and the residential use of the property, the code required 16 spaces plus 2 spaces for the commercial vehicles used in normal operation. The applicant is proposing 14 spaces plus 2 spaces for the commercial vehicles and is asking the Commission and City Council to consider a modification to this parking requirement. The applicant is proposing the use of pervious pavers/pavement within the parking area and additional landscape screening on the north property line.

Landscaping & Tree Preservation

The proposal includes preservation of approximately 63% of the existing woodland on the site. In addition to the proposed tree preservation, the applicant is proposing a combination of 15 canopy trees, 15 understory trees, 9 evergreen trees, and various shrubs throughout. The proposal exceeds the minimum code requirements for building additions and parking lots. The applicant has elected to propose a planting screen along the north property line, included in the numbers previously mentioned, to augment the existing woodland in this area to provide a denser buffer.

Lighting

The lighting plan currently provided is not signed & sealed as required by code and a condition on the recommendation has been added to address this. The general proposed plan; however, does include smaller scale, bollard-style fixtures that would provide light levels that do not meet the minimum levels required by the Zoning Code. The applicant is proposing this in an effort to have minimal impact on the area. A variance will need to be sought related to the minimum lighting level on the parking area and for the proposed fixtures not being completely shielded and flat-lensed/cut-off.

Summary of Modification/Variances Needed

1. Reduction in required parking spaces by 2 spaces.
2. Rear yard setback encroachment of 14.4'.
3. Side yard setback encroachment of 10.3'.
4. Accessory building setback, location in relation to primary structure, and size.
5. Minimum lighting levels lower than required and fixtures that are not fully shielded and cut-off.

DISCUSSION:

Zoning Matters signs were placed on the property on October 26, 2017. The request was introduced at the Planning & Zoning Commission meeting on November 1, 2017. An on-site subcommittee meeting was subsequently held on November 7, 2017. A list of attendees of the subcommittee meeting can be seen in Attachment B. At the subcommittee meeting, the following items were discussed:

1. Proposed setback encroachments on-site at specific locations,
2. Proposed northern landscape buffer,
3. Minimum power tool usage related to noise,

4. Studio operations will remain in existing structure,
5. Anticipated future employees are 10 on-site with 20 total,
6. Typical hours of operation range from 8am – 4:30pm with limited indoor work occurring from 7am until 9pm on occasion.

RECOMMENDATION:

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

1. The project shall be constructed and maintained in accordance with the Site Development Plan, Landscape Plan, Tree Stand Delineation, Tree Preservation Plan, and Photometric Plan stamped “Received November 6, 2017, City of Kirkwood Public Works Department”, except as noted herein.
2. The nonconforming business use of the residential property shall be limited to stained-glass, mosaics, and similar art studio uses.
3. The Special Use Permit shall be specifically issued to Emil Frei & Associates. This permit is non-transferable and any another entity shall be required to seek a new Special Use Permit.
4. The new buildings shall not be utilized for residential purposes.
5. The maximum number of employees on-site shall not exceed 14 employees.
6. Hours of operation shall be limited from 7am – 9pm and all business-related activity shall be conducted within the enclosed buildings.
7. The existing access easement across the property at 1021 W. Adams Avenue shall be relocated to align with the location of the existing/proposed drive. A recorded copy of the new easement shall be provided to the City prior to issuance of any permit.
8. A signed & sealed lighting plan shall be submitted prior to approval by the City Council. A variance for lighting levels under the required minimum lighting levels is required to be sought from the Board of Adjustment. If proposed fixtures are not compliant with the shielding/cut-off requirements a variance will also be required for this.
9. The applicant shall comply with all standard conditions as listed in Exhibit A.

Respectfully submitted,

Cindy Coronado

James Diel

Chairman Klippel made a motion to amend the Subcommittee Report by adding Condition of Approval No. 10 as follows: "Parking requirements shall be modified per section 220 of the Zoning Code to 14 spaces required". The motion was seconded by Commissioner Oughton and unanimously approved by the eight members present (Commissioner Stauder was absent).

Commissioner O'Donnell made a motion to amend the Subcommittee Report by adding Condition of Approval No. 11 as follows: "Variances shall be sought by the petitioner for the following items: (1) Rear yard setback encroachment of 14.4'; (2) Side yard setback encroachment of 10.3'; (3) Accessory building setback, location in relation to primary structure, and size; and (4) Minimum lighting levels lower than required and fixtures that are not fully shielded and cut-off." The motion was seconded by Commissioner Coronado and unanimously approved by the eight members present.

Commissioner Diel made a motion to amend Condition of Approval No. 5 of the Subcommittee Report as follows: "The maximum number of employees on-site shall not exceed ~~14~~ 20 employees. A recorded copy of a shared parking agreement shall be submitted for shared parking with the property owner at 1021 West Adams Avenue prior to issuance of a building permit". The motion was seconded by Commissioner Coronado and unanimously approved by the eight members present.

The motion to approve the application was unanimously approved by the eight members present. Motion was made by Commissioner Diel and seconded by Commissioner Coronado to approve the subcommittee report as amended. The subcommittee report as amended was unanimously approved by the eight members present.

There being no further business, the meeting adjourned at 7:37 p.m. The next regular meeting will be held on December 6 at 7 p.m in the Robert G Reim Theatre at the Community Center.

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.