

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**AUGUST 15, 2018**

**PRESENT:** **ABSENT:**

Allen Klippel, Chairman James Diel

Jim O’Donnell, Vice Chairman

Kathy Oughton, Secretary/Treasurer

Madt Mallinckrodt

David Eagleton

Jim Adkins

Ron Evens

Wanda Drewel

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, August 15, 2018, in the City Hall Council Chambers at 139 South Kirkwood Road. City Planner Jonathan Raiche, City Engineer Ted Dunkmann, and Administrative Assistant Patti Dodel also attended the meeting.

**1.** Chairman Klippel called the meeting to order at 7:00 p.m. and informed the audience of the Speaker Cards and procedures for making comments. He announced that Commissioner Diel was absent and his absence was excused.

**2.** Motion was made by Commissioner Oughton and seconded by Commissioner Evens to approve the minutes as written for the July 18, 2018, meeting. The motion was unanimously approved by the eight Commissioners present (Commissioner Diel was absent).

**3. PZ-04-19 REZONE R1 TO R3 – PORTION OF 421 EMMERSON AVENUE**

**AND REZONE R3 TO R1 – PORTION OF 2017 LILY AVENUE**

Submitted: 6-29-18 Automatic Recommendation: 9-27-18

Petitioner, Jane Ann Forney

(Subcommittee – Commissioners Klippel and Adkins)

Mr. and Mrs. Forney were present. City Planner Jonathan Raiche stated the property owners of 421 Emmerson Avenue and 2017 Lily Avenue are requesting a rezoning of portions of their property to accommodate a boundary adjustment.

Chairman Klippel asked if there was anyone in the audience who had comments, and no one responded. Commissioner Adkins read the underlined sections of the Subcommittee Report:

CITY OF KIRKWOOD

**PLANNING AND ZONING COMMISSION**

**SUBCOMMITTEE REPORT**

###### AUGUST 15, 2018

***PETITION NUMBER*:** PZ-4-19

***ACTION REQUESTED*:** REZONING FROM R-1 TO R-3 AND FROM R-3 TO R-1 SINGLE-FAMILY RESIDENTIAL DISTRICTS

***PROPERTY OWNERS*:** ROBERT & JANE ANN FORNEY

SILVER 8 LLC

***PETITIONER*:** JANE ANN FORNEY

***PROPERTY LOCATION*:** 421 EMMERSON AVENUE & 2017 LILY AVENUE

(PORTIONS OF EACH)

***ZONING*:** R-1 SINGLE-FAMILY RESIDENTIAL

(421 EMMERSON AVE)

R-3 SINGLE-FAMILY RESIDENTIAL

(2017 LILY AV)

***DRAWINGS SUBMITTED:*** BOUNDARY & LOCATION SURVEY STAMPED

"RECEIVED JULY 10, 2018 CITY OF KIRKWOOD

PUBLIC WORKS DEPARTMENT”

**DESCRIPTION OF PROJECT:**

The petitioner has submitted a request to rezone portions of the properties at 421 Emmerson Avenue, zoned R-1, and 2017 Lily Avenue, zoned R-3. The applicant is requesting the rezoning to allow for a boundary adjustment to occur between the two subject properties. The rezoning would result in each of the proposed lots containing 1 zoning district. If the rezoning did not occur, the adjusted lots would each contain portions zoned R-1 and portions zoned R-3. The request would result in a portion approximately 780 square feet being rezoned from R-1 to R-3 and a portion approximately 2,780 square feet being rezoned from R-3 to R-1 (see Exhibit A). This would ultimately mean a net gain of approximately 2,000 square feet into the R-1 zoning category. No new lots are being proposed with this application. The applicant has indicated that they are in the process of improving their residence and that the boundary adjustment would improve their property for their continued use.

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

The site is designated as Suburban Residential Land Use on the EnVision Kirkwood 2035 Future Land Use Map. This designation indicates that detached single-family housing (1-2 dwelling units per acre) is appropriate for this area.

The subject property is bordered by R-1 and R-3 zoned properties. Surrounding land uses and zoning include the following:

To the north: Detached single-family homes across the Boaz Avenue right-of-way zoned R-1.

To the south: Detached single-family homes zoned R-3.

To the east: Detached single-family homes zoned R-3.

To the west: One home under construction zoned R-3.

**DEPARTMENTAL/AGENCY COMMENTS:**

Electric: Does not serve this property.

Water: No Comments.

Engineering: No Comments.

Building/Fire: No Comments.

**DISCUSSION:**

Zoning Matters signs were placed on the property on July 12, 2018. The application was presented at the July 18, 2018 meeting of the Planning & Zoning Commission. A subcommittee meeting was scheduled, posted, and occurred on July 24, 2018. No issues or concerns were raised at the subcommittee meeting. A list of attendees at that meeting is attached as Exhibit B.

***RECOMMENDATION:***

Because the request will result in a net gain of R-1 zoned property in this area and the purpose of the request is to accommodate a boundary adjustment between existing owners, the Subcommittee recommends that this petition be **approved**.

Respectfully submitted,

Allen Klippel Jim Adkins

Motion was made by Commissioner Oughton and seconded by Commissioner Evens to approve PZ-4-19, an application to rezone a portion of 421 Emmerson Avenue from R1 to R3 and to rezone a portion of 2017 Lily Avenue from R3 to R1 in accordance with the Subcommittee Report. The motion was unanimously approved by the eight members present (Commissioner Diel was absent).

**4. PZ-05-19 SPECIAL USE PERMIT AMENDMENT (RESTAURANT, DRIVE**

**THRU) AND SITE PLAN - REVIEW – HONEY PIT BBQ,**

**951 SOUTH KIRKWOOD ROAD**

Submitted: 6-29-18 Automatic Recommendation: 10-27-18

Petitioner, Shane Mihaljevic

(Subcommittee – Commissioners Diel and Drewel)

Mr. Mihaljevic was present. City Planner Jonathan Raiche stated that about a year ago, a Site Plan was approved for building additions. Four modifications are required for the pick-up window: lot size, parking, que lane length, and setback.

After discussion regarding the bollard adjacent to the fire exit door, Mr. Mihaljevic stated he would prefer to use high visibility paint in lieu of the bollard on the south side of the building as suggested by Commissioner Eagleton. Commissioner Drewel stated the bollard was shown on the original plan and that the Fire Marshal requires an unobstructed access and removing the bollard was not discussed at the Subcommittee meeting.

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. Commissioner Drewel read the underlined sections of the Subcommittee Report:

CITY OF KIRKWOOD

**PLANNING AND ZONING COMMISSION**

**SUBCOMMITTEE REPORT**

###### AUGUST 15, 2018

***PETITION NUMBER*:** PZ-05-19

***ACTION REQUESTED*:** SPECIAL USE PERMIT AMENDMENT

(RESTAURANT, DRIVE-THRU) AND

AMENDED SITE PLAN REVIEW

***PROPERTY OWNER*:** MEI SHIU LIN

***PETITIONER*:** SHANE MIHALJEVIC,

HONEY PIT SMOKEHOUSE

***PROPERTY LOCATION*:** 951 SOUTH KIRKWOOD ROAD

***ZONING*:** B-3 HIGHWAY BUSINESS DISTRICT

***DRAWINGS SUBMITTED:*** SITE PLAN PACKET (4 SHEETS) PREPARED BY BLAES ARCHITECTS, LLC STAMPED "RECEIVED JUNE 29, 2018 CITY OF KIRKWOOD PUBLIC WORKS DEPARTMENT”

ENLARGED PICK-UP PLAN PREPARED BY BLAES ARCHITECTS, LLC STAMPED "RECEIVED AUGUST 2, 2018 CITY OF KIRKWOOD PUBLIC WORKS DEPARTMENT”

**DESCRIPTION OF PROJECT:**

The petitioner is requesting a Special Use Permit Amendment and Amended Site Plan approval for the existing restaurant space located at the northwest corner of Kirkwood Road and Big Bend Boulevard. The existing Special Use Permit was approved in 2017 (Ordinance 10430) to allow for two building additions on the site. The current request is to remove the landscape areas along the south-side of the building to accommodate a drive-thru pick-up window and two parking spaces dedicated to pick-up customers. A new 2’ awning overhang is also proposed to provide shelter for the newly proposed pick-up window.

**MODIFICATIONS:**

When reviewed for the requirements of a drive-thru restaurant, the following items require either a modification or variance if the request is to be approved as submitted. It is worth noting that while a drive-thru restaurant requires a queue lane of 160 linear feet, banks and dry-cleaners with pick-up functions are only required 60 linear feet of queuing area.

|  |  |  |  |
| --- | --- | --- | --- |
| **Topic** | **Required** | **Provided** | **Difference** |
| Lot Size | 1 acre | 0.6 acres | 0.4 acres |
| Parking | 53 spaces | 36 spaces | 17 spaces |
| Queue Lane Drive-thru  (Pick-up)\* | 160’ (60’) | 45’ plus 2 spaces | 115’ (15’) |
| South Structure Setback | Existing | 2’ past existing | 2’ |

The petitioner has not provided new justification for modifications to the above mentioned items; however, the previous application that was approved in 2017 included multiple items that went above and beyond landscaping and lighting requirements. The modification that was approved with the 2017 approval was for the structure setback of the building additions. Since their application was approved, the Zoning Code was revised so that the building additions would now meet the required setback without the need for a modification.

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

The site is designated for Transition Mix 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-3 Highway Business District is occupied by a restaurant. Restaurants with drive-thru are a Special Use in the B-3 Highway Business District.

Surrounding land uses and zoning include the following:

To the north: Various Commercial businesses zoned B-3 Highway Business District.

To the south: Across Big Bend Boulevard are office and commercial businesses zoned B-5 Planned Commercial Development District.

To the east: Across Kirkwood Road is a motorcycle dealership zoned B-3 Highway Business District.

To the west: Various Commercial businesses zoned B-3 Highway Business District.

***DEPARTMENTAL/AGENCY COMMENTS:***

Electric: Not in service area.

Water: The meter pit must be relocated outside of any vehicular traffic land and/or parking space.

Engineering: 1. If not dedicated to emergency-access only, the southern door should not swing into path of traffic. Recess door or provide concrete curbs at door to create a refuge area.

2. Door appears too close to the window to allow for efficient maneuvering. Provide confirmation that all passenger vehicles can maneuver around the refuge without the need to reverse.

3. Concerns if queue extends into drive lanes will cause circulation issues.

Building/Fire: Concern for potential of drive-thru traffic backing up to block access on the north side of the building.

Forester: 1. All landscaping used to allow for previous exception shall remain or be replaced with similar in-ground plantings.

2. The dead existing river birch near the east end of the parking lot shall be replaced.

All of the above Departmental Comments were either addressed in discussion at the on-site subcommittee meeting or were addressed in a resubmission of information by the applicant.

**SITE ELEMENTS ANALYSIS:**

***PARKING ANALYSIS:***

The minimum parking requirements for a restaurant with drive-thru use are 32 spaces per 1,000 sf of seating area plus 2 spaces for every 3 employees. The proposal includes 1,484 sf of seating area and 9 employees which requires a total of 53 parking spaces. A total of 36 parking spaces are provided. As proposed and previously mentioned, this will require either a modification by the Planning & Zoning Commission and City Council or a variance by the Board of Adjustment.

***LANDSCAPING***

There is no new landscaping that is required by this project; however, the 9 shrubs in the existing planting bed on the south-side of the building are being proposed for removal. Staff recommends that these are replaced with similar in-ground plantings in the available planting area to the west of the parking lot near the existing billboard. This would help preserve the claim for providing landscaping above and beyond the minimum requirements.

**DISCUSSION:**

Zoning Matters signs were placed on the property on July 12, 2018 and this item was introduced at the Planning & Zoning Commission meeting on July 18, 2018. A subcommittee meeting was held on site on July 26th with proper notification posted. A list of attendees at that meeting is attached as Exhibit B. At this subcommittee meeting, the following items were discussed:

1. Staff concern about providing a curb for pedestrian refuge at southern door not applicable if this entrance remains as an emergency exit-only.
2. Applicant will provide further information indicating that a car waiting at the pick-up window can maneuver around the proposed bollard.
3. Conditions should be included in the recommendation which would limit the operations to a pick-up/carry-out business and not a full drive-thru with orders being taken while in line.
4. A bay-style pick-up window and the possibility of leaving some of the existing walkway along the side of the building were discussed as a means to keep cars further from the building and improving the maneuverability around the proposed bollard.

The applicant resubmitted a partial plan on August 2, 2018 which addressed the concerns regarding maneuverability around the southern pedestrian exit and bollard.

***RECOMMENDATION:***

Based on the landscaping and lighting that were provided and are being maintained above and beyond what the Code requires, the Subcommittee recommends that the requested modifications be **approved**. The subcommittee also recommends that this petition be **approved** with the following conditions:

1. The project shall be constructed and maintained in accordance with the Site Plan Packet (4 sheets) stamped “Received June 29, 2018, City of Kirkwood Public Works Department”, and the Enlarged Pick-up Plan stamped “Received August 2, 2018, City of Kirkwood Public Works Department”, except as noted herein.
2. Ordinance 10430 shall remain in effect except that the following conditions shall prevail when conflicting with those conditions found in Ordinance 10430.
3. The following modifications shall be granted: minimum lot size from 1 acre to 0.6 acres, parking spaces from 53 to 36, queue lane length from 160’ to 93’ (including 48’ of pick-up parking spaces), and the southern structure setback to allow a 2’ overhang encroachment for the pick-up window.
4. The drive-thru lane shall be restricted to pick-up only with no orders taken from vehicles. No menu board or similar mechanism shall be permitted for the drive-thru lane.
5. To avoid pedestrian/vehicle conflict, the door on the southern side of the building should remain as an emergency-only exit.
6. The existing elevated concrete surface adjacent to the south side of the building, approximately 18 inches wide, shall remain to improve maneuverability around the southern emergency exit.
7. A bay-style window shall be installed for the proposed pick-up window to improve maneuverability around the southern emergency exit.
8. The painted traffic flow arrows which remain from the parking lot design prior to the current occupant shall be eliminated by means approved by the Public Services Department.
9. Prior to issuance of any permit, a revised landscape plan shall be submitted which replaced the nine shrubs that are proposed to be removed with similar in-ground plantings.
10. Prior to issuance of any permit, the dead river birch near the east end of the parking lot must be replaced with satisfactory inspection by the City.
11. The petitioner shall comply with all standard conditions as listed in Exhibit A.

Respectfully submitted,

James Diel Wanda Drewel

Motion was made by Commissioner Evens and seconded by Commissioner O’Donnell to approve PZ-5-19, an application for a Special Use Permit Amendment and Site Plan Amendment for Honey Pit BBQ to construct a pick-up window at 951 South Kirkwood Road and the associated site plan in accordance with the Subcommittee Report.

Commissioner Eagleton made a motion to amend the Subcommittee Report by adding Condition No. 14, “Pending approval by the Fire Marshal, the proposed bollard near the southern exit shall be removed. As an alternative, highly-visible painted warnings shall be provided as approved by the Fire Marshal.” The motion failed with Commissioners Mallinckrodt, Eagleton, and Adkins in favor and Commissioners Drewel, Oughton, Klippel, O’Donnell, and Evens opposed.

The motion to approve PZ-05-19 passed by a vote of seven to one with Commissioner Oughton opposed and Commissioner Diel was absent.

**5. PZ-06-19 SPECIAL USE PERMIT (MOTOR VEHICLE REPAIR) AND SITE**

**PLAN REVIEW – PLAZA TIRE, 915 SOUTH KIRKWOOD ROAD**

Submitted: 6-29-18 Automatic Recommendation: 10-127-18

Petitioner’s Agent, Mark Doering

(Subcommittee – Commissioners O’Donnell and Evens)

City Planner Jonathan Raiche stated a subcommittee report will be drafted once a revised site plan is submitted.

6. **PZ-07-19 SPECIAL USE PERMIT (CONVENIENCE STORE)–KIRKWOOD**

**POP CO, 108 NORTH KIRKWOOD ROAD**

Submitted: 7-10-18 Automatic Recommendation: 11-7-18

Petitioner, Anna Carr

City Planner Jonathan Raiche stated the petitioner is requesting a Special Use Permit to operate a gift and candy store that makes and sells gourmet popcorn. The popcorn will be packaged and sold for consumption outside of the store. Since the food is not consumed on the premises, it is considered a food store and not a restaurant. A “Food Store” as defined is more than 5,000 square feet; and if less, than it’s a convenience store. Staff is requesting action from the Commission with the conditions that the Special Use Permit is approved for the first floor tenant space at 108 North Kirkwood and allow for the making and selling of gourmet popcorn.

Anna Carr stated her emphasis is fundraising and mentoring. Popcorn will be made on-site and sales will benefit a different charity each month.

Motion was made by Commissioner Mallinckrodt and seconded by Commissioner Oughton to approve PZ-7-19, an application for a Special Use Permit for a Convenience Store at 108 North Kirkwood Road subject to conditions in the memo dated August 15, 2018, from City Planner Jonathan Raiche. The motion was unanimously approved by the eight Commissioners present (Commissioner Diel was absent).

**7. PZ-08-19 SITE PLAN REVIEW – VILLA DI MARIA, 1280 SIMMONS AVE**

Submitted: 7-27-18 Automatic Recommendation: 11-24-18

Petitioner’s Agent, Helen Lee

City Planner Jonathan Raiche stated the school is a permitted use and is requesting approval of a Site Plan for Phase 2. One small classroom building, a garage/storage building, and trash enclosure will be demolished and a new classroom building will be constructed and the parking lot will be expanded. The expansion will not affect the total enrollment at the school.

Helen Lee with Tao+Lee Associates added that, in the future, Phase 3 will include a new administration building and multi-purpose room. Commissioner Eagleton requested a bike rack accommodating five to ten bikes be located on the property. Ms. Lee advised a bike rack is shown on the plan but was unsure of the capacity.

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. John Mullen, 316 Charlene, expressed concerns he had regarding traffic congestion and debris that occurred during construction of Phase 1.

Chairman Klippel appointed Commissioners Adkins and Drewel to the Subcommittee. The Subcommittee will meet on the site Tuesday, August 21, at 7:30 a.m.

**8. PZ-09-19 DOWNTOWN MASTER PLAN RECOMMENDATIONS –**

**ROUND 1 (B2 REGULATIONS)**

City Planner Jonathan Raiche stated that the Downtown Master Plan & Parking Study included various Code amendment recommendations, i.e., (1) remove “parking lot” as a permitted use in the B-2 Zoning District, (2) height should be measured in stories and not feet or FAR, (3) a minimum frontage occupation requirement should be established, and (4) establish a front yard setback.

Chairman Klippel appointed Commissioners O’Donnell (chair), Mallinckrodt, Eagleton, and Evens to the Subcommittee. The Subcommittee will meet in the Main Level Conference Room at City Hall on Friday, August 24, at 9 a.m.

**9. COMPLETE STREETS**

City Engineer Ted Dunkmann stated Complete Streets is a transportation policy and design approach that requires streets to be planned, designed, operated, and maintained to allow safe travel for all users of all abilities. Streets that have had improvements include Taylor Avenue, Geyer Road, Fillmore Avenue, and Woodbine Avenue. Improvements to all streets are limited due to right-of-way width, utilities, trees, on-street parking, and budget.

**10. ENVISION KIRKWOOD 2035 UPDATE**

City Planner Jonathan Raiche presented the 2nd quarter update of the Envision Kirkwood 2035 Comprehensive Plan. Item 4B on Page 2 represents the Zoning Code amendments for the B-2 District presented earlier tonight. A draft ordinance has been developed for storm water regulations for infill housing in accordance with Item 1D on Page 5.

There being no further business, the meeting adjourned at 9:02 p.m. The next regular meeting will be held on September 5th at 7 p.m. in the Council Chambers at Kirkwood City Hall.

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Allen Klippel, Chair

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Kathy Oughton, 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 & Commissions, Planning & Zoning Commission.