

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**SEPTEMBER 19, 2018**

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

Allen Klippel, Chairman Kathy Oughton, Secretary/Treasurer

Jim O’Donnell, Vice Chairman Wanda Drewel

James Diel

Madt Mallinckrodt

David Eagleton

Jim Adkins

Ron Evens

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, September 19, 2018, in the City Hall Council Chambers at 139 South Kirkwood Road. City Attorney John Hessel, City Planner Jonathan Raiche, Assistant City Planner Amy Lowry, 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 Commissioners Oughton and Drewel were absent and their absence was excused.

**2.** Motion was made by Commissioner Evens and seconded by Commissioner O’Donnell to approve the minutes as written for the August 15, 2018, meeting. The motion was unanimously approved by the seven Commissioners present (Commissioners Oughton and Drewel were absent).

**3. PZ-04-18 SITE PLAN REVIEW EXTENSION - THE DENTAL SUITE,**

 **204 SOUTH CLAY AVENUE and 142 WEST MADISON AVENUE**

 Submitted: 9-7-18

 (Subcommittee - Commissioners O’Donnell and Oughton)

The petitioner was not present. City Planner Jonathan Raiche stated the applicant requested a12-month extension on the site plan approval for a building addition and parking lot expansion granted by Resolution on October 5, 2017.

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.

Motion was made by Commissioner Adkins and seconded by Commissioner Mallinckrodt to approve the request to extend the Site Plan Approval for 12 months for The Dental Suite at 204 South Clay and 142 West Madison.

The motion was unanimously approved by the seven Commissioners present (Commissioners Oughton and Drewel were absent).

**4. 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)

Scott Rhodes, Mark Doering, and Robert Preston were present. City Planner Jonathan Raiche stated the Subcommittee met on July 25 and August 31. The subcommittee is recommending the parking space modification is contingent upon the applicant installing 110 linear feet of off-site sidewalk on Kirkwood Road to connect their site to Prospect Avenue.

Commissioner O’Donnell read the underlined sections of the Subcommittee Report:

CITY OF KIRKWOOD

**PLANNING AND ZONING COMMISSION**

**SUBCOMMITTEE REPORT**

###### SEPTEMEBER 19, 2018

***PETITION NUMBER*:** PZ-06-19

***ACTION REQUESTED*:** SPECIAL USE PERMIT (MOTOR VEHICLE REPAIR, MINOR) AND SITE PLAN REVIEW – PLAZA TIRE

***PROPERTY OWNER*:** ANDREW SCHMITZ

***APPLICANT*:** PLAZA TIRE SERVICE, INC. &

RHODES DEVELOPMENT CO. LLC

***APPLICANT’S AGENT*:** MARK DOERING, DOERING ENGINEERING

***PROPERTY LOCATION*:** 915 SOUTH KIRKWOOD ROAD

***ZONING*:** I-1, LIGHT INDUSTRIAL DISTRICT

 ***DRAWINGS SUBMITTED:*** FLOOR PLAN STAMPED “RECEIVED JUNE 29, 2018, CITY OF KIRKWOOD PUBLIC WORKS DEPARTMENT”

 SITE PLAN PREPARED BY DOERING ENGINEERING STAMPED “RECEIVED SEPTEMBER 4, 2018, CITY OF KIRKWOOD PUBLIC WORKS DEPARTMENT”

 TREE STUDY PREPARED BY DROEGE TREE CARE, STAMPED “RECEIVED AUGUST 22, 2018, CITY OF KIRKWOOD PUBLIC WORKS DEPARTMENT”

 LIGHTING PLAN PREPERED BY LITHONIA LIGHTING, STAMPED “RECEIVED SEPTEMBER 5, 2018, CITY OF KIRKWOOD PUBLIC WORKS DEPARTMENT”

**DESCRIPTION OF PROJECT:**

The applicant is requesting a Special Use Permit and Site Plan approval for the redevelopment of the commercial site located at 915 South Kirkwood Road to operate a “motor vehicle repair, minor” business. The redevelopment would include demolition of the existing building and construction of a new building, parking lot, and landscaping. The proposal includes a new approximately 6,400 gross square foot, 1-story building with 8 service bays. Hours of operation have been listed by the applicant as 7am – 7:30pm Monday through Saturday and 10am – 6pm on Sunday.

Along with their request, the applicant has decided to request a modification per Section 220.2 of the Zoning Code regarding the parking requirement. For this use category, the Zoning Code requires 5 spaces per service bay, 1 space per employee on the maximum shift, and 1 space per vehicle used in the conduct of business which would result in a requirement of 48 parking spaces. The proposed plan is 10 spaces short of meeting the requirement with 38 parking spaces provided. The applicant has submitted the following items for consideration regarding the modification:

1. By not providing the additional 10 parking spaces, the amount of impervious area is decreased which reduces the potential negative storm water impact.
2. A sidewalk connection of approximately 110 linear feet will be provided at the applicant’s expense along Kirkwood Road from the subject site southward connecting to Prospect Avenue.

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

The site is designated as Transition Mix Use on the EnVision Kirkwood 2035 Future Land Use Map. Development types discussed in this land use include regional/neighborhood commercial. The proposed development is consistent with the uses listed.

The subject property is zoned I-1, Light Industrial District. The proposed use, Motor Vehicle Repair - Minor, is a special use in this district which is why the applicant has applied for a Special Use Permit.

Surrounding land uses and zoning include the following:

To the north: Across the railroad tracks, the property is zoned I-1 with light industrial/commercial use.

To the south: The site is vacant except for a billboard and is zoned I-1.

To the east: Across Kirkwood Road, the properties are zoned I-1 with a mixture of office and industrial/commercial uses.

To the west: There are office and light industrial uses zoned I-1.

**DEPARTMENTAL/AGENCY COMMENTS:**

Electric: Not in service area.

Water: No Comments.

Engineering: 1. The southern entrance should be eliminated or limited to right-out only to improve pedestrian safety and reduce congestion/conflict from left-in turning movements.

 2. Sidewalks shall be terminated in a manner compliant with ADA/PROWAG.

 3. MoDOT approval is required prior to issuance of permits.

 4. MSD approval is required prior to issuance of permits.

 5. MDNR permit is required if disturbing more than 1 acre.

Building/Fire: 1. A flow test is required.

 2. The site is to be cleaned up and landscaping provided as required by Code.

Forester: No Comments.

**SITE ELEMENTS ANALYSIS:**

***Structure & Parking (Modification)***

The proposed building is located approximately in the middle of the property and meets all structure setbacks required by the Zoning Code. The majority of the site will be used for parking area and site circulation occurring on all sides of the proposed building. An area with existing vegetation is proposed to remain in the rear yard area.

As previously mentioned, the proposal includes 38 parking spaces as opposed to the 48 parking spaces required by the Zoning Code. While the justification about decreasing the impervious area is true, the plans indicate that the current disturbed area will not trigger water quality treatment features by MSD. The applicant’s engineer indicated that they would not likely be able to provide all 48 spaces on site with the size of the current proposed building. The Subcommittee asked Staff to conduct a representative survey of existing auto repair/tire shops related to parking provided. This survey of 7 other tire shops throughout Kirkwood indicated that the average parking provided was 5.2 parking spaces per bay (See the following chart).

|  |  |  |  |
| --- | --- | --- | --- |
| **Tire Shop (Location)** | **# of Service Bays** | **Approx. # of Parking Spaces** | **Parking Space / Bay** |
| Combs Auto Tire (10512 Big Bend) | 7 | 65 | 9.3 |
| Greentree Tire & Auto (621 W Woodbine) | 3 | 27 | 9 |
| Zisser Tire (501W. Essex) | 6 | 30 | 5 |
| Autotire (11202 Manchester) | 5 | 21 | 4.2 |
| CarX Tire & Auto (11139 Manchester) | 4 | 13 | 3.3 |
| National Tire & Battery (10855 Manchester) | 6 | 23 | 3.8 |
| Firestone (10160 Manchester) | 10 | 35 | 3.5 |
| **Average** | **5.9** | **30.6** | **5.2** |

While there are many other auto service oriented businesses in Kirkwood, the chart represents the main businesses that appear to focus on tire services similar to the proposed user. The subcommittee realizes that applying existing rates from potentially legally non-conforming businesses to a new business does not substitute for the actual code requirements. However, the subcommittee believes this information provides relevant context for the modification that is being requested.

If the average above is applied to the subject property, 40 parking spaces would be provided and the proposal would then be under-parked by 2 spaces. The subcommittee finds that when considering the information in the chart above in conjunction with the approximately 110 feet of additional sidewalk that will be provided at the developer’s cost, the modification for a parking reduction is justified. The proposal to include additional sidewalk along Kirkwood Road is an added benefit to the community to help improve pedestrian access in this area which achieves objective #6 under Section 220.2 to a greater extent than required by code.

***Site Access & Traffic Management***

The EnVision Kirkwood 2035 plan calls for the “inclusion of traffic management principles for improved commercial traffic circulation” within the Transition Mix Use area. Similarly, the City recently conducted a commercial market analysis of the Kirkwood Road & Big Bend Road sub-area that included a transportation analysis. When speaking about the subject property the analysis states, “as this parcel is redeveloped, these access points should be reduced in width and consolidated (if deemed feasible through study)”. During the on-site subcommittee meeting on July 25th, there was also a concern mentioned regarding the informal use of the current site as a turn-around due to the dual access point configuration.

Based on these facts, City Staff provided a comment to the applicant that the proposed southern entrance on Kirkwood Road should be eliminated. In conversation with MoDOT and City Staff, MoDOT stated that they would support this restriction. MoDOT also offered the possibility of constructing the southern entrance as a right-out only exit. City Staff believes this option would also be acceptable. The Kirkwood Fire Marshal has indicated that there is adequate area for their equipment to maneuver around the site without the need for two access points.

During an additional subcommittee meeting held on August 31, 2018, there was conversation related to the concerns related to the proposed driveways. The applicant ultimately responded to the access management concerns by offering a compromise of prohibiting a left-turn into the site at the northern entrance and prohibiting a left-turn out of the site at the southern entrance. While this does not eliminate the potential vehicular and pedestrian conflicts to the extent that eliminating the southern drive completely would, the subcommittee sees this as a favorable improvement to the existing conditions and a compromise from the original proposal. A revised Site Plan was submitted on September 4, 2018 indicating these restrictions.

***Landscaping***

The Tree Study provided indicates that trees #8 and #9 might be in a location that can be saved. While awaiting reconsideration of this by the applicant, a condition has been added to allow for this consideration. The applicant is providing a combination of canopy trees, evergreen trees, and shrubs around the perimeter of the proposed parking area. The proposed plan includes approximately 1,000 sf of interior parking lot open space which exceeds the requirement of 800 sf.

***Lighting***

A revised lighting plan was provided on September 4, 2018 which addressed Staff’s outstanding comments. The proposed plan includes 3 pole-mounted LED fixtures and 10 building-mounted LED fixtures designed to meet the requirements of the Zoning Code.

**DISCUSSION:**

Zoning Matters signs were placed on the property on July 12, 2018. The request was introduced at the Planning & Zoning Commission meeting on July 18, 2018. On-site subcommittee meetings were subsequently held on July 25th and August 31st. A list of attendees of the subcommittee meetings can be seen in Exhibit B. At the subcommittee meetings, the following items were discussed:

1. The informal use of the property for conducting “u-turns” for Kirkwood Road traffic.
2. The number of proposed parking spaces related to proposed service bays.
3. The ability to extend the sidewalk to Prospect Avenue.
4. A request for Staff to research parking ratios for other similar tire shops.
5. Safety of the proposed driveway entrances.

These items have been discussed throughout the report and outstanding items have been included in conditions in the Recommendation section of this report.

***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 plans referenced in the Drawing Submitted portion of this report, except as noted herein.
2. Based upon the justification submitted per Section 220.2, the requested modification from 48 parking space required to 38 parking spaces shall be granted. This modification is contingent upon the approximate 110 linear feet of off-site sidewalk being provided at the applicant’s expense to connect the site to Prospect Avenue.
3. All proposed public sidewalks shall be constructed so that they terminate in a manner compliant with ADA/PROWAG.
4. Site plan approval from MoDOT including, but not limited to, the proposed restrictions on the entrances is required prior to issuance of permits.
5. If applicable, proper ground disturbance permits through MDNR shall be obtained prior to issuance of permits from the City.
6. The applicant shall re-evaluate whether trees #8 and #9 can be preserved. If said trees can be preserved, the Tree Study and Landscape Plans shall be revised to reflect this change prior to issuance of permits.
7. The applicant shall comply with all standard conditions as listed in Exhibit A.

Respectfully submitted,

Ron Evens Jim O’Donnell

Motion was made by Commissioner Diel and seconded by Commissioner Adkins to approve PZ-6-19, an application for a Special Use Permit and Site Plan Approval for Plaza Tire at 915 South Kirkwood Road and the associated site plan in accordance with the Subcommittee Report.

Chairman Klippel suggested Condition of Approval No. 4 be amended to clarify the restrictions. City Planner Raiche suggested No. 4 be amended by adding: “The proposed restrictions being (1) prohibition of a left turn out of the site at the southern entrance and (2) prohibition of a left turn into the site at the northern entrance.” Chairman Klippel put Mr. Raiche’s suggestion in the form of a motion, which was seconded by Commissioner Evens. The amendment was unanimously approved by the seven members present (Commissioners Oughton and Drewel were absent).

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.

The motion to approve the application and site plan in accordance with the amended Subcommittee Report was unanimously approved by the seven Commissioners present.

**5. 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 and that the Subcommittee divided the first group into four items for consideration. The first report (PZ-9-19a) recommends the elimination of parking lots as a stand-alone permitted use in the B-1, B-2, B-4, B-5, and I-1 districts in the Downtown Master Plan Study Area.

Commissioner Eagleton read the underlined section of the Subcommittee Report:

CITY OF KIRKWOOD

**PLANNING AND ZONING COMMISSION**

**SUBCOMMITEEE REPORT**

###### SEPTEMBER 19, 2018

***PETITION NUMBER:*** PZ-9-19 (a)

***ACTION REQUESTED:*** AMENDMENTS TO CITY OF KIRKWOOD CODE OF ORDINANCES APPENDIX A: THE CITY OF KIRKWOOD ZONING CODE AS IT PERTAINS TO PARKING LOTS AS A PERMITTED OR SPECIAL USE IN B-1, B-2, B-4, B-5, AND I-1 DISTRICTS, SPECIFICALLY SECTIONS 500.3, 510.2, 510.3, 530.2, 540.2, AND 600.2.

***PETITIONER***: CITY INITIATED

***BACKGROUND/DESCRIPTION:***

The Planning & Zoning Commission formed a subcommittee to consider various code revision recommendations that resulted from the recent Downtown Master Plan & Parking Study that was conducted by DPZ Partners. Staff recommended that the Commission consider the code revisions in three different groupings: B-2 regulations, parking regulations, and R-5 regulations. The first grouping, B-2 regulations, includes four separate items for consideration:

1. Remove “Parking Lot” as a permitted use.
2. Measure height in stories, not feet or FAR, and reconsider height requirement for roofs.
3. Establish a minimum frontage occupation requirement.
4. Revise the front yard setback requirement from averaging to zero feet (0’).

The subcommittee decided to address each of these items in separate reports. The subcommittee approached each of these recommendations with a goal of providing language that would facilitate the implementation of and provide consistency with the Downtown Master Plan & Parking Study.

***DISCUSSION:***

The subcommittee held meetings on August 24th and August 31st. For a list of attendees at these meetings, see Exhibit A. The subcommittee agrees with the recommendation from the Downtown Plan to remove “Parking Lots” as a permitted use in the downtown area. The subcommittee also recommends that the separate use of “Parking garages serving tenants and visitors” be removed from completely from the districts which currently contain this use category.

Private parking lots and parking structures would still be permitted as accessory uses to serve the customers of permitted businesses; however, a private landowner could not simply develop a private parking lot or parking structure as a stand-alone use. The ability for private parking lots to occupy land in downtown would inhibit the pedestrian-oriented atmosphere which is envisioned by the community in the downtown plan.

The subcommittee also discussed the desire to prohibit “Parking Lots” and “Parking garages serving tenants and visitors” as permitted/special uses in other non-residential districts which are either currently located or could potentially be located in the downtown area. Exhibit B includes proposed language for the B-1, B-2, B-4, B-5, and I-1 districts that would either remove these use categories completely or prohibit them when the subject property is located within the defined downtown area.

The downtown area, for purposes of these code revisions, should reference the study area boundaries as defined in the Downtown Plan which extended the current downtown area boundaries to include Fillmore Avenue south of the Union Pacific Railroad. The boundaries were also extended to include the properties adjacent to the perimeter streets: west of Clay Avenue, south of Woodbine Avenue, north of Bodley Avenue, east of Taylor Avenue (north of Union Pacific RR), and east of Fillmore Avenue (south of Union Pacific RR). See Exhibit C for a map of the study area boundary.

***RECOMMENDATION:***

The Subcommittee recommends that the amendments, as detailed in Exhibit B, to Sections A-500.3, 510.2, 510.3, 530.2, 540.2, and 600.2 of the Zoning Code be ***approved.***

Respectfully submitted,

Jim O’Donnell David Eagleton

Ron Evens Madt Mallinckrodt

Commissioner Mallinckrodt made a motion to approve PZ-9-19a in accordance with the recommendation in the Subcommittee Report. Commissioner O’Donnell seconded the motion and it was unanimously approved by the seven members present.

The second report (PZ-9-19b) recommends the maximum height of a structure in the B-2 Zoning District be measured in stories and not in feet or floor area ratio.

Commissioner Mallinckrodt read the underlined section of the Subcommittee Report:

CITY OF KIRKWOOD

**PLANNING AND ZONING COMMISSION**

**SUBCOMMITEEE REPORT**

###### SEPTEMBER 19, 2018

***PETITION NUMBER:*** PZ-9-19 (b)

***ACTION REQUESTED:*** AN AMENDMENT TO CITY OF KIRKWOOD CODE OF ORDINANCES APPENDIX A: THE CITY OF KIRKWOOD ZONING CODE AS IT PERTAINS TO HEIGHT REQUIREMENTS IN THE B-2 DISTRICT, SPECIFICALLY SECTION 510.6.

***PETITIONER***: CITY INITIATED

***BACKGROUND/DESCRIPTION:***

The Planning & Zoning Commission formed a subcommittee to consider various code revision recommendations that resulted from the recent Downtown Master Plan & Parking Study that was conducted by DPZ Partners. Staff recommended that the Commission consider the code revisions in three different groupings: B-2 regulations, parking regulations, and R-5 regulations. The first grouping, B-2 regulations, includes four separate items for consideration:

1. Remove “Parking Lot” as a permitted use.
2. Measure height in stories, not feet or FAR, and reconsider height requirement for roofs.
3. Establish a minimum frontage occupation requirement.
4. Revise the front yard setback requirement from averaging to zero feet (0’).

The subcommittee decided to address each of these items in separate reports. The subcommittee approached each of these recommendations with a goal of providing language that would facilitate the implementation of and provide consistency with the Downtown Master Plan & Parking Study.

***DISCUSSION:***

The subcommittee held meetings on August 24th and August 31st. For a list of attendees at these meetings, see Exhibit A. The subcommittee agrees with the recommendation from the Downtown Plan to require a maximum height measured in the number of stories rather than the number of feet or referencing Floor Area Ratio (FAR).

In controlling the height of buildings downtown through a maximum number of feet, it would encourage designers to build everything to that maximum height and would discourage a variety of rooflines. In controlling the height of buildings through an FAR calculation alone, there is very little expectation as to what built-form the downtown would take.

The subcommittee finds that the benefits gained by regulating height in the B-2 District by stories rather than feet or FAR would help facilitate the implementation of the development style envisioned in the Downtown Master Plan & Parking Study. The recommendation within the downtown plan was that the current restricted height of 40 feet would best be translated to 4 stories and the current restricted height of 60 feet would be translated to 6 stories. The subcommittee accepted these recommendations.

***RECOMMENDATION:***

The Subcommittee recommends that the amendments, as detailed in Exhibit B, to Section A-510.6 of the Zoning Code be ***approved.***

Respectfully submitted,

Jim O’Donnell David Eagleton

Ron Evens Madt Mallinckrodt

Commissioner Eagleton made a motion to approve PZ-9-19b in accordance with the recommendation in the Subcommittee Report. Commissioner Evens seconded the motion and it was unanimously approved by the seven members present.

6. City Planner Jonathan Raiche informed the Commission that there will be no New Business on the October 3 agenda. The one item remaining on the agenda under Unfinished Business will be two Zoning Code recommendations that resulted from the Downtown Master Plan & Parking Study (PZ-9-19c and d). There will be a public hearing on the October 17 agenda for a Preliminary B4 Development Plan regarding the former Shop ‘n Save property at 10461 Manchester Road.

7. City Attorney John Hessel updated the Commission on the recent Federal Court opinion for St. John Vianney High School.

Motion was made by Commissioner Adkins and seconded by Commissioner Diel to close the meeting for purposes of discussion with the City Attorney pursuant to RSMO Chapter 610.021(1). City Attorney stated that, since there was no other business on the agenda, the open meeting would adjourn at the conclusion of the closed meeting. Roll Call Vote as follows:

 Chairman Klippel Yes

Commissioner Adkins Yes

 Commissioner Diel Yes

 Commissioner Drewel Absent

 Commissioner Eagleton Yes

 Commissioner Evens Yes

 Commissioner O’Donnell Yes

 Commissioner Oughton Absent

 Commissioner Mallinckrodt Yes

The meeting was closed. The next regular meeting will be held on October 3rd 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.