

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**JUNE 19, 2019**

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

Allen Klippel, Chairman Madt Mallinckrodt

Jim O’Donnell, Vice Chairman Greg Frick

Wanda Drewel, Secretary/Treasurer

David Eagleton

James Diel

Jim Adkins

Ron Evens

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, June 19, 2019, in the City Hall Council Chambers at 139 South Kirkwood Road. City Planner Jonathan Raiche and Administrative Assistant Patti Dodel also attended the meeting.

**1.** Chairman Klippel called the meeting to order at 7:00 p.m. and stated Commissioners Mallinckrodt and Frick were absent and their absence was excused.

**2.** Commissioner Adkins stated the fifth paragraph of Item No. 6 of the May 15, 2019, minutes should be corrected as follows: “Commissioner Eagleton made a motion to …” Motion was made by Commissioner O’Donnell and seconded by Commissioner Adkins to approve the minutes for the May 15, 2019, meeting as corrected. The motion was unanimously approved by the seven members present. (Review of the audio tape on June 20 indicated the minutes were accurate as originally prepared.)

1. **PZ-03-20 SUBDIVISION CODE WAIVERS FOR BOUNDARY ADJUSTMENT PLAT– ELIOT-DEVASTO BOUNDARY ADJUSTMENT PLAT, 226 EAST ARGONNE DRIVE**

Submitted: 5-21-19

Petitioner’s Agent, William Hollander

City Planner Jonathan Raiche stated two Subdivision Code waivers are being requested to accommodate a boundary adjustment of the common property line between 222 East Argonne (recently purchased by Eliot Chapel) and 226 East Argonne Drive (owned by the DeVasto family). The properties are zoned R-3; and neither lot conforms to the lot size, width, and setbacks required in the R-3 Zoning District. The proposed boundary adjustment would allow for the existing driveway that serves 226 East Argonne to be contained wholly within that property’s limits and eliminate the encroachment onto 222 East Argonne. The Subdivision Code waivers that are required for 222 East Argonne include: Minimum lot size from the current 9,598 to 9,278 square feet and the minimum lot width (measured at the building line) from 60 to 59 feet. Article X of the Subdivision Code states “When a subdivider can show that a provision of this chapter would cause unnecessary hardship if strictly adhered to, and when, in the opinion of the Planning and Zoning Commission because of conditions peculiar to the site, a departure may be made without destroying the general intent and spirit of the provision, the Planning and Zoning Commission may recommend a waiver or modification to the City Council.”

The City Planner provided a memo dated June 19 with language if the Commission decided to vote on this item tonight. William Hollander, attorney representing the DeVasto family, stated they are not changing anything, just asking to change the record to reflect reality.

There being no discussion, motion was made by Commissioner O’Donnell to recommend approval of the following Subdivision Code waivers for the property at 222 East Argonne Drive in order to accommodate a boundary adjustment:

1. The minimum lot size for a single-family house from the current non-conforming of approximately 9,598 square feet to the proposed 9,278 square feet, and
2. The minimum lot width from the current non-conforming width of 60 feet to the proposed approximately 59-foot width.

Motion was seconded by Commissioner Diel and unanimously approved by the seven members present.

1. **PZ-04-20 AMEND ZONING CODE AND SPECIAL USE PERMIT, TATTOO STUDIO – ELECTRIC UNICORN, 108 NORTH KIRKWOOD ROAD**

Submitted: 5-24-19 Automatic Recommendation: 9-21-19

Petitioner, Trevor Collis

City Planner Jonathan Raiche stated the request is two parts: (1) Zoning Code text amendments and (2) a Special Use Permit to operate a tattoo studio on the second floor of 108 North Kirkwood Road. The applicant provided a proposed definition, conditions, and parking rate. In order to approve the Code amendments, the Commission needs to decide if permitting the proposed Special Use Permit would go against promoting the health, safety, morals, or the general welfare of the community. In addition, favorable consideration is needed to approve a Special Use Permit if it does not substantially increase traffic hazards or congestion or fire hazards, adversely affect the character of the neighborhood or the general welfare of the community, or overtax public utilities. The definition proposed by the applicant states: “An establishment whose principal business activity, either in terms of operation or as held out to the public, is in the practice of placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person using ink or other substances that result in the permanent coloration of skin by means of the use of needles or other instruments designed to contact or puncture the skin.” In addition, the applicant suggests that one parking space per chair be required, that no tattoo studio can be closer than 1,000 feet to another tattoo studio, that the business be located on the second floor, and that the number of chairs shall not exceed four.

Trevor Collis stated he is licensed by the State of Missouri and by St. Louis County. He is proposing to operate between the hours of 9 a.m. and 9 p.m. by appointment only.

Chairman Klippel appointed Commissioners Drewel and Evens to the subcommittee. A subcommittee meeting on site was scheduled for June 25 at 7:30 a.m.

1. **PZ-05-20 SPECIAL USE PERMIT, BED AND BREAKFAST – 627 HICKORY HOLLOW**

 Submitted: 5-31-19 Automatic Recommendation: 9-28-19

 Petitioner, Adam Roth

City Planner Jonathan Raiche stated the owner of the single-family residence is proposing to operate a Bed and Breakfast. Two of the bedrooms would be available for a maximum of three guests. The driveway length would allow three cars to be parked single-stacked, and there is enough road frontage to accommodate one car on the street.

The City Planner provided a memo dated June 19 with language if the Commission decided to vote on this item tonight. Adam Roth stated he has been operating through AirBnB and has had both rooms occupied 85-90% every month.

After questions by the Commission, motion was made by Commissioner Eagleton to recommend approval of PZ-5-20 in accordance with the following conditions as listed in the City Planner’s memo dated June 19, 2019:

1. A Special Use Permit shall be granted to allow for the operation of a Bed & Breakfast Establishment at the property known as 627 Hickory Hollow Lane.
2. Said establishment shall rent a maximum of two bedrooms to a maximum of three total guests per night.
3. Said establishment is required to keep a written log, subject to inspection by the City, of all guests. Said log will be utilized to track the maximum consecutive rental days and maximum rental days in a calendar year.
4. Fire escape plans shall be posted in all guest rooms and an operable fire extinguisher shall be centrally located within the establishment in a visible area or with visible signage indicating the location.
5. An annual business license shall be obtained from the City’s Finance Department.
6. An annual inspection by the City’s Building Department shall be required.

Motion was seconded by Commissioner Drewel and approved by a vote of five to two with Commissioners O’Donnell and Adkins dissenting.

1. **PZ-06-20 SUBDIVISION CODE WAIVERS FOR BOUNDARY ADJUSTMENT PLAT – 424 AND 428 LEE AVENUE**

 Submitted: 5-31-19

 Petitioner’s Agent, Anna Kozak

City Planner Jonathan Raiche stated two Subdivision Code waivers are being requested to accommodate a boundary adjustment of the common property line between 424 and 428 Lee Avenue. The properties are zoned R-4, and the proposed boundary adjustment would reduce the size of 428 Lee Avenue from 7,842 square feet to 7,282 square feet and reduce the width of the lot from 50 feet to 45.5 feet.

Brian Fischer, land surveyor with THD Design Group, stated the existing easement recorded in 1953 does not provide for maintenance of the shared driveway.

There being no questions by the Commission, motion was made by Commissioner Eagleton to recommend approval of the following Subdivision Code waivers in order to accommodate a boundary adjustment at 428 Lee Avenue:

1. The minimum lot size for a single-family house from the current 7,842 square feet to the proposed 7,282 square feet, and
2. The minimum lot width from the current non-conforming width of 50 feet to the proposed 45.5-foot width.

Motion was seconded by Commissioner Diel and unanimously approved by the seven members present.

1. **PZ-07-20 SUBDIVISION, 2 LOTS – 1943 WESTVIEW AVENUE**

 Submitted: 5-31-19

 Petitioner’s Agent, Daniel Wind

City Planner Jonathan Raiche stated the property is zoned R-3 and that the owner is proposing to subdivide the two plus acre property into two lots approximately 104 feet wide and containing more than one acre each. Due to its close proximity to the proposed lot line, the existing house would be demolished. The proposed subdivision conforms to all requirements of the Zoning and Subdivision Codes.

Commissioner Drewel made a motion to recommend approval of the preliminary plat for a two-lot subdivision at 1943 Windy Hill Avenue in accordance with the plans received on May 31, 2019, and comments with City staff. Motion was seconded by Commissioner O’Donnell and unanimously approved by the seven members present.

1. **PZ-08-20 SPECIAL USE PERMIT (AUTO DEALERSHIP) AND SITE PLAN REVIEW – AUDI KIRKWOOD, 10230-10240 MANCHESTER ROAD**

 Submitted: 5-31-19 Automatic Recommendation: 9-28-19

 Petitioner’s Agent, Jeremy Whitt

City Planner Jonathan Raiche stated the dealership has been operating as a legal non-conforming use. They are proposing to remove a portion of the front of the building and construct a second story for showroom and offices. New landscaping, lighting, and a fence are proposed. A total of 102 parking spaces are provided; of which, 68 are required, leaving 34 spaces for inventory. A majority of their inventory will be stored across the street behind 10461 Manchester Road.

Jeremy Whitt, Vice President and General Counsel of Audi Kirkwood, stated the site has been a dealership for more than 50 years and they have outgrown the site. Unsuccessful attempts were made to purchase the properties to the east and to the west.

Chairman Klippel appointed Commissioners O’Donnell and Diel to the subcommittee. A subcommittee meeting on site was scheduled for June 25 at 9 a.m.

1. **PZ-09-20 SPECIAL USE PERMIT, MEDICAL OFFICE – OZZIE SMITH IMAC,**

 **10505 BIG BEND BLVD**

 Submitted: 5-31-19 Automatic Recommendation: 9-28-19

 Petitioner’s Agent, Vince Keady

On June 17, the applicant’s agent requested the item be continued to the Commission’s July 17 meeting. Motion was made by Commissioner Diel and seconded by Commissioner O’Donnell to continue the item to the July 17 meeting. Motion was unanimously approved.

1. **DEVELOPMENT PROJECT UPDATE**

City Planner Raiche stated the condominium building at Madison and Clay Avenues is being reviewed by the Architectural Review Board, Plaza Tire has applied for a building permit, a building permit has been issued for EZ Storage, and the builder is preparing to demolish the existing buildings on Big Bend to construct an office building.

1. **ZONING, SUBDIVISON, AND SIGN CODES REWRITE UPDATE**

City Planner Raiche stated the Steering Committee will meet on June 26 at 5:30 in the Main Level Conference Room and an open house will be held on June 27 in the Council Chambers. Copies of the diagnosis report will be sent to all Commissioners.

1. **ELECTION OF OFFICERS**

Chairman Klippel nominated Commissioner O’Donnell as Vice Chairman. Commissioner O’Donnell accepted the nomination. There were no other nominations, and nominations were closed. ELECTED BY ACCLAMATION.

Chairman Klippel nominated Commissioner Drewel as Secretary/Treasurer. Commissioner Drewel accepted the nomination. There were no other nominations, and nominations were closed. ELECTED BY ACCLAMATION.

Commissioner O’Donnell nominated Commissioner Klippel as Chairman. Commissioner Klippel accepted the nomination. There were no other nominations, and nominations were closed. ELECTED BY ACCLAMATION.

There being no further business, motion was made by Commissioner O’Donnell and seconded by Commissioner Drewel to adjourn at 8:39 p.m. The next regular meeting will be held on July 17, 2019, at 7 p.m. in the Council Chambers at Kirkwood City Hall.

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 Allen Klippel, Chair

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 Wanda Drewel, 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.