

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**JULY 17, 2019**

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

Allen Klippel, Chairman James Diel

Jim O’Donnell, Vice Chairman

Wanda Drewel, Secretary/Treasurer

Madt Mallinckrodt

David Eagleton

Jim Adkins

Ron Evens

Greg Frick

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, July 17, 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 Commissioner Diel was absent and his absence was excused.

**2.** Motion was made by Commissioner Evens and seconded by Commissioner O’Donnell to approve the minutes for the June 19, 2019, meeting as written. The motion was unanimously approved by the eight 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

The petitioner submitted a request that the item be continued to the August 21 meeting. Motion was made by Commissioner Drewel and seconded by Commissioner Mallinckrodt to continue the item to the August 21 meeting. Motion was unanimously approved by the eight 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

 (Subcommittee - Commissioners O’Donnell and Diel)

City Planner Jonathan Raiche stated the Subcommittee met on June 25 and revised plans were submitted on July 2 and July 10. The landscape plan was revised because MoDOT does not allow trees to be planted in their right-of-way. City Planner Raiche reviewed the modifications being requested and the justification provided by the applicant.

Jeremy Whitt, Vice President and General Counsel for Audi Kirkwood, stated inventory vehicles will be relocated to the recently-approved storage lot behind EZ Storage (formerly Shop ‘n Save) across the street.

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

CITY OF KIRKWOOD

**PLANNING AND ZONING COMMISSION**

**SUBCOMMITTEE REPORT**

###### July 17, 2019

***PETITION NUMBER*:** PZ-8-20

***ACTION REQUESTED*:** SPECIAL USE PERMIT (MOTOR VEHICLE SALES) AND SITE

 PLAN REVIEW – AUDI KIRKWOOD

***PROPERTY OWNER*:** MANCHESTER 10230, LLC

***APPLICANT*:** MANCHESTER 10230, LLC

***APPLICANT’S AGENT*:** JEREMY WHITT, ATTORNEY

***PROPERTY LOCATION*:** 10230 – 10240 MANCHESTER ROAD

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

 ***DRAWINGS SUBMITTED:*** FLOOR PLAN (4 SHEETS) STAMPED “RECEIVED MAY 31, 2019, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

 SITE PLAN BY STERLING ENGINEERING STAMPED “RECEIVED JULY 2, 2019, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

 LANDSCAPE PLAN PREPARED BY LANDSCAPE TECHNOLOGIES STAMPED “RECEIVED JULY 10, 2019, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

 LIGHTING PLAN PREPERED BY CHIODINI ARCHITECTS STAMPED “RECEIVED JULY 10, 2019, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

**DESCRIPTION OF PROJECT:**

The applicant is requesting a Special Use Permit and Site Plan approval for a significant building remodel/addition with associated parking lot improvements on the sites located at 10230 and 10240 Manchester Road for the existing Motor Vehicle Sales business. There is no active Special Use Permit on the site; however, Staff has determined that the business is a legal non-conforming use. Approximately the front third of the existing building is proposed to be removed and replaced with a 2-story building addition which will provide space for offices and showroom on the 2nd story and service department arrival area on the 1st story. The parking to the west will be reconstructed to further utilize the existing grade change on the site. The western parking lot will be built to gradually rise until it meets the 2nd story which will become the main entrance to the new showroom and office space. The remaining parking areas are proposed to remain in their current footprint with more minor repairs and resurfacing/restriping occurring to accommodate the proposed internal circulation.

The proposed site plan includes the elimination of three access points that currently exist on Manchester Road for a total proposed two access point (reduced from 5 existing). The applicant also shows a 5’ wide sidewalk along the entire frontage on private property and located in a public sidewalk easement. This sidewalk is separated from Manchester Road by a proposed 5’ wide greenspace. This design was the result of consultation with City Staff in order to keep the project consistent with the City/MoDOT Route 100 project.

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

The site is designated as Corridor Commercial on the EnVision Kirkwood 2035 Future Land Use Map. Development types discussed in this land use include regional-neighborhood commercial. The proposed development maintains the current use of the site and is consistent with the uses listed.

The subject properties are zoned B-3, Highway Business District. The proposed use, Motor Vehicle Sales is technically termed “Motor vehicle and other vehicle sales by a factory franchised dealer, provided that sales of new vehicles shall exceed the sale of used vehicles each year and no streamer lights are used”. This use 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 Manchester Road, properties are zoned B-3 and B-4 with various commercial uses being conducted.

To the south: There is a single-family residential neighborhood zoned R-4.

To the east: There are multiple commercial properties zoned B-3.

To the west: There is a single commercial property zoned B-3 between the subject site and Woodlawn Avenue.

**DEPARTMENTAL/AGENCY COMMENTS:**

Electric: No comments received.

Water: Water service and appurtenances to be installed per City specs.

Engineering: 1. Provide all permanent and temporary easements for the Route 100 project.

 2. MSD approval is required.

 3. MoDOT approval is required.

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

 2. Identify fire hydrant locations

 3. Provide turning radius details for the entrances.

 4. Front loading spaces may limit access to front of building.

Forester: No Comments.

MoDOT: 1. Project is found to be feasible subject to final approval in form of a permit issued by MoDOT.

 2. MoDOT objects to new trees being located in the right-of-way.

**SITE ELEMENTS ANALYSIS:**

***Structure & Parking***

The proposed building addition is located approximately 38’ from the front property line which is approximately 5’ further back from the property line when compared to the existing building. The front yard setback is 37.8’ which is determined by averaging the setback of the adjacent buildings. The building addition complies with all structure setbacks in the B-3 District. The proposed building also conforms to the height which is regulated through a maximum F.A.R of 2.0.

The proposed building includes 8 service bays with 7 service employees (47 parking spaces required), and 4,150 sf of office space (21 parking spaces required) which require a total of 68 parking spaces. The proposed plan includes 104 parking spaces including 10 internal spaces in the service arrival area. There are 18 spaces designated as Inventory or Service car parking-only. This restriction is included in the recommendation section of this report and is due to the fact that these spaces are double-parked. A condition has also been added that 1 additional ADA parking space be provided to comply with Section A-1000.5 (3). Additionally, the proposed plan includes 3 inverted-U bicycle racks as required by Code.

***Site Access & Traffic Management***

As mentioned in the Project Description, the proposal reduces the number of access points from 5 to 2 which will eliminate many potential conflict points for vehicles and pedestrians. There is a concrete median across from the western entrance which restricts this entrance to right-in, right-out movements. The eastern entrance is proposed as full-access. In addition to reducing the number of entrances, the current access points also range in size from 29’ wide to 59’ wide nearly creating one continuous curb-cut along the property line. To further the circulation concerns, the existing site also has parking spaces directly adjacent to the right-of-way. The proposed plan has all parking spaces a minimum of 15’ from the property line with an additional 5’ of greenspace before the proposed curb. This design will create further separation and better visibility for all users.

***Landscaping***

Five of the six modifications listed in the Modifications section below are due to deficiencies in the proposed plan when compared to the City’s landscaping requirements. For landscaping purposes, the proposal was evaluated in two separate parts. The existing building site (10230 Manchester) was evaluated as a redevelopment for purposes of frontage and rear yard trees. This parcel; however, was not evaluated to require additional trees around the parking areas since these areas are in the same location and are not being reconstructed. Because the western parking lot is being reconstructed, Staff evaluated this portion to require frontage trees, rear yard trees, and perimeter trees.

The proposed plan includes 8 trees (6 canopy and 2 understory) and various shrubs within landscape islands in the western parking lot. On the eastern portion of the project, there are various shrubs around the proposed monument sign and 4 evergreen trees around the proposed dumpster enclosure.

The applicant’s original proposal included street frontage trees that met the requirements, with the exception of understory trees being proposed under overhead utility lines. After review by MoDOT; however, the City received comment that MoDOT would not allow the proposed trees in their right-of-way. The applicant could provide a 5’ sidewalk in the public right-of-way and a 5’ greenspace for planting of trees on their property; however, City Staff recommends that the current proposal which locates the greenspace between the sidewalk and the street is preferable. This design will be safer for pedestrians and will be consistent with the Route 100 project occurring along the corridor from Kirkwood Road east into Brentwood. The other option would be for the developer to provide additional greenspace on their property; however, this would make significant changes to their building and site layout design. The applicant has elected to request modifications for these items that they have not complied with.

***Lighting***

A revised lighting plan was provided on July 10, 2019 which addressed Staff’s outstanding comments. The proposed plan includes 15 pole-mounted LED fixtures and 4 building-mounted LED fixtures designed to meet the requirements of the Zoning Code.

**MODIFICATIONS**

Along with their request, the applicant has requested multiple modifications per Section 220.2 of the Zoning Code regarding parking and landscaping requirements. The following is a summary of the various modifications that would be needed to accommodate the proposed design:

|  |  |  |  |
| --- | --- | --- | --- |
| **Topic** | **Required** | **Provided** | **Difference** |
| Drive aisle width | 22’ | 20’ | 2’ |
| Planting screen on private property between parking and abutting street | 10’ | 0’ (5’ in public ROW) | 10’ |
| Street frontage trees | 8 canopy | 0 (not permitted in MoDOT ROW) | 8 |
| Rear yard trees | 11 canopy | 0 | 11 |
| Parking lot perimeter trees (west property line only) | 7 canopy trees | 0 | 7 |
| Parking lot island trees (western lot only) | 8 canopy trees | 6 canopy trees2 understory trees | -2 canopy+2 understory |

The applicant has submitted the following items for consideration regarding the modification. Additional detail on these items can be found in their letter received by the City on July 10, 2019:

1. Trees are proposed at 3.5” caliper rather than the 2” caliper required.
2. Adding as much landscape (irrigation included) as possible while allowing for adequate parking.
3. The architectural design provides an improved view for neighbors to the south.
4. The site and building will utilize high-efficiency lighting and HVAC equipment.
5. Reducing existing access points from 5 to 2 to promote safer vehicle and pedestrian circulation both on and off-site.
6. Public sidewalk easement on-site to coordinate with larger Route 100 plan and provide a 5’ greenspace along Manchester Road and the addition of bicycle racks for safer access for all users.
7. The proposed site plan reduced the impervious area on-site which is currently 100% impervious.

**DISCUSSION:**

Zoning Matters signs were placed on the property on June 14, 2019. The request was introduced at the Planning & Zoning Commission meeting on June 19, 2019. An on-site subcommittee meetings was held on June 25th. A list of attendees of the subcommittee meeting can be seen in Exhibit B. At the subcommittee meeting, the following items were discussed:

1. On-site and off-site circulation improvements including pedestrian improvements.
2. The applicant expected to submit a modification request for multiple of the landscape issues.
3. The topography of the site was discussed with relation to the building’s design and its utilization of the existing grade changes within the site.
4. Due to the existing raised-median, the western access point will be right-in/right-out and the eastern access point will be full-access.

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 following modifications shall be granted:
	1. A reduced drive aisle width for the ramp to the western parking lot from 22’ to 20’.
	2. A full waiver of the required 10’ planting screen along Manchester Road.
	3. A full waiver of the 8 canopy trees required along Manchester Road.
	4. A full waiver of the 11 canopy trees required along the southern property line.
	5. A full waiver of the 7 canopy trees required along the west perimeter of the western parking lot.
	6. An allowance for 2 of the required parking island canopy trees to be replaced with 2 understory trees.
3. The 18 parking spaces near the southeast corner of the site and indicated on the site plan as “Inventory or Service Car Parking Spots Only” shall be reserved for those uses and designated with signage and/or striping.
4. One additional ADA parking space is required, a total of 4 ADA spaces, per Section A-1000.5 (3) and shall be included on a revised Site Plan prior to issuance of permits.
5. All permanent and temporary easements for the Route 100 project shall be provided as part of this project prior to issuance of a building permit.
6. All proposed public sidewalks shall be constructed so that they terminate in a manner compliant with ADA/PROWAG.
7. Site plan approval from MoDOT is required prior to issuance of permits.
8. If applicable, proper ground disturbance permits through MDNR shall be obtained prior to issuance of permits from the City.
9. The applicant shall comply with all standard conditions as listed in Exhibit A.

Respectfully submitted,

James Diel Jim O’Donnell

Motion was made by Commissioner Evens and seconded by Commissioner O’Donnell to approve PZ-8-20, an application for a Special Use Permit and Site Plan Review for Audi Kirkwood for the property known as 10230-10240 Manchester Road subject to the conditions in the Subcommittee Report. Commissioner Drewel made a motion to amend the Subcommittee Report by adding Condition No. 10: “A landscape island shall be added in the southeast corner of the site to accommodate landscaping consistent with other landscaping proposed in consultation with the Public Services Department.” The motion was seconded by Commissioner Frick and unanimously approved. The motion to approve the project subject to the conditions as amended was unanimously approved.

1. **PZ-10-20 SPECIAL USE PERMIT (CONVENIENCE STORE/BAKERY) –**

**BRITT’S BAKEHOUSE, 137 WEST JEFFERSON AVENUE**

Submitted: 6-27-19 Automatic Recommendation: 10-25-19

Petitioner, Brittany Royal

City Planner Jonathan Raiche stated the catering business has been approved as a permitted use. Since the catering definition allows on-site preparation and delivery but no service or consumption on the premises, the applicant is requesting permission to sell ready-to-consume baked goods and beverages in an area that is less than 10 percent of the space.

The Assistant City Planner provided a memo dated July 11 with language if the Commission decided to vote on this item tonight. Britt Royal stated she is the owner and baker and was present to answer questions from the Commission.

There being no discussion, motion was made by Commissioner Mallinckrodt to recommend approval of the Special Use Permit for Britt’s Bakehouse at 137 west Argonne Avenue subject to the following conditions:

1. A Special Use Permit shall be granted to allow for the operation of a convenience store in the tenant space known as 137 West Jefferson Avenue. The SUP shall be specifically limited to the operation of a Bakery Shop with the secondary use of the sale of ready-to-consume foods and nonalcoholic beverages permitted with less than 10% of the interior space devoted to serving, seating and/or consumption areas.
2. Any new rooftop equipment, air-conditioning units and mechanical equipment related to the project shall be completely screened from view of adjoining properties and right-of-way.
3. The Architectural Review Board shall approve all signs prior to the issuance of a Sign Permit.

The motion was seconded by Commissioner Adkins and unanimously approved by the eight members present.

1. **PZ-11-20 SPECIAL USE PERMIT (AMUSEMENT ESTABLISHMENT) – MISSION**

 **TACO JOINT, 105 EAST JEFFERSON AVENUE**

 Submitted: 7-3-19 Automatic Recommendation: 10-31-19

 Petitioner, Adam Tilford

City Planner Jonathan Raiche stated the Special Use Permit granted to Kirkwood Station Brewing for a restaurant with outdoor seating can be transferred to Mission Taco Joint (MTJ). MTJ is requesting a Special Use Permit for an amusement establishment to have a variety of pinball machines, retro arcade games, and skee-ball machines in an area of approximately 1,880 square feet within the larger restaurant area. The proposed hours of operation are 11:00 a.m. to 1:30 a.m. Monday thru Saturday and 11 a.m. to midnight on Sunday.

The applicant, Adam Tilford, stated the games will be retro games such as Pac-man, Galaga, Frogger, etc.; pinball machines; and skee-ball.

The City Planner provided a memo dated July 11 with language if the Commission decided to vote on this item tonight. Motion was made by Commissioner Adkins and seconded by Commissioner Frick to recommend approval of the Special Use Permit for an amusement establishment at Mission Taco Joint in a portion of their restaurant at 105 East Jefferson Avenue subject to the following conditions:

1. A Special Use Permit shall be granted to allow for the operation of an Amusement Establishment (Arcade) on the property at 105 East Jefferson Avenue.
2. Ordinance 9514 shall remain in effect except that the following conditions shall prevail when conflicting with those conditions found in Ordinance 9514.
3. Said arcade area shall be limited to approximately 2,000 sf of floor area in the existing building.
4. Said arcade area shall only be operated in conjunction with the restaurant use approved by Ordinance 9514.

Chairman Klippel made a motion to add Condition No. 5: “Said arcade shall be for the exclusive use of restaurant patrons.” Commissioner Frick seconded the motion and stated similar restaurants with arcade areas have restrictions prohibiting patrons under the age of 21, unaccompanied children, and not allowing children after 8 p.m. Commissioner Frick stated that he didn’t think these restrictions were necessary for this location but that, in comparison, the restriction for restaurant patrons was reasonable. Mr. Tilford stated the managers will police the area. The motion to add Condition No. 5 passed seven to one (Commissioner Evens was opposed and Commissioner Diel was absent). The motion to approve the Special Use Permit was unanimously approved.

1. **DEVELOPMENT PROJECT UPDATE**

City Planner Raiche stated the application for an Ozzie Smith IMAC rehabilitation facility at 10505 Big Bend was withdrawn, the building at 915 S. Kirkwood Road was demolished for the construction of Plaza Tire, Camp Bow Wow is pending before the City Council, a two-lot subdivision at 1943 Westview received approval of the preliminary plat by the Council, an ordinance was approved for Zoning Code amendments regarding medical marijuana, and the final plat for Emmerson Estates received Council approval.

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

City Planner Raiche stated the Steering Committee met on June 26 and an open house was held on June 27. The next Steering Committee meeting will be July 24.

1. **ENVISION KIRKWOOD 2035 QUARTERLY UPDATE**

City Planner Jonathan Raiche highlighted pieces of information on the status of the goals in the EnVision Kirkwood 2035 Comprehensive Plan in the 2nd Quarter Update which was provided in hard-copy to the Commission.

10. There was discussion regarding the Commission’s schedule for 2020. Meetings will be held on the first and third Wednesdays of every month, including June, July, August, and December. A finalized schedule will be prepared and presented to the Commission at a later date.

There being no further business, motion was made by Commissioner Evens and seconded by Commissioner Mallinckrodt to adjourn at 8:13 p.m. The next regular meeting will be held on August 21, 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.