

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**AUGUST 21, 2019**

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

Allen Klippel, Chairman

Jim O’Donnell, Vice Chairman

Wanda Drewel, Secretary/Treasurer

James Diel

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, August 21, 2019, in the City Hall Council Chambers at 139 South Kirkwood Road. City Planner Jonathan Raiche also attended the meeting.

**1.** Chairman Klippel called the meeting to order at 7:00 p.m. and stated all Commission members were present.

1. **PZ-12-20 B-4 DEVELOPMENT PLAN AMENDMENT – ADAMS PLACE,**

**100-130 WEST ADAMS AVENUE**

Submitted: 7-15-19 Automatic Recommendation: 10-13-19

Petitioner, Phillip Grooms

Chairman Klippel recessed the meeting for the purpose of conducting a public hearing regarding an amendment to a B4 Development Plan for Adams Place at 100-130 West Adams Avenue. A rezoning from B-2 to B-4 at 130 West Adams Avenue is also being requested. City Planner Jonathan Raiche stated the public hearing is being held in accordance with Section 530.12(2) of the Zoning Code and entered the following exhibits into the record: an Affidavit of Publication in the St. Louis Countian on July 22, 2019, as Exhibit 1; an Affidavit of Publication in the Webster-Kirkwood Times on July 26, 2019 as Exhibit 2; an aerial view map showing the subject property and properties who were notified as Exhibit 3; a list of property owners who were sent notice of the public hearing, as Exhibit 4; a postcard sent to the property owners on July 29, 2019, as Exhibit 5; Application submitted by the petitioner on July 15, 2019, as Exhibit 6; other documents submitted by the petitioner on July 15, 2019, as Exhibit 7; Architectural Site Plan and Parking Layout submitted by the Petitioner on August 21, 2019, as Exhibit 8, Letter from City Planner Jonathan Raiche to Phillip Grooms dated August 14, 2019, as Exhibit 9, Ordinance No. 7821 as Exhibit 10; Ordinance No. 7975 as Exhibit 11; and City of Kirkwood Code of Ordinances as Exhibit 12.

City Planner Jonathan Raiche stated the purpose of the public hearing is specifically for the B-4 Development Plan amendment; however, the petition also includes a rezoning for the property at 130 West Adams Avenue. The property is located on the southwest corner of Kirkwood Road at Adams Avenue and contains approximately 1.46 acres. The development for retail and elderly housing received final approval in 1990. The bulk of the request is to lift the minimum age restriction on the housing component of this mixed-use development. The development was approved with 68 parking spaces, which is a recognition that the dwelling units were allowed ½ space per unit and an additional 13-space reduction. Access to Kirkwood Road was later permitted, along with expansions to the restaurant, which required additional parking spaces. There are currently 105 parking spaces on site. A traffic study is being prepared and will be provided to the Commission at a later date. The current Zoning Code requires 1.5 spaces for each of the 44 units, the food service restaurant requires 31 spaces (with a 13-space reduction granted in 1988), and the additional commercial uses requires 27 spaces. Using the Shared Use Table and without the 13-space reduction granted in 1988, 115 parking spaces would be required; however, 102 parking spaces would be required if the 13-space reduction was continued.

After discussion regarding the placement of a bicycle rack at the site, it was decided that the site will be reviewed at the subcommittee meeting.

Phillip Grooms, 1025 Grandview Place in St. Louis and one of the owners of Adams Place, stated they purchased the property in February and were unaware of the minimum age restriction until it was brought to their attention by staff. Occupancy of the building was at approximately 50 percent in February and hoping a younger demographic will make Adams Place and Kirkwood more vibrant.

In response to questions from the Commissioners, Mr. Grooms stated: parking spaces in the lower parking garage are being assigned for an additional fee to tenants, all of the units are for independent living, the residential and commercial leases have continued since they purchased the property, a location for a bike rack to accommodate five to ten bikes should be available, and about a third of the units are one bedroom.

Chairman Klippel informed the audience of the Speaker Cards and asked if there were any questions or comments from the audience, and the following responded:

Greg Zes, 16201 Wynncrest Ridge Court and one of the owners of Adams Place, believes the building has approximately 60 to 70 percent one-bedroom units and that one- bedroom apartments have one person occupying the unit.

There being no further discussion, Chairman Klippel closed the public hearing and appointed Commissioners Frick and Adkins to the subcommittee. The subcommittee scheduled a meeting at the site for August 23 at 8 a.m.

**3.** Motion was made by Commissioner Mallinckrodt and seconded by Commissioner O’Donnell to approve the minutes for the July 17, 2019, meeting as written. The motion was unanimously approved.

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 petitioner is requesting a text amendment to add Tattoo Studio as a special use in the B-2 District and then to apply for said Special Use in the second floor at 108 North Kirkwood. The floor plan indicates four stations. The proposed definition requires a 1,000-foot buffer between studios, a maximum street frontage of eight feet, and two parking spaces per chair. Hours of operation would be from 9 a.m. to 9 p.m. The subcommittee met on site June 25th and discussed other districts that might be appropriate but decided that the B-2 district was the most appropriate.

In response to questions from Commissioners, City Planner Raiche stated: the commercial areas along Manchester Road are zoned B-3; the existing tenant space in this area doesn’t require the use to meet the parking requirement; the Subcommittee focused on B-2, B-3, and I-1 Districts and in order to promote a business that wants to contribute to the community, the B-2 area is the most visible; and the 1,000-foot buffer restricts the number of studios in the area.

Trevor Collis believes the light industrial area might attract the less-favorable studios because the rent is cheaper.

Commissioner Drewel read the underlined sections of the Subcommittee Report:

CITY OF KIRKWOOD

**PLANNING AND ZONING COMMISSION**

**SUBCOMMITTEE REPORT**

###### AUGUST 21, 2019

***PETITION NUMBER*:** PZ-4-20

***ACTION REQUESTED*:** AMENDMENTS TO CITY OF KIRKWOOD CODE OF ORDINANCES APPENDIX A: THE CITY OF KIRKWOOD ZONING CODE AS IT PERTAINS TO THE ADDITION OF A NEW SPECIAL USE CATEGORY (TATTOO STUDIO) IN THE B-2 DISTRICT AND TO THE DEFINITION AND PARKING SECTIONS ACCORDINGLY, SPECIFICALLY SECTIONS 510.3, 140.1, AND 1000.4

***PROPERTY OWNER*:** RICHARD DANIELS

***APPLICANT*:** TREVOR COLLIS

***PROPERTY LOCATION*:** 108 N. KIRKWOOD ROAD, 2ND FLOOR

***ZONING*:** B-2, GENERAL BUSINESS DISTRICT

***BACKGROUND/DESCRIPTION:***

The applicant has submitted a multi-part application which includes the following items: 1) multiple text amendments to the Zoning Code to allow for a new Special Use category in the B-2 district, and 2) a Special Use Permit for the new category of “Tattoo Studio” in the 2nd floor tenant space of 108 N. Kirkwood Road. Tattoo studios are currently not a permitted or special use in any of Kirkwood’s Zoning Districts.

The requested text amendments include adding “Tattoo Studio” as a Special Use in the B-2 District, defining said use category, and including a parking rate for said use category. The applicant has proposed the following language to define this use category (note: minor typographical corrections have been made from the applicant’s original submission):

**Tattoo Studio -** An establishment whose principal business activity, either in terms of operation or as held out to the public, is 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.

Because the proposed location is in an existing building within the Downtown area, the City’s off-street parking requirements do not apply. However, the City must anticipate that a Tattoo Studio may be requested in a new building or outside of the Downtown area. In preparation for that, the City required the applicant to include a proposed parking rate. The applicant has proposed One (1) space per chair as a minimum required parking rate for said use category.

The applicant indicated that he intends to operate by appointment between the hours of 9am and 9pm. The applicant clarified at the introduction meeting that he does not intend to have the business open 7 days a week from 9am to 9pm, but he has requested those times to allow him to hold appointments during those hours. The application material also states that he would start operations as a single owner/artist studio with a possibility to expand to no more than four tattoo stations. The applicant also offered a proximity restriction in his application that would require that no tattoo studio shall be closer than 1,000 feet to another tattoo studio.

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

The site is designated as the Downtown category on the EnVision Kirkwood 2035 Future Land Use Map. Development types discussed in this land use include regional/neighborhood commercial. The proposed development fits within this broad land-use category.

The subject property is zoned B-2, General Business District (Central Business District). The proposed use, Tattoo Studio, is not currently permitted in any zoning district; and therefore, the applicant is required to request a text amendment.

Surrounding land uses and zoning include the following:

To the north: Properties are zoned B-2 with various retail and office uses being conducted.

To the south: Properties are zoned B-2 with various commercial uses being conducted.

To the east: Properties are zoned B-2 with various commercial uses being conducted.

To the west: Properties are zoned B-2 with various commercial uses being conducted.

***DISCUSSION:***

A Zoning Matters sign was posted 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 meeting was held on June 25, 2019 (See Exhibit B for a list of attendees). The subcommittee discussed the following items:

1. Clients unable to use stairs would be accommodated by the owner at another studio.
2. The maximum hours of operation proposed are 9am – 9pm, 7 days a week.
3. The maximum number of chairs/stations proposed is 4.
4. The subcommittee discussed, and the applicant agreed, that the general parking rate for the proposed use should be 2 spaces per chair to accommodate the employee and client.
5. The subcommittee discussed adding a condition to prohibit internally illuminated signage.
6. Appropriate districts for the proposed use. B-2, B-3, and I-1 were all discussed and it was determined that I-1 would not be appropriate as this would perpetuate the stigma of non-desirable types of studios. Ultimately, the subcommittee felt B-2 is the most appropriate district.
7. The possibility of a prohibition on Tattoo Studios in first floor tenant spaces; however, a maximum storefront requirement was favored (e.g. 8’ maximum). This type of requirement would prevent studios from having an overwhelming negative impact on the storefront area of Downtown but would allow a shop to have an external entrance either to a 2nd floor or to an interior tenant space in a multi-tenant building.
8. The proposed 1,000 foot buffer requirement between Tattoo Studios is appropriate. Staff estimated that this would allow for approximately 3 studios (including the current application) to locate in downtown if the current location is approved.
9. The Executive Director of Downtown Kirkwood stated that the organization’s advisory board is in support of the proposal so long as it is conditioned in the manner it has been discussed.

In addition to the items discussed at the meeting, the subcommittee also requested minor changes to the definition to clarify that the operation does not need to be the “principal” activity, but rather, that any business that includes said activity as any portion of their operation would be considered a Tattoo Studio.

***RECOMMENDATIONS:***

The Subcommittee finds that the following text amendments would not go against promoting the health, safety, morals or the general welfare of the community and recommends that the following amendments to the Zoning Code be ***approved:***

1. Section A-140 be amended to include a new definition as follows:

**Tattoo Studio -** An establishment whose business activity, either in terms of operation or as held out to the public, includes 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. Said establishment shall be located a minimum of 1,000 feet from any other Tattoo Studio. Any tenant space containing a Tattoo Studio shall have a maximum first-floor street frontage of 8 feet.

1. Section A-510.3 be amended to include a new Special Use category for “Tattoo Studio”.
2. Section A-1000.4 be amended to include a new category and requirement into “Table 1000-2, Parking Requirements” as follows:

**Tattoo Studio –** Two (2) spaces per chair/station.

The Subcommittee recommends that the request for a Special Use Permit to operate a Tattoo Studio on the 2nd floor of 108 N. Kirkwood Road be approved with the following conditions:

1. Hours of operation shall be limited to 9am through 9pm, Sunday through Saturday.
2. The maximum number of chairs/stations shall be limited to four.
3. Internally illuminated signage on the exterior of the building or as window signage shall be prohibited.
4. The applicant shall comply with all standard conditions as listed in Exhibit A.

Respectfully submitted,

Wanda Drewel Ron Evens

Motion was made by Commissioner Drewel and seconded by Commissioner Eagleton to approve PZ-4-20, an application to amend the Zoning Code regarding tattoo studios and for a Special Use Permit for Electric Unicorn to operate in the second floor of 108 North Kirkwood Road subject to the conditions contained in the Subcommittee Report. The motion passed eight to one with Commissioner O’Donnell dissenting.

1. **PZ-12-20 REZONE B-2 TO B-4 AND B-4 DEVELOPMENT PLAN AMENDMENT –**

**ADAMS PLACE, 100-130 WEST ADAMS AVENUE**

Submitted: 7-15-19 Automatic Recommendation: 10-13-19

Petitioner, Phillip Grooms

This item was presented in conjunction with the public hearing. There were no further comments from the petitioner or staff.

1. **DEVELOPMENT PROJECT UPDATE**

City Planner Raiche stated Camp Bow Wow was approved at the August 1 Council meeting based on a revised plan with the outdoor play area on the north side of the building, the request for a bed and breakfast at 627 Hickory Hollow failed by a vote of three to four.

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

City Planner Raiche stated the first section of Code chapters were posted on KirkwoodByDesign.com and emailed to the Commissioners. The next Steering Committee meetings will be August 28 and 29.

8. The Commission’s schedule for 2020 had been distributed. Twenty-three meetings are proposed on the first and third Wednesdays of every month except January. Commissioner Evens proposed the July 1 meeting be removed from the schedule. Chairman Klippel made a motion to remove the July 1 meeting from the 2020 Schedule. Motion was seconded by Commissioner O’Donnell and unanimously approved.

There being no further business, motion was made by Commissioner Diel and seconded by Commissioner Evens to adjourn at 8:20 p.m. The next regular meeting will be held on September 4, 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.