

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**Via Zoom Virtual Meeting**

**August 5, 2020**

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

Jim Adkins, Chairman Two vacant member positions

James Diel, Vice Chairman

David Eagleton, Secretary/Treasurer

Allen Klippel

Jim O’Donnell

Ron Evens

Tom Feiner

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, August 5, 2020, at 7:00 p.m. via Zoom Virtual Meeting. Planning and Development Services Director Jonathan Raiche, Planner II Amy Lowry, and Administrative Assistant Patti Dodel also attended the meeting.

**1.** Chairman Adkins called the meeting to order at 7:05.

Planning and Development Services Director Jonathan Raiche stated for the record that under Section 610.015 of the Missouri Sunshine Law provides that members of the Planning and Zoning Commission who are not physically in the City Hall can participate and vote on all matters when an emergency exists and the nature of the emergency is stated in the minutes. So, let the minutes reflect that the U.S., and the World, is in a state of emergency due to the Coronavirus. The Missouri Governor and the County Executive directed all citizens to limit the number of attendees for meetings and gatherings to avoid the spread of the Coronavirus. Therefore, members of the Planning and Zoning Commission have elected to participate in this meeting electronically so that we are compliant with such Orders and for the public health and safety of each other and the general public. To make a comment during the public comment portions of the meeting, you will need to use the following methods. If you are accessing the meeting via the Zoom application/program, then you should click the hand icon on the bottom of your screen to “raise your hand”. If you are accessing the meeting solely using a dial-in phone line, you will need to “raise your hand” by dialing \*9. All individuals with raised hands will be called upon and unmuted one at a time. Please begin your comment by providing your name and address for the record. Also, please note, the chat feature of the Zoom meeting will not be monitored by Commissioners.

Chairman Adkins informed the audience of the procedure for making comments regarding items on the agenda requiring Site Plan Review approval and announced that all seven Commissioners were present.

2. Motion was made by Commissioner Diel and seconded by Commissioner Eagleton to approve the minutes for the July 14, 2020, meeting as written.

Roll Call:

 Chairman Adkins “Yes”

 Commissioner Klippel “Yes”

Commissioner O’Donnell “Yes”

Commissioner Diel “Yes”

Commissioner Eagleton “Yes”

Commissioner Evens Abstained

 Commissioner Feiner “Yes”

3. Motion was made by Commissioner Eagleton and seconded by Commissioner Klippel to approve the minutes for the July 15, 2020, meeting as written.

Roll Call:

 Chairman Adkins “Yes”

 Commissioner Klippel “Yes”

Commissioner O’Donnell “Yes”

Commissioner Diel “Yes”

Commissioner Eagleton “Yes”

Commissioner Evens Abstained

 Commissioner Feiner “Yes”

**4. PZ-27-20 ZONING CODE TEXT AMENDMENT, SITE PLAN REVIEW, AND**

 **SUBDIVISION (2 LOTS)–COMMERCE BANK, 350 NORTH KIRKWOOD RD**

Submitted: 2-21-20 Automatic Recommendation: 9-17-20

Petitioner’s Agent, Chris Mrozewski

(Subcommittee – Commissioners Eagleton, Feiner, and Klippel)

Director of Planning and Development Services Jonathan Raiche stated the application contains three parts, i.e., a two-lot commercial subdivision, a Zoning Code text amendment, and a Site Plan Review for the northern lot. The request was presented at the July 15 meeting and the subcommittee met last week. The parcel would be divided into two lots, the northern lot containing 0.7 acres and the southern lot, 1.4 acres. The proposed text amendment would not apply to phase 1 B-streets (Madison) or properties zoned residential on Phase 2 B-Streets (Woodbine and Fillmore). In order to address comments in staff’s comment letter, minor revisions were made to the Site Plan, i.e., a 10-foot wide landscape strip was added between Washington Avenue and the parking lot and additional trees. Trees, low-lying landscaping, and a six-foot tall sight-proof fence are proposed along the eastern property line. It was also stated; however, that the subcommittee has included a recommendation that the landscaping in this area be reduced in order to accommodate a public pedestrian path that would run along the eastern property line in this buffer area. While the recommended pedestrian path would provide connection for the public between Washington Avenue and Adams Avenue, it was clarified that the cross-access vehicular drive would be reserved for visitors to the site and that City Code prohibits vehicular traffic from cutting through private property. M.S.D. approval of the final subdivision plat is required prior to City Council approval of the subdivision plat. A condition was added regarding timing of the demolition of the existing building and occupancy of the proposed building. The City Council will hold public hearings regarding the Zoning Code text amendment and Site Plan.

Mrozewski (Designer with V3 Studios) the proposed building would be one-story without a basement.

In response to Commissioner Diel’s question, Mr. Raiche responded staff recommended the Zoning Code be amended in lieu of the petitioner requesting a Site Plan modification.

In accordance with Section 220.6 of the Zoning Code, Chairman Adkins asked if there was anyone in the audience who had comments concerning the site plan, and the following responded:

June Vandegrift, 131 East Adams Avenue Unit 1B, asked if the chain link fence along the east property line would remain; and Mr. Raiche replied it would be replaced with a six-foot tall sight-proof fence.

Commissioner Eagleton read the underlined portions of the Subcommittee Report:

CITY OF KIRKWOOD

**PLANNING AND ZONING COMMISSION**

**SUBCOMMITTEE REPORT**

###### August 5, 2020

***PETITION NUMBER*:** PZ-27-20

***ACTION REQUESTED*:** SUBDIVISION (PRELIMINARY & FINAL), ZONING CODE TEXT AMENDMENT, AND SITE PLAN REVIEW

***PROPERTY OWNER*:** CLAYTON FINANCIAL CORPORATION (COMMERCE BANK)

***APPLICANT*:** CLAYTON FINANCIAL CORPORATION

 (COMMERCE BANK)

***APPLICANT’S AGENT*:** CHRIS MROZEWSKI, V3 STUDIOS

***PROPERTY LOCATION*:** 300 NORTH KIRKWOOD ROAD

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

 (CENTRAL BUSINESS DISTRICT)

***DRAWINGS SUBMITTED:*** SITE PLAN PACKET (10 SHEETS) PREPARED BY V3 STUDIOS, STOCK & ASSOCIATES, AND COLE & ASSOCIATES STAMPED “RECEIVED JULY 24, 2020, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

 **DESCRIPTION OF PROJECT:**

The applicant is requesting three separate actions for this project which will require three separate recommendations by the subcommittee. The first request is to subdivide the current site (approximately 2.18 acres) into two commercial lots: Lot 1 (1.44 acres) and Lot 2 (0.74 acres). No new public roadways or significant public infrastructure is proposed with the subdivision. The remaining two portions of this request both pertain to Lot 2 of the proposed subdivision.

The second request is for a text amendment in the B-2, General Business District regulations regarding street frontage occupation in Section A-510.8 (2). This provision of the code was adopted in December of 2018 in response to a recommendation from the City’s Downtown Master Plan. Currently, the provision that applies to this site would require that 75% of the street frontage is occupied by building. The proposal complies with this requirement on Kirkwood Road, but does not comply along Washington Avenue. After discussion with Staff, the applicant chose to pursue a text amendment that would revise the current requirement to acknowledge a difference between streets that are identified as A-streets and those that are identified as B-streets in the Downtown Master Plan. The proposed revised language for Section A-510.8(2) is included below with the new text underlined:

*“When located within the study area of the 2018 Downtown Master Plan and Parking Study and located on a Phase 2 street, as identified in the Thoroughfare Hierarchy Map located in said plan, a minimum frontage occupation requirement of 75% shall be provided. However, said requirement shall not apply to streets identified as B-streets* *in the Phase 2 portion of Downtown.”*

The third item for consideration is a Site Plan Review for an approximately 3,800 sf, 1-story retail bank building located along Kirkwood Road. The proposed plan includes a surface parking lot to the east of the proposed building, 3 advanced ATM lanes near the northeast corner of the property, 2 unrestricted access points from Washington Avenue, and a cross-access drive to Lot 1 to the south.

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

The site is designated as being located in the Downtown land use category on the EnVision Kirkwood 2035 Future Land Use Map. Regional/Neighborhood Commercial is listed in this land use category as an appropriate development type.

The subject property is currently zoned B-2, General Business District (Central Business District) and financial institutions are a permitted use in this district.

Surrounding land uses and zoning include the following:

To the north: Across Washington Avenue, there are various commercial uses which are zoned B-2.

To the south: Across Adams Avenue, there is a church and various commercial uses which are zoned B-2.

To the east: Directly adjacent to the subject site are properties that are all zoned R-5, Multifamily Residential which are occupied by the local Kirkwood YMCA and a condominium development.

To the west: Across Kirkwood Road, there are various commercial uses which are zoned B-2.

**DEPARTMENTAL/AGENCY COMMENTS:**

Electric: 1. Provide an electrical distribution plan.

Water: No Comments received.

Engineering/Planning:

1. MSD approval is required.

2. Street tree species on Washington Avenue may need to be revised to avoid conflicts with overhead utility lines as determined by the City Forester.

3. An additional canopy tree and evergreen tree are required in the landscape island near the proposed trash enclosure. Prior to City Council approval, a revised plan to address this shall be submitted.

Building/Fire: 1. ARB review is required.

 2. The 2015 IBC must be followed.

**SITE ELEMENTS ANALYSIS:**

***Structure & Pedestrian Access***

The proposed building is approximately 3,800 sf, 1 story, and approximately 22’ tall which complies with the maximum building height of 40’ in the B-2 District. The structure complies with all setback requirements and with the street frontage occupation requirement along Kirkwood Road. As previously mentioned, it does not comply with the street frontage occupation requirement on Washington Avenue which is the impetus for the requested text amendment.

The applicant is proposing new 6’ wide sidewalks adjacent to an 8’ wide tree-lawn to provide a benefit for pedestrian circulation. A private plaza is also included in the southwest corner of the project site which provides access to the building along with a private sidewalk along the eastern-side of the building. As reflected in the recommendation section of this report, the subcommittee prefers that a sidewalk be provided along the eastern property line to provide north/south pedestrian access through the site. This revision will likely necessitate the removal of the proposed trees in this area, but it is likely that shrubs and other low-lying landscaping may remain. The subcommittee is recommending a modification to the required parking lot perimeter landscaping in this location in favor of the pedestrian access being provided.

***Landscaping/Screening***

The proposed Landscape Plan provides the required number of frontage trees which are proposed to be located in the public right-of-way along Kirkwood Road and on private property along Washington Avenue due to the presence of overhead utility lines. A condition has been added regarding the fact that tree species may need to be revised based upon recommendation of the City Forester to avoid conflict with the overhead utility lines along Washington Avenue. The applicant has also provided the required landscaping throughout the parking lot internally on the site with a couple minor exceptions which are anticipated to be addressed by the applicant prior to City Council approval. A condition has been added to the recommendation portion of this report which requires the addition of one canopy tree and one evergreen tree in the landscape island near the proposed dumpster enclosure. In addition to proposed landscaping, the applicant is proposing a 6’ tall sight-proof vinyl fence along the eastern property line.

***Site Access & Parking***

The site is proposed to be accessed from two separate two-way drives from Washington Avenue on the eastern half of the site. Additionally there is a proposed cross-access drive along the eastern property line that will provide access between the subject property and Lot 1 to the south. There are 15 parking spaces required with 26 currently proposed. The site plan also provides the required minimum 60’ queue length for each of the proposed ATM lanes.

**DISCUSSION:**

Zoning Matters signs were placed on the property on March 13, 2020. The request introduction was delayed due to COVID-19, but was ultimately introduced at the Planning & Zoning Commission meeting on July 15, 2020 held via Zoom. An online subcommittee meeting was subsequently held via Zoom on July 27th. A list of attendees of the subcommittee meeting can be seen in Exhibit B. The overall proposal was discussed at the subcommittee meeting with attention given to the following items:

1. The subcommittee expressed their preference that a sidewalk for public use be provided in the approximate 10’ buffer area between the eastern property line and the proposed cross-access drive. The subcommittee agreed that the sidewalk would be preferred with low-lying landscaping in lieu of the larger trees proposed in the area currently.
2. It was confirmed that there was still excess parking with the revised site plan after removing parking spaces to accommodate the minimum 10’ parking setback from the right-of-way along Washington Avenue.
3. A recorded cross-access easement for both vehicular and pedestrian access shall be required along the proposed eastern drive and the buffer area that will accommodate the requested sidewalk in this area.
4. The Downtown Master Plan did recognize that B-streets should receive different treatment and attention which would allow more utilitarian and vehicular-focused activity. The current street frontage occupation requirement was drafted by Staff as a first attempt at codifying the recommendation from the consultant and is applied to all B-Districts and the I-1 District within the Downtown area. If approved, the applicant’s request would apply to the following street frontages:

- Washington Avenue from Clay Avenue to Kirkwood Road

- Western half of Washington Avenue from Kirkwood Road to Taylor Avenue

- Northeastern frontage of Woodbine Avenue from Clay Avenue to Kirkwood Road

- Northern half of Fillmore Avenue from Monroe Avenue to Clinton Place

The applicant’s request was believed to be in keeping with the intent of the plan and seen to have minimal impact due to the low number of properties that have frontage on a B-street in Phase 2 and are zoned either B-1, B-2, B-4, B-5 or I-1.

1. The subcommittee had no concerns about the proposed subdivision.

***RECOMMENDATIONS:***

The subcommittee recommends that the proposed 2-lot commercial subdivision as proposed in the plan packet stamped “Received July 24, 2020 City of Kirkwood Public Services Department” be ***approved*** with the following conditions:

1. Evidence of MSD approval shall be provided to the City prior to approval of the final plat by the City Council.
2. A subdivision plat approved by the City and recorded in the St. Louis County Office of the Recorder of Deeds shall be filed in the Public Services Director’s Office within 90 days of City Council Approval of the Final Plat.

The Subcommittee recommends that the request to amend Section A-510.8(2) of the Zoning Code to remove the existing provision and replace with the following language be ***approved***:

*“When located within the study area of the 2018 Downtown Master Plan and Parking Study and located on a Phase 2 street, as identified in the Thoroughfare Hierarchy Map located in said plan, a minimum frontage occupation requirement of 75% shall be provided. However, said requirement shall not apply to streets identified as B-streets in the Phase 2 portion of Downtown.”*

The Subcommittee recommends that the Site Plan Review 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. A 6’ high sight-proof fence shall be installed along the eastern property line and shall be constructed of material comparable to simtek composite fencing.
3. All proposed public sidewalks shall be constructed so that they terminate in a manner compliant with ADA/PROWAG and shall be replaced with a 6’ wide exposed aggregate sidewalk.
4. The species of street frontage trees along Washington Avenue may need to be revised to avoid conflict with the existing overhead utility lines as advised by the City Forester.
5. Prior to City Council approval, a revised landscape plan shall be submitted which includes one additional canopy tree and one additional evergreen tree near the proposed trash enclosure.
6. Prior to City Council approval, a revised site plan, lighting plan, and landscape plan shall be submitted which includes a pedestrian sidewalk along the eastern property line. Said area shall include low-lying vegetation and trees as possible; however, it is recognized that the width of the buffer area may not accommodate trees alongside the desired sidewalk. Because of this, a modification to the parking lot landscaping requirements along the eastern property line is recommended to accommodate the sidewalk. Said revised lighting plan shall ensure that the proposed pedestrian sidewalk meets the regulations in Section A-1040.
7. A recorded cross-access easement for both vehicular and pedestrian access shall be required along the proposed eastern drive and the buffer area that will accommodate the requested sidewalk in this area to provide access across the site and toward Adams Avenue.
8. A demolition permit for the existing building on Lot 1 shall be submitted prior to occupancy of the proposed building on Lot 2 and said existing building shall be demolished within 180 days of the date of the occupancy permit of the proposed building on Lot 2. Alternatively, the applicant shall provide documentation that the parking requirements for the proposed bank structure and the existing bank structure are fulfilled.
9. The applicant shall comply with all standard conditions as listed in Exhibit A.

Respectfully submitted,

David Eagleton Tom Feiner Allen Klippel

Commissioner O’Donnell made a motion, which was seconded by Commissioner Eagleton, to approve PZ-27-20, as it pertains to a request to subdivide 300 North Kirkwood Road into two commercial lots subject to the conditions contained in the Subcommittee Report.

Roll Call:

Chairman Adkins “Yes”

 Commissioner Klippel “Yes”

Commissioner O’Donnell “Yes”

Commissioner Diel “Yes”

Commissioner Eagleton “Yes”

Commissioner Evens “Yes”

 Commissioner Feiner “Yes

Commissioner Feiner made a motion, which was seconded by Commissioner O’Donnell, to approve PZ-27-20, as it pertains to a Zoning Code Text Amendment for street frontage requirements for Phase 2 B-streets subject to the conditions contained in the Subcommittee Report.

Chairman Adkins made a motion to amend the Subcommittee Report by adding “However, with respect to corner lots only, said minimum frontage occupation requirement shall not apply to Downtown Phase 2 B-Streets provided the required frontage occupation is met on the A-Street frontage of said corner lot, but in the event said corner lot fronts on two Phase 2 B-Streets, then said frontage occupancy requirement shall apply only to one such street frontage.” Commissioner O’Donnell seconded the motion.

Roll Call:

Chairman Adkins “Yes”

 Commissioner Klippel “Yes”

Commissioner O’Donnell “Yes”

Commissioner Diel “Yes”

Commissioner Eagleton “Yes”

Commissioner Evens “Yes”

 Commissioner Feiner “Yes

Roll call vote was taken on the motion to approve PZ-27-20, as it pertains to a Zoning Code Text Amendment for street frontage requirements for Phase 2 B-streets subject to the amended conditions contained in the Subcommittee Report.

Roll Call:

Chairman Adkins “Yes”

 Commissioner Klippel “Yes”

Commissioner O’Donnell “Yes”

Commissioner Diel “Yes”

Commissioner Eagleton “Yes”

Commissioner Evens “Yes”

 Commissioner Feiner “Yes

Commissioner O’Donnell made a motion, which was seconded by Commissioner Feiner, to approve PZ-27-20 as it pertains to Site Plan Approval subject to the conditions contained in the Subcommittee Report.

Commissioner Diel requested information regarding the concerns of a resident pertaining to the oak tree planted by Kirkwood’s 50 Trees program at the corner of Kirkwood Road and Washington Avenue. Mr. Raiche commented that the canopy of the tree conflicts with the building and Mr. Mrozewski added that the root structure would be damaged due to the grading and construction and that it was not feasible to move the tree.

Roll Call:

Chairman Adkins “Yes”

 Commissioner Klippel “Yes”

Commissioner O’Donnell “Yes”

Commissioner Diel “Yes”

Commissioner Eagleton “Yes”

Commissioner Evens “Yes”

 Commissioner Feiner “Yes

5. **PZ-1-21 SPECIAL USE PERMIT (PHYSICAL FITNESS FACILITY) RIVERNORTH STRENGTH, 10505 BIG BEND BOULEVARD, SUITES A & B**

 Submitted: 7-14-20 Automatic Recommendation: 11-11-20

 Petitioner’s Agent, Ronald Hampp

Planning and Development Services Director Jonathan Raiche stated the 3,800 square foot building on the northwest corner of Big Bend Boulevard and Fillmore Avenue was constructed in 2018 and consists of four suites. The proposed physical fitness facility would occupy two suites of 1,100 square foot. The Zoning Code requires one parking space for every five customers at maximum occupancy plus one space for every two employees. The Code requires four parking spaces for this use and the site provides 19 parking spaces.

Ron Hampp, the property owner, added that the petitioner is moving back to the area from the East Coast, where he operated a fitness center. Ryan Lukach, owner of RiverNorth Strength, stated he would have a maximum of four clients at a time and one or two employees.

In response to Commissioner Klippel’s question regarding outdoor activities, Mr. Lukach replied that all activities would be indoors.

Commissioner Diel made a motion, which was seconded by Commissioner Evens, to recommend approval of PZ-1-21, a Special Use Permit to operate a physical fitness facility in suites A and B at 10505 Big Bend Boulevard subject to the conditions contained in the July 29, 2020, memo from the Planning and Development Services Director.

Roll Call:

Chairman Adkins “Yes”

 Commissioner Klippel “Yes”

Commissioner O’Donnell “Yes”

Commissioner Diel “Yes”

Commissioner Eagleton “Yes”

Commissioner Evens “Yes”

 Commissioner Feiner “Yes

6. Planning and Development Services Director Raiche stated PetroMart (PZ-25-20) withdrew their request, the City Council is holding a public hearing on Kirkwood Flats/The James (PZ-15-20) on August 27, the five homes were demolished at 11204-11224 Big Bend Boulevard for the recently-approved Townes at Geyer Grove (PZ-13-20), Teleo Coffee (PZ-18-20) decided to pursue a different location, the Special Use Permit for a pet day care center at 902 South Kirkwood (original application was by Camp Bow Wow PZ-24-19) will be operated by No Leash Needed, and Emmerson Estates (The Bluffs at Lily PZ-13-19) has not submitted a recorded copy of their subdivision plat.

There being no further business, motion was made by Commissioner Diel and seconded by Commissioner Feiner to adjourn at 8:20 p.m. The next meeting will be held on August 19, 2020, at 7 p.m. via Zoom.

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 Jim Adkins, Chair

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 David Eagleton, 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.