

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**Via Zoom Virtual Meeting**

**September 2, 2020**

***REVISED***

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

Jim Adkins, Chairman

James Diel, Vice Chairman

David Eagleton, Secretary/Treasurer

Allen Klippel

Jim O’Donnell

Ron Evens

Tom Feiner

Mary Lee Salzer-Lutz

Sandy Washington

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, September 2, 2020, at 7:00 p.m. via Zoom Virtual Meeting. City Attorney John Hessel, 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 7:06.

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, City Attorney Hessel stated, as new members, Commissioners Washington and Salser-Lutz are encouraged to participate in those matters in which they are satisfied that they have enough information provided by staff and documentation to vote on the matter based upon their review of the materials. Commissioner Washington stated she is familiar with the item and comfortable in voting tonight. Commissioner Salzer-Lutz stated she is familiar with the item and comfortable in voting tonight.

Chairman Adkins announced that all nine Commissioners were present.

2. Motion was made by Commissioner O’Donnell and seconded by Commissioner Diel to approve the minutes for the August 19, 2020, meeting as written.

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 Salzer-Lutz “Yes”

Commissioner Washington “Yes”

**3.** **PZ-28-20 ZONING CODE AMENDMENT, SPECIAL USE PERMIT (ASSISTED**

**LIVING), AND SITE PLAN REVIEW FOR MIXED-USE DEVELOPMENT IN B-2**

**ZONING DISTRICT, 300 NORTH KIRKWOOD ROAD**

Submitted: 2-21-20; Revised 8-26-20 Automatic Recommendation: 9-24-20

Petitioner’s Agent, George Stock

(Subcommittee – Commissioners Adkins, Diel, and O’Donnell)

*Opportunity for Public Comment*

Planning and Development Services Director Raiche stated the proposal for a mixed-use development is on Lot 1 of the two-lot subdivision currently pending before the City Council. In addition to the preliminary development plan, text amendments to add a definition for Assisted Living Facility, add a parking rate of .5 space per assisted living unit and 1 space per independent living unit, and add a Special Use Permit category for an Assisted Living Facility in the B-2 Zoning District and applying for the newly-created category are also included with the application. More than 20 e-mails regarding this development have been sent to the City and provided to the Commission members.

The proposed building on the 1.4 acre site would contain retail on the first floor and 66 independent living apartments restricted to residents 55 and older and 56 assisted living apartments. A revised plan was submitted on August 26 showing an 8’ wide tree lawn and 8’ wide sidewalk along Kirkwood Road in lieu of the 10’ wide tree lawn and 6’ wide sidewalk; additional bicycle racks would be located in the garage; and a revised width for accessible parking spaces. A six-foot tall sight-proof fence would be constructed along the eastern property line from Adams Avenue to Washington Avenue.

The petitioner is requesting three modifications in their proposal:

|  |  |  |  |
| --- | --- | --- | --- |
| **Requirement** | **Required** | **Provided** | **Difference** |
| Density (sf of lot area/unit)   * Assisted Living * Independent Living * Blended Average | (As proposed)   * 500 * 800 * 662 | * 514 | * 148 |
| Floor Area Ratio | 2.5 | 2.56 | 0.06 (3,963sf) |
| Parking lot perimeter trees | 8 | 0 | 8 |

The swimming pool in the original plan was not enclosed; and when the developer submitted the revised site plan, the swimming pool was enclosed, which increased the Floor Area Ratio over the maximum allowed. Also, the eight Parking Lot Perimeter Trees required along the eastern property line are being replaced with a 5’ wide public pedestrian parkway, bushes, and a 6’ tall sight-proof fence.

In response to Commissioner Klippel’s inquiy about the maximum height of the building, Mr. Raiche responded the maximum height allowed is 60 feet and the proposed building meets that requirement.

Ryan Carlie, Director of Real Estate Development for Opus; Joe Miklich, Senior Vice President of Development and Acquisitions for Allegro; and Gary Schuberth, Vice President for Opus AE Group were present.

Mr. Miklich stated that the 19 Allegro communities have approximately 2,863 units. Their first community was constructed in 1999 in St. Augustine, Florida.

Mr. Carlie added that the City’s Downtown Master Plan noted that this property is underutilized.

Mr. Miklich stated that the average age of a resident in their facilities is 84 years old. The units (studio to two-bedroom) would range in size from 450 to 1,100 square feet and rent for $3,500 to $9,000 per month based on size and acuity of care. Housekeeping, insurance, taxes, utilities, classes, pest control, and transportation are included and meal plans are available. Amenities include a fitness center, theater, swimming pool, salon, spa, game room, conference room, library, multiple dining rooms, a pub, and a bistro. Approximately 75 percent of the residents are female with 15 to 20 percent of the rooms being double occupied. There will be 25 to 30 employees on the peak shift. One off-site group activity is planned each day and catered events are held on site. Approximately 70 percent of the residents who occupy the units come from within a three- to five-mile radius.

Mr. Schuberth presented the site plan, details of the linear park, the decorative street lights, 5-foot wide north-south walkway, 16 bicycle racks to accommodate 32 bicycles.

Mr. Miklich added that they are proposing 122 units with 135 residents. Based on the Census average of 2.63 persons per household, the 52 units allowed would provide for 136 residents.

In response to Commissioner Salzer-Lutz’ questions, Mr. Miklich stated they will file for a Certificate of Need after City Council approval of the preliminary plan; due to COVID, some residents in their Richmond Heights location have moved out and they are unable to move new residents in; and they have never converted or closed a location since they have been built. Their market study indicates Aberdeen Heights and Bethesda Gardens are at capacity.

In response to Commissioner Evens’ questions, Mr. Miklich responded that a CON is costly, and they will apply after Council approval; their market study indicates there is a need for these units in this area; and residents do not “buy in”, there is a one-month’s rent move in fee and they sign a 12-month agreement. If a resident’s situation changes within that year, they do not penalize them for moving out.

In response to Commissioner Eagleton’s questions, Mr. Carlie responded the pedestrian path connecting the north-south walkway to the linear park across the driveway aisle would be a raised traffic-calming feature.

In response to Commissioner Salzer Lutz’ question about the former Pitman School flagpole, Mr. Carlie responded it would be relocated on the site, possibly to the entry way for the linear park.

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:

Ross Sanders, 724 East Madison, spoke in favor of the development citing a need for high-quality residential care, there would be no negative impact on the schools, and would be a positive impact on local stores.

Rich Vandegrift, 131 East Adams Unit 1D, stated: (1) no other senior living facility has mixed use and that assisted living residents prefer to live on the first floor, and this proposal doesn’t have first floor apartments; (2) there are vacant commercial spaces on Kirkwood Road in this block already (Gwin’s Travel and McArthur’s) and there is not a demand for more retail in this block; (3) would prefer to keep the 106 year old chain link fence and doesn’t want a view of a 6’ tall sight-proof fence; and (4) believes the project is too dense, Opus is proposing 122 units and the text amendment allows a maximum of 95 units (a greater density of 27 units or 28%), and the building not in character with the neighborhood.

Scott Chartrand, Real Estate Manager for Commerce Bank, stated the size of the existing bank building was required when it was built in 1979; however, needs have changed.

Kathy Paulson, 401 Frieda Avenue, believes the modifications conflict with the Downtown Master Plan, specifically pages 101 and 130.

Phil Hutchison, 131 East Adams, is concerned about the density, parking, and the additional traffic on an already crowded road.

John Burns, 1881 Charmwood Court, believes the City should adopt the proposed Zoning Code that is currently pending before the City Council before considering a project of this size. The Downtown Master Plan suggests townhouses, cottages, and small multi-family developments.

Commissioner Diel read the underlined sections of the Subcommittee Report:

CITY OF KIRKWOOD

**PLANNING AND ZONING COMMISSION**

**SUBCOMMITTEE REPORT**

###### September 2, 2020

***PETITION NUMBER*:** PZ-28-20

***ACTION REQUESTED*:** ZONING CODE TEXT AMENDMENT, SPECIAL USE PERMIT, AND MIXED-USE PRELIMINARY DEVELOPMENT PLAN REVIEW IN B-2

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

***APPLICANT*:** OPUS DEVELOPMENT COMPANY, LLC

***APPLICANT’S AGENT*:** GEORGE STOCK, STOCK & ASSOCIATES

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

***ZONING*:** B-2, GENERAL BUSINESS DISTRICT (CENTRAL BUSINESS DISTRICT)

***DRAWINGS SUBMITTED:*** SITE PLAN PACKET (8 SHEETS) PREPARED BY OPUS DEVELOPMENT, STOCK & ASSOCIATES, AND COLE & ASSOCIATES STAMPED “RECEIVED AUGUST 26, 2020, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

ARCHITECTURAL EXHIBITS (13 SHEETS) PREPARED BY OPUS DEVELOPMENT, STAMPED “RECEIVED JUNE 26, 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 for text amendments to the Zoning Code that pertain to adding “Assisted Living Facility” as a Special Use category in the B-2 District. The proposed amendments would add a definition of “Assisted Living Facility” to Section A-140; add the new term as a Special use in Section A-510.3; and finally to add a parking rate for the new category in Section A-1000.4, Table 1000-2. The language for these amendments can be found in Exhibit A.

The second request is for a Special Use Permit for the newly-created category, “Assisted Living Facility”, as part of the proposed mixed-use project at 300 N. Kirkwood Road. The mixed-use proposal includes approximately 7,800 sf of commercial space, 66 units of age-restricted multi-family housing, and 56 units of assisted living.

The third item for consideration is a Mixed-use Site Plan Review in the B-2 District for the 5-story mixed-use building mentioned above. This site plan is for Lot 1 of a proposed 2-lot subdivision of the property at 300 North Kirkwood Road. The subdivision is under separate consideration as part of PZ-27-20 but this site plan is contingent upon the approval of said subdivision. Lot 1 of the proposed subdivision is approximately 1.4 acres and is located at the northeast corner of Adams Avenue and Kirkwood Road. Additional detail about the proposed site plan is provided in the Site Element Analysis portion of this report.

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

The site is designated as Downtown on the EnVision Kirkwood 2035 Future Land Use Map. Attached Residential (Duplexes/Townhomes/Apartments) and Regional/Neighborhood are both listed in this land use category as appropriate development types.

The subject properties are currently zoned B-2, General Business District (Central Business District) which allows for mixed-use buildings subject to certain requirements. Surrounding land uses and zoning include the following:

To the north: Lot 1 of the proposed 2-lot commercial subdivision would be located to the north of this property and is zoned B-2. The current proposal for Lot 1 is for a stand-alone retail bank facility.

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: Provide an electrical distribution plan.

Water: No Comments received.

Engineering/Planning: No Comments received.

Building/Fire: 1. ARB review is required.

2. The 2015 IBC must be followed.

3. The proposed assisted living units would not negatively impact EMS services.

**SITE ELEMENTS ANALYSIS:**

***Structure & Pedestrian Access***

The proposed building is 5-stories tall and 60’ tall to the top of the flat roof. The structures includes approximately 7,800 sf of commercial space along Kirkwood Road on the ground level with residential amenities and structured parking for the commercial spaces located behind the active commercial spaces on Kirkwood Road. The residential lobby and amenity area has minor Kirkwood Road frontage at the southwest corner of the building; however, the minor nature of the frontage is interpreted as a means to provide access for the residential component onto Kirkwood Road with minimal impact on the requirement to provide active commercial frontage on Kirkwood Road. On a related manor, because East Adams Avenue is not indicated as a “suggested commercial” or “mandatory commercial” street in the Downtown Master Plan’s Framework Plan, Staff interpreted that the allowance for parking and other non-commercial accessory uses could be applied to the Adams Avenue frontage. The requirement for active commercial space on the street frontage on the ground level is only being applied to the Kirkwood Road frontage.

The ground level also includes a one-way covered drop-off/parking area for the residential component that accesses from and exits to Adams Avenue. There is a proposed setback of approximately 31’ to the eastern property line which meets the minimum required when adjacent to a residentially-zoned property.

The proposed building is located 16’ from the curb-line of Kirkwood Road and provides an 8’ wide sidewalk along Kirkwood Road with an 8’ wide tree-lawn. The building is approximately 18’ from the curb-line of Adams Avenue. Due to underground and overhead utility conflicts, and to St. Louis County’s prohibition of trees in their controlled right-of-way, the pedestrian sidewalk shifts adjacent to the curb along Adams Avenue so that the required landscaping is still provided between the sidewalk and the building. To provide additional pedestrian benefit, the developer is also proposing a linear plaza/park along the northern border of the property that stretches the entire width of the site. At the request of the subcommittee, the developer revised their plans to include a 5’ wide pedestrian walkway along the eastern property line. This walkway will be located within the 10’ required buffer and will connect via a crosswalk to the linear park along the northern property line. The subcommittee ultimately decided to recommend this 5’ wide walkway knowing that it would prevent the required canopy trees from being provided in this 10’ wide buffer area; however, the applicant is proposing a 6’ tall sight-proof fence and other low-lying vegetation in this area. The subcommittee is recommending a modification to the required parking lot perimeter landscaping in this location in favor of the pedestrian access provided.

The eastern-most proposed access drive provides access to the residential portion on the south side of the building and provides vehicular access to the structured commercial parking located on the north side of the ground-level. Vehicular cross-access is proposed via the eastern drive that stretches across both Lots 1 and 2 of the proposed subdivision to provide additional access between the two sites.

***Landscaping/Screening***

The proposed Landscape Plan provides the required number of frontage trees on Kirkwood Road and on Adams Avenue. As previously mentioned, St. Louis County does not allow trees to be placed within their right-of-way, so the applicant has provided room for these trees on private property along Adams Avenue whereas the frontage trees along Kirkwood Road are proposed to be located within the public right-of-way. Aside from the required street frontage trees, there is additional landscaping provided within the proposed linear park on the north side of the development, the landscape buffer on the east and along the building frontages. As previously mentioned, the recommendation of the subcommittee to include a pedestrian pathway along the eastern property line precludes the proposal from providing the required parking lot perimeter trees. A recommendation for modification to this requirement has been added to the recommendations section of this report.

***Site Access, Traffic, & Parking***

The site is proposed to be accessed from one unrestricted access point in the southeast corner. From that access point, a vehicle could then drive along the south side of the building to access the residential portion of the development, drive along the east side of the building to access the structured commercial parking, or continue north to access the adjacent development on Lot 1 which ultimately connects to Washington Avenue. The only other vehicular connection is a right-out exit-only that is located approximately 120’ east of the Kirkwood Road and Adams Avenue intersection.

Due to the increased density of the proposed development when compared to the existing site, the City and St. Louis County required that the applicant provide a traffic and parking analysis. The traffic portion of the analysis provided some recommendations which have been incorporated into the recommendation section of this report; however, it ultimately found that the forecasted operating conditions after construction would be similar to existing conditions and that the adjacent intersections would generally still have favorable conditions during peak hours. The traffic analysis also compared a 20 year forecast both with and without the proposed development. While there were forecasted failing levels of service at the intersection of Taylor Avenue and Adams Avenue, this condition is forecasted with or without the proposed development which means that improvements may be needed at this location in the future regardless of this development.

The parking analysis concluded that the proposed parking rate of 1.02 parking spaces per unit is adequate to accommodate the anticipated demand for the proposed independent and assisted living units. Furthermore, the analysis concluded that it’s likely that there would be an excess of parking for the residential component and that the proposed parking rate for the text amendment of 0.53 parking spaces per unit is consistent with industry standards and evaluated to be adequate for the specific uses. In addition to the third-party parking analysis, the City’s current Community Unit Plan, Type C process is established for age-restricted housing and requires a reduced parking rate of 1 parking space per unit. Staff’s recommendation is that the 1 parking space per unit rate be applied to independent living units while the 0.53 parking space per unit requirement be rounded to 0.5 parking spaces per unit and apply to assisted living units. This recommendation has been incorporated into the subcommittee’s recommendation for the related text amendment.

***Lighting***

A lighting plan provided indicates a combination of ground and building-mounted lighting fixtures that provide average lighting levels within the site that meet the various code requirements. The plan indicates that the maximum light trespass levels are also in compliance with the Zoning Code. A condition has been added to require that a revised lighting plan be provided prior to City Council approval that includes the newly-proposed pedestrian pathway along the eastern property line to ensure that the pathway is adequately lit while also ensuring compliance with light trespass requirements.

***Modifications***

The proposed Site Plan requires consideration of 3 modifications from the current Zoning Code. To evaluate the density requirement for the proposed assisted living and independent living component, the proposed densities (500 sf/unit for assisted living; 800 sf/unit for independent living) were assigned and a blended average based upon the number of each type of unit was calculated. In the proposal with 56 assisted living units and 66 independent living units, a minimum lot size of 80,800 sf would be required. When the minimum lot size (80,800 sf) is divided by the total number of units proposed (122), the blended required density is 662 sf of lot area per unit. A comparison of the proposed and required items is as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Requirement** | **Required** | **Provided** | **Difference** |
| Density (sf of lot area/unit)   * Assisted Living * Independent Living * Blended Average | (As proposed)   * 500 * 800 * 662 | * 514 | * 148 |
| Floor Area Ratio | 2.5 | 2.56 | 0.06 (3,963sf) |
| Parking lot perimeter trees | 8 | 0 | 8 |

As required by Section A-220.2 of the Zoning Code, the developer is providing the following benefits that help achieve the objectives listed in said section as attempted justification for the above modification requests.

1. Providing a public plaza/linear park along the northern property line that occupies an 18’ buffer area where no buffer is required.
2. Providing decorative street lights along Kirkwood Road to match the current decorative fixtures in Downtown.
3. Providing a 5’ wide public pedestrian walkway along the eastern property line to provide an alternative pedestrian path between Washington Avenue and Adams Avenue. Said walkway is proposed to connect to the proposed linear park.
4. Providing 16 bicycle racks (accommodating 32 bicycles) exceeding the 10 bicycle racks required.

The subcommittee finds that the justification provided and the circumstances of the modifications requested provide for a better development than might otherwise be realized. The subcommittee has included a recommendation for approval of the requested modifications in the recommendation section of this report.

**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. Online subcommittee meetings were subsequently held via Zoom on August 4th and August 21st. A list of attendees of the subcommittee meetings can be seen in Exhibit B. The overall proposal was discussed at the subcommittee meetings with attention given to the following items:

1. The subcommittee discussed the broader implications of the request to add “Assisted Living Facility” as a special use in the B-2 District. The subcommittee was concerned due to the potential for assisted living facilities taking property in an area that is intended to provide for vital commercial activity in the City. Because of the large amount of B-2 zoned property in the Downtown area, the subcommittee was also concerned that an overdevelopment of this type might also create a concentration of residents that, due to their need for assistance, would not be consistent with the desire for an active downtown population. Ultimately, the subcommittee agreed that this proposed use would be appropriate if it was conditioned such that it could only be provided in conjunction with other commercial uses through the B-2 mixed-use process.
2. The applicant presented information from their traffic/parking study and their market analysis related to the lower intensity of the proposed use when compared to a traditional multi-family proposal which was summarized in their letter dated August 18, 2020. The information included the following:
   1. An 11% average double occupancy for residential units.
   2. Car ownership of 14-39%.
   3. The total number of vehicle trips generated by the proposed development would be comparable to a 52 unit multi-family development.
   4. When compared to the average family size reported by the Census Bureau, the proposed development would have a total number of residents that is equivalent to approximately 52 multi-family units.
   5. The average density of comparable development that provide assisted living and independent living units was 547 sf of lot area per unit.
3. Staff provided a summary and comparison of existing age-restricted, independent living developments within Kirkwood in a memo dated August 21, 2020. The analysis indicated that these existing development range in density from 735 sf of lot area per unit to 1,208 sf of lot area per unit. The typical process through which these developments are approved (Community Unit Plan, Type C) allows for a density of 800 sf of lot area per unit for developments that are 4 stories of residential. If height is increased past 4 stories, the density permitted is also increased. In this comparison, the information also indicated that the independent living units provided a parking ratio between 0.66 spaces per unit and 1.5 spaces per unit.
4. Based upon the information provided by the applicant and City Staff, the subcommittee concluded that it was appropriate to apply the 800 sf of lot area per unit requirement for independent living units that is currently required in the Community Unit Plan, Type C process. The subcommittee also agreed that 500 sf of lot area per unit would be an appropriate density requirement for the assisted living units. The assisted living unit density is viewed as a conservative estimate since the information provided was based upon developments that included both independent living and assisted living units which would create a higher number for the sf/unit calculation. These proposed unit densities have been incorporated into the proposed text amendments.
5. The applicant provided additional information, at the subcommittee’s request, related to the organizational structures of the partners involved in an effort to indicate their ability to successfully manage the proposed project. It was also clarified that the assisted living portion would be reviewed by the State of Missouri and is required to obtain a Certificate of Need through the State.
6. 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. This recommendation is consistent with the recommendation for the adjacent project to the north (PZ-27-20).

***RECOMMENDATIONS:***

The Subcommittee recommends that the request to amend Section A-140, Section A-510.3, and Section A-1000.4, Table 1000-2 in accordance with the language in Exhibit A be ***approved***.

The Subcommittee recommends that the requested Special Use Permit for an “Assisted Living Facility” be ***approved*** with the following conditions:

1. A maximum of 66 independent living units and 56 assisted living units are permitted within the proposed development.

The Subcommittee recommends that the proposed Preliminary Development Plan for Mixed-use in a B-2 District for the above referenced properties be ***approved*** with the following conditions:

1. A final site plan shall be submitted for review within 12 months of approval of this Preliminary Development Plan by the City Council and said plan shall be consistent with the Preliminary Development Plan documents referenced in the Drawings Submitted portion of this report.
2. Exhibit C contains a list of uses requested by the applicant as required by Section A-510.5(2)(a) and the uses are found to be appropriate. All uses listed under Section A-510.3, Special Uses shall require a separate application for a special use permit.
3. Based upon the justification submitted by the applicant per Section 220.2, the following modifications shall be approved:
   1. Minimum lot area per unit from 662 sf to 514 sf.
   2. Maximum Floor Area Ratio from 2.5 to 2.56.
   3. Parking lot perimeter trees along the eastern property line from 8 to 0.
4. A public linear park shall be constructed at the cost of the developer along the northern property line and a public use easement shall be provided for said area.
5. A 5’ wide public pathway shall be constructed at the cost of the developer along the eastern property line and a public use easement shall be provided for said area. A pedestrian connection shall be required to safely connect said pathway to the required linear park with details required to be provided during the final site plan process.
6. 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.
7. All proposed public sidewalks shall be constructed so that they terminate in a manner compliant with ADA/PROWAG and shall be exposed aggregate material.
8. Prior to City Council approval, a revised lighting plan shall be submitted which provides adequate lighting levels for the proposed sidewalk along the eastern property line.
9. 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.
10. The following traffic mitigating efforts found in the third-party traffic analysis shall be required:
    1. The proposed two-way site drives, as well as the internal access drive, shall have a minimum 22’ in throat width.
    2. All traffic exiting the site onto Washington Avenue and Adams Avenue shall be placed under STOP control via the installation of signage.
    3. The proposed access drives shall conform to the sight distance requirements set forth by the American Association of State Highway and Transportation Officials (AASHTO).
11. The applicant shall comply with all standard conditions as listed in Exhibit D.

Respectfully submitted,

Jim Adkins James Diel Jim O’Donnell

Commissioner Eagleton made a motion, which was seconded by Commissioner Feiner, to recommend approval of an amendment to Zoning Code Section A-140 to add the Definition for “Assisted Living Facility” and to Section A-1000.4 Table 1000-2 to add a parking rate for Assisted Living Facility 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 “No”

Commissioner Feiner “Yes”

Commissioner Washington “Yes”

Commissioner Salzer-Lutz “Yes”

Commissioner Eagleton made a motion, which was seconded by Commissioner O’Donnell, to recommend approval of an amendment to Zoning Code Section A-510.3 to add “Assisted Living Facility” as a Special Use in the B-2 General Business District 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 “No”

Commissioner Feiner “Yes”

Commissioner Washington “Yes”

Commissioner Salzer-Lutz “Yes”

Commissioner Eagleton made a motion, which was seconded by Commissioner O’Donnell, to recommend approval of a Special Use Permit for an “Assisted Living Facility” at 300 North Kirkwood Road subject to the conditions contained in the Subcommittee Report.

Commissioner Salzer-Lutz expressed concern regarding the parking required for the retail portion of the development and for employees of Allegro and of the architecture of the building. Mr. Raiche commented that the traffic study submitted for this project included the retail portion, employees, and the proposed Commerce Bank building on Lot 2. Chairman Adkins added that the Architectural Review Board would review the elevations.

Roll Call:

Chairman Adkins “Yes”

Commissioner Klippel “Yes”

Commissioner O’Donnell “Yes”

Commissioner Diel “Yes”

Commissioner Eagleton “Yes”

Commissioner Evens “No”

Commissioner Feiner “Yes”

Commissioner Washington “Yes”

Commissioner Salzer-Lutz “No”

Commissioner Eagleton made a motion, which was seconded by Commissioner Feiner, to approve the Preliminary Development Plan of a Mixed-Use Development at 300 North Kirkwood Road subject to the conditions contained in the Subcommittee Report.

In response to Commissioner Evens asking why Commissioners were supporting this project and not Kirkwood Flats, the Commissioners responded there was a better buffer between this development and the adjacent property, more distance between this development and detached single-family residences, less intrusive, and fewer units.

Commissioner Salzer-Lutz stated that the surrounding independent- and assisted-living unit developments do not have wait lists.

Roll Call:

Chairman Adkins “Yes”

Commissioner Klippel “Yes”

Commissioner O’Donnell “Yes”

Commissioner Diel “Yes”

Commissioner Eagleton “Yes”

Commissioner Evens “No”

Commissioner Feiner “Yes”

Commissioner Washington “Yes”

Commissioner Salzer-Lutz “No”

4. Planning and Development Services Director Raiche stated the City Council is holding a public hearing on Kirkwood Flats/The James (PZ-15-20) on October 22nd via Zoom, the City Council is holding public hearings for RiverNorth Strength (PZ-1-21) and Commerce Bank (PZ-27-20) on September 3 via Zoom; Burn Boot Camp (PZ-20-20) has a conditional occupancy permit; KirkWork (PZ-19-19) building is complete and one tenant has an occupancy permit; No Leash Needed (PZ-24-19) is proceeding through the permit process; Villa Di Maria (PZ-30-20) and Starbucks (PZ-29-20) are in the process of gathering traffic data and will be on a future P&Z agenda; and the condo development at 134/138 West Madison Avenue (PZ-2- 21) will be on the September 16 Planning and Zoning Commission agenda.

There being no further business, motion was made by Commissioner Eagleton and seconded by Commissioner Evens to adjourn at 9:40 p.m. The next meeting will be held on September 16, 2020, at 7 p.m. via Zoom.

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Jim Adkins, Chair

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David Eagleton, Secretary/Treasurer

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