

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**Via Zoom Virtual Meeting**

**September 16, 2020**

**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 16, 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 7:00.

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 staff or the 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 nine Commissioners were present.

2. Motion was made by Commissioner Salzer-Lutz and seconded by Commissioner Feiner to approve the minutes for the September 2, 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”

The motion, which received majority approval of the Commission, was approved.

**3. PZ-08-20 SPECIAL USE PERMIT AND SITE PLAN REVIEW EXTENSION –**

 **AUDI KIRKWOOD, 10230 MANCHESTER ROAD**

 Submitted: 9-2-2020

 Petitioner’s Agent, Jeremy Whitt

Planning and Development Services Director Jonathan Raiche stated the petitioner has requested a 12-month extension to the period in which construction shall commence upon the Special Use Permit granted by Ordinance 10627 on September 19, 2019. Commissioners questioned if the proposed improvements would eliminate the need for transport trucks to unload vehicles on Manchester Road. Commissioner Diel commented that when the same petitioner applied for the off-site storage lot at 10461 Manchester Road (across the street), they stated that new vehicles would be delivered at that location and driven across the street to this lot. Mr. Whitt added that construction of the new storage lot was recently completed, and the new vehicles will be unloaded at that location and not on Manchester Road. Mr. Whitt added that Covid-19 has been a financial challenge. Commissioner Eagleton requested that Audi Kirkwood provide a letter stating that vehicles will be unloaded off site. Mr. Raiche stated the SUP for the off-site location requires vehicles be unloaded off-site.

Commissioner Diel made a motion, which was seconded by Commissioner Feiner, to recommend approval of granting a one-year extension on the period in which construction shall commence under the Special Use Permit granted by Ordinance No. 10627 for Audi Kirkwood at 10230-10240 Manchester Road.

Roll Call:

 Chairman Adkins “Yes”

 Commissioner Klippel “Yes”

Commissioner O’Donnell

Commissioner Diel “Yes”

Commissioner Eagleton “Yes”

Commissioner Evens “Yes”

Commissioner Feiner “Yes”

Commissioner Washington “Yes”

Commissioner Salzer-Lutz “Yes”

The motion, which received majority approval of the Commission, was approved.

**4. PZ-2-21 SITE PLAN REVIEW–MULTI FAMILY, 134-138 WEST MADISON AVE**

 Submitted: 7-28-20 Automatic Recommendation: 11-25-20

 Petitioner’s Agent, Tyler Stephens

 *Opportunity for Public Comment*

 (Subcommittee – Commissioners Evens and Feiner)

Planning and Development Services Director Jonathan Raiche stated the Subcommittee met via ZOOM. A six-foot wide, exposed aggregate sidewalk will be installed along the subject property and will be extended off-site to the eastern property line of the adjacent public parking lot at 130 West Madison. If the owners at 120 West Madison agree, the applicant will extend the sidewalk across that property too. In addition, the petitioner will install a mid-block pedestrian crossing connecting the public parking lot at 130 West Madison with the Police Station on the north side of Madison Avenue. The first and second floors of the proposed multi-family building will contain four units each and the third and fourth floors will contain two units each. Three modifications to the Zoning Code are being requested:

|  |  |  |
| --- | --- | --- |
|  | **Required** | **Provided** |
| Density | 1,200 s.f. | 1,128 s.f. |
| Floor Area Ratio | 2.5 | 2.57 |
| Maximum Building Height | 40’ | 50’-10.5” |

Commissioner Feiner asked if the petitioner addressed the comment in the original staff letter requiring a 22-foot wide overhead door in lieu of the 20-foot proposed. After discussion, it was decided by staff that a 20-foot wide overhead door is sufficient for a private garage entrance.

Tyler Stephens of CORE 10 Architecture and John Pennington who is a partner at Savoy Properties were present. Mr. Pennington stated that three of the last four units were sold in the past few weeks.

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 no one responded.

Commissioner Feiner read the underlined sections of the Subcommittee Report:

CITY OF KIRKWOOD

**PLANNING AND ZONING COMMISSION**

**SUBCOMMITTEE REPORT**

###### SEPTEMBER 16, 2020

***PETITION NUMBER*:** PZ-2-21

***ACTION REQUESTED*:** SITE PLAN REVIEW

***PROPERTY OWNER*:** SAVOY INVESTMENTS LLC (UNDER CONTRACT)

***APPLICANT*:** SAVOY INVESTMENTS LLC

***APPLICANT’S AGENTS*:** AMANDA NORRIS & TYLER STEPHENS – CORE 10 ARCHITECTURE

***PROPERTY LOCATION*:** 134-138 WEST MADISON AVENUE

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

 ***DRAWINGS SUBMITTED:*** SITE PLAN PACKET (17 SHEETS) PREPARED BY CORE 10 ARCHITECTURE, SITE ONE PROJECT SERVICES AND VOLZ ENGINEERING STAMPED “RECEIVED SEPTEMBER 3, 2020, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

 TREE STUDY (6 SHEETS) PREPARED BY FRONTENAC FORESTRY STAMPED “RECEIVED JULY 28, 2020, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

 **DESCRIPTION OF PROJECT:**

The applicant is requesting Site Plan Review for a 12-unit condominium development. The existing properties contain two commercially-occupied buildings that were both converted from their original residential use. The proposed plan would demolish the existing buildings and place a four-story building with an underground parking garage that provides 24 parking spaces. The underground parking garage is proposed to be accessed via a two-way drive lane from Madison Avenue that would be shared with the Barclay development at 204 S. Clay Avenue. The proposed multi-family use is a permitted use in the B-2 District because the site is not located on a “Suggested or Mandatory Commercial” street in the Downtown Master Plan’s Framework Plan.

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

The site is located in the Downtown land use category on the EnVision Kirkwood 2035 Future Land Use Map. Attached Residential (Duplexes/Townhomes/Garden Apartments) is listed in this land use category as an appropriate development type. The EnVision Kirkwood 2035 plan does not contain a land use category specifically for multi-family development, but rather, identifies that multi-family development could be appropriate within various land use categories. Multi-family developments have typically been approved near major intersections or as a transition between single-family uses and commercial uses which includes the perimeter of Downtown Kirkwood.

The subject property is currently zoned B-2, General Business District (Central Business District).

Surrounding land uses and zoning include the following:

To the north: Across Madison Avenue, there is a City Park, the Police Station and City Hall which are zoned B-2.

To the south: Directly to the south there are various commercial buildings that are currently zoned B-2.

To the east: Directly adjacent to the subject site is a city-owned public parking lot.

To the west: The 14-unit Barclay condominium building is under construction.

**DEPARTMENTAL/AGENCY COMMENTS:**

Electric: No Comments received.

Water: 1. Water line to be installed per City of Kirkwood Water specifications.

 2. Detector check assembly required for the proposed fire/water service.

 3. Maintain proper water/sewer separation per DNR regulations.

Engineering: No Comments received.

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

 2. Maintain adequate Fire Department Access.

 3. ARB Review is required.

Forester: No comments received.

**SITE ELEMENTS ANALYSIS:**

***Structure & Pedestrian Access***

The proposed building is 4 stories and approximately 50’10.5”’ tall which exceeds the maximum height of 40’ for a non-mixed use project in the B-2 District. A modification has been requested for this and is included in the recommendation portion of this report. The building is proposed to have 12 total units with 4 units on each of the first two floors and 2 units each on the third and fourth floors. The unit density is proposed at 1,128 sf of lot area per unit which is slightly below the required 1,200 sf per unit. This deviation from the requirement is also included as a modification request.

The proposed structure is set back approximately 4’ from the right-of-way line for Madison Avenue (16’ from the curb-line), 5’ from the east and west property lines, and approximately 10’ from the southern property line. The sidewalk along Madison Avenue is proposed to be expanded to 6’ wide to match the recently-approved multi-family building to the west. There is also a 3’ wide emergency egress sidewalk proposed from the southern building façade that runs toward the west through the adjacent property and connects to the public sidewalk on Clay Avenue. Additional off-site improvements to the pedestrian circulation in the immediate area are being proposed after recommendation by the subcommittee. These additional improvements are discussed in the modification section of the report because they are viewed as means to justify the requested modifications.

***Landscaping & Lighting***

The proposed Landscape Plan provides the required number of frontage trees which are proposed to be located in the public right-of-way. While the Zoning Code does not explicitly state that trees cannot be provided in the right-of-way, Staff has identified the additional potential for conflict with utilities when trees are planted in the right-of-way. The proposed location provides a positive tree-lined aesthetic for the development, but if a tree is removed or damaged by a utility company during work not related to the proposed private development, the developer would not be required to replace the tree. This is not against the code, but something of which to be aware.

In addition to the required plantings, the applicant has proposed 2 understory trees, 11 evergreen trees, and various shrubs around the building that are provided above and beyond the Zoning Code’s requirements.

The applicant provided a revised lighting plan to address Staff’s initial comments; however, there are still various adjustments that need to be made in order for the plan to meet the requirements of Section A-1040. The revisions include revising all proposed fixtures to be full cut-off, lowering the lighting levels near the proposed front porch to comply with the 0.5 fc maximum trespass, and providing additional calculation points to ensure that the light does not exceed 0.5 fc on the southern and eastern property lines. Staff believes that the required revisions can be made without impact to the proposed site plan and can therefore be reviewed and evaluated prior to issuance of permits.

***Site Access & Parking***

The site is proposed to be accessed from a shared, two-way drive from Madison Avenue located along the western property line. The drive will decline in grade to provide access to the underground parking structure. The access drive is proposed to be 24’ wide. The proposed parking structure will provide 24 spaces for the 12 units which exceeds the Zoning Code requirement of 1.5 parking spaces per unit (18 required spaces total).

***Modifications***

The proposed Site Plan requires three modifications from the current Zoning Code. A comparison of the proposed and required items is as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Topic** | **Required** | **Provided** | **Difference** |
| Unit Density | 1,200 sf/unit | 1,128 sf/unit | 72 sf/unit |
| Building Height | 40’ | 50’10.5” | 10’10.5” |
| Floor Area Ratio | 2.5 | 2.57 | 0.07 (919 sf) |

In response to the subcommittee’s request, the applicant is proposing new 6’ wide, exposed aggregate sidewalks along the subject property and expanding it off-site to the east. The new 6’ wide sidewalk would extend to the eastern side of the adjacent public parking lot at a minimum. If the owners of the property at 120 W. Madison Avenue choose, the applicant has also indicated that they would extend the sidewalk through the frontage of their property. However, Staff has advised that this would likely require additional removal of a public street-tree and could cause temporary inconvenience for the property owner. In addition to this off-site sidewalk widening, the applicant has also agreed to installing a mid-block pedestrian crossing which would connect the adjacent public parking lot with the police station across the street.

In addition to these off-site improvements, the developer provided multiple items to attempt to indicate how the project achieves the objectives listed in Section A-220.2 as part of the justification for the above modification requests. Below is a summary of some of the more important items:

1. Additional landscaping around the building and along the southern property line.
2. Decreasing site access to one shared-access point from Madison Avenue to increase pedestrian and vehicular safety.

**DISCUSSION:**

Zoning Matters signs were placed on the property on August 13, 2020. The request was introduced at the Planning & Zoning Commission meeting on August 19, 2020. A subcommittee meeting was subsequently held via Zoom on August 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 modifications being requested and the justification for those modifications. The following is a summary of the discussion from the August 27th meeting:

1. Staff confirmed that a consolidation plat is required to accommodate the project.
2. The applicant clarified that the proposed shared drive would allow the drive to be expanded from the 20’ approved with the adjacent site plan to 24’ wide.
3. The subcommittee recommended additional off-site pedestrian enhancements in an effort to provide additional public benefit that would further reach the objectives stated in Section A-220.2. The applicant agreed to these off-site improvements as mentioned in previous sections of the report. Conditions are included in the recommendation referencing said improvements.
4. The subcommittee recognized the applicant’s efforts to mitigate the appearance of building height through multiple step-backs in the proposed building façade.

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.

***RECOMMENDATION:***

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. Based upon the justification submitted per Section 220.2, the following modifications shall be approved:
	1. Unit density from 1,200 sf/unit to 1,128 sf/unit,
	2. Building height from 40’ to 50’10.5”, and
	3. Floor Area Ratio from 2.5 to 2.57.
3. As justification for the approved modifications, the following improvements are required:
	1. A 6’ wide, exposed aggregate sidewalk shall be installed along the subject property and shall be extended off-site to the eastern property line of the public parking lot located at 130 West Madison Avenue at a minimum. If the owners at 120 West Madison Avenue agree, the applicant shall also extend the 6’ wide exposed aggregate sidewalk to the eastern property line of 120 West Madison Avenue.
	2. A mid-block pedestrian crossing which connects the public parking lot located at 130 West Madison Avenue with the Police Station shall be installed. Said crosswalk shall include ADA ramps on each end, high-visibility crosswalk markings, and MUTCD compliant signage. Final design shall be subject to approval by the Public Services Department.
4. If a tree, which is planted in the public right-of-way, is removed or damaged by a utility company during work not related to the proposed development, the property owner(s) must replace the tree with other aesthetic landscaping.
5. All proposed public sidewalks shall be constructed so that they terminate in a manner compliant with ADA/PROWAG and must be replaced with a 6’ wide exposed aggregate sidewalk.
6. A consolidation plat shall be required with easements as required by the City prior to issuance of permits.
7. A revised lighting plan which meets all requirements of Section A-1040 shall be provided prior to issuance of permits.
8. The applicant shall comply with all standard conditions as listed in Exhibit A.

Respectfully submitted,

Ron Evens Tom Feiner

Commissioner Evens made a motion, which was seconded by Commissioner Diel, to recommend approval of the Site Plan for the multi-family development on the combined properties of 134 and 138 West Madison Avenue 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 Washington “Yes”

Commissioner Salzer-Lutz “Yes”

The motion, which received majority approval of the Commission, was approved.

**5. PZ-3-21 SPECIAL USE PERMIT (RESTAURANT WITH OUTDOOR SEATING)**

**AND SITE PLAN REVIEW – TELEO COFFEE, 132 W MONROE**

 Submitted: 8-28-20 Automatic Recommendation: 12-26-20

 Petitioner’s Agent, Brian Ivy

 *Opportunity for Public Comment*

Planner II Amy Lowry stated the petitioner is requesting a Special Use Permit for a restaurant with outdoor seating to operate a coffee shop at 132 West Monroe Avenue. Many years ago, the original home had been converted to an office. An exterior staircase provides access to the second floor. A new front deck is proposed. The first floor contains 1,050 square feet and the second floor contains 778 square feet. The Architectural Review Board will review the exterior of the building and signs. A maximum of 12 seats could be provided on the exterior as an accessory use. Outdoor speakers are proposed for music.

Commissioner Feiner inquired about the Special Use Permit granted for the petitioner at 142 West Monroe being “attached” to the real estate and not the applicant and expressed concern regarding two coffee shops adjacent to one another. Planning and Development Services Director Raiche commented that he would contact the City Attorney whether or not the property owner can release the existing SUP.

Brian Ivy stated they are pursuing a shared parking agreement with 142 West Monroe and 314 South Clay because they need six additional parking spaces. Mr. Raiche added the conversion of the existing building to restaurant use does not require additional parking, the additional parking is required for outdoor seating area of more than 12 seats.

In response to Commissioner Evens question about a location for unloading trucks, Mr. Ivy responded it would be behind the building adjacent to the ADA ramp. He added that the proposed hours of operation are 6 a.m. to 6 p.m.

In response to Mr. Feiner’s questions regarding food, alcohol, and music, Mr. Ivy responded food would consist of paninis and pre-packaged items and there would be limited food preparation with a microwave and panini press, no alcohol would be served, and “background” music would be played through speakers. However, the applicant would not want to limit themselves to not having an option for potential live music outdoors.

Chairman Adkins appointed Commissioners Evens and Eagleton to the Subcommittee, and the Subcommittee scheduled a meeting to be held via Zoom on September 24 at 9 a.m.

6. Planning and Development Services Director Raiche stated the EZ Storage Lot (PZ-10-19) conversion is proceeding and the Credit Union has applied to the Architectural Review Board, Burn Boot Camp (PZ-20-20) is complete and an occupancy permit issued; a grading permit was issued on September 15 for Townes at Geyer Grove; the City Council is holding a public hearing on Kirkwood Flats/The James (PZ-15-20) on October 22 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; the site plan approval for the mixed-use development submitted by Opus at 426 North Kirkwood is on the October 1 Council agenda; additional traffic data is to be submitted for Villa Di Maria (PZ-30-20) and Starbucks (PZ-29-20); construction has started on the cell tower on Old Big Bend adjacent to BarX.

There being no further business, motion was made by Commissioner Diel and seconded by Commissioner Feiner to adjourn at 8:15 p.m. The next meeting will be held via Zoom on October 7, 2020, at 7 p.m.

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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.