

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**Via Zoom Virtual Meeting**

**October 7, 2020**

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

Jim Adkins, Chairman Allen Klippel

James Diel, Vice Chairman Sandy Washington

David Eagleton, Secretary/Treasurer

Jim O’Donnell

Ron Evens

Tom Feiner

Mary Lee Salzer-Lutz

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, October 7, 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, that 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 Commissioners Klippel and Washington were absent and their absence was excused.

2. Commissioner Feiner stated paragraph five of Item 5 of the September 16, 2020, minutes should be corrected to state that he asked the question regarding food, alcohol, and music for Teleo Coffee. Motion was made by Commissioner Feiner and seconded by Commissioner Evens to approve the minutes for the September 16, 2020, meeting as corrected.

Roll Call:

 Chairman Adkins “Yes”

 Commissioner Klippel Absent

Commissioner O’Donnell “Yes”

Commissioner Diel “Yes”

Commissioner Eagleton “Yes”

Commissioner Evens “Yes”

 Commissioner Feiner “Yes”

 Commissioner Salzer-Lutz “Yes”

 Commissioner Washington Absent

The motion was unanimously approved.

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**3. 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 with music and a site plan for a new deck on the front and wrapping around to the east side of the building with a walk-up window for a coffee shop at 132 West Monroe Avenue. Decades ago, the original home had been converted to business use. An exterior staircase provides access to the second floor. The Architectural Review Board will review the exterior of the building and signs. The applicant is requested 12 outdoor seats, which is the maximum allowed as an accessory use. Additional outdoor seats would be allowed provided a written agreement is recorded to provide off-site parking. A bicycle rack would be provided for two bicycles. Outdoor speakers are proposed for music.

Brian Ivy stated they are pursuing an agreement with the American Legion Post at 314 South Clay to share their trash dumpster and hopes staff could approve this change administratively and not require a dumpster on this site. A trash enclosure complying with City regulations would be constructed on the Post’s property. A shared parking agreement is also being considered by the Post. Mr. Raiche responded that the shared parking agreement is already addressed in the Report and a shared dumpster would not require any additional condition by the Commission if the applicant is able to provide for trash provisions off-site that meet the Code provisions and recommends to continue with the report. If they can provide documentation that a dumpster is provided, the dumpster shown on the site plan would not be required. The bike rack would then be located where the dumpster was shown. Mr. Ivy advised the Commission that, due to financial challenges, the deck would be constructed at a later date. Mr. Raiche informed him the approval would be valid for 12 months.

Commissioner Eagleton read the underlined sections of the Subcommittee Report:

CITY OF KIRKWOOD

**PLANNING AND ZONING COMMISSION**

**SUBCOMMITTEE REPORT**

###### OCTOBER 7, 2020

**PETITION NUMBER:** PZ-03-21

**ACTION REQUESTED:** SPECIAL USE PERMIT (RESTAURANT, OUTDOOR SEATING) AND SITE PLAN REVIEW

**PROPERTY OWNER:** EMBRACE PROPERTIES, LLC (PURCHASER

 UNDER CONTRACT)

**PETITIONER:** EMBRACE PROPERTIES, LLC

**PROPERTY LOCATION:** 132 WEST MONROE AVENUE

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

 BUSINESS DISTRICT)

 **DRAWINGS SUBMITTED*:*** SITE, FLOOR AND ELEVATION PLANS (3 SHEETS) PREPARED BY BRIAN IVY, IDEA ARCHITECTS, STAMPED "RECEIVED AUGUST 28, 2020 CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

**DESCRIPTION OF PROJECT:**

The petitioner is requesting a Special Use Permit (SUP) with Outdoor Seating and a Site Plan approval for the existing building located at 132 W. Monroe Avenue. The building was originally a residence converted to commercial use. The space was most recently used as an office. The current request is for a restaurant use (coffee shop) with outdoor seats on a new deck with a trellis with fans, radiant heaters and outdoor speakers. New landscaping will be installed in front of the new deck and a new vinyl trash enclosure will be constructed at the rear of the building. The hours of operation are 6 a.m. to 8 p.m. every day. The number of employees will fluctuate, but is anticipated to range from 2 to 5 throughout the day.

**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 and neighborhood commercial. The proposed development fits within this broad land-use category.

Surrounding land uses and zoning include the following:

To the north: Across West Monroe Avenue are multi-family developments, and office and commercial businesses zoned B-2 General Business District.

To the south: Office and commercial businesses zoned B-2 General Business District.

To the east: Office and commercial businesses zoned B-2 General Business District.

To the west: The building to the immediate west is currently vacant and zoned B-2 General Business District. Across South Clay Avenue are residences zoned R-4 Single-Family Residential and multi-family developments zoned R-5 Multiple-Family Residential District.

**DEPARTMENTAL/AGENCY COMMENTS*:***

Electric: The petitioner has been advised to provide commercial load information.

Water: No comments.

Engineering: No comments.

Building/Fire: The Building Commissioner and Fire Marshal reviewed the project for occupancy and sprinkler requirements.

Forester: There are no significant trees on site and the removal of the small tree and other vegetation close to the front northwest corner of the building is not a concern.

All of the above Departmental Comments were addressed in discussion at the subcommittee meeting.

**PARKING ANALYSIS*:***

The change in use of the building itself does not trigger a review of the parking. There are 11 parking spaces provided, one of which is ADA compliant. The expansion of the building to add a new deck with outdoor seating would require new parking spaces for any outdoor seating beyond the 12 seats allowed as an accessory use to the restaurant use. The applicant may be pursuing a reciprocal parking agreement for off-site parking and vehicle easements with surrounding properties, including 132 W. Monroe Avenue and 314 S. Clay Avenue. Restaurant parking requires that for each additional parking space, 100 square feet of gross floor area may be devoted to outdoor seating.

**DISCUSSION:**

A “Zoning Matters” sign was placed on the property on September 10, 2020 and this item was introduced at the Planning & Zoning Commission meeting on September 16, 2020. A subcommittee meeting was held via Zoom on September 24, 2020 with proper notification posted. A list of attendees at that meeting is attached as Exhibit B. At this subcommittee meeting, the following items were discussed:

1. The applicant cannot pursue a formal parking agreement for additional off-site parking until after closing on the property. The applicant requests approval of 12 outdoor seats with outdoor speakers with a contingency that City staff may approve more outdoor seats if a parking agreement for off-site parking is found to be workable and is approved by City staff after review by the City Attorney.
2. A bicycle rack will be added to the site. The Zoning Code requires one rack to accommodate two bicycles.
3. Schnuck’s recently requested outdoor seating with outdoor speakers; the subcommittee suggested similar language to that SUP be used.
4. The applicant may add lighting wall packs to the building. If so, the applicant will need to provide a photometric plan for review and approval by City staff in accordance with the lighting regulations.
5. A new trash enclosure will be constructed with closing gates; 2 evergreen trees must be planted on either side of the trash enclosure.

These items have been discussed throughout the report and outstanding items have been included in conditions in the Recommendation section of this report.

**RECOMMENDATION*:***

The subcommittee recommends that this petition be **approved** with the following conditions:

1. The project shall be constructed and maintained in accordance with the Site, Floor and Elevation Plans (3 sheets) prepared by Brian Ivy, Idea Architects, stamped "Received August 28, 2020 City of Kirkwood Public Services Department,” except as noted herein.
2. The petitioner shall provide one bicycle rack to accommodate two bicycles. The bicycle rack shall be located in a highly visible, active, and well-illuminated area, and meet all other regulations of Section A-1000.6.
3. Outdoor seating will be limited to 12 seats on the deck during the daily hours of operation, 6 a.m. to 8 p.m., unless applicant provides a written agreement to provide off-site parking in order to add outdoor seating beyond 12 seats. Such agreement shall be properly drawn and executed by the parties concerned, and approved as to form and execution by the City Attorney. Such parking agreement shall comply with the requirements of Section A-1000, including the provision that if the required accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use served is located or when such spaces are collectively or jointly provided and used, they shall be in the same possession, either by deed or long-term lease, as the property occupied by such principal use or uses, and the owner shall be bound by covenants filed of record in the office of the St. Louis County Recorder of Deeds, requiring the owner and the owner's heirs, successors and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.
4. Outdoor speakers utilized in the outdoor seating area shall provide music similar to inside the coffee shop during thesame hours of operation.
5. Should the applicant add lighting wall packs to the building, a lighting plan that meets the requirements of Section A-1040 shall be provided prior to issuance of a building permit for the exterior work.
6. The petitioner shall comply with all standard conditions as listed in Exhibit A.

Respectfully submitted,

Ron Evens David Eagleton

Commissioner Evens made a motion, which was seconded by Commissioner O’Donnell, to recommend approval of PZ-3-21 for a request of a Special Use Permit for a restaurant with outdoor seating with outdoor speakers at 132 West Monroe Avenue subject to the conditions contained in the Subcommittee Report.

Commissioner Feiner made a motion to amend Condition No. 3 of the Subcommittee Report by adding the underlined sentence and deleting strike-out portion as follows: “Use of the outdoor seating area will be restricted to the hours of 6 a.m. to 8 p.m. Outdoor seating will be limited to 12 seats on the deck. ~~during the daily hours of operation, 6 a.m. to 8 p.m.,~~ unless applicant provides a written agreement to provide off-site parking in order to add outdoor seating beyond 12 seats …” Mr. Raiche added that the outdoor seating area hours would mirror the of operation of the restaurant and suggested the word “will” be replaced with “shall”. The petitioner, Olivia Oglesby, stated she was agreeable to the hours being 6 a.m. to 8 p.m. Her agent, Brian Ivy suggested that the hours be extended to 10 or 11 p.m. for special events. Commissioner Salzer-Lutz expressed concern regarding music being played outside at 6 a.m. and then seconded Commissioner Feiner’s motion as revised by replacing “will” with “shall”. Therefore, Condition No. 3 would read: “Use of the outdoor seating area shall be restricted to the hours of 6 a.m. to 8 p.m. Outdoor seating shall be limited to 12 seats on the deck unless applicant provides a written agreement to provide off-site parking in order to add outdoor seating beyond 12 seats …”

Roll Call:

 Chairman Adkins “Yes”

 Commissioner Klippel Absent

Commissioner O’Donnell “Yes”

Commissioner Diel “Yes”

Commissioner Eagleton “Yes”

Commissioner Evens “Yes”

Commissioner Feiner “Yes”

Commissioner Washington Absent

Commissioner Salzer-Lutz “Yes”

The motion was unanimously approved.

Commissioner Diel made a motion to amend Conditions No. 3 and 4 of the Subcommittee Report to revise the hours of operation of the outdoor seating area to 6 a.m. to 10 p.m. Commissioner Evens seconded the motion.

Roll Call:

 Chairman Adkins “No”

 Commissioner Klippel Absent

Commissioner O’Donnell “Yes”

Commissioner Diel “Yes”

Commissioner Eagleton “Yes”

Commissioner Evens “Yes”

Commissioner Feiner “No”

Commissioner Washington Absent

Commissioner Salzer-Lutz “Yes”

The motion passed five to two.

Commissioner Salzer-Lutz made a motion to limit the hours that music can be played on the outdoor seating area to 7 a.m. to 9 p.m. Commissioner Diel seconded the motion.

Roll Call:

 Chairman Adkins “Yes”

 Commissioner Klippel Absent

Commissioner O’Donnell “Yes”

Commissioner Diel “Yes”

Commissioner Eagleton “Yes”

Commissioner Evens “Yes”

Commissioner Feiner “Yes”

Commissioner Washington Absent

Commissioner Salzer-Lutz “Yes”

The motion was unanimously approved.

Roll call vote was taken on the motion to recommend approval of the Special Use Permit for a restaurant with outdoor seating with outdoor speakers at 132 West Monroe Avenue subject to the conditions contained in the Subcommittee Report as amended.

Roll Call:

 Chairman Adkins “Yes”

 Commissioner Klippel Absent

Commissioner O’Donnell “Yes”

Commissioner Diel “Yes”

Commissioner Eagleton “Yes”

Commissioner Evens “Yes”

Commissioner Feiner “Yes”

Commissioner Washington Absent

Commissioner Salzer-Lutz “Yes”

The motion was unanimously approved.

**4. PZ-4-21 SPECIAL USE PERMIT (MOTOR VEHICLE ACCESSORY AND**

 **RELATED INSTALLATION) – PLATINUM TINTING, 538D LEFFINGWELL AVE**

 Submitted: 9-11-20 Automatic Recommendation: 1-9-21

 Petitioner’s Agent, David Bridges

Planner II Amy Lowry stated the building, which is located in the industrial zone, was approved by the Commission in 2015 and constructed in 2016. The petitioner is requesting a Special Use Permit to operate a window tinting business in Unit “D”, which would be the fifth tenant of five in the building. They would have a customer service area, inventory storage, and a space to conduct window tinting on vehicles. In addition to vehicles, the majority of their business is off-site installation of vinyl/window film on commercial businesses and residences. Their hours of operation are Tuesday through Friday from 9 a.m. to 4 p.m. and Saturdays from 9 a.m. to 1 p.m.

David Bridges, the petitioner’s agent, and Andrew Wiskoski, the petitioner, were available for questions. In response to questions from Commissioners, Mr. Bridges responded that the applicant has a lease contingent upon obtaining City approval and tinting on vehicles must be performed indoors due to dust. Mr. Raiche added that unless specified as part of the Special Use Permit, all use must be conducted inside the building. The tinting is applied with soap and water; no chemicals are used in the process.

Due to the simple nature of the request and no exterior changes being made, staff had prepared a memo requesting action from the Commission at this meeting rather than the formation of a subcommittee. Motion was made by Commissioner Evens to recommend approval of PZ-4-21 for a request of a Special Use Permit for a motor vehicle accessory store and related installation at 538 Leffingwell Avenue Suite D subject to the conditions contained in the October 7, 2020, memorandum from City Planner II Amy Lowry. The motion was seconded by Commissioner O’Donnell.

Roll Call:

 Chairman Adkins “Yes”

 Commissioner Klippel Absent

Commissioner O’Donnell “Yes”

Commissioner Diel “Yes”

Commissioner Eagleton “Yes”

Commissioner Evens “Yes”

Commissioner Feiner “Yes”

Commissioner Washington Absent

Commissioner Salzer-Lutz “Yes”

The motion was unanimously approved. Mr. Raiche added that the petitioner will be renovating the office space during this process in order to use the office for off-site installations which would be classified as a permitted use.

**5.** 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 22 via Zoom, on October 1, the City Council approved RiverNorth Strength (PZ-1-21) and Commerce Bank subdivision, site plan, and text amendment (PZ-27-20); the City Council held a public hearing on October 1 for Allegro/Opus’ project (PZ-28-20) at 426 North Kirkwood Road, and the Council will vote on the bill amending the Zoning Code on October 15; the Council granted a one-year extension on the approval for Audi Kirkwood (PZ-8-20); the Council scheduled a public hearing for the multi-family project at 134-138 West Madison for October 15; the BP on Manchester at Clay has installed the retaining wall and replaced the guard rail and the fence, dumpster, and landscaping to be accomplished later; No Leash Needed assumed the SUP (PZ-24-19) issued to Camp Bow Wow at 902 South Kirkwood and submitted the performance guarantee and the permit was issued; queuing analysis to be finalized for Starbucks (PZ-29-20) and additional traffic data is to be submitted for Villa Di Maria (PZ-30-20). With Automatic Recommendation Dates for Starbucks being November 5 and Villa Di Maria, November 21, Commissioner Feiner suggested the Commission vote on the original application with a cap on the number of students if the revised information is not received before the deadline.

There being no further business, motion was made by Commissioner Feiner and seconded by Commissioner Diel to adjourn at 8:05 p.m. The next meeting will be held via Zoom on October 21, 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.