

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**Via Zoom Virtual Meeting**

**November 4, 2020**

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

Jim Adkins, Chairman James Diel, Vice Chairman

David Eagleton, Secretary/Treasurer

Allen Klippel

Jim O’Donnell

Ron Evens

Tom Feiner

Sandy Washington

Mary Lee Salzer-Lutz

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, November 4, 2020, at 7:00 p.m. via Zoom Virtual Meeting. Planning and Development Services Director Jonathan Raiche and Administrative Assistant Patti Dodel also attended the meeting.

**1.** Chairman Adkins called the meeting to order at 7:02.

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 Commissioner Diel was absent and his absence was excused.

2. Commissioner O’Donnell requested the following statement be added to PZ-5-21, as Paragraph 7 to the October 21, 2020, minutes: “Commissioner O’Donnell asked If they considered taking the parking fully or partially below street level, and Mr. Hartig responded that the grade for the driveway off Clay Avenue would create too much slope if they go further sub-terranian.” Motion was made by Commissioner Evens and seconded by Commissioner Feiner to approve the minutes for the October 21, 2020, meeting as revised by Commissioner O’Donnell.

Roll Call:

 Chairman Adkins “Yes”

 Commissioner Klippel “Yes

Commissioner O’Donnell “Yes”

Commissioner Diel Absent

Commissioner Eagleton “Yes”

Commissioner Evens “Yes”

 Commissioner Feiner “Yes”

 Commissioner Salzer-Lutz “Yes”

 Commissioner Washington “Yes”

The motion was unanimously approved.

3**. PZ-30-20 SITE PLAN REVIEW – VILLA DI MARIA MONTESSORI SCHOOL,**

 **1280 SIMMONS AVENUE**

 Submitted: 3-27-20 Automatic Recommendation: 11-21-20

Petitioner’s Agent, Helen Lee

(Subcommittee – Commissioners Feiner and Klippel)

*Opportunity for Public Comment*

Director of Planning and Development Services Jonathan Raiche stated the petitioner is requesting Site Plan approval for a permitted use. The application was presented at the July 15 meeting, the Subcommittee met on July 28, and a revised Site Plan was submitted on July 31. The property contains approximately six acres and the use of the property is permitted as a school (ages 2 through 12 and summer camp for ages 5 through 15). The request is for approval of a site plan to construct a 6,700 square foot building for classrooms as Phase 1 and a 5,700 square foot administrative building and multi-purpose room as Phase 2 (commencing three to five years later). Since the project would be constructed in phases, the Subcommittee is recommending that a building permit be obtained for Phase 1 by August 2022 and a permit for Phase 2 by August 2025.

Commissioner Feiner inquired if there was a limit on the student body currently in place; and Mr. Raiche responded the current occupancy limit is not limited by legislation but by the Fire Code.

Commissioner O’Donnell asked about the traffic flow and queueing. Helen Lee with Tao Lee responded the drivers pull in behind the administration building and Laura Ceretti-Michelman with Villa Di Maria added that they drive north on Simmons to the lot then exit onto Folger Avenue with the pickup time between 3:30 to 3:45 p.m.. Ms. Ceretti-Michelman stated their current enrollment is 172 and the highest was 181; and their desire is to increase their current enrollment after completion of Phase 2. They rent the theater at Kirkwood High School for large events, and events of just students and parents are held on their campus.

Commissioner Eagleton asked if any of the staff or children bike to school, and Ms. Ceretti-Michelman stated fewer than five would ride their bike but they currently have facilities for bikes and showers are available.

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 Klippel read the underlined sections of the Subcommittee Report:

CITY OF KIRKWOOD

**PLANNING AND ZONING COMMISSION**

**SUBCOMMITTEE REPORT**

###### NOVEMBER 4, 2020

***PETITION NUMBER*:** PZ-30-20

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

***PROPERTY OWNER*:** VILLA DI MARIA MO CORP

***APPLICANT*:** VILLA DI MARIA MONTESSORI

***APPLICANT’S AGENT*:** HELEN LEE, TA0 & LEE ASSOCIATES

***PROPERTY LOCATION*:** 1280 SIMMONS AVENUE

***ZONING*:** R-4, SINGLE-FAMILY RESIDENTIAL DISTRICT

 ***DRAWINGS SUBMITTED:*** SURVEY AND SITE PLAN PACKET (15 SHEETS) PREPARED BY TAO & LEE ASSOCIATES, FRONTENAC ENGINEERING, DG2 DESIGN, AND ST LOUIS LIGHTING GROUP STAMPED “RECEIVED JULY 31, 2020, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

 TRAFFIC ASSESSMENT PREPARED BY LOCHMUELLER GROUP DATED OCTOBER 13, 2020

 **DESCRIPTION OF PROJECT:**

The applicant is requesting consideration for Site Plan approval for two additional phases to complete their campus redevelopment. The subject site contains a Montessori school that has been located on the current site since 1987. The school serves children from ages 2 ½ years old through age 12. In addition to the normal school-year, a summer day-camp is operated that serves children from ages 5 through 15. A previous phase was completed in May of 2017 and included an elementary classroom building for 95 students, open-air pavilion, pool house, playing field and the majority of the infrastructure and utility work for the entire redevelopment. The site currently includes 6 classrooms with a current enrollment of 185 students and approximately 20 teachers and staff. The school operates between 7:45 am and 4:45 pm.

The current proposal has been structured in two separate phases that are proposed over the next 7 years. The first phase is proposed to include a classroom building and is anticipated to start construction in the summer of 2021 with completion by summer of 2022. The second phase includes an administrative building and multipurpose room and is anticipated to start construction 3-5 years after the completion of the first phase. Section A-220.8 of the Zoning Code allows consideration of phased site plans when a specific timeline is stipulated. The applicant originally indicated that the student enrollment would remain unchanged, but indicated their desire to request an increased enrollment at the subcommittee meeting. The applicant has provided an updated traffic assessment and is requesting the ability for enrollment to increase from the current 185 students to 215 students. It is worth noting that the original traffic assessment was conducted in 2017 and was based upon the enrollment of 175 students that existed at that time. An updated traffic assessment regarding potential impacts of this proposed enrollment increase has been provided and is discussed later in this report.

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

The site is designated as being located in the General Residential land use category on the EnVision Kirkwood 2035 Future Land Use Map. Institutional Uses & Utilities (Churches, Schools, Government Facilities) are listed in this land use category as an appropriate development type.

The subject property is currently zoned R-4, Single-family Residential District. Kindergarten and elementary schools are listed as a permitted use in the R-4 District.

Surrounding land uses and zoning include the following:

To the north: The site is bounded by the City limits with residential development in the City of Huntleigh located to the north.

To the south: Across Belva Avenue, there are single-family residential homes zoned R-4.

To the east: There are single-family residential homes zoned R-4.

To the west: Across Simmons Avenue, there are single-family residential homes zoned R-4.

**DEPARTMENTAL/AGENCY COMMENTS:**

Electric: 1. Previous phase was built with the full redevelopment capacity in mind.

Water: No Comments.

 Engineering: 1. Conceptual storm water management plans shall be submitted to Metropolitan St. Louis Sewer District (MSD) and City for review prior to City Council Approval.

2. Provide conceptual approval from Missouri Department of Transportation (MODOT).

3. It is recommended that a note be added to Sheet SDP 1.2 that the total maximum number of students is 180 and the total maximum number of teacher/staff is 20 at the completion of Phase 2. If this is the case, the traffic assessment would not require an update.

4. Remove and replace the non-ADA compliant sidewalk along the Simmons Frontage in front of Phase 1 Building with the Phase 1 construction.

5. ADA Truncated domes shall only be used at intersections of public streets. Remove them from the plan at the entrance off of Simmons.

 Building/Fire: 1. Identify, on the site plan, the 3 closest fire hydrants and provide distances to each.

2. Provide fire hydrant flow testing data.

3. Identify and detail the current fire apparatus road running from Simmons to the elementary school building.

4. Fire lanes (no parking or stopping) to be located and detailed on site plan.

 5. Occupant load limit to rooms; to be reflected on the occupancy permit.

 6. ARB review required prior to issuance of building permits.

Forester: No Comments.

The applicant has provided responses and/or revised plans that address all of the departmental comments above.

**SITE ELEMENTS ANALYSIS:**

***Structures***

There are two new building proposed, one along Simmons Avenue and one along Belva Avenue, near the southwest corner of the subject site. These two buildings would replace three smaller existing buildings. The proposed classroom building along Simmons Avenue will be approximately 20’ from the property line and have a height of 22’. The Zoning Code allows for a reduced front yard setback of 20’ on properties that have been previously developed. The proposed setback from Simmons Avenue is greater than the two existing structures found along Simmons Avenue. The administration building along Belva will be approximately 80’ from the property line and have a height of 25’. The new buildings would be connected within the site by pedestrian paths and open greenspace.

While the building code would allow for an increased occupancy, the applicant had previously agreed to an enrollment cap in recognition of the limitations of the existing roadway system and their site to accommodate greater numbers of students. City Staff recommends that a total maximum enrollment of 215 students and a maximum of 20 employees be placed upon the occupancy permits for the subject site. These recommendations are based upon the information provided in the updated traffic assessment by Lochmueller Group.

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

The subject site has two primary entrances proposed, one from Simmons Avenue and one from Evans/Belva Avenue. The primary exit from the site is a single point on Belva Avenue directly opposite the intersection with Folger Avenue. Site circulation is proposed in a one-way direction both from the Simmons Avenue and Evans Avenue entrances heading toward the center of the site and out in the centralized exit point. In addition to these primary vehicle areas, there is a secondary access point at the north end of Simmons Avenue that will serve as access for the dumpster enclosure and for emergency fire department access.

The primary vehicle circulation area on the site will also serve as the pick-up/drop-off areas. This drop-off area provides room for approximately 23 vehicles to queue along the northern internal curb. Cars would queue in one single-file line that would originate from Simmons Avenue and one single file line that would originate from Evans Avenue. The parking lot is designed with one-way traffic from each direction that converges in the middle of the site and exits onto Belva Avenue near Folger Avenue (see diagram below). With the pick-up/drop-off lanes in use, there is still adequate width within the parking lot for a one-lane bypass to allow continued circulation within the site and uninterrupted access to the majority of the parking spaces.



An original traffic assessment was conducted in 2017 when the applicant applied for this expansion; however, that application was withdrawn early in the process. The 2017 assessment was based upon the premise that the then-enrollment of 175 students and 20 full-time staff would not be increased. Since 2017, the student enrollment was increased to 185. The applicant has decided to provide an updated assessment that addresses traffic impacts if the student enrollment were to increase from 175 students (2017 enrollment) to 215 students. The updated assessment indicates that the increase of 40 students would generate an additional 34 trips in the AM peak hour and 10 trips in the PM peak hour. The assessment also indicates that this increase in trips generated would not have a substantial impact on the operating condition for the adjacent neighborhood. The increased enrollment is also anticipated to create an increase in queued vehicles from the original 18 vehicles to 22 vehicles which can be accommodated in the designated areas.

The subcommittee believes that a request for an increase in the student population from the current 185 students to 215 students should be presented to the public and to the larger Planning & Zoning Commission for further discussion. A condition to limit the student enrollment to the current 185 students has been included as a condition of this recommendation with the understanding that the requested increase to 215 students would be discussed by the Commission.

The 2017 assessment included a recommendation to the City of Kirkwood to prohibit left-turns from Simmons Avenue onto Manchester Road during peak traffic hours. This limitation would need to be implemented by the City and is not under the purview of the applicant. This recommendation has been provided to the City Engineer and will be evaluated by the City’s inter-departmental traffic committee.

The proposed site plan includes 42 parking spaces (including 2 ADA spaces) which exceeds the minimum parking requirement in the Zoning Code which would require 1 parking space per employee and 1 per classroom for a total of 26 parking spaces.

***Landscaping***

The landscape requirements for a redevelopment project require a total of 25 canopy trees along the two street frontages in addition to what was provided during the first phase previously constructed. The proposed landscape plan exceeds the street frontage tree requirement while also providing the required shrubs and parking lot island trees for the parking lot. In addition to the required landscaping, the applicant has indicated various plantings within the MSD-required water quality basins along Belva Avenue and various plantings throughout the interior of the site.

To accommodate the demolition of existing buildings and construction of new buildings, there are various existing trees that are proposed to be removed during construction; however, the tree protection plan has made an effort to preserve as many trees as possible that are significant and in good health. The combination of the tree preservation plan and proposed new landscaping meets the various landscaping requirements for redevelopment and provides a continuity with the first completed phase.

**DISCUSSION:**

Zoning Matters signs were placed on the property on July 9, 2020. The request was introduced at the Planning & Zoning Commission meeting held via Zoom on July 15, 2020. A subcommittee meeting was subsequently held via Zoom on July 28, 2020. A list of attendees of the subcommittee meeting can be seen in Exhibit A. The overall proposal was discussed at the subcommittee meeting with attention to the following items:

1. After discussion about maintaining the current enrollment, the applicant indicated that their traffic consultant believed an increase of approx. 20 students could be accommodated without negative consequences. This was later clarified in an updated traffic assessment indicating that a total enrollment of 215 students would not have negative effects on traffic for the adjacent neighbors.
2. The applicant indicated that their extended timeline provides flexibility needed to allow fundraising for the expansion. A permit deadline of August 2022 for Phase 1 and August 2025 was requested.
3. The applicant clarified that the stormwater runoff will be accommodated through a combination of features already constructed and features proposed with the new site plan. MSD review and approval is required.
4. Staff confirmed that a required route for construction traffic would be designated by Staff.

***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. As allowed by Section A-220.8, an alternative phased timeline for construction is approved. In contrast to the normal initial 12 month period, permits for construction of Phase 1 shall be obtained by August 31, 2022. Permits for construction of Phase 2 shall be obtained by August 31, 2025.
3. The total student enrollment shall be restricted to a maximum of 185 students.
4. The existing internal circle drive shall be disconnected during construction of phase 1 to prevent non-construction vehicles from entering this area. Said area may remain for temporary pedestrian use between phases 1 and 2.
5. Public sidewalks adjacent to the site shall be replaces for ADA compliance in a phased approach in conjunction with the proposed phases of redevelopment.
6. Construction traffic shall be limited to a route identified by the Public Services Department.
7. The applicant shall comply with all standard conditions as listed in Exhibit B.

Respectfully submitted,

Tom Feiner Allen Klippel

Commissioner Evens made a motion, which was seconded by Commissioner Salzer-Lutz, to recommend approval of PZ-30-20 for a request by Villa Di Maria Montessori School of a Site Plan Review at 1280 Simmons Avenue subject to the conditions contained in the Subcommittee Report.

Commissioner Klippel made a motion to amend Condition No. 3 of the Subcommittee Report by adding the following: “The total student enrollment shall be restricted to a maximum of 185 students until completion of Phase 2 improvements, at which time enrollment will be restricted to a total of 215 students.” The motion was seconded by Commissioner Evens. Commissioner Feiner expressed concern that the material submitted with the original application did not mention an increase in the study body, and there were no comments from the general public during the presentation at the July 15 meeting. He believes an increase in the number of students is a material modification and that they should withdraw their application and resubmit making clear that they are seeking this relief. He also believes that the surrounding property owners might have concerns if there is an increase in the study body. Mr. Raiche responded that the next step in the process is to proceed to City Council. Zoning Matters signs were posted on the property, notices are not mailed to property owners regarding the submittal until the project reaches the public hearing stage at City Council, and that nothing would change from a public perspective if the applicant were to withdraw and resubmit. He added that the school does not currently have an enrollment cap; however, site plan review does allow considerations for impact of traffic whether it’s a special use or a permitted use. An operational condition is not usually placed on a site plan; however, the ability to queue people on the site could be considered as a traffic hazard. In response to Commissioner Eagleton’s question, Mr. Raiche replied that he has not received a complaint regarding traffic generated from the school. In response to Commissioner Evens’ question, Mr. Raiche confirmed that the Traffic Study indicated there is no significant difference whether the enrollment is 185 or 215. Commissioner Feiner stated that whether or not there is a cap on enrollment, the public was allowed to comment, but he believes there should not be material modifications to applications between public meetings.

Several Commissioners stated that all schools have queueing issues at peak times and that the traffic study indicates that there would be no additional expected traffic concerns with the requested enrollment increase.

Roll call vote was taken on Commissioner Klippel’s amendment to Condition No. 3.

Roll Call:

 Chairman Adkins “Yes”

 Commissioner Klippel “Yes”

Commissioner O’Donnell “Yes”

Commissioner Diel Absent

Commissioner Eagleton “No”

Commissioner Evens “Yes”

Commissioner Feiner “No”

Commissioner Washington “Yes”

Commissioner Salzer-Lutz “Yes”

The motion passed six to two.

Roll call vote was taken on the motion to recommend approval of PZ-30-20 for a request by Villa Di Maria Montessori School of a Site Plan Review at 1280 Simmons Avenue subject to the conditions contained in the amended Subcommittee Report.

Roll Call:

 Chairman Adkins “Yes”

 Commissioner Klippel “Yes”

Commissioner O’Donnell “Yes”

Commissioner Diel Absent

Commissioner Eagleton “Yes”

Commissioner Evens “Yes”

Commissioner Feiner “Yes”

Commissioner Washington “Yes”

Commissioner Salzer-Lutz “Yes”

4. **PZ-6-21 SPECIAL USE PERMIT AMENDMENT – PEPPE’S APT. 2,**

 **800 SOUTH GEYER ROAD**

 Submitted: 10-15-20 Automatic Recommendation: 2-12-21

 Petitioner, Giuseppe Profeta

Director of Planning and Development Services Raiche stated the restaurant is operating as a legal non-conforming use in a landmark building at the southeast corner of Geyer Road at Rose Hill Avenue. In 2005 Ordinance 9490 granted a Special Use Permit to allow the expansion of the legal non-conforming use to include banquet uses, on-premise consumption of alcohol, outdoor events, and receptions subject to conditions. One of those conditions restricted use of the second floor of the building to residential use. Due to COVID19, the restaurant has reduced the number of chairs on the first floor from 49 to 24 and is proposing to add 24 seats on the second floor. The maximum number of patrons in the building is restricted due to Building and Fire Codes.

Mr. Profeta added that he doesn’t want to increase the seating capacity rather provide the same number of seats as pre-COVID. Mr. Profeta also noted that every table is not always full, sometimes a four-person table only has two people.

Chairman Adkins appointed Commissioner O’Donnell and himself to the Subcommittee. Commissioner Evens suggested that the Commission take action tonight due to the minor nature of the request and in an effort to help a local business during the COVID-19 pandemic. Motion was made by Commissioner Evens and seconded by Commissioner Eagleton to allow the second floor of the building to be used for seating and that the number of patrons at tables in the entire building be limited to 49 (not including the four seats at the bar).

Roll Call:

 Chairman Adkins “Yes”

 Commissioner Klippel “Yes”

Commissioner O’Donnell “Yes”

Commissioner Diel Absent

Commissioner Eagleton “Yes”

Commissioner Evens “Yes”

Commissioner Feiner “Yes”

Commissioner Washington “Yes”

 Commissioner Salzer-Lutz “Yes”

**5. 3RD QUARTER REPORT ON ENVISION KIRKWOOD 2035**

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Planning and Development Services Director Raiche provided the third quarter report of the EnVision Kirkwood 2035,with emphasis on Page 6 items 2E and 3B. Tours are available for the Performing Arts Center, and Commissioner Klippel requested Mr. Raiche coordinate a tour for the Commission. Commissioner Eagleton requested a report highlighting the completed items in the Comprehensive Plan would be beneficial. Commissioner Salzer-Lutz inquired if other raised intersections would be reconstructed similar to Taylor Avenue at Monroe Avenue, and Mr. Raiche reported there are plans for the intersection of Dougherty Ferry Road at Geyer Road to be constructed as a raised intersection.

**6.** Planning and Development Services Director Raiche stated the City Council is holding public hearings on November 5 at 6 p.m. for Teleo Coffee and Platinum Tinting; on November 5 the Council will vote on the revised plan for Kirkwood Flats/The James (PZ-15-20); on November 19 the Council will vote on the resolution for the multi-family project at 134-138 West Madison; and the Subcommittee scheduled a meeting for November 6 for Starbucks (PZ-29-20).

There being no further business, motion was made by Commissioner Eagleton and seconded by Commissioner O’Donnell to adjourn at 8:25 p.m. The next meeting will be held via Zoom on November 18, 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.