

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**Via Zoom Virtual Meeting**

**December 2, 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, December 2, 2020, at 7:00 p.m. via Zoom Virtual Meeting. City Attorney John Hessel, 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 7:00.

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 all Commissioners were present.

2. Motion was made by Commissioner Evens and seconded by Commissioner Salzer-Lutz to approve the minutes for the November 18, 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 was unanimously approved.

**3. PZ-5-21 SITE PLAN REVIEW (MULTI FAMILY) – 144 WEST ADAMS AVE**

 Submitted: 10-1-20 Automatic Recommendation: 1-29-21

 Petitioner’s Agent, Adam Hartig

 (Subcommittee – Commissioners Klippel and Washington)

 *Opportunity for Public Comment*

Planning and Development Services Director Jonathan Raiche stated this lot on the southeast corner of Clay Avenue and Adams Avenue contains approximately 6,300 square feet. Multi-family without a commercial component is a permitted use in the B-2 Zoning District when not located on a street designated as mandatory commercial in the Downtown Master Plan. A revision to the Framework Plan would be required to remove the requirement for Adams Avenue at this location. Based on the square footage of the site, the Zoning Code would allow five units. The property owner has started demolition procedures. The proposed building would contain three two-car garages on the first floor and one condominium unit on each of the second and third floors on the east side of the building and one condominium unit occupying the second and third floors on the west side of the building. Underground storm water detention chambers are proposed under the drive aisle adjacent to the garages.

One of the two trees on Clay Avenue would be removed from the landscape plan since it could create a sight distance issue. The canopy over the pedestrian entry on Adams Avenue encroaches into the right-of-way, which is maintained by St. Louis County. The elevator would provide access to the roof top deck, with outdoor living space allocated for each unit. The maximum building height allowed is 40 feet, and the proposed building height is 53 feet at the top of the elevator shaft. The owner advised the subcommittee that he was opposed to revising the plan and removing the elevator access to the roof top. In response to Commissioner Diel’s question, Mr. Raiche stated that if the roof top component was removed, the building would comply with the height requirement.

Adam Hartig stated the landscaping, 5-1/2 foot wide sidewalks, and the storm water detention chambers go above and beyond the requirements and justify the height modification being requested. Mr. Hartig added that M.S.D.’s report states the proposed chambers exceed their requirements for detention.

Matt Mabie, of Knoebel Construction, stated the filtration system in the proposed storm water detention chambers provide environmental benefits and exceed M.S.D.’s requirements. The proposed chambers detain storm water from this site and allows storm water from surrounding properties to go through the M.S.D. system first.

John Odom, of JSO Services, added the chambers will slowly discharge storm water so the system isn’t overwhelmed, which would cause flooding in the area.

In response to Chairman Adkins question if the stairwells could be relocated adjacent to the elevator shaft to be less visually intrusive, Commissioner Klippel stated that was not discussed by the subcommittee. Mr. Odom added that two means of egress are required and this would provide the separation needed.

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 recommending denial:

CITY OF KIRKWOOD

**PLANNING AND ZONING COMMISSION**

**SUBCOMMITTEE REPORT**

###### DECEMBER 2, 2020

***PETITION NUMBER*:** PZ-5-21

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

***PROPERTY OWNER*:** CLAY ADAMS LLC

***APPLICANT*:** CLAY ADAMS LLC

***APPLICANT’S AGENTS*:** ADAM HARTIG – CLAY ADAMS LLC

***PROPERTY LOCATION*:** 144 WEST ADAMS AVENUE

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

 ***DRAWINGS SUBMITTED:*** SURVEY AND SITE PLAN PACKET (2 SHEETS) PREPARED BY SMS ENGINEERS STAMPED “RECEIVED OCTOBER 2, 2020, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

 ARCHITECTURAL PLAN PACKET (6 SHEETS) PREPARED BY JSO SERVICES LLC STAMPED “RECEIVED OCTOBER 2, 2020, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

 LANDSCAPE PLAN (1 SHEET) PREPARED BY LANDSCAPE TECHNOLOGIES STAMPED “RECEIVED OCTOBER 1, 2020, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

 IRRIGATION PLAN (2 SHEETS) PREPARED BY LANDSCAPE TECHNOLOGIES STAMPED “RECEIVED OCTOBER 2, 2020, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

 **DESCRIPTION OF PROJECT:**

The applicant is requesting consideration for Site Plan approval for a 3-story, 3-unit multi-family residential building. The building will consist of structured parking and common areas on the first floor, 1 two-story residential unit and 2 one-story residential units. The subject site is approximately 6,300 sf which would permit up to 5 residential units per the density requirement of the Zoning Code. The architectural elevations provided indicate that the main roofline will comply with the maximum 40’ building height for the B-2 District; however, the proposal includes substantial structural elements that exceed this height limitation. The applicant is requesting a modification to the 40’ height requirement to allow stair enclosures, an elevator access enclosure, a partial roof and partition walls to partially enclose the proposed roof-top features. This modification request will be addressed later in this report.

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

The site is designated as being located in the Downtown land use category on the EnVision Kirkwood 2035 Future Land Use Map. 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). Although multi-family is a permitted use in the B-2 District, the Zoning Code dictates that it is only permitted in areas not identified as “Suggested or Mandatory Commercial” in the Downtown Master Plan’s Framework Plan. The subject site is currently in an area identified as Mandatory Commercial which would currently require a commercial component on this site. Staff informed the Commission that a recommendation to amend the Framework Plan would need to be provided if the Commission finds the proposed Site Plan to be acceptable. A condition of approval regarding this is included in the Recommendation section of this report.

Surrounding land uses and zoning include the following:

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

To the south: There are various commercial uses zoned B-2.

To the east: There are commercial uses zoned B-2 and a mixed-use property (Adams Place) zoned B-4, Planned Commercial District.

To the west: Across Clay Avenue, the property is occupied by St. Peter’s School and is zoned R-5, Multi-family Residential.

**DEPARTMENTAL/AGENCY COMMENTS:**

Electric: No Comments Received.

Water: 1. Water service is to be installed per City specs.

Engineering: No Comments Received.

Building/Fire: 1. Provide the location and distance for the 2 nearest fire hydrants.

 2. A current flow test per the City’s hydrant policy must be provided prior to issuance of permits.

 3. Provide a detail clearly showing the east and south access to the building (landscape, contour, and utilities).

 4. Note, building proximity to the property lines and public ways will limit allowable openings and construction.

Forester: No Comments Received.

**SITE ELEMENTS ANALYSIS:**

***Structure & Landscaping***

The proposed building is situated approximately 9 feet from the back of curb along Clay Avenue and the setback from the back of curb along Adams Avenue varies from 8 feet to 15 feet. The B-2 District does not require structure setbacks as long as accommodations are made for sidewalks and the landscape requirements can be met. The existing approximately 5’ wide tree-lawn is proposed to remain along Clay Avenue. Due to overhead utility lines, the frontage trees in this area will be required to be shorter understory trees. With the proposed access drive-way on Clay Avenue and the need to provide visibility for the stop sign, the frontage tree requirement is reduced to 1 tree. The frontage tree requirement along Adams Avenue is that four canopy trees would be provided. A revised landscape would be required to address these requirements if the project were to proceed.

***Site Access & Parking***

There is one two-way entrance proposed on Clay in the southwest corner of the property which provides access to the structured parking. The Zoning Code requires 1.5 spaces per unit for multi-family residential buildings located in Downtown. The applicant is proposed 3 private two-car garages for a total of 6 spaces which exceeds the requirement of 4 spaces per code.

***Modifications***

The proposed Site Plan requires one modification from the current Zoning Code. A comparison of the proposed and required building height is as follows:

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| --- | --- | --- | --- |
| **Topic** | **Required** | **Provided** | **Difference** |
| Building Height | 40’ | 53’ | 13’ |

The applicant provided the following height measurements for various building components:

|  |  |
| --- | --- |
| **Building Component** | **Proposed Max Height** |
| Rooftop of elevator shaft/parapet wall | 53’ |
| Clear height for elevator | 51’ |
| Covered roof deck area | 50’4” |
| Mechanical room rooftop | 44’8” |

The information above is based upon a grade elevation that is measured from the grade along Adams Avenue; however, to have an exact measurement the applicant would still need to provide the average proposed grade around the entire building. It is not anticipated that this number will deviate drastically and because the subcommittee was not in favor of the height modification, this additional information was not required at this time.

Below is a summary of the items the developer provided in an 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:

1. Additional landscaping provided on the rooftop in the form of 14 potted shrubs including irrigation for environmental benefit.
2. Preliminary information provided by the applicant indicates that their storm water management exceed MSD’s requirements by reducing the rate of runoff from the property by nearly 50% from the minimum requirement. Water Quality Volume measures have been proposed that would also filter most runoff from short duration storms. Verification from MSD on this requirement has been requested.

**DISCUSSION:**

Zoning Matters signs were placed on the property prior to the request being introduced at the Planning & Zoning Commission meeting held via Zoom on October 21, 2020. A subcommittee meeting was subsequently held on October 28, 2020 via Zoom. 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. The applicant’s architect shared aerial drone photos from the approximate eye level of an individual that would be standing on the proposed roof-top area. This was in response to the subcommittee’s question regarding the proposed height in comparison to adjacent buildings.
2. Three-dimensional renderings were displayed by the applicant’s architect with the proposed roof-top elements. At the subcommittee’s request, the architect also showed a version that eliminated a majority of the taller elements while keeping the stairway enclosures on the end.
3. The sidewalk widths should be as wide as possible while persevering adequate tree growth area.
4. Electrical needs were discussed by Kirkwood Electric with a possibility to connect with the pad-mount transformer to the south of the proposed site.

The subcommittee ultimately indicated that they are opposed to the extent of the rooftop structures proposed, but could support basic stairway enclosures that would provide roof-top access. The subcommittee believes that the proposed height and scale of the roof-top are too prominent and visible and are not necessary for the function of the building. The proposed modification justification measures were also not believed to provide sufficient “above and beyond” to justify the request. The subcommittee requested the applicant to discuss this with the property-owner. After consultation with the property-owner, the applicant indicated that the owner would still like to pursue the original proposal despite a negative recommendation from the subcommittee.

***RECOMMENDATION:***

The Subcommittee recommends that the Site Plan Review application **be denied** due to the prominence and visibility of the proposed structures that exceed the maximum 40’ building height and due to the lack of adequate justification for the requested modification.

Respectfully submitted,

Allen Klippel Sandy Washington

Commissioner Evens made a motion, which was seconded by Commissioner Diel, to recommend approval of PZ-6-21 for a request of a Site Plan Review to construct a three-unit multi-family building at 144 West Adams Avenue.

Commissioners O’Donnell, Feiner, and Klippel stated they concur with the findings in the subcommittee report. Commissioner Eagleton suggested alternate options to address the height of the proposed building. Commissioner Diel believes the plan for storm water goes above and beyond what is required. Commissioner Salzer-Lutz is in favor of the architectural style of the proposed building and until seeing the colored rendering tonight thought the roof top component would look open, similar to a pergola. Chairman Adkins believes the landscaping does not support the modification for height, but the storm water detention goes above and beyond M.S.D.’s requirements.

In response to Commissioner Diel’s question regarding staff’s recommendations if the petition is approved, Mr. Raiche provided the following conditions for approval:

1. The Downtown Master Plan & Parking Study’s Framework Plan shall be revised to remove the requirement for a commercial component on the subject property.
2. The project shall be constructed and maintained in accordance with the plans referenced in the Drawing Submitted portion of the subcommittee report, except as noted herein.
3. Based upon the justification submitted per Section 220.2, a modification to the maximum building height of 40 feet shall be granted to allow a maximum building height of 53 feet as indicated in the drawings submitted.
4. Public sidewalks along the frontage of the subject site shall be replaced at direction of the Public Services Department. All improvements in the Adams Avenue right-of-way are subject to approval by St. Louis County.
5. A hydrant fire flow test shall be required per the City’s hydrant policy prior to issuance of permits.
6. Prior to City Council approval, a revised plan which includes the average elevation of the proposed grade of the building for purposes of building height measurement shall be submitted.
7. Prior to City Council approval, a revised landscape plan addressing Staff’s comments shall be submitted.
8. The applicant shall comply with all standard conditions deemed applicable by City Staff.

Commissioner Salzer-Lutz made a motion to amend Commissioner Evens’ motion for approval by adding the eight conditions presented by Mr. Raiche. Commissioner Eagleton seconded the motion, and Roll Call vote was taken:

Roll Call:

 Chairman Adkins “Yes”

 Commissioner Diel “Yes”

Commissioner Eagleton “Yes”

Commissioner Klippel “No”

Commissioner O’Donnell “No”

Commissioner Evens “Yes”

Commissioner Feiner “No”

Commissioner Washington “No”

Commissioner Salzer-Lutz “Yes”

Commissioner Eagleton made a motion to amend Condition No. 4 by adding the underlined portions as follows: “Public sidewalks along the frontage of the subject site shall be replaced at direction of the Public Services Department along with enhanced lighting. All improvements in the Adams Avenue right-of-way are subject to approval by St. Louis County, and a request shall be made for a raised crosswalk on Clay Avenue and on Adams Avenue.” Commissioner Salzer-Lutz seconded the motion, and Roll Call vote was taken:

Roll Call:

 Chairman Adkins “Yes”

 Commissioner Diel “Yes”

Commissioner Eagleton “Yes”

Commissioner Klippel “Yes”

Commissioner O’Donnell “No”

Commissioner Evens “No”

Commissioner Feiner “No”

Commissioner Washington “No”

Commissioner Salzer-Lutz “Yes”

In response to Commissioner Evens question regarding this proposal meeting the requirements of “the missing middle”, Mr. Raiche responded the “missing middle” is any housing that is between single-family detached housing and larger apartment complexes. The exact range of the number of units in a building is debatable but it can be defined as containing anything from two to eighteen units or so, and this project complies with three units.

Roll call vote was taken on the motion made by Commissioner Evens to approve PZ-6-21 for a request of a Site Plan Review to construct a three-unit multi-family building at 144 West Adams Avenue subject to the approved amendments:

Roll Call:

 Chairman Adkins “Yes”

 Commissioner Diel “Yes”

Commissioner Eagleton “Yes”

Commissioner Klippel “No”

Commissioner O’Donnell “No”

Commissioner Evens “Yes”

Commissioner Feiner “No”

Commissioner Washington “No”

Commissioner Salzer-Lutz “Yes”

Mr. Raiche reported the recommendation will be forwarded to the City Council, who will schedule a public hearing.

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**4.** Planning and Development Services Director Raiche stated that on December 3, the City Council will have final reading on the ordinances approving Teleo Coffee (PZ-3-21) and Platinum Tinting (PZ-4-21) and public hearings will be held for Peppe’s Apartment 2 (PZ-6-21) and Villa Di Maria Montessori School (PZ-30-20).

There being no further business, motion was made by Commissioner Feiner and seconded by Commissioner Diel to adjourn at 8:25 p.m. The next meeting will be held via Zoom on December 16, 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.