



**CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
Via Zoom Virtual Meeting
July 7, 2021**

PRESENT:

Jim Adkins, Chairman
James Diel, Vice Chairman
David Eagleton, Secretary/Treasurer
Ron Evens
Tom Feiner
Sandy Washington
Mary Lee Salzer-Lutz
Darrell Scott
Allen Klippel

ABSENT:

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, July 7, 2021, at 7:00 p.m. via Zoom Virtual Meeting. City Attorney John Hessel, Planning and Development Services Director Jonathan Raiche, Planner II Amy Lowry and Administrative Assistant Patti Dodel also attended the meeting.

1. Chairman Adkins called the meeting to order at 7:02 p.m. and welcomed Commissioner Klippel back as an interim Commissioner.

Planning and Development Services Director Jonathan Raiche stated for the record that Section 610.015 of the Missouri Sunshine Law provides that members of the Planning and Zoning Commission who are not physically in the Council Chambers can participate and vote on all matters when an emergency exists and the nature of the emergency is stated in the minutes. The U.S. and the World is in a state of emergency due to the Coronavirus – COVID-19. Therefore, members of the Planning and Zoning Commission have elected to participate in this meeting electronically for the public health and safety of each other and the general public. Since the agenda does not contain requests for Site Plan Approval, Public comments will not be taken at this meeting.

Chairman Adkins announced that all Commissioners were present.

2. Motion was made by Commissioner Evens and seconded by Commissioner Scott to approve the minutes for the June 2, 2021, meeting as written.

Roll Call:

Chairman Adkins	“Yes”
Commissioner Diel	“Yes”
Commissioner Eagleton	“Yes”
Commissioner Evens	“Yes”
Commissioner Feiner	“Yes”
Commissioner Salzer-Lutz	“Yes”
Commissioner Washington	“Yes”
Commissioner Scott	“Yes”
Commissioner Klippel	“Yes”

The motion was unanimously approved.

3. **PZ-04-22 ZONING CODE TEXT AMENDMENT– ALLOW COMMISSARIES AND NON-PROFIT OFFICES AS RENTERS IN CHURCHES**

Submitted: 5-13-21 Automatic Recommendation: 8-11-21

Petitioner’s Agent, Ron Gaus

(Subcommittee - Commissioners Adkins, Diel, and Salzer-Lutz)

Planner II Amy Lowry stated Grace Episcopal Church at 514 East Argonne Drive requested a text amendment to the Zoning Code to allow Places of Worship to rent out their existing kitchens to food establishments and unaffiliated office uses. After the Subcommittee met twice, it was decided that the definition of Catering Establishment (Sect. 25-104) be amended by adding “mobile food trucks, pushcarts, and farmers’ markets” and the Permitted Accessory Use Table (Table 44-1) be amended by allowing Catering Establishments in Residential Districts be Permitted with Standards.

Commissioner Salzer-Lutz read the underlined portions of the Subcommittee Report:

**CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
SUBCOMMITTEE REPORT
JULY 7, 2021**

PETITION NUMBER: PZ-4-22

ACTION REQUESTED: ZONING CODE TEXT AMENDMENT

APPLICANT: GRACE EPICOPAL CHURCH

APPLICANT’S AGENT: RON GAUS

PROPERTY LOCATION: CITY WIDE

ZONING:**R-3, SINGLE-FAMILY RESIDENTIAL****DESCRIPTION OF REQUEST:**

The applicant is requesting that the Zoning Code text be amended to permit places of worship to lease their commercial kitchen as a “commissary” under the regulations of the St. Louis County Public Health Department. A commissary is defined by the St. Louis County Code of Ordinances as “a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored for subsequent transport, sale, or service elsewhere.” The County Public Health Department further describes a commissary as “a base of operations for all mobile food units, pushcarts and catering businesses.” Each such food vehicle or caterer is required to operate from and report daily to an approved commissary for food preparation, supplies, cleaning, and servicing operations. The County Public Health Department has jurisdiction over all food establishments (whether a fixed-place restaurant, catering business, mobile food unit, or a commissary) so the City would not be inspecting a commissary kitchen or mobile food unit for public health concerns.

The applicant is also requesting the Zoning Code text be amended to permit places of worship to lease offices in their building to nonprofit organizations whose missions align with the church’s ministry.

COMPREHENSIVE PLAN, LAND USE AND ZONING:

The Grace Episcopal Church site is located in the General Residential land use category on the EnVision Kirkwood 2035 Future Land Use Map. Most other places of worship in the City are also located in the General Residential or Suburban Residential land use categories, however, there are some places of worship located in the Commercial or Downtown land use categories. Institutional uses such as churches are listed in all of the land use categories on the Future Land Use Map as an appropriate development type.

The applicant’s property is currently zoned R-3, Single-Family Residential. The surrounding zoning is all Single-Family Residential. Most places of worship are located in Single-Family Residential zoning districts, however, there are some churches located in the following zoning districts: R-5, Multi-Family Residential; B-2, Central Business District; B-3, Highway Business District; and I-1, Light Industrial.

DEPARTMENTAL/AGENCY COMMENTS:

Electric: No comments received.

Water: No comments received

Engineering: No comments received.

Building/Fire: Both the Building Commissioner and the Fire Marshal participated in the subcommittee meetings and added comments detailing that

the commercial kitchen would need to meet fire and building inspection requirements and codes, including standards for suppression hoods.

Forester: No comments received.

DISCUSSION:

The request was introduced at the Planning & Zoning Commission meeting on June 2, 2021. Subcommittee meetings were subsequently held via Zoom on June 9 and June 16, 2021. A list of attendees of the subcommittee meetings is shown on Exhibit A. The following is a summary of the discussion from the meetings:

Catering Establishment Text Amendment

1. Instead of creating a new land use category for “Commissary Kitchen,” the existing land use category of “Catering Establishment” would be amended to include an establishment with a commissary kitchen that services mobile food trucks, pushcarts, and farmers’ markets with no food to be sold or eaten by the general public on the premises.
2. “Catering Establishment” would be permitted with standards as an accessory use in residential zoning districts only for educational institutions and places of worship as these entities are likely to have commercial kitchens. Educational institutions were added due to similar institutional purposes. Catering Establishment is already a permitted principal use in the business and industrial zoning districts.
3. Standards should include:
 - a. The accessory use shall be limited to educational institutions and places of worship.
 - b. The accessory use shall be located within a principal building of educational institutions and places of worship.
 - c. Each catering establishment shall be licensed with the St. Louis County Public Health Department and a Commissary Agreement must be on file with St. Louis County for each mobile food unit, pushcart, or catering entity.
 - d. Each catering establishment shall obtain a Kirkwood Occupancy Permit and Business License.
 - e. Deliveries and the loading/unloading of vehicles shall be limited to the hours of 7 a.m. to 11 p.m.
 - f. No vehicles associated with the catering establishment shall be stored overnight at the site of the commissary kitchen.
 - g. The exhaust from the kitchen shall not directly vent onto adjacent residences or must include scrubbers.
4. The subcommittee discussed whether to limit the number of food trucks or catering establishments for each commissary kitchen, but decided that the leasing catering establishment would have discretion based on the size of the kitchen and each specific food establishment’s time and space needs. The subcommittee also discussed limiting the hours of operation for the catering establishment kitchen, but decided against such restrictions based on the situation that a breakfast establishment may need to access the kitchen in the

early morning hours and a dinner establishment may need to clean up late in the evening. Alternatively, prohibition of overnight storage of vehicles is recommended.

5. Parking rates are already set for “Catering Establishment” so parking regulations need no amendment.

Office Use Text Amendment

1. The subcommittee considered the issue of rental of church space to separate nonprofit entities. The City Attorney has advised that from a land use perspective the City cannot legally distinguish between nonprofit and for-profit entities. The applicant stated that the church would only rent to organizations that meet the mission and ministry of the church. The subcommittee, with input from the City Attorney and City staff, discussed that each entity should apply to the City for occupancy. City staff would then review the applications to determine consistency with the mission and ministry of the church under the “other activities” clause of the Place of Worship definition in the Zoning Code. Because the uses anticipated by the church are understood to fall within this permitted category, the subcommittee does not recommend any revisions to the Zoning Code.

RECOMMENDATION:

The Subcommittee recommends that the Zoning Code be **amended** as follows with revised language as indicated in red-colored font:

1. In Section 25-104, the definition of “Catering Establishment” be amended to read: “An establishment where the sole business activity is the preparation and delivery of food for: private parties, receptions, banquets, and similar functions; **or for mobile food trucks, pushcarts, and farmers’ markets.** No food is sold on the premises.”
2. Under Section 25-44, Permitted Accessory Uses and Structures, amend Table 44-1 (page 72, “Permitted Accessory Uses”) to add Catering Establishment as an accessory use permitted with standards in residential zoning districts and to add Section 25-45(d) in the “Use-Specific Standard in Section” column, renumbering the existing rows as needed:

TABLE 44--1: PERMITTED ACCESSORY USES AND STRUCTURES								
Use Category and Use Type P = Permitted Use PS = Permitted Use with Standards S = Special Use	R-1, R-2., R-3 or R-4	R-5, R-6, or R-MM	B-1	B-2, B-3, B-4, B-5, or I-1	Downtown Master Plan Study Area	F-1	Yards Permitted F = Front S = Side R = Rear	Use-Specific Standards in Section:
Accessibility Ramps	PS	PS	PS	PS	PS	PS	F, S, or R	§25-45 (a)
Accessory Dwelling Units	S						S or R	§25-45 (b)
Amateur Radio Towers and Antennae	PS	PS	PS	PS	PS	PS	S or R	§25-45 (c)
Catering Establishment	PS	PS						§25-45 (d)
Clubhouses		S					F, S, or R	§25-45 (e)

3. Under Section 25-45, Standards for Specific Accessory Uses and Structures, add the following new subsection (d) and renumber the existing subsection as needed:
 - (d) **Catering Establishment**
 - (1) The accessory use shall be limited to educational institutions and places of worship.
 - (2) The accessory use shall be located within a principal building of a nonresidential use.
 - (3) Each catering establishment shall be licensed with the St. Louis County Public Health Department and a Commissary Agreement must be on file with St. Louis County for each mobile food unit, pushcart, or catering entity.
 - (4) Each catering establishment shall obtain a Kirkwood Commercial Occupancy Permit and Business License.
 - (5) Deliveries and the loading/unloading of vehicles shall be limited to the hours of 7 a.m. to 11 p.m.
 - (6) No vehicles associated with the catering establishment shall be stored overnight at the site of the kitchen.
 - (7) The exhaust from the kitchen shall not directly vent onto adjacent residences or must include scrubbers.

Respectfully submitted,

Jim Adkins

James Diel

Mary Lee Salzer-Lutz

Motion was made by Commissioner Diel and seconded by Commissioner Salzer-Lutz to approve PZ-4-22, an application for Zoning Code Text Amendments to allow commissary kitchens in residential districts with Standards.

In light of the recent additional restrictions limiting hours for construction in residential districts, Commissioner Evens questioned the hours for deliveries and the loading/unloading of vehicles being allowed from 7 a.m. to 11 p.m. Director of Planning and Development Services Raiche responded some catering is performed for special events such as weddings that requires later hours. Commissioner Diel added that the conditions mirrors the B-1 Zoning District, which does not allow deliveries between the hours of 11 p.m. and 7 a.m.

Roll Call:

Chairman Adkins	“Yes”
Commissioner Diel	“Yes”
Commissioner Eagleton	“Yes”
Commissioner Evens	“Yes”
Commissioner Feiner	“Yes”
Commissioner Washington	“Yes”
Commissioner Salzer-Lutz	“Yes”
Commissioner Scott	“Yes”
Commissioner Klippel	“Yes”

- 4. **PZ-05-22 ZONING MAP AMENDMENT, R-4 TO R-MM –250 COMMERCE AVE**
 Submitted: 6-16-21 Automatic Recommendation: 9-14-21
 Petitioner, Louis Murray

Planner II Amy Lowry stated the R-4 zoned lot is 104-foot wide lot and is an interior lot on Commerce Avenue near Fillmore Avenue. The lot contains 25,279 square feet and is part of a Transition Mix-Use area on the Future Land Use Map in the Envision Kirkwood 2035 Comprehensive Plan.

Due to technical difficulties with ZOOM, Mr. Murray was unable to make a presentation. Commissioners Klippel and Scott were appointed to the Subcommittee; and a Subcommittee meeting was scheduled for July 14 at 8:30 a.m. to be held on site.

- 5. **PZ-27-20 TIME EXTENSION – COMMERCE BANK, 300 NORTH KIRKWOOD**
 Submitted: 6-18-21
 Petitioner, Dennis Hoelzer

Planner II Amy Lowry stated Commerce Bank is requesting a 12-month extension on their Site Plan Approval, which would allow the construction of their bank building on the northern portion of the site.

Josh Hellmann, a Regional Construction Design Manager at Commerce Bank, stated their intent is develop at the north end of the site to re-establish a new branch; however, due to internal procedures shifting due to the pandemic, technology changes, etc., they have been unable to proceed. Director of Planning and Development Services Director Jonathan Raiche commented that the Code allows up to two 12-month extensions on Site Plan Approvals.

Motion was made by Commissioner Eagleton and seconded by Commissioner Salzer-Lutz to recommend a one-year extension on the Site Plan approved by Resolution 108-2020A.

Roll Call:

Chairman Adkins	“Yes”
Commissioner Diel	“Yes”
Commissioner Eagleton	“Yes”
Commissioner Evens	“Yes”
Commissioner Feiner	“Yes”
Commissioner Washington	“Yes”
Commissioner Salzer-Lutz	“Yes”
Commissioner Scott	“Yes”
Commissioner Klippel	“Yes”

- 6. Planning and Development Services Director Jonathan Raiche reported:
 - o A building permit has been submitted for the condominium building to be built at 134-138 West Madison Avenue;

- The contractor is working with M.S.D. regarding the condominium building to be built at 144 West Adams Avenue;
- Harmony Homes submitted additional information for their project at 600 North Ballas Road.

There being no further business, motion was made by Commissioner Feiner and seconded by Commissioner Eagleton to adjourn at 7:50 p.m. The next meeting will be held in the City Hall Council Chambers on July 21, 2021, at 7 p.m.

Jim Adkins, Chair

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, then click on City Clerk, Boards & Commissions, Planning & Zoning Commission.