



**CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
July 21, 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 21, 2021, at 7:00 p.m. in the City Hall Council Chambers. City Attorney John Hessel, Planning and Development Services Director Jonathan Raiche, and Planner I Andi Yancey also attended the meeting.

1. Chairman Adkins called the meeting to order at 7:02 p.m. and announced that all Commission members were present.

Chairman Adkins noted for the record that Commissioner Salzer-Lutz could not attend the meeting physically due to a family emergency and would thus be attending the meeting via conference phone.

2. Motion was made by Commissioner **Feiner** and seconded by Commissioner **Scott** to approve the minutes for the July 7, 2021 meeting as written.

The motion was unanimously approved.

3. **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
(Subcommittee – Commissioners Klippel and Scott)

Jonathan Raiche, Director of Planning & Development Services, gave an overview of the proposal indicating that the subject property is currently zoned R-4 and that the applicant is seeking to rezone to R-MM. Mr. Raiche indicated that the subcommittee met at the site on Wednesday, July 14, 2021; stated the R-4-zoned lot is 104 ft. wide and is an interior lot with an area of 25, 279 sq. ft.; and gave an overview of the existing zoning designations within the surrounding area. Mr. Raiche indicated that the area is designated as Transitional Mix Use in the Comprehensive Plan Future Land Use Map and explained that the R-MM District is intended to provide opportunity for small-scale multifamily development as a transition between single family uses and more intense zoning districts. All lots

zoned R-MM are limited to six (6) multi-family dwelling units; however, row-dwellings are allowed at a rate of one unit per 3,000sf of lot area which would result in eight (8) row-dwelling units for this specific lot. Mr. Raiche indicated that there is no requirement for a site plan to be submitted with a conventional zoning district and explained the next steps in the rezoning process.

Commissioner Scott inquired about how to prevent a situation in which there would be multi-family lots peppered in within single-family districts, creating a checkerboard of varying use intensities. Mr. Raiche explained that each property seeking to zone R-MM would be evaluated based upon the specific context of that site and would be subject to Planning and Zoning Commission and City Council review and approval.

Commissioner Klippel read the underlined portions of the Subcommittee Report:

**CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
SUBCOMMITTEE REPORT
JULY 14, 2021**

PETITION NUMBER: PZ-5-22

ACTION REQUESTED: ZONING MAP AMENDMENT

APPLICANT: LOUIS J. MURRAY

PROPERTY LOCATION: 250 COMMERCE AVENUE

CURRENT ZONING: R-4, SINGLE-FAMILY RESIDENTIAL

PROPOSED ZONING: R-MM, MISSING MIDDLE RESIDENTIAL

DESCRIPTION OF REQUEST:

The applicant is requesting that the Zoning Map be amended to change the zoning on his property addressed as 250 Commerce Avenue from R-4, Single-Family Residential, to R-MM, Missing Middle Residential. Because this is not a planned district, plans are not required to accompany the request and there are no specific development plans with this request.

COMPREHENSIVE PLAN, LAND USE AND ZONING:

The property is located in the Transition Mix Use land use category on the EnVision Kirkwood 2035 Future Land Use Map. The Transition Mix Use in the EnVision Kirkwood 2035 Comprehensive Plan is intended to provide a balance between the Downtown and residential neighborhoods north of Big Bend Blvd and the highway-oriented commercial development south of Big Bend Blvd. This land use category provides for a wide-range of development types, including single-family residential, attached residential (Duplexes/Townhomes/Apartments), and live/work units.

The property is currently zoned R-4, Single-Family Residential. The surrounding zoning is mostly Single-Family Residential, but there is property zoned I-1, Light Industrial, within 140 feet to the east and 185 feet to the north of this property. There are also properties zoned B-1, Neighborhood Business District, within 300 feet to the south of the property, and zoned R-5, Multi-Family Residential, within 400 feet to the west of the property.

The purpose of the R-MM zoning designation is to allow for small-scale multi-family residential uses which provide a transition from detached single-family home districts and more intense districts, multi-family projects, or commercial districts. This district may also be appropriate along major thoroughfares and at major intersections. Multi-family dwellings, row houses and 2-family dwellings are among the principally Permitted with Standards land uses in the R-MM zoning district that are not permitted in the R-4 zoning district.

The property is 25,279 sq. ft. (.58 acres) and 104' in width. The development standards in the Zoning Code would limit any proposed project to 6 multi-family dwelling units or 8 row dwelling units. The height would be restricted to 35 feet and 3 stories. The required yard setbacks would be 8 feet on the sides, 30 feet on the rear, and an average of the setbacks of the 2 adjacent properties on the front. The lot coverage is limited to 40%. Along with 2 parking spaces per dwelling unit, a proposed development would also need to meet storm water, landscaping, lighting, and architectural standard requirements.

DEPARTMENTAL/AGENCY COMMENTS:

Electric: No comments received.

Water: No comments received

Engineering: No comments received.

Building/Fire: Development of the site will require a full review of the building, use, access, and available water flows.

Forester: No comments received.

DISCUSSION:

A Zoning Matters sign was placed on the property on June 30, 2021. The request was introduced at the Planning & Zoning Commission meeting on July 7, 2021. A subcommittee meeting was subsequently held at the property on July 14, 2021. A list of attendees of the subcommittee meeting is shown on Exhibit A. The following is a summary of the discussion from the meeting:

- 1) Staff provided information regarding the origins of the R-MM zoning district and described the Transition Mix Use land use designation in the Comprehensive Plan. The subcommittee discussed the appropriateness of the R-MM designation consistent with the Comprehensive Plan, existing surrounding zoning and land use, and the R-MM purpose.

- 2) The subcommittee discussed the future effects of the rezoning on the neighborhood and the fact that each such rezoning would be reviewed according to its specific circumstances. Other smaller lots may not support larger multi-family dwellings.

RECOMMENDATION:

The Subcommittee recommends the Zoning Map amendment from R-4 to R-MM be **approved** after finding that the request met the review criteria for a zoning map amendment listed in Section 25-17(e) of the Zoning Code.

Respectfully submitted,

Darrell Scott

Allen Klippel

Motion was made by Commissioner **Evens** and seconded by Commissioner **Feiner** to approve PZ-05-22, an application for a Zoning Map Amendment at 250 Commerce Avenue from R-4 to R-MM. The motion was unanimously approved.

4. PZ-02-22 SPECIAL USE PERMIT (NURSING HOME) & SITE PLAN REVIEW – HARMONY HOMES, 600 NORTH BALLAS ROAD

Submitted: 4-30-21 Automatic Recommendation: 8-28-2021

Petitioner's Agent, George Stock

(Subcommittee – Commissioners Evens, Feiner, and Salzer-Lutz)

Mr. Raiche gave overview of the proposal indicating the petition was introduced in mid-May and showed an aerial photo of the property showing that the site is zoned R-1 Single-Family Residential. Mr. Raiche stated that nursing homes are an available special use within R-1 Districts and require a special use permit which is the request being considered by the Commission and laid out the review criteria for considering special use permits. Mr. Raiche presented the revised site plan proposal submitted on July 1, 2021, which addresses Staff comments as well as questions that were raised at previous meetings. Mr. Raiche stated that five (5) buildings are being proposed, and the proposal meets the code requirements for lot coverage, building setbacks, and parking standards including bicycle rack provisions.

Mr. Raiche indicated that the revised site plan revision also includes removal of the proposed walking trail in response to various concerns raised. The revised site plan includes a sidewalk along Ballas Rd., which is required by St. Louis County which is the entity that maintains and controls Ballas Road. The timing of the sidewalk construction will be determined by St. Louis County. Mr. Raiche explained that the proposed crosswalk design will also be subject to review and approval by St. Louis County. Mr. Raiche indicated that Staff recommended that the crosswalk design include safety enhancements due to the roadway characteristics along Ballas Rd. Mr. Raiche indicated that the Fire Department reviewed and approved the on-site maneuverability.

Mr. Raiche indicated that, following research on the matter, Staff had determined that the nursing home land use designation is appropriate for the subject

proposal. Mr. Raiche referenced EMS data previously provided for comparison on existing nursing home calls.

Mr. Raiche indicated that the Subcommittee met on May 25, 2021 and July 14, 2021. Mr. Raiche stated that the majority of the proposed buildings are 25 ft. in height with the two walk-out style buildings proposed at 35 ft. in height, and that 35 ft. is allowable under the code. All buildings comply with height requirements for the R-1 District. The subcommittee discussed site topography and how the building height would relate to surrounding properties. A traffic impact study was provided indicating that traffic impacts would be minimal. Two (2) of three (3) subcommittee members recommended approval with conditions. Mr. Raiche explained that the proposal will go before the City Council, and a simple majority would be required to approve or deny the request.

Commissioner Scott inquired about site runoff for the proposal. Mr. Raiche indicated that the stormwater considerations for this proposal are handled differently than residential development and that MSD would review the stormwater mitigation plans against their requirements. Mr. Raiche explained that there are stormwater improvements proposed as part of the development and that the proposal would capture stormwater as opposed to the existing sheet flow condition on the site. Mr. Raiche indicated that MSD approval would be required prior to the City issuing any permits.

Commissioner Adkins inquired about the center turn lane on Ballas Rd. and when that improvement was expected to be completed. Mr. Raiche indicated that it was up to the St. Louis County, but the traffic study showed impacts would be minimal under the existing conditions which do not include a center turn lane.

The project's civil engineer, George Stock, spoke on behalf of the applicant. Mr. Stock indicated that the development approach has been minimalistic and that the proposal meets all of the City's requirements. Mr. Stock indicated that they are retaining 61% of the existing tree coverage at the site. Mr. Stock stated that the site slopes downward east to west and the proposed buildings would be approximately eight (8) ft. above the adjacent homes. Mr. Stock indicated that the proposed housing units are one-story in order to better fit the character of the surrounding area. Mr. Stock stated that a privacy fence screening would be installed and that they would provide three (3) stormwater management basins. Mr. Stock explained that all roof water, driveway runoff, and parking runoff will be routed to three (3) stormwater management systems, which will filter the water prior to being discharged into the tributary under Ballas Rd. Mr. Stock indicated that there were safety concerns expressed about the crosswalk and that he had worked diligently with St. Louis County to address the sidewalk and the crosswalk. Mr. Stock indicated that they were not over building the site and discussed the traffic study that had been conducted.

Commissioner Eagleton inquired about what would happen if the stormwater systems are overrun. Mr. Stock gave an overview of the stormwater drainage design and the load they are designed to withstand. Mr. Stock indicated that he is

very confident that the site development plan provides adequate space and capacity for the stormwater runoff.

Commissioner Eagleton asked about vehicle crashes on Ballas Rd. between Manchester Rd. and Dougherty Ferry Rd. and why that was not included in the traffic study. Commissioner Eagleton stated that he also had concerns with the site plan. Commissioner Eagleton stated that he did not see anything about STEP (Safe Transportation for Every Pedestrian) in the proposal, stating it was a good opportunity to implement these measures and improve site lines and safety. Commissioner Eagleton asked if Mr. Stock had discussed STEP with St. Louis County. Mr. Stock indicated that STEP had not been a part of the conversation up to this point. Mr. Stock stated that extensive study has been done with the site lines and that they satisfy all requirements of all agencies involved. Mr. Stock indicated that he will continue the conversations with St. Louis County and the City.

Mr. Raiche indicated that City Staff considered the STEP program and that those principles informed staff recommendations made to St. Louis County on the proposed crosswalk.

Commissioner Scott inquired about food provisions for the proposed operation indicating that he understood they were to be prepared off-site. Chris Long of Harmony Homes indicated that each home has their own kitchen to prepare and store food. Mr. Long indicated that they have an off-site chef prepare meals for specialized dietary requirements and then the final food preparation is conducted at the on-site kitchens.

Chair Adkins asked if there were any comments from the audience, and the following responded:

Bruce Dell, 520 Taylor Young Dr., read a letter he submitted to the Commission. Mr. Dell stated that he did not feel he had been adequately involved in the request and indicated that he is requesting that the Commission reject the proposal based on the following considerations: the traffic study, meal prep / food delivery traffic, emergency service vehicles and associated sirens, the five (5) large buildings that are incompatible with surrounding residential homes, which will be located closer to the residential properties due to site topography, that the City doesn't need additional nursing homes, and stormwater runoff. Mr. Dell took issue with the land use definition and lot size requirements.

Vernon Hall, 2019 Meadow Tree Ln, inquired how the city determines "substantial" increase contained in the review criteria and indicated that there should be definitions that are generally agreed upon.

Glen Wildermuth, 472 Tree Top Ln, Des Peres stated that he is opposed to the request for the following reasons: the site is located within a residential area and there is a commercial development being proposed within 100 ft. of those residences. Mr. Wildermuth indicated that he expected the zoning code to be upheld. He expressed safety concerns with Ballas Rd. and stated that he has

issues with the subcommittee report which are outlined in the letter of opposition he provided to the Commission.

Theresa Sausville, 1823 Brookcreek Ln., requested that the Commission vote no, stating that the proposal is not a residential land use.

David Ackerman, 698 Trailcrest Ct., stated that the developers would have considered their competition in the area and stated that he was curious how their monthly fees compare to the competition in the area.

Mark Richman, 2029 Rayner Rd., expressed concerns with light pollution, being sandwiched between commercial properties, traffic, and the meaning of "adverse impact". Mr. Richman implored the Commission to deny the request.

Sharron Croissant, 1940 Meadowtree Ln, state that she is a 24 year resident adjacent to one of the proposed houses and that her primary concern is whether the size and scale of the project is appropriate for the area. Ms. Croissant inquired whether the use was needed and stated that the services were questionable. Ms. Croissant expressed concerns with traffic on Ballas Rd and the proposed driveway's ability to accommodate firetrucks.

Gale Rahmoeller, 2006 Meadowtree Ln., stated that she was focused on presenting accurate information and discussed the density of her condo development and the proposed nursing home. Ms. Rahmoeller stated that she was not confident that the subcommittee or builder understood what their condos are like, explaining that they were similar to most residential homes. Ms. Rahmoeller discussed other potential uses for the properties. Ms. Rahmoeller indicated that the request was more similar to a variance which should be the exception and not the rule.

Susan Borden, 2012 Meadowtree Ln., stated that her concern is water runoff. Ms. Borden indicated that there is currently a 25-ft waterfall from the existing property and expressed fears that the situation would be worsened.

Mark Seyer, 1969 Rayner Rd., inquired who is held responsible for engineering mistakes, stating that the residents would be left to deal with issues. Mr. Seyer talked about the history and community character of the City of Kirkwood. Mr. Seyer asked that the Commission deny the request and respect the residential nature of the area.

Chris Seyer, 1819 Cheswick Pl., talked about the Commission's role and revisions that had been made to the proposal to satisfy requirements. Mr. Seyer indicated that the proposal is not harmonious with the surrounding area and does not satisfy the review criteria and discussed potential negative impacts of the development.

Nancy Tinsley, 1960 Rayner Rd, talked about her expectations of the Commission, stating that they should honor the review criteria. Ms. Tinsley stated that the proposal will have an impact on her neighborhood. Ms. Tinsley

discussed neighborhood stability, community assets, and quality of life. Ms. Tinsley asked the Commission to deny the request.

Pam Seyer, 1819 Cheswick Pl., indicated that just because a proposal is made does not mean it should be approved and stated that the integrity of a community should be protected. Ms. Seyer referenced the comprehensive plan and indicated that the proposal would adversely impact the neighborhood. Ms. Seyer spoke of the existing occupancy rate of nursing homes and continuing care facilities in the area. Ms. Seyer indicated that the Harmony Homes proposal was better suited to commercial areas. Ms. Seyer asked the Commission to vote no.

Barb Theerman, 507 Taylor Young Dr., stated that the development does not fit with the residential character of the area.

Jeff Theerman, 507 Taylor Young Dr., stated that Harmony Homes is licensed as a continuing care facility. Mr. Theerman stated that the proposal was a commercial land use requiring daily support services and that these activities are not commensurate with a residential area. Mr. Theerman asked the Commission to vote no.

Leon Miller, 2100 Rayner Rd., talked about the percentage of residents over 85 and the increased need for EMS services and the noise associated with the sirens.

Jen Brett, 2112 Pinecrest Manor Ln., Des Peres stated that she echoed many of the concerns of the other residents who had addressed the Commission. Ms. Brett stated that she was concerned with traffic and noise. Ms. Brett discussed a new drug that was developed and the impacts it might have on the Harmony Home proposal. Ms. Brett stated that the commercial development was not appropriate for their residential community.

David Anderson, 521 Taylor Young Dr., stated that his back driveway is parallel to the proposed development's driveway. Mr. Anderson asked about the traffic study and why car crash statistics were not mentioned. Mr. Anderson provided traffic and crash statistics and discussed the impacts the proposal would have on the surrounding area. Mr. Anderson discussed other perceived shortcomings of the applicant's traffic study and stated that he would like to hear more about the site distance from the entrance to the site. Mr. Anderson stated that the area was residential and not commercial in nature.

Caroline Tinsley, 1540 Cornhill Ln., discussed the definition of nursing home and assisted living facilities contained within the City's Zoning and Subdivision Code. Ms. Tinsley referenced staff memos and took issue with staff interpretation of code definitions. Ms. Tinsley discussed design criteria and stated that the proposal does not adhere to the code.

Denver Wright, 505 Taylor Young Dr., stated that he wanted to make sure that the Commission was aware of the covenants within his subdivision, including height and design standards. Mr. Wright stated that the proposed development

would not fit the character of his neighborhood. Mr. Wright told the commission that they need to be skeptical of the proposed nursing home.

Commissioner Evens read the underlined portions of the Subcommittee Report:

**CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
SUBCOMMITTEE REPORT
JULY 21, 2021**

PETITION NUMBER: PZ-2-22

ACTION REQUESTED: SPECIAL USE PERMIT (NURSING HOME) AND SITE PLAN REVIEW – HARMONY HOMES

PROPERTY OWNER: KIRKKENT HOLDINGS LLC

APPLICANT: HARMONY HOMES HOLDINGS 1, LLC – CHRISTOPHER LONG

APPLICANT’S AGENT: STOCK & ASSOCIATES CONSULTING ENGINEERS, INC. – GEORGE STOCK

PROPERTY LOCATION: 600 NORTH BALLAS ROAD

ZONING: R-1, SINGLE FAMILY RESIDENTIAL

DRAWINGS SUBMITTED:SITE PLAN PACKET (11 SHEETS) PREPARED BY STOCK & ASSOCIATES CONSULTING ENGINEERS INC., AND LOOMIS ASSOCIATES STAMPED “RECEIVED JULY 1, 2021, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

ARCHITECTURAL EXHIBIT PACKET (14 SHEETS) PREPARED BY ST. LOUIS DESIGN ALLIANCE STAMPED “RECEIVED JULY 1, 2021, CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT”

TRAFFIC IMPACT STUDY PREPARED BY LOCHMUELLER GROUP DATED APRIL 14, 2021

CITY STAFF USE DETERMINATION MEMO DATED JULY 7, 2021

DESCRIPTION OF PROJECT:

The applicant is requesting a Special Use Permit and Site Plan Review for construction of five new buildings to operate as a nursing home under the City’s regulations. Each of the buildings will have a main level with approximately 8,500sf of gross floor area with two of the buildings having an additional lower

level for storage purposes. The proposed buildings are located on the eastern portion of the site with the western portion being primarily preserved. The proposal is intended to have a maximum of 80 total beds between the five buildings. The Zoning Code requires a minimum 3 acre lot size for a Nursing Home and the subject site is approximately 7 acres.

The subject site is situated on the eastern-side of North Ballas Road and is approximately 2,000 feet north of Dougherty Ferry Road. North Ballas Road is under the jurisdiction of St. Louis County. The proposal includes one access point near the southwestern corner of the site which is in a similar location as the existing entrance to the vacant site. Additional information about the proposed site plan is included in later sections of this report.

COMPREHENSIVE PLAN, LAND USE AND ZONING:

The site is designated as Suburban Residential on the EnVision Kirkwood 2035 Future Land Use Map. Development types discussed in this land use include low density, single-family development, parks and public spaces, and institutional uses.

The subject property is zoned R-1, Single-family Residential District. The proposed use, Nursing Home, is a special use available in this district which is why the applicant has applied for a Special Use Permit.

Surrounding land uses and zoning include the following:

To the north: Multi-family residential development zoned R-1 with a Community Unit Plan.

To the south: Detached single-family homes zoned R-1.

To the east: Detached single-family homes zoned R-1.

To the west: Across North Ballas Road, there are detached single-family homes located in the City of Des Peres and subject to different zoning regulations.

DEPARTMENTAL/AGENCY COMMENTS:

Electric: In Ameren service area.

Water: Project shall include the extension of City public water mains to the property for domestic water and fire protection purposes. Coordination of main extension with Water Department required.

Engineering: No Comments received.

Building/Fire: 1. Turnaround and maximum access distances to be approved by Fire Marshal.
2. Prior to permits, hydrant locations and flow testing are required.

- STL County: 1. Sidewalk along the entire project frontage is required but may be escrowed for future installation to be determined by STL County.
2. A crosswalk and receiving curb ramp requirement will be determined during construction plan review.

SITE ELEMENTS ANALYSIS:

Structures

As previously mentioned, the proposal includes five detached buildings located approximately on the eastern half of the development. The location of the structures leaves the wooded creek area on the western portion of the site primarily undisturbed. Three of the five proposed buildings are 1-story buildings and two are technically 2-story buildings due to the walk-out lower level that faces Ballas Road. Since the lower level has more than 4' exposed on the street frontage side, the Zoning Code considers the lower level to be a story for purposes of height. The 1-story buildings are proposed to be 25 feet tall from proposed grade while the 2-story buildings are proposed to be 35 feet tall from the average grade on the western frontage that faces Ballas Road. These buildings comply with the maximum 2.5 story and 35 feet requirements for height in the R-1 District.

The property is allowed a maximum of 25% of the lot to be covered by structures and the proposal includes a lot coverage of 14%. This is slightly lower than the 16% indicated on the proposed plans; however, 14% is the number according to the City's Zoning Code. This discrepancy is due to the applicant including the lower level as additional lot coverage; however, when that floor area is under the first floor, it does not count as additional lot coverage since it covers the same area as the first floor. The City's FAR requirements only apply to single-family dwellings; however, if this property were developed with single-family homes, it would be allowed a maximum Floor Area Ratio of 0.25. If the proposed lower levels are included in this calculation, it would result in a proposed FAR of 0.16 which would comply with the requirement. The proposal also exceeds all of the minimum structure setback requirements that apply to an R-1 property. These include a 50 feet rear yard, 25 feet side yard, and a front yard of approximately 73 feet (determined by estimating the average of the setbacks of the adjacent properties on Ballas Road).

Site Access, Circulation & Parking

The proposed plan includes one access point to Ballas Road located at the southwest corner of the site which leads to a 26 foot-wide access drive that meanders eastward and toward the middle of the site. The access drive leads to five parking areas each with eight parking spaces each for a total of 40 parking spaces (including 10 ADA). The parking areas are situated in front of each proposed building. The Zoning Code requires 0.5 parking spaces per bed which equates to 40 parking spaces for this proposal. The proposed plans also indicate enough room for two loading spaces measured at 12'x40' as required by code. These loading spaces overlap with the required access drive; however, the applicant has indicated that it is anticipated that only one loading space would be used at any given time and no extended parking will be permitted in these areas. The proposal also includes turnaround areas on the north and south of the drive

to allow fire apparatus and other large vehicles adequate area to turn around. This has been reviewed by the City's Fire Marshal and complies with the City's requirements.

The plans referenced by this report indicate a public sidewalk along Ballas Road and a crosswalk across Ballas Road with a note that the crosswalk design is to be coordinated with St. Louis County and the City of Kirkwood. The ultimate decision on if a crosswalk is installed with this project and how it is designed is a St. Louis County decision because Ballas Road is under the County's jurisdiction. St. Louis County provided a comment to the City that they are requiring a public sidewalk along the project frontage; however, they have not determined whether they will require either construction by the developer or an escrow of funds that would be used to construct the sidewalk at a later date. A previous version of the plans included an on-site trail that was proposed for public use; however, there were multiple concerns raised about the proposed trail and, ultimately, the applicant removed it from their proposal. However, the subcommittee did note that they recommend requiring a private walkway that connects the proposed building to Ballas Road. More information on this walkway is provided in the Discussion section of the report and a condition regarding this has been included in the Recommendation section.

Traffic Management

The applicant provided a third-party Traffic Impact Study to evaluate the potential impact that the proposal would have on traffic congestion and safety in the surrounding area. The scope of the study was determined during a meeting with Staff from St. Louis County, the City of Des Peres, and the City of Kirkwood. The study is dated April 14, 2021 and concluded that the impact of the proposed development on the level of service for Ballas Road and the nearby intersections would be "very minimal" with "only minor increases in delays or queuing" expected at the nearby intersections. The study was reviewed by Staff from St. Louis County, the City of Des Peres, and the City of Kirkwood and resulted in no issues identified by any of the three entities.

Landscaping

The proposed development is proposing to preserve approximately 61% of the existing tree canopy and is utilizing the existing tree canopy, as permitted by code, to meet the planting requirements along Ballas Road and portions of the requirements along the north and south property lines. In addition to the tree preservation, the plans include 54 canopy trees, 24 understory trees, and 95 evergreen trees that are located along the south, east, and north property lines as well as dispersed within the interior of the site. Additionally, the required screening trees for the proposed trash enclosure are provided.

Lighting

The proposed lighting plan includes 7 pole-mounted lights that are located along the access drive and within the proposed parking area to ensure the minimum lighting levels for pedestrian and driving areas are met. The proposed plan also includes 10 wall-mounted fixtures that provide additional lighting behind the proposed buildings in the fenced yard areas for each building. The photometric

plan indicates that both the maximum lighting trespass and the minimum on-site levels are met. It is worth noting that a revised lighting plan will be required to ensure that the additional private walkway has adequate lighting to meet the City's standards.

DISCUSSION:

A Zoning Matters sign was placed on the property on May 14, 2021. The request was introduced at the Planning & Zoning Commission meeting on May 19, 2021. A virtual subcommittee meeting was held on May 25th and an in-person subcommittee meeting was held at City Hall on July 13, 2021. A list of attendees of the subcommittee meetings can be seen in Exhibit B. At the subcommittee meetings, the following items were discussed:

- 1) Staff provided information regarding the interpretation that the "Nursing Home" use is the appropriate category for the proposal. This determination was based upon a review of other related definitions in the City Code, review of the State DHSS definitions and classifications of other existing Nursing Homes in Kirkwood, and proposed staffing and operational information provided by the applicant.
- 2) Staff provided data provided from the Fire Department that indicated between 6 and 11 Fire/EMS calls per month occurred on average at other Kirkwood Nursing Homes. The averages were provided for 2019 and 2020 and the higher average was used as a cautious estimate.
- 3) The applicant provided information about the safety protocols that would be used to ensure potential memory care residents would not be in danger from going onto Ballas Road. The measures include security and lock measures required by the State, fencing around the outdoor yard area, and a staff to resident ratio of 1 to 8 which the applicant stated exceeds the industry average. The applicant also confirmed that the site would be staffed 24 hours per day but that no staff would live on-site.
- 4) The applicant originally proposed an on-site trail that would be publicly accessible; however, there were many questions and concerns raised by the public and the subcommittee regarding safe access, who would be using it, when it would be used, and the proximity of the trail to neighbors. The applicant ultimately removed the trail from their plans due to these concerns. However, the subcommittee recommended that a private walkway be required to connect Ballas Road to the proposed buildings and a condition has been added to the Recommendation section of this report regarding that requirement. Staff clarified that, due to the steep grade of the site, this private walkway would not meet ADA standards; however, it is not required to be ADA-compliant.
- 5) Staff provided an update regarding the requirements for a public sidewalk and crosswalk in the right-of-way adjacent to the site. St. Louis County has final authority on improvements that are required and installed in the Ballas Road right-of-way. The County indicated that a public sidewalk is required along Ballas with this project but that they have not yet decided if they will require construction by the developer or require that they provide escrow funds for construction at a later time. The final design of a crosswalk across Ballas would be determined by the County during their construction plan

- review. The plans have been revised to show the public sidewalk and crosswalk with notes that the final design will be determined by the County.
- 6) The subcommittee discussed the fact that a single-family development has the potential to include taller buildings and potentially more obtrusive development; however, the members agreed that comparing the proposal to a hypothetical alternative would not be a basis for their decision.
 - 7) A concern was raised regarding the relative building height of the proposed development when compared to the adjacent single family homes. Ultimately, the subcommittee felt that this issue would not change their decision; however, the applicant indicated they would provide a comparison of the relative proposed building height to some of the adjacent homes.

At the conclusion of the second subcommittee meeting, Commissioners Evens and Salzer-Lutz were in favor of the request and Commissioner Feiner was opposed. The members in favor cited the following considerations that informed their stance: minimal traffic impact, building heights that are below the maximum allowed, site design that minimizes impacts on the neighbors, proper landscape buffering, and compatibility with the multi-family development to the north and St. Gerard Church and School at Dougherty Ferry and Ballas Road. Commissioner Salzer-Lutz also highlighted the fact that the proposed use is providing a residential opportunity for the area.

Commissioner Feiner cited the following considerations that informed his stance: the concentration of buildings on the most visually prominent part of the site, the proximity of proposed buildings to adjacent homes, the use of commercial lighting, the volume of expected EMS activity to the site, and trash/delivery services that accompany the use. While Commissioner Feiner agreed that the objective criteria for Special Use Permit and Site Plan Review have been met, he does not feel that the more subjective criteria (specifically, Sec 25-19[h][5] and [14]; and Sec 25-20[e][4],[5] and [7]) have been met. Specifically, these criteria require that the proposed development: will results in a harmonious relationship with existing and proposed uses; will not have an adverse effect on the character of the neighborhood; will have an exterior appearance that is compatible with surrounding residential buildings in size, scale, height and massing; will have landscaping/screening suitable to protect the surrounding uses; and that it not change the essential character of the area.

While all three Commissioners agreed that the objective criteria were met, they also agreed that their opinions varied on whether or not the above-mentioned subjective criteria were met. Based upon the discussion referenced above, Commissioners Evens and Salzer-Lutz felt the various criteria were met and Commissioner Feiner felt that they were not met.

RECOMMENDATION:

Based on a majority decision, the Subcommittee recommends that this 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. The proposal shall be limited to a maximum of 80 beds.
3. The proposed access drive onto North Ballas Road shall be placed under STOP control via installation of signage for vehicles exiting the site with final design to be reviewed and approved by the City of Kirkwood. Said design shall be included in a revised site plan submitted prior to issuance of permits.
4. A private 4' wide walkway shall be required that connects the proposed buildings to Ballas Road. A revised site plan including the walkway and lighting photometric plan shall be submitted prior to issuance of permits. Final design is subject to review and approval by the City.
5. Based on the assumptions of the Traffic Impact Study provided, residents of the proposed development shall not be permitted to drive or park a personal vehicle on-site.
6. If applicable, proper ground disturbance permits through MDNR shall be obtained prior to issuance of permits from the City.
7. The applicant shall comply with all standard conditions as listed in Exhibit A.

Respectfully submitted,

Ron Evens

Tom Feiner

Mary Lee Salzer-Lutz

Commissioner Evens stated that the proposal meets all subjective requirements and was easily within normal neighborhood density. Commissioner Evens stated that he also reviewed ambulance traffic and discussed the criteria of that review. Commissioner Evens stated that he does not think the proposed development will adversely impact the surrounding area.

Commissioner Feiner stated that he did not feel that the Special Use Permit should be reviewed against hypotheticals and that he feels that reasonable people can differ in opinion on subjective standards. Commissioner Feiner indicated that, when viewing the aerial rendering, he could not conclude that the development fits with the character of the surrounding area. Commissioner Feiner stated that the project does not comply with the review criteria.

Commissioner Klippel discussed the various review criteria and indicated that some items were objective and some were subjective.

Commissioner Diel indicated that he would like additional clarification of the interpretation of the land use definitions.

Mr. Raiche stated that Staff reviewed the applicants use proposal and discussed the review criteria. Mr. Raiche described the factors informing Staff's interpretation of the code definition which included conducting research on the State's definitions, how the City's definitions have been applied in the past, and comparing the proposed operations with the City's definitions.

Commissioner Diel stated that he views the land use as residential and that he feels the scale of development is appropriate for the area. Commissioner Diel stated that there were no red flags for him in the proposal and that his concerns have been addressed.

Commissioner Eagleton thanked everyone involved in the request for their efforts. Commissioner Eagleton stated that he took issue with the traffic study and finds it incomplete. Commissioner Eagleton stated that he was concerned with traffic and safety and that he feels the proposal will adversely impact the community.

Commissioner Washington stated that Harmony Homes has done a really nice job in complying with the codes and ordinances and that the proposal is attractive; however, she has concerns with quality of life considerations for the neighbors and stormwater impacts.

Commissioner Scott thanked everyone involved in the proposal and stated that he is not sure that this is an ideal project for the area.

Commissioner Salzer-Lutz talked about her experience in the long-term care industry, indicating that she sees it through a different lens. Commissioner Salzer-Lutz stated that she thought the proposal was a great use for the property and discussed the services being provided by the applicant. Commissioner Salzer-Lutz indicated that she lives close to Manor Grove and is not bothered by the EMS sirens – they have no impact on her daily life.

Chairman Atkins stated that he was pleased with the proposal and that it met all the objective criteria.

Motion was made by Commissioner **Salzer-Lutz** and seconded by Commissioner **Diel** to approve PZ-02-22, an application for a Special Use Permit for a Nursing Home and Site Plan Approval at 600 N. Ballas Rd., subject to the conditions of approval put forth in the Subcommittee Report. The motion failed by a vote of 4 to 5 with Commissioners Adkins, Diel, Evens, and Salzer-Lutz voting in favor and Commissioners Eagleton, Feiner, Washington, Scott, and Klippel voting in opposition.

5. Planning and Development Services Director Jonathan Raiche reported on the following items:
 - Mr. Raiche addressed the Commission regarding the Vision Zero Action Plan and the proposed steering committee. Mr. Raiche discussed the composition of the steering committee and indicated that the committee is seeking P&Z Commission representation. Mr. Raiche indicated the Commissioner Eagleton expressed interest in representing the commission. The consensus of the Commission was that Commissioner Eagleton would serve as the Commission's representative on the steering committee.

- Mr. Raiche indicated that a site plan proposal has been submitted for The James (formerly Kirkwood Flats). Mr. Raiche explained that the preliminary site plan was approved last year and that the final site plan, including proposed changes, would be reviewed by the Commission in August.

There being no further business, motion was made by Commissioner Diel and seconded by Commissioner Feiner to adjourn at 9:42 p.m. The next meeting will be held in the City Hall Council Chambers on August 4, 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.