

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**Via Zoom Virtual Meeting**

**September 15, 2021**

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

David Eagleton, Secretary/Treasurer Jim Adkins, Chairman

Allen Klippel James Diel, Vice Chairman

Tom Feiner Sandy Washington

Ron Evens Mary Lee Salzer-Lutz

Darrell Scott

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, September 15, 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.** In the absence of the Chairman and Vice Chairman, Secretary/Treasurer David Eagleton, serving as Acting Chairman, called the meeting to order at 7 p.m.

Mr. 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 are in a state of emergency due to the Coronavirus – COVID-19 and more recently with the increased danger of the delta variant. 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.

Acting Chairman Eagleton read the ground-rules for public comment and announced that Chairman Adkins, Vice Chairman Diel, and Commissioners Washington and Salzer-Lutz were absent and their absence was excused.

2. Commissioner Klippel stated that Commissioner O’Donnell, who is no longer a member of the Commission, was listed as being present at the August 18, 2021, meeting and that Commissioner Scott was not listed as being present. Mr. Raiche stated that correction would be made; and motion was made by Commissioner Evens and seconded by Commissioner Feiner to approve the minutes for the August 18, 2021, meeting as corrected.

Roll Call:

 Chairman Adkins Absent

Commissioner Diel Absent

Commissioner Eagleton “Yes”

Commissioner Evens “Yes”

 Commissioner Feiner “Yes”

 Commissioner Salzer-Lutz Absent

 Commissioner Washington Absent

 Commissioner Scott “Yes”

Commissioner Klippel “Yes

The motion was unanimously approved by the five members present.

**3. PZ-08-20 REQUEST FOR SECOND TIME EXTENSION, SPECIAL USE PERMIT AND SITE PLAN REVIEW – AUDI KIRKWOOD, 10230 MANCHESTER ROAD**

Submitted: 8-11-21

Petitioner’s Agent, Jeremy Whitt

City Planner II Amy Lowry stated Audi Kirkwood has requested a second one-year extension on Ordinance 10627 that granted a Special Use Permit and approved a site plan. The additional time is being requested for final design/planning and unexpected delays due to the COVID-19 pandemic. In October 2020, they received approval of their first one-year extension, and this would be the second and final extension.

Jeremy Whitt, Vice President for Audi Kirkwood and LeadCar, stated they have experienced delays due to the pandemic.

There being no discussion, motion was made by Commissioner Evans and seconded by Commissioner Feiner to approve the second one-year extension for PZ-08-20, a Special Use Permit and Site Plan approval for Audi Kirkwood at 10230 Manchester Road.

Roll Call:

 Chairman Adkins Absent

Commissioner Diel Absent

Commissioner Eagleton “Yes”

Commissioner Evens “Yes”

 Commissioner Feiner “Yes”

 Commissioner Salzer-Lutz Absent

 Commissioner Washington Absent

 Commissioner Scott “Yes”

Commissioner Klippel “Yes

The motion was unanimously approved by the five members present.

**4. PZ-07-22 SITE PLAN REVIEW & SPECIAL USE PERMIT (OUTDOOR USE)–**

**4 HANDS/DOWN BY THE STATION, 150 W ARGONNE DRIVE**

 Submitted: 8-13-21 Automatic Recommendation: 12-11-21

 Petitioner’s Agent, Drew Lesinski

 *PUBLIC COMMENT OPPORTUNITY*

City Planner II Amy Lowry stated they are proposing to operate a restaurant with indoor seating on the first-floor of the two-story building at the southeast corner of Argonne Drive and Clay Avenue. On the second floor, there are two residential apartments that are currently occupied. The breezeway to the east of the building that connects to the caboose would be removed to allow for pedestrian access to the outdoor area. A “Use Easement” for the City’s property between this property and the railroad tracks will allow the applicant to landscape the area and install playground equipment, bike racks, etc. to be used by the public. The caboose will be repurposed as a food station. Railcar containers will be placed behind the building to provide bathrooms, and a covered bar area with roll-up garage doors would be constructed to allow for three-season use. The proposed operating hours for the inside restaurant are 7 a.m. to 1 a.m. and the outdoor area with live and recorded music would end no later than 11:30 p.m. on Fridays and Saturdays and no later than 10 p.m. on Sunday through Thursday. Review by the Architectural Review Board and Landmarks Commission would be required.

In response to Commissioner Klippel’s question if the use meets the parking requirement, Ms. Lowry responded the Code does not require additional parking in the downtown area when an existing building is being re-used and also noted that the outdoor seating area was being proposed to be open to the general public and not dedicated to the private business. She also stated that Staff is still working with the applicant to clarify how the parking for the two residential units will be addressed.

In response to Commissioner Feiner’s question regarding maintenance of the City-owned property, City Attorney Hessel responded the applicant would be responsible in accordance with the “Use Agreement”.

Some of the items requiring additional information are the Public Use Easement Agreement on the private property proposed for public use, outdoor light fixtures, location of the dumpster, water flow test, and Landmarks and Architectural Review Board review.

Drew Lesinski, of Savoy Properties, and Cara McKedy, of Eddy Design Group, were present to answer questions.

In response to Commissioner Evens’ questions, Ms. McKedy responded that a portion of the outdoor area near the bar would be a three-season space with an insulated roof, fans, and garage doors to be used as needed. In addition, the caboose would be occupied by only employees.

Acting Chairman Eagleton asked if there were any comments from the audience and the following responded:

Dana Wojtan, a resident on the second floor of the building, asked if parking would be available for the residential tenants and if the lease/purchase included the second floor.

Acting Chairman Eagleton appointed himself and Commissioners Evens and Scott to the Subcommittee. The Subcommittee will meet on site September 22 at 8:30 a.m.

**5.** **PZ-08-22 STAFF INITIATED ZONING CODE TEXT AMENDMENT – EDUCATIONAL INSTITUTION PARKING RATES**

 *STAFF REQUESTING VOTE CONSIDERATION*

Director of Planning and Development Services Jonathan Raiche stated staff has been meeting with the Kirkwood School District (KSD) regarding their upcoming improvements at multiple schools and has identified that the parking rate for Educational Institutions in the Zoning Code (adopted by the City in February of 2021) oversimplified the parking required for schools. The current requirement is:

*Educational Institution (Preschool and K-12) – 1 space for every 4 seats in the largest auditorium, stadium, or assembly room, whichever is greater + 6 spaces per classroom.*

 The previous parking rate required the greater of each scenario:

*School, elementary and kindergarten – 1 space per employee plus 1 space per classroom*

*School, Middle – 1 space for every 3 seats of auditorium, gym, or stadium at maximum capacity, or 1 space per employee plus 2 spaces per classroom; whichever is greater*

*School, High School – 1 space for every 3 seats of auditorium, gym, or stadium at maximum capacity, or 1 space per employee plus 2 spaces per classroom, or 1 space per employee plus 25% of average sophomore class plus 35% of average junior class plus 50% of average senior class; whichever is greater.*

After reviewing codes in a variety of cities and discussions between staff and the KSD, the following recommendation was made:

1. ***Elementary School –*** *1 space for every classroom plus 1 space for every employee. Alternatively, a parking study may be submitted for review to establish a supplemental parking rate.*
2. ***Middle School –*** *1 space for every 4 seats in the largest auditorium, stadium (1 seat per 2’ of l.f. of bench length), assembly room, OR 2 spaces for every classroom PLUS 1 space for every employee; whichever is greater. Alternatively, a parking study may be submitted for review to establish a supplemental parking rate.*
3. ***High School –*** *1 space for every 4 seats in the largest auditorium, stadium (1 seat per 2’ of l.f. of bench length), assembly room, OR 6 spaces per classroom; whichever is greater. Alternatively, a parking study may be submitted for review to establish a supplemental parking rate.*

In response to Commissioner Eagleton’s suggestion that bike racks be included in the parking rate, Mr. Raiche replied that Section 25-67 requires one bike rack per 20 parking spaces and that the requirement for a bike rack should not be duplicated in the vehicle parking section.

Commissioner Feiner stated there are two high schools in Kirkwood (Vianney and Kirkwood High School) and expressed concern not knowing what six spaces per classroom would translate to and uncomfortable that this could be waived by the Public Services Director.

Mr. Raiche added that, using the pre-2021 Code, the high school was required to have 731 parking spaces and they currently have 580 spaces.

Brandon Harp, with CEDC and representing KSD, stated the proposed addition of 15 classrooms to the high school will require 90 additional parking spaces. He added that the auditorium or stadium and the classrooms are not at capacity at the same time and the code should require the greater of the two. Six spaces per classroom for an elementary or middle school is too high.

Commissioner Feiner believes the Public Services Director should not be the method in which the required number of spaces could be reduced by means of a parking demand study. If a practical difficulty exists, a variance from the Board of Adjustment could be granted.

City Attorney Hessel commented that the KSD is a separate governmental entity and requiring them to proceed to the Board of Adjustment could create legal difficulties.

Commissioner Evens made a motion to continue discussion to the October 6, 2021, meeting to allow further discussion and involvement from other members of the Commission. Motion was seconded by Commissioner Eagleton.

 Roll Call:

 Chairman Adkins Absent

Commissioner Diel Absent

Commissioner Eagleton “Yes”

Commissioner Evens “Yes”

 Commissioner Feiner “Yes”

 Commissioner Salzer-Lutz Absent

 Commissioner Washington Absent

 Commissioner Scott “Yes”

Commissioner Klippel “Yes

The motion was unanimously approved by the five Commissioners present.

**4.** Planning and Development Services Director Jonathan Raiche stated

* The Zoning Code amendment to allow Commissary kitchens in schools and churches was approved by the City Council on September 2.
* The rezoning request to R-MM at 250 Commerce failed on September 2.
* The request from Harmony Homes on Ballas failed on September 2.
* Hi Pointe Drive-in is progressing at the former Honeypit Smokehouse location.
* Two buildings were demolished at 134 and 138 W Madison to allow the construction of The Hutton condo building.

There being no further business, motion was made by Commissioner Feiner and seconded by Commissioner Eagleton to adjourn at 8:40 p.m. The next meeting will be held via Zoom on October 6, 2021, at 7 p.m.

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 David Eagleton, Secretary/Treasurer

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