

**CITY OF KIRKWOOD**

**PLANNING AND ZONING COMMISSION**

**Via Zoom Virtual Meeting**

**January 19, 2022**

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

James Diel, Vice Chair Jim Adkins, Chair

David Eagleton, Secretary/Treasurer Darrell Scott

Ron Evens

Allen Klippel

Tom Feiner

Sandy Washington

Mary Lee Salzer-Lutz

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, January 19, 2022, 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.

Chair Akins had advised staff that he would be recusing himself regarding PZ-12-22 due to a perceived conflict of interest. This recusal was referenced by the Vice Chair at the beginning of the meeting. Since that is the only item on the agenda, the Chair did not attend the meeting.

**1.** Vice Chair Diel called the meeting to order at 7:00 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 still 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.

Vice Chair Diel announced that Chair Adkins and Commissioner Scott were absent and their absence was excused.

2. Motion was made by Commissioner Salzer-Lutz and seconded by Commissioner Feiner to approve the minutes for the January 5, 2022, meeting as written.

Roll Call:

 Chairman Adkins Absent

Commissioner Diel “Yes”

Commissioner Eagleton “Yes”

Commissioner Evens “Yes”

 Commissioner Feiner “Yes”

 Commissioner Salzer-Lutz “Yes”

 Commissioner Washington “Yes”

 Commissioner Scott Absent

Commissioner Klippel “Yes”

The motion to approve the minutes was approved.

**3. PZ-12-22 ZONING CODE TEXT AMENDMENT – ADD ANIMAL TRAINING AS AN ACCESSORY USE IN SINGLE-FAMILY RESIDENTIAL DISTRICTS**

 Submitted: 12-30-2021

 Petitioner, Lynn Thiele

Chair Akins had advised staff that he would be recusing himself regarding PZ-12-22 due to a perceived conflict of interest. Since that is the only item on the agenda, he did not attend the meeting. This recusal was referenced by the Vice Chair at the beginning of the meeting.

Planner II Amy Lowry stated the applicant submitted an application in October, 2021, for a Home Occupation, which is defined as a business that is conducted within a residential dwelling unit for the economic gain of a resident of the dwelling unit, is secondary to the residential use of the lot, and does not adversely affect the character of the lot or surrounding area. As an example, this would include a music teacher who has one client at a time or an office. Staff determined that dog training is similar to dog grooming or dog boarding and would not be a permitted home occupation under the regulations of the Zoning Code. Ms. Thiele appealed staff’s determination to the Board of Adjustment, and the Board upheld staff’s determination at their December 13, 2021, meeting. A similar Accessory Use, Family Day Care Homes, is Permitted with Standards (no more than six children, licensed by the State, not more than one per block, no more than 30 within the City limits, 7 a.m. to 7 p.m., etc.).

In response to Commissioners’ questions, Ms. Lowry responded that this text amendment would be applicable to all single-family residential districts. The applicant’s residence is located in the R-3 Zoning District. After Ms. Thiele had been operating her business for a year, the City became aware when two complaints were made to the Police Department. Upon investigation, the officer saw fifteen dogs in the yard; however, the Animal Ordinance allows up to three dogs at a residence. In response to a question regarding dog walkers, to meet the Code they would likely need to go to the dog owner’s residence to walk their dog. Ms. Thiele was advised she could have her office in her residence and train dogs at their owner’s house. The applicant has applied to amend the Code to allow animal training as an Accessory Use that would be Permitted with Standards. The Subcommittee can decide if animal training could be permitted as an Accessory Use that is Permitted with Standards or as a Special Use.

Commissioner Feiner commented that the distinction needs to be made between an animal training facility and a dog day care facility and that this use is dependent on the physical characteristics of the property. It will be difficult to come up with a set of standards which would cover every piece of property, which is what you would need if it were permitted with standards. A Special Use Permit can customize the standards to the individual property. He believes that the majority of the letters of support submitted with the application describe this business as a dog day care.

Ms. Lowry added that the petitioner was advised that the business would be allowed in commercial and industrial districts; however, Ms. Thiele’s training model is to train dogs in a residential setting.

Ms. Thiele stated when she started her business, she was going to client’s homes two or three days a week. As a behaviorist, she believes dogs learn best as a pack. Believing that the dogs needed more structured socialization and training, beginning in April, 2020, dogs were being dropped off at her house. She stated the complaint was from a passer-by (and not from a neighbor) who saw a number of dogs in her backyard and was concerned. Two days later based on a second complaint about noise, the same Police Officer came back and advised her she had too many dogs on her property.

In response to questions from Commission members, Ms. Thiele responded that her back yard is fenced. Adult dogs are at her house from 8 a.m. to 5 p.m. and puppies from 8 a.m. to 1 p.m. The back yard has turf in lieu of grass, making cleanup easier. Training is through positive behavioral strategies. The amount of training varies for individual dogs’ needs; however, the average training for a dog is once a week for six weeks.

Vice Chair Diel appointed Commissioners Klippel, Washington, and Salzer-Lutz to the Subcommittee. The Subcommittee will meet at 551 North Clay Avenue on January 25 at 9 a.m.

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

* The legislation for the preliminary subdivision plat for the proposed driveway easement for 1334 W. Adams Avenue at 141 Horseshoe Drive did not pass at the January 6 City Council meeting.

There being no further business, motion was made by Commissioner Eagleton and seconded by Commissioner Salzer-Lutz to adjourn at 7:57 p.m. The next meeting will be held on February 2, 2022, at 7 p.m.

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 James Diel, Vice 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.