A digital copy of the packet for this meeting may be accessed by clicking on the event for this meeting on the City's website calendar at the following link: https://www.kirkwoodmo.org/government/city-council/meetings-calendar.



Planning & Zoning Commission Agenda Wednesday, July 17, 2024, 7:00 p.m. Kirkwood City Hall 139 S. Kirkwood Road Kirkwood, MO 63122

Posted July 12, 2024 - Revised July 15, 2024

- I. ROLL CALL
- II. APPROVAL OF THE JUNE 5, 2024 MEETING MINUTES
- II. UNFINISHED BUSINESS
 None
- III. NEW BUSINESS
 - 1. PZ-05-25 SPECIAL USE PERMIT FOR ACCESSORY DWELLING UNIT 1325 LARK AVE

Submitted: 06-28-24; Automatic Recommendation Date: 10-26-24

Petitioner: William Hippisley, Owner

Petitioner's Agent: Matt Mayer, Mayer Design Group

Opportunity for Public Comment

- IV. COMMISSION/STAFF (INTERNAL) ITEMS
 - 1. ELECTION OF OFFICERS
 - 2. DEVELOPMENT PROJECT UPDATE
 - 3. ENVISION KIRKWOOD 2035 COMPREHENSIVE PLAN QUARTERLY UPDATE
- V. PLANNING AND ZONING SCHEDULE:
 - 1. August 21 7:00 P.M.

Staff Liaison: Jonathan Raiche; Phone: (314) 984-5926; Email: RaicheJD@kirkwoodmo.org

Kirkwood Planning and Zoning Commission: Chair Jim Adkins, Commissioners Ron Evens, Tom Feiner, Sandy Washington, Mary Lee Salzer-Lutz, Darrell Scott, Allen Klippel, Karen Coulson and Justin Arnold.

Accommodation: The City of Kirkwood is interested in effective communication for all persons. Persons requiring an accommodation to attend and participate in the meeting should contact the City Clerk at 314-822-5802 at least 48 hours before the meeting. With advance notice of seven calendar days, the City of Kirkwood will provide interpreter services at public meetings for languages other than English and for the hearing impaired. Upon request, the minutes from this meeting can be made available in an alternate format, such as CD, by calling 314-822-5802.



CITY OF KIRKWOOD PLANNING AND ZONING COMMISSION MEETING MINUTES June 5, 2024

Members Present

Jim Adkins, Chair
Tom Feiner, Vice-Chair
David Eagleton, Secretary/Treasurer
Ron Evens
Allen Klippel
Mary Lee Salzer-Lutz
Darrell Scott

Members Absent

Karen Coulson Sandy Washington

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, June 5, 2024 at 7:00 p.m. in the City Council Chambers. City Attorney John Hessel, Planning and Development Services Director Jonathan Raiche, Planner II Amy Lowry, and Planner I Lauren Hoerr attended the meeting.

- 1. Chair Adkins called the meeting to order at 7 p.m. He announced that Commissioners Coulson and Washington were absent and their absences were excused.
- 2. A motion to approve the May 15, 2024 minutes was made by Commissioner Eagleton and seconded by Commissioner Salzer-Lutz. The minutes were approved by a vote of 6-0, with Commissioner Feiner abstaining.

3. PZ-03-25 SPECIAL USE PERMIT FOR OUTDOOR DINING – 436 N. KIRKWOOD RD

<u>Presentation</u>: Planner I Lauren Hoerr presented the application from Café Napoli at The James apartment building. The lot is on east side of North Kirkwood Rd between East Washington and East Bodley Avenues – just south of the Alpine Shop. The property is zoned B-2, Central Business District. The first floor is occupied by the apartment leasing office and a UMB Bank branch, as well as planned space for the indoor portion of Café Napoli. The applicant has indicated that there would be up to 49 outdoor dining seats in the covered area of about 1,037 square feet on the northwest corner of the building – just east of the

public plaza. The restaurant and outdoor dining days and hours of operation are proposed as 11:00 am – 10:00 pm Monday through Thursday, 11:00 am – 11:00 pm on Fridays and Saturdays; and 11:00 am – 9:00 pm on Sunday. The applicant anticipates 15-20 total employees, with a maximum of 20 employees during the Friday and Saturday shifts. The applicant is also requesting outside entertainment in the form of speakers during the restaurant hours of operation.

<u>Discussion and Motion</u>: Upon conclusion of Ms. Hoerr's presentation, Chair Adkins opened the floor to the Commissioners' questions and comments. In response to Commissioner Feiner's question, Mr. Raiche said that the applicant was not requesting an outdoor bar, but any future such addition would require an amendment to the SUP.

Paul Fusz, of CBRE and on behalf of Café Napoli, responded to the Commission's questions. He anticipates that the restaurant will open in late September/early October with construction documents in finalization now. He said that the restaurant would be more family friendly than other Napoli branches. There being no further discussion and no public comment, Chair Eagleton called for a vote on the approval of PZ-03-25 subject to the conditions in Staff's memo to the P&Z. Motion was made by Commissioner Eagleton and seconded by Commissioner Evens. The seven members present unanimously approved the motion.

4. PZ-04-25 MAJOR SITE PLAN PARTIAL AMENDMENT – GREENBRIAR HILLS COUNTRY CLUB, 12665 BIG BEND BLVD

Mr. Raiche summarized the findings of the second sound Presentation: study and the applicant's view that extending the sound barrier on the south side of the courts would allow the courts to open in compliance with the County's noise ordinance. Mr. Raiche reminded the Commission that City Council approved a 10' tall sound barrier on north and south fences, and that City Staff approved a 15' tall, open mesh, chain link fence on north and south per the fence code. He said that City Council approval is needed to extend sound barrier to 15' in height. According to the City's fence code, Section 5-39 for Height Requirements, fences built around tennis courts shall be of open mesh construction and shall not exceed 15 feet in height. Section 5-42, however, allows that fences specified and approved by the Planning and Zoning Commission and/or City Council as part of a site plan review are exempt from this article. Mr. Raiche showed photos from the applicant of the finished courts, the fence with Acoustifence sound barrier already added at 10', the poles and rails for a fence extension to 15', and the area for the proposed Acoustifence extension of 5' for approximately 130' in length.

<u>Questions and Discussion</u>: Commissioner Klippel summarized the Commission's task as to deciding whether the additional 5' of sound barrier is harmonious with the character of the neighborhood. In response to Commissioner Evens's question, Mr. Raiche confirmed that the request is just for

an additional 5' of sound barrier on the south fence. Mr. Raiche added that the Country Club had already extended the original fence to the east end of the pickleball courts after the results of the first sound study. With the second sound study, only spot-checking was conducted on the north as that area met the criteria, but there was a deck area on the south that was not in compliance. In response to Commissioner Evens's further questioning, Mr. Raiche said that any other modification, such as a roofed structure, would need a site plan amendment. Commissioner Feiner referred to correspondence in which it was suggested that the sound at the second floor of some residence would not meet the code. He guestioned whether sound could be monitored at the second floor. Mr. Raiche said that St. Louis County would not measure within a house, but the testing would be done in such a way that is in accordance with the County's methodology. In response to Commissioner Feiner's second question, Mr. Raiche said that City Council did anticipate that the Country Club could come back to the City for modifications in order to comply with the sound ordinance. Mr. Hessel confirmed that if the courts are not in violation of the sound ordinance, then pickleball is authorized play and the City's involvement concluded. He added that the County might then come out to test in reaction to any complaint. Mr. Hessel asked the Commission to consider how they might have approved the request had it originally been for 15' of sound barrier. Commissioner Evens said that he saw the requests as the Country Club trying to minimize step-by-step what was needed until compliance. In response to Commissioner Eagleton's question about how many fences in the City are 15' in height, Mr. Raiche said that the City does not have that information.

Applicant's Presentation and Questions: John Bickel, 75 Glenwood Ln., said that adding the 5' of additional sound barrier is the Country Club's solution to meeting the County noise ordinance while constructing as little as needed. Steve Pozoric, 1125 Vinetta Dr., added that if the issue is with the line of sight, the height of the added sound barrier is still below the level of the tennis shack and the swimming pool. In response to Commissioner Klippel's question as to whether the additional sound barrier will be left up if the sound ordinance is still not met, Mr. Bickel said that they plan for it to succeed. In response to Commissioner Salzer-Lutz's question regarding suggestions from the sound engineer to meet the ordinance, Mr. Hessel and Mr. Raiche emphasized that the City selected the acoustical engineer as a neutral third party and it is up to the Country Club to make changes to comply.

<u>Public Comment</u>: Terry O'Connell, 134 Sweetbriar Ln., referred to stormwater damage to his retaining wall and to the common ground in opposition to the application. He expressed that landscaping is needed near the 14' northern wall. Julie Missey, 2131 Briargate Ln., lives on the south side of the courts and reminded the Commission that the neighbors cited numerous articles on the effects of pickleball noise – including the conclusion of the Spendarian report that the sound wall must be higher than the line of sight to the players from the neighbors' yards in order to be effective. She added that the higher south fence

might reflect more noise to the houses on the north. Cathy Converse, 2125 Briargate Ln., said that if the fence were approved, it would be the tallest, most solid construction fence in Kirkwood based on her driving review of Kirkwood fences. She added that the taller fence would negatively affect property values and adversely affect the character of the neighborhood. If the Commission does approve the fence, she requested the Commission require extensive landscaping on both sides of the fence.

<u>Motion and Discussion</u>: Commissioner Eagleton made a motion to approve PZ-4-25 with a change to Resolution 3-2023A, Section 1, Subsection 2 to the following language suggested by City Staff:

The northern chain link fence of the pickle ball courts shall be a minimum of 10 feet tall and a maximum of 15 feet tall with Acoustifence acoustical barrier installed at a height of 10 feet. The southern chain link fence of the pickle ball courts shall be 15 feet tall with Acoustifence acoustical barrier installed at a height of 15 feet. Thereafter, such acoustical barrier shall be maintained at all times in good order, condition, and state of repair.

Commissioner Salzer-Lutz seconded the motion. Chair Adkins opened discussion on the motion. Commissioner Klippel suggested a condition that if the Country Club abandons the 4 courts, then the fence should revert to 10' open mesh. The Commission, the City Attorney, and Mr. Raiche discussed the implications of abandonment or inability to use the courts. Commissioner Klippel made a motion to amend the original motion that in the event that Greenbriar Hills Country Club is unable to use the courts for pickleball following the installation of the additional 5' of barrier and testing or ceases to use the courts within a 12-month period, then all acoustical barrier shall be removed. Commissioner Salzer-Lutz seconded the motion. Commissioner Evens said that he felt it too heavy-handed to require the acoustical material be removed to the ground and had a problem with the 12-month period. Chair Adkins called for a vote on the amendment and the amendment failed by a vote of 3-4.

In further discussion of the original motion, Commissioner Klippel expressed his view that it is not harmonious. Commissioner Evens asked whether additional landscaping could be requested. He also said he does not believe a subcommittee is necessary and he would be in support of the additional 5' of acoustical barrier as a next logical step. Commissioner Feiner expressed that if the Country Club had asked for 15' of barrier last year, he would not have recommended approval and he is troubled by the prospect of modification requests being never-ending. Commissioner Adkins agreed with Commissioner Evens that the Country was acting incrementally to solve the problem. Commissioner Eagleton agreed with Commissioners Klippel and Feiner that there is no guarantee that the extra 5' of barrier will mitigate the issue. Commissioner Salzer-Lutz said that the applicant did not have advisement from a sound expert that this would work. Commissioner Scott said that there is no

guarantee that the sound study will allow play on the courts. Chair Adkins called for a vote on the motion. The motion failed by a vote of 3-4, with only Commissioners Adkins, Evens, and Salzer-Lutz voting in favor.

5. COMMISSION STAFF INTERNAL ITEMS/DEVELOPMENT PROJECT UPDATES

Mr. Raiche provided the Commission with updates regarding the Accessory Dwelling Unit application at 740 N. Taylor Avenue that will have second reading before City Council on May 16 and the staff-initiated code text amendment on hours of operation for uses in the B-1 zoning district that will have a public hearing before the City Council also on May 16. He added that a building permit had been issued for the Aria condominium project and that the City hoped to give conditional occupancy to 4 Hands/Peacemaker within a day.

Commissioner Scott congratulated Mr. Hessel on his recognition for public service from North County, Inc. The Commission thanked Commissioner Eagleton on his years of service to the Commission with the ending of his second term. With no further business, a motion was made by Commissioner Evens and seconded by Commissioner Salzer-Lutz to adjourn at 9:06 p.m. The next Planning and Zoning meeting will take place on July 17, 2024 at 7 p.m. (due to Juneteenth and July 4 holidays).

Jim Adkins, Chair

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

MEMORANDUM

TO:

PLANNING & ZONING COMMISSION

FROM:

JONATHAN RAICHE, PLANNING &

DEVELOPMENT SERVICES DIRECTOR

SUBJECT:

PZ-5-25; 1325 LARK AVENUE – SPECIAL USE

PERMIT FOR ACCESSORY DWELLING UNIT

DATE:

APRIL 3, 2024

CC:

AMY LOWRY, CITY PLANNER II



The petitioner is requesting a Special Use Permit (SUP) for an Accessory Dwelling Unit (ADU) in the R-3 zoning district. An ADU is an accessory use requiring special use review in the R-1, R-2, R-3, and R-4 zoning districts. Below in column one are the use-specific standards contained in Zoning Code Section 25-45(b) and in column two are ways the specific application meets the standards:

Use Specific Standard		Compliance Notes
(1)	Accessory dwelling units shall only be permitted when accessory to a single-family dwelling on a single lot.	ADU is in an accessory structure (detached garage) on the same lot as a single-family dwelling unit.
(2)	Accessory dwelling units may be constructed within an existing dwelling unit (interior apartment) or as a separate or converted accessory structure (e.g., converted garage, carriage house, unit above a garage).	ADU is a unit in a detached garage structure.
(3)	 An accessory dwelling unit that is constructed within the principal dwelling (interior apartment) shall comply with the following: (i) May occupy a basement, first, or second story of a main residence if it is designed as an integral part of the main residence and meets the setbacks required for the main residence. (ii) Any separate external entrance shall be located on the side or in the rear of the building. 	n/a
(4)	An accessory dwelling unit that is in a separate, detached building or is added to a detached building shall be constructed in a manner that reflects the architectural style, materials, colors, and roof design of the principal dwelling. Such detached building shall meet the setback requirements for principal buildings in the applicable zoning district.	If approved for a special use permit, the structure will be reviewed by the ARB to ensure that it is compatible with the principal dwelling. The structure meets the setbacks for the R-3 zoning district of 12-foot side yard and 35-foot rear yard.
(5)	No existing accessory building can be converted to an accessory dwelling unit or modified to incorporate an accessory dwelling unit without meeting all the standards of this section, including the required setbacks.	n/a

(6) Accessory dwelling units may have a maximum height up to two stories. In no case shall an accessory dwell unit exceed the height of the principal building.	
(7) Only one accessory dwelling unit is permitted on individual lot.	an Only one is requested.
(8) There shall be a minimum lot area of 15,000 square for any lot that contains an accessory dwelling unit.	Lot size is 2.5 Acres (approx. 108,000sf)
(9) The maximum size of an accessory dwelling unit shall 750 square feet of floor area and shall not contain mo	
than two bedrooms. The calculation of floor area shinclude basements but shall not include garage spawhen said accessory dwelling unit is part of a detach garage.	all proposed.
(10)One off-street parking space shall be provided addition to any spaces required in § 25-65. Such park space shall have direct, drivable access to a street.	
(11)The owner of the lot shall reside in either the princid dwelling or accessory dwelling unit as long as both dwelling units are occupied as residences.	1 1

DISCUSSION:

A Zoning Matters sign was posted on the property on July 12, 2024. The ADU accessory use was added to the Zoning and Subdivison Code with its adoption in February 2021. The addition to the code was a direct result of the EnVision Kirkwood 2035 Comprehensive Plan Goal 4.B "Encourage higher density residential/mixed-use in appropriate areas", Action Item 4.B.3 "Consider potential for allowance of accessory/secondary dwelling units". The benefits of ADUs cited in the Comprehensive plan are to provide affordable housing to meet the needs of different family configurations, to increase the housing supply, to allow seniors to live closer to their families, and to help young professionals entering the workforce. This is the City's second application for an ADU.

RECOMMENDATION:

As established above, the petition meets the use-specific standards in Zoning Code Section 25-45(b). Staff believes these standards provide the proper protections at this property and for the neighborhood while meeting the SUP review criteria in Zoning Code Section 25-20(e) and (f). Because the standards are met, Staff is requesting action from the Planning & Zoning Commission at the July 17, 2024 meeting rather than the formation of a subcommittee.

Staff recommends this petition be **approved** with the following conditions:

- 1. A Special Use Permit for an Accessory Dwelling Unit shall be approved for the property addressed as 1325 Lark Avenue.
- If applicable, storm water management plans and sanitary sewer plans shall be approved by Metropolitan Sewer District (MSD) prior to issuance of a building permit. The approval of this project shall not authorize any person to increase or unreasonably alter or redirect the surface

- water run off so as to cause harm to any person or property.
- 3. Prior to issuance of a building permit, applicant shall provide information for the City to determine that the existing principal structure exceeds the height of the proposed structure.
- 4. The premises and improvements as approved by this Special Use Permit shall be in good working order and maintained in good repair at all times.
- 5. The applicant, by accepting and acting under the Special Use Permit approval granted, accepts the approval subject to the reservations, restrictions, and conditions set forth in the Code of Ordinances and in this memorandum and agrees to comply with each provision subject to the penalties prescribed under Section 1-8 of the Code of Ordinances and subject to revocation of this approval in the event such provisions are not complied with.
- 6. The Architectural Review Board shall review all building design.

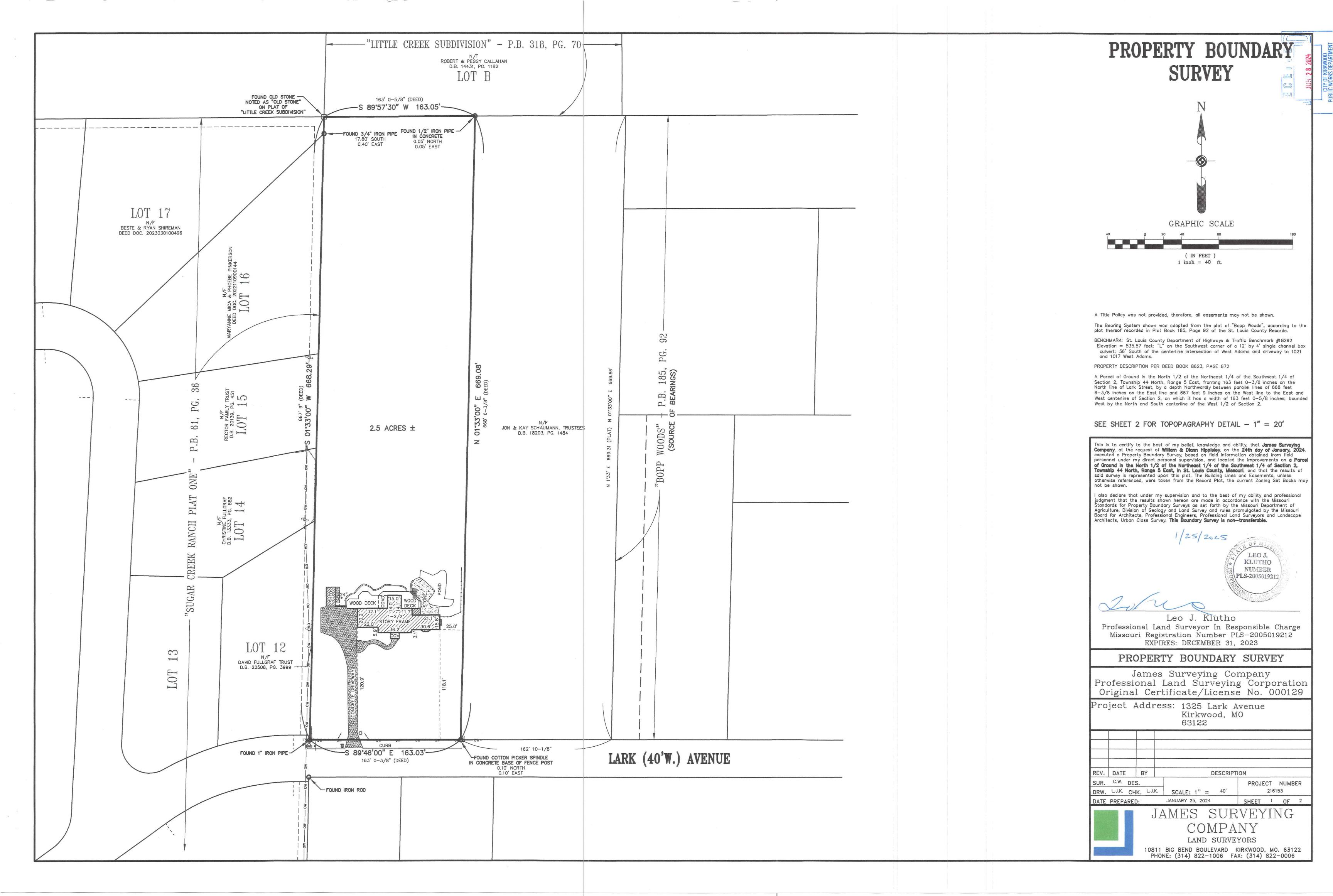
APPLICATION FOR P	LANNING AND ZONING REVIEW			
ZONING DISTRICT: R-3 PROJECT ADDRESS: 1325 LAI				
PROJECT NAME: HIPPIGLEY GARGE - ADD				
ACTION REQUESTED				
 □ CUP, Development Plan or Final Site Plan (circle one) □ Development Plan, B4, B5, or R6 (circle one) □ Final Site Plan, B4, B5, or R6 (circle one) □ Site Plan Review, Minor or Major (circle one) □ Site Plan Modification □ Alternative Equivalency ▼ Special Use Permit, Category: 	 □ Subdivision, Major □ Subdivision Modification □ Text Amendment □ Vacation, Right-of-Way or Easement (circle one) □ Zoning Map Amendment, From to Comments: 			
PETITIONER INFORMATION				
I (We) hereby certify that I (we) have legal interest in the hereinabove described property and that all information given herein is true and a statement of fact Name (Print): WILLIAM HIPPICLEY Signature: SEE BELOW Phone No.: 314 478 - 7228 Mailing Address: ISSUE LAIRL AVENUE City: ST LOVIS State: MO Zip: 63122 E-mail Address: Corporation Partnership Individual				
Relationship of Petitioner to Property: Owner Tenant Option				
AGENT INFORMATION Agent's Name: MATT MAJER Signature: Phone No.: 314 BA 1-8777 Mailing Address: 4400 SUITH UNDBERG BIVE Signature: Phone No.: 314 BA 1-8777 E-mail Address: MATT MAJER Signature: Phone No.: 314 BA 1-8777 E-mail Address: MATT MAJER BIVE Signature: Phone No.: 314 BA 1-8777 E-mail Address: MATT MAJER Signature: Phone No.: 314 BA 1-8777 E-mail Address: Phone No.: 3				
PROPERTY OWNERS				
Signature required or submit proof petitioner has legal interest in property. Name: WILLIAM C HIPPISLEY Name: DIANN J HIPPISLEY Signature: Diann J. Parillo Signature: Diann J. Parillo Address: 1325 Lark Avenue City/State/Zip: Kirkwood, MD 63122 City/State/Zip Kirkwood, MO 63122				
Phone: 314-478-7228 Phone: 314-478-8218				
Date Received: 1 1 21 24 24 24 24 25 25 25 25				
Special Use Permit: \$1,000 (waived if submitted with Site P Special Use Permit Amendment: \$800 (waived if submitted Subdivision (Major), Preliminary Plat Lots @ \$500/Lot Subdivision (Major), Final Plat/Improvement Plans: Lo Subdivision (Major) Amendment to Final Plat or Improvement Subdivision Modification (Boundary Adjustment): \$300 Vacation, Easement: \$100 Vacation, Right-of-way: \$200 Zoning Code Text Amendment: \$1,000 Zoning Map Amendment: \$1,000	with Site Plan Review) or Extension: \$300 OF KIRKWOOD = \$ PUBLIC WORKS DEPARTMENT ts @ \$100/Lot +1.25% of \$ = \$			

Cover letter: 1325 Lark Avenue - Kirkwood, MO 63122.

Mr. William and Mrs. Diann Hippisley own and reside at the property, 1325 Lark Avenue - Kirkwood, MO 63122.

This accessory dwelling unit project includes a New 2 car detached garage with access to a living space above by way of a stair well at the interior. The living space shall include a kitchenette, full bathroom and open vaulted studio style living quarters. The square footage is under 750 square feet.

The building construction shall be of similar color, product and materials. The architectural design shall be similar to the existing residence that of cape cod style. This new detached garage / accessory dwelling unit shall be 22'-5" or less which shall not exceed the height of the primary residence.





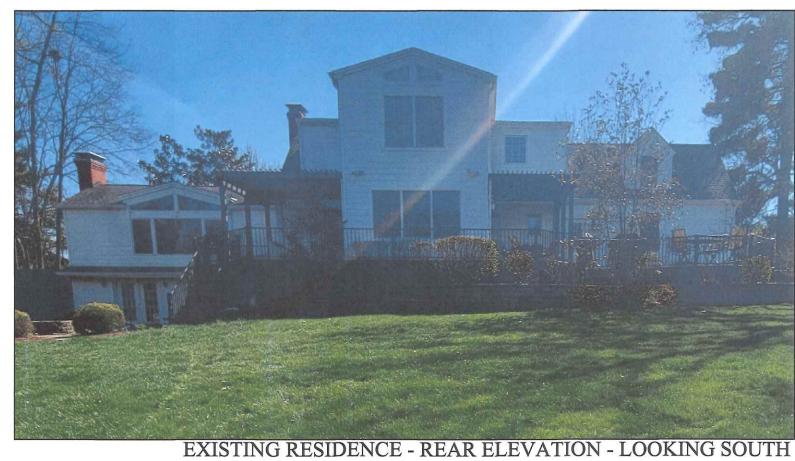


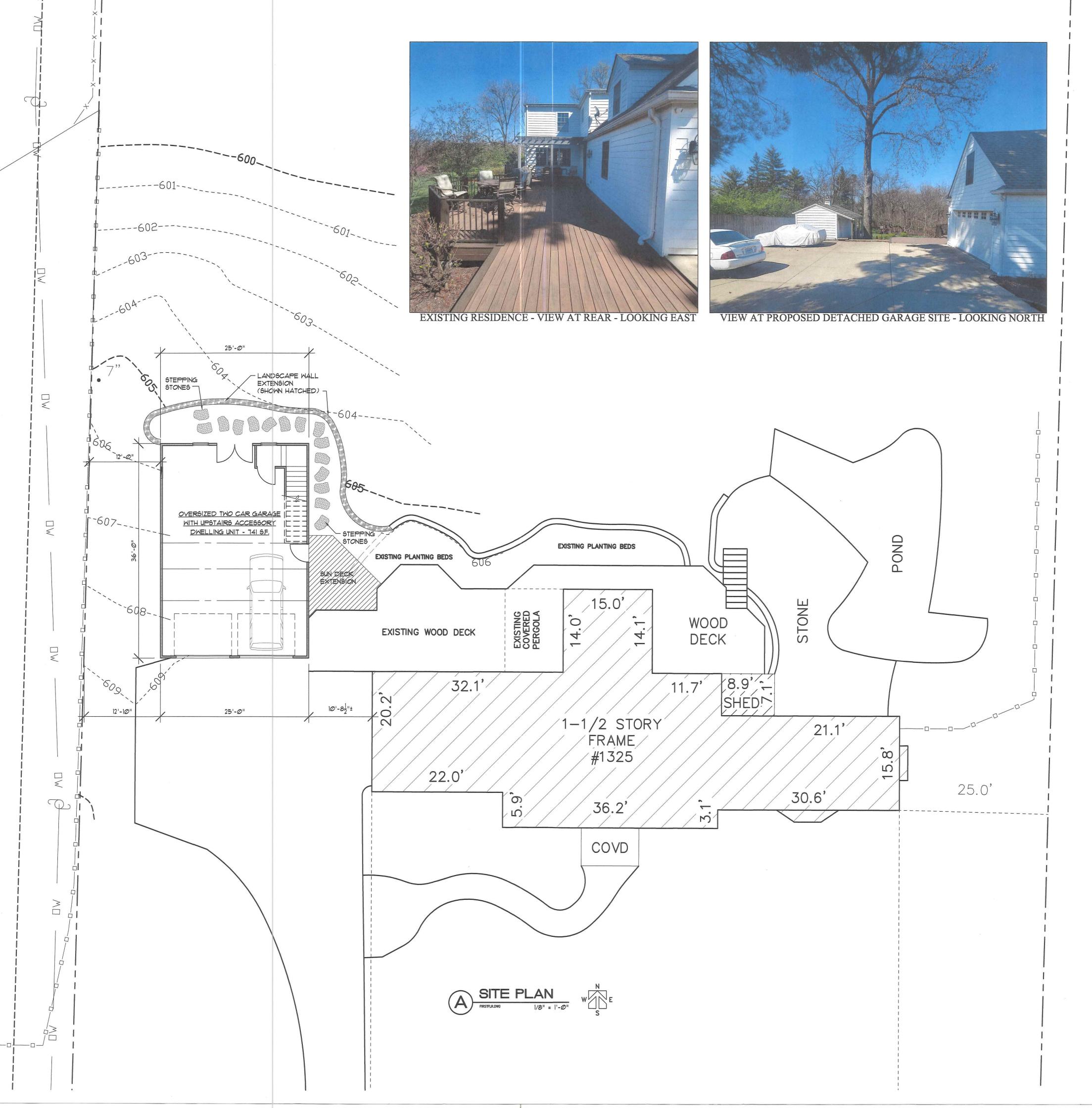
EXISTING RESIDENCE - FRONT ELEVATION - LOOKING NORTH



EXISTING ATTACHED GARAGE ELEVATION - LOOKING EAST







Revisions

MAYER DESIGN GROUP

ARCHITECTURE PLANNING **CONSULTING** 4400 South Lindbergh Blvd.

St. Louis, Missouri 63127-1603 Telephone: (314) 849-8777

mayerdesigngroup@earthlink.net Project Code

HPY-2401

Project Title New Detached Garage for

Hippisley Residence

1325 Lark Avenue Kirkwood, Missouri 63122

Drawing Title Site Plan and Existing Condition Photographs

Date Drawn Checked 06/28/24 DB/mm MM/BM

Drawing Number

SITE-1



Revisions

MAYER DESIGN GROUP

ARCHITECTURE PLANNING

CONSULTING 4400 South Lindbergh Blvd. St. Louis, Missouri 63127-1603

Telephone: (314) 849-8777 mayer design group @earth link.net

Project Code

Project Title New Detached Garage for

Hippisley Residence

1325 Lark Avenue Kirkwood, Missouri 63122

Drawing Title Floor Plans and Exterior Elevations

Date Drawn Checked 06/28/24 DB/mm MM/BM

Drawing Number