



**Planning & Zoning Commission
Agenda
Wednesday, August 21, 2019, 7:00 p.m.
Kirkwood City Hall
139 S. Kirkwood Road
Kirkwood, MO 63122**

I. ROLL CALL

II PUBLIC HEARING

**1. PZ-12-20 B-4 DEVELOPMENT PLAN AMENDMENT – ADAMS PLACE,
100-130 WEST ADAMS AVENUE**

Submitted: 7-15-19 Automatic Recommendation: 10-13-19
Petitioner, Phillip Grooms

**III. APPROVAL OF THE MINUTES OF THE JULY 17, 2019, PLANNING AND ZONING
COMMISSION MEETING**

IV. UNFINISHED BUSINESS

**1. PZ-04-20 AMEND ZONING CODE AND SPECIAL USE PERMIT, TATTOO STUDIO –
ELECTRIC UNICORN, 108 NORTH KIRKWOOD ROAD**

Submitted: 5-24-19 Automatic Recommendation: 9-21-19
Petitioner, Trevor Collis
(Subcommittee – Commissioners Drewel and Evens)

V. NEW BUSINESS

1. PZ-12-20 REZONE B-2 TO B-4 – ADAMS PLACE, 130 WEST ADAMS AVENUE

Submitted: 7-15-19 Automatic Recommendation: 10-13-19
Petitioner, Phillip Grooms

VI. COMMISSION/STAFF (INTERNAL) ITEMS

1. DEVELOPMENT PROJECT UPDATE
2. ZONING, SUBDIVISION, AND SIGN CODES REWRITE UPDATE
3. SCHEDULE FOR 2020

VII. PLANNING AND ZONING SCHEDULE:

1. SEPTEMBER 4 AND 18, 2019 – 7:00 P.M.
2. OCTOBER 2 AND 16, 2019 – 7:00 P.M.

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

Kirkwood Planning and Zoning Commission: Chairman Allen Klippel, Commissioners Jim O'Donnell, Wanda Drewel, James Diel, Madt Mallinckrodt, David Eagleton, Jim Adkins, Ron Evens, and Greg Frick

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

APPLICATION FOR PLANNING AND ZONING COMMISSION ACTION

DATE: 7/3/19

CASE NUMBER: P2-12-20

PROJECT ADDRESS: 100-130 W. Adams Ave
ZONING DISTRICT: B2+B4 LOT SIZE: 1.46 ACRES
LOCATOR NUMBER: 23M12.1492 + 23M12.0875
PROJECT NAME: ADAMS PLACE

ACTION REQUESTED

- Zoning Change From Partial B-2 to B-4
- Community Unit Plan, Type: _____
- Special Use Permit, Category: _____
- Subdivision Development, Number of Lots: _____
- B4 Development Plan Amendment
- B5 Development Plan

- Site Plan Review
- Right-of-Way/Easement Vacation
- Other: _____
- 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): Phillip Grooms Jr Adams LLC Signature: Phillip Grooms Phone No.: 314.359.5742
Mailing Address: 1025 Grandview Pl City: St. Louis State: MO Zip: 63139
E-mail Address: pgrooms@adamsplacestl.com
Petitioner's Status: Corporation Partnership Individual
Relationship of Petitioner to Property: Owner Tenant Option Holder (Attach Copy of Contract) Other

AGENT INFORMATION

Agent's Name: _____ Signature: _____ Phone No.: _____
Mailing Address: _____ City: _____ State: _____ Zip: _____
E-mail Address: _____

(NOTE: The petitioner's agent, if listed, shall receive the official notice of public hearing)

PROPERTY OWNERS

Signature required or submit proof petitioner has legal interest in property.

Name: Phillip Grooms Name: Danny Hill
Signature: Phillip Grooms Signature: Danny Hill
Address: 1025 Grandview Pl Address: 120 W. Adams Ave # 307
City/State/Zip: St. Louis, MO 63139 City/State/Zip: Kirkwood, MO 63122
Phone: 314.359.5742 Phone: 636.208.2026

FOR CITY USE ONLY

Date Received: 7-15-19 Total Received: \$ 2146.00 Agenda Date: PH 8-21-19

- B-4/B-5 Development Plan (Preliminary): \$1,000 + 1.46 Acres @ \$100/Acre or portion over one acre) = \$ 1,146.00
- CUP, Preliminary (Multi Family): \$1,000 + _____ Dwelling units @ \$20/Each = \$ _____ = \$ _____
- CUP, Preliminary (Detached Single Family): \$1,000 + _____ Lots @ \$500/Lot = \$ _____
- Letter of Credit Extension: \$100
- Rezoning: \$1,000
- Site Plan Review: \$1,000
- Site Plan Review Amendment \$800 or Extension: \$300
- Site Plan Review, Mixed Use in B2 Zoning District (Preliminary): \$1,000 (includes SPR fee) + \$25/acre or portion over one acre
- Special Use Permit and Special Use Permit Amendments: \$1,000
- Subdivision, Preliminary (Detached Single Family): _____ Lots @ \$500/Lot = \$ _____
- Vacation, Easement: \$75
- Vacation, Right-of-way: \$100
- Zoning Code Amendment: \$1,000

Final Subdivision Plat/Community Unit Plan/B-4or B-5 Development Plan

Date Received: _____ Total Received: \$ _____ Agenda Date: _____

- B-4 and B-5 Development Plan (Final) or B4 Development Plan Amendment (when public hearing is not required): \$1,000
- B-5 Development Plan Amendment (when public hearing is not required): \$500
- CUP Amendment, Type A or Type C: Without public hearing \$500; With public hearing \$800
- CUP Type C (Final): \$500 + 1-1/4% of \$ _____ = \$ _____
- CUP Type A or C Time Extension on Final: \$300
- Sidewalk Waiver on _____ feet @ \$30/Foot = \$ _____ = \$ _____
- Site Plan Review, Mixed use in B2 Zoning District (Final): \$500
- Site Plan, Mixed use in B2 Zoning District Amendment: \$300
- Subdivision Plat or CUP Type A (Final): _____ Lots @ \$100/Lot = \$ _____ + 1-1/4% of \$ _____ = \$ _____
- Subdivision Plat Development Plan Amendment: \$200

TO: City of Kirkwood Planning & Zoning
FROM: Owners of GH Adams, LLC--Phillip Grooms, Alison Grooms, Daniel Hill,
and Gregory Zes
DATE: 3 July 2019
Zoning Case: Adams Place

The petitioner, GH Adams LLC, requests a change in zoning of the addresses 100-130 W. Adams Ave, Kirkwood, MO 63122 from its current status as retail and elderly housing to retail and housing for all ages. Specifically we are changing 130 W. Adams Ave from B2 to B4 zoning categorization. We intend to incorporate the west parking lot into the property in order to meet the parking requirements to do so. Included are drawings and a traffic study to aid you in the decision making process.

If you have any additional questions, please contact me.

Sincerely,



Phillip Grooms
Owner and member
GH Adams LLC
O: 314.965.7070
C: 314.359.5742
pgrooms@adamsplacestl.com

<p>Office/Business:</p> <ol style="list-style-type: none"> 1. Midwestern Braille Volunteers 2. Edward Jones 3. Carl Polster Chamberlain 4. Insight Eye 	<ol style="list-style-type: none"> 5. 2,536 sq. ft. 6. 1,597 sq. ft. 7. 1,800 sq. ft. 8. 1,096 sq. ft. 	
<p>Restaurant:</p> <ol style="list-style-type: none"> 1. Sunset 44 Restaurant & Bistro 	<ol style="list-style-type: none"> 2. 4,404 sq. ft. 	
<p>Housing:</p> <ol style="list-style-type: none"> 1. Senior Housing Apartments 	<p>44 Units</p>	



Lower lot facing south



Main entrance and lot above garage facing north



Lower lot facing north



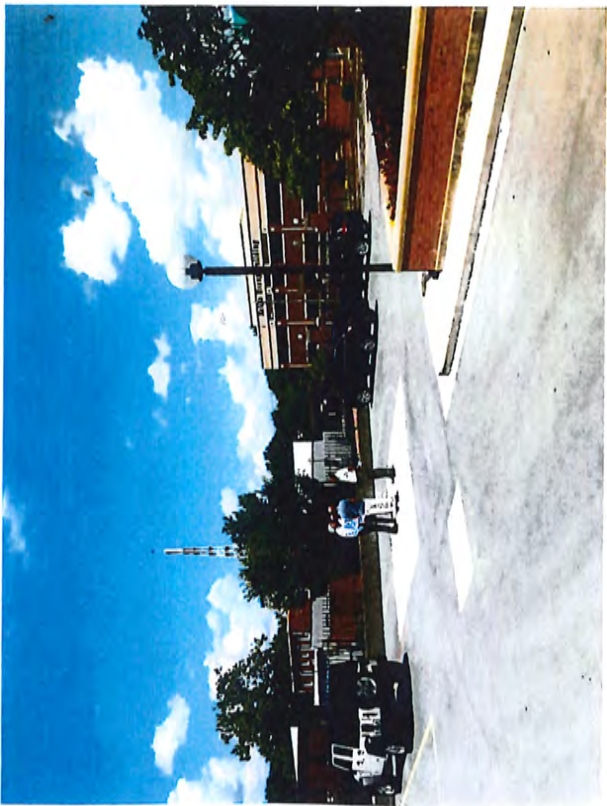
View Northwest from alley



view of N. Kirkwood Rd entrance



Adams Ave main entrance



Main entrance lot



Western view of N. Kirkwood Rd entrance



Lower lot entrance along Adams Ave



View of north side of the building along Adams Ave



WHERE COMMUNITY AND SPIRIT MEET®

August 14, 2019

Phillip Grooms
GH Adams LLC
1025 Grandview Place
St. Louis, MO 63139

SENT VIA EMAIL: pgrooms@adamsplacestl.com

SUBJECT: PZ-12-20; 120 & 130 W. Adams Ave. – Adams Place
B-4 Development Plan Amendment,
130 W. Adams Ave. - Rezoning (B2 to B4)

Mr. Grooms:

The City of Kirkwood Public Services Department is in receipt of your application for the items referenced above related to the existing B-4 Planned Commercial site located at 120 W. Adams Avenue. The B-4 Development Plan Amendment portion of this request requires a public hearing before the Planning and Zoning Commission. This public hearing has been scheduled on the Planning and Zoning Commission agenda for its **7:00 p.m. meeting Wednesday, August 21, 2019** at Kirkwood City Hall, 139 South Kirkwood Road. This will be the introduction meeting regarding all requests included in your application related to this project. City Staff will make an introduction presentation regarding the requests at this meeting. You, or your representative, should attend this meeting to present this item to the Commission and answer any questions the Commission members may have.

The Planning and Zoning Commission will review the application in accordance with the Zoning Code. The Public Services Department has the following initial comments concerning the application:

B-4 Amendment

1. It is Staff's understanding that the drawings (parking lot striping plan) and traffic study referenced in your cover letter have been delayed and will be provided at a later time. The original approval for this development was limited to a "retail and elderly housing complex". This original approval included reductions to the parking requirements which were, at least, partly based upon the assumption that the residents would be elderly residents. With your request to remove this restriction, this additional information will be important for the Planning & Zoning Commission to review prior to making their recommendation to the City Council. Please provide this information as soon as possible.

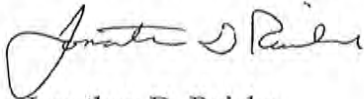
This is a preliminary review of the application. The Planning and Zoning Commission and Public Services Department will review the application in detail and provide further comments

as necessary. This preliminary review is not an approval or acceptance of any part of the application submitted. Any additional information provided prior to the August 21, 2019 meeting will be reviewed by Staff and provided to the Planning & Zoning Commission accordingly.

The applicant is further advised that it is the applicant's responsibility to follow their petition through the entire process and to satisfy all submittal requirements and deadlines. Also note, this application and review does not grant the applicant any special rights, privileges, or immunities, and that all provisions of the Kirkwood Code of Ordinances shall apply.

Sincerely,

CITY OF KIRKWOOD



Jonathan D. Raiche

City Planner

314-984-5926

raichejd@kirkwoodmo.org

BILL 7886 A
ORDINANCE 7821

AN ORDINANCE APPROVING THE PRELIMINARY DEVELOPMENT PLAN FOR THE DEVELOPMENT OF A TRACT OF LAND FOR USE AS A RETAIL AND ELDERLY HOUSING COMPLEX UNDER THE PROVISIONS OF APPENDIX A, ZONING, ARTICLE VI, SECTION 4 (B-4, PLANNED COMMERCIAL DISTRICT) UPON THE APPLICATION OF KIRKWOOD HOUSING PARTNERSHIP, LOCATED AT THE SOUTHWEST CORNER OF KIRKWOOD ROAD AND ADAMS AVENUE (231 N. KIRKWOOD ROAD), IN KIRKWOOD, MISSOURI, AND SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, Kirkwood Housing Partnership has made application for the use of a certain tract of land located in the City of Kirkwood, Missouri, as a retail and elderly housing complex on property more particularly described herein, and

WHEREAS, the Planning and Zoning Commission did hold a public hearing with respect to such application on the 6th day of July, 1988, after duly advertising and giving proper notice of such hearing, and

WHEREAS, on the 14th day of September, 1988, the Planning and Zoning Commission did recommend approval of the preliminary development plan subject to certain conditions, and

WHEREAS, on the 6th day of October, 1988, the City Council did hold a hearing with regard to this application after giving notice of such hearing.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, as follows:

SECTION 1. That the proposed preliminary development plan submitted by Kirkwood Housing Partnership, for the development of a tract of land described below for use as a retail and elderly housing complex, all as set forth in the preliminary development plan received by the City of Kirkwood on September 13, 1988, prepared by The Hoffman Partnership, Inc., architect, is hereby approved. Such parcel is more particularly described as follows:

A tract of land being part of Block 15 of the Town (now City) of Kirkwood in Section 1, Township 44 North - Range 5 East St. Louis County, Missouri and being more particularly described as:

Beginning at the intersection of the South line of Adams Avenue, 60 feet wide, with the West line of Kirkwood Road, 60 feet wide; thence South 00 degrees 12 minutes 11 seconds West 160.17 feet to the East/West centerline of said Block 15; thence North 88 degrees 59 minutes 19 seconds West 200.39 feet along said East/West centerline to a point; thence North 01 degrees 00 minutes 41 seconds East 10.17 feet to a point; thence North 88 degrees 59 minutes 19 seconds West 150.89 feet to the East line of property conveyed to Kirkwood Federal Savings and Loan Association by deed recorded in Book 4351, Page 25 of the St. Louis County Records; thence North 00 degrees 06 minutes 53 seconds East 149.93 feet along said East line of Kirkwood Federal Savings and Loan Association property to said South line of Adams Avenue, 60 feet wide; thence South 89 degrees 00 minutes 00 seconds East 351.36 feet along said South line of Adams Avenue to the point of beginning.

SECTION 2. That approval of said preliminary development plan is subject to the following conditions:

1. The required building set back areas as defined in the "B-4" Ordinance be varied to allow for those as indicated on the preliminary plan.

2. The required parking set back requirements as defined in the "B-4" Ordinance be varied to allow for those as indicated on the preliminary plan.

3. The requirement for loading areas for this project be varied so as to not require any loading zones for the project.

4. Landscape screening areas be approved as indicated on the preliminary plan and be reviewed in greater detail in the Final Development Plan.

5. The entry/exit drive from West Adams Avenue and drive under the second and third floors of the building be allowed to be a minimum of 20'0" wide in lieu of the required 25'0" wide lane.

6. The drive lane connecting the two major parking areas on the site (located along the South property line) be allowed to be a minimum of 20'0" wide with the stipulation that the Developer may either increase its width or add three additional parallel parking spaces (at 9'0" x 22'0" each) if the need presents itself without returning to the Planning and Zoning Commission for modification review and approval.

7. That a southbound exit only be allowed on Kirkwood Road provided the Developer:

(a) designs the exit to accommodate only right turn traffic, and
(b) a "gate" as incorporated to allow this exitway to be secured if desired, and

(c) however, if, in the judgment of the City Staff and/or officials, this exitway causes any safety hazards to either vehicular or pedestrian traffic along Kirkwood Road, the City shall have the right to insist that the Developer close this exit except for "limited access" (service and/or emergency traffic only). The control of such traffic will be controlled through the Developer's building maintenance staff.

8. In conjunction with this gate, a screen wall at a minimum height of 3'-4" (40") above finish grade will be constructed along the entire parking lot exposure to Kirkwood Road and set back a minimum of 12'-0" off the east property line to allow for the development of a pedestrian landscaped area to the East side of the wall...(Kirkwood Road exposure).

9. When the Commerce Bank Data Center Building is removed, the intersection of this building with the adjacent building to the South (Hummel's Cafeteria") shall be refaced in such a manner which is consistent with the materials used in the new development...(the wall to be refaced will be approximately 81'-0" long and one-story in height). This will require the Developer to receive the approval of the Owner of the adjacent building to make such improvements and coordinate the design with him/her. If approval cannot be obtained from the adjacent building owner, the developer shall submit an alternate plan to the Planning and Zoning Commission for approval.

10. A minimum of 8'-0" width of total sidewalk area be provided along both Kirkwood Road and West Adams Avenue to allow for a 3' 0" square tree planter and minimum 5'-0" wide sidewalk (walk area) along each frontage. All new sidewalk and planter areas shall be the responsibility of the Developer and constructed of exposed aggregate walks and concrete planter curbing in order to be consistent with previous city projects to the North of this site and along Kirkwood Road.

11. Exterior lighting, exterior signage, and landscaping (including pavement designs' materials, etc.), shall be on the Final Development Plan. All exterior merchant (retail) signage should be referred to the City of Kirkwood's Architectural Review Board for review and approval as the leases are negotiated. However, an overall signage placement concept will be required as part of the Final Development Plan.

12. All exterior building materials and colors shall be reviewed and approved by the Planning and Zoning Commission as part of the final development plan.

13. The parking requirements as defined in Ordinance #5085, Article XI, Section 2(c) totaling approximately 81 spaces be varied to allow for the Developer's total of 68 spaces. The Subcommittee accepts the assessment of the Developer's Traffic Consultant indicating that in this type of elderly housing to provide 0.5 spaces/housing unit would be adequate, i.e., total of approximately 20 spaces required. This total, taken with the projected ordinance requirements for restaurant (approximately 24 spaces) and retail (approximately 37 spaces) would result in a total of approximately 81 spaces required. Therefore, a variance on the parking of approximately 13 spaces is recommended. These additional spaces could be realized in the adjacent public parking lot located to the South of the project or made up for by the spin-off pedestrian traffic expected to be generated by this project from other areas of the Old Town area.

14. The Final Development Plan shall include the following items:

A. Stormwater Management Plans reviewed and approved by the Metropolitan Sewer District.

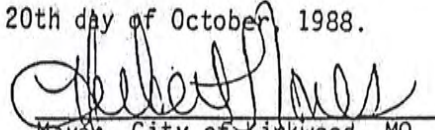
B. St. Louis County Department of Highways and Traffic approval of all construction on St. Louis County Right-of-Way.

C. Sanitary sewer plans reviewed and approved by Metropolitan Sewer District.

SECTION 3. That no building permit shall be issued to construct any part or all of the development in this district until such time as the City Council shall have approved the final development plan and the Building Commissioner shall have approved the construction plans.

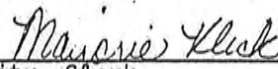
SECTION 4. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED this 20th day of October, 1988.



Mayor, City of Kirkwood, MO

ATTEST:



City Clerk

BILL 8051

ORDINANCE 7975

AN ORDINANCE APPROVING THE PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR THE DEVELOPMENT OF A TRACT OF LAND FOR USE AS A RETAIL AND ELDERLY HOUSING COMPLEX UNDER THE PROVISIONS OF APPENDIX A, ZONING, ARTICLE VI, SECTION 4 (B-4, PLANNED COMMERCIAL DISTRICT) UPON THE APPLICATION OF KIRKWOOD HOUSING PARTNERSHIP, LOCATED AT THE SOUTHWEST CORNER OF KIRKWOOD ROAD AND ADAMS AVENUE (231 N. KIRKWOOD ROAD), IN KIRKWOOD, MISSOURI, AND SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, Kirkwood Housing Partnership made application on May 18, 1988 for use of a certain tract of land located in the City of Kirkwood, Missouri, as a retail and elderly housing complex on property more particularly described herein, and

WHEREAS, the Planning and Zoning Commission did hold a public hearing with respect to such application on July 6, 1988, after duly advertising and giving proper notice of such hearing, and

WHEREAS, on the 14th day of September, 1988, the Planning and Zoning Commission did recommend approval of the preliminary development plan subject to certain conditions, and

WHEREAS, the City Council approved the preliminary development plan for this development by Ordinance No. 7821 on October 20, 1988, and

WHEREAS, on the 2nd day of August, 1989, the Planning and Zoning Commission did recommend approval of the Final Development Plan, subject to certain conditions.

WHEREAS, the City Council approved the Final Development Plan for this B-4 development by Ordinance 7909 on September 7, 1989, subject to certain conditions, and

WHEREAS, the Kirkwood Housing Partnership made application on April 11, 1990 for a new B-4 development plan on this tract, and

WHEREAS, the Planning and Zoning Commission did hold a public hearing with respect to such application on May 2, 1990 after duly advertising and giving proper notice of such hearing, and

WHEREAS, on the 2nd day of May, 1990 the Planning and Zoning Commission did recommend approval of the Preliminary and Final Development Plan subject to certain conditions.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. That the preliminary and final development plan submitted by Kirkwood Housing Partnership for the development of a tract of land described below for use as a retail and elderly

housing complex, all as set forth in the Preliminary and Final Development Plans stamped "Received April 17, 1990, City of Kirkwood Public Works" except as noted herein and prepared by The Hoffmann Partnership, Inc., architects, is hereby approved. Such parcel is more particularly described as follows:

A tract of land being part of Block 15 of the Town (now City) of Kirkwood in Section 1, Township 44 North - Range 5 East of St. Louis County, Missouri and being more particularly described as:

Beginning at the intersection of the South line of Adams Avenue, 60 feet wide, with the West line of Kirkwood Road, 60 feet wide; thence South 00 degrees 12 minutes 11 seconds West 160.17 feet to the East/West centerline of said Block 15,; thence North 88 degrees 59 minutes 19 seconds West 200.39 feet along said East/West centerline to a point; thence North 01 degrees 00 minutes 41 seconds East 10.17 feet to a point; thence North 88 degrees 59 minutes 19 seconds West 150.89 feet to the East line of property conveyed to Kirkwood Federal Savings and Loan Association by deed recorded in Book 4351, Page 25 of the St. Louis County Records; thence North 00 degrees 06 minutes 53 seconds East 149.93 feet along said East line of Kirkwood Federal Savings and Loan Association property to said South line of Adams Avenue, 60 feet wide; thence South 89 degrees 00 minutes 00 seconds East 351.36 feet along said South line of Adams Avenue to the point of beginning.

SECTION 2. The approval of said preliminary and final development plan is subject to the following conditions:

- A. The project is developed in accordance with the Final Development Plans stamped "Received April 17, 1990, City of Kirkwood Public Works" except as noted below.
- B. The driveway on the south side of the building connecting the two parking areas shall be a minimum of 20 feet wide.
- C. The sidewalks on Kirkwood Road and Adams Avenue shall be a minimum of 8 feet wide.
- D. No lighting shall be allowed other than that which is integral with the building except for four 12-foot high fixtures with globes and ornamental posts, without approval of the Planning and Zoning Commission.
- E. A 54-foot long 4'-4" encroachment on public right-of-way along Kirkwood Road at a height of approximately 31 feet is approved.

F. Metropolitan Sewer District approval of the storm and sanitary sewer systems shall be obtained before issuance of a foundation or building permit.

G. St. Louis County Department of Highways and Traffic approval shall be obtained for construction on Adams Avenue right-of-way before issuance of a foundation or building permit.

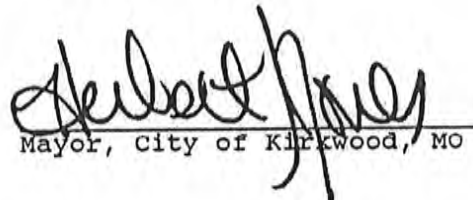
H. No foundation or building permit shall be issued until the Water Department approves the location of the proposed water service, including the cross-connecting (or looping) of the water service. All existing water tap connections to the premises shall be removed and abandoned. Water service lines and meters shall be constructed in accordance with City of Kirkwood Water Department specifications.

I. No permits (including building, grading, foundation, demolition) shall be issued until documentation such as a performance bond, a performance undertaking, or a performance escrow sufficient to ensure to the City either the completion of all such improvements or alternatively to pay the estimated expenses of restoring the ground to its preexisting condition if said improvements are undertaken but not completed is approved by the City Attorney.

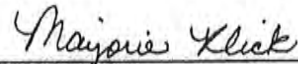
J. No foundation or building permits shall be issued until the Electric Department approves the location and payment for the new mast-arm electric traffic signal on the southwest corner of Adams Avenue and Kirkwood Road.

SECTION 3. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS 17th day of May, 1990.


 Mayor, City of Kirkwood, MO

ATTEST:


 City Clerk

Introduced:



**CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
JULY 17, 2019**

PRESENT:

Allen Klippel, Chairman
Jim O'Donnell, Vice Chairman
Wanda Drewel, Secretary/Treasurer
Madt Mallinckrodt
David Eagleton
Jim Adkins
Ron Evens
Greg Frick

ABSENT:

James Diel

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, July 17, 2019, in the City Hall Council Chambers at 139 South Kirkwood Road. City Planner Jonathan Raiche and Administrative Assistant Patti Dodel also attended the meeting.

1. Chairman Klippel called the meeting to order at 7:00 p.m. and stated Commissioner Diel was absent and his absence was excused.
2. Motion was made by Commissioner Evens and seconded by Commissioner O'Donnell to approve the minutes for the June 19, 2019, meeting as written. The motion was unanimously approved by the eight members present.
3. **PZ-04-20 AMEND ZONING CODE AND SPECIAL USE PERMIT, TATTOO STUDIO – ELECTRIC UNICORN, 108 NORTH KIRKWOOD ROAD**
Submitted: 5-24-19 Automatic Recommendation: 9-21-19
Petitioner, Trevor Collis

The petitioner submitted a request that the item be continued to the August 21 meeting. Motion was made by Commissioner Drewel and seconded by Commissioner Mallinckrodt to continue the item to the August 21 meeting. Motion was unanimously approved by the eight members present.

4. **PZ-08-20 SPECIAL USE PERMIT (AUTO DEALERSHIP) AND SITE PLAN REVIEW – AUDI KIRKWOOD, 10230-10240 MANCHESTER ROAD**
Submitted: 5-31-19 Automatic Recommendation: 9-28-19
Petitioner's Agent, Jeremy Whitt
(Subcommittee - Commissioners O'Donnell and Diel)

City Planner Jonathan Raiche stated the Subcommittee met on June 25 and revised plans were submitted on July 2 and July 10. The landscape plan was revised because

MoDOT does not allow trees to be planted in their right-of-way. City Planner Raiche reviewed the modifications being requested and the justification provided by the applicant.

Jeremy Whitt, Vice President and General Counsel for Audi Kirkwood, stated inventory vehicles will be relocated to the recently-approved storage lot behind EZ Storage (formerly Shop 'n Save) across the street.

In accordance with Section 220.6 of the Zoning Code, Chairman Klippel asked if there was anyone in the audience who had comments concerning the site plan, and no one responded.

Commissioner O'Donnell read the underlined sections of the Subcommittee Report:

(Insert report)

Motion was made by Commissioner Evens and seconded by Commissioner O'Donnell to approve PZ-8-20, an application for a Special Use Permit and Site Plan Review for Audi Kirkwood for the property known as 10230-10240 Manchester Road subject to the conditions in the Subcommittee Report. Commissioner Drewel made a motion to amend the Subcommittee Report by adding Condition No. 10: "A landscape island shall be added in the southeast corner of the site to accommodate landscaping consistent with other landscaping proposed in consultation with the Public Services Department." The motion was seconded by Commissioner Frick and unanimously approved. The motion to approve the project subject to the conditions as amended was unanimously approved.

5. **PZ-10-20 SPECIAL USE PERMIT (CONVENIENCE STORE/BAKERY) –
BRITT'S BAKEHOUSE, 137 WEST JEFFERSON AVENUE**
Submitted: 6-27-19 Automatic Recommendation: 10-25-19
Petitioner, Brittany Royal

City Planner Jonathan Raiche stated the catering business has been approved as a permitted use. Since the catering definition allows on-site preparation and delivery but no service or consumption on the premises, the applicant is requesting permission to sell ready-to-consume baked goods and beverages in an area that is less than 10 percent of the space.

The Assistant City Planner provided a memo dated July 11 with language if the Commission decided to vote on this item tonight. Britt Royal stated she is the owner and baker and was present to answer questions from the Commission.

There being no discussion, motion was made by Commissioner Mallinckrodt to recommend approval of the Special Use Permit for Britt's Bakehouse at 137 west Argonne Avenue subject to the following conditions:

1. A Special Use Permit shall be granted to allow for the operation of a convenience store in the tenant space known as 137 West Jefferson Avenue. The SUP shall be specifically limited to the operation of a Bakery Shop with the secondary use of the sale of ready-to-consume foods and nonalcoholic beverages permitted with less than 10% of the interior space devoted to serving, seating and/or consumption areas.
2. Any new rooftop equipment, air-conditioning units and mechanical equipment related to the project shall be completely screened from view of adjoining properties and right-of-way.
3. The Architectural Review Board shall approve all signs prior to the issuance of a Sign Permit.

The motion was seconded by Commissioner Adkins and unanimously approved by the eight members present.

6. PZ-11-20 SPECIAL USE PERMIT (AMUSEMENT ESTABLISHMENT) – MISSION TACO JOINT, 105 EAST JEFFERSON AVENUE

Submitted: 7-3-19 Automatic Recommendation: 10-31-19
Petitioner, Adam Tilford

City Planner Jonathan Raiche stated the Special Use Permit granted to Kirkwood Station Brewing for a restaurant with outdoor seating can be transferred to Mission Taco Joint (MTJ). MTJ is requesting a Special Use Permit for an amusement establishment to have a variety of pinball machines, retro arcade games, and skee-ball machines in an area of approximately 1,880 square feet within the larger restaurant area. The proposed hours of operation are 11:00 a.m. to 1:30 a.m. Monday thru Saturday and 11 a.m. to midnight on Sunday.

The applicant, Adam Tilford, stated the games will be retro games such as Pac-man, Galaga, Frogger, etc.; pinball machines; and skee-ball.

The City Planner provided a memo dated July 11 with language if the Commission decided to vote on this item tonight. Motion was made by Commissioner Adkins and seconded by Commissioner Frick to recommend approval of the Special Use Permit for an amusement establishment at Mission Taco Joint in a portion of their restaurant at 105 East Jefferson Avenue subject to the following conditions:

1. A Special Use Permit shall be granted to allow for the operation of an Amusement Establishment (Arcade) on the property at 105 East Jefferson Avenue.
2. Ordinance 9514 shall remain in effect except that the following conditions shall prevail when conflicting with those conditions found in Ordinance 9514.
3. Said arcade area shall be limited to approximately 2,000 sf of floor area in the existing building.

4. Said arcade area shall only be operated in conjunction with the restaurant use approved by Ordinance 9514.

Chairman Klippel made a motion to add Condition No. 5: "Said arcade shall be for the exclusive use of restaurant patrons." Commissioner Frick seconded the motion and stated similar restaurants with arcade areas have restrictions prohibiting patrons under the age of 21, unaccompanied children, and not allowing children after 8 p.m. Commissioner Frick stated that he didn't think these restrictions were necessary for this location but that, in comparison, the restriction for restaurant patrons was reasonable. Mr. Tilford stated the managers will police the area. The motion to add Condition No. 5 passed seven to one (Commissioner Evens was opposed and Commissioner Diel was absent). The motion to approve the Special Use Permit was unanimously approved.

7. DEVELOPMENT PROJECT UPDATE

City Planner Raiche stated the application for an Ozzie Smith IMAC rehabilitation facility at 10505 Big Bend was withdrawn, the building at 915 S. Kirkwood Road was demolished for the construction of Plaza Tire, Camp Bow Wow is pending before the City Council, a two-lot subdivision at 1943 Westview received approval of the preliminary plat by the Council, an ordinance was approved for Zoning Code amendments regarding medical marijuana, and the final plat for Emmerson Estates received Council approval.

8. ZONING, SUBDIVISION, AND SIGN CODES REWRITE UPDATE

City Planner Raiche stated the Steering Committee met on June 26 and an open house was held on June 27. The next Steering Committee meeting will be July 24.

9. ENVISION KIRKWOOD 2035 QUARTERLY UPDATE

City Planner Jonathan Raiche highlighted pieces of information on the status of the goals in the EnVision Kirkwood 2035 Comprehensive Plan in the 2nd Quarter Update which was provided in hard-copy to the Commission.

10. There was discussion regarding the Commission's schedule for 2020. Meetings will be held on the first and third Wednesdays of every month, including June, July, August, and December. A finalized schedule will be prepared and presented to the Commission at a later date.

There being no further business, motion was made by Commissioner Evens and seconded by Commissioner Mallinckrodt to adjourn at 8:13 p.m. The next regular meeting will be held on August 21, 2019, at 7 p.m. in the Council Chambers at Kirkwood City Hall.

Allen Klippel, Chair

Wanda Drewel, 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.

DRAFT

**CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
SUBCOMMITTEE REPORT
AUGUST 21, 2019**

PETITION NUMBER: PZ-4-20

ACTION REQUESTED: AMENDMENTS TO CITY OF KIRKWOOD CODE OF ORDINANCES APPENDIX A: THE CITY OF KIRKWOOD ZONING CODE AS IT PERTAINS TO THE ADDITION OF A NEW SPECIAL USE CATEGORY (TATTOO STUDIO) IN THE B-2 DISTRICT AND TO THE DEFINITION AND PARKING SECTIONS ACCORDINGLY, SPECIFICALLY SECTIONS 510.3, 140.1, AND 1000.4

PROPERTY OWNER: RICHARD DANIELS

APPLICANT: TREVOR COLLIS

PROPERTY LOCATION: 108 N. KIRKWOOD ROAD, 2ND FLOOR

ZONING: B-2, GENERAL BUSINESS DISTRICT

BACKGROUND/DESCRIPTION:

The applicant has submitted a multi-part application which includes the following items: 1) multiple text amendments to the Zoning Code to allow for a new Special Use category in the B-2 district, and 2) a Special Use Permit for the new category of "Tattoo Studio" in the 2nd floor tenant space of 108 N. Kirkwood Road. Tattoo studios are currently not a permitted or special use in any of Kirkwood's Zoning Districts.

The requested text amendments include adding "Tattoo Studio" as a Special Use in the B-2 District, defining said use category, and including a parking rate for said use category. The applicant has proposed the following language to define this use category (note: minor typographical corrections have been made from the applicant's original submission):

Tattoo Studio - An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person; using ink or other substances that result in the permanent coloration of skin by means of the use of needles or other instruments designed to contact or puncture the skin.

Because the proposed location is in an existing building within the Downtown area, the City's off-street parking requirements do not apply. However, the City must anticipate that a Tattoo Studio may be requested in a new building or outside of the Downtown area. In preparation for that, the City required the applicant to include a proposed parking rate. The applicant has proposed One (1) space per chair as a minimum required parking rate for said use category.

The applicant indicated that he intends to operate by appointment between the hours of 9am and 9pm. The applicant clarified at the introduction meeting that he does not intend to have the business open 7 days a week from 9am to 9pm, but he has requested those times to allow him to hold appointments during those hours. The application material also states that he would start operations as a single owner/artist studio with a possibility to expand to no more than four tattoo stations. The applicant also offered a proximity restriction in his application that would require that no tattoo studio shall be closer than 1,000 feet to another tattoo studio.

COMPREHENSIVE PLAN, LAND USE AND ZONING:

The site is designated as the Downtown category on the EnVision Kirkwood 2035 Future Land Use Map. Development types discussed in this land use include regional/neighborhood commercial. The proposed development fits within this broad land-use category.

The subject property is zoned B-2, General Business District (Central Business District). The proposed use, Tattoo Studio, is not currently permitted in any zoning district; and therefore, the applicant is required to request a text amendment.

Surrounding land uses and zoning include the following:

- To the north: Properties are zoned B-2 with various retail and office uses being conducted.
- To the south: Properties are zoned B-2 with various commercial uses being conducted.
- To the east: Properties are zoned B-2 with various commercial uses being conducted.
- To the west: Properties are zoned B-2 with various commercial uses being conducted.

DISCUSSION:

A Zoning Matters sign was posted on the property on June 14, 2019. The request was introduced at the Planning & Zoning Commission meeting on June 19, 2019. An on-site subcommittee meeting was held on June 25, 2019 (See Exhibit B for a list of attendees). The subcommittee discussed the following items:

1. Clients unable to use stairs would be accommodated by the owner at another studio.
2. The maximum hours of operation proposed are 9am – 9pm, 7 days a week.
3. The maximum number of chairs/stations proposed is 4.
4. The subcommittee discussed, and the applicant agreed, that the general parking rate for the proposed use should be 2 spaces per chair to accommodate the employee and client.
5. The subcommittee discussed adding a condition to prohibit internally illuminated signage.
6. Appropriate districts for the proposed use. B-2, B-3, and I-1 were all discussed and it was determined that I-1 would not be appropriate as this would perpetuate the stigma of non-desirable types of studios. Ultimately, the subcommittee felt B-2 is the most appropriate district.
7. The possibility of a prohibition on Tattoo Studios in first floor tenant spaces; however, a maximum storefront requirement was favored (e.g. 8' maximum). This type of requirement would prevent studios from having an overwhelming negative impact on the storefront area of Downtown but would allow a shop to have an external entrance either to a 2nd floor or to an interior tenant space in a multi-tenant building.
8. The proposed 1,000 foot buffer requirement between Tattoo Studios is appropriate. Staff estimated that this would allow for approximately 3 studios (including the current application) to locate in downtown if the current location is approved.

9. The Executive Director of Downtown Kirkwood stated that the organization's advisory board is in support of the proposal so long as it is conditioned in the manner it has been discussed.

In addition to the items discussed at the meeting, the subcommittee also requested minor changes to the definition to clarify that the operation does not need to be the "principal" activity, but rather, that any business that includes said activity as any portion of their operation would be considered a Tattoo Studio.

RECOMMENDATIONS:

The Subcommittee finds that the following text amendments would not go against promoting the health, safety, morals or the general welfare of the community and recommends that the following amendments to the Zoning Code be **approved**:

1. Section A-140 be amended to include a new definition as follows:

Tattoo Studio - An establishment whose business activity, either in terms of operation or as held out to the public, includes the practice of placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person; using ink or other substances that result in the permanent coloration of skin by means of the use of needles or other instruments designed to contact or puncture the skin. Said establishment shall be located a minimum of 1,000 feet from any other Tattoo Studio. Any tenant space containing a Tattoo Studio shall have a maximum first-floor street frontage of 8 feet.

2. Section A-510.3 be amended to include a new Special Use category for "Tattoo Studio".
3. Section A-1000.4 be amended to include a new category and requirement into "Table 1000-2, Parking Requirements" as follows:

Tattoo Studio – Two (2) spaces per chair/station.

The Subcommittee recommends that the request for a Special Use Permit to operate a Tattoo Studio on the 2nd floor of 108 N. Kirkwood Road be approved with the following conditions:

1. Hours of operation shall be limited to 9am through 9pm, Sunday through Saturday.
2. The maximum number of chairs/stations shall be limited to four.
3. Internally illuminated signage on the exterior of the building or as window signage shall be prohibited.
4. The applicant shall comply with all standard conditions as listed in Exhibit A.

Respectfully submitted,

Wanda Drewel

Ron Evens

**EXHIBIT A
STANDARD CONDITIONS**

1. 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.
2. 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 the report 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.

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**EXHIBIT B
Subcommittee Meeting Attendees**

P&Z Subcommittee Meeting

Project:

PR-4-20 Tattoo Studio

Date:

6/25/19

Location:

108 N. Kirkwood

Name	Organization
Jonathan Raiche	City of Kirkwood
Davis Howard	HCC
TREVOR COLLIS	APPLICANT
Megan Daniels	PopCo
Alinda Israel	P+Z
Ron Evans	P+Z
Donna Lee	DTK

**CITY OF KIRKWOOD
2020 PLANNING AND ZONING COMMISSION
SUBMITTAL DEADLINE AND MEETING SCHEDULE**

PRE-APPLICATION MEETING	APPLICATION DEADLINE	P&Z COMMISSION MEETING DATE (PRESENTATION)
	Friday	Wednesday
Each case must have at least one pre-application review meeting prior to formal application	12/27/2019	1/15/2020
	1/17/2020	2/5/2020
	1/31/2020	2/19/2020
	2/14/2020	3/4/2020
	2/28/2020	3/18/2020
	3/13/2020	4/1/2020
	3/27/2020	4/15/2020
	4/17/2020	5/6/2020
	5/1/2020	5/20/2020
	5/15/2020	6/3/2020
	5/29/2020	6/17/2020
	6/12/2020	7/1/2020
	6/26/2020	7/15/2020
	7/17/2020	8/5/2020
	7/31/2020	8/19/2020
	8/14/2020	9/2/2020
	8/28/2020	9/16/2020
	9/18/2020	10/7/2020
	10/2/2020	10/21/2020
	10/16/2020	11/4/2020
10/30/2020	11/18/2020	
11/13/2020	12/2/2020	
11/25/2020	12/16/2020	

SPECIAL NOTES:

All submittal deadlines are firm. Any deviation from these deadlines will result in delay of hearing date.
 Dates and times of meetings are subject to change without notice
Applications requiring a public hearing before the PZ Commission will alter the initial meeting date.