



SPECIAL ANNOUNCEMENT REGARDING PLANNING AND ZONING COMMISSION MEETINGS

Under 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, is in a state of emergency due to the Coronavirus--Covid-19. The Missouri Governor and the County Executive directed all citizens to limit meetings and gatherings to avoid the spread of the Coronavirus. Therefore, members of the Planning and Zoning Commission have elected to participate in this meeting electronically so that we are compliant with such Orders and for the public health and safety of each other and the general public.

To follow along with the Planning and Zoning Commission meeting, please see the instructions below. To make a comment during the public comment portion of the meeting, you will need to access via the Zoom application and click the hand icon to "raise your hand". Raised hands will be called on in the order received. Please note, if dialing in from a phone, you will "raise your hand" by dialing *9.

You are invited to a Zoom webinar.

When: May 5, 2021 7:00 PM Central Time (US and Canada)

Topic: Planning & Zoning Commission

Please click the link below to join the webinar:

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SEE THE FOLLOWING PAGE FOR THE AGENDA

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/services/events-calendar>.



**Planning & Zoning Commission
Agenda
Wednesday, May 5, 2021, 7:00 p.m.
Via Zoom Virtual Meeting
Posted April 29, 2021**

I. ROLL CALL

II. APPROVAL OF THE MINUTES OF THE MARCH 17, 2021, MEETING

III. UNFINISHED BUSINESS

None.

IV. NEW BUSINESS

None.

V. COMMISSION/STAFF (INTERNAL) ITEMS

1. PZ-01-22 AMEND ZONING AND SUBDIVISION CODE CHAPTER 25
2. DEVELOPMENT PROJECT UPDATE

VI. PLANNING AND ZONING SCHEDULE:

1. MAY 19, 2021 – 7:00 P.M. – VIA ZOOM
2. JUNE 2 AND 16, 2021 – 7:00 P.M. – VIA ZOOM

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

Kirkwood Planning and Zoning Commission: Chairman Jim Adkins, Commissioners Allen Klippel, Jim O'Donnell, James Diel, David Eagleton, Ron Evens, Tom Feiner, Sandy Washington, and Mary Lee Salzer-Lutz.

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.

RECOMMENDATIONS SUBMITTED TO COUNCIL

1. **PZ-07-21 FRAMEWORK PLAN RECOMMENDATION FROM PGAV STUDY**
March 3: P&Z recommended approval.
April 15: Bill 10876 passed first reading.
2. **PZ-08-21 SPECIAL USE PERMIT (LIQUOR STORE) – RANDALL’S WINES & SPIRITS, 10451 MANCHESTER ROAD**
March 17: P&Z recommended approval.
April 15: Public hearing before City Council.
3. **PZ-09-21 SUBDIVISION MODIFICATION, BOUNDARY ADJUSTMENT PLAT – 336-340 SOUTH FILLMORE AVENUE**
March 17: P&Z recommended approval.
April 1: Resolution 34-2021 passed.

STATUS OF APPROVALS

1. **PZ-24-18 SPECIAL USE PERMIT & SITE PLAN – BP, 10901 MANCHESTER**
Water/Fire, and ARB prior to 4-5-21.
2. **PZ-08-20 SPECIAL USE PERMIT AND SITE PLAN REVIEW – AUDI KIRKWOOD**
Perf guar/fee, consolidation plat w/easements, MoDOT, MSD, ARB & permit by 9-19-21.
3. **PZ-27-20 ZONING CODE AMENDMENT, SITE PLAN REVIEW, AND SUBDIVISION (2 LOTS) – COMMERCE BANK, 350 NORTH KIRKWOOD ROAD**
Perf guar/fee, recorded cross-access easement, demo permit, MSD, ARB prior to 10-1-21.
4. **PZ-15-20 MIXED USE/SITE PLAN REVIEW IN B-2–KIRKWOOD FLATS, 426 N KIRKWOOD**
Perf guar/fee and final site plan by 11-5-21.
5. **PZ-2-21 SITE PLAN REVIEW – MULTI FAMILY, 134-138 WEST MADISON AVE**
Perf guar/fee, consolidation plat, revised lighting plan, shared access easement, MSD, Water/Fire, and ARB prior to 11-19-21.
6. **PZ-30-20 SITE PLAN REVIEW – VILLA DI MARIA MONTESSORI SCHOOL, 1280 SIMMONS**
Perf guar/fee, MSD, Water/Fire, ARB prior to 8-31-2022.
7. **PZ-5-21 SITE PLAN REVIEW – MULTI-FAMILY, 144 WEST ADAMS AVE**
Permit meeting conditions of approval by 1-21-22.



**CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
Via Zoom Virtual Meeting
March 17, 2021**

PRESENT:

Jim Adkins, Chairman
David Eagleton, Secretary/Treasurer
Allen Klippel
Jim O'Donnell
Ron Evens
Tom Feiner
Sandy Washington
Mary Lee Salzer-Lutz

ABSENT:

James Diel, Vice Chairman

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, March 17, 2021, at 7:00 p.m. via Zoom Virtual Meeting. Planner II Amy Lowry and Administrative Assistant Patti Dodel also attended the meeting.

1. Chairman Adkins called the meeting to order at 7 p.m.

Planner II Amy Lowry 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 is 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. To make a comment during the public comment portions of the meeting, you will need to use the following methods. If you are accessing the meeting via the Zoom application/program, then you should click the hand icon on the bottom of your screen to “raise your hand”. If you are accessing the meeting solely using a dial-in phone line, you will need to “raise your hand” by dialing *9. All individuals with raised hands will be called upon and unmuted one at a time. Please note, that the chat feature of the Zoom meeting will not be monitored by staff or the Commissioners.

Chairman Adkins informed the audience of the procedure for making comments regarding items on the agenda and announced that Commissioner Diel was absent and his absence was excused.

2. Motion was made by Commissioner Evens and seconded by Commissioner Eagleton to approve the minutes for the March 3, 2021, meeting as written.

Roll Call:

Chairman Adkins	“Yes”
Commissioner Klippel	“Yes
Commissioner O’Donnell	“Yes
Commissioner Diel	Absent
Commissioner Eagleton	“Yes”
Commissioner Evens	“Yes”
Commissioner Feiner	“Yes”
Commissioner Salzer-Lutz	“Yes”
Commissioner Washington	“Yes”

The motion was unanimously approved by the eight members present.

3. **PZ-08-21 SPECIAL USE PERMIT (LIQUOR STORE) – RANDALL’S WINES & SPIRITS, 10451 MANCHESTER ROAD**

Submitted: 3-2-2021 Automatic Recommendation Date: 6-30-2021

Petitioner, Todd Randall

Chair Adkins recused himself due to a perceived conflict of interest and Secretary/Treasurer Eagleton assumed chair.

Planner II Amy Lowry stated Randall’s Wines & Spirits is requesting a Special Use Permit to occupy two adjacent tenant spaces (10441 and 10451 Manchester Road) in the EZ Storage Building adjacent to Burn Boot Camp. The combined space is 8,255 square feet and 33 parking spaces are designated for this use. Their proposed hours of operation are 10 a.m. to 8 p.m. Monday through Thursday, 10 a.m. to 9 p.m. Fridays and Saturdays, and noon to 6 p.m. on Sundays.

In response to Commissioner Evens’ question if the number of liquor stores is limited similar to tattoo studios (tattoo studios shall be located a minimum of 1,000 feet from any other tattoo studio), Ms. Lowry responded a Special Use Permit is required but there was not a limit on the number or location of liquor stores.

Todd Randall, of Randall’s Wines and Spirits, stated their first store was opened in Illinois in 1998, and they have three additional locations in the St. Louis area. The hours of operation for this proposed store are the same as the other four locations. Special events are held at the stores, including pet adoptions, wine and cocktail classes, car shows, and beer sampling. The stores participate in community events, including Mardi Gras, Pride Parade, and St. Patrick’s Day. Their ratio of products is approximately 20% beer, 40% liquor, and 40% wine. Curbside pickup and delivery are available through their website with two parking spaces reserved at this store.

Acting Chair Eagleton asked if there was anyone in the audience who had questions or comments, and no one responded.

Motion was made by Commissioner Evens to recommend approval of PZ-8-21, a Special Use Permit for a liquor store in the combined units addressed as 10441 and 10451 Manchester Road subject to the conditions contained in the memo from Planner II Amy Lowry dated March 17, 2021.

The conditions being:

1. A Special Use Permit for a liquor store shall be approved for the combined units addressed as 10441 and 10451 Manchester Road.
2. The daily hours of operation may be between 7:00 a.m. and 11:00 p.m.
3. 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.
4. 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.
5. The Architectural Review Board shall approve all signs.

Roll Call:

Chairman Adkins	Absent
Commissioner Klippel	"Yes"
Commissioner O'Donnell	"Yes"
Commissioner Diel	Absent
Commissioner Eagleton	"Yes"
Commissioner Evens	"Yes"
Commissioner Feiner	"Yes"
Commissioner Salzer-Lutz	"Yes"
Commissioner Washington	"Yes"

Chair Adkins resumed chair.

4. PZ-09-21 SUBDIVISION MODIFICATION, BOUNDARY ADJUSTMENT PLAT 336-340 SOUTH FILLMORE AVENUE

Submitted: 3-2-2021

Petitioner's Agent, Brian Fischer

Planner II Amy Lowry stated the owner of the vacant properties at 336, 338, and 340 South Fillmore is requesting a subdivision modification to the lot width requirement to accommodate a proposed Boundary Adjustment Plat to create three similar lots. The present lots are 33' wide (336 S Fillmore) and 50' wide (338 and 340 S Fillmore). The proposed lots would all be 44.3 feet wide. Decreasing the two lots from 50' wide to 44.3' wide would bring them further out of conformance with the lot width requirement. All three lots were deeded in

1930 and are considered buildable lots in their current configuration; however, the 33' wide lot with 5' wide yard setbacks would only allow a 23' wide house.

Brian Fischer and Blake Dell were available for questions. In response to Commissioner Evens' question if they considered adjusting the three lots into two lots, Mr. Dell stated they did not.

Chair Adkins asked if there was anyone in the audience who had questions or comments, and no one responded.

Motion was made by Commissioner O'Donnell to recommend approval of PZ-9-21, a request for subdivision modifications in order to accommodate a boundary adjustment plat for 336, 338, and 340 South Fillmore Avenue subject to the conditions contained in the memo from Planning and Development Services Director Jonathan Raiche dated March 17, 2021.

The conditions being:

1. The minimum lot width from the current non-conforming width of 50 feet to the proposed 44.3 feet width for 338 S. Fillmore Avenue, and
2. The minimum lot width from the current non-conforming width of 50 feet to the proposed 44.4 feet width for 340 S. Fillmore Avenue.

Roll Call:

Chairman Adkins	"Yes"
Commissioner Klippel	"Yes"
Commissioner O'Donnell	"Yes"
Commissioner Diel	Absent
Commissioner Eagleton	"Yes"
Commissioner Evens	"No"
Commissioner Feiner	"Yes"
Commissioner Salzer-Lutz	"No"
Commissioner Washington	"Yes"

5. Planner II Amy Lowry stated a building permit was issued for First Community Credit Union and for the retail building in front of EZ Storage; a Footing and Foundation permit has been issued to the Townes at Geyer Grove; and the multi-family buildings at 144 West Adams and at 134-138 West Madison received approval from the Architectural Review Board.

There being no further business, motion was made by Commissioner Feiner and seconded by Commissioner O'Donnell to adjourn at 8:05 p.m. The next meeting will be held via Zoom on April 7, 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.

MEMORANDUM

TO: P&Z COMMISSION
FROM: JONATHAN D. RAICHE, PLANNING & DEVELOPMENT SERVICES DIRECTOR *JDR*
SUBJECT: STAFF-INITIATED TEXT AMENDMENTS
DATE: MAY 5, 2021
CC: AMY LOWRY, PLANNER II
ANDI YANCEY, PLANNER I
PATTI DODEL, ENGINEERING ADMIN. ASSISTANT



WHERE COMMUNITY AND SPIRIT MEET[®]

On February 18, 2021 the City adopted its new combined Zoning and Subdivision Code after going through a comprehensive review of the previous Codes. During the first couple months of implementation, Staff has identified two items that are recommended to be corrected and/or clarified. Staff will continue to review and monitor the effectiveness of the new Code and bring periodic recommendations to the Planning & Zoning Commission and City Council as needed. A summary of the first recommended text amendments is provided below.

Item #1 – Special Use Permit Approval Mechanism [Section 25-20 (d)]

The newly adopted code uses cross-references for review procedures in an effort to help standardize the City’s review processes for development-related applications. Section 25-20(d) of the new Code provides the review procedures for an application for a Special Use Permit and references the procedures for a Major Site Plan review. The Major Site Plan review procedures specifically mention that the City Council would approve a Major Site Plan by resolution. Historically, the City Council has approved Special Use Permits by ordinance rather than resolution which requires one additional vote by the City Council. This slightly more rigorous review has been utilized for Special Uses due to the nature of those uses.

After consulting with the City Attorney, Staff prepared an ordinance for the consideration of the City Council in regard to the one Special Use Permit application received under our new Code thus far. In an effort to clarify this legislative mechanism, Staff recommends that Section 25-20(d)(1) be revised to reference the fact that City Council would approve a Special Use Permit by ordinance. The revised language is provided in Exhibit 1.

Item #2 – Downtown Multifamily Options [25-36(f) and (g)]

In response to a recommendation from the Downtown Master Plan, the City previously revised the Zoning Code to allow multi-family development on B-2 properties in certain areas of Downtown. In this previous version, the Code was only amended to specifically allow “Dwelling, Multi-family” and did not include “Dwelling, Row” or “Dwelling, Two-family”. The new Code now lists all three multi-family style buildings as “Permitted with Standards” in the B-2 District; however, the standard that references Mandatory Commercial Streets on the Downtown Master Plan’s Framework Plan was not carried through in the standards that apply specifically to “Dwelling, Row” or “Dwelling, Two-family”. Without providing this text amendment, a case could be made that these specific types of multi-family buildings would be permissible on any B-2 property. The revised language for these sections is provided in Exhibit 1.

Recommendation

Staff recommends the following motion: “I move to recommend approval of the Zoning Code Text Amendments found in Exhibit 1 of the Staff memo dated May 5, 2021.”

Exhibit 1

Revised language is indicated in red-colored font.

Revise Section 25-20(d)(1) to read:

- (1) A special use permit application shall be reviewed in the same manner as a major site plan review, as set forth in §25-19(e), **except that the City Council may approve, approve with modifications or supplementary conditions, or deny the application by ordinance.**

Add the following new subsection (3) to Section 25-36(f):

- (3) **In the B-2 District, unless otherwise approved as part of a mixed-use development, row dwellings cannot be constructed on properties that are designated as Mandatory Commercial in the Downtown Master Plan & Parking Study's Framework Plan. See Figure 36-A.**

Add the following new subsection (2) to Section 25-36(g) and numbering the existing subsection as needed:

- (2) **In the B-2 District, unless otherwise approved as part of a mixed-use development, two-family dwellings cannot be constructed on properties that are designated as Mandatory Commercial in the Downtown Master Plan & Parking Study's Framework Plan. See Figure 36-A.**