



## 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: June 2, 2021 7:00 PM Central Time (US and Canada)

Topic: Planning & Zoning Commission

Please click the link below to join the webinar:

<https://zoom.us/j/93098952643?pwd=eFNwdFFrS1V6cmFTNTd2VOM0U1VNZz09>

Passcode: 793987

Or iPhone one-tap :

US: +16468769923,,93098952643#,,,,,0#,,793987# or  
+13017158592,,93098952643#,,,,,0#,,793987#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):  
US: +1 646 876 9923 or +1 301 715 8592 or +1 312 626 6799 or +1 346 248 7799 or +1  
408 638 0968 or +1 669 900 6833 or +1 253 215 8782

Webinar ID: 930 9895 2643

Passcode: 793987

International numbers available: <https://zoom.us/u/akjeh7FV6>

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, June 2, 2021, 7:00 p.m.  
Via Zoom Virtual Meeting  
Posted May 27, 2021**

**I. ROLL CALL**

**II. APPROVAL OF THE MINUTES OF THE MAY 19, 2021, MEETING**

**III. UNFINISHED BUSINESS**

None.

**IV. NEW BUSINESS**

**1. PZ-03-22 SPECIAL USE PERMIT AMENDMENT (VEHICLE SALES AND RENTAL) – LOU FUSZ TOYOTA, 10725 MANCHESTER ROAD**

Submitted: 5-11-21 Automatic Recommendation: 9-8-21  
Petitioner's Agent, Stephen Hollander

**2. PZ-04-22 ZONING CODE TEXT AMENDMENT– ALLOW COMMISSARIES AND NON-PROFIT OFFICES AS RENTERS IN CHURCHES**

Submitted: 5-13-21 Automatic Recommendation: 8-11-21  
Petitioner's Agent, Ron Gaus

**V. COMMISSION/STAFF (INTERNAL) ITEMS**

1. DEVELOPMENT PROJECT UPDATE
2. ELECTION OF OFFICERS

**VI. PLANNING AND ZONING SCHEDULE:**

1. JUNE 16, 2021 – 7:00 P.M. – VIA ZOOM
2. JULY 7 AND 21, 2021 – 7:00 P.M. – VIA ZOOM

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

**Kirkwood Planning and Zoning Commission:** Chairman Jim Adkins, Commissioners James Diel, David Eagleton, Ron Evens, Tom Feiner, Sandy Washington, Mary Lee Salzer-Lutz, James Mori, and Darrell Scott.

**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-08-21 SPECIAL USE PERMIT (LIQUOR STORE) – 10451 MANCHESTER ROAD**  
March 17: P&Z recommended approval.  
April 15: Public hearing before City Council.  
May 6: Bill 10879 passed first reading.  
May 20: Substitute Bill 10879 passed second reading, Ordinance 10715.
2. **PZ-01-22 AMEND ZONING CODE – SUP PROCEDURE AND B2 MULTI-FAMILY**  
May 5: P&Z recommended approval.  
May 6: City Council scheduled public hearing for June 3, 2021.

## STATUS OF APPROVALS

1. **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.
2. **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.
3. **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.
4. **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 prior to 11-19-21.
5. **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.
6. **PZ-5-21 SITE PLAN REVIEW – MULTI-FAMILY, 144 WEST ADAMS AVE**  
Permit meeting conditions of approval by 1-21-22.
7. **PZ-09-21 SUBDIVISION MODIFICATION, BOUNDARY ADJUSTMENT PLAT – 336-340 SOUTH FILLMORE AVENUE**  
Recorded copy of record plat submitted.



**CITY OF KIRKWOOD  
PLANNING AND ZONING COMMISSION  
Via Zoom Virtual Meeting  
May 19, 2021**

**PRESENT:**

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

**ABSENT:**

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, May 19, 2021, at 7:00 p.m. via Zoom Virtual Meeting. City Attorney John Hessel, Planning and Development Services Director Jonathan Raiche, Planner II Amy Lowry and Administrative Assistant Patti Dodel also attended the meeting.

1. Chairman Adkins called the meeting to order at 7:04 p.m.

Planning and Development Services Director Jonathan 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 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 that require Site Plan Review and announced that all Commission members were present.

- 2. Motion was made by Commissioner Salzer-Lutz and seconded by Commissioner Eagleton to approve the minutes for the May 5, 2021, meeting as written.

Roll Call:

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

The motion was unanimously approved.

- 3. **PZ-02-22 SPECIAL USE PERMIT (NURSING HOME) AND SITE PLAN REVIEW, 600 NORTH BALLAS ROAD**

Submitted: 4-30-21 Automatic Recommendation: 8-28-2021  
 Petitioner's Agent, George Stock

Planning and Development Services Director Jonathan Raiche stated the seven acre site on the east side of Ballas Road and north of Dougherty Ferry Road is zoned R-1. The lot coverage of the buildings is 14% and the FAR is .16. An existing gravel driveway off Ballas Road at the southwest corner of the lot is the approximate location for the 26-foot wide driveway leading to the five proposed buildings with 40 parking spaces, including 10 ADA spaces. A walking trail is shown to the north of the proposed driveway and three storm water detention areas are shown on the site plan. According to the Tree Preservation and Protection Plan, 61% of the tree canopy would remain. The Landscaping Plan indicates additional canopy, ornamental, and evergreen trees would be planted on the site along the perimeter. Each of the five buildings would contain 16 guest suites; and three of the buildings are one level and the two buildings on the west have a walkout basement for storage. Staff and the developer met with St. Louis County and the City of Des Peres to determine the proper scope of the required traffic study. Additional analysis of the proposed crosswalk on Ballas Road is required to ensure a safe pedestrian crossing.

In response to Commissioner Feiner's question regarding the Commission imposing a limit, Mr. Raiche responded that the City could impose a limit on the number of beds, buildings, and/or units per building.

In response to Commissioner Klippel's question regarding if one vote would be taken on the Site Plan and one on the Special Use Permit, Mr. Raiche responded one vote might be considered for the project.

In response to Commissioner Eagleton's question regarding sidewalks along Ballas Road and public access to the trail, Mr. Raiche responded St. Louis

County is reviewing the practicality of sidewalks due to the creek and termination issues. (Later in the meeting Mr. DeClue stated the trail would be available to the public.)

In response to Commissioner O'Donnell's question, the development would be "for profit".

Representing the applicant were: Bob DeClue and Chris Long, Co-founders of Harmony Homes; Rusty Saunders, Landscape Architect with Loomis Associates; Jeff Mugg, Architect with St. Louis Design Alliance; and George Stock, Civil Engineer with Stock & Associates.

Chris Long, co-founder of Harmony Homes, stated the ranch style homes would allow seniors to age in place, and they have received a Certificate of Need from the State of Missouri. Each building has a fenced outdoor living area, screened porch, an area for visits from family, living room, dining area, spa/salon, laundry facility, and kitchen.

George Stock, Civil Engineer with Stock & Associates, reported that the lot coverage is 16% (30% maximum allowed per Code), and the FAR is .16 (.25 allowed). The front setback is 290' (60' minimum required), 40' side yard setback (25' required), and 90' rear yard setback (50' required). The elevation at Ballas Road is 530 feet and proceeds up to 600 feet at the eastern edge of the site. Two deliveries of food would be scheduled each week. The allowable building height is 35 feet; and the three buildings on the eastern portion of the lot are 25 feet and the two on the western portion are 35 feet due to the contours. An average of eight EMS calls per month is anticipated.

Rusty Saunders, Landscape Architect with Loomis Associates, stated 60% of the trees would be preserved. An additional 152 trees and 635 shrubs would be planted on the site. Type C buffer would be planted around the perimeter with a six-foot high sight-proof fence surrounding the court yard of each building.

Jeff Mugg, Architect with St. Louis Design Alliance, stated the facades of the buildings would have stone and Hardie board siding with asphalt shingles on the roof and a metal roof covering the front porch.

Dustin Riechmann, Traffic Engineer with Lochmueller Group, stated the 2021 traffic volume counts are approximately 20% lower than the pre-COVID counts conducted previously. Therefore, the existing 2021 traffic volumes were scaled up by 20% to account for the COVID-19 traffic impacts within the area. The proposed nursing home is expected to add six vehicles per hour (on average) to any movement at the intersection of North Ballas Road and Dougherty Ferry Road.

Chair Adkins asked if there were any questions from Commissioners, and the following responded:

Commissioner Evens asked if there plans for Medicaid or Medicare beds, and the response was that all the beds would be private pay.

In response to Commissioner Eagleton's question regarding the crosswalk and trail, Mr. DeClue responded they do not anticipate staff utilizing public transportation to access the facility, and Mr. Stock stated that a sidewalk is not provided adjacent to the driveway because it would not comply with ADA requirements due to the 12% grade.

In response to Commissioner Diel's question regarding sirens for EMS, Mr. Stock replied he was advised that the sirens would be silenced when the vehicle enters the driveway to the site. He also inquired if there had been discussions to purchase adjacent properties for this project, Mr. DeClue commented that early discussions to enlarge the property were dependent on the Traffic Impact Study and additional properties were found to not be needed.

In response to Commissioner Feiner's questions regarding food delivery trucks, EMS, laundry service, janitorial, and landscaping service, Mr. DeClue stated laundry and janitorial services would be on site and that residents would not have vehicles.

In response to Commissioner Salzer-Lutz' question regarding day care, Mr. DeClue stated all rooms would be occupied by full-time residents and no day care service would be provided.

Chair Adkins asked if there was anyone in the audience who had comments, and the following responded:

Eileen Hedrick, 694 Trailcrest Court, expressed concern regarding the current traffic congestion, noise pollution, visitors, delivery trucks, ambulances, fire trucks, and light pollution.

Jennifer Brett, 2112 Pincrest Manor Court, Des Peres, expressed concern regarding traffic, ambulances, site distance, and the proposed cross walk.

Dr. Jason Dausman, spoke in favor of the proposed nursing home stating that having 16 rooms per building would help to reduce the spread of infections.

Susan Gordon, 2012 Meadowtree Lane, stated she is the President of the Board of Directors for Briar Hill Farm and spoke of a four-foot wide paved path that was approved in 1977. She believes that they would not have adequate parking during shift change.

Barb Theerman, 507 Taylor Young Drive, stated that she had a parent in a similar facility and, in order for her family member to have adequate care, they needed to visit frequently. Also, the sirens will change the character of their neighborhood.

Nancy Etling, 12230 Sunny Terrace Drive, Des Peres, questioned the type of facility being proposed and concerned about sirens. Also, concerned about the lack of: a front desk, housekeeping and storage rooms, staff offices, a library, card room, etc.

Caroline Tinsley, 1530 Cornhill Lane, stated she is familiar with the area because her grandmother lived on Rayner Road. Existing traffic congestion on Ballas and questions if the Certificate of Need was granted for skilled nursing or assisted living. She believes the walking trail will become a public nuisance.

Chris Seyer, 1819 Cheswick Place, expressed concern regarding traffic, storm water runoff, and tree preservation. He believes the scale, height, and massing of the proposed buildings are not compatible with the surrounding buildings and that a commercial entity will change the character of this area.

Melissa Lackey, 2430 Camberwell Court, Des Peres, spoke in favor of the project, citing waiting lists and limited vacancies at existing nursing homes and that the buildings are not multi-story.

Beverly Vandivort, 1849 Bridlebrook Lane, believes this project is not being developed in the correct location.

Michelle Dobbs, 1834 Bridlebrook Lane, requested clarification on the level of care - assisted living, memory care, self sufficient, and what happens to the buildings in five years if they want to increase the capacity from 80 beds.

John Kowalski, 531 North Ballas Road, Des Peres, expressed opposition to the project - citing it being a commercial enterprise and not a good fit for the family-friendly residential area, decrease in property values. His house is below street grade and this will exacerbate flooding. The addition of six vehicles per hour will add to the congestion on Ballas Road.

Mark Seyer, 1969 Rayner Road, believes the plan by St. Louis County for the addition of a turning lane on Ballas Road will negatively impact traffic, rather than slowing to allow a vehicle to turn left, motorists will speed up. He believes occupancy rates in assisted living facilities dropped in 2020 and wonders what will happen to the property if this business fails.

Mark Stitzlein, 1981 Rayner Road, believes this proposal does not fit the definition of a Nursing Home as defined in the City's Zoning Code.

Dr. Imran Hanafi, 446 Maryland Avenue and a physician for Harmony Homes, stated families are searching for facilities such as this for their loved ones. Whether the level of care is assisted or skilled, the needs of the residents change.

Bruce Dell, 520 Taylor Young Drive, inquired about procedures at Subcommittee Meetings. He believes the site is difficult to develop, amazed that Kirkwood Fire Department would accept this proposal, and that the only reason for the walking



trail is that the area is too steep. Also expressed concern regarding storm water and traffic.

Meredith Sheth, 501 Taylor Young Drive, expressed concern regarding traffic and noise pollution.

Denise Williams, 450 Tree Top Lane, Des Peres, expressed concern regarding storm water, tree density, and the walking trail. She believes the commercial use does not fit in with the neighborhood and will detract from the property values.

Steve Grigone, 1805 Cheswick Place, believes the proposal is too dense and only 3.5 acres are usable. The density rate of 80 residents on 3.5 acres would be 23 people per acre plus staff and visitors.

Nancy Tinsley, 1960 Rayner Road, stated this proposal is in the middle of the block and would separate her from the rest of the community.

Glen Wildermuth, 472 Tree Top Lane, Des Peres, believes this could be a good business but it is in the wrong location. He believes the amount of traffic into and out of the site is under estimated. Concerned that the use would change and proposed residents would have cars.

Barbara Anderson, 521 Taylor Young Drive, believes half of the trees on this site are dead and there is no safe place to cross Ballas Road.

David Anderson, 521 Taylor Young Drive, believes the traffic study is a minimum effort and was performed when St. Gerard Majella was on virtual learning. He cited accidents on I-270 in 2018 and 2019 and believes Ballas Road is for residential traffic only.

Commissioners Evens, Feiner, and Salzer-Lutz were appointed to the Subcommittee, and a subcommittee meeting was scheduled for May 25 at 9:30 a.m. to be held via Zoom.

5. Planning and Development Services Director Jonathan Raiche reported:
  - o Randall's Wines and Spirits could not come to terms regarding the lease and the owner of the building identified a new tenant (The Wine and Cheese Place) who is currently located in Rock Hill. The City Council is scheduled to have second reading on the bill May 20.
6. Commissioner Evens thanked Commissioner Klippel for his years of service.

There being no further business, motion was made by Commissioner Klippel and seconded by Commissioner Eagleton to adjourn at 10:16 p.m. The next meeting will be held via Zoom on June 2, 2021, at 7 p.m.

---

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.

DRAFT



APPLICATION FOR PLANNING AND ZONING REVIEW

DATE: May 10, 2021 ZONING DISTRICT: B-3 Highway Business
CASE NUMBER: PZ-3-22 LOCATOR NUMBER: 22M420042
PROJECT ADDRESS: 10725 Manchester Road
PROJECT NAME: Lou Fusz Toyota

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)
[X] Site Plan Review, Minor or Major (circle one)
Subdivision, Major
Subdivision Modification
Text Amendment
Vacation, Right-of-Way or Easement (circle one)
Zoning Map Amendment, From to
Comments:
[X] Special Use Permit, Category: Vehicle Sale & Rental

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): Lou Fusz Properties LLC Signature: Phone No.: 314 568 0440
Mailing Address: 1 Athletic Dr Earth City City: Earth City State: MO Zip: 63045
E-mail Address: cfo@fusz.com
Petitioner's Status: [X] Corporation [ ] Partnership [ ] Individual
Relationship of Petitioner to Property: [X] Owner [ ] Tenant [ ] Option Holder (Attach Copy of Contract) [ ] Other

AGENT INFORMATION

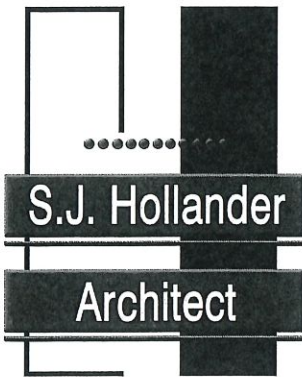
Agent's Name: Stephen J Hollander Signature: Phone No.: 636-947-4140
Mailing Address: 519 First Capitol Dr. City: St. Charles State: MO Zip: 63301
E-mail Address: Steve-sjarchitect@sbcglobal.net
(NOTE: The petitioner's agent, if listed, shall receive all official communication)

PROPERTY OWNERS

Signature required or submit proof petitioner has legal interest in property.
Name: Lou Fusz Properties LLC Name:
Signature: CFO Signature:
Address: 1 Athletic Dr Address:
City/State/Zip: Earth City Mo 63045 City/State/Zip:
Phone: 314 568-0440 Phone:

FOR CITY USE ONLY

Date Received: 5-11-2021 Total Received: \$1800 Agenda Date: 6-2-2021
B-4/B-5 Development Plan: \$1,000 + Acres @ \$100/Acre or portion over one acre) = \$
B-4/B-5 Final Site Plan or Amendment (when public hearing is not required): \$1,000
B-4/B-5 Development Plan Amendment (when public hearing is not required): \$500
CUP, Preliminary (Multi Family): \$1,000 + Dwelling units @ \$20/Each = \$ = \$
CUP, Preliminary (Detached Single Family): \$1,000 + Lots @ \$500/Lot = \$
CUP, Amendment, Without public hearing \$500; With public hearing \$800
CUP (Final): \$500 + 1-1/4% of \$ = \$
CUP Time Extension on Final: \$300
R6 Development Plan: \$1,000 + Dwelling units @ \$20/Unit = \$ = \$
Sidewalk Waiver on feet @ \$30/Foot = \$ = \$
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
Site Plan Review, Mixed use in B2 Zoning District (Final): \$500
Site Plan Review, Mixed use in B2 Zoning District Amendment: \$300
Special Use Permit and Special Use Permit Amendments: \$1,000
Subdivision, Major Preliminary (Detached Single Family): Lots @ \$500/Lot = \$
Subdivision, Major or CUP (Final): Lots @ \$100/Lot = \$ + 1-1/4% of \$ = \$
Subdivision Plat Development Plan Amendment: \$200
Text Amendment: \$1,000
Vacation, Easement: \$75
Vacation, Right-of-way: \$100
Zoning Map Amendment: \$1,000
SUBCOMMITTEE ( )



**S. J. HOLLANDER ARCHITECT, PC**

519 First Capitol Drive St. Charles, Missouri 63301

Phone: 636-947-4140 FAX: 636-947-7195

Email: [Steve-SJHArchitect@SBCGlobal.net](mailto:Steve-SJHArchitect@SBCGlobal.net)

[www.SJHollanderArchitect.com](http://www.SJHollanderArchitect.com)

DATE: May 11, 2021

PROJECT: Lou Fusz Toyota  
10725 Manchester Road  
Kirkwood, MO 63122

Lou Fusz Toyota would like to enclose the area under the open canopy for additional showroom/office use and enclose the rear area north of service reception and west of the service shop so vehicles can go between each without going outside. These modifications do not change existing landscaping or site lighting.

Sincerely,

A handwritten signature in black ink, appearing to read 'S.J. Hollander', written over a white background.

Stephen J. Hollander, AIA  
President



# MEMORANDUM



**TO:** P&Z COMMISSION

**FROM:** AMY LOWRY, PLANNER II

**SUBJECT:** PZ-03-22; 10725 MANCHESTER ROAD (LOU FUSZ TOYOTA) SPECIAL USE PERMIT (VEHICLE SALE AND RENTAL; MOTOR VEHICLE REPAIR SHOP, MAJOR; AND VEHICLE WASH) AND SITE PLAN REVIEW AMENDMENTS

**DATE:** JUNE 2, 2021

**CC:** JONATHAN D. RAICHE, PLANNING & DEVELOPMENT SERVICES DIRECTOR  
ANDI YANCEY, PLANNER I  
PATTI DODEL, ENGINEERING ADMIN. ASSISTANT

---

The petitioner is requesting Special Use Permit and Site Plan Review Amendments to make alterations and additions in two areas of the main building of the automobile dealership located in the B-3, Highway Business District, at 10725 Manchester Road:

- (1) The open canopy area on the south side of the building fronting Manchester Rd is proposed to be enclosed for additional showroom and office use. Current showroom area is 6,709 sq. ft. with 1,570 sq. ft. to be added with the enclosure.
- (2) An addition is proposed on the west side of the building in the area north of the service reception and west of the service shop. Such addition will allow vehicles to move between the service reception and the service shop in an enclosed, covered area. Current service area is 12,325 sq. ft. with 1,091 sq. ft. to be added with the addition.

***DISCUSSION:***

A Zoning Matters sign was posted on the property on May 26, 2021. Although 12 display car parking spaces will be removed with the open canopy proposed enclosure, an analysis of parking at the site indicates 45 parking spaces required for the motor vehicle repair area and 42 parking spaces required for the vehicle sales area – for a total of 87 required parking spaces. The vehicle wash is private to the site (not open to the public) and therefore does not require additional required parking spaces. There are approximately 258 parking spaces on the site. The Fire Marshal has indicated that access to the site is adequate. Staff has determined that the proposed additions do not result in an extension of the building envelope in a north/south or east/west direction, which means that no additional linear footage of building frontage is being created. Therefore, no new landscaping is required or anticipated with the proposal. There are no expected changes to the site or building lighting.

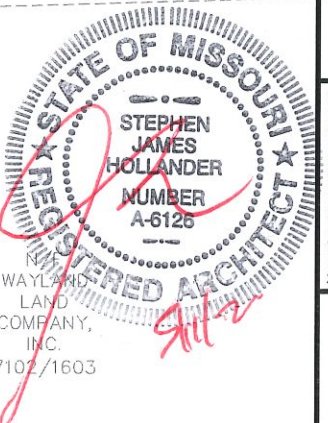
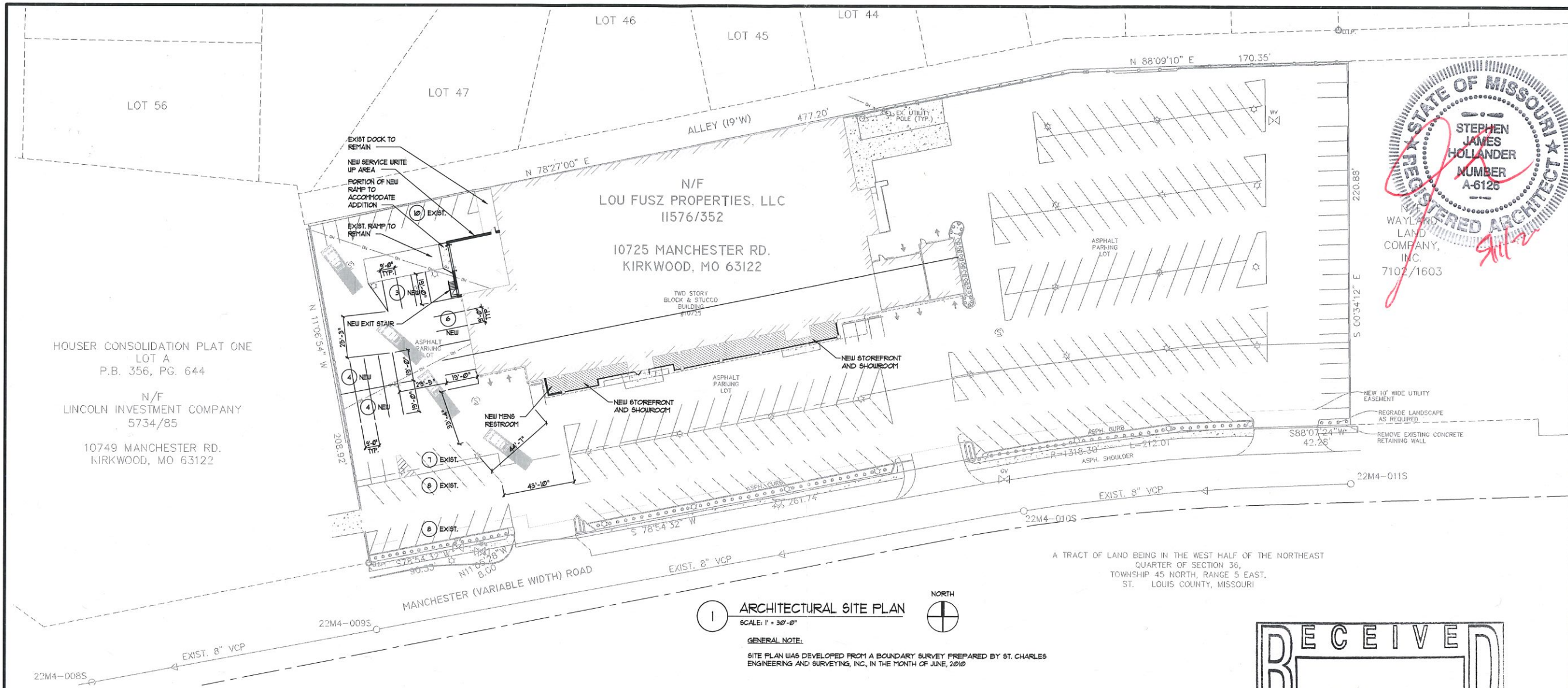
***RECOMMENDATION:***

Staff finds that the proposed additions could be accomplished with few restrictions. Due to the simple nature of the request, Staff is requesting action from the Planning & Zoning Commission at the June 2, 2021 meeting rather than the formation of a subcommittee.

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

1. Special Use Permit (Vehicle Sale and Rental; Motor Vehicle Repair Shop, Major; and Vehicle Wash) and Site Plan Review Amendments shall be approved for 10725 Manchester Rd (Lou Fusz Toyota) limited to the enclosure of the open canopy area on the south side of the building and the addition on the west side of the building in accordance with the Architectural Site Plan stamped "Received May 11, 2021 City of Kirkwood Public Services Department".

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 the Staff memorandum dated June 2, 2021, 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.
3. A performance guarantee in an amount approved by the City Engineer shall be submitted to the City of Kirkwood prior to the issuance of any building permits.
4. An administrative fee in the amount of 10% of the first \$10,000 of performance guarantee plus 2% exceeding \$10,000 shall be submitted before acceptance of the performance guarantee by the City. The fee supports site inspection and project administration costs.
5. 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.
6. Any new lighting used to illuminate the site or building shall be designed in accordance with Zoning Code Section A-1040 and fixture cut sheets shall be submitted.
7. All rooftop equipment, air-conditioning units, and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.
8. During excavation and construction activities, the area of the site that is disturbed for this project shall be fully enclosed by a 6-foot high chain link fence to prevent the entry of unauthorized persons. The gate for the fence shall be locked during non-working hours.
9. No parking of construction trailers, material storage, equipment storage or construction equipment is authorized on the public streets at any time.
10. The Architectural Review Board shall approve all exterior architecture prior to the issuance of a building permit.



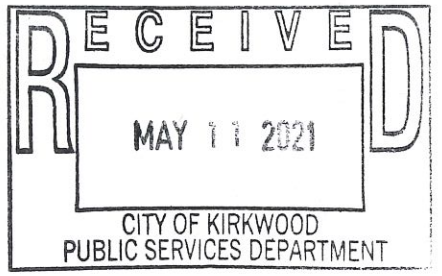
THIS DRAWING CONTAINS PROPRIETARY INFORMATION BELONGING TO S.J. HOLLANDER ARCHITECT. ANY REPRODUCTION OR UNAUTHORIZED USE IS STRICTLY PROHIBITED, EXCEPT WITH PRIOR WRITTEN CONSENT OF THE ARCHITECT.

© 2021 S.J. HOLLANDER ARCHITECT

Remodel for:  
**Lou Fusz Toyota**  
 10725 Manchester Road  
 Kirkwood, MO 63122

PROJECT NO.  
**219042**

REVISIONS NO.	DATE	ITEM



**1 ARCHITECTURAL SITE PLAN**  
 SCALE: 1" = 30'-0"

GENERAL NOTE:  
 SITE PLAN WAS DEVELOPED FROM A BOUNDARY SURVEY PREPARED BY ST. CHARLES ENGINEERING AND SURVEYING, INC. IN THE MONTH OF JUNE, 2010

**LAND DESCRIPTION**

A Tract of land being in the west half of the northeast quarter of Section 36, Township 45 North, Range 5 East, St. Louis County, Missouri and being more particularly described as follows:

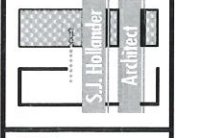
Beginning at the southeast corner of Lot A of "Houser Consolidation Plat One", a subdivision recorded in Plat Book 356, Pg. 644 of the St. Louis County records; thence along the east line of said subdivision North 11 degrees 06 minutes 54 seconds West, a distance of 208.92 feet to a point in the southern line of a 19'W alley established by instrument recorded in Book 2669, Page 119 of said county records; thence along said southern line North 18 degrees 21 minutes 00 seconds East, a distance of 411.20 feet and North 88 degrees 09 minutes 10 seconds East, a distance of 110.35 feet; thence leaving said line and along the western line of property conveyed to Wayland Land Company, Inc. in Book 1102, Page 1603 of said county records South 00 degrees 34 minutes 12 seconds East, a distance of 220.88 feet to a point in the northern right of way line of Manchester (Variable Width) Road; thence along said right of way line the following courses and distances: South 88 degrees 01 minutes 24 seconds West, a distance of 422.8 feet to a point of curve to the left having a radius of 1318.30 feet and a central angle of 89 degrees 12 minutes 52 seconds; thence westerly along the arc a distance of 212.01 feet; South 18 degrees 54 minutes 32 seconds West, a distance of 261.14 feet; North 11 degrees 05 minutes 28 seconds West, a distance of 8.00 feet and South 18 degrees 54 minutes 32 seconds West, a distance of 90.33 feet to the POINT OF BEGINNING. Containing 137,134 square feet or 3.148 acres, more or less.

END OF DESCRIPTION.

**2 LAND DESCRIPTION**  
 SCALE: NO SCALE

Progress Set 4-21-2021 - NOT FOR CONSTRUCTION

S.J. Hollander Architect  
 Stephen J. Hollander, AIA  
 519 First Capital Drive  
 St. Charles, Missouri 63301  
 Phone (636) 947-4140



DATE  
**April 21 2021**

SHEET TITLE  
**Architectural Site Plan**

SHEET NO.  
**A0.1**





APPLICATION FOR PLANNING AND ZONING REVIEW

DATE: 5-13-21 ZONING DISTRICT: R-3
CASE NUMBER: PZ-4-22 LOCATOR NUMBER:
PROJECT ADDRESS: 514 E. ARGONNE DRIVE
PROJECT NAME: GRACE EPISCOPAL

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 COMMISSARY & NON PROFIT
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): GRACE EPISCOPAL CHURCH Signature: [Signature] Phone No.: 314-821-1806
Mailing Address: 514 E ARGONNE City: KIRKWOOD State: MO Zip: 63122
E-mail Address: T5EIK80@AOL.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: RON GAUS Signature: [Signature] Phone No.: 314-583-9935
Mailing Address: 10800 LEEBUR DR. City: SUNSET HILLS State: MO Zip: 63128
E-mail Address: RGAUS15496@AOL.COM
(NOTE: The petitioner's agent, if listed, shall receive all official communication)

PROPERTY OWNERS

Signature required or submit proof petitioner has legal interest in property.
Name: TIMMYNS BRANT - Treasurer Grace Episcopal Church
Signature: [Signature] Signature:
Address: 514 E ARGONNE Address:
City/State/Zip: KIRKWOOD, MO 63122 City/State/Zip:
Phone: 314-66-6840 Phone:

FOR CITY USE ONLY

Date Received: 5/13/21 Total Received: \$ 1,000.00 Agenda Date: 6/2/21
B-4/B-5 Development Plan: \$1,000 + Acres @ \$100/Acre or portion over one acre) = \$
B-4/B-5 Final Site Plan or Amendment (when public hearing is not required): \$1,000
B-4/B-5 Development Plan Amendment (when public hearing is not required): \$500
CUP, Preliminary (Multi Family): \$1,000 + Dwelling units @ \$20/Each = \$ = \$
CUP, Preliminary (Detached Single Family): \$1,000 + Lots @ \$500/Lot = \$
CUP, Amendment, Without public hearing \$500; With public hearing \$800
CUP (Final): \$500 + 1-1/4% of \$ = \$
CUP Time Extension on Final: \$300
R6 Development Plan: \$1,000 + Dwelling units @\$20/Unit = \$ = \$
Sidewalk Waiver on feet @ \$30/Foot = \$ = \$
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
Site Plan Review, Mixed use in B2 Zoning District (Final): \$500
Site Plan Review, Mixed use in B2 Zoning District Amendment: \$300
Special Use Permit and Special Use Permit Amendments: \$1,000
Subdivision, Major Preliminary (Detached Single Family): Lots @ \$500/Lot = \$
Subdivision, Major or CUP (Final): Lots @ \$100/Lot = \$ + 1-1/4% of \$ = \$
Subdivision Plat Development Plan Amendment: \$200
Text Amendment: \$1,000
Vacation, Easement: \$75
Vacation, Right-of-way: \$100
Zoning Map Amendment: \$1,000
SUBCOMMITTEE ( )

## **Cover Letter for Grace Episcopal Church's Proposal to Allow Non-Profits and Commissary Use Within Churches in Kirkwood.**

America's landscape has been comprised of neighborhood churches since the beginning of time. These churches mushroomed in membership serving thousands of people weekly. Though not always built within the business districts of the city, the church became the neighborhood itself. Because of the churches expanded memberships in the fifties, sixties and early seventies, newer facilities were needed and the ensuing zoning regulations came to exist in these new neighborhood areas.

Grace Episcopal church, the oldest church in the City of Kirkwood, fits this description, moving from their original location at Argonne (Main Street) and Taylor to its current location on Argonne and Woodlawn, now four blocks from the business district.

Over the years, most of these churches have programs benefitting their cities and the people within. They are an integral part not only of the neighborhood, but in many cases, a vital resource of programs and projects for the city and region. Grace's contributions to the area include Kirkcare, Sheppard's Center and other programs, but all churches bring value in different ways to the community.

The membership is now a small percentage of what it was in their heyday. Yet, the upkeep of the building is the same percentage of what it was during that time period. The cost of the building at some point can become not just a burden, but a decision of survival for many churches. Income just cannot be raised in all these smaller congregations to meet the demands of the building's operational costs.

Though Grace Episcopal is not to that point, this may be foreseeable issue down the road. In some St. Louis churches, a new concept has been initiated and approved by the cities within which they reside. The concept is to turn their wonderful neighborhood church building from a financial liability into an asset. Rooms sit vacant throughout the week, draining the budget annually. What if those rooms, and other parts of the building, were able to be used without significant impact upon the neighborhood, especially in relation to its original design city approval with the huge number of people in the mid twentieth century?

Though current zoning allows churches to have schools within their building, what if other non-profits were allowed to rent rooms as well? Would it work? The answer is yes, it does work. It turns a relatively vacant building throughout the week into a beehive of cooperative and sharing folks who can combine their resources to better each other. It reinvigorates a church into an entity bringing new life to a neighborhood throughout the week.

There is a business category called a Commissary. What is a commissary? It is a Health Department approved legal kitchen which caterers and food trucks are required to use in order to be in business. A home kitchen is not allowed for any food related business. Who has commissaries? There are not many commissaries to be found. Cities do not want them in their retail districts as they do not bring in much money. People don't invest in building commissaries since they are not profitable to the degree of property investment. In short, they are not only hard to find, but there are few, if any, being built. Those being built charge a high amount of money which most catering startups cannot afford. Enter the church. Most churches have commercial kitchens which sit unused throughout the week. A shared

use, Commissary Kitchen, provides the means which allow folks who are starting catering or food based enterprise to begin their business. The shared use nature allows the rates to be relatively small and affordable, yet the combined income for the church creates a much needed stream to offset the building costs.

There is a church in St. Louis which combined a St. Louis County GED program with St. Patrick's Center Homeless Veteran's group, food trucks and caterers, and connected with various self-help organizations (AA and others). The income from those new tenants created the ability for that church to continue to serve their neighborhood and the region instead of selling the building or hiring a part time pastor, as had been considered. The church is thriving! St. Patrick's commonly shared resources with the GED folks and the kids in the GED program were commonly provided food from the caterers and food trucks. Church projects were supported and even sometimes lead by some of the food truck owners.

Zoning regulations for churches were established many years ago. The proposal here is to look at new ways to assist organizations having a tough time continuing their efforts with smaller membership. It can be a win-win.

The city can benefit from the food related businesses with the income and taxes on the specific use and hours of operation of those enterprises are taxable (without affecting the tax status of the church).

Three years ago, the City of Maplewood was presented with this same proposal. Though all cities have different needs and situations, Maplewood's Planning and Zoning unanimously approved a path whereby churches could be approved for a Commissary. The City Council voted 5-1 on approval of that same amendment. The City of Maplewood includes non-profits within their allowable renters within a church, but Kirkwood does not. That is the reason for our additional request within this proposal.

We are proposing the Planning and Zoning commission and the City Council, consider amending the zoning for churches in order to allow commissaries, within their County Health Department approved kitchens, as well as allowing non-profit groups to utilize their buildings as renters, much as schools are allowed to do now. The impact upon the neighborhood would not be any heavier than the double, quadruple or tenfold membership for the location that was once approved.

Thank you for your consideration.



WHERE COMMUNITY AND SPIRIT MEET®

May 21, 2021

Ron Gaus  
Agent for Grace Episcopal Church  
10800 Leebur Drive  
Sunset Hills, MO 63128

SENT VIA EMAIL: [rgaus15496@aol.com](mailto:rgaus15496@aol.com)

SUBJECT: PZ-04-22; 514 E. ARGONNE DRIVE – GRACE EPISCOPAL CHURCH  
TEXT AMENDMENT

Dear Mr. Gaus:

The City of Kirkwood Public Services Department is in receipt of your petition for Text Amendments to add rental of church facilities for a Commissary Kitchen and for office uses. This item will be placed on the Planning and Zoning Commission agenda for its **7:00 p.m. meeting Wednesday, June 2, 2021**. This meeting will be conducted via Zoom and we will provide information regarding how to join the meeting at a later date. City Staff will make an introduction presentation regarding the request at this meeting. You, or your representative, should attend this meeting to present your information 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 comments concerning the application:

1. The proposed text amendment would allow for both a leased Commissary Kitchen and leased offices as an Accessory Use to a Place of Worship in residential zoning districts.
2. All work related to this petition must comply with all Kirkwood Ordinances including, but not limited to, building/sign and fire codes.

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.

The applicant is further advised that it is your responsibility to follow the 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

A handwritten signature in blue ink, appearing to read "Amy Lowry".

Amy Lowry  
Planner II, 314-822-5815, [lowryag@kirkwoodmo.org](mailto:lowryag@kirkwoodmo.org)



## Planning & Development Services

---

**TO:** Mark Petty, Electric Department Director  
Rick McKinley, Distribution Engineer  
Clarence Patterson, Water Superintendent  
Jim Silvernail, Fire Chief  
Dennis Fischer, Fire Marshal  
Chris Krueger, City Engineer  
Jack Schenck, Building Commissioner  
Cory Meyer, City Forester

**FROM:** Amy Lowy, Planner II *AL*

**DATE:** May 26, 2021

**SUBJECT:** PZ-4-22; 514 E. Argonne Drive – Grace Episcopal Church Text Amendment

Ron Gaus, on behalf of Grace Episcopal Church, has submitted an application for a Text Amendment to the Zoning and Subdivision Code to allow for the following as an Accessory Use for Places of Worship:

- (1) Add “Commissary Kitchen” as an Accessory Use for Places of Worship. The proposal would allow churches to rent out their existing kitchens to food establishments unaffiliated with the church. The kitchen would be used as a base of operation for a food truck, push cart, or catering business. According to the St. Louis County Public Health Department, each such food vehicle or caterer is required to operate from an approved commissary and report daily to the commissary for food preparation, supplies, cleaning and servicing operations. The proposed amendment would not allow food sales from the premises, but only food preparation. The Commissary Kitchen would be subject to approval and inspection by the St. Louis County Public Health Department
- (2) Add “leased office” as an Accessory Use for Places of Worship to allow churches to rent out space to entities unaffiliated with the church.

Enclosed for your information and review is a copy of the application and applicant narrative. If you have any comments or information for the Planning and Zoning Commission to consider, *please submit in writing to this office by June 2, 2021.*

This petition will be on the Planning and Zoning Commission's agenda at its June 2, 2021 meeting.

### ENCLOSURES

cc: Russell Hawes, Chief Administrative Officer  
Laurie Asche, City Clerk  
Bill Bensing, Public Services Director  
Jonathan Raiche, Planning & Development Services Director  
Andi Yancey, Planner I  
Patti Dodel, Engineering Administrative Assistant