



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 Mayor has provided all boards and commissions with the option to meet electronically to avoid the spread of 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 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: February 2, 2022 7:00 PM Central Time (US and Canada)

Topic: Planning and Zoning Commission

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/85410883918>

Or One tap mobile :

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Dial (for higher quality, dial a number based on your current location):

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Webinar ID: 854 1088 3918

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SEE THE FOLLOWING PAGES 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, February 2, 2022, 7:00 p.m.
Via Zoom Virtual Meeting
Posted January 28, 2022**

- I. **ROLL CALL**
- II. **APPROVAL OF THE MINUTES OF THE JANUARY 19, 2022, MEETING**
- III. **UNFINISHED BUSINESS**
 1. **PZ-12-22 ZONING CODE TEXT AMENDMENT – ADD ANIMAL TRAINING AS AN ACCESSORY USE IN SINGLE-FAMILY RESIDENTIAL DISTRICTS**
Submitted: 12-30-2021
Petitioner, Lynn Thiele
(Subcommittee – Commissioners Klippel, Washington, and Salzer-Lutz)
- IV. **NEW BUSINESS**

None.
- V. **COMMISSION/STAFF (INTERNAL) ITEMS**
 1. **DEVELOPMENT PROJECT UPDATE**
- VI. **PLANNING AND ZONING SCHEDULE:**
 1. **FEBRUARY 16, 2022 – 7:00 P.M.**
 2. **MARCH 2 AND 16, 2022 – 7:00 P.M.**

Staff Liaison: Jonathan Raiche; Phone: (314) 984-5926; Email: 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, Darrell Scott, and Allen Klippel.

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-11-22 SPECIAL USE PERMIT (ANIMAL FACILITY, MAJOR) – KIRKWOOD VETERINARY HOSPITAL, 455 SOUTH KIRKWOOD ROAD**
January 5: P&Z recommended approval.
January 6: City Council scheduled public hearing for 2-3-22.

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 & permit by 9-19-22.
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 prior to 10-1-22.
3. **PZ-5-21 SITE PLAN REVIEW – MULTI-FAMILY, 144 WEST ADAMS AVE**
Permit under review.
4. **PZ-30-20 SITE PLAN REVIEW – VILLA DI MARIA MONTESSORI SCHOOL, 1280 SIMMONS**
Perf guar/fee, MSD, Water/Fire by 8-31-22.
5. **PZ-06-22 FINAL SITE PLAN/MIXED USE IN B-2 – THE JAMES, 426 N KIRKWOOD AND SITE PLAN FOR TEMPORARY BANK BUILDING, 128 W WASHINGTON**
Perf guar/fee, public use easement, consolidation plat w/easements, MoDNR, MSD by 9-16-22.



**CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
Via Zoom Virtual Meeting
January 19, 2022**

PRESENT:

James Diel, Vice Chair
David Eagleton, Secretary/Treasurer
Ron Evens
Allen Klippel
Tom Feiner
Sandy Washington
Mary Lee Salzer-Lutz

ABSENT:

Jim Adkins, Chair
Darrell Scott

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, January 19, 2022, at 7:00 p.m. via Zoom Virtual Meeting. City Attorney John Hessel, Planning and Development Services Director Jonathan Raiche, Planner II Amy Lowry, and Administrative Assistant Patti Dodel also attended the meeting.

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

1. Vice Chair Diel called the meeting to order at 7:00 p.m.

Mr. Raiche stated for the record that Section 610.015 of the Missouri Sunshine Law provides that members of the Planning and Zoning Commission who are not physically in the Council Chambers can participate and vote on all matters when an emergency exists and the nature of the emergency is stated in the minutes. The U.S., and the World, are still in a state of emergency due to the Coronavirus-Covid-19. Therefore, members of the Planning and Zoning Commission have elected to participate in this meeting electronically for the public health and safety of each other and the general public.

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

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

Roll Call:

Chairman Adkins	Absent
Commissioner Diel	"Yes"
Commissioner Eagleton	"Yes"
Commissioner Evens	"Yes"

Commissioner Feiner	"Yes"
Commissioner Salzer-Lutz	"Yes"
Commissioner Washington	"Yes"
Commissioner Scott	Absent
Commissioner Klippel	"Yes"

The motion to approve the minutes was approved.

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

Submitted: 12-30-2021

Petitioner, Lynn Thiele

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

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

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

Commissioner Feiner commented that the distinction needs to be made between an animal training facility and a dog day care facility and that this use is dependent on the physical characteristics of the property. It will be difficult to

come up with a set of standards which would cover every piece of property, which is what you would need if it were permitted with standards. A Special Use Permit can customize the standards to the individual property. He believes that the majority of the letters of support submitted with the application describe this business as a dog day care.

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

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

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

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

4. Planning and Development Services Director Jonathan Raiche stated:

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

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

James Diel, Vice 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.

**CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
SUBCOMMITTEE REPORT
February 2, 2022**

PETITION NUMBER: PZ-12-22

ACTION REQUESTED: ZONING CODE TEXT AMENDMENT TO ADD ANIMAL TRAINING AS AN ACCESSORY USE IN SINGLE-FAMILY RESIDENTIAL DISTRICTS

APPLICANT: LYNN THIELE

PROPERTY LOCATION: CITY WIDE

ZONING: SINGLE-FAMILY RESIDENTIAL

DESCRIPTION OF PROJECT:

The applicant is requesting that the Zoning Code text be amended to add animal training as an accessory use in single-family residential districts. This would allow a resident to operate such a business on their property similar to a home occupation, but with additional regulations in place. The applicant proposes such an accessory use be permitted with standards, but is not averse to the requirement of a Special Use Permit so that the Planning and Zoning Commission and City Council would have the opportunity to impose site-specific regulations as well as the general use-specific standards that would be added to the Zoning Code. Should the Planning and Zoning Commission or City Council recommend the accessory use amendment be approved as a special use, Staff recommends that the Special Use Permit for the applicant's property be reviewed concurrently with the text amendment. While this report includes information specific to the applicant's property, it is important to emphasize that the proposed text amendment would apply to all properties in any of the single-family residential zoning districts.

COMPREHENSIVE PLAN, LAND USE AND ZONING:

The applicant's property at 551 North Clay Avenue is zoned R-3, Single-Family Residential. Surrounding land uses and zoning include the following:

To the north: Immediately north and across West Essex Avenue are single-family residences zoned R-3.

To the south: Single-family residences zoned R-3.

To the east: Directly across North Clay Avenue are single-family residences zoned R-3 and a condominium development zoned R-5, Multifamily Residential.

To the west: Single-family residences zoned R-3.

DEPARTMENTAL/AGENCY COMMENTS:

None at this time.

DISCUSSION:

The request was introduced at the Planning and Zoning Commission meeting held virtually via Zoom on January 19, 2022. Mr. Klippel, Ms. Salzer-Lutz, and Ms. Washington were appointed to a subcommittee and a subcommittee meeting was conducted on site on January 25, 2022. A list of attendees of the subcommittee meeting may be seen in Exhibit A; Ms. Salzer-Lutz did not attend the meeting due to an unexpected emergency. At the subcommittee meeting, the following items were reviewed and discussed:

1. The subcommittee was advised of the operating standards that the applicant proposed for animal training, including the following:
 - a. Permitted home occupations shall not create an adverse effect on the residential character of the zoning district or interfere with the reasonable enjoyment of adjoining properties.
 - b. Animal training is limited to Monday - Friday between the hours of 8 am and 5 pm.
 - c. There shall not be more than one training facility within 1,000 feet of each other and no more than 10 in the City of Kirkwood.
 - d. The trainer must be an occupant of the house.
 - e. One client at a time may be on the premises, but animals may be dropped off on the property without an owner present.
 - f. At no time should animals be left unsupervised.
 - g. Having a detached structure is needed in order to provide structured training and a safe place during inclement weather and other safety-related issues.
 - h. No more than 10 animals including those residing on the premises are allowed.
 - i. There shall be no signage, including any window displays on the property.
 - j. Traffic shall not be generated in significantly greater volume than would be normally expected in the residential neighborhood.
 - k. Property must be maintained and all waste needs to be disposed of in a sanitary and safe manner.
 - l. No equipment shall be used which will create any dust, noise, odors, glare, vibrations, or electrical disturbances beyond the lot.
 - m. Long continual barking is prohibited.
 - n. Random inspections of the property are recommended but not required.
2. The applicant clarified her training procedures, including the details that she is with the dogs the entire time they are on her property; some dogs stay from 8 a.m. to 1 p.m. and others from 8 a.m. to 5 p.m. on two days a week; the dogs are both in the rear fenced yard and in the detached garage throughout the day. She believes training works best with a pack of dogs with well-behaved dogs training the newer dogs.
3. The subcommittee observed the existing conditions of the property including the fencing surrounding the rear yard, the turf in the rear yard, and the access to the basement if a storm should arise.
4. The applicant stated that she has liability insurance.
5. If the request for the Zoning Code amendment were to be approved, the subcommittee agreed that such approval should be as a special use in order to review each proposed animal training location and impose site-specific standards.
6. The animal training business as proposed by the applicant should also be considered as a daytime boarding facility as the dogs are at the applicant's house for much of the day without their owners in attendance.

After consideration of the information presented, the subcommittee is not in favor of the text amendment request based upon the following considerations that informed their decision:

1. The Zoning Code as adopted less than one year ago in February 2021 prohibits animal boarding and grooming facilities as home occupations, but does not address animal training. The subcommittee concluded that the animal training/daytime boarding being proposed here is more invasive in a residential environment than the already-prohibited animal grooming. The subcommittee does not believe that the proposed amendment is necessary or desirable due to changing conditions, new planning concepts, or other social or economic conditions (review criteria for text amendment Section 25-17(e)(2)(ii)).
2. While the subcommittee observed that the applicant's business appears to be well-run based on her statements and the testimonials she provided, they were uncomfortable with the animal training/daytime boarding business in a residential setting due to potential negative impacts on public health, safety, and general welfare (review criteria for text amendment Section 25-17(e)(2)(iii)). The subcommittee's concerns about noise, the outdoor use being inharmonious with the existing land use and the change in the essential character of residential neighborhoods that would result if this use was allowed as special use cannot be overcome by any conditions or limitations that would accompany such a special use. The subcommittee determined that the applicant could apply to operate the business in a commercially-zoned space.
3. Several of the proposed restrictions (e.g. traffic volumes similar to typical neighborhoods and prohibition of long continual barking) are not easily defined or enforceable. Similarly, if allowed as a special use, the Planning and Zoning Commission and City Council should require, at a minimum, all of the standards set forth above and should place additional minimum conditions, such as a requirement that any outdoor training area be fully enclosed by fencing, and any others that could serve to minimize the concerns expressed above.

RECOMMENDATION:

The Subcommittee recommends that this application be **denied**.

Respectfully submitted,

Allen Klippel

Mary Lee Salzer-Lutz

Sandy Washington

**EXHIBIT A
SUBCOMMITTEE MEETINGS ATTENDEES**

P&Z Subcommittee Meeting
Project:
Date:
Location:

PZ12-22 Animal Training Text Amendment
January 25, 2022 9:00am.
551 N. Clay Ave

Name	Organization
Karen Coulson	130 W Bodley Ave
Sandy Washington	417 Delsmine Place
Allen KILPICK	P&Z
LYNN THIELE	Home owner
David Engstrom	P&Z
Amy Lowry	City Staff