



**CITY OF KIRKWOOD  
PLANNING AND ZONING COMMISSION  
FEBRUARY 17, 2016**

**PRESENT:**

Greg Frick, Chairman  
Wanda Drewel, Vice Chair  
Allen Klippel, Secretary/Treasurer  
Cindy Coronado  
Dan Stauder  
Gil Kleinknecht  
Jim O'Donnell  
Matd Mallinckrodt

**ABSENT:**

James Diel

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, February 17, 2016, at Kirkwood City Hall, 139 South Kirkwood Road. Council Member Tim Griffin, City Attorney John Hessel, Director of Public Services Bill Bensing, City Planner Ryan Spencer, and Administrative Assistant Patti Dodel also attended the meeting.

1. Chairman Frick called the meeting to order at 7:00 p.m. and noted Mr. Diel was absent; and his absence was excused.
2. Motion was made by Mr. Stauder and seconded by Mr. Kleinknecht to approve the minutes of the February 3, 2016, meeting. The motion was unanimously approved by the members present (Mr. Diel was absent).
3. **PZ-06-16 SITE PLAN REVIEW – ST. JOHN VIANNEY HIGH SCHOOL, 1311 S KIRKWOOD**  
Submitted: 10-14-15 Automatic Recommendation: 6-11-16  
Petitioner's Agent, Don Bolinger  
(Subcommittee – Mr. Mallinckrodt, Ms. Drewel, Mr. Stauder)

St. John Vianney High School extended the Automatic Recommendation date to June 11, 2016.

4. **PZ-13-16 MIXED USE IN B-2 – MADISON AVENUE CONDOS, 201 SOUTH KIRKWOOD ROAD**  
Submitted: 1-19-16  
Petitioner's Agent, Tyler Stephens  
(Subcommittee – Mr. Mallinckrodt, Mr. Stauder, and Mr. O'Donnell)

Chairman Frick recused himself due to a perceived conflict of interest and stepped out of the Council Chambers, and Vice Chair Drewel assumed chair. Discussion focused on the proposed building's height, access by the Fire Department, landscaping, dumpsters, parking required for the existing office building, and the commercial use on the second story. City Attorney Hessel read the following the Section 510.5 of the Zoning Code:

**510.5: *Mixed Use Development.***

- (2) a. For mixed-use development consisting of multiple buildings, a minimum of twenty (20) percent and maximum of forty (40) percent of the total gross floor area of all buildings shall be provided as commercial use. If a commercial use is provided in a building, the entire ground story shall be provided as commercial uses only and residential uses only shall be provided on the second and above stories.

City Planner Spencer stated that he believes the wording is poor and confusing and that it was not the intent to limit commercial use to the first floor. An Ordinance will be drafted to amend the Code to clarify the requirement.

Tyler Stephens of Core 10 Architecture stated that the lease with SSM requires 17 parking spaces for their use, which leaves 7 surface parking spaces for the remaining offices in the existing building. Mr. Stephens presented a map showing public and private parking spaces available in the area. In lieu of a dumpster on the parking lot for the offices, their trash will be placed in the dumpster in the parking garage of the proposed residential building. Mr. Stephens stated Station Plaza is 62' tall to the roof line and the proposed building is 56'-5" to top of ridge and 48'-7" to the mean height. City Hall is estimated to be 45 feet tall.

According to City Planner Ryan Spencer, the office building would require 54 parking spaces and the 12 condominium units would require 27 spaces (multi-family units more than 1,500 s.f. require 2.25 spaces per unit plus 1 surface space for every 3 units for visitors).

Vice Chair Drewel requested revised drawings be submitted to the Commission and a second subcommittee meeting was scheduled for February 22 at 10 a.m. Chairman Frick rejoined the proceedings.

**5. PZ-14-16 REZONE R-3 TO R-4 403 PORTER**

Submitted: 1-22-16 Automatic Recommendation: 4-21-16

Petitioner, Julie VanCleave

Mr. VanCleave stated they are proposing to rezone their 18,939 square foot lot from R-3 to R-4. Their lot is bordered by streets on three sides (Ballas, Ann, Porter). An application to subdivide into two lots would then be submitted in order for their daughter and son-in-law to build a house. He stated that the average lot size in this area is 10,200 square feet, and they are proposing two 9,400 square foot lots.

After discussion, motion was made by Mr. Stauder and seconded by Ms. Coronado to approve the request to rezone 403 Porter Avenue from R-3 to R-4. Chairman Frick read the subcommittee report recommending denial:

**CITY OF KIRKWOOD  
PLANNING AND ZONING COMMISSION  
SUBCOMMITTEE REPORT  
FEBRUARY 17, 2016**

**PETITION NUMBER:** PZ-14-16

**ACTION REQUESTED:** REZONING (R-3 to R-4 SINGLE-FAMILY DISTRICT)

**PETITIONER:** JULIE & THOMAS VAN CLEAVE

**PROPERTY LOCATION:** 403 PORTER AVENUE

**ZONING:** R-3 SINGLE-FAMILY DISTRICT

**DRAWINGS SUBMITTED:** SURVEY STAMPED "RECEIVED JANUARY 22, 2016 CITY OF KIRKWOOD PUBLIC SERVICES"

**DESCRIPTION OF PROJECT:**

The current size of the subject property is 18,703 square feet and the lot conforms to the standards and requirements of the R-3 Single-Family Zoning District. The petitioner is requesting to rezone their property from R-3 to R-4 Single-Family, minimum lot size of 7,500 square feet, for the intent of splitting the existing lot to allow the construction of an additional home.

**COMPREHENSIVE PLAN:**

This site is designated for Suburban Density Residential by the Vision 2015 Comprehensive Plan, which is representative of R-3 and R-4 Single-Family Districts.

**LAND USE AND ZONING:**

The subject property is currently zoned R-3 Single-Family District and occupied by one residential home. Surrounding land uses and zoning include the following:

To the north: Across Ann Avenue are single-family residences zoned R-3 Single-Family District.

To the south: Directly adjacent to the property is a single-family residence zoned R-3 Single-Family District.

To the east: Across Porter Avenue are single-family residences zoned R-3 Single-Family District.

To the west: Across Ballas Road are single-family residences zoned R-3 Single-Family District.

**DEPARTMENTAL/AGENCY COMMENTS:**

Electric: No Comment  
Fire: No Comment  
Water: No Comment

No outside agencies applicable.

**DISCUSSION:**

A Zoning Matters sign was posted on the property on February 10, 2016. The petitioners presented their request at the February 17, 2016, Planning and Zoning Commission meeting.

**RECOMMENDATION:**

The Subcommittee recommends that the request to rezone 403 Porter Avenue from R-3 Single-Family District to R-4 Single-Family District be **denied**. The request is spot zoning and therefore is arbitrary and primarily promotes the private interest of the owner rather than the general welfare of the public. The subcommittee recognizes that lots in the area surrounding the subject property may not meet the current minimum lot size of 15,000 square feet, however many of these lots were platted or subdivided prior to the current minimum lot size standard which has been in place since 1959.

Respectfully submitted,

Greg Frick

Gil Kleinknecht

The motion to approve the rezoning failed unanimously. Motion was made by Mr. Stauder and seconded by Ms. Drewel to approve the subcommittee report recommending denial. Motion was unanimously approved by the eight members present (Mr. Diel was absent).

**6. PZ-15-16 SPECIAL USE PERMIT AMENDMENT AND SITE PLAN REVIEW – MAGIC HOUSE  
516 SOUTH KIRKWOOD ROAD AND 206 EAST WOODBINE AVENUE**

Submitted: 1-25-16 Automatic Recommendation: 5-24-16  
Petitioner's Agent, Arthur Floyd

Mr. Floyd stated the Magic House purchased the single-family house at 206 East Woodbine and are proposing to demolish the house to expand their parking lot by 24 spaces. A two-story addition to the southern wing, a 150 square foot addition on the north side vestibule, and a small addition to connect the north and south wings are also

proposed. Based on the additional square footage, 19 additional parking spaces are required. In addition to a variance that was granted by the Board of Adjustment for parking spaces, the Magic House has agreements with the Kirkwood School District and Concordia Church to share their parking lots as necessary. Commission members expressed concern regarding the lights shining into the adjacent residential properties.

Chairman Frick appointed Mr. Kleinknecht, Ms. Drewel, and Mr. Klippel to the subcommittee. A subcommittee meeting was scheduled for February 22 at 8 a.m. Chairman Frick asked if there were two members of the audience who would like to speak on behalf of the group, and the following responded:

Julie Allman, 522 Angenette, spoke about issues regarding additional traffic since Nipher Middle School installed a new driveway connecting the school's parking lot to Angenette. She provided a copy of a letter dated March 16, 2000, from the Magic House to the City which stated they would not expand easterly.

Jim Hauschultz, 519 Angenette believes this will set a precedent and that since the Magic House has the agreement with the church and the school for approximately 250 spaces, 24 additional spaces isn't enough to warrant the expansion and intrusion into their neighborhood.

#### **7. COMPREHENSIVE PLAN – ENVISION 2035**

Mr. Klippel suggested the Commission members view the information that is available for the Comprehensive Plan at [www.kirkwood2035.org](http://www.kirkwood2035.org).

8. Chairman Frick requested an update on CVS and Starbucks. City Planner Ryan Spencer stated CVS submitted the performance guarantee and a building permit will be issued. The tenants of Greentree Shopping Center are in litigation with Starbucks regarding the proposed building.

There being no further business, the meeting adjourned at 8:57 p.m.; and the next meeting will be held March 2, 2016, at 7 p.m.

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Greg Frick, Chairman

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Allen Klippel, Secretary/Treasurer

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