



**CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
JUNE 15, 2016**

PRESENT:

Allen Klippel, Chair
Wanda Drewel, Vice Chair
James Diel, Secretary/Treasurer
Greg Frick
Cindy Coronado
Dan Stauder
Jim O'Donnell
David Eagleton

ABSENT:

Madt Mallinckrodt

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, June 15, 2016, at Kirkwood City Hall, 139 South Kirkwood Road. Mayor Tim Griffin, City Council Liaison Nancy Luetzow, City Attorney John Hessel, Public Services Director Bill Bensing, Assistant City Planner Amy Lowry, and Administrative Assistant Patti Dodel also attended the meeting.

1. Chair Allen Klippel called the meeting to order at 7:00 p.m. and noted Mr. Mallinckrodt was absent and his absence was excused. Chair Klippel welcomed David Eagleton to the Commission.
2. **PZ-02-17 COMMUNITY UNIT PLAN TYPE A (8-LOT SUBDIVISION) - EMMERSON ESTATES,
2017/2029 LILY, 425 EMMERSON, 2040 BOAZ**
Submitted: 4-4-16 Automatic Recommendation: 7-3-16
Petitioner's Agent, Ryan Kirchner

Chairman Klippel recessed the meeting for the purpose of opening the public hearing that was continued from the May 18, 2016, meeting regarding a Community Unit Plan Type A for an eight-lot subdivision known as Emmerson Estates at 2017 and 2029 Lily, 425 Emmerson, and 2040 Boaz Avenue. A rezoning from R-1 to R-3 for a portion of the site is required.

Dan Wind of Wind Engineering and Morgan Bullock and Ryan Kirchner of Bullock Building and Development were present. Mr. Wind stated a revised Preliminary Landscape Plan was submitted on June 13 and Sheet PDP3 was revised and submitted on June 8.

City Attorney Hessel entered the following exhibits into the record: Revised Preliminary Landscape Plan as Exhibit 8 and Revised Sheet PDP3 as Exhibit 9.

Chairman Klippel asked if there were any questions or comments from the audience, and the following responded:

Jane Ann Forney, 421 Emmerson
Rob Forney, 421 Emmerson
Rufus McKee, 418 Emmerson
Gwyn Wahlmann, 1002 West Adams

Mrs. Forney read a statement from her and her husband dated May 15, 2016. The major points are: prefer 8-foot side yard setbacks in lieu of 12 foot side yard setbacks, want the 16-foot wide easement across their property vacated, agree with the rear yard setbacks as shown on the plan, request natural vegetation screening area remain adjacent to their property line, and request a subdivision covenant be included that only architectural quality metal fencing in a brown or black color a minimum of 10 feet away from their property line be allowed.

Mr. McKee expressed concern regarding construction traffic driving over the culvert and the numerous potholes on Boaz and Emmerson.

Ms. Wahlmann read her statement dated June 13, 2016. She expressed concern regarding storm water, FEMA floodplain, and density.

Public Services Director Bill Bensing commented that a pre-construction meeting is behind held tomorrow regarding a new culvert on Emmerson and the potholes will be scheduled to be repaired.

Chair Klippel closed the public hearing. Motion was made by Mr. Frick and seconded by Mr. Diel to rezone 425 Emmerson and 2017 Lily from R-1 to R-3 and approve a preliminary Community Plan Type A for an 8 lot subdivision on the combined properties of 425 Emmerson, 2017 and 2029 Lily, and 2040 Boaz Avenue. Mr. O'Donnell and Mr. Diel read the Subcommittee Report:

**CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
SUBCOMMITTEE REPORT
June 15, 2016**

PETITION NUMBER: PZ-02-17

ACTION REQUESTED: Rezone R-1 Single-Family District to R-3 Single-Family District and a Community Unit Plan Type A (Emmerson Estates – 8 lots)

PETITIONER: Bullock Building & Development

PETITIONER'S AGENT: Ryan Kirchner

PROPERTY LOCATION: 425 Emmerson, 2017/2029 Lily Avenue and 2040 Boaz Avenue

CURRENT ZONING: R-1: 425 Emmerson Avenue and 2017 Lily Avenue
R-3: 2029 Lily Avenue and 2040 Boaz Avenue

DRAWINGS SUBMITTED: Preliminary Development Plan prepared by Wind Engineering Company sheets PDP1, PDP2, PDP4, and PDP5 stamped "Received May 11, 2016, City of Kirkwood Public Services" and sheet PDP3 stamped "Received June 8, 2016, City of Kirkwood Public Services Department"

Revised Preliminary Landscape Plan prepared by Hall and Associates stamped "Received June 13, 2016, City of Kirkwood Public Services"

Tree Study prepared by Ray's Tree Service stamped "Received May 11, 2016, City of Kirkwood Public Services"

DESCRIPTION OF REQUEST:

The Petitioner is proposing to rezone and develop an eight-lot subdivision through a Community Unit Plan Type A process. The subject property currently consists of four parcels, 4.62 acres in size, and is zoned R-1 and R-3 Single-Family Zoning Districts. The two parcels addressed 2029 Lily and 2040 Boaz were voluntarily annexed into the City of Kirkwood on December 17, 2015, by Ordinance No. 10299 and are zoned R-3 Single-Family Zoning District. The two parcels addressed 2017 Lily and 425 Emmerson are zoned R-1 and are proposed to be rezoned to R-3 Single-Family so that the entire subject property is zoned R-3 Single-Family Zoning District.

SITE OVERVIEW:

The terrain of the site is steep with an elevation change from 554 feet to 468 feet or a difference of 86 feet across the property from the south to the north with an active spring and creek along the northern property line. The eight lots will vary in size from 11,310 to 33,747 square feet with an average lot area of 16,955 square feet. This complies with underlying density of the R-3 Zoning District.

A storm water facility will be located within the common ground which will be located north of lots 6, 7 and 8. The common ground will be 38,777 square feet and accessed via a twenty foot easement located between lots 7 and 8.

Setbacks will be varied from the underlying zoning district standards most significantly in terms of front and side yard setbacks. This is to allow the placement of new homes to work with existing grades and be placed further away from the existing creek. Setbacks for the proposed subdivision will be as follows:

PROPOSED CUP		REQUIRED R-3 DISTRICT	
Front:	25 Feet	Front:	40 Feet
Side:	8 to 12 Feet	Side:	12 Feet
Rear:	15 to 35 Feet	Rear:	35 Feet

Lot widths have also been varied. The minimum lot width required of an R-3 zoned lot is 100 feet. The eight proposed lots will have widths that range from 55 feet (cul-de-sac) to 133 feet.

LANDSCAPING

The Subdivision Code has very specific standards for landscaping with respect to a new subdivision. The major components of the landscape plan are as follows:

- Frontage Tree Plantings: 1 tree for each 50 feet of street frontage.
- New and/or existing trees throughout the subdivision to the average minimum of 1 tree per 2,000 square feet of site area less street right-of-way.
- Trees shall be spaced so that each lot has a minimum canopy area of 350 square feet per 1,000 square feet of lot area (35%).

COMPREHENSIVE PLAN:

This property is designated as Suburban Density Residential by the Vision 2015 Comprehensive Plan. The land use policies of this category are as follows:

- Maintain the single-family detached development pattern with minimum lot sizes ranging from 7,500 to 25,000 square feet.
- Consider the appropriateness of a variety of housing types based on the physical nature of the property and market trends for desired housing.
- Insulate residences from adverse environmental elements such noise, odors, light and air pollution.
- Design new/infill housing to be generally proportional to lot size and consistent with the scale and proportion of surroundings.
- Utilize appropriate landscape buffers and separation distance between residential areas of varying densities.
- Suburban density housing should serve as a transition from lower to higher density residential areas.

The proposed single-family subdivision is consistent with the development policies presented by the Plan.

LAND USE AND ZONING:

The subject property is currently zoned R-1 and R-3 Single-Family Districts and the existing lots are vacant. Surrounding land uses and zoning include the following:

To the north: Adjacent to the subject property are single-family residences zoned R-1 and R-3.

To the south: Adjacent to the subject property is a single-family residence zoned R-3 and the right-of-way line for Interstate 270.

To the east: Adjacent to the subject property are single-family residences zoned R-1 and R-3.

To the west: Adjacent to the subject property is I-270 and the western municipal boundary of the City of Kirkwood.

DEPARTMENT/OUTSIDE AGENCY COMMENTS:

Electric: Not in Kirkwood Service Area

Fire: No Comments

Water: No Comments

MoDOT: No Comments

DISCUSSION:

A Zoning Matters sign was placed on the property May 11, 2016. The petitioner presented the plan at the May 18, 2016, Planning and Zoning Commission meeting; discussion was held and a subcommittee was appointed. The subcommittee met on site May 27, 2016, with the petitioner. See Exhibit B for a list of people in attendance. Notice of the meetings had been properly posted.

General discussion concerned how storm water would be addressed, the width of the side yard setbacks and the widening of Lily Avenue at the entrance to the subdivision.

A community unit plan allows for flexibility in the design of subdivisions pertaining to lot sizes, setbacks, and the provision of on-site amenities. These flexible standards can provide relief from Zoning Code requirements in order to produce a more creative and compatible subdivision design on a specific piece of property.

The proposed subdivision sits upon a site that is heavily wooded with a spring-fed creek and topographical challenges. The subcommittee believes that the size, shape and density of lots and associated setbacks provided by the subdivision are justified by the topography of the subject property and is compatible with the surrounding neighborhood.

In accordance with Article X of the Subdivision Code, a waiver from the Subdivision Code is being requested to allow storm water management facilities above ground versus underground. Metropolitan Sewer District requires water quality and detention facilities to be open and above ground.

RECOMMENDATION:

The Subcommittee recommends granting the waiver from the Subdivision Code and approving the rezoning and Community Unit Plan with the following conditions:

1. Prior to proceeding to City Council, proof of payment of all real estate taxes shall be provided to the Public Services Department.
2. The final plat and development plans shall be consistent with the preliminary subdivision plat prepared by Wind Engineering Company sheets PDP1, PDP2, PDP4, and PDP5 stamped "Received May 11, 2016, City of Kirkwood Public Services" and sheet PDP3 stamped "Received June 8, 2016, City of Kirkwood Public Services", and the Preliminary Landscape Plan stamped "Received June 13, 2016, City of Kirkwood Public Services Department" except as noted herein.
3. Preliminary Plat approval of the 8-lot subdivision is contingent upon the rezoning of 2017 Lily Avenue and 425 Emmerson from R-1 Single-Family District to R-3 Single-Family District.
4. The cul-de-sac island shall have mountable curbs, as approved by the City Engineer, to better handle large vehicles.
5. A four-foot wide concrete sidewalk shall be constructed along the south side of Lots 1 through 7.
6. Lily Avenue shall be reconstructed to twenty-six (26) feet in width from the entrance of the subdivision to the intersection of Emmerson Avenue.
7. The primary construction route shall be via Boaz Avenue.
8. A draft copy of the subdivision deed restrictions and covenants shall be included with the Final Plat submittal package.
9. The deed restrictions and covenants shall include a provision that any fencing to be located along Lots 2,3, and 4 be limited to architectural-quality metal fencing of a black or brown color and shall be installed a minimum of ten feet from the property line.

10. The existing 16-foot wide water easement shall not be utilized for access or installation of infrastructure to service the subject property.
11. The Final Landscape Plan shall show compliance with the minimum 34% tree canopy coverage area per Article VII, Section 13(d)(3) of the Subdivision Code.
12. Prior to proceeding to City Council, a revised Landscape Plan shall be submitted that designates the trees to be protected as enumerated on the Tree Study.
13. The right-of-way of Boaz Avenue adjacent to the subject property shall be vacated prior to the approval of the final plat.
14. The applicant shall comply with all standard conditions as listed on Exhibit A.
15. The 15-foot wide utility easement recorded in St. Louis County Deed Book 54, page 8, shall be vacated prior to approval of the final plat.

Respectfully submitted,

Jim O'Donnell

Allen Klippel

James Diel

Several Commission members expressed concern regarding Lots 2-5 and 7 being too narrow. The vote on the motion to approve the project passed seven to one (Mr. Stauder was opposed and Mr. Mallinckrodt was not present).

Motion was made by Mr. Frick and seconded by Mr. Stauder to approve the Subcommittee Report. Public Services Director Bensing suggested Item No. 15 be added to the Conditions as follows "15. The 15-foot wide utility easement recorded in St. Louis County Deed Book 54, page 8 shall be vacated prior to approval of the final plat." Mr. Frick put the suggestion in the form of a motion. Mr. Coronado seconded the motion and it was unanimously approved by the members present. The Subcommittee Report, as amended, was unanimously approved by the eight members present.

3. Motion was made by Mr. Diel and seconded by Ms. Drewel to approve the minutes of the May 18, 2016, meeting. The motion was unanimously approved by the members present (Mr. Mallinckrodt was absent).
4. **PZ-06-16 SITE PLAN REVIEW – ST. JOHN VIANNEY HIGH SCHOOL, 1311 S KIRKWOOD**
Submitted: 10-14-15 Automatic Recommendation: 9-9-16
Petitioner's Agent, Don Bolinger
(Subcommittee – Mr. Mallinckrodt, Ms. Drewel, Mr. Stauder)

The petitioner was not present. Public Services Director stated he received new information from Vianney and would like the subcommittee to meet in the next two weeks. Several Commission members expressed a desire to attend. Since Mr. Mallinckrodt was absent, Mr. Bensing will contact the subcommittee members and Vianney to coordinate a date when all can attend.

**5. PZ-02-16 SITE PLAN REVIEW EXTENSION – VILLA DI MARIA,
1280 SIMMONS AVENUE**

Submitted: 6-14-16

Petitioner's Agent, Helen Lee

(Subcommittee – Ms. Coronado and Mr. O'Donnell)

Ms. Lee stated that Tao + Lee replaced the previous architectural firm and need additional time to submit the performance guarantee, other documents, and obtain a building permit. Motion was made by Mr. O'Donnell to grant a six-month extension on the site plan approved on June 17, 2015. Mr. Diel seconded the motion and the new expiration date of December 17, 2016, was unanimously approved by the eight members present (Mr. Mallinckrodt was absent).

6. COMPREHENSIVE PLAN – ENVISION 2035

Chair Klippel reported the Steering Committee met on May 26 and another meeting is scheduled for June 21 at 7 p.m. at City Hall.

7. JOINT WORK SESSION

A Joint Workshop Meeting of the City Council and Planning and Zoning Commission will be held on June 30 to discuss the relationship between the Council and the Commission, site plan review, and the Comprehensive Plan.

8. Public Services Director Bill Bensing stated the City received a petition from a resident requesting the Zoning Code be amended to require private schools obtain a Special Use Permit. Chair Klippel requested a memo from Mr. Bensing for discussion.

There being no further business, the meeting adjourned at 8:10 p.m.; and the next meeting will be held July 20, 2016, at 7 p.m.

Allen Klippel, Chair

James Diel, 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 and Commissions, Planning & Zoning Commission.