



WHERE COMMUNITY AND SPIRIT MEET®

**CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
NOVEMBER 2, 2011**

PRESENT:

David Osborn, Chairman
Joe Roeser, Vice Chairman
Gil Kleinknecht, Secretary/Treasurer
Tad Skelton
Wanda Drewel
Nancy Luetzow
Greg Frick
Daniel Stauder

ABSENT:

Cindy Coronado

Pursuant to notice of meeting duly given, the Planning and Zoning Commission convened on Wednesday, November 2, 2011, at Kirkwood City Hall. City Attorney John Hessel, Public Works Director Todd Rehg, Zoning Administrator Jeremy Knapp, and Administrative Secretary Patti Dodel also attended the meeting.

1. Chairman Osborn called the meeting to order at 7:00 p.m. Ms. Coronado was absent and her absence was excused.
2. Motion was made by Mr. Roeser and seconded by Mr. Frick to approve the minutes as written for the October 19, 2011, meeting. The motion was unanimously approved by the members present (Ms. Coronado was absent).
3. **PZ-10-12 SUBDIVISION, 3 LOTS - NORTH TAYLOR GLEN, 750 N. TAYLOR**
Submitted: 9-2-11
Petitioner, John Pitcher
(Subcommittee - Ms. Luetzow (chair), Ms. Drewel (secretary) and Mr. Skelton)

Mr. Pitcher was present. Motion was made by Ms. Drewel and seconded by Ms. Luetzow to approve the three-lot subdivision at 750 North Taylor Avenue. Ms. Luetzow, Ms. Drewel, and Mr. Skelton read the subcommittee report recommending denial:

**CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
SUBCOMMITTEE REPORT
NOVEMBER 2, 2011**

PETITION NUMBER: PZ-10-12

ACTION REQUESTED: PRELIMINARY 3 LOT SUBDIVISION

PETITIONER: GILPIN PITCHER DEVELOPMENT LLC

PROPERTY LOCATION: 750 NORTH TAYLOR AVENUE

ZONING: R-3 ONE-FAMILY DWELLING DISTRICT

DRAWINGS SUBMITTED: PRELIMINARY DEVELOPMENT PLAN PREPARED BY HALL + ASSOCIATES STAMPED "RECEIVED SEPTEMBER 14, 2011, CITY OF KIRKWOOD PUBLIC WORKS"

LANDSCAPE PLAN PREPARED BY HALL + ASSOCIATES STAMPED "RECEIVED SEPTEMBER 14, 2011, CITY OF KIRKWOOD PUBLIC WORKS"

TREE STUDY PREPARED BY FORESTRY CONSULTANT SERVICES STAMPED "RECEIVED SEPTEMBER 14, 2011, CITY OF KIRKWOOD PUBLIC WORKS"

REVISED PRELIMINARY DEVELOPMENT PLAN PREPARED BY HALL + ASSOCIATES STAMPED "RECEIVED OCTOBER 5, 2011, CITY OF KIRKWOOD PUBLIC WORKS"

DESCRIPTION OF PROJECT:

The petitioner is proposing to subdivide a 68,986 square foot lot into 3 lots in a Local Historic District, ranging in size from 16,622 to 27,316 square feet. Each lot is proposed to be developed with a single-family residence ranging in size from 2,750 to 3,750 square feet. A twenty six foot wide private street in a twenty six foot right-of-way is proposed from North Taylor Avenue that bisects the site and terminates in a "Y". This proposal seeks 7 waivers from the Subdivision code including:

- a. Article VII Section 2(c): All platted streets shall be public rights-of-way dedicated to the City of Kirkwood. Private streets shall be prohibited.
- b. Article VII Section 4(b): All lots shall have access to a public street on public right-of-way.
- c. Article VII Section 2(e)(4): For cul-de-sac streets serving less than nine (9) single family residential lots, including corner lots, with additional easements as required a forty (40) foot right-of-way may be permitted with approval of the Planning and Zoning Commission for the purpose of reducing site grading.
- d. Article VII Section 4(f): Corner residential lots shall be 10 percent wider on both street frontages than the required zoning width to permit appropriate setbacks.

- e. Article VII Section 2(f): All cul-de-sacs shall terminate in a circular right-of-way with a minimum radius of 55 feet with a 5-foot wide easement for street, sidewalk, and utilities along the perimeter.
- f. Article VIII Section 3(b)(4): The minimum radius of the pavement at the turn-around shall be 50 feet.
- g. Article VIII Section 8(d): If storm water detention is required by MSD or the City for single-family residential subdivisions, it shall be provided underground in pipes or chambers. Dry or wet above ground detention shall not be permitted in single-family subdivisions.

COMPREHENSIVE PLAN:

This site is designated for Suburban Density Residential by the Vision 2015 Comprehensive Plan. The proposed community unit plan development is considered a Suburban Density Residential Use but is inconsistent with the development policies presented by the Plan.

LAND USE AND ZONING:

The subject property is currently zoned R-3 One-Family Dwelling District and the existing house is unoccupied. Surrounding land uses and zoning include the following:

To the north, south, and east: Surrounding and directly abutting the site are nine single-family residential homes in the Taylor Woods Subdivision zoned R-3, One-Family Dwelling District.

To the west: Across North Taylor Avenue are single-family residential homes zoned R-3, One-Family Dwelling District.

DEPARTMENTAL/AGENCY COMMENTS:

Electric: No Comment
Fire: Attached - Exhibit A
Water: No Comment
No outside agencies applicable.

DISCUSSION:

A Zoning Matters sign was posted on the property September 14, 2011. The petitioner presented his plan at the September 21, 2011, Planning and Zoning Commission meeting; discussion was held and a subcommittee was appointed. The Subcommittee met on site September 27, 2011 with petitioner John Pitcher of Gilpin Pitcher Development LLC and others; a complete list of attendees is attached as Exhibit B.

A second subcommittee meeting was held at Kirkwood City Hall on October 11, 2011 with petitioner John Pitcher of Gilpin Pitcher Development LLC and others; a complete list of attendees is attached as Exhibit C. Notice of the meetings had been properly posted.

At the second subcommittee meeting the petitioner discussed his revised plan which proposed a 26 foot wide right-of-way in lieu of a 40' right-of-way. The plan also showed revised building footprints that meet the Zoning Code requirements for setbacks. The petitioner indicated that he intended on requesting setback variances from the Board of Adjustment at a later date.

RECOMMENDATION:

The subcommittee recommends the request for a 3 lot subdivision be denied due to the significant departure from the regulations of the Subdivision and Zoning Codes. The Subdivision Code permits for waivers as follows:

When a subdivider can show that a provision of this ordinance would cause unnecessary hardship, if strictly adhered to, and when, in the opinion of the Planning and Zoning Commission because of conditions peculiar to the site, a departure may be made without destroying the general intent and spirit of the provision, the Planning and Zoning Commission may recommend a waiver or modification to the City Council.

The requirements for the granting of waivers by Planning and Zoning have not been met as follows:

1. The petitioner has failed to show that a provision of the Subdivision Code will cause unnecessary hardship, and the applicant has failed to present conditions peculiar to this site which warrant a departure from the Subdivision Code. The need for the requested waivers is self-imposed; they stem from the applicant willingly proposing a street centered on the parcel which does not comply with standards listed in the code.
2. The petitioner has failed to present sufficient information to conclude that the proposed development is consistent with the intent and purpose of the Zoning Code to promote the public health, safety, morals and general welfare.
3. The petitioner has requested waivers of such magnitude and quantity that recommending such is not possible without destroying the general intent and spirit of the provision.

Respectfully submitted,

Nancy Luetzow

Tad Skelton

Wanda Drewel

Mr. Osborn stated he strongly disagrees with the report. Even though this project requires more waivers than other subdivisions, he believes this is the best plan for the property. Several Commission members believe the need for the waivers is self imposed and self inflicted; there are an infinite number of ways that this property can be developed; and that since 2000, the City has approved subdivisions requiring no more than three waivers.

The motion to approve the application failed 6 to 2 (Mr. Osborn and

Mr. Frick were in favor and Ms. Coronado was absent). Motion was made by Ms. Drewel and seconded by Mr. Kleinknecht to approve the subcommittee report as read. The subcommittee report passed 6 to 2 (Mr. Osborn and Mr. Frick were opposed and Ms. Coronado was absent).

4. PZ-13-12 SITE PLAN REVIEW - 332 SOUTH FILLMORE

Submitted: 10-14-11 Automatic Recommendation: 1-12-12
Petitioner's Agent, Rhein Dabler

Mr. Dabler, Senior engineer with Clayton Engineering and Judy and Norm Foster were present. Mr. Dabler stated they are proposing to construct a one-story building behind the existing 1,950 square foot building. The proposed building would provide for a work area accessed by two overhead doors and a storage area. The two box containers on the site would remain. Geoblocks would be used to provide for employee parking on the south side of the lot between five new trees.

Chairman Osborn appointed Mr. Stauder and Mr. Kleinknecht to the subcommittee; and they scheduled a meeting at the site on Friday, November 4, at 9 a.m.

5. PZ-12-12 AMEND ZONING CODE - COMPREHENSIVE REVIEW

Zoning Administrator Knapp distributed a Project Timeline for the Comprehensive Review of the Zoning Code. Chairman Osborn appointed himself, Mr. Frick, and Mr. Roeser to the subcommittee.

There being no further business, the meeting adjourned at 8:00 p.m. The next meeting will be held November 16, 2011, at 7:00 p.m.

David Osborn, Chairman

Gil Kleinknecht, 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.