

CITY OF FLORISSANT



Planning and Zoning Commission Unofficial Planning & Zoning Minutes

October 21, 2013

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CITY OF FLORISSANT



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October 21, 2013

The Planning and Zoning Commission met at Florissant City Hall, 955 rue St. Francois on Monday, October 21, 2013 at 7:00 p.m. with Jane Boyle presiding.

Roll Call

On Roll Call the following members were present: Jane Boyle, Paul Stock, Steven Olds, Jim Hessel and Lee Baranowski. Dan Call and Dick Weller were excused. Also present was Aaron Tossey, Deputy Building Commissioner and Deputy City Clerk, Anita Moore. A quorum being present the Chair declared that the Planning and Zoning Commission was in session for the transaction of business. Jane Boyle welcomed Aaron Tossey to the meeting who was substituting for Phil Lum, Building Commissioner.

Approval of Minutes

Jane Boyle stated that the next order of business would be approval of the minutes from the 10/7/13 meeting.

On behalf of Phil Lum, Aaron Tossey moved to amend on Page 4, lines 123 and 129 to replace the word "Building Commission" with "Building Commissioner," that Dick Weller, Jane Boyle and Dan Call were excused under Roll Call, and on page 7, line 205 to replace the word "plans" with the word "ordinance." Hearing no further amendments Jane Boyle moved to approve the amended Meeting Minutes of 10/7/2013.

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Old Business

**Item 1 12925 New Halls Ferry Rd.
PZ100713-2 Miami Grill & Deli
 Recommend Approval - Ward 8
 Request to recommend approval to establish uses in a B-5 Zoning
 District.**

The next item on the Agenda was a request to recommend approval to establish uses in a B-5 Zoning District. James Woodworth, architect for petitioner, appeared again before the Commission and stated that the owner was unable to be in attendance. He stated that he had received a letter from the City requesting that he plant 22 new shrubs. As a result, he re-submitted a new landscaping plan depicting vegetation that was planted over the weekend.

Jane Boyle expressed her concern regarding the dead vegetation. Mr. Woodworth responded that they would be removing the dead trees and shrubs, and laying mulch sometime this week. Ms. Boyle stated that she had taken photographs of the site and that the restaurant could not be opened as it was. Furthermore, she asked the petitioner what he planned to do with the six unsightly blue posts. Mr. Woodworth stated that they could be removed. In response to her question regarding the lights at the front of the building, the petitioner stated that they would all be removed also.

Mr. Hessel confirmed with Mr. Tossey that the City would make sure that the old vegetation was removed. Mr. Hessel thought the revised landscaping plan was much improved.

In response to Mr. Stock's question, the petitioner stated that no liquor would be sold.

Mr. Baranowski reminded the petitioner that, according to the ordinance, there were certain spacing requirements between the vegetation.

Mr. Olds noted that there was a typographical error on the hours of operation. Mr. Woodworth agreed that the hours of operation on the site plan should have read Monday thru Thursday 9AM to 12 AM, Friday and Saturday 9 AM to 2 AM, and Sunday 10 AM to 11 PM.

Ms. Boyle asked if there were any further questions or comments to the petitioner? Being none, Ms. Boyle moved to recommend approval to amend the

100 B-5, as depicted by the attached Site Development Plan, dated 8/10/94 and Architectural
101 Plans A1, A2 and A3 dated 9/16/2013, as amended by Landscape Plan dated 10/11/2013
102 by James Woodworth attached, along with 22 additional building plantings, subject to
103 the regulations of the B-5 Planned Commercial District, with permitted uses allowed
104 being a sit-down, drive-thru and carry-out restaurant, those within the B-3 "Extensive
105 Business District" without a Special Permit, and the following additional requirements:

106

107 **1. PERMITTED USES**

108 The uses permitted for this property shall be limited to a sit-down drive-thru and carry out
109 restaurant, those within the B-3 "Extensive Business District" without a Special Permit.
110 Other uses than those permitted shall require approval by amendment to this B-5 Ordinance.

111

112 **2. FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS**

113 The building space shall be limited to a single story 1944 s.f. sit-down drive-thru and carry
114 out restaurant with uses permitted within the B-3 "Extensive Business District" without a
115 Special Permit.

116

117 **3. PERFORMANCE STANDARDS**

118 In addition to all other requirements, uses within the "B-5" Planned Commercial District
119 shall conform to the most restrictive performance standards as follows:

120

121 1. Vibration. Every use shall be so operated that the maximum ground vibration
122 generated is not perceptible without instruments at any point on the lot line of the
123 lot on which the use is located.

124

125 2. Odor. Every use shall be so operated that no offensive or objectionable odor is
126 perceptible at any point on the lot line on which the use is located.

127

128 3. Smoke. Every use shall be so operated that no smoke from any source shall be
129 emitted of a greater density than the density described as No. 1 on the
130 Ringelmann Chart as published by the United States Bureau of Mines.

131

132 4. Toxic gases. Every use shall be so operated that there is no emission of toxic,
133 noxious or corrosive fumes or gases.

134

135 5. Emission of dirt, dust, fly ash and other forms of particulate matter. Emission of
136 dirt, dust, fly ash and other forms of particulate matter shall not exceed eighty-
137 five one-hundredths (0.85) pounds per one thousand (1,000) pounds of gases of
138 which amount not to exceed five-tenths (0.5) pound per one thousand (1,000)
139 pounds of gases shall be of such size as to be retained on a 325-mesh U.S.
140 standard sieve. In the case of emission of fly ash or dust from a stationary
141 furnace or a combustion device, these standards shall apply to a condition of fifty
percent (50%) excess air in the stack at full load, which standards shall be varied
in proportion to the deviation of the percentage of excess air from fifty percent
(50%).

140

141 6. Radiation. Every use shall be so operated that there is no dangerous amount of
radioactive emissions.

141

- 142 7. Glare and heat. Any operation producing intense glare or heat shall be
- 143 performed in an enclosure in such a manner as to be imperceptible along any lot
- 144 line.
- 145 8. Screening.
- 146 a. All mechanical equipment, air-handling units, cooling towers, condensers,
- 147 etc., on roof or grade shall be screened architecturally in such a manner as to be a
- 148 part of the design of the building.
- 149 b. Incinerators and stacks shall be enclosed in the same material as the main
- 150 exterior building material.

151
152 **4. TRASH ENCLOSURES**

153 Trash container shall be kept within a gated sight-proof area as shown on Site
154 Development Plan, dated 8/10/94, attached.

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157 **5. PLAN SUBMITTAL REQUIREMENTS**

158 Final Development Plan shall include improvements as shown on drawing C1 Site
159 Development Plan dated 8/10/94 and Architectural Plans A1, A2 and A3 dated 9/16/13
160 attached, including entire property, trash enclosures, landscape, lighting and legal
161 description.

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164 **3. SITE DEVELOPMENT PLAN CRITERIA:**

165
166 a. Height, Area And Bulk Restrictions:

167
168 1. Height, Area and Bulk Regulations. The height, area and bulk regulations for uses in
169 the "B-3" Extensive Commercial District

170
171 b. Internal Drives:

172
173 (1) There shall be parking as shown on Site Plan, dated 8/10/94, attached.

174
175 c. Minimum Parking/Loading Space Requirements.

176
177 (1) There shall be a minimum of **16** required parking spaces provided on the property.

178
179 d. Road Improvements, Access and Sidewalks (not applicable)

180
181 e. Lighting Requirements.

182
183 Lighting of the property shall comply with the following standards and requirements:

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185 (1) The light level for parking lot lighting shall be 0.5 fc minimum.

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187 (2) All site lighting and exterior building lighting shall be directed down and inward

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f. Sign Requirements.

- (1) All signage shall comply with the City of Florissant sign ordinance for commercial districts.
- (2) One freestanding Sign shall not exceed 25 feet in height.

g. Landscaping and Fencing.

- (1) Any modifications to the landscaping plan shall be reviewed and approved by the Planning and Zoning Commission.
- (2) 22 additional shrubs shall be added to the Landscape Plan.**

h. Storm Water.

Storm Water and drainage facilities shall comply with the following standards and requirements:

- (1) The Director of Public Works shall review the storm water plans to assure that storm water flow will have no adverse effect the neighboring properties.
- (2) No building permits shall be issued until the storm water plan has been approved by the St. Louis Metropolitan Sewer District.

i. Miscellaneous Design Criteria.

- (1) All applicable parking, circulation, sidewalks, and all other site design features shall comply with the Florissant City Code.
- (2) All dumpsters and grease containers shall be contained within a trash enclosure with gates compatible with existing building.
- (3) All storm water and drainage facilities shall be constructed, and all landscaping shall be installed, prior to occupancy of the building, unless remitted by the Director of Public Works due to weather related factors.
- (4) All mechanical equipment, electrical equipment, and communication equipment shall be screened in accordance with the Florissant Zoning Code.
- (5) The exterior design of the buildings shall be constructed in accordance with the renderings as approved by the Florissant Planning and Zoning Commission and attached hereto.
- (6) All other requirements of the Florissant Municipal Code and other ordinances of the city shall be complied with unless otherwise allowed by this ordinance.

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7. FINAL SITE DEVELOPMENT PLAN

A final site development plan shall be submitted to the Building Commissioner to review for compliance with the applicable "B-5" Planned Commercial Development ordinance prior to recording. Any variations from the ordinance approved by the City Council and/or the conceptual plans attached to such ordinance shall be processed in accordance with the procedure established in the Florissant Zoning Code.

8. AMENDMENTS TO THE SITE AND EXTERIOR BUILDING PLANS:

Any changes to the approved plans attached hereto must be reviewed by the Building Commissioner. The Building Commissioner must make a determination as to the extent of the changes per the following procedure:

1. The property owner or designate representative shall submit in writing a request for an amendment to the approved plans. The building commissioner shall review the plans for consistency with the purpose and content of the proposal as originally or previously advertised for public hearing and shall make an advisory determination.
2. If the building commissioner determines that the requested amendment is not consistent in purpose and content with the nature of the purpose as originally proposed or previously advertised for the public hearing, then an amendment to the special use permit shall be required and a review and recommendation by the planning and zoning commission shall be required and a new public hearing shall be required before the City Council.
3. If the building commissioner determines that the proposed revisions are consistent with the purpose and content with the nature of the public hearing then a determination of non-necessity of a public hearing shall be made.
4. Determination of minor changes: If the building commissioner determines that an amendment to the special use permit is not required and that the changes to the plans are minor in nature the Building Commissioner may approve said changes.
5. Determination of major changes: If the Building Commissioner determines that an amendment to the B-5 is not required but the changes are major in nature, then the owner shall submit an application for review and approval by the Planning and Zoning commission.

9. VERIFICATION PRIOR TO OCCUPANCY PERMIT

- a. Any new roadway improvements shall be completed prior to the issuance of any final occupancy permit.
- b. Any new stormwater detention shall be completed prior to the issuance of any occupancy permit.
- c. All fencing and/or landscaping intended as screening properties shall be completed prior to the issuance of any occupancy permit, unless remitted by the Director of Public Works due to weather related factors.

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10. **GENERAL DEVELOPMENT CONDITIONS.**

- a. Unless, and except to the extent, otherwise specifically provided herein, development shall be effected only in accordance with all ordinances of the City of Florissant.
- b. The Department of Public Works shall enforce the conditions of this ordinance in accordance with the Final Site Development Plan approved by the Planning & Zoning Commission and all other ordinances of the City of Florissant.

9. **PROJECT COMPLETION.**

Construction shall start within 60 days of the issuance of building permits for the project and shall be developed in accordance of the approved final development plan within 6 months of start of construction.

Motion seconded by Hessel. On Roll Call the Commission voted: Boyle yes, Stock yes, Call absent, Weller absent, Baranowski yes, Hessel yes and Olds yes. Motion carried.

Ms. Boyle moved to amend the motion to add, under (i) *Miscellaneous Design Criteria*, a new item to read: (7) blue posts on the parking lot must be either removed or used, seconded by Stock. Motion carried. On Roll Call the Commission voted: Boyle yes, Stock yes, Call absent, Weller absent, Baranowski yes, Hessel yes and Olds yes. Motion carried.

New Business

Item 2 475 N. Highway 67
PZ102113-2 Brite Worx
Postponed to 11/4/13 Ward 2
Request recommended approval to rezone from a B-3/R-4 Zoning District to a B-5 Zoning District to allow for a car wash.

The next item on the Agenda was a request to rezone the property at 475 N. Highway 67 to allow for a car wash. Mr. Kevin Kamp, representative for the petitioner, appeared before the Commission.

Mr. Kamp informed the Commission that this kind of car wash, the automatic tunnel type, would be the first in Missouri that pulls the vehicle through, rather than the “track type.” The building will be glass, making the structure more “open” and more “green” by utilizing sunlight, especially in the winter months. The new technology

321 used with this type of car wash was much quieter than the old fashion carwash. A slide
322 show presentation was given.

323 Mr. Kamp explained that the site was located where the old Commerce Bank
324 Building once stood. The carwash footprint will be much smaller than the old bank and
325 the petitioner will be introducing considerable green space/landscaping to the site. Mr.
326 Kamp added that originally they planned on using EIFS, but after talking to City staff
327 regarding the masonry ordinance, they decided on brick and stone instead.

328 Mr. Kamp explained that there are actually three parcels of land that they are
329 purchasing for the development. The car wash will be located on the front parcel but no
330 development was planned for the back two parcels which abut residential areas.
331 Entrance to the car wash will be from the northern curb cut on N. Hwy. 67. In working
332 in conjunction with MODOT, it was determined that there will be a left-hand turn-in
333 lane onto the site which provides for considerable stacking as well as a right-turn only
334 off of the site. Rain gardens are planned as well.

335 They will be adding one tree to their existing landscaping plan as required by the
336 City. They are trying to give a "nice front yard" appearance. Consequently, they will be
337 moving back the building ten feet in order to accomplish this goal and give the site
338 "more lawn".

339 In the southwestern corner of the property, they have strategically planted extra
340 vegetation to absorb the headlights from the cars exiting the carwash. Additionally, a 6
341 foot high masonry fence will be constructed on the parcel that actually abuts residential
342 property. Mr. Kamp stressed that they planned on maximizing whatever necessary to
343 keep light and sound from affecting the residents.

344 In response to Mr. Olds question, Mr. Chad Wallace stated that the hours of
345 operation would be from 7 AM until 8 PM, 7 days a week with 3-4 attendants on site.

346 Mr. Baranowski stated that he thought they were required by ordinance to fence
347 the site wherever there was residential property abutting commercial property. Mr.
348 Tossey stated that he would get back to the Commission regarding this question. Mr.
349 Kamp clarified that there was actually a park to the west of the two parcels and the
350 square parcel was inundated with a creek and a floodway. At one time the rear lot had
351 been the employee parking area for Commerce Bank. The masonry fence would be

352 constructed where there were actual residences. In regard to signage, the petitioner
353 stated that they would like to have a monument sign and would abide by the City's sign
354 ordinance. Mr. Baranowski stated that the Commission would need to submit elevation
355 drawings of the proposed building before they could recommend approval. Mr. Hessel
356 asked, regarding the right-out only egress, if the petitioner could make a definitive
357 barrier so drivers would not try to turn in the wrong way.

358 Mr. Stock agreed with Mr. Baranowski that elevation drawings of the structure
359 would need to be submitted before approval of the B-5 Ordinance. Mr. Baranowski
360 stated that he thought the approval of a B-5 rezoning was synonymous with approving
361 the development and elevation drawings were required. Ms. Boyle stated that the
362 rezoning would have to be continued until plans were submitted.

363 Mr. Kamp had no problem with postponing the request until the next meeting.
364 Furthermore, he was under the assumption that although the request would eventually
365 proceed onto Council, in the case of a B-5 rezoning, the Planning & Zoning Commission
366 could recommend approval of a structure that was not 100% masonry.

367 Ms. Boyle asked if there were any further questions or comments to the
368 petitioner? Being none, Ms. Boyle moved to postpone the request to rezone from a B-3
369 and B-4 Zoning District to a B-5 Planned Commercial Development to allow for a car
370 wash until November 4, 2013, seconded by Stock. On Roll Call the Commission voted:
371 Boyle yes, Stock yes, Call absent, Weller absent, Baranowski yes, Hessel yes and Olds
372 yes. Motion carried.

373 Mr. Baranowski stated that he will not be at the November 4th meeting, and
374 there was a possibility that he might not be attending the next few meetings as well due
375 to medical reasons.

376 Being no further comments or questions Mr. Stock moved to adjourn the
377 meeting, seconded by Hessel. Motion carried. The meeting was adjourned at 7:55 p.m.

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Anita Moore, Deputy City Clerk

Deleted: ¶