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CITY OF FLORISSANT



**Planning and Zoning Commission
Unofficial Planning & Zoning Minutes**

December 4, 2017

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CITY OF FLORISSANT



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Planning and Zoning Commission

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Unofficial Planning & Zoning Minutes

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December 4, 2017

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The Planning and Zoning Commission met in Council Chambers at Florissant City Hall, 955 rue St. Francois on Monday, December 4, 2017 at 7:00 p.m. with Chairman Stock presiding.

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Roll Call

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59

On Roll Call the following members were present: Steve Olds, John Luttrell, Paul Stock and Robert Nelke. Allen Minks, John Martine, and Lee Baranowski were excused. Also present was Building Commissioner, Phil Lum and Jacquelyn George, Permit Inspection Clerk. A quorum being present the Planning and Zoning Commission was in session for the transaction of business.

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Approval of Minutes

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Chairman Stock moved to approve the Meeting Minutes of 11/20/2017, seconded by Olds. Motion carried and the Meeting Minutes were approved.

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Side note: Chairman Stock asked for a volunteer to act as secretary in case we have a plat. Olds volunteered to act as secretary in the absence of Minks.

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79 **New Business**

80

81 **Item 1 Smoke & Sip**82 **PZ120417-1 411 Rue St. Francois St.**83 **Recommended Approval – Ward 6**

84

85 **Request recommended approval for a Special Use Permit to allow for a**
86 **cocktail lounge in an existing ‘HB’ Historic Business District.**

87

88 Phil Lum, Building Commissioner, presented the staff report for this request. He stated that the
89 proposed site be used for a cocktail lounge. The property was formerly occupied by Bistro Café and a
90 Photo Studio and requires a new Special Use Permit for a cocktail lounge. The original request was for
91 a cigar bar. (The problem with smoking establishment is zoning code does not have a place for a
92 smoking establishment therefore applicant changed his application to a cocktail lounge only).93 Chairman Stock asked if this was strictly for a cocktail lounge. To answer his question Phil
94 stated that yes, it is strictly for a cocktail lounge, and however the original request was for a cigar bar.
95 Request subsequently was changed to a cocktail lounge specifically. Phil presented sight plan outlining
96 a stand-alone building with a pergola for outdoor seating. There is an existing sign out front. Further
97 he stated that there are 13 parking spaces in existing lot. The properties to the East and West are
98 located within the HB Zoning District. Abutting to the North are residences in the HR Historic
99 Residential Zoning District. Screening of some kind is required in the back. Site plan and floor plan
100 show two (2) ADA restrooms. One men’s room and one women’s room as required. The building is
101 limited to 52 occupants, 49 seats on furniture layout including 3 employees.102 Parking code 405.225: restricted to 1 space for every 3 seats, $49/3 = 16$, 2 spaces for every 3
103 employees max. shift = 2. Therefore total required parking of 18 exceeds those provided on the
104 property 13.105 Phil explained difference in St. Louis County code and Florissant code. St. Louis County code
106 was changed in 2011 therefore Cigar bar doesn’t quite meet standard for the county of City of
107 Florissant.108 The applicant’s original intent was a Cigar Bar. Cigar Bars and Hooka Bars are not allowed in
109 any zoning district. Staff advised the applicant that a Cocktail Lounge is a Special Use in the “HB”

110 Zoning District and that smoking would be required to be in compliance with St. Louis County's Indoor
111 Clean Air Code, Chapter 605.

112 Phil explained after reviewing this code indoor smoking would not be in compliance with
113 County Code as an exception under its section 605.060, except as a Cigar Bar, which is not permitted
114 by the City of Florissant Zoning Code. Applicant has the option to apply to change the zoning code at a
115 later date to allow or a Cigar Bar in the 'HB' District.

116 Chairman Stock clarified with Phil that Florissant and County allow a Cocktail Lounge only
117 with no smoking.

118 Chairman Stock asked about screening from HR section. Phil explained screening needs to be
119 in place in residential area along the back of property.

120 Mr. Luttrell asked if it is voted to reduce the occupancy to 36 or if they add would they have to
121 come back later with documentation. Phil explained they should be ok without coming back if they
122 have documentation of parking agreements and explained cross parking.

123 Chairman Stock asked if they get credit for half space.

124 Phil said they would not get credit for half space. Accessible space would have to be adjusted.
125 The ADA requires 1. They could make it legal by doing away with one space. Over 25 occupant load
126 requires 2 spots or reduce occupancy load.

127 Mr. Olds asked if the pergola comes into the seating math. Phil explained that generally with
128 restaurants that, yes, and with a Cocktail Lounge it would be expected that there would be people out
129 there.

130 Mr. Olds asked if they would be able to sell cigars to smoke outside there. Phil advised him that
131 yes they would be able to sell cigars however according to County Ordinance they must stay 15 feet
132 back from the door. Premises not to be subjected to smoke the question is can you leave premises that
133 way, which entrance counted so as not to subject patrons to smoke.

134 Mr. Olds discussed the update of special use two years ago and asked what it would take to add
135 smoking.

136 Phil advised petitioner to request to change the zoning code.

137 Mr. Olds reminded everyone that that's what happened with the micro-brewery at Cuginos.

138 Phil said he mentioned that to petitioner. Pet cemetery was added due to not have a zoning code
139 for a pet cemetery.

140 Mr. Nelke asked if there would be food served.

141 Phil advised him to ask the petitioner for details.

142 Chairman Stock instructed petitioner to sign in.

10

143 Anthony Boulson in his presentation explained the shared agreements he obtained from the
144 VFW Hall, Amore Pizza, and Elliott & Dixon's Barber Shop for parking with written documentation in
145 hand; Therefore satisfying the requirements for a 52 occupant load including 2-3 employees. He
146 explained there would be no food served however if patrons wanted to bring food in that would be
147 okay.

148 Chairman Stock reiterated that this would be a Special Use granted only as a Cocktail Lounge
149 and that smoking would only be allowed outside and far enough away from the building.

150 Chairman Stock explained they would be held to 52 occupant load.

151 Mr. Luttrell asked Mr. Boulson if he anticipated people sitting outside, Mr. Boulson said yes.

152 Then Mr. Luttrell asked about screening from the surrounding residential homes.

153 Chairman Stock let Mr. Boulson know that all mechanicals must be shielded by screening of
154 some kind (i.e. fencing, trees, etc.) because our first priority is the residents. Mr. Boulson
155 assured him that trees/wall is already in place to that affect.

156 Mr. Olds suggested Mr. Boulson petition to add Cigar Bar. Mr. Boulson said he definitely
157 would.

158 Chairman Stock asked Mr. Boulson about the stage area and what kind of entertainment he was
159 considering. Petitioner explained his intent was one-man bands or small 3 piece bands of some
160 kind. Chairman Stock then asked what hours the bar would be open. Mr. Boulson said that the
161 bar would operate from 11:00 AM until 11:00 PM– 12:00 AM Monday thru Thursday; Then
162 staying open until 1:00 am Friday, Saturday and Sunday.

163 Chairman Stock reminded petitioner about operating in a residential neighborhood and making
164 sure patrons are aware of that.

165 Mr. Boulson assured him he has every intention of respecting the location and being mindful of
166 noise levels in regards to the neighboring houses.

167 Dewayne Thompson (Architect) addressed occupancy load inside the building addressing fire
168 safety specifically however did not include the outside area in his calculations.

169 Chairman Stock reminded him that during colder weather people would go outside to smoke for
170 short periods.

171 Mr. Thompson asked if there was a limit on how far from the building you have to be to smoke.
172 It is 300 feet from the building door.

173 Phil said from closet property line to closest property line.

12

174 Mr. Thompson wanted to clarify if approved by St. Louis County would Florissant follow suite.
 175 Chairman Stock let him know that if smoking is allowed outside it's covered by St. Louis
 176 County; as long as all criteria are covered.

177 Phil Lum explained a caveat regarding a granted certificate of exemption. It is no longer a retail
 178 business but now you have a Special use for Cocktail Lounge. Specifically states if a cigar bar becomes
 179 a special use in a historic district and you can get an exemption from St. Louis County than it would be
 180 permitted; must read exceptions very carefully.

181 Chairman Stock – Moved to recommend approval for a Special Use permit as depicted by the floor plan
 182 and site plan submitted which indicates the cocktail lounge plan subject to the regulations of the HB
 183 district and the following additional requirements 1. no smoking inside unless otherwise approved by
 184 St. Louis County's indoor clean air code chapter 605 and in addition is permitted as a specific use in the
 185 zoning code of the City of Florissant by way of a change in the code to allow for a soft cigar bar or
 186 smoking facility or no. 2 the occupancy must be reduced to 36 or documentation of the shared parking
 187 agreement for 5 additional spaces are presented for approval at the public hearing per municipal code
 188 405.225.

189 **2. PROJECT COMPLETION.**

190

191 Construction shall start within 30 days of the issuance of building permits and the structure
 192 shall be completed in accordance with the plans within 120 days of start of construction.

193

194 The motion was seconded by Olds. On Roll Call the Commission voted: Minks excused Olds
 195 yes, Luttrell yes, Stock yes, Nelke yes, Martine excused and Baranowski excused. Motion carried.

196

197 **Item 2 Handyman Hardware**

198 **PZ120417-2 500 W. Washington Street**

199 **Recommended Approval– Ward 3**

200

201 **Request recommended approval for a Special Use Permit to allow for a**
 202 **digital sign in an existing 'B-3' Zoning District.**

203

204 Phil Lum, Building Commissioner, presented the staff report for this request. It is requested
 205 recommended approval because it's a digital sign. This would be the second one entertained as there is
 206 a similar sign at Handyman Hardware on North Highway 67. The application is accompanied by a site
 207 map and proposed change to replace and enclose and to include new digital sign. The proposed change
 208 is to replace the existing signs with approximate same area from a total of 119.9 square feet to a total of
 209 120.8 square feet. The pole sign location is proposed to remain, approximately 11 feet from the r.o.w.

14

210 Encapsulate the existing structure and make it shorter thereby avoiding a lot of problems with
211 restructuring. Stipulations A, B, C, and D Typically found with a digital sign with a special use to
212 display static images on for 10 second intervals and dimmed at night to prevent glare. And digital sign
213 will conform to City ordinance once a code is adopted regarding digital signs. There are Drawings
214 submitted by Ad Media signs. Phil went over location.

215 Mr. Luttrell asked about the location of the sign. Does it meet the requirements? Seems close to
216 the street.

217 Mr. Lum says it does not meet 40 foot requirement but under consideration by Special Use. He
218 used the new McDonalds petition for a ground sign as an example; specifically the hardship of moving
219 sign to new location in consideration of Special use.

220 John Hellmann (Ad Media, LED Signs), the petitioner made his presentation. This is not the
221 first sign done by Ad Media for Handyman Hardware. He explained about existing poles on the
222 outside of lower cabinet. He presented drawings to that affect regarding the South County store. At
223 2635 N Hwy 67 (Handyman) was a similar situation which was sleeker. But in that case the poles ran
224 through the lower sign. He pointed out that the existing sign was less than 40 feet from the sidewalk.
225 The sign was approved at 11.5 feet front the curb.

226 Chairman Stock asked Helmann if he is agreeable and aware of all the restrictions set by
227 Florissant.

228 Mr. Helmann assured him he was very aware and good with Florissant restrictions.

229 Mr. Olds pointed out sign narrower by 4 inches which reduced wind load as was pointed out.

230 Chairman Stock moved to recommended approval presented , according to the proposal
231 prepared by the petitioner as described by related documents and incorporating the site map and sign
232 drawing by AdMedia Signs for the proposed sign. Approval is subject to the regulations of the City of
233 Florissant building code, and the following additional requirements:

234 There shall be one (1) digital ground sign, as shown on the site map drawing by AdMedia Signs
235 of the proposed sign with the following restrictions:

236 A. Digital sing shall display only static images for a minimum of 10 second intervals; Digital
237 sign shall display no glare, flashing, scrolling or animation.

238 B. There shall be no affects between static images displayed.

239 C. The sign shall be dimmable at night to prevent glare.

240 D. Digital sing shall conform to the City's ordinance regarding digital sign code once adopted.

241

242

16

243 GENERAL DEVELOPMENT CONDITIONS.

244 Unless, and except to the extent, otherwise specifically provided, the sign shall be effected only
245in accordance with all ordinances of the City of Florissant.

246

247 2. PROJECT COMPLETION.

248 Construction shall start within 30 days of the issuance of building permits for the project and
249shall be installed in accordance of the approved construction plan within 180 days of start of
250construction.

251 Seconded by Mr. Olds. On Roll Call the Commission voted: Minks excused Olds yes, Luttrell
252yes, Stock yes, Nelke yes, Martine excused and Baranowski excused. Motion carried.

253

254 **Item 3 Dunkin Donuts**

255 **PZ120417-3 8115 N. Lindbergh Blvd.**

256 **Request recommended approval for a Rezoning to a 'B-5' at 8115 N. Lindbergh Blvd.,**
257**Dunkin Donuts, in an existing 'B-3' Zoning District.**

258 Phil Lum, Building Commissioner, presented project description. Phil went over Staff report
259which is a combination of the old report and the new report. Anything bolded might be new. There is a
260square footage 2041 square feet whereas original was 2000 square feet creating a difference of 41
261square feet. Phil pointed out there are 15 parking spaces proposed. Also signage; proposal includes a
262new post sign 17 feet from property line, 33.6 feet from the curb and approximately 6.5 from the
263property line. Dimension on Pickett Ray Silver plan is correct dimension. Petitioner revised plans to
264preserve neighboring fences.

265 Mr. Olds asked what is time frame for getting building permits issued.

266 Phil stated there has never been a time frame.

267 Mr. Luttrell brought up cross access conversation from last time.

268 Phil, sight is still separated by gas station

269 Mr. Nelke asked about masonry not in compliance.

270 Phil, this is the repeat of last time. Recommendation of last time is all masonry and it was
271 approved.

272 Mr. Nelke, asked about cooler outside covered with brick and are we going with that.

273 Phil says best to be clarified in the motion by petitioner. One shows bare metal and one covered
274 in brick.

18

275 Tim Kaufmann presented his motion stating he is working with a group out of Chicago on this
276 project. Last approved August of 16. There have been a few things happen since then. He met
277 with Councilman Eagan to update him on progress on project. He has also met with MO Dot
278 preliminary approve the plan and design work, and met with MSD as well.

279 Pointed out in addition put in two pipe bollards to keep cars from not making turn and going
280 through the fence and into the houses. Order menu board has been turned away from the houses and
281 more towards commercial areas. He presented vinyl fencing and landscaping on plans to block
282 residential areas. He also met with Dean from Western Tires executed a cross access agreement
283 submitted to title company. Once he has full package submittal he will submit to Phil Lum. Pole sign
284 moved back 23 feet as recommended by P & Z in the last meeting.

285 Mr. Nelke asked if the cooler is going to be bare panels are surrounded by brick.

286 Mr. Kaufmann did not have answer at this time.

287 Mr. Olds, nothing at this time

288 Mr. Luttrell, nothing at this time

289 Mr. Nelke doesn't want a third option regarding cooler.

290 Mr. Kaufmann stated it is a typical drawing.

291 Chairman Stock moved to recommend approval to rezone 8115 N. Lindbergh, Dunkin Donuts
292 from 'B-3' to a 'B-5' planned commercial District to allow a sit-down, carryout and drive-thru
293 restaurant subject to the conditions set forth below with these conditions being part of the record.

2941. PERMITTED USES

295

296 **The use permitted in this 'B-5' Planned Commercial District shall be limited to a sit down, carry out**
297 **and drive-thru restaurant.**

298

2992. FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS

300 **The building space shall be limited to a single story 2,041 square foot building with uses permitted**
301 **within the B-3 "Extensive Business District" without a Special Permit.**

302

3033. PERFORMANCE STANDARDS

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

3061. **Vibration. Every use shall be so operated that the maximum ground vibration generated is**
307 **not perceptible without instruments at any point on the lot line of the lot on which the use is located.**

20

3082. **Odor.** Every use shall be so operated that no offensive or objectionable odor is perceptible at
309any point on the lot line on which the use is located.

3103. **Smoke.** Every use shall be so operated that no smoke from any source shall be emitted of a
311 greater density than the density described as No. 1 on the Ringelmann Chart as published by
312 the United States Bureau of Mines.

3134. **Toxic gases.** Every use shall be so operated that there is no emission of toxic, noxious or
314 corrosive fumes or gases.

3155. **Emission of dirt, dust, fly ash and other forms of particulate matter.** Emission of dirt, dust,
316 fly ash and other forms of particulate matter shall not exceed eighty-five one-hundredths
317 (0.85) pounds per one thousand (1,000) pounds of gases of which amount not to exceed five-
318 tenths (0.5) pound per one thousand (1,000) pounds of gases shall be of such size as to be
319 retained on a 325-mesh U.S. standard sieve. In the case of emission of fly ash or dust from a
320 stationary furnace or a combustion device, these standards shall apply to a condition of fifty
321 percent (50%) excess air in the stack at full load, which standards shall be varied in
322 proportion to the deviation of the percentage of excess air from fifty percent (50%).

3236. **Radiation.** Every use shall be so operated that there is no dangerous amount of radioactive
324 emissions.

3257. **Glare and heat.** Any operation producing intense glare or heat shall be performed in an
326 enclosure in such a manner as to be imperceptible along any lot line.

3278. **Screening.**

328 a. All mechanical equipment, air-handling units, cooling towers, condensers, etc., on roof or
329 grade shall be screened architecturally in such a manner as to be a part of the design of the
330 building.

331 b. Incinerators and stacks shall be enclosed in the same material as the main exterior
332 building material.

333

3344. **TRASH SCREENING**

335Trash container shall be kept within a metal gated sight-proof fenced area.

336

3375. **PLAN SUBMITTAL REQUIREMENTS**

338A final site development plan shall be submitted to the Building Commissioner to review for
339compliance to this ordinance and other city ordinances prior to issuance of land disturbance permits
340or building permits. Final Development Plan shall include improvements as shown on Drawings 1 of

22

3412 dated 9/7/16 by Pickett, Ray, Silver, 8/30/16 (per Phil Lum) by Pickett, Ray, Silver, 5.0, SP1.0 and 342SP2.0 all dated 11/13/15 by Rheinhardt & Associates, Architects.

343

3443. **SITE DEVELOPMENT PLAN CRITERIA:**

345

346a. **Height, Area And Bulk Restrictions:**

347

3481. **Height, Area And Bulk Regulations.** The height, area and bulk regulations for uses in the "B-3" Extensive Commercial District

349

350

351 **b. Internal Drives:**

352

353(1) **There shall be parking to be indicated on the Final Development Plan.**

354

355 **c. Minimum Parking/Loading Space Requirements.**

356

357(1) **There shall be a minimum of 15 parking spaces provided on the property.**

358

359 **d. Road Improvements, Access and Sidewalks**

360**Final Development shall include Lindbergh Improvement Plan enhancements along the frontage.**

361

362 **e. Lighting Requirements.**

363

364**Lighting of the property shall comply with the following standards and requirements:**

365

366 (1) **The light level for parking lot lighting shall be 0.5 fc minimum as indicated on SP-2.0**
367**attached.**

368

369 (2) **All site lighting and exterior building lighting shall be directed down and inward.**

370

371 **f. Sign Requirements.**

372

24

373(1) **There shall be one post sign, wall signs as shown on A-5.0 and a directional sign as shown**
374 **located on the SP-1.0 Plan attached.**

375

376(2) **All other signage shall comply with the City of Florissant sign ordinance for commercial**
377 **districts.**

378 **g. Landscaping and Fencing.**

379

380(1) **Landscaping indicated on the Final Development Plan shall be as shown on the attached sheet**
381 **1 of 2.**

382(2) **Any modifications to the landscaping shall be reviewed and approved by the Planning and**
383 **Zoning Commission.**

384

385 **h. Storm Water.**

386

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

388

389 (1) **The Director of Public Works shall review the storm water plans to assure that storm**
390 **water flow will have no adverse affect the neighboring properties.**

391

392 (2) **No building permits shall be issued until the storm water plan has been approved by the**
393 **St. Louis Metropolitan Sewer District.**

394

395 **i. Miscellaneous Design Criteria.**

396

397(1) **All applicable parking, circulation, sidewalks, and all other site design features shall comply with**
398 **the Florissant City Code.**

399

400(2) **All dumpsters and grease containers shall be contained within a trash enclosure with gates,**
401 **compatible with existing building.**

402

403(3) **All storm water and drainage facilities shall be constructed, and all landscaping shall be installed,**
404 **prior to occupancy of the building, unless remitted by the Director of Public Works due to weather**
405 **related factors.**

26

406

407(4) All mechanical equipment, electrical equipment, and communication equipment shall be
408screened in accordance with the Florissant Zoning Code.

409

410(5) The exterior design of the buildings shall be constructed in accordance with the renderings as
411approved by the Florissant Planning and Zoning Commission and attached hereto.

412

413(6) All other requirements of the Florissant Municipal Code and other ordinances of the city shall be
414complied with unless otherwise allowed by this ordinance.

415

4167. FINAL SITE DEVELOPMENT PLAN

417A final site development plan shall be submitted to the Building Commissioner to review for
418compliance with the applicable "B-5" Planned Commercial Development ordinance prior to
419recording. Any variations from the ordinance approved by the City Council and/or the conceptual
420plans attached to such ordinance shall be processed in accordance with the procedure established in
421the Florissant Zoning Code.

422

4238. AMENDMENTS TO THE SITE AND EXTERIOR BUILDING PLANS:

424Any changes to the approved plans attached hereto must be reviewed by the Building Commissioner.
425The Building Commissioner must make a determination as to the extent of the changes per the
426following procedure:

427

4281. The property owner or designate representative shall submit in writing a request for an
429amendment to the approved plans. The building commissioner shall review the plans for consistency
430with the purpose and content of the proposal as originally or previously advertised for public
431hearing and shall make an advisory determination.

4322. If the building commissioner determines that the requested amendment is not consistent in
433purpose and content with the nature of the purpose as originally proposed or previously advertised
434for the public hearing, then an amendment to the special use permit shall be required and a review
435and recommendation by the planning and zoning commission shall be required and a new public
436hearing shall be required before the City
437Council.

28

4383. **If the building commissioner determines that the proposed revisions are consistent with the**
439**purpose and content with the nature of the public hearing then a determination of non-necessity of a**
440**public hearing shall be made.**

4414. **Determination of minor changes: If the building commissioner determines that an**
442**amendment to the special use permit is not required and that the changes to the plans are minor in**
443**nature the Building Commissioner may approve said changes.**

4445. **Determination of major changes: If the Building Commissioner determines that an**
445**amendment to the B-5 is not required but the changes are major in nature, then the owner shall**
446**submit an application for review and approval by the Planning and Zoning commission.**

447

4489. **VERIFICATION PRIOR TO OCCUPANCY PERMIT**

449a. **Any new roadway improvements shall be completed prior to the issuance of any final occupancy**
450**permit.**

451

452b. **Any new stormwater detention shall be completed prior to the issuance of any occupancy permit.**

453

454c. **All fencing and/or landscaping intended as screening properties shall be completed prior to the**
455**issuance of any occupancy permit, unless remitted by the Director of Public Works due to weather**
456**related factors.**

457

45810. **GENERAL DEVELOPMENT CONDITIONS.**

459 **a. Unless, and except to the extent, otherwise specifically provided herein, development shall be**
460**effected only in accordance with all ordinances of the City of Florissant.**

461

462 **b. The Department of Public Works shall enforce the conditions of this ordinance in accordance**
463**with the Final Site Development Plan approved by the Planning & Zoning Commission and all other**
464**ordinances of the City of Florissant.**

465

4669. **PROJECT COMPLETION.**

467**Construction shall start within 90 days of the issuance of building permits for the project and shall**
468**be developed in accordance of the approved final development plan within 12 months of start of**
469**construction.**

470End of suggested motion

30

471Seconded by Mr. Olds. On Roll Call the Commission voted: Minks excused Olds yes, Luttrell yes, Stock
472yes, Nelke yes, Martine excused and Baranowski excused. Motion carried.

473

474 **Item 4 2710 N. Highway 67**

475 **PZ120417-4 Raising Canes**

476 **Ratification – Ward 9**

477 **Request ratification of a minor change to allow for landscape changes at 2710 N.**

478 **Highway 67 Raising Canes, in a ‘B-5’ Zoning District.**

479Phil Lum, Building Commissioner, presented staff report for this request. Mr. Lum stated that in the
480development plan they discovered that they had a stipulation to plant Burning Bushes and Thornless Honey
481locust in the front of the site. Probably a surprise to landscape architect because it was not in plans. Minor
482change would be the deletion of the nine trees in the original plan. There was no full issuance of occupancy
483due to these nine trees. Substitutions were made without anyone knowing. Substitution explained by a
484drawing presented by Phil showing a different landscape plan neglecting to include the nine trees that was
485part of the ordinance. Phil can only conditionally approve it himself and then bring it before the board.

486Chairman Stock asked is there something we could do to allow Phil to approve these ratifications without
487bringing it before the board.

488Phil answered that not the way the ‘B-5’ code is written currently.

489Chairman Stock moved to ratify the conditional approval of the Building Commissioner for site
490development plan of Ordinance no. 8277 to allow for certain landscape changes according to the proposal
491prepared by the Owner and related drawing presented. These minor alterations depict minor changes in the
492development, which is not in conflict with the nature of the development and meets all of the conditions of
493ordinance no. 8277. Approval is subject to the regulations of this ‘B-5’ Planned Commercial District, and
494the following additional requirements:

495Seconded by Luttrell. On Roll Call the Commission voted: Minks excused Olds yes, Luttrell yes, Stock
496yes, Nelke yes, Martine excused and Baranowski excused. Motion carried.

497

498 **Item 5 and 6 15275 New Halls Ferry**

499 **PZ120417-5 Dollar General**

500 **Request approval of a Preliminary Subdivision Plat and Final Subdivision Plat – Ward 3**

501Phil Lum, Building Commissioner, presented staff report for this request. Stated another unusual order of
502things. Emo’s came in originally with 2 sites and then obtained help from Dollar General and the
503conditions were to be to obtain and ‘B-5’ for Dollar General proposed on three sites. And now comes the

32

504petition for subdivision of 3 sites instead of 2 sites. That, according to zoning code, is considered by
505engineering a major subdivision because it's a commercial development even though it only involves 3
506sites as opposed to 4 sites.

507Chairman Stock asked when they came back as Dollar General and they change that to a 'B-5' that was
508specifically going to be 2 pieces of property.

509Phil said it was proposed on 3. Not sure how that occurred.

510Chairman Stock – should have done the subdivision plat first.

511Phil agreed it was done out of order. 3rd site possible drainage site. According to the zoning code the whole
512package is turned over to the city engineer. Once the city engineer reviews the plats to be consistent there
513are 9 items that have to be met in order to get preliminary plat approved. Final plat is basically a repeat.

514Chairman Stock asked of Dollar General was progressing.

515Phil said they can't

516Chairman Stock asked if Cissell is going to be the developer

517Phil said yes, and plan reviews can be started and have been submitted.

518Imo's to come in after Dollar General.

519Phil presented the staff analysis on the second page of report. During preliminary and final plat review
520preliminary presented first and after agreements final plat is presented to council. The preliminary always
521is first on agenda.

522Luttrell asked if this is the end or will it have to go back to council.

523Phil said this particular plat would be the end of this plat. Preliminary contains all the contour lines,
524parking etc. Final goes to city council.

525Luttrell asked about returning to council for approval.

526Lauren Doll presented her petition. It is a little unorthodox the way this has gone. Plan shows bare
527minimum just breaking up the plot. Basically this is to put things in the right order.

528Chairman Stock moved to approve the preliminary plat as presented, per the Preliminary Plat Drawing 1 of
5293 dated June 2017 and recommend that a Final Plat be presented to the Planning and Zoning Commission.

530Seconded by Mr. Olds. On Roll Call the Commission voted: Minks excused Olds yes, Luttrell yes, Stock
531yes, Nelke yes, Martine excused and Baranowski excused. Motion carried.

532 **Item 7 Ordinance 8357 discussion and appeals boards**

533 **PZ120417-7**

534Phil Lum, Building Commissioner, presented the update in building permit costs. Compared our costs to
535permit costs in neighboring municipalities and found that because we haven't increased prices in over a
536decade our costs were way to low. We have adopted the St. Louis County scale on permit costs. However

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537this is not the crux of this discussion. We forgot to ask permission from you for one inclusion in the
538building code. It was suggested by an inspector and the plan reviewer looking at the codes because of a
539problem we have. We looked at all the appeals boards but none as qualified as this particular commission.
540We have a construction engineer and a civil engineer and construction expertise. If someone says I made a
541bad call who does someone appeal too? We've only had one appeal in the last five years. This is different
542than code enforcement minimum standards as tall grass etc. When the codes were changed it was suggested
543that this board should be made the Board of Appeals. We are supposed to provide code education for you.
544However we forgot to ask your permission. It would be another item on the agenda. It's supposed to be a
545five person commission. Commission can make up their own rules and make it a quorum. Last appeal to
546Board of Appeals was asked about; however there was no information because Phil did not attend.

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Jacquelyn George, Permit Inspection Clerk