

CITY OF FLORISSANT



Planning and Zoning Commission
Unofficial Planning & Zoning Minutes

January 17, 2023

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CITY OF FLORISSANT



The Planning and Zoning Commission of the City of Florissant in the Council Chamber at 955 rue St. Francois on Monday, January 17, 2023 at 7:00 p.m. with Chairman Olds presiding.

Roll Call

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

Approval of Minutes

Mr. Olds moved to approve Meeting Minutes of December 5, 2022, seconded by Minks. Motion carried.

Announcements

No new announcements

New Business**Item 1 1616-1620 Shackelford Road****PZ011723-1 recommended approval – Ward 1**

Request recommended approval to amend a 'B-5' Planned Commercial District, Ord. No. 8648, located at 1616 Shackelford Rd. to allow for a second restaurant as a permitted use.

Phil Lum presented the staff report. The Domino's Pizza place currently there had presented detailed plans with their 'B-5' including the Use for the Domino's. That plan and site plan was presented by Mr. Lum on the overhead showing the restaurant on one side and the adjacent tenant space. It states in the 'B-5' ordinance, section 2, paragraph 1 – Permitted Uses in this 'B-5' shall be limited to a sit down, carry out, drive through restaurant as herein described and any Uses allowed as Permitted Uses in the 'B-3' district. What this means is that there is a Domino's that's a Permitted Use because it is described in detail as a sit down, carry out, drive through on the ordinance plans. The plans submitted, originally are for the whole property, including one restaurant and the adjacent tenant

space and there are Uses allowed as Permitted Uses in the 'B-3', and there are 107 listings in the 'B-3', 95 Permitted Uses. For instance, a retail store or a barber or beauty salon or any of the 107 listings are Permitted Uses are listed in the 'B-3' district because that's included in this 'B-5' ordinance. It says the Permitted Uses are limited to "a" sit down, carry out, drive through restaurant. The MBR Management Company has shown this property a number of times and have had a lot of restaurants wanting to go in there but no other ('B-3') Permitted Uses. They would like to add a Use and we advised them would have to add a second sit down, carry out restaurant as described. (See red box in packets indicating this). Basically, MBR Management would like to put in a second restaurant but as the ordinance reads, the staff could not allow that because we assumed at that time only one restaurant was described in detail. But MBR could propose a second restaurant as a permitted use just to make it clear.

Mr. Jearls asked if a restaurant was not allowed in a 'B-3'

Mr. Lum responded to his question: Not as a permitted use but as a Special Use.

Staff had MBR fill out their application and state that they would like 1620 and 1616 to allow for a sit down, carry out, drive through restaurants, plural, but rather we suggested a different motion because staff does not think it's possible on this site to put in another drive through since there is an existing drive through. The six-car stacking on the site plan just doesn't make it possible. The written staff report says 1620 on the agenda and 1620 and 1616 both on the staff report. The empty tenant space is 1616. The original ordinance was written for 1620. Ordinance 8648 is in force right now without a second restaurant. The surrounding properties are listed on the first page and staff analysis.

Mr. Lum continued with staff report highlighting C4 of the staff report indicating it is not plausible for another drive through restaurant, therefore, the petition is for a sit down and carry out only.

A1.0 floor plans: adjacent tenant space floor plan shown for original Ord. No 8648 that shows double door entrance and single door exit in rear, 1360 s.f., 2 restrooms, and 20-30 seats maximum and a sit down carry out and drive through restaurant, Domino's is expressly described in Ord. No. 8648 along with plans and rezoning to 'B-5' Planned Commercial District.

Mr. Lum explained the parking according to Ord. 8648. And proposed restaurant parking and how much parking is required.

Staff recommendation is the suggested motion to recommend approval to amend the 'B-5' Planned Commercial District, Ord. No. 8648 to allow for a sit down carry out "second" restaurant as a Permitted Use according to the proposal prepared by the petitioner.

Mr. Lum clarified the addresses for Mr. Jearls. 1620 is the existing Domino's and 1616 is the vacant tenant space.

Mr. Baranowski asked if Domino's has control over the property. Mr. Lum responded that MBR would be have control over the property not Domino's. Mr. Lum explained that the whole property is a 'B-5'. Mr. Olds explained to Mr. Baranowski that MBR is leasing the property to Domino's and would also be the company to lease the adjacent tenant space. Mr. Lum explained, also, that the site plan would not change. Signage was discussed and Mr. Lum informed the commission that as long as it was not larger than the required size in the sign code.

Erica, property manager for MBR spoke about showing the tenant space for a restaurant. Mr. Olds confirmed with her that it would be for a restaurant, not a bar. Mr. Jearls let her know that on driving by the property there were some lights out. Mr. Jearls asked if a convenience store or candy store would be a Permitted Use.

Mr. Olds read the suggested motion:

I move for recommended approval to amend the 'B-5' Planned Commercial District, Ord. No. 8648 to allow for a sit down carry out second restaurant as a Permitted Use according to the proposal prepared by the petitioner.

Ord. No. 8648 shall be amended. Section 2, para. 1 shall be amended to read as follows:

1. Permitted Uses

The Uses permitted in this 'B-5' Planned Commercial District shall be limited to a sit down, carry out and drive through restaurant as herein described, a sit down carry out restaurant in the Adjacent Tenant Space and any Uses allowed as Permitted Uses in the 'B-3' District.

Seconded by Mr. Martine. On roll: Minks – yes, Olds – yes, Nelke – yes, Martine – yes, Jearls – yes, Baranowski – yes. Recommended approval passed 6-0

Mr. Lum explained what Erica needs to do for City Council meeting.

Item 2 - Changes to the Zoning Code

PZ-011723-2

Request recommended approval to change the Zoning Code to allow for changes consistent with State Regulations regarding Cannabis/Marijuana products and facilities.

Mr. Lum presented the staff report. The state passed on November 8th a change to prohibited use thereby legalizing marijuana. Recent state legislation to allow recreational use of such products affects the Zoning Code definitions and uses. Staff urges the changes to be consistent with state legislation.

Mr. Hughes, Public Works Director, drafted a report attached to the staff report written by Mr. Lum and sent it to the City Attorney, John Hessel, who looked at it and took out two definitions, so this has been reviewed by the City Attorney for changing the code. It only changes the definitions in section one; the

134 cultivation, dispensary, facility, infused private manufacturing, and marijuana testing. Section 2 is
135 already in the Zoning Code. The only effective change is the date of the incorporation of the new
136 definitions.

137 Mr. Lum presented his brief recommendation to approve then amendment of the Zoning Code to allow
138 for changes consistent with State Regulations regarding Cannabis/Marijuana products and facilities as
139 presented.

140 Mr. Jearls asked if any drug store, (i.e. Walgreens, CVS) can dispense marijuana. Mr. Lum explained
141 that no they cannot. Licenses will be drawn by a lottery, they have to be licensed by the State.

142 Mr. Jearls asked why we didn't include an 'B-5' or include any special permits. Mr. Lum explained that
143 all the permitted uses in the a 'B-5' are outlined in this specific ordinance like the Domino's with the
144 'B-3' Uses. Whoever wins the lottery will have to come before the commission to amend a 'B-5'
145 ordinance.

146 Mr. Olds spoke about the difference with medical and recreational use.

147 Mr. Baranowski asked about the distance from schools for a dispensary. Mr. Lum explained the current
148 state number is 300 feet.

149 Mr. Jearls and Mr. Lum discussed the distance of a facility from schools. The Code indicates no
150 smoking at the facilities.

151 Mr. Jearls asked about smoking lounges allowing marijuana use.

152 Mr. Olds says according to State law you just can't smoke at a dispensary but you can pretty much
153 anywhere else.

154 Mr. Lum said only able to smoke in bars that have a Special Use and follow the clean air act for
155 smoking inside.

156 Mr. Olds read the suggested motion:

157 I move for recommended approval to amend the Zoning Code to allow for changes consistent with
158 State Regulations regarding Cannabis/Marijuana products and facilities as presented in attachment A.

159 Seconded by Mr. Minks. On roll Minks – no, Olds – yes, Nelke – yes, Martine – yes, Jearls – yes,
160 Baranowski – no. Recommended approval passed 4-2.

161 Mr. Baranowski asked about the 300 feet distance. Mr. Lum explained that the distance is property line
162 to property line or building central. County has a more restrictive ordinance of 1000 feet. (end
163 discussion)

164 General: Mr. Baranowski questioned the exposed AC unit behind Brennans Restaurant and the sign
165 ordinance issue that was never completed.

166 Mr. Lum to check status of sign ordinance.

Mr. Olds stated that digital signs were approved but needs to go back and revisit minutes to see status. Mr. Jearls asked for clarification of the masonry ordinance. Last session had 2 'B-5's and one didn't meet any part of the masonry ordinance because it is excepted in the code book and the other one exterior was discussed; but would like a little bit more consistency. He asked why it's different for a 'B-5'. Mr. Lum explained the masonry ordinance excepted for a 'B-5' or a Special Use Permit which really means it's up for the Planning and Zoning Commission and the City Council to decide how much brick is on a building or how much stone is on a building. It can be anywhere from zero to 100 percent. There were times when Planning and Zoning Commission always recommended 100 percent masonry and were perturbed at times when the City Council approved no masonry. Since that time, not every building has been recommended 100 percent masonry and that's okay by the City Code. City Code says Planning and Zoning can recommend and City Council ultimately decides. Mr. Lum presented an example with the Chase Bank. A Cultured stone was presented. The council opted for a more traditional design that looked like brick but it was not brick per code, it was thin brick. Mr. Olds asked if the 25-year life span is official. Mr. Lum said it's not official but a guide line that has been recommended by Planning and Zoning. Mr. Lum stated that life span is a subjective term. Mr. Olds stated that 25-year life span or maintenance free for 25 years was assumed. Further discussion ensued and it was decided that the Planning and Zoning members will work with City Council on masonry by requesting to be on a sub-committee. Mr. Jearls and Mr. Minks volunteered to work with City Council with Mayor approval. Mr. Minks is opposed to the current masonry Ordinance. Mr. Jearls moved to adjourn, seconded by Mr. Minks.

Adjournment

Chairman Olds stated the next meeting will be held on Monday, February 6, 2023 at 7:00 p.m. Mr. Jearls moved to adjourn the meeting, seconded by Mr. Minks. Motion carried. Meeting adjourned at 8:09 p.m.

Jacquelyn George

Jacquelyn George, Recording Clerk