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CITY OF FLORISSANT



Planning and Zoning Commission  
Unofficial Planning & Zoning Minutes

January 17, 2023

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**CITY OF FLORISSANT**



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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.

48

**Approval of Minutes**

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

52

**Announcements**

No new announcements

55

**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

69 space and there are Uses allowed as Permitted Uses in the ‘B-3’, and there are 107 listings in the ‘B-3’,  
70 95 Permitted Uses. For instance, a retail store or a barber or beauty salon or any of the 107 listings are  
71 Permitted Uses are listed in the ‘B-3’ district because that’s included in this ‘B-5’ ordinance. It says the  
72 Permitted Uses are limited to “a” sit down, carry out, drive through restaurant. The MBR Management  
73 Company has shown this property a number of times and have had a lot of restaurants wanting to go in  
74 there but no other (‘B-3’) Permitted Uses. They would like to add a Use and we advised them would  
75 have to add a second sit down, carry out restaurant as described. (See red box in packets indicating  
76 this). Basically, MBR Management would like to put in a second restaurant but as the ordinance reads,  
77 the staff could not allow that because we assumed at that time only one restaurant was described in  
78 detail. But MBR could propose a second restaurant as a permitted use just to make it clear.  
79 Mr. Jearls asked if a restaurant was not allowed in a ‘B-3’  
80 Mr. Lum responded to his question: Not as a permitted use but as a Special Use.  
81 Staff had MBR fill out their application and state that they would like 1620 and 1616 to allow for a sit  
82 down, carry out, drive through restaurants, plural, but rather we suggested a different motion because  
83 staff does not think it’s possible on this site to put in another drive through since there is an existing  
84 drive through. The six-car stacking on the site plan just doesn’t make it possible. The written staff  
85 report says 1620 on the agenda and 1620 and 1616 both on the staff report. The empty tenant space is  
86 1616. The original ordinance was written for 1620. Ordinance 8648 is in force right now without a  
87 second restaurant. The surrounding properties are listed on the first page and staff analysis.  
88 Mr. Lum continued with staff report highlighting C4 of the staff report indicating it is not plausible for  
89 another drive through restaurant, therefore, the petition is for a sit down and carry out only.  
90 A1.0 floor plans: adjacent tenant space floor plan shown for original Ord. No 8648 that shows double  
91 door entrance and single door exit in rear, 1360 s.f., 2 restrooms, and 20-30 seats maximum and a a sit  
92 down carry out and drive through restaurant, Domino’s is expressly described in Ord. No. 8648 along  
93 with plans and rezoning to ‘B-5’ Planned Commercial District.  
94 Mr. Lum explained the parking according to Ord. 8648. And proposed restaurant parking and how  
95 much parking is required.  
96 Staff recommendation is the suggested motion to recommend approval to amend the ‘B-5’ Planned  
97 Commercial District, Ord. No. 8648 to allow for a sit down carry out “second” restaurant as a Permitted  
98 Use according to the proposal prepared by the petitioner.  
99 Mr. Lum clarified the addresses for Mr. Jearls. 1620 is the existing Domino’s and 1616 is the vacant  
100 tenant space.

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

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

111 Mr. Olds read the suggested motion:

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

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

116 1. **Permitted Uses**

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

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

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

123

124 **Item 2 - Changes to the Zoning Code**

125 **PZ-011723-2**

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

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

131 Mr. Hughes, Public Works Director, drafted a report attached to the staff report written by Mr. Lum and  
132 sent it to the City Attorney, John Hessel, who looked at it and took out two definitions, so this has been  
133 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.

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

187

188 **Adjournment**

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

192

193

*Jacquelyn George*

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Jacquelyn George, Recording Clerk