

CITY OF FLORISSANT



Planning and Zoning Commission  
Unofficial Planning & Zoning Minutes

May 6, 2019

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May 6, 2019

The Planning and Zoning Commission met in Council Chambers at Florissant City Hall, 955 rue St. Francois on Monday, May 6, 2019 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, Tim Lee, Robert Nelke and David Smith. John Martine was excused. Also present was Phil Lum Building Commissioner, Anita Moore Deputy City Clerk and City Attorney John Hessel. A quorum being present the Planning and Zoning Commission was in session for the transaction of business.

**Approval of Minutes**

Chairman Olds moved to approve the Meeting Minutes of April 15, 2019, seconded by Lee. Motion carried.

**New Business****Item 1          Dialysis Center****PZ050619-1    13015 New Halls Ferry Road****Recommended Approval - Ward 8**

Phil Lum, Building Commissioner, presented the staff report for this request. He stated that this proposal will be a new address at the shopping center, which was annexed on 9/1/2003 from a St. Louis County C-8 Zoning, into a B-5 Planned Commercial Development within the City of Florissant. A new structure or exterior alterations require a revision under the code. The owner, Florissant Plaza Madrid, LLC, hopes to relocate the existing Divita Dialysis, which now exists in the shopping center, into the new building. The new Dialysis Center shall be a 9,049 square foot, single story building. The petitioner hopes to subdivide the property in the future, but has no plans to do so at this time. They plan to demolish/renovate the shopping center in the future as well.

The construction plans are currently under review by staff. Parking and landscaping requirements are in compliance with the city. The cultured stone, stacked stone and cast stone trim indicated on the plans do not meet the city's masonry requirements. The 3" and 4" thick brick veneer *does* meet the masonry ordinance. The trash dumpster must be contained within a gated enclosure. All site and exterior building lighting shall be directed down and inward. There are two monument signs indicated on the proposal.

Mr. Lum stated that the "Permitted Uses" for this property shall be limited to being a Dialysis Center, those with the B-3 Extensive Business Zoning District, without a Special Use Permit. Other uses than those permitted shall require an amendment to the B-5.

Chairman Olds asked Mr. Lum if the plans included the new requirement for the dumpster apron. Mr. Baranowski stated that there was a conflict between the plans regarding the electrical utilities lines.

Mr. Callum Vierthaler, petitioner, stated that Divita Dialysis has 10 centers in the St. Louis area, one being located in the strip mall in the shopping center. The new, free standing, state of art dialysis center will be located to the south, on the lot. Once this center is open and operating, the old one will be closed and the shopping center demolished/renovated. They will then subdivide the property and develop it separately.

The petitioner stated that the existing curb cuts will remain. There will be more green space created than is required by the city. The building is 9,049 square feet, single story and approximately 2/3 brick. The parking required by the city is 40 spaces and they will provide 41. Four handicapped

spaces are indicated. Loading will be located at the rear of the building. All storm water proposals will comply with the Metropolitan Sewer District. No additional run off will be created by the construction.

In regards to signage, they have changed their plans and there will be no monument signs. They will be placing two signs on the face of the building, one facing the north and one southeast. The signs will be less than 40 square feet. There will be additional curb cuts installed on the north and south end of the site. The parking lot will be totally replaced and re-asphalted. Their proposal will dramatically improve the site.

Mr. Vierthaler stated that they tried their very best to meet the masonry ordinance, but were also attempting to achieve architectural distinction. The approximate percentages are 50% brick, 25% concrete masonry, and 25% cultured stone. In response to Mr. Nelke's question, the petitioner stated that medical waste is stored in the building and a special company comes on a regular basis to pick it up and dispose of it.

The new owner has *not* purchased the small loan company and the Popeye's on the outlots for the proposed future development. Mr. Lee stated that he was hopeful that the owner did not plan on building a nice new building and then omitting the loan company and Popeye's from the redevelopment.

Chairman Olds moved to recommend approval to amend the 'B-5' as depicted by Preliminary Plat dated 12/11/2018, Enlarged Site Plan AS1-100, Parking Calculation- Site Plan AS1-101 Floor Plan, L-100 Landscape Plan, dated 4/28/19, color renderings, elevations and site plan, attached, subject to the regulations of the B-5 Planned Commercial District, with permitted uses allowed being a Dialysis Center, those within the 'B-3' "Extensive Business District" without a Special Permit, and the following additional requirements:

**1. PERMITTED USES**

The uses permitted for this property shall be limited to being a Dialysis Center, those within the B-3 "Extensive Business District" without a Special Permit. Other uses than those permitted shall require approval by amendment to this B-5 Ordinance.

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

The Dialysis Center shall be limited to a single story 9049 s.f. building. The existing Shopping Center is to remain.

**3. PERFORMANCE STANDARDS**

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

1. Vibration. Every use shall be so operated that the maximum ground vibration generated is not perceptible without instruments at any point on the lot line of the lot on which the use is located.
2. Odor. Every use shall be so operated that no offensive or objectionable odor is perceptible at any point on the lot line on which the use is located.
3. Smoke. Every use shall be so operated that no smoke from any source shall be emitted of a greater density than the density described as No. 1 on the Ringelmann Chart as published by the United States Bureau of Mines.
4. Toxic gases. Every use shall be so operated that there is no emission of toxic, noxious or corrosive fumes or gases.
5. Emission of dirt, dust, fly ash and other forms of particulate matter. Emission of dirt, dust, fly ash and other forms of particulate matter shall not exceed eighty-five one-hundredths (0.85) pounds per one thousand (1,000) pounds of gases of which amount not to exceed five-tenths (0.5) pound per one thousand (1,000) pounds of gases shall be of such size as to be retained on a 325-mesh U.S. standard sieve. In the case of emission of fly ash or dust from a stationary 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%).
6. Radiation. Every use shall be so operated that there is no dangerous amount of radioactive emissions.
7. Glare and heat. Any operation producing intense glare or heat shall be performed in an enclosure in such a manner as to be imperceptible along any lot line.
8. Screening.
  - a. All mechanical equipment, air-handling units, cooling towers, condensers, etc., on roof or grade shall be screened architecturally in such a manner as to be a part of the design of the building.
  - b. Incinerators and stacks shall be enclosed in the same material as the main exterior building material.

#### 4. TRASH ENCLOSURES

Trash container shall be kept within a gated sight-proof area as shown on Landscape Plan, L-100 dated 4/28/19, attached.

#### 5. PLAN SUBMITTAL REQUIREMENTS

A final site development plan shall be submitted to the Building Commissioner to review for compliance to this ordinance and other city ordinances prior to issuance of land disturbance permits or building permits. Final Development Plan shall include improvements as shown on Preliminary Plat dated 12/11/2018, Enlarged Site Plan AS1-100, Parking Calculation- Site Plan AS1-101 Floor Plan, L-100 Landscape Plan, dated 4/28/19, color renderings, elevations and site plan, attached.

#### 6. SITE DEVELOPMENT PLAN CRITERIA:

a. Height, Area And Bulk Restrictions:

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

b. Internal Drives:

(1) There shall be parking as shown on AS1-101, attached to be indicated on the Final Development Plan.

c. Minimum Parking/Loading Space Requirements.

(1) There shall be a minimum of 41 required parking spaces for the Dialysis Center provided on the property and 240 on the balance of the property.

d. Road Improvements, Access and Sidewalks

(1) There shall be parking spaces and curbs provided as shown on plans. All drives to be indicated on the Final Development Plan.

e. Lighting Requirements.

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

(1) The light level for parking lot lighting shall be 0.5 fc minimum. Future total replacement poles and fixtures shall be a maximum height of site lighting, including base, light fixture and light standard, shall be 25 feet above grade.

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

f. Sign Requirements.

(1) All signage shall comply with the City of Florissant sign ordinance for commercial districts.

g. Landscaping and Fencing.

(1) Any modifications to the landscaping plan shall be reviewed and approved by the Planning and Zoning Commission.

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 on 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.

**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 storm water 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.

#### 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.

#### 11. PROJECT COMPLETION.

Construction shall start within 120 days of the issuance of building permits for the project and shall be developed in accordance of the approved final development plan within 18 months of start of construction.

The motion was seconded by Minks. On Roll Call the Commission voted: Lee yes, Smith yes, Baranowski yes, Minks yes, Olds yes, Nelke yes, Martine absent. Motion carried.



**Old Business****Item 2          Amendments to the Sign Code****PZ-061818-2   Postponed to 5-20-19**

City Attorney John Hessel appeared before the Commission to discuss proposed changes to the Sign Code. He suggested that the Commission take their time in order to analyze the proposal before making a recommendation to the Council. He added that members of the City Council take Planning & Zoning's recommendations very seriously. He cited several examples of how other cities Planning & Zoning Boards operate and added that there was no right or wrong procedure. All cities operate differently.

From a legal standpoint it is very important that Planning & Zoning and Council are "on the same page." Staff communication and expectations between the City Council and the Commission are very important. Thoughtful dialogue and discussion are vital to a recommendation. Upon a new request, a brief presentation should be made by staff with a more detailed description of the development to be followed by the applicant. After this initial presentation, the request would then go back to staff for discussion. The request then comes *back* before Planning & Zoning for further discussion and a recommendation.

Mr. Hessel stated that there is no model sign code-they are all different. The technology moves very fast in relation to signage. He stated that he had reviewed Kirkwood's sign code in 2011 and called digital signs "electronic changeable message signs." There exist illuminated signs and electronic changeable message signs and they are not the same. They should be regulated differently. Furthermore, there is considerable information available, with empirical data, showing that digital signs can be hazardous particularly at a pedestrian crossing. There are sound reasons to regulate these type of signs due to public health, welfare and safety reasons. Church, school, government and business signs should all be regulated the same and be based upon health and safety regulations. The message does not matter.

Mr. Hessel commented on the draft sign code that Mr. Lum and Planning & Zoning have been working on. He stated that zoning, in relation to signage, was a different issue and belonged in the zoning code, not the sign code. Signage in relation to the Zoning Code can be addressed at a future date.

Mr. Hessel stated that brightness as criteria is very important and should be the same for all signs. If an existing digital sign does not have the technological capacity to lower their brightness to meet the code, they need to update their sign. Chairman Olds stated that a sign installer had told the

Commission that the cheaper signs often do not dim. Mr. Hessel stated that the cost of the sign should not be a consideration when the important health and safety concerns are the criteria under the sign code. Timing and letter size are another health, safety and general welfare concern that needs to be discussed and decided upon when rewriting the sign code. Mr. Hessel noted that he has talked to sign contractors who told him it is easy to change the timing, brightness and lettering on a digital sign.

Discussion was had, in general, regarding regulating monument, window and other various signs. Mr. Hessel stated that he thought directional signs were a good idea. They assist in directing pedestrian and vehicular traffic in particular. The size and location of a sign can be regulated, typically in the zoning code. Illuminated signs should never have animation or flashing. In response to Mr. Lee's question, Mr. Hessel stated that this includes the small illuminated window signs that flash "open."

In regards to signs installed prior to the implementation of the new sign code, they must be brought into compliance. Because of safety and health concerns, Mr. Hessel did not encourage any "legal non-conforming status" or any extensive extensions on the older signs. However, if they chose to, the pre-existing signs could be decided upon by the staff on a case-by-case basis.

Chairman Olds asked how to enforce compliance. Mr. Hessel stated that he hasn't had a problem with compliance in other cities. Tickets can be issued for non-compliance and sometimes that is sufficient. The judge determines the fine, not the city.

Mr. Lum noted that there is some cross-over between the sign code and the zoning code. In some cases, changes to both the zoning code and the sign code will be necessary.

In conclusion, Mr. Hessel stated that he will provide his editorial comments to the Commission and he will make sure the zoning code is consistent and complimentary to the sign code. That being said, he advised the Commission to review the sign code incrementally, beginning with digital and illuminated signs. The zoning code signage review can be done in the future. He informed the Commission that although he would be unable to attend the next meeting on 5/20, he would have a revised draft of the changes for them to review by then. He could attend the 6/3 meeting.

Mr. Minks stated that there was a good chance he would be unable to attend the next three meetings.

Mr. Hessel thanked the Planning & Zoning Commission for all the work they do. The work they volunteer do is vital in making the city function well. It is not an easy task and takes a considerable amount of time.

Chairman Olds moved to postpone the "Amendment to the Sign Code" until 5/20/19, seconded by Smith. Motion carried.

397           Mr. Baranowski moved to adjourn the meeting, seconded by Lee.   Motion carried.   Meeting  
398 adjourned at 9:24 p.m.

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Anita Moore, Deputy City Clerk