

CITY OF FLORISSANT



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

July 15, 2019

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The Planning and Zoning Commission met in Council Chambers at Florissant City Hall, 955 rue St. Francois on Monday, July 15, 2019 at 7:00 p.m. with Chairman Olds presiding.

Roll Call

On Roll Call the following members were present: Steve Olds, Robert Nelke, Tim Lee, David Smith, Lee Baranowski and Allen Minks. John Martine was excused. Also present was Phil Lum Building Commissioner and Anita Moore Deputy City Clerk. A quorum being present the Planning and Zoning Commission was in session for the transaction of business.

Approval of Minutes

Mr. Baranowski moved to amend the Meeting Minutes of June 17, 2019 to replace Chairman Lee with Chairman Olds on line 61, seconded by Minks. Motion carried. Chairman Olds moved to approve the amended Meeting Minutes of June 17, 2019, seconded by Lee. Motion carried.

New Business**Item 1 Siteman Cancer Center****PZ071519-1 1255 Graham Road****Approved - Ward 5**

Phil Lum, Building Commissioner, presented the staff report for this request. He stated that Siteman Cancer Center has requested approval of a 98 square foot illuminated wall sign. The sign will be located on the front of the facility just above the entrance canopy. The signage is about 400 feet from the east property line. The setbacks were met by the new structure and parking spaces.

Jon Krone, Warren Sign Co., informed the Commission that Siteman had decided that there would be no plans for a dedicated monument sign.

Chairman Olds moved approve the wall sign proposed at 1255 Graham Road, Siteman Cancer Center, in the B-5 Planned Commercial District subject to the drawing submitted revised 6/20/2019 by Warren Sign, attached, and conditions set forth being part of the record:

PROJECT COMPLETION.

Sign installation shall be completed upon the issuance of building permits, and the sign shall be installed in accordance with the plans attached within the time limits for construction of the facility.

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

Item 2 102 Venyou**PZ071519-2 1815-1817 Dunn Road****Recommended Approval - Ward 7**

Phil Lum, Building Commissioner, presented the staff report for this request. He stated that the petitioner was requesting to open a Banquet Facility in the shopping center where the space is currently vacant. The floor plan remodel indicates 1 large accessible restroom and 2 other restrooms. There is also shown serving counters, storage and 12 tables with 8 seats. No exterior changes to the site are anticipated. No outside equipment or signage is presented.

Ms. Lisha Bell, petitioner, stated that there will not be cooking on site and all food will be catered in. No outdoor seating is planned. She will be requesting a COL, consumption liquor license. The

caterer will not be providing the liquor. She stated that they hope to have a disc jockey or pre-programmed music provided.

Chairman Olds moved to recommend approval of a Special Use Permit to allow for a Cater-In Banquet Facility in an existing B-3 Zoning District at 1815-1817 Dunn Road subject to the drawing submitted dated 6/26/19, with the following stipulation:

1. No outdoor dining permitted, without amendment to the Special Use.

PROJECT COMPLETION

Construction shall start within 60 days of the issuance of building permits for the project and the structure shall be completed in accordance with the plans within 180 days of start of construction.

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

Item 3 Legends Academy **PZ071519-3 1645 N New Florissant Road** **Recommended Approval - Ward 6**

Phil Lum, Building Commissioner, presented the staff report for this request. He explained that the proposed building was previously used as a dentist office which was located in a house with existing parking. The building is of brick construction with a play yard of 46' x 22' with a shed. The property is zoned B-3 and is located adjacent to the police station.

There are seven existing off street parking spots, a drop-off drive in the front, accessible parking and entry in the rear. The existing property has a 6 foot wood fence which could serve as an enclosure for the play area. The proposed 200 foot fence on the south side of the property could be extended to the 40 foot building line, about even with the front entry drive.

Mr. Lum noted several items that the State will weigh in on. Once the State inspects the property, Public Works will ensure that building codes are complied with. The code would allow for an approximate 20 children maximum occupant load. The State may determine occupant load that is higher than that. Mr. Lum noted that if the petitioner planned on having an infant room, there must be direct exit to the exterior. He also stated that the petitioner's architect would need to remodel the toilet facilities in order to be ADA compliant. Also, a drinking fountain will need to be added. Frontage trees and new shrubbery are required according to the landscaping code.

Jessica Carter, petitioner, explained that there is an existing special use permit for a sign which she planned on changing the face only. Mr. Lum stated that she would simply need a building permit from Public Works in order to do that.

Ms. Carter explained that she thought the entry room on the ground floor of the building might be able to serve as an infant room. She was waiting until the State evaluated her building to let her know if that was possible. The petitioner stated that she would be constructing bollards as a protective barrier around the play area. There will only be drop-off at the front of the building. Parking for employees is in the rear. They will be working with a local organization to install small raised beds for the children to plant and grow vegetables. They have a sink that will be used as an additional hand washing station to be used by the children throughout the day.

Chairman Olds stated that he hoped the landlord would replace the old wooden fence with a vinyl fence. Mr. Lum stated that he would talk to the owner of the building regarding the landscaping requirements.

Chairman Olds moved to recommend approval of a Special Use Permit for a Child Day Care Center at 1645 N. New Florissant Road as depicted on the Site Plan and Building Plans by Max Bemberg-Architect, subject to the regulations in the B-3 Zoning District and the following additional requirements:

- a. Provide a protective barrier for the play area, i.e. bollards @ 5' o.c.

PROJECT COMPLETION.

Construction shall start within 60 days of the issuance of building permits, and the structure shall be completed in accordance with the plans within 180 days of start of construction.

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

Item 4 Privilege Lounge
PZ071519-4 125 Flower Valley Shopping Center
Recommended Approval - Ward 9

Phil Lum, Building Commissioner, presented the staff report for this request. He stated that the existing Privilege Lounge is requesting to expand the lounge to add a restaurant/bar space and to create a patio at the rear of the building where units 125 & 129 form a wedge. There is sufficient customer parking in the front. At the rear of the building, only staff parking is permitted.

Building permit plans submitted show architectural plans that indicate a bar and required plumbing fixtures for the new space. A stage is shown on the plans which indicate some type of performance activity. New restrooms and new interior partitions are indicated. No exterior lighting or heaters are shown.

Mr. Mink suggested that bollards or some type of protection be installed around the patio for safety concerns.

Brian and Dianne McNutt, petitioners, explained that the use of the patio was for a smoking area with tables with umbrellas. There would be no outside bar or music. Mr. McNutt stated that when a customer comes out the back door you come directly onto the patio. There is no entry in the back and a sign will indicate "no entries or exits." Mr. McNutt stated that he would install safety bollards around the patio.

Chairman Olds moved to recommend approval to amend Special Use Permit No. 8398 to allow a restaurant bar at 125 & 129 Flower Valley Shopping Center (Privilege Cocktail Lounge) in a B-3 Zoning District subject to the following stipulations:

GENERAL DEVELOPMENT CONDITIONS.

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

b. Bollards or some other type of vehicle barrier shall be installed between the patio and rear parking lot lanes.

c. The project shall be as shown on G-1, A-1, A-2, A-3, A-4 and E-1, dated 6/3/2019 by Philip Gomez-Architect, attached and subject to building code review.

PROJECT COMPLETION.

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

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

Item 5 GMT
PZ071519-5 225 N Hwy 67
Postponed to 8/5/2019 - Ward 3

Phil Lum, Building Commissioner, presented the staff report for this request. He explained that the petitioner, Mission Hills Development, would like to add a bay to the existing brick building in order to allow for a car detailing area.

Mr. Lum noted that there is currently a digital sign under the existing GMT sign and, to his knowledge, the sign has never been reviewed by the Planning & Zoning Commission. As a result, he has added this digital sign to the amendment.

For the Commission's information, Mr. Lum stated that there is also an existing GMT sign on Charbonier Road, but it has been approved by the Council. He added that it needs to be corrected and reprogrammed to blink at 10 second intervals instead of 5.

Chairman Olds stated that he would not be voting to approve this request for the bay until the Commission received information or an explanation concerning the existing digital sign that has not been reviewed by the city and to which the city was unaware. The rest of the Commission members agreed.

Mr. Joe Dale, architect, appeared before the Commission. Mr. Dale stated he was aware of the Charbonier sign which had been approved by the Council, but he knows nothing about the sign on N. Hwy 67. He was in attendance this evening for the request for the bay addition only. He will take the sign issue back to the owner in order get more information.

Chairman Olds moved to postpone the request for an additional bay for GMT until 8/5/2019 in order for the petitioner to respond to questions regarding the existing digital sign on N. Hwy 67, seconded by Baranowski. Motion carried.

Item 6 Food Truck
PZ071519-6 2020 Patterson Road
Postponed to 8/5/2019 - Ward 4

Phil Lum, Building Commissioner, presented the staff report for this request. He stated that he would be changing his suggested motion to a continuance. He explained that he was doing this because of a lack of information related to the trailer being situated on the property. If it is movable, it cannot be a special use. He needs more details.

Mr. Lum gave several examples of similar situations. One goes back to his days as an architect and the Goddard Motors Project in 1986 to make a single trailer look like an office that would be permanently situated there. Another example of a similar project was the large ice machines that sit on trailers which are skirted and which makes them look like actual permanent fixtures. They have permanent utilities attached to them. Chairman Olds asked if the ice machines trailers had wheels underneath the skirts, and Mr. Lum said no. Mr. Lum also thought that the snow cone structure near St. Ferdinand Park was a temporary type of structure which sits on a slab. These types of examples are what the Planning and Zoning Commission needed to look at.

The petitioner must prove that the trailer is a permanent structure and that vehicle and pedestrian safety are provided. Mr. Lum stated that he thought the petitioner had an off-site sale permit which has now expired. Staff informed the petitioner that he needed to obtain a special use permit in order to operate. Until such time, Mr. Jabbar would need another off-site sales permit.

Chairman Olds asked if he had talked to the owner about this, and Mr. Lum said no.

Mr. Lee stated that until yesterday, Mr. Jabbar had continued to operate even though his off-site permit had expired. He encouraged the city to continue monitoring it. The trailer has come and gone over the last few months, including on weekends.

Mr. Jabbar appeared before the Commission and stated that he owned both the food truck and the gas station. Mr. Lee asked the petitioner if he understood that the city had told him that he could not continue to operate the food truck and that he was operating a food truck illegally. Mr. Jabbar stated that he ran a very good gas station in Florissant and he was totally unaware that the off-site permit was only for 3 days. Mr. Lee agreed that Mr. Jabbar ran a good gas station, but he was not happy with a food truck operating on site. He also stated that with setback requirements, the truck could never be allowed. Mr. Jabbar thanked the Commission for all their help and information.

Chairman Olds moved to postpone the request for a Food Truck/Trailer until 8/5/2019 until more detailed plans are submitted, seconded by Smith. Motion carried.

Item 7 Dunkin Donuts
PZ071519-7 8115 N Lindbergh
Approved - Ward 3

Phil Lum, Building Commissioner, presented the staff report for this request. He stated that the petitioner is requesting a reduction in landscaping because the property, with the installation of a fence,

is too small to accommodate all the proposed vegetation. Landscapers recommend against planting the proposed intense numbers.

Mr. Nafees Rehmatullah, representative for Dunkin Donuts, stated that after they realized that there was not enough space for all the original vegetation proposed, he contacted Mr. Lum about revising the Landscaping Requirements. They will still meet the City's Code. The Commission appreciated Dunkin Donuts coming back to request the change.

Chairman Olds moved to approve the landscape changes to the site development plan of the B-5 Ordinances at 8115 N. Lindbergh per Ordinance No. 8382, in accordance with the plan submitted. Related drawing attached. The exterior modifications are not in conflict with the nature of the development and meets all of the conditions of Ord. No. 8382. Approval is subject to the regulations of this B-5 Planned Commercial District and the following additional requirements:

GENERAL DEVELOPMENT CONDITIONS.

Unless, and except to the extent otherwise specifically provided in Ord. No. 8382, development shall be effected only in accordance with all ordinances of the City of Florissant.

PROJECT COMPLETION.

Construction shall start within 30 days of the issuance of building permits, and the project shall be developed in accordance of the approved amendments to the final development plan with 60 days of start of construction.

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

Item 8 Pizza Hut

PZ071519-8 8239 N Lindbergh

Recommended Approval - Ward 3

Phil Lum, Building Commissioner, presented the staff report for this request. Pizza Hut is requesting to allow for a carry-out and delivery restaurant. The structure on site will remain the same with no exterior changes except signage. No tables are shown, with the space predominately for staff use. There is a customer area and accessible restroom. Parking is in compliance.

Mr. Minks asked about the environmental impact of the soil upon the restaurant, which had previously been used as a dry cleaner. Mr. Lum stated that he would need to know the type of dry cleaner it was. Mr. Minks stated that it was important to have an environmental impact study done on the soil, beginning with a Phase I study, especially because the request is for a restaurant. Mr. Lum stated that he would make sure that was done before the permitting process was complete.

In response to Mr. Baranowski's question regarding signage, Mr. Lum stated that the sign was under 40 square feet.

Chairman Olds moved to recommend approval to amend the B-5 Ordinance No. 7073 to allow for a carry-out and delivery restaurant with no exterior changes at 8239 N. Lindbergh Blvd. in a B-5 Zoning District, according to the proposal prepared by the petitioner as described in related documents presented and according to the attached drawings: A1 dated 5/9/19 by Lickel Architecture, and the following additional requirements:

Change Section 2, paragraph 1, "Permitted Uses" to read as follows:
"The uses permitted by this B-5 Planned Commercial District shall be limited to uses as permitted in a B-3 Extensive Business District, and a carryout, delivery restaurant as depicted by plans A1 dated 5/9/19 by Lickel Architecture. Uses other than those permitted by this Ordinance shall require approval by amendment to this B-5."

GENERAL DEVELOPMENT CONDITIONS

a. Unless and except to the extent otherwise specifically provided therein, 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 Site Development Plan approved and all other ordinances of the City of Florissant.

PROJECT COMPLETION.

Construction shall start within 90 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.

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

Item 9 Medical Marijuana Dispensary
PZ071519-9 225 Dunn Road
Recommend Approval - Ward 5

Phil Lum, Building Commissioner, presented the staff report for this request. He stated that the proposed site was a former medical office. The structures existing on the site would remain for the development with no exterior changes except signage. The City's Engineering Department worked with the GIS System to determine that there were no churches, schools or daycares within 300 feet of the requested dispensary. They are eligible to apply for a Special Use Permit.

Mr. Kyle Wilson, architect, explained the procedure for the dispensary. He stated that the doctor fills out a form which the "Health and Senior Service Department" has created. This form indicates that medical marijuana might, or in some cases does, alleviate some of the patient's symptoms or problems. The patient is then free to apply for a card with the State of Missouri which allows the patient to go to a dispensary and purchase marijuana. The patient can speak to a professional, if he so chooses, who can help him to decide which product is best for his particular ailment. As people become more comfortable with the type of marijuana that is right for them, they spend less time in the dispensary.

Chairman Olds moved to recommend approval of a Special Use Permit to allow for a Medical Marijuana Dispensary at 225 Dunn Road in a B-3 Zoning District, according to the proposal prepared by the petitioner as described in related documents presented and according to the attached drawing: Ground Floor Plan dated 6/7/19 by Kadean Construction, and the following additional requirements:

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 Site Development Plan approved and all other ordinances of the City of Florissant.

PROJECT COMPLETION.

Construction shall start within 90 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.

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

Old Business

Item 3 Amendments to the Sign Code
Postponed to 8/5/2019

Chairman Olds moved to postpone discussion of “Amendments to the Sign Code” to 8/5/19, seconded by Smith. Motion carried. Mr. Smith suggested reviewing segments of the sign code, section by section, so that the review is not so daunting.

Mr. Baranowski moved to adjourn the meeting, seconded by Minks. Motion carried. Meeting adjourned at 10:21 p.m.

Anita Moore, Deputy City Clerk