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CITY OF FLORISSANT



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

November 4, 2019

<u>Table of Contents</u>	<u>Page Number</u>
Roll Call/Minutes	Page 2
JP Morgan Chase - ATM	Page 3
Amend Zoning Code – Historic District	Page 3
Sign Code Revisions	Page 5

37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
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**CITY OF FLORISSANT**



**Planning and Zoning Commission**

**Unofficial Planning & Zoning Minutes**

November 4, 2019

The Planning and Zoning Commission met in Council Chambers at Florissant City Hall, 955 rue St. Francois on Monday, November 4, 2019 at 7:00 p.m. with Chairman Olds presiding.

**Roll Call**

On Roll Call the following members were present: Tim Lee, David Smith, Lee Baranowski, Allen Minks and Steve Olds. Robert Nelke and John Martine were 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**

Chairman Olds moved to approve the Meeting Minutes of October 21, 2019, seconded by Lee. Motion carried.

71 **New Business**

72  
73 **Item 1 J P Morgan Chase (ATM)**

74 **PZ100719-2 1491 Dunn Rd.**

75 **Postponed to 12/2/2019 - Ward 7**

76 Request approval to amend a B-5 ordinance to allow for the installation of an  
77 ATM.  
78

79 At the request of the petitioner, Chairman Olds moved to postpone the request for an ATM at  
80 Grandview Plaza Shopping Center until 12/2/19, seconded by Minks. Motion carried.

81

82

83 **Item 2 Petition to Change the Zoning Code**

84 **PZ110419-2 Historic District**

85 Request to amend the Zoning Code to add State Substance Awareness Traffic  
86 Offender Program, probation service, theft offense, domestic violence and  
87 substance abuse service establishments as a Special Use.  
88

89 Phil Lum presented the staff report for this request. He gave an overview of the proposal  
90 which resulted in this request for a Zoning Code Change in the Historic District:

91

92 The applicant is taxed with the burden of proof for this petition to the Planning & Zoning Commission.  
93 The presentation as to the detailed description of the Use and how it is communicated is critical in  
94 understanding what is being proposed. Communication or lack thereof by both the City and Applicant  
95 is the reason for many of the things that have transpired so far.

96

97 1) The petitioner could also seek the recommendation from the City Landmark and Historic District  
98 Commission (LHDC). This petition could affect all properties in the ‘HB’ District and allow for  
99 these Uses as the petitioner proposes and definitions of said Uses. LHDC can comment on any  
100 P&Z agenda item per City Ord. section 405.445, 14 & 15. for it is within LHDC’s powers and  
101 duties:

102 (14) *“To make recommendations on any matter referred to it by the City Council or the*  
103 *Planning and Zoning Commission;”*

104 (15) *“To review proposed zoning amendments, applications for Special Use Permits or*  
105 *applications for zoning variances that affect proposed or designated Landmarks or*  
106 *Historic District Contributing Resources;”*  
107

108 2) Petitioner first applied for Zoning Authorization in June of 2019. Subsequently, the Zoning was  
109 approved with staff understanding that the proposed business was to provide “Counseling” services,  
110 as repeatedly put forth by the applicant.

111

112 3) Petitioner was not granted occupancy, nor a business license.

- 113 4) Petitioner purchased the building and was issued some permits for upgrades.  
114  
115 5) Petitioner was notified 9/11/19 via email that drug testing and classroom activities may not meet the  
116 Zoning Code and asked to resubmit for Zoning authorization, rescinding the original application.  
117  
118 6) City posted the premises for operating without an occupancy or business license.  
119  
120 7) Second application for zoning was received 10/7/19 but not approved. Staff suggested the right  
121 thing to do was to apply to change the Zoning Code to clearly identify the Use.  
122 a) The City has not allowed Educational Development Centers in the 'HB' Zoning District,  
123 including proposals for Self-Help, Language Classes, Phlebotomy, etc.  
124 b) The City data lists 7 establishments by name that include "counseling", the following are in the  
125 'HB' Zoning District:  
126 i) Rapha Christian Counseling 100-110 Rue St Francois 2019  
127 ii) Purpose Counseling 100-103 Rue St Francois  
128 iii) Temperament Counseling 760 Rue St Francois 2018  
129  
130 8) Petitioner proposes this petition, that a State program for **Substance Awareness Traffic Offender**  
131 **Program (SATOP), probation service, theft offense, domestic violence and substance abuse services** be  
132 added as Special Use in the 'HB' Zoning District.  
133

134 Mr. Lum added that if this change to the Zoning District were approved, it would also allow  
135 anyone else to propose a Special Use Permit for these types of services anywhere else in the HB  
136 District.

137 In response to Mr. Baranowski's question, Mr. Lum stated that this request has not been placed  
138 on the Landmarks Historic District Commission (LHDC) agenda because they do not meet until later  
139 this month on 11/25. Mr. Lee asked if it was a policy to appear before the LHDC before appearing  
140 before the Planning & Zoning Commission. Mr. Lee thought that in the past, this type of request would  
141 be put before the LHDC first. Commission members agreed that they would like input from the  
142 Landmarks Commission.

143 Mr. David Neuman, representative for EMASS and petitioners Mike and Ann Smith, stated that  
144 their office was previously located at Florissant Oaks Shopping Center. When the property on St.  
145 Francois became available, they decided to relocate their business to 699 rue St. Francois because they  
146 loved Florissant's Historic District. The Smiths assumed their business license simply transferred from  
147 one location to another. They had no idea that there would be a zoning issue and will cooperate with the  
148 city for any and all requirements. EMASS has been part of the community for 25 years, providing  
149 counseling services which are often times court required. They have never had any problems with  
150 their clients at the Florissant Oaks location and in fact have turned around many people's lives.

151 Mr. Smith stated that he works closely with local municipal courts, including Florissant's Court.  
152 EMASS provides extensive services including substance abuse, probation services, domestic abuse

153 services and anger management training. They are certified by the state to conduct all services. Their  
154 employees include probation and parole officers and SATOP qualified counselors. He will have  
155 approximately two employees in the building at any given time. At a maximum, they will service 20  
156 clients a day, many times in the evenings and weekends with group counseling sessions of  
157 approximately 13 people. Their hours of operation are from 8 am to 9:30 pm. This is done to  
158 accommodate their clients' work schedules.

159 Mr. Smith noted that there are currently no SATOP services available in Florissant since he and  
160 his wife have closed their office at Florissant Oaks.

161 Chairman Olds moved to recommend approval to amend the Zoning Code, Section 405.161, to  
162 allow State Substance Awareness Traffic Offender Program, probation service, theft offense, domestic  
163 violence and substance abuse establishments as a Special Use, contingent on the approval of the  
164 Landmark Historic District Commission (LHDC) and subject to the protective restrictions that the  
165 Council may deem necessary, seconded by Minks. On Roll Call the Commission voted: Martine  
166 absent, Lee yes, Smith yes, Baranowski yes, Minks yes, Olds yes and Nelke absent. Motion carried.

167

168 **Item 3 Sign Code Revisions**

169 **PZ102119-4 Postponed to 1/9/2020**

170 Mr. Smith moved to postpone review of the Sign Code to 1/6/2020, seconded by Minks. Motion  
171 carried.

172

173

174 Mr. Olds moved to approve the 2020 Planning & Zoning Meeting dates, seconded by Lee.  
175 Motion carried.

176 Mr. Minks moved to adjourn the meeting, seconded by Smith. Motion carried. Meeting  
177 adjourned at 8:01 p.m.

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180

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Anita Moore, Deputy City Clerk