

CITY OF FLORISSANT



Unofficial Planning & Zoning Minutes

February 1, 2021

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CITY OF FLORISSANT



Planning and Zoning Commission

Unofficial Planning & Zoning Minutes

January 4, 2021

The Planning and Zoning Commission of the City of Florissant met for a remotely conducted meeting through a Zoom platform on Monday, January 4, 2021 at 7:00 p.m. with Chairman Olds presiding.

Roll Call

On Roll Call the following members were present via Zoom Conferencing: Steve Olds, Tim Lee, Robert Nelke, Allen Minks, Lee Baranowski, John Martine and David Smith. Also present was Phil Lum, Building Commissioner and Jacque George, Recording 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 minutes as they stand, seconded by Mr. Lee. Motion carried.

New Business

Item 1 3500 Patterson (Hucks)

PZ120720-1 Continued - Ward 4

Request for recommended approval of changes to the recorded development plan in an existing B-5, to allow for an addition, exterior changes and signage.

Chairman Olds moved to continue this item until the next Meeting to be held on Tuesday February 16, 2021. Seconded by Mr. Minks. Motion carried.

Item 2 (Feel State Dispensary) Fence
PZ020121-2 444 Howdershell (Feel State Dispensary)
Approved- Ward 3

Request approval of a security fence at located in a 'B-3' Extensive Business District.

Phil Lum, Building Commissioner, presented the staff report for this request. According to the report the proposal is for a secure fence in the rear of the property. Per the Zoning Code, section 405.125 para H, this item is a straight approval of a fence by P&Z, "2. Any fencing shall be allowed but only as directed and approved by the Planning and Zoning Commission after giving due consideration for the public safety, health and welfare and architectural designs of the City." In the back, there is proposed a security fence for delivery vehicle. While under construction of the interior, the petitioner makes this proposal. The existing shopping center was described and has plenty of parking. Drawing A2.2 was shown, indicating an all-black vinyl fence with black screening, posts and hardware. Mr. Olds asked about the extent of the existing screen fence between residential property and stated that the elevation of Keeven is lower than the shopping center. A street view was shared that shows the wood screen fence extends along Keeven, replacing the trees that used to exist along Keeven. Mr. Olds asked about clearance around the fence for traffic. Aerial views were shared and neighboring businesses in the shopping center were discussed. There is a dotted dashed line around the fencing shown within the dashed line on A2.2, but the clearance at the narrowest portion around the fence scales at 25 feet clearance for 2 passenger vehicles. Mr. Olds stated that tractor trailers may go behind the building. Mr. Lum stated that the plan must be approved by the Fire Marshal. Mr. Baranowski had concerns about room for a trash truck, but the 25 foot width appears to be adequate for a trash truck or box delivery truck have plenty of room. With no other questions, Mr. Lum stated that the suggested motion confirms that all materials will be black in color. Tyler Hannegan spoke as one of the owner-operators. Mr. Hannegan has secured the contractor and brings this before P&Z for above and beyond State regulations for security measures. The front door will thereby only be used for customers and all deliveries will come to the rear door within the security fence. This will be in conjunction with the Fire District. Mr. Olds asked whether the area will be used as a sallyport where all deliveries will be within the locked fence, confirmed by Mr. Hannegan. Mr. Minks asked whether the owner has agreed. Mr. Mangal has reviewed it per Mr. Hannegan and has agreed. Mr. Baranowski asked whether the fence meets State guidelines. Mr. Hannegan stated that the security guidelines are extensive, but that this is above and beyond. Mr. Martine asked if this was a drive-through. David Kern, Sr. Project manager from

Spiegelglass Construction stated that there is a pull through arrangement that also includes a man gate. Mr. Olds stated that the 30 foot may be overkill. Mr. Kern stated the extra width is needed because the van has both rear and side doors that need to swing open.

Chairman Olds made moved to approve the installation of a 8' heavy duty chain-link fence with all fencing and appurtances matching color (black) as presented and shown on drawings A2.1 and A2.2 dated 1/4/21. Seconded by Mr. Baranowski.

On Roll Call the Commission voted: Olds yes, Baranowski yes, Minks yes, Martine yes, Smith yes, Nelke yes, and Lee yes. Motion carried.

Item 3 Nephews Restaurant (carryout)
PZ020121-3 2170 N Waterford
Recommended Approved- Ward 9

Request recommended approval to allow for a Carry Out Restaurant at 2170 N Waterford, in a 'B-3' Extensive Business District.

Phil Lum, Building Commissioner, presented the staff report for this request. The shopping center plans were provided by Levine Associates, architects dated 1/21/21. The drawings show 56 existing spaces on the calculations, however, 55 exist on the plan, so the shopping center itself may be shy one space. Older shopping centers are being required to confirm compliance with the parking code for Special Use petitions. The plan shows both parking plan and floor plan. The owner may have opportunity to add 1 or 2 parking spaces on the side of the building. The floor plan shows a rotating curbside window and hallway through the space to the rear. The suggested motion from staff suggests adequate tenant separation as a reminder for the architect. Mr. Baranowski asked why the concern about parking for a carryout restaurant. Mr. Lum stated that the calculations are required to confirm enough required spaces for the restaurant and for the vacant space. The calculations inform the P&Z Commission of compliance with the parking code before deliberating a Special Use. Mr. Smith asked about signage or drive through. Mr. Lum confirmed there is no drive-through, but there is curb side service. Mr. Tom Kiely and Ms. Kayla Bailey spoke for Nephew's Restaurant, a well known restaurant in St Louis, but not yet in Florissant. Currently there are 2 other locations. Mr. Minks asked about the

menu. Ms. Bailey responded that American foods are served and all different sorts of foods for families and kids. She stated there will be no outside grilling or BBQ.

Chairman Olds made a motion to recommend approval for a Special Use located at **2170 N Waterford** to allow for a **carry out Restaurant (Nephews Grill)**, in a 'B-3' Zoning District, in accordance with the drawings submitted A-1 by Levine Associates dated 1/21/21, along with the following stipulations to become part of the record:

1. Facility to have adequate fire separation from other tenants.

Seconded by Mr. Smith

On Roll Call the Commission voted: Olds yes, Baranowski yes, Minks yes, Martine yes, Smith yes, Nelke yes, and Lee yes. Motion carried.

Item 4 Shade Restaurant/Bar
1752-1756 N Highway 67
PZ011621-4 Recommended Approved- Ward 9

Request recommended approval to amend a Special Use (Ord. No. 8376) to allow for adding a Nightclub Use, with Live Performances and a cover charge, in a 'B-3' Extensive Business District.

Mr. Lum presented the staff report. There are some addresses that are different on documents to review which include an expansion of the restaurant/bar to 1752-1756 N Highway 67. Plans were submitted, however, these are the plans from the Ordinance No. 8517 to expand the business. Mr. Lum said the petitioner explained that the petitioner in this ordinance obtained approval of a Special Use that included the expansion and a small stage and currently have live performances. There is a recently approved ordinance for events that is a daily \$100 dance hall license, included in P&Z packets, Ord. No. 8605. The petitioner has applied for such license, however, seeks to gain approval of an amendment to their Special Use as a Nightclub for this function, so as to avoid the \$100 fee each time they consider having a cover charge. A Nightclub, is a Special Use under the Zoning Code in this District, so performances with a cover charge fit this definition and can be proposed to P&Z and Council for consideration as a Special Use. A definition of a Nightclub is included in the staff report "“A nightclub, music club, or club, is an entertainment venue and bar that usually operates late into the night. A nightclub is generally distinguished from regular bars, pubs, or taverns by the inclusion of a stage for live music, one or more dance floor areas and a DJ booth, where a DJ plays recorded

music...” So instead of paying \$100 a day for each license, the petitioner proposes to have the Nightclub Use as an ancillary service to the Restaurant/Bar. Plans G-1 and A-1 were provided to show how the Restaurant/Bar was expanded, but propose no interior or exterior changes. There is also no change to the Occupant Load of 111 people proposed. Exterior activities are not proposed. The Staff suggested motion includes 3 items including that the Occupant Load does not change, that all activities will remain inside and that the ordinance will be an amendment to the original ordinance no. 8376 to include the Nightclub Use as an ancillary Use, as opposed to the primary Use as a Restaurant/Bar. Mr. Minks asked if parking restrictions have changed. Mr. Lum stated that the parking restrictions are unchanged. The original plan included 95 seats in the building and the site plan included a maximum occupant load of 111 people. Mr. Minks asked if the Council has been allowing \$100 licenses. Mr. Lum explained that the Council considers those one-day licenses individually. Mr. Maurice Rankin spoke on behalf of Shade Lounge. He stated that they are mainly Comedy Club, but have had a saxophonist and other musicians play. He stated that they are paying these entertainers out of their pocket and are not looking to be an all out Nighclub, but that comedy and poetry are their main activities. Mr. Olds said he appreciated that they are attempting to gain approval with all above board and follow the proper process. With no other comments,

Chairman Olds moved for Recommended Approval to amend a Special Use Ord. No. 8603, to allow for the addition of permitted uses to include a Nightclub with Live Performances and a cover charge as an ancillary Use, located at 1752-1756 N. New Florissant Rd (Shade Restaurant/Bar) in a ‘B-3’ Extensive Business District as shown on plans G-1, A-1, both dated 5/14/19 by Philip Gomez, subject to the conditions set forth below with these conditions being part of the record:

- The maximum occupant load of 111 remains unchanged for this establishment.
- Live performances shall be conducted, and customers shall remain, inside only.
- Change permitted uses in attached ord. 8376 Section 1 to: “...for the location and operation of a sit-down restaurant with carry-out service and ancillary Nightclub, featuring Live Performances inside only.”

Seconded by Nelke.

On Roll Call the Commission voted: Olds yes, Baranowski yes, Minks yes, Martine yes, Smith yes, Nelke yes, and Lee yes. Motion carried.

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208 Mr. Baranowski moved to adjourn the meeting, seconded by Mr. Smith. Motion carried. Meeting
209 adjourned at 8:35 p.m.

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Philip E Lum AIA- Building Commissioner