

MINUTES

PLANNING & ZONING COMMISSION

JANUARY 22, 2013

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PLANNING & ZONING COMMISSION

The Planning and Zoning Commission for the City of Florissant met at the Florissant City Hall Council Chambers on Tuesday, January 22, 2013 at 7:00 p.m., with Jane Boyle presiding.

On roll call the following members were present: Jane Boyle, Paul Stock, Jim Hessel, Daniel Call, Steve Olds, Dick Weller and Lee Baranowski. Also present was Julia Bennett, Court Reporter and Phil Lum, Building Commissioner.

A quorum being present the Chair declared the Planning and Zoning Commission was in session for the transaction of business.

ANNOUNCEMENTS/COMMENTS

Ms. Boyle stated that the next order of business would be approval of the minutes for the January 7, 2013 meeting.

Phil Lum stated that the spelling of **ADDIIIONS** on page 7 should be amended to read **ADDITIONS**. Hearing no other amendments Commissioner Boyle stated that the minutes would be approved as amended.

NEW BUSINESS:

Item 1 1290 North Highway 67
PZ082012-3 Specialty Trim/Tint My Ride
RECOMMENDED APPROVAL – Ward 6
Request Recommended Approval of
A Special Use Permit to Allow for
Vehicle Tinting of Windows and
Upholstery in a B-3 Zoning District.

The Chair stated Item Number One, Specialty Trim/Tint My Ride, located at 1290 North Highway 67; request recommended approval of a Special Use Permit to allow for vehicle tinting of windows and upholstery in a B-3 District.

Joseph Doyle appeared before the Commission and stated that he was seeking a Special Use Permit in order to tint windows on automobiles.

Jane Boyle asked the Petitioner if the business currently occupied this location? Mr. Doyle stated that it did. Ms. Boyle asked what had prompted the request to tint windows? Mr. Doyle stated that he had been subleasing with the owner of the upholstery business who is now semi-retired and has offered to rent him the front portion of the building. He stated that he has been working without a license and with the expansion of his business felt that now was the right time to obtain one.

Ms. Boyle asked the Petitioner if he had seen staff's recommendations? Mr. Doyle stated that he had seen them and had already planned to stripe the parking lot as recommended. He noted that the owner had asked that he wait until the parking lot was resurfaced, which should be completed in the spring.

Steve Olds asked Mr. Lum if the five planters as indicated in the plan met the City's landscaping requirements? Mr. Lum stated that he had talked to the City Attorney about what should happen when you have a building with three occupant businesses which do not have a Special Use Permit. The answer the City Attorney gave was that they are all legal non-conforming uses and Mr. Doyle can request that his Special Use Permit be separate for his portion of the building. Mr. Lum stated that whether or not Mr. Doyle shoulders the burden of complying with the entire Landscape Ordinance is really up in the air as to what this Commission might think is fair.

Per the Ordinance, Mr. Lum stated that what needs to occur is one tree for every 50 lineal feet of frontage on Lafayette and the highway; two trees on each street, and one shrub for every lineal foot of building parameter, which is probably more than five.

Mr. Lum also noted that there is a similar property down the street which is 100 percent paved with no green space, which either the City neglected or missed with respect to attaching any landscaping to the Special Use Permit.

Dick Weller stated that due to the fact that the business has been there for 40 years

and nothing has been addressed it's his belief that the potted plants would be sufficient.

Lee Baranowski stated that in his opinion if the Petitioner is paying rent then it would be up to the owner of the property to maintain it. Therefore the Petitioner should not be liable for compliance with the Landscape Ordinance.

Daniel Call, Jim Hessel and Paul Stock concurred with the statements of Commissioners Baranowski and Weller.

Dick Weller asked the Petitioner who was the enforcing authority on the density of tint? Mr. Doyle stated that it is no longer an issue as far as your vehicle inspection, so the enforcing authority would be any police department.

Jane Boyle asked if there were any further questions or comments to the Petitioner? Being no further questions or comments, Jane Boyle made a motion to recommend approval of a Special Use Permit to allow for vehicle tinting of windows and upholstery, for the property located at 1200 North Highway 67; Specialty Trim, per the plans presented. Seconded by Daniel Call and on roll call the Commission voted: Boyle yes, Stock yes, Hessel yes, Call yes, Olds yes, Weller yes and Baranowski yes.

MOTION CARRIES.

Item 2 1025 Dunn Road
PZ012213-2 St. Louis Medical Rehab Group
APPROVED – Ward 5
Request Approval of Remodeling
for a Change of Use in a B-3 District.

The Chair stated Item Number 2, St. Louis Medical Rehab Group located at 1025 Dunn Road; request approval of remodeling for a change of use in a B-3 District.

Jim Pfaff Architect and Dr. Ahmed Ali, Owner, appeared before the Commission.

Mr. Pfaff stated that their plan is to take the existing bank and remodel it to accommodate a medical office building and clinic. He stated that the main item of concern from Staff's Report was the landscaping which requires 48 plants. Mr. Pfaff stated that there are approximately 20 existing plants however the property on the east is very dense with existing trees and undergrowth, so the addition of shrubs would do very little in the way protecting the adjacent property. There are also two 6 foot sight proof fences located on the north and east sides of the building that face residential property, so from the Petitioner's viewpoint they are not sure whether it would make a lot of sense to add additional landscaping. Jane Boyle asked the Petitioner if there were islands along Dunn Road? Mr. Pfaff stated that there were, but they are not on the Petitioner's property.

Ms. Boyle asked Mr. Lum who was responsible for maintaining the islands? Mr. Lum stated while it is MoDOT's property he is not sure that they have been maintained by them.

Ms. Boyle stated that since the islands looked so bad you would think that the Petitioner might give some consideration to doing something simply to improve the front of his own property. Mr. Lum stated that there is only one instance that he is aware of where a property owner requested permission from MoDOT to add or enhance the landscaping, but as it stands, the Petitioner is only required to cut the grass, not to make improvements.

Daniel Call stated that he did not think that the Petitioner should be put in the position of having to go to MoDOT to request permission to put plantings in.

Mr. Call asked the Petitioner what was adjacent to the property on the west side?

Mr. Pfaff stated that it was a commercial building with offices for a chiropractor and dentist, even though it is zoned residential.

Mr. Call asked Mr. Lum if that was why he had recommended a screening fence?

Mr. Lum stated that the property next door to this building is very unusual in that the City granted a Special Use Permit in a residentially zoned district for a commercial building.

Therefore it is his belief that if the Commission wished they could actually recommend that the property be rezoned to commercial. Mr. Call stated that at this point he would not want to force this Petitioner to put up screening on the west property line solely because there is a commercial property. However if it was residential then he would be in agreement with the recommendation.

Mr. Call asked the Petitioner for the hours of operation? Dr. Ali stated that since he already has two offices once this site gets established it would probably only be operational three days out of the week. Mr. Call asked if the other practices were operational Monday through Friday? Dr. Ali stated that his practice in Bridgeton was open two days a week. Mr. Call recommended that the hours of operation be extended to five or seven days a week to allow for flexibility in the future. Dr. Ali agreed, since his front desk and other staff would be there five days a week from 8 a.m. to 4 p.m. or 9 a.m. to 5 p.m. Once again, Mr. Call recommended that the hours of operation be extended to 8 a.m. to 6 p.m. to allow for flexibility and prevent having to return to this Commission for any changes in the future. He then asked how many employees would be at the site? Dr. Ali stated that there

Jim Hessel agreed that it did not make sense to install a fence next to the commercial property, but that he did agree with Ms. Boyle in the sense that it would be nice to see better landscaping in the islands, although technically he understands that it is not the problem of the Petitioner.

Paul Stock asked the Petitioner what type of rehab would be provided at this location? Dr. Ali stated that his focus would be more on the pain management aspect of rehabilitation for all body parts. Mr. Stock asked if additional handicapped parking would be added to the front of the building? Dr. Ali stated that they had planned to add van accessible parking.

Daniel Call asked the Petitioner if all of the remodeling would be done to the interior of the building? Dr. Ali stated that with the exception of the pole sign and the addition of a canopy at the entrance, all modifications would be to the interior.

Dick Weller stated that this only concern was whether the one pole light in the rear of the property could adequately illuminate the rear parking spaces? Mr. Pfaff stated that the pole had two lights on it. He noted that they had been there at night and that all of the lights were in good condition, although a couple may need cleaning.

Lee Baranowski asked Mr. Lum if the existing 8 X 8 foot sign was in violation of the code? Mr. Lum stated that the sign appears to be more than 40 feet from the setback, which is the only requirement for a pole sign. Mr. Baranowski asked Mr. Lum if handicap parking spaces had to be 9 feet wide? Mr. Lum stated that the requirement is eight and five per the ADA. Mr. Baranowski asked if a medical building required more than one handicap parking space? Mr. Lum stated that the parking ratio is established by

the ADA and the code which states that there is one handicapped space per every 25 spaces. So while they can increase the requirement for the disabled it is not a requirement of the ADA.

Paul Stock asked the Petitioner if a temporary dumpster would be utilized on the site during the remodeling period? Mr. Pfaff stated that all they are doing is adding three exam rooms and a corridor, so there may not be a need for one.

Jane Boyle asked if there were any further questions or comments to the Petitioner? Being no further questions or comments, Jane Boyle made a motion to approve the remodeling of the existing building for a change of use for the property located at 1025 Dunn Road; St. Louis Medical Rehab Group. Seconded by Jim Hessel and on roll call the Commission voted: Boyle yes, Stock yes, Hessel yes, Call yes, Olds yes, Weller yes and Baranowski yes. **MOTION CARRIES.**

Item 3 890 North Lafayette
PZ110512-2 Goldkamp Heating & Cooling
APPROVED – Ward 6
Request Approval for a Special
Use Permit to Allow for Operation
Of a Mechanical Contractor in a
B-1 District.

The Chair stated Item Number Three, Goldkamp Heating & Cooling located at 890 North Lafayette; request approval for a Special use Permit to allow for operation of a mechanical contractor in a B-1 District.

Kevin Kelly appeared before the Commission and stated that this Petition is a request for approval to allow a mechanical contractor in a B-1 District.

Jane Boyle stated that this Commission had recommended that the Zoning Code be changed to allow a mechanical contractor in a B-1 District by Special Use and that City Council had approved that recommendation at their last meeting. Ms. Boyle advised the Commission that Councilman Grib had asked her to inform the Commission that they had done a fine job by recommending this revision and to keep up the good work.

Dick Weller asked the Petitioner if any material would be stored outside of the facility? Mr. Kelly stated that the only material that would be outside is material that is going to be disposed of and located within an enclosed area.

Jane Boyle asked if there were any further questions or comments to the Petitioner? Being no further questions or comments, Jane Boyle made a motion to approve a Special Use Permit to allow for the operation of a mechanical contractor for the property located at 890 North Lafayette; Goldkamp Heating & Cooling. Seconded by Jim Hessel and on roll call the Commission voted: Boyle yes, Stock yes, Hessel yes, Call yes, Olds yes, Weller yes and Baranowski yes. **MOTION CARRIES.**

MISCELLANEOUS BUSINESS

Item 4 Election of Officers

CHAIRMAN: Paul Stock nominated Jane Boyle as Chairman of the Planning and Zoning Commission and stated that if she agreed to resume this position, he would do the same with his. Seconded by Daniel Call.

The nominations were closed, all parties concur and Jane Boyle is reelected as Chair of the Planning and Zoning Commission.

VICE CHAIRMAN: Steve Olds nominated Paul Stock as Vice Chairman of the Planning and Zoning Commission. Seconded by Daniel Call.

The nominations were closed, all parties concur and Paul Stock is reelected as Vice Chairman of the Planning and Zoning Commission.

SECRETARY: Paul Stock nominated Jim Hessel as Secretary of the Planning and Zoning Commission. Seconded by Dick Weller.

The nominations were closed, all parties concur and Jim Hessel is reelected as Secretary of the Planning and Zoning Commission.

Item 5 Five Guys

Dick Weller asked Mr. Lum for an update on the status of the bollards at Five Guys Restaurant. Mr. Lum stated that the Building Division has contacted Dierbergs and asked them to address the design problem, but to date no response has been received.

Paul Stock stated that he had no problem with the outside dining area as long as they provided safety for their patrons.

Daniel Call stated that he did not think that the business should be allowed to set up outside dining until the bollards are installed.

Item 6 Chipotle Grill

Lee Baranowski stated that it would appear as though the same problem with bollards exists with Chipotle Grill.

Jane Boyle acknowledged that the bollards had been a part of the Commission's stipulation.

Steve Olds stated that the Petitioner had been concerned that if they had to install the bollards there would be no room for outdoor seating, which appears to be true.

Lee Baranowski stated that the St. Louis Bread Company also has the same type of situation.

Item 7 Sub King

Jane Boyle asked Mr. Lum if he had seen the sign that has been installed at the Sub King Restaurant? Mr. Lum stated that he had not. Ms. Boyle stated that it was her belief that they would not be allowed to use the existing particle board, which is what they have done and it looks very unprofessional. Mr. Lum stated that the Sign Permit requires a business to call for a final inspection, but sometimes they do not follow through.

Item 8 St. Ferdinand Park

Lee Baranowski stated that the van located at St. Ferdinand and Lindbergh is now parked parallel to Lindbergh utilizing three or four parking spaces.

Phil Lum stated that the Health Department has been asked to keep an eye on the van.

Item 9 Future Meetings

Daniel Call will represent the Commission at the next City Council meeting on January 28, 2013.

Jane Boyle asked if there were any further questions or comments? Being no further comments Lee Baranowski made a motion to adjourn the meeting. Seconded by Jane Boyle and the meeting is adjourned at 7:50 p.m.