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CITY OF FLORISSANT



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

May 20, 2019

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CITY OF FLORISSANT



Planning and Zoning Commission

Unofficial Planning & Zoning Minutes

May 20, 2019

The Planning and Zoning Commission met in Council Chambers at Florissant City Hall, 955 rue St. Francois on Monday, May 20, 2019 at 7:00 p.m. with Chairman Olds presiding.

Roll Call

On Roll Call the following members were present: Lee Baranowski, Steve Olds, Tim Lee, Robert Nelke, David Smith and John Martine. Allen Minks was excused. Also present was Phil Lum Building Commissioner, 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

Councilman Olds moved to amend the Minutes of 5/6/19 to eliminate the number "3" on line 87, and to replace the word Popeye's with Church's on lines 117 through 120, seconded by Nelke. Motion carried.

Chairman Olds moved to approve the amended Meeting Minutes of May 6, 2019, seconded by Lee. Motion carried.

73 **New Business**

74

75 **Item 1 Hwy 67 BBQ**

76 **PZ052019-1 1752-1754 N Florissant Road**

77 **Recommended Approval - Ward 9**

78

79 Phil Lum, Building Commissioner, presented the staff report for this request. He stated that the
80 petitioner would like to amend Special Use Ordinance No. 8376, to allow for the expansion of his BBQ
81 restaurant with outdoor cooking. The petitioner would like to extend his business into the next space
82 and add additional tables and seating. A 13 foot wooden stage and dance floor are shown on the plans.
83 No new signage is proposed. Existing parking spaces in the shopping center are likely to be adequate.
84 Compliant trash screens were constructed under permit by the landlord.

85 Mr. Nelke asked if a dance floor and music was permitted under the current Special Use Permit.
86 Mr. Lum stated that he hadn't been asked that question before, but would look into it. Chairman Olds
87 also asked Mr. Lum to explain the difference between a nightclub and a restaurant. He added that it
88 seemed to him that a dance floor might change the definition of a restaurant. Mr. Baranowski also
89 expressed concerns about a dance floor operating within a restaurant.

90 Chris Alexander, petitioner, stated that he would like to expand his space so that he would have
91 more room for his restaurant. Mr. Alexander explained that his business was doing well and because of
92 this, he needs to expand. He explained that the dance floor was for people who are eating who might
93 want to get up and dance. It is not a dance hall.

94 Chairman Olds moved to recommend approval to amend Special Use Permit No. 8376 to allow
95 for expansion of a BBQ Restaurant with outdoor cooking at 1752-1754 N. Florissant Road, Highway 67
96 BBQ, in a B-3 Zoning District, as depicted by the attached drawings: G-1 and A-1 completed by Philip
97 A. Gomez Architect, dated May 14, 2019 with permitted uses allowed being a sit-down restaurant with
98 carry-out service, and the following additional requirements:

99

100 **PROJECT COMPLETION.**

101

102 Construction shall begin within 30 days of the issuance of building permits and the structure
103 shall be completed in accordance with the plans within 180 days of start of construction.

104

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

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Item 2 Ross Clothing Store
PZ052019-2 13995 New Halls Ferry Rd
Postponed to 6/3/2019 - Ward 9

As a result of the petitioner not being in attendance, Chairman Olds moved to postpone the request to 6/3/2019, seconded by Lee. Motion carried.

Item 3 Amendment to the Zoning Code – Adult Day Care
PZ052019-3 Recommended Approval

Phil Lum, Building Commissioner, presented the staff report for this request. Mr. Lum stated that it has come to the attention of staff that the business regulations are going to be changed to reflect that adult day care establishments would not be permitted in shopping centers. As a result, this request for a change to the Zoning Code would align the Zoning Code with the Business Licensing Regulations in regards to adult day care establishments.

Chairman Olds asked what had happened to the recent adult day care establishments that Planning & Zoning had “recommended approval” on. Mr. Lee stated that the last three adult day care businesses had not been approved by the City Council. Chairman Olds also asked Mr. Lum for the number of adult day care establishments that currently exist within the city. Mr. Lee stated that he had also asked for this information on several occasions and will be asking for it again. Mr. Lum stated that he would obtain the list. Mr. Lum thought there was one or two that were pre-existing adult day cares, established before the special use requirement was put into effect.

Mr. Baranowski stated that he did not see a problem with adult day care establishments operating in a shopping center that had low traffic volume. He was concerned with the high rate of vacancies in the strip malls.

Mr. Nelke asked exactly where adult day care businesses *would* be allowed. In response, Mr. Lum stated they would only be allowed in a commercial district, as a stand-alone building or by taking over an entire small shopping center.

142 Chairman Olds moved to recommend approval to amend Title IV “Land Use” of the Florissant
143 City Code, Section 405.035 “Definitions” to revise the definition of “Adult Day Care” as follows:

144
145 **Section 405.035. “Definitions”** shall be amended to include the following:
146 By adding the following to the end of the definition of “Adult Day Care”: But such facilities shall not
147 be allowed in a “Shopping Center.”

148
149 The zoning amendment recognizes the imminent Business Regulation changes:

150 **Section 605.035. “Definitions”** shall be amended to include similar working for licensure of Adult
151 Day Care establishments.

152 The motion was seconded by Lee. On Roll Call the Commission voted: Baranowski no, Minks
153 absent, Olds no, Nelke yes, Martine yes, Lee yes and Smith yes. Motion carried.

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157 **Item 4 Amendment to the Zoning Code – Medical Marijuana**
158 **PZ052019-4 Recommended Approval**

159
160 Phil Lum, Building Commissioner, presented the staff report for this request. He stated that
161 because of state legislature deadlines, this request is being reviewed by Planning and Zoning so that the
162 City Council can vote on the code change before the state deadline.

163 Mr. Lum stated that the state Constitutional amendment allows cities to impose reasonable ‘time,
164 place and manner’ regulations but a city cannot prohibit marijuana facilities nor can a city create
165 regulations that make the operations unduly burdensome. The primary issues for the Planning &
166 Zoning Commission and the City Council are whether the City treats marijuana facilities as a Permitted
167 Use or a Special Use and the distance that they can be located from a church, school or day care center.

168 He added that since the staff report had been written, it has come to his attention that many cities
169 are requiring Special Use Permits for medical marijuana establishments. State regulators will issue the
170 licenses according to State congressional districts. There will be only 24 licenses issued to a very large
171 area, of which Florissant and North County are included. If that is the case, Mr. Lum stated that
172 Florissant would get very few of the 24 licenses issued.

173 Chairman Olds stated that he hoped Florissant would qualify for some of the licenses in order to
174 increase tax revenue for the city. He added that he thought it would be unduly burdensome for people

175 applying for a dispensary facility in Florissant, to qualify for the 750 foot requirement from a church,
176 day care or school. These facilities would be for medical use only and not recreational. Considerable
177 discussion was had regarding various distances and zoning regulations for testing facilities, cultivation
178 facilities and dispensaries. Chairman Olds felt 300 feet would be more appropriate for a dispensary
179 rather than 750 feet. Mr. Smith felt that a cultivation facility should be inside a building. Mr. Martine
180 felt that 750 feet was sufficient.

181
182 Chairman Olds moved to recommend approval to amend Title IV “Land Use” of the Florissant City
183 Code, to include:

184 AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 405, THE ZONING
185 CODE, TO ALLOW FOR MEDICAL MARIJUANA RELATED USES:

186
187 Additions to Article II: Definitions, Section 405.035

188
189 **MARIJUANA OR MARIHUANA-** Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids
190 of such species, and any other strains commonly understood within the scientific community to
191 constitute marijuana, as well as resin extracted from the plant and marijuana- infused products.
192 “Marijuana” or “Marihuana” do not include industrial hemp containing a crop- wide average
193 tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight
194 basis, or commodities or products manufactured from industrial hemp.

195
196 **MARIJUANA-INFUSED PRODUCTS-** products that are infused with marijuana or an extract
197 thereof and are intended for use or consumption other than by smoking, including, but not limited to,
198 edible products, ointments, tinctures and concentrates.

199
200 **MEDICAL MARIJUANA CULTIVATION FACILITY-** a facility licensed by the State of Missouri
201 to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Marijuana Dispensary
202 Facility, Medical Marijuana Testing Facility, or to a Medical-infused Products Manufacturing Facility.

203
204 **MEDICAL MARIJUANA DISPENSARY FACILITY:** a facility licensed by the State of Missouri to
205 acquire, store, sell, transport, and deliver marijuana, marijuana-infused
206 products and drug paraphernalia used to administer marijuana in accordance with applicable law and
207 regulations.

208
209 **MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY-** a facility
210 licensed by the State of Missouri, to acquire, store, manufacture, transport, and sell marijuana-infused
211 products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Test Facility, or to another
212 Medical Marijuana-Infused Projects Manufacturing Facility.

213
214 **MEDICAL MARIJUANA TESTING FACILITY-** a facility certified by the State of Missouri, to
215 acquire, test, certify, and transport marijuana.

216
217 Additions to Section 405.125, ‘B-3’ Extensive Business District, Special Uses is amended to
218 include a new entry to Subsection B as follows:

219 **Medical Marijuana Dispensary Facility** - (NAICS CC453999), which abides by all
 220 applicable laws and regulations, but no Medical Marijuana Dispensary Facility shall be sited on
 221 a property within **three hundred (300)** feet of a property of any then-existing church, day care
 222 center, elementary or secondary school. Measurements shall be made from the closest property
 223 line of the proposed Dispensary Facility to the closest property line of any such other use listed
 224 in this section, or in the case of location of a no Medical Marijuana Dispensary Facility in a
 225 Shopping Center, the measurement shall be taken from a determined centroid of the facility.
 226 On-site Usage Prohibited: No Marijuana shall be smoked, ingested, infused or otherwise
 227 consumed on the premises. All licenses issued to any Facility shall be displayed at the Facility.
 228

229 Additions Section 405.140 and 405.145 **‘M-1’ and ‘M-2’ Industrial Zoning Districts:** Special
 230 Uses is amended to include a new entry to Subsection B as follows:
 231

232 **Medical Marijuana-Infused Products Manufacturing Facility** (NAICS CC325415),
 233 **Medical Marijuana Testing Facility** (NAICS CC541381) and **Medical Marijuana**
 234 **Cultivation Facility-** (NAICS CC111419) which abide by all applicable laws and regulations,
 235 but no Medical Marijuana Related Facility shall be sited on a property within **seven hundred**
 236 **fifty (750)** feet of a property of any then-existing church, day care center, elementary or
 237 secondary school. Measurements shall be made from the closest property line of the proposed
 238 Facility to the closest property line of any such other use listed in this section, or in the case of
 239 location of a Medical Marijuana Facility or Use in a Shopping Center, the measurement shall be
 240 taken from a determined centroid of the facility. On-site Usage Prohibited: No Marijuana shall
 241 be smoked, ingested, infused or otherwise consumed on the premises. All licenses issued to
 242 any Facility shall be displayed at the Facility.
 243

244 Additions Section 405.125, Special Uses for the **‘NU’ Non-Urban Zoning District: Medical**
 245 **Marijuana Cultivation Facility-** (NAICS CC111419) as defined in Section 405.035, which
 246 abides by all applicable laws and regulations, subject to the following specific standards:
 247

- 248 1. No marijuana-related use or facility shall emit an odor or in any way cause a public
 249 nuisance per Section 405.1553 or Chapter 215, as applicable. The applicant shall
 250 demonstrate that the appropriate systems will be provided to prevent any odor of
 251 marijuana or fumes from leaving the facility.
- 252 2. Marijuana cultivation and processing activities shall occur only within an enclosed
 253 **structure.**
- 254 3. On-site Usage Prohibited: No Marijuana shall be smoked, ingested, infused or otherwise
 255 consumed on the premises.
- 256 4. All licenses issued to any Facility shall be displayed at the Facility.
 257

258 The motion was seconded by Nelke. On Roll Call the Commission voted: Baranowski yes,
 259 Minks absent, Olds yes, Nelke yes, Martine yes, Lee yes and Smith yes. Motion carried.
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263 **Old Business**
264 **Item 2 Amendments to the Sign Code**
265 **PZ-061818-2 Postponed to 6-3-2019**

266
267 Chairman Olds moved to postpone the “Amendment to the Sign Code” until 6/3/19, seconded
268 by Martine. Motion carried.

269 Mr. Baranowski moved to adjourn the meeting, seconded by Smith. Motion carried. Meeting
270 adjourned at 8:14 p.m.

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Anita Moore, Deputy City Clerk