CITY OF DARDENNE PRAIRIE
2032 HANLEY ROAD
DARDENNE PRAIRIE, MO 63368

PLANNING & ZONING COMMISSION
AGENDA
MAY 10, 2017
7:00 P.M.

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Mayor Zucker
Alderman Koch
Chairman Etzkorn
Commissioners:
- King
- Donahue
- Brockmann
- Shea
- Stankovich
- Bailey
- Rowley

OPEN FORUM

PUBLIC HEARINGS

1. A Rezoning Request and P.U.D. Request - Area Plan for the approximate 1.37 acres of land commonly known as 2353 Jay Court, being part of Lot 3 of Bates Estates, a Re-Subdivision of Part of Lot 1 of said Bates Estates and more particularly described in the Rezoning Request received by the City on April 4, 2017, on file with the City Clerk, from Applicant and Owner February Properties, LLC.

2. Amendment to municipal code to authorize temporary fireworks stand on property at Town Square Shopping Center

NEW BUSINESS

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2. A P.U.D. Request - Final Plan for the approximate 1.37 acres of land commonly known as 2353 Jay Court, being part of Lot 3 of Bates Estates, a Re-Subdivision of Part of Lot 1 of said Bates Estates and more particularly described in the Rezoning Request received by the City on April 4, 2017, on file with the City Clerk, from Applicant and Owner February Properties, LLC.

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APPROVAL OF MINUTES

Approval of 03-08-17 Minutes

COMMISSION COMMUNICATIONS

ADJOURNMENT

PLANNING & ZONING MINUTES MARCH 8, 2017

The City of Dardenne Prairie Planning & Zoning Commission meeting was called to order at 7:00 p.m. The meeting was held at the Dardenne Prairie City Hall located at 2032 Hanley Road.

The meeting was opened with the Pledge of Allegiance.

Present at roll call were Mayor Zucker, Alderman Koch, Chairman Etzkorn, Commissioners Bailey, Stankovich, King, Rowley and Shea. Commissioner Brockmann arrived at approximately 7:15. Commissioner Donahue was absent. Also present were City Clerk Kim Clark, City Engineer Luke Kehoe and City Attorney John Young.

OPEN FORUM – No one present to speak.

PUBLIC HEARING

1. A Conditional Use Permit Application for an approximate 6.25 acres of land more or less of the approximate 15.79 acres of land commonly known as 1575 Bryan Road bounded by Feise Road on the south by Bryan Road on the east and by the "West Branch Tributary B" creek on the north and west, and more particularly described in the Conditional Use Permit Application received by the City on January 30, 2017, from Applicant BFA, Inc., Engineer for Contractor Purchaser/Developer Wal-Mart Stores, Inc. and from the Property Owner Cora Bopp Family Limited Partnership.

Mark Harriman & Rick Rohlfing of BFA, Inc. were in attendance to present the proposal.

The following individuals spoke on the proposal:
Dave Wandling
Cathy McDermott
Kim Coil
Deetta Doyle
Eric Brunner

A motion was made by Commissioner Shea, Seconded by Commissioner Brockman to close the public hearing. Motion passed unanimously.

NEW BUSINESS

1. A Conditional Use Permit Application for an approximate 6.25 acres of land more or less of the approximate 15.79 acres of land commonly known as 1575 Bryan Road bounded by Feise Road on the south by Bryan Road on the east and by the "West Branch Tributary B" creek on the north and west, and more particularly described in the Conditional Use Permit Application received by the City on January 30, 2017, from Applicant BFA, Inc., Engineer for Contractor Purchaser/Developer Wal-Mart Stores, Inc. and from the Property Owner Cora Bopp Family Limited Partnership.

A motion was made by Commissioner Shea, Seconded by Commissioner Brockmann to recommend approval of the Conditional Use Permit. Motion passed unanimously.

2. A P.U.D. Request – Final Plan for an approximate 10.25 acres of land more or less of the approximate 15.79 acres of land commonly known as 1575 Bryan Road bounded by Feise Road on the south by Bryan Road on the east and by the "West Branch Tributary B" creek on the north and west, and more particularly described in the P.U.D. Request – Final Plan received by the City on January 30, 2017, from Applicant BFA, Inc., Engineer for Contractor Purchaser/Developer Wal-Mart Stores, Inc. and from the Property Owner Cora Bopp Family Limited Partnership.

A motion was made by Commissioner Stankovich, Seconded by Commissioner Bailey to recommend approval of the Final Plan. Motion passed unanimously.

APPROVAL OF MINUTES

Approval of 02-08-17 Minutes

A motion was made by Commissioner Brockmann, Seconded by Commissioner Shea to approve the 02-08-17 Minutes. Motion passed unanimously.

ADJOURNMENT

A motion was made by Commissioner Stankovich, Seconded by Commissioner Bailey to adjourn the meeting at 7:55 p.m. Motion passed unanimously.

Respectfully submitted,

_____

Kim Clark, City Clerk

MEMO

TO: Dardenne Prairie Planning and Zoning Commission

FROM: Luke R. Kehoe, P.E., CFM, LEED AP
Kehoe Engineering Company, Inc. (KEC)

DATE: April 26, 2017

SUBJECT: Planning and Zoning Commission Meeting Scheduled for May 10, 2017

Items for consideration at this meeting include:

PUBLIC HEARINGS:

1. **A Rezoning Request and P.U.D. Request - Area Plan for the approximate 1.37 acres of land commonly known as 2353 Jay Court, being part of Lot 3 of Bates Estates, a Re-Subdivision of Part of Lot 1 of said Bates Estates and more particularly described in the Rezoning Request received by the City on April 4, 2017, on file with the City Clerk, from Applicant and Owner February Properties, LLC.** This Rezoning Request and P.U.D. Request – Area Plan were received by the City on April 3, 2017. The present zoning classification of this land is "R-1A" Single Family Residential. The proposed zoning classification for this land is "R-1D", Planned Unit Development, Single Family Residential.

   Upon review of the Rezoning Request and P.U.D. Request – Area Plan, the enclosed 1st Review comment letter was sent to the Applicant's engineer on April 14, 2017. On April 21, 2017, the City received the enclosed revised P.U.D Area Plan dated 04/20/17 and the enclosed comment letter dated April 19, 2017, from the Applicant's engineer. Upon review, the enclosed 2nd Review comment letter was sent to the Applicant's engineer on April 26, 2017.

NEW ITEMS:

1. **A Rezoning Request and P.U.D. Request - Area Plan for the approximate 1.37 acres of land commonly known as 2353 Jay Court, being part of Lot 3 of Bates Estates, a Re-Subdivision of Part of Lot 1 of said Bates Estates and more particularly described in the Rezoning Request received by the City on April 4, 2017, on file with the City Clerk, from Applicant and Owner February Properties, LLC.** From Public Hearing Item 1 above.

2. **A P.U.D. Request - Final Plan for the approximate 1.37 acres of land commonly known as 2353 Jay Court, being part of Lot 3 of Bates Estates, a Re-Subdivision of Part of Lot 1 of said Bates Estates and more particularly described in the Rezoning Request received by the City on April 4, 2017, on file with the City Clerk, from Applicant and Owner February Properties, LLC.** This P.U.D. Request – Final Plan was received by the City on April 3, 2017.

   Upon review of this P.U.D. Request – Final Plan, the enclosed 1st Review comment letter was sent to the Applicant's engineer on April 14, 2017. On April 21, 2017, the City received the enclosed revised P.U.D Final Plan dated 04/20/17 and the enclosed comment letter dated April 19, 2017, from the Applicant's engineer. Upon review, the enclosed 2nd Review comment letter was sent to the Applicant's engineer on April 26, 2017.

EXISTING ITEMS:

1. **None.**

INFORMATION ONLY:

2. **None.**

Enclosures

cc: Board of Aldermen
Kim Clark, City Clerk
John Young, City Attorney

RBA FORM (OFFICE USE)
MEETING DATE: **April 5, 2017**
Regular ( ) Work Session (X)
ATTACHMENT: YES (X) NO ( )
Contract ( ) Ordinance (X) Other ( )

Request for Board Action
By: Mayor ZUCKER

Ward: 1

- **Description: Amend municipal code to authorize temporary fireworks stand on property at Town Square Shopping Center**

Recommendation: Staff – Approve (X) Disapprove ( )

- **Municipal Code Section 405.430, b. 7. authorizes temporary permits to sell fireworks in specified geographic areas that are zoned C-1, C-2 and I-1.**
- **Town Square Shopping Center falls within the specified geographic area but is zoned "C-3".**
- **Fireworks Stands have been permitted on Shopping Center property in years past.**
- **The City has received inquiries as to whether permits could be issued this year.**
- **As presently written the City would not be authorized to issue a permit because the area does not fall within the specified zoning districts.**
- **The proposed amendment adds the "C-3" zoning district to the existing text of Section b. 7.**
- **A question for the BOA is whether to add Town Square Shopping Center to the locales where fireworks stands would be permitted.**

- **Budget Impact: Income to the City is TBD.**

RBA requested by: Mayor Zucker

BILL NO. 17-_____

ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AMENDING SUBSECTION 7 OF SECTION 405.430 OF THE MUNICIPAL CODE BY DELETING IT IN ITS ENTIRETY; ENACTING, IN LIEU THEREOF, A NEW SUBSECTION 7 OF SECTION 405.430; PROVIDING REGULATIONS FOR THE LOCATION OF FIREWORKS STANDS AND TENTS; AND OTHER MATTERS RELATED THERETO

WHEREAS, pursuant to Section 320.121, RSMo., the City has the authority to regulate or prohibit fireworks within its corporate limits of the City and to regulate and prohibit the sale of fireworks to consumers within the corporate limits of the City; and

WHEREAS, the Board of Aldermen desires to amend the provisions of the ordinances of the City of Dardenne Prairie, Missouri, pertaining to the location of fireworks stands and tents within the City; and

WHEREAS, the Board of Aldermen of the City of Dardenne Prairie, Missouri, referred the proposed amendment to the City's Planning and Zoning Commission; and

WHEREAS, said Planning and Zoning Commission of the City considered the amendment and made a recommendation to the Board of Aldermen; and

WHEREAS, the Board of Aldermen and the Planning and Zoning Commission held Public Hearings on this proposed amendment; and

WHEREAS, at this Public Hearing interested persons and residents were given an opportunity to be heard on this proposed amendment.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:

SECTION 1. That Subsection 7 of Section 405.430 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby deleted in its entirety and replaced, in lieu thereof, with a new Subsection 7 of Section 405.430, which shall read as follows:

SECTION 405.430. TEMPORARY USES.

7. Fireworks stands or tents. Fireworks stands or tents shall be permitted as a temporary use on all parcels zoned "C-l", "C-2", "C-3", or "I-1" and having a valid non-conforming commercial use and being located either:

i. north of and not more than one thousand six hundred (1,600) feet from the northern most right-of-way line of Missouri State Highway 40/Interstate 64;

ii. south of and not more than one thousand six hundred (1,600) feet from the southern right-of-way line of that portion of Missouri Route N between Missouri State Highway 40/Interstate 64 to Post Road; or

iii. north of and not more than five hundred fifty (550) feet from the northern right-of-way line of that portion of South Outer 364 between Winghaven Boulevard/Bryan Road and Bates Road.

Any such fireworks stands or tents shall also be subject to the following conditions:

a. Applications may be obtained from the City Clerk. Applications for temporary use permits for fireworks stands or tents must be accompanied by the following:

(1) A site plan drawn to scale showing all structures on the property, both permanent and temporary, parking areas, storage areas, etc. The site plan must indicate the dimensions of the property and the exact location of all structures, including distances from property lines and between structures.

(2) A letter from the owner of the property on which the stand or tent is located, authorizing the operation of a fireworks stand or tent on the property, dated and notarized not earlier than sixty (60) days prior to the date of the application.

(3) A minimum of five (5) off-street parking spaces must be provided. These parking areas shall not be on vegetated areas that could present a fire hazard, i.e., dried grasses, weeds, etc.

b. One (1) or more signs reading "Fireworks — No Smoking" shall be displayed at all places where fireworks are stored or sold, in lettering not less than four (4) inches in height. Additionally, sufficient exits shall be provided and so indicated with "EXIT" signs.

c. One (1) fire extinguisher shall be provided within every fifty (50) feet of walking distance. The minimum weight for each fire extinguisher must be ten (10) pounds, and each fire extinguisher must have certification that it has been recharged within the preceding twelve (12) months. All fire extinguishers must be clearly visible. A minimum of two (2) fire extinguishers must be provided inside the stand or tent and at least one (1) fire extinguisher must be provided at each entrance and exit. All fire extinguishers must be rated Class A, B, and C. All employees shall be adequately trained in the use of fire extinguishers. Water barrels and buckets may be used in addition to the required number of fire extinguishers.

d. Fireworks stands or tents must be located a minimum of two hundred (200) feet from gasoline storage tanks, gasoline pumps, or any structures or areas that contain flammable materials. No fireworks to be discharged within two hundred (200) feet of tent or stand.

e. All building setback requirements of the zoning district in which a stand or tent is located must be observed. All tractor-trailers, trucks, vans, or other temporary vehicles used for storage purposes shall be located a minimum of fifty (50) feet

from the stand or tent unless, due to the size of the parcel or lot, this is not possible. In that event, the storage facilities must be located as far as possible from the stand or tent.

f. Flashing lights of any type are prohibited. All lighting shall be non-intermittent.

g. There shall be not more than one (1) sign or banner located on or attached to the fireworks stand or tent. In addition, one (1) ground sign shall be permitted for each stand or tent, located on the same property as the stand or tent. In addition, one (1) sign or advertisement shall be permitted attached to or painted on a tractor-trailer or similar large vehicle parked at the location. The total area of these signs shall not exceed four hundred (400) square feet each. All on-premises signs must meet the City's sign ordinance requirements. All off-premises signs advertising fireworks stands or tents shall comply with all rules and regulations governing signs of the zoning district in which the signs are located.

h. Each fireworks stand or tent must be kept in a clean and orderly manner and have trash removal service. Also, each stand or tent must have on site a metal refuse bin of not less than one and one-half (1½) cubic yards capacity that conforms to Federal Consumer Product Safety Commission, Part 1301 — Ban of Unstable Refuse Bins. All solid waste generated by the fireworks stand or tent must be placed in the metal refuse bin with the frequency of pickups being dictated by the size of said bin.

i. Each fireworks stand or tent must provide a portable restroom if there are not restrooms available on the site. The portable restroom must be placed out of sight and as far away from the main roadway as possible.

j. No person will be allowed within any street right-of-way flagging or directing traffic. No interference with the flow of traffic near the site of the fireworks stand or tent will be permitted. Fireworks stand or tent employees may direct customers to parking spaces only within the boundaries of the stand or tent's parking lot and driveways on private property.

k. Wholesalers may only sell to someone with a sales tax identification number. Buyers with a sales tax identification number must purchase a minimum of one hundred dollars ($100.00) of fireworks in bulk quantity.

l. The following fees have been established: Three thousand dollars ($3,000.00) for a temporary use permit per stand or tent regardless of the square footage of said stand or tent. All fees must be paid by cashier's check to the City of Dardenne Prairie. Such fee must accompany the application. A full refund will be made in the event a permit is not granted. If a permit is granted, no fees or portion thereof will be refunded.

(1) Anything contained in Section 405.430(B)(7) to the contrary notwithstanding, any non-profit or not-for-profit organization that operates a fireworks stand in the City of Dardenne Prairie, Missouri, on property owned by that organization, which is also its principal place of business, shall be required to pay a fee of one hundred dollars ($100.00) provided that no less than ninety percent (90%) of the profits the organization derived from the operation of the fireworks stand is donated to an organization or

organizations which qualify under 26 U.S.C. Section 501(c)(3) as charitable organizations. It shall be the duty of every person engaged in the business of establishing, maintaining or conducting any fireworks stand pursuant to Section 405.430(B)(7)(l) to file with the City Clerk, on or before the thirtieth (30th) day following the end of the fireworks season for that calendar year for which the permit is issued, a sworn statement of the gross receipts from such fireworks stand and a receipt from the charitable organization(s) to which said profits were donated. The City Clerk or his/her duly authorized representative may investigate the correctness and accuracy of the statement required and for that purpose shall have access to the books, documents, papers and records of such fireworks stand at all reasonable times to ascertain the accuracy thereof.

m. A certificate of insurance showing specific coverage levels and showing the City of Dardenne Prairie as additionally insured shall be provided by the applicant at the time fees are paid and shall be as follows:

Injury Including Death	$1,000,000.00 one person
	$2,000,000.00 more than one person
Property Damage	$1,000,000.00 each occurrence
	$1,000,000.00 aggregate

n. Retail sales of fireworks are permitted from fifteen (15) days prior through five (5) days after July fourth (4th) of every year. All temporary use permits issued for fireworks stands or tents shall expire on the eighth (8th) day following July fourth (4th) of every year.

o. Fireworks stand or tent owners must contact the fire protection districts or volunteer Fire Department in which the stand or tent is located regarding payment of any local fees and/or regulations so applicable.

p. If any fireworks stand or tent operator is cited for violating any of these regulations and fails to correct said violations within forty-eight (48) hours, the operator will have to close said stand or tent until the violations are corrected.

q. The following are some of the more common building and electrical code violations regarding fireworks stands or tents. Please note:

(1) All overhead electrical wires must be supported by a steel cable one-eighth (⅛) inch minimum diameter and fastened to the cable every fifty-four (54) inches.

(2) The overhead wire shall be a minimum of fifteen (15) feet from ground level.

(3) All electrical panels, receptacle boxes or any other type of exterior devices must be weatherproof and in acceptable condition to meet Electrical Codes.

(4) The only approved extension cords must have "built-in" fuse breakers.

(5) All electrical work must comply with the currently adopted National Electrical Code.

r. Field inspections. The Mayor or his/her designee, which may include the City Engineer, will inspect permitted fireworks stands and tents for compliance with the above regulations. This inspection will be made prior to the stand or tent being open for sales. It is the responsibility of the stand or tent owner to notify the City that the stand or tent is ready for inspection or re-inspection prior to being open for sales.

s. Temporary dwelling structures. No temporary building, structure, tent or stand may be constructed, raised, installed or occupied until all valid building permits have been issued pursuant to the applicable provisions of the Building Code of the City of Dardenne Prairie, Missouri.

t. Permits. All permits must be placed in plain view of the public.

SECTION 2. Effective Date: This Ordinance shall be in full force and take effect from and after its final passage and approval.

SECTION 3. Savings Clause: Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

SECTION 4. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURE PAGE TO FOLLOW].

Read two times, passed, and approved this _____ day of _____, 2017.

_____

As Presiding Officer and as Mayor

Attest:

_____

City Clerk

Approved this _____ day of _____, 2017.

_____

Mayor

Attest:

_____

City Clerk