

**CITY OF HAZELWOOD
PLAN COMMISSION MEETING
APRIL 8, 2021**

CALL TO ORDER A meeting of the City Plan Commission was called to order by Chairman Matt Struttmann at 7:00 P.M. on Thursday, April 8th, 2021, via Zoom video and phone conferencing.

ROLL CALL On roll call the following members of the commission were in attendance:

Mark Rodell	Dennis Lammert
John Gatzert	Heidi Ham
Lisa Kozieja	Barb Stogsdill
Matt Struttmann	

Mr. Struttmann declared a quorum was present. Also in attendance were City Manager Matt Zimmerman, City Planner Kate Crimmins, and Project Development Coordinator Nikki Miller.

AGENDA Mr. Gatzert made a motion, seconded by Mr. Rodell, to adopt the agenda as written.

APPROVAL OF MINUTES Mr. Rodell made a motion, seconded by Ms. Stogsdill, to approve the minutes of the March 11th meeting.

NEW BUSINESS – PETITIONS

A. Case #434-21 – 9085 Dunn Kitchen & Bar LLC d/b/a At Monroe Kitchen & Bar, 9085 Dunn Road, Ward 2.

1. Petition for a Special Land Use Permit for a Restaurant in a C-3 Highway Commercial Zoning District.

Ms. Winbush has proposed to open At Monroe Kitchen & Bar at 9085 Dunn Road, near the intersection of Dunn Road and Douglas W. Palmer Place. The restaurant will offer table service, a bar, outdoor dining, and billiard tables. The building is an existing restaurant and bar space that was previously Redbirds Sports Café.

The site is zoned C-3 Highway Commercial. All surrounding properties are also C-3, and all surrounding uses are also commercial. The adjacent businesses include the Toyota dealership, Comfort Inn and Suites, and InTown Suites.

The building is 8,651 square feet. They will be open seven days per week. Their hours will be 10:00 AM to 1:30 AM, Monday through Saturday, and 10:00 AM to 7:00 PM on Sunday. They are also seeking a full liquor license, including Saturdays. There will be up to 12 employees on maximum shift. There is a full kitchen and bar with a walk-in cooler and four

restrooms, with two being ADA accessible. They will focus on table and bar service and offer a Sunday brunch. The interior floor plan shows 27 bar stools and 47 tables with 188 seats. The restaurant has an existing fenced patio with fireplaces that will accommodate outdoor dining and will be open year-round. The patio space was added in 2010 and at the request of the Plan Commission, bollards were installed outside the fence to protect the patio from vehicles. The floor plan for the patio shows 11 tables with four seats each, for a total of 44 seats. There will be exterior speakers for music. Because the patio faces I-270, noise for the patio is unlikely to cause issues. The patio will allow smoking, which is permitted per City and County ordinances.

The parking lot has 92 parking spaces with 92 spaces required. Parking code states that when over 76 spaces are required, four shall be designated as handicap designated spaces. There are currently only two handicap spaces, so two additional shall be required. If designating two additional handicap spaces shall cause a reduction in the total number of spaces available, the City shall waive that number of spaces from the requirement.

Per request of the Hazelwood Police Department, as of January 2021, staff is requesting that all establishments applying for a full liquor license have a security camera system as described in the conditions.

The Land Use Map of the Comprehensive Plan indicates the subject site to be Commercial. The proposed use is consistent with the Comprehensive Plan.

Staff recommends that the Plan Commission approve the Special Land Use Permit for a Restaurant with the following conditions:

1. That the parking lot striping be repainted prior to opening.
2. Two additional parking spaces shall be designated as handicap parking.
3. The owner shall be required to maintain a fully functional video recording system on the property to ensure the safety of guests, to deter criminal activity, and to assist law enforcement in following up on reported criminal activity. The cameras should be set up to accurately record entry/exit doors from the inside, any area where money may be handled or stored inside the business, and a view of the parking lot from the front door of the business. The system shall be checked by the owner on a weekly basis to ensure proper functionality and the owner is responsible to make the appropriate repairs as soon as reasonably possible upon determining a defect in operation. The owner/operator shall agree to make the recording data available to law enforcement upon request. Recordings shall be saved and able to be retrieved for a minimum of 30 days.

Sara Winbush gave a presentation on the business operations.

Mr. Lammert asked if the petitioner had other locations and where they were located.

Ms. Winbush replied that she has another location in the City near Crown Candy Kitchen.

Mrs. Crimmins asked if Ms. Winbush will be closing the other location.

Ms. Winbush replied that she will be keeping the other location open, but might reduce the hours of operations.

Mr. Struttmann made a motion, seconded by Mr. Rodell, to approve the petition for a Special Land Use Permit for a Restaurant in a C-3 Highway Commercial Zoning District with the staff recommended conditions.

A roll call vote as held.

<u>AYE - 6</u>	<u>NAY- 1</u>
Mark Rodell	John Gatzert
Lisa Kozieja	
Matt Struttmann	
Heidi Ham	
Dennis Lammert	
Barb Stogsdill	

The motion passed, 6-1.

B. Case #435-21 – City of Hazelwood.

- 1. Petition to Change the Zoning Code**, Appendix A: Use Regulations of Chapter 405: Zoning Regulations of Title IV. Land Use and Section 405.040: Definitions of Terms of Article II. Definitions of Chapter 405: Zoning Regulations of Title IV. Land Use regarding the regulation of establishments that sell, distribute, repair, build, or customize firearms or firearm accessories, and the regulation of establishments that sell or distribute ammunition.

As firearm ownership and sales have become more commonplace, it has come to the City's attention that the Zoning Code is ambiguous when addressing sales and service of firearms and sales of ammunition. Currently, the only classification in Appendix A, the Use Regulations that addresses firearms is "gunsmith", which is listed as a Permitted Use in C-2 General Commercial, C-3 Highway Commercial, I-1 Light Industrial and I-2 Heavy Industrial Zoning Districts. Article II, Section 405.040, which defines terms used in the Zoning Code, contains no definition of the "gunsmith" classification, leaving it open to interpretation. While some dictionaries define a gunsmith as someone who makes and repairs firearms (Merriam-Webster Dictionary), others define gunsmith as a "person who makes, sells, and repairs small firearms" (Oxford English Dictionary).

It is staff's recommendation to create two additional definitions in Article II, Section 405.040, to eliminate ambiguity regarding firearm and ammunition sales:

1. Gunsmith – An establishment that sells, brokers, transfers, builds, repairs, or customizes firearms or firearm accessories.

2. Ammunition Sales – The sale of cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

Additionally, Staff would like to amend the Zoning Code A: Use Regulations. The classification “gunsmith” would be amended to require a Special Land Use Permit in C-2, C-3, I-1 and I-2 Zoning Districts. The classification “ammunition sales” would be added and would require a Special Land Use Permit in C-2, C-3, I-1 and I-2 Zoning Districts.

The purpose of a Special Land Use Permit, as stated in the Code, is to “impose more control over certain uses, although they may be considered to be desirable, may, because of the nature of their operations, generate excessive traffic, noise or other pollutants, overtax public utilities, pose a potential for accidents or danger to public health or safety or have a potentially detrimental effect on the value or potential development of adjacent properties. These Special Land Use Permits are not allowed by “right” without consideration of existing conditions at the proposed site and neighboring properties and the establishment of special development safeguards or conditions for the proposed Special Land Use Permit”. It is not Staff’s intent to zone firearms and ammunition sales out of the community, rather to hold them up to the same amount of scrutiny that we currently require of establishments such as restaurants, car washes, hotels, and pawn shops. Requiring a Special Land Use Permit for these facilities would allow staff greater leverage to require adequate lighting, fencing, security cameras, or other measures deemed appropriate based on the operation’s business plans and the specific site.

Requiring a Special Land Use Permit is in line with other cities that address firearm sales in their Zoning codes. Maryland Heights requires a Conditional Use Permit (CUP) for “gun shops”; O’Fallon and Dardenne Prairie require CUPs for “gun shops and gun smiths”; Ellisville requires a CUP for “fire arms sales establishments”; St. Peter’s requires a CUP for “the sale and brokerage of firearms, including transfer, and ammunition sales”. Many other cities in St. Louis County appear to have the same issue Hazelwood has currently, where firearm and ammunition sales are not specifically addressed in the Code.

This change was requested by Hazelwood Police Chief Gregg Hall.

Staff recommends this amendment to Zoning Code sections Appendix A: Use Regulations of Chapter 405: Zoning Regulations of Title IV. Land Use and Section 405.040: Definition of Terms of Article II. Definitions of Chapter 405: Zoning Regulations of Title IV. Land Use.

Mr. Lammert asked if shotgun shells would be included in the definition of ammunition sales because they are not referred to as bullets.

Mrs. Crimmins responded that the definition of ammunition sales was taken from the Alcohol, Tobacco and Firearms website and that the definitions have been sent to City Attorney Kevin O’Keefe for review.

Mr. Gatzert asked if buying back guns would be included under the definition of gunsmith.

Mr. Zimmerman stated that the definition of gunsmith could be changed to cover buying back guns for better clarification.

Mr. Rodell asked how many businesses in Hazelwood would be affected by this change in the zoning code.

Mrs. Crimmins responded that there are currently three businesses in operation that buy and sell guns; Cabela's, a pawn shop on Lindbergh and a business at the Brookes Business Center. Mrs. Crimmins stated that this change would not affect those businesses currently in operation.

Mr. Rodell asked if the focus was on guns and ammunition, or if all weapons should be included in this change.

Ms. Stogsdill expressed concerns about infringing on the 2nd Amendment and stated that she would like to table this petition to allow more time for review.

Mrs. Crimmins stated that it is not the City's intent to zone gun sales out of the community, or limit sales to a specific neighborhood, but to provide more leverage on those businesses that could potentially pose a safety risk to the community.

Ms. Stogsdill asked if the change in zoning code was for a specific reason or a general reason.

Mr. Zimmerman responded that this change was for a general reason because Planning & Zoning protects the public health, safety and welfare, and putting appropriate land uses in appropriate locations is a key part of that. He also stated that the City has a right to regulate through Zoning any uses that might have a disparate impact on a community or neighborhood through additional.

Ms. Stogsdill asked if those items were currently in place.

Mr. Zimmerman responded that the proposed changes would require a Special Land Use Permit with certain conditions.

Mr. Gatzert asked about selling firearms as a home based business.

Mrs. Crimmins responded that the sale of firearms does not fall under the classification of a home based business.

Mr. Gatzert made a motion, seconded by Mr. Struttmann, to table the petition to change the Zoning Code regarding the regulation of establishments that sell, distribute, repair, build, or customize firearms or firearm accessories, and the regulation of establishments that sell or distribute ammunition until the next City Plan Commission meeting, May 13th, to allow more time for board members to review the changes.

The motion passed unanimously.

DISCUSSION ITEMS – None.

UNFINISHED BUSINESS – The Plan Commission agreed to cancel the annual Board & Commission dinner.

Ms. Miller asked for clarification on the change in number of employees on maximum shift for At Monroe Kitchen & Bar, and whether or not the change in employee numbers would affect required parking, and

Mrs. Crimmins responded that this was the first she had heard of the change in number of employees and that she would look into the matter.

CORRESPONDENCE - None.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS - None.

COMMISSION MEETING The next meeting is scheduled for May 13th, 2021.

ADJOURNMENT There being no further business to come before the City Plan Commission, the meeting was adjourned at 7:45 P.M.

Matt Struttmann, Chairman

Nikki Miller, Project Development Coordinator