

**CITY OF WASHINGTON, MISSOURI
PLANNING & ZONING COMMISSION MEETING
405 JEFFERSON STREET, WASHINGTON, MISSOURI
COUNCIL CHAMBERS -- GROUND LEVEL
Monday, December 10th, 2018 @ 7:00 P.M.**

- 1)** Announcement of Meeting / Call to Order/ Roll Call / Pledge of Allegiance.
- 2)** Approval of Minutes from November 13th, 2018
- 3) Case No. 18-1103**-Jack Hagedorn-Applicant is requesting a rezoning from R-2 Two-Family Residential to R-1C, Single Family Attached.
- 4) Case No. 18-1104**-Jack Hagedorn-Applicant is requesting a preliminary plat for 505 & 507 W. Second Street.
- 5) Case No. 18-1201**-Doug Riegel-Applicant is requesting to rezone 807 W. Fifth Street from R-3 to R-1B, Single Family Residential.
- 6) Case No. 18-1202**-Doug Riegel-Applicant is requesting a preliminary plat for Birchwood Plat II.
- 7) Case No. 18-1203**-Voluntary Annexation-Ed Schmelz-Hwy 100 & Bluff Road-Applicant is requesting to annex 19.5 acres located at the intersection of Hwy 100 and Bluff Road.
- 8) Code Amendments.**
- 9) Adjournment.**

NOTE: ATTENDANCE AT THIS PLANNING AND ZONING COMMISSION MEETING BY A KNOWLEDGEABLE REPRESENTATIVE OF YOUR INTERESTS IS RECOMMENDED. ANY QUESTIONS CONCERNING YOUR REQUESTS THAT ARE NOT ANSWERED AT THIS MEETING MAY RESULT IN YOUR REQUEST BEING TABLED OR DENIED.

**CITY OF WASHINGTON, MISSOURI
PLANNING & ZONING COMMISSION MEETING MINUTES
Monday, November 12th, 2018 7:00 p.m.**

The regular meeting of the Planning & Zoning Commission was held on the aforementioned date and time in the Council Chambers of City Hall, located at 405 Jefferson Street in Washington, MO.

- 1) The meeting was called to order, Pledge of Allegiance, and the following roll call was taken:

Present: Carolyn Witt, Mark Hidritch, Mark Kluesner, Mark Piontek, Tom Holdmeier, Sandy Lucy, Chuck Watson, Samantha Cerutti Wacker

Absent: Tony Gokenbach, John Borgmann

- 2) **Approval of the minutes from October 8th, 2018-Motion to approve, seconded, and passed without dissent.**

- 3) **Case No. 18-1101-**Maria Whitworth-Preliminary Plat approval for 4975/4979 South Point Road.

John Nilges- The applicant recently rezoned the property to R-1C Single Family Attached to allow for zero lot lines between each structure. This proposed plat allows subdivides the lot into Lot 77A and Lot 77B placing each duplex on a lot of its own. The plat shows the appropriate easements and meets the minimum lot size requirements of 6,000 square feet.

After a short discussion, motion was made and seconded, passed without dissent.

- 4) **Case No. 18-1102-**Charles & Linda Johnson-Special Use Permit-504 W. Third Street-Short term lodging.

John Nilges- According to Section 400.120 – A Vacation Rental Dwelling (short-term rental) located on a property zoned R-1B must obtain a Special Use Permit. The subject property is located R-1B. It is surrounded by single family residential homes with one home to the west being utilized as an “AirBnB” or short term vacation rental. Short term lodging is a low frequency use, creates minimal traffic, and does not create any commercial activity that should disturb the surrounding properties.

After a short discussion, motion was made and seconded, passed without dissent.

- 5) **Other Business-**Historic Preservation Landmark Information.

After a short discussion, motion was made and seconded, passed without dissent to move on to Council.

Motion made to adjourn at 7:25, seconded and passed without dissent.

Approved: _____
Thomas R. Holdmeier, Chairman

Next meeting of the Planning & Zoning Commission will be held December 10th, 2018

To: Planning and Zoning Commission

From: Planning and Engineering Department Staff

Date: December 10, 2018

Re: File # 18-1103

Synopsis: The applicant is requesting a rezoning from R-2 Two Family Residential to R-1C Single Family Attached.

Adjacent Land Use /Zoning Matrix		
	Existing Land Use	Existing Zoning
North	Duplexes	R-2 / R-1C
South	Single Family	R-20
East	Duplexes	R-20
West	Duplexes	R-20

Analysis:

The applicant is requesting a rezoning from R-2 Two Family Residential to R-1C Single Family Attached. The property currently has a duplex on it. In order to subdivide the property into two lots and have a shared wall between the duplexes, it needs to be rezoned to R-1C.

The proposed use will remain the same, the new zoning will just allow for a zero-lot line between the structures.

Recommendation:

Staff recommends approval of the request to rezone 505 and 507 W. Second Street from R-2 Overlay Two Family Residential to R-1C Single Family Attached.





Legend

- C-3
- M-1
- R-1B
- R-1C
- R-2 O
- R-3

18-1103

CITY OF WASHINGTON, MISSOURI
Department of Planning and Engineering Services
405 JEFFERSON STREET • WASHINGTON, MO 63090
636.390.1010 phone • 636.239-4649 fax

Applicant Information for Rezoning Land

Please print:

Site Address: 505 W. 2nd Street

Lot # _____ Subdivision: _____

PID# 10-5-15.0-3-020-099.202

Applicant Name Jack Hagedorn Daytime phone _____

Address of Applicant 505 W 2nd Street

Name of Owner Jack Hagedorn Daytime phone 1362392606

Address of Owner (if different from Applicant) _____

Site Information

Address or Legal: 505 W 2nd Street

Current Zoning: R-20 Lot Size: _____

Existing Land Use: _____

Proposed Zoning and Intended Use of Property: R-1C Single Family Attached

Surrounding Land Use

North _____ South _____

East _____ West _____

To the best of my knowledge and belief, the data in this application and all attachments thereto are true and correct.

Jack Hagedorn _____
Signature of Applicant Date

Jack Hagedorn _____
Signature of Landowner (if different) Date

Loren Martin Hatch 11/9/2018

LOREN MARTIN HATCH Page 3 of 3 (Rezoning Application)

507 W 2ND STREET

18-1103

CITY OF WASHINGTON, MISSOURI
Department of Planning and Engineering Services
405 JEFFERSON STREET • WASHINGTON, MO 63090
636.390.1010 phone • 636.239-4649 fax

Applicant Information for Rezoning Land

Please print:

Site Address: 505 W. 2nd Street

Lot # _____ Subdivision: _____

PID# 10-5-15.0-3-020-099.202

Applicant Name Jack Hagedorn Daytime phone _____

Address of Applicant 505 W 2nd Street

Name of Owner Jack Hagedorn Daytime phone 0362392606

Address of Owner (if different from Applicant) _____

Site Information

Address or Legal: 505 W 2nd Street

Current Zoning: R-20 Lot Size: _____

Existing Land Use: _____

Proposed Zoning and Intended Use of Property: R-16 Single Family Attached

Surrounding Land Use

North _____ South _____

East _____ West _____

To the best of my knowledge and belief, the data in this application and all attachments thereto are true and correct.

Jack Hagedorn _____
Signature of Applicant Date

Jack Hagedorn _____
Signature of Landowner (if different) Date

To: Planning and Zoning Commission

From: Planning and Engineering Department Staff

Date: December 10, 2018

Re: File # 18-1104

Synopsis: The applicant is requesting a preliminary plat for 505 and 507 W. Second Street.

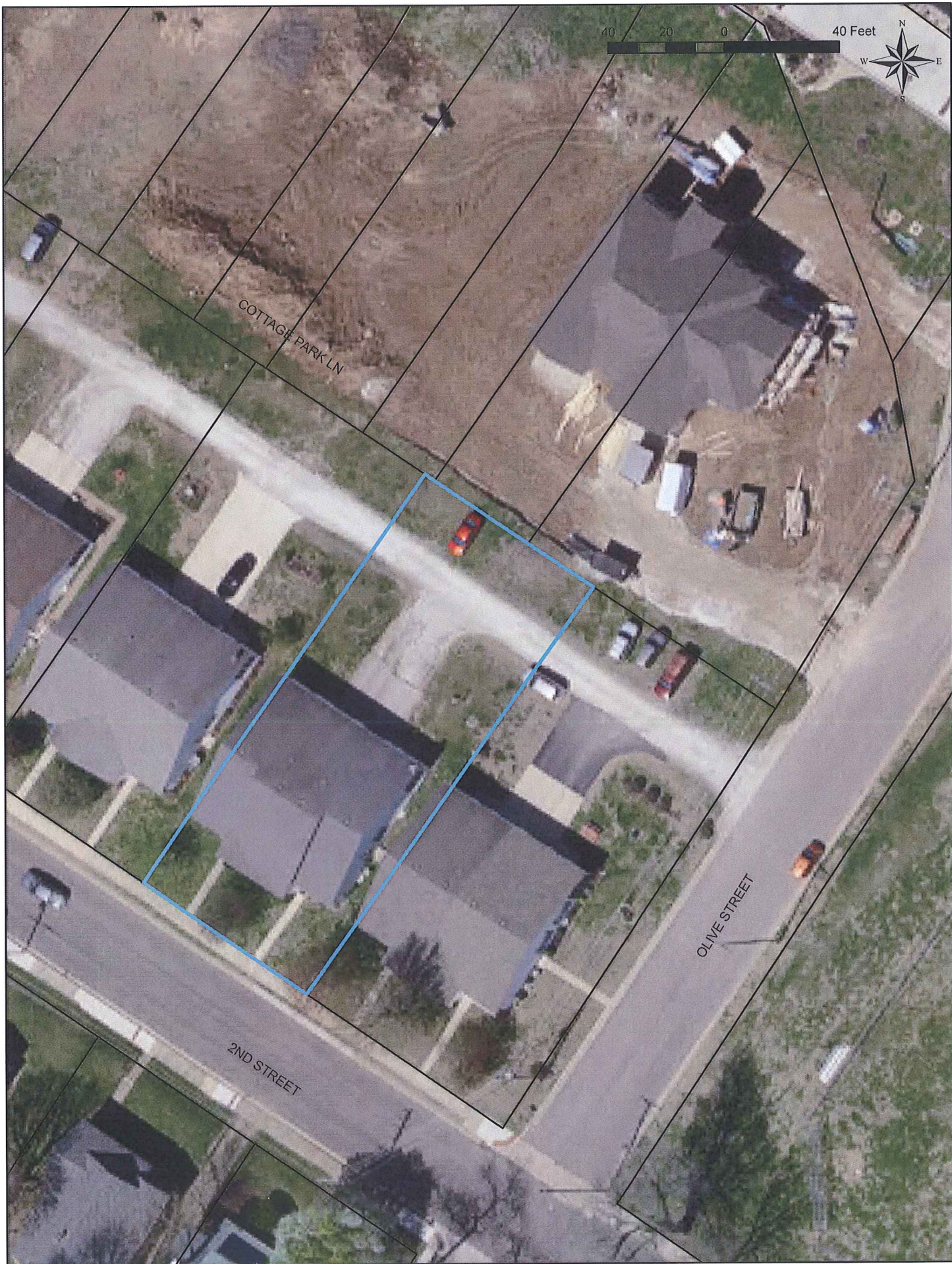
Adjacent Land Use /Zoning Matrix		
	Existing Land Use	Existing Zoning
North	Duplexes	R-2 / R-1C
South	Single Family	R-20
East	Duplexes	R-20
West	Duplexes	R-20

Analysis:

The applicant has also requested to rezone the property to R-1C Single Family Attached to allow for zero lot lines between each structure. This proposed plat allows subdivides the lot into Lot 1 and Lot 2 of the Cottage Park Plat IV Subdivision placing each duplex on a lot of its own. The plat shows the appropriate easements and meets the minimum lot size requirements of 6,000 square feet.

Recommendation:

Staff recommends approval of Preliminary Plat for Cottage Park Plat IV.



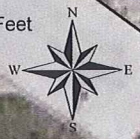
COTTAGE PARK LN

2ND STREET

OLIVE STREET

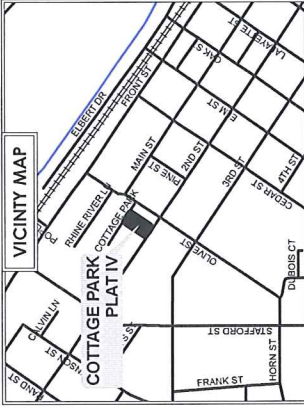
40 20 0

40 Feet



COTTAGE PARK PLAT IV

UNITS 1 & 2 OF COTTAGE PARK CONDOMINIUM PLAT 2 A/K/A LOT 2 OF COTTAGE PARK PLAT 1, LOCATED IN THE SW FRACTIONAL 1/4 OF SECTION 15, TOWNSHIP 44 NORTH, RANGE 1 WEST OF THE 5TH P.M., CITY OF WASHINGTON, FRANKLIN COUNTY, MISSOURI



Certificate of Ownership

The undersigned are the owners of Lot 1 and 2 of "Cottage Park Plat IV" as shown on the plat of "Cottage Park Plat IV" recorded in Plat Book O Page 944 in the Franklin County Recorder of Deeds Office. The undersigned hereby certify that the foregoing instrument was filed for record on the _____ day of _____, 2018, at _____, Missouri, and duly recorded in _____, Missouri, on _____, 2018.

In testimony whereof, I hereunto set my hand and affixed my official seal, at my office in Union, the date aforesaid.

Jennifer L. Metcalf, Recorder of Deeds
By: _____ Deputy
Linda Emmons, Collector of Revenue for Franklin County, Missouri, first being sworn and depose and say that I am familiar with the land belonging to Betty & Loren Hatch and Jack & Joann Hagdorn and subdivided as "Cottage Park Plat IV" and further state that there are no delinquent tax assessments on the aforesaid land shown due Franklin County.

Notary Public
My commission expires: _____
STATE OF MISSOURI
COUNTY OF FRANKLIN
On this _____ day of _____, 2018, in the year _____, before me, the undersigned notary public, personally appeared _____ known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained. In witness whereof, I hereunto set my hand and official seal.

Mary Tiedemann
City Clerk, City of Washington, MO

I, Mary Tiedemann, City Clerk for and within the City of Washington, Missouri, do certify that the above plat of Cottage Park Plat IV, was approved by the City of Washington, Missouri by Ordinance No. _____ passed and approved the _____ day of _____, 2018.

Linda Emmons, Collector of Revenue
Franklin County MO

UNIT 1 & 2 OF COTTAGE PARK CONDOMINIUM PLAT 2
A/K/A LOT 2 OF COTTAGE PARK PLAT 1, LOCATED IN THE SW FRACTIONAL 1/4 OF SECTION 15, TOWNSHIP 44 NORTH, RANGE 1 WEST OF THE 5TH P.M., CITY OF WASHINGTON, FRANKLIN COUNTY, MISSOURI
SURVEY PREPARED FOR: BETTY & LOREN HATCH AND JACK & JOANN HAGDORN
SITE OF SURVEY: S05 & S07 W SECOND ST WASHINGTON MO 63090
DATE OF FIELD WORK: 07/18/2018 DATE OF DRAWING: 10/07/2018
State of Missouri)
County of Franklin)

This is to certify to Betty & Loren Hatch and Jack & Joann Hagdorn, that we have during the month of September, 2018, executed a survey and subdivision of a tract of land being Unit 1 and Unit 2 of Cottage Park Plat IV, located in the SW fractional 1/4 of Section 15, Township 44 North, Range 1 West of the 5th P.M., in the City of Washington, Franklin County, Missouri. To the best of my knowledge and belief this plat represents a true and accurate record of said survey and was executed in accordance with the laws and regulations of the State of Missouri, and the Department of Insurance, Financial Institutions and Professional Regulation, Division of Land Survey. Witness my original signature and seal this 9th day of October, 2018.

Kurt J. Muser, P.L.S. #1852
J. Muser
Number LS-1852
REGISTERED LAND SURVEYOR
OF MISSOURI

MUSER & ASSOCIATES
KURT MUSER, REGISTERED LAND SURVEYOR
204 OAK ST WASHINGTON MO 63090
636-239-1247

Legal Description of Cottage Park Plat IV
A tract of land located in the Southwest fractional quarter of Section 15, Township 44 North, Range 1 West of the 5th P.M., in the City of Washington, Franklin County, Missouri, being all of Unit 1, Unit 2 and associated Common ground of Cottage Park Condominium Plat 2, a subdivision recorded in Plat Book O, Page 944 in the Franklin County Recorder of Deeds Office, previously known as Lot 2 of Cottage Park Plat 1, a subdivision recorded in Plat Book O, Page 780 in the Franklin County Recorder of Deeds Office.
Subject to any and all easements, restrictions, conditions, etc., of record.

NOTES:
1. North derived from the bearings of record of the plat of Cottage Park Condominium Plat 2, a subdivision recorded in Plat Book O Page 944 in the Franklin County Recorder of Deeds Office.
2. Details of record for the subject property are Document #1918562 and Book 1796 Page 871 as recorded in the Franklin County Recorder's Office.
3. Property is zoned R-2 O.
4. This survey meets the Accuracy standards for "Urban Property".
5. Subject to any and all easements, restrictions, conditions, etc., of record.

FOUND IRON ROD/PIPE
SET IRON ROD/CAP

10 5 0 10 20 30 40
1 INCH = 20 FEET

LOT 1A
LOT 1B
LOT 2A
LOT 2B
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LOT 98
LOT 99
LOT 100

submitted by Sept. 21st 18-1104

min 6,000 sq. ft lots

CITY OF WASHINGTON, MISSOURI
Department of Planning and Engineering Services
405 Jefferson Street • Washington, Missouri 63090
636.390.1010 phone • 636.239.4649 fax

PRELIMINARY PLAT APPLICATION

Date: 10-12-18

Applicant Information:

Name: Everett (Jack) Hagedorn Phone: 636 239 2606

Address: 505 W 2nd St. Washington MO

Do you own the subject property? ☒ Yes ☐ No

If not, please provide ownership information here:

Name: _____ Phone: _____

Address: _____

Name of Proposed Subdivision: Cottage Park Plat IV

Number of Lots Proposed: 2 Zoning District(s): R-1C

Two copies of a detailed plat of the subject property must accompany this request.

Fee: Seventy-five dollars (\$75.00) for the first two lots, plus seven dollars (\$7.00) for each lot in excess of two. This fee must be paid to the City of Washington at the time this application is filed.

APPLICANT'S SIGNATURE:

Everett Jack Hagedorn

APPLICANT/COMPANY NAME (Printed):

LANDOWNER SIGNATURE(s):

Everett Jack Hagedorn

LANDOWNER NAME (Printed):

To: Planning and Zoning Commission

From: Planning and Engineering Department Staff

Date: December 10, 2018

Re: File # 18-1201 – Doug Riegel Rezoning

Synopsis: The applicant is requesting to rezone 807 W 5th Street from R-3 to R-1B Single Family Residential

Adjacent Land Use /Zoning Matrix		
	Existing Land Use	Existing Zoning
North	Apartment Complex	R-3
South	Single Family	R-1B
East	Apartments	R-3
West	Washington Chiropractic	R-20

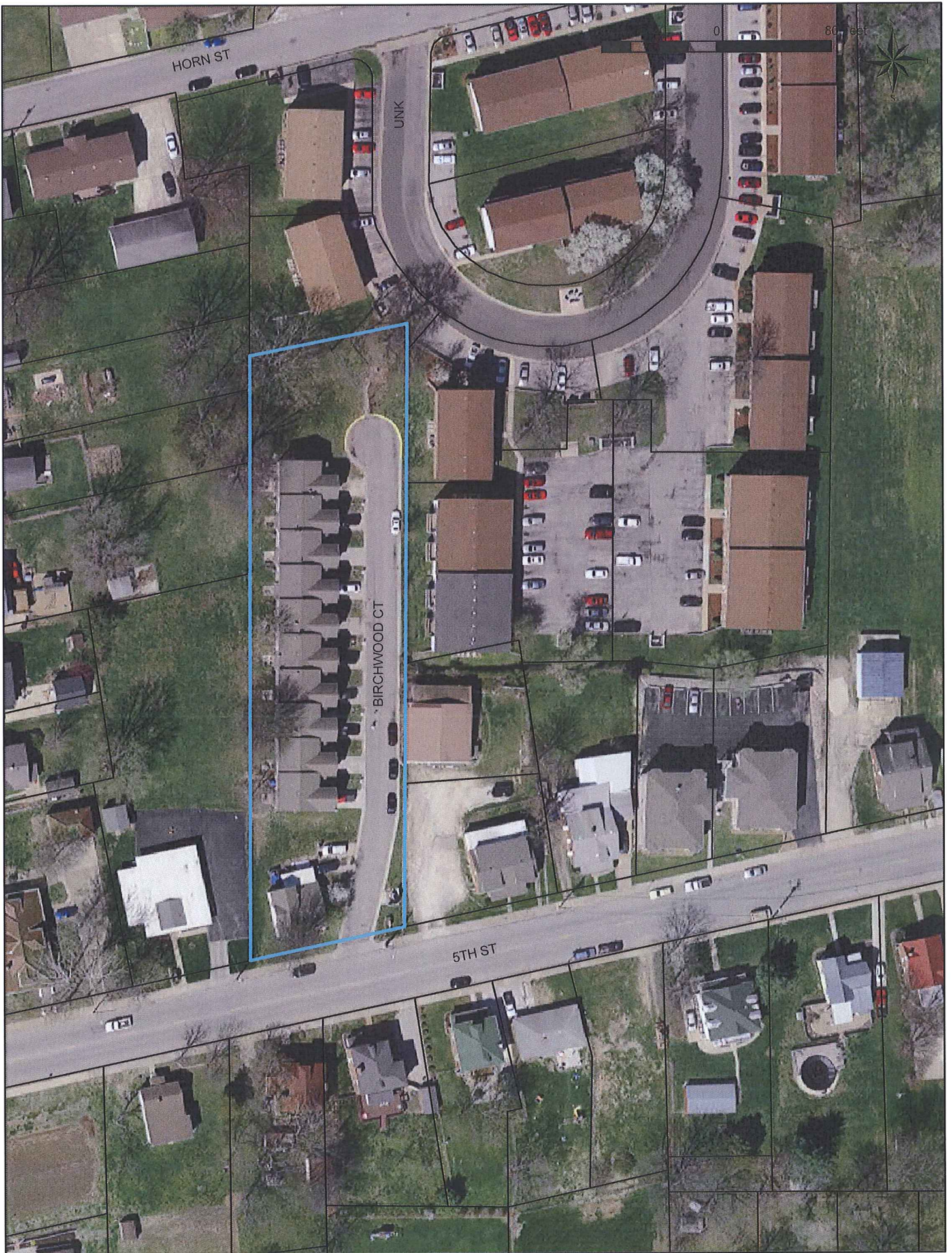
Analysis:

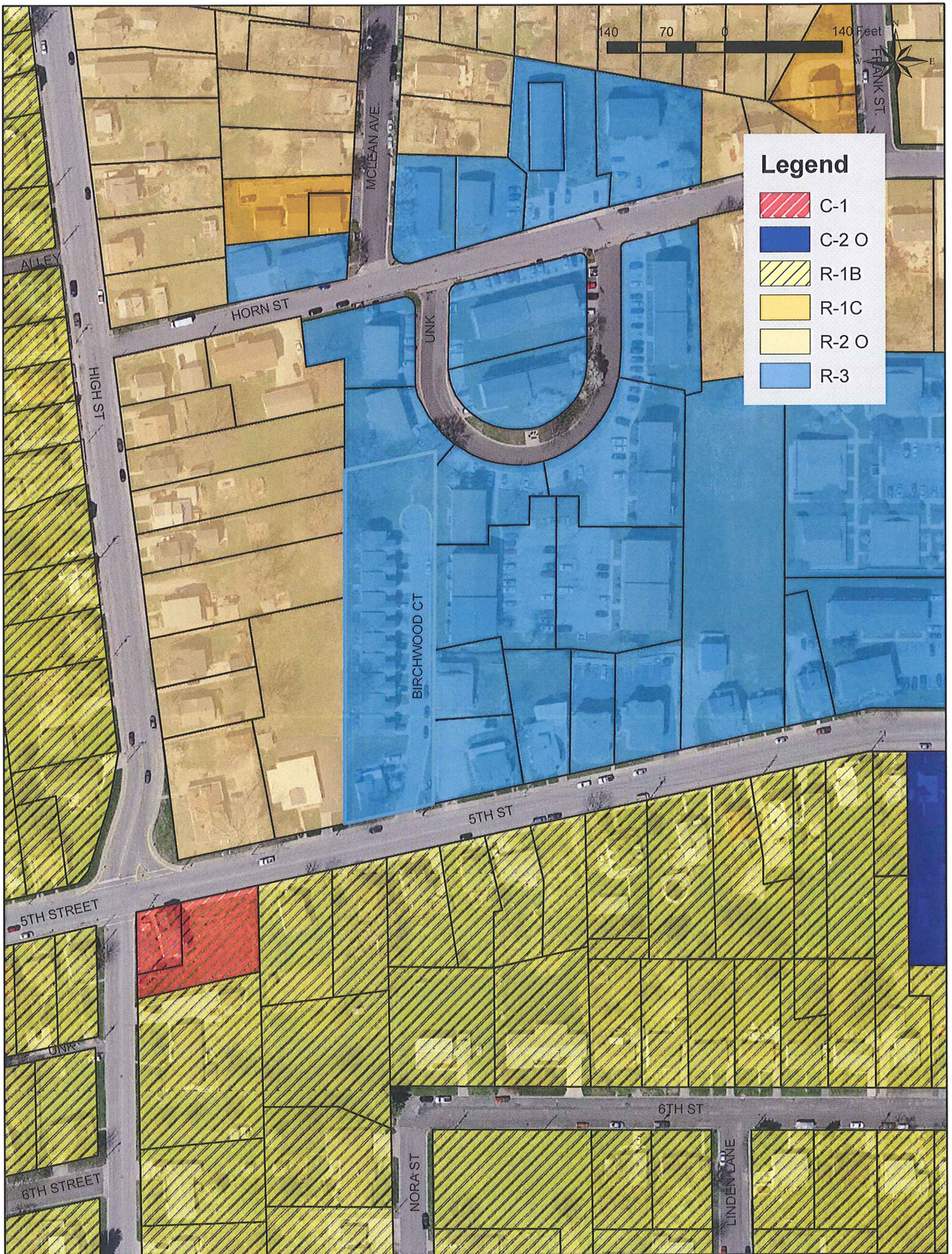
The applicant is simultaneously requesting a preliminary plat to subdivide the Birchwood Plat into two lots and rezone 807 W. 5th Street as a newly created lot from R-3 Multi-Family to R-1B Single Family Residential. The newly created lot meets the minimum lot size and width requirements for the R-1B zone district. This corridor of 5th Street also has a mix of single family, multi family, and commercial zoning making the requested zoning compatible with the surrounding area.

The proposal does not physically change anything in nature of the development and should not detrimentally impact the surrounding area.

Recommendation:

Staff recommends approval of rezoning 807 W. 5th Street from R-3 Multi Family Residential to R-1B Single Family Residential.





18-1201

CITY OF WASHINGTON, MISSOURI
Department of Planning and Engineering Services
405 JEFFERSON STREET • WASHINGTON, MO 63090
636.390.1010 phone • 636.239.4649 fax

Applicant Information for Rezoning Land

Please print:
Site Address: 807 West Fifth Street

Lot # 1 Subdivision: Birchwood

PID# 10-5-22.0-2-067-287.000

Applicant Name Doug Riegel Daytime phone 314-581-6044

Address of Applicant 6880 Whiskey Creek Road, Washington, MO 63090

Name of Owner Riegel Properties, LLC Daytime phone _____

Address of Owner (if different from Applicant) _____

Site Information

Address or Legal: Pt. of Lot 1 of Birchwood

Current Zoning: R-3 Lot Size: 1.02 acres

Existing Land Use: Single Family Res. & Multi Family Res.

Proposed Zoning and Intended Use of Property: R1B - for existing Single Family Res.

Surrounding Land Use

North Multi-Family South Residential

East Residential West Chiropractor Clinic

To the best of my knowledge and belief, the data in this application and all attachments thereto are true and correct.

 _____
Signature of Applicant Date 11/21/18

Signature of Landowner (if different) Date

To: Planning and Zoning Commission

From: Planning and Engineering Department Staff

Date: December 10, 2018

Re: File # 18-1202

Synopsis: The applicant is requesting a preliminary plat for Birchwood Plat II

Adjacent Land Use /Zoning Matrix		
	Existing Land Use	Existing Zoning
North	Apartment Complex	R-3
South	Single Family	R-1B
East	Apartments	R-3
West	Washington Chiropractic	R-20

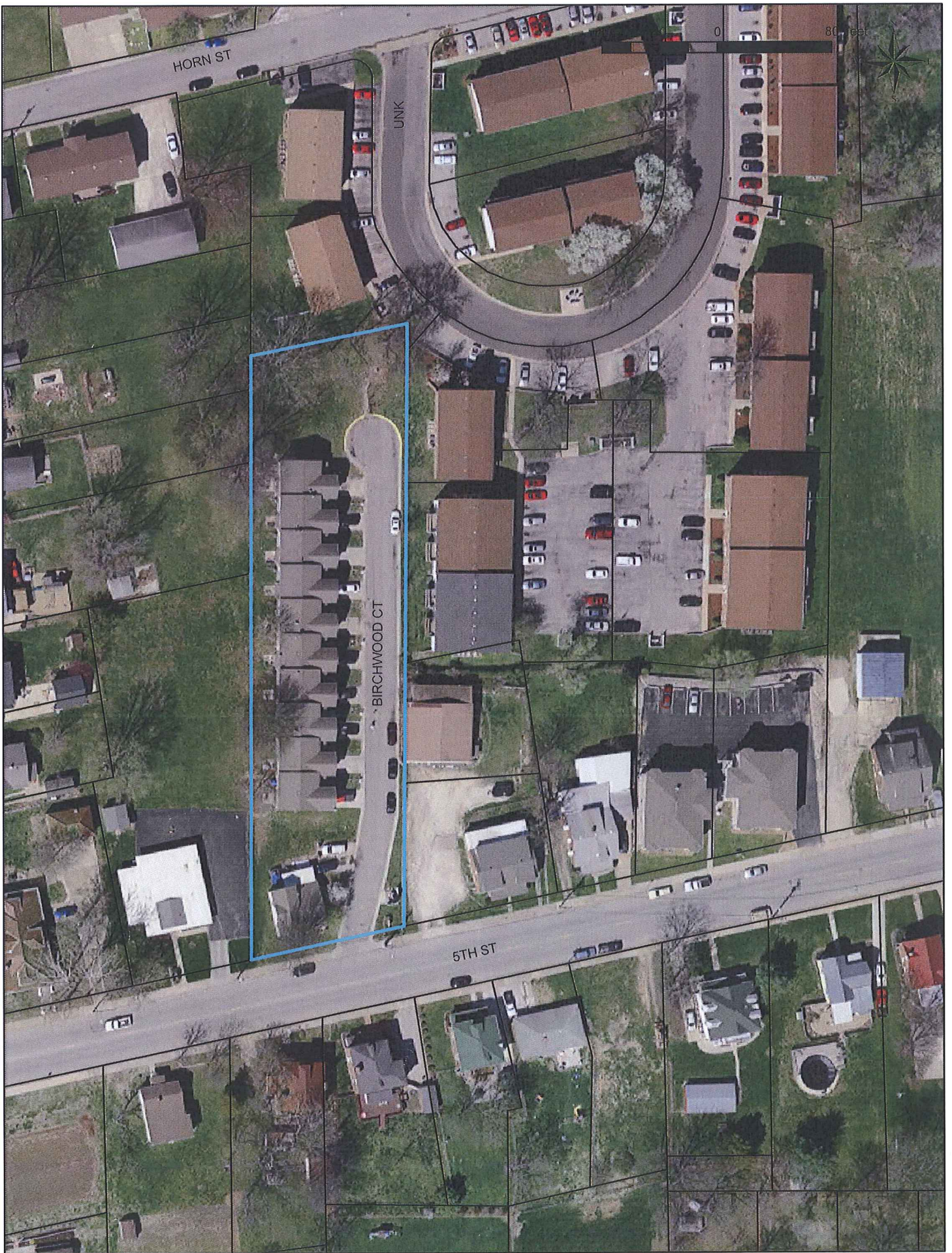
Analysis:

The applicant is simultaneously requesting a preliminary plat to subdivide the Birchwood Plat into two lots and rezone the new smaller lot with an existing home on it to single family residential. The proposed plat meets the zoning requirements of the existing zone district for the remaining lot and the width and size requirements for the proposed lot. The existing driveway that accesses the Birchwood townhomes is entirely on Lot 1B and does not require a cross access easement. The home, that is being subdivided off and rezoned is now proposed to be on Lot 1 A. The home does have a concrete drive off of Lot 1B, however, an access easement is not required as off-street parking is not a requirement in the proposed R-1B zone district.

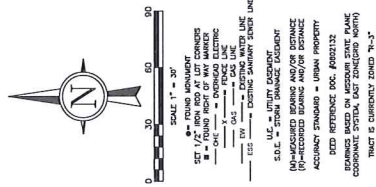
The proposal does not physically change anything in nature of the development and should not detrimentally impact the surrounding area.

Recommendation:

Staff recommends approval of Preliminary Plat for Birchwood Plat II.



BEING A RE-SUBDIVISION OF LOT 1 OF BIRCHWOOD
IN PT. OF THE NW 1/4 OF SEC. 22, T44N, R1W OF THE 5TH P.M.
IN THE CITY OF WASHINGTON MO., FRANKLIN COUNTY, MO.



Schedule B of a current title report has not
 been obtained, or the title insurance policy does
 not contain a commitment to obtain a current title
 report and the investigation has been conducted
 based on the present status of documents or other
 restrictive conditions affecting the subject being
 insured, the title insurance policy must not be
 issued. The title insurance policy must specifically
 require the insured to obtain a current title report.
 Furthermore, unless a current title report, the
 land owner's initials or signature, or the owner's
 name as shown herein are correct.
 Anything not visible from the surface is not
 certified to.
 Compliance by deed shall follow recitation of
 plat to closing separately.
 The land owner's initials or signature shall appear
 to the land owner's name as shown herein has been granted,

ZONING R-1
FRONT SETBACK: 25 FEET
SIDE YARD SETBACK: 25 FEET
REAR SETBACK: 25 FEET

MINIMUM LOT AREA FOR DOUBLE-FAMILY
Dwelling: 12,000 SQ. FT. PLUS 1,000 SQ. FT.
FOR EACH UNIT IN EXCESS OF FOUR

MINIMUM WIDTH OF LOT: 30 FEET

ZONING R-2
FRONT SETBACK: 25 FEET
SIDE YARD SETBACK: 6 FEET
REAR SETBACK: 25 FEET

MINIMUM LOT AREA FOR SINGLE-FAMILY
Dwelling: 6,000 SQ. FT.

עצמאות ישראל



BEING A RE-SUBDIVISION OF LOT 1

2082	SHARY	SHORT
1'-30"		

18-1202

CITY OF WASHINGTON, MISSOURI
Department of Planning and Engineering Services
405 Jefferson Street • Washington, Missouri 63090
636.390.1010 phone • 636.239.4649 fax

PRELIMINARY PLAT APPLICATION

Date: November 20, 2018

Applicant Information:

Name: Doug Riegel Phone: 314-581-6044

Address: 6880 Whiskey Creek Road, Washington, MO 63090

Do you own the subject property? ☒ Yes ☐ No

If not, please provide ownership information here:

Name: _____ Phone: _____

Address: _____

Name of Proposed Subdivision: Birchwood Plat 2

Number of Lots Proposed: 2 Zoning District(s): R-3 and R1B

Two copies of a detailed plat of the subject property must accompany this request.

Fee: Seventy-five dollars (\$75.00) for the first two lots, plus seven dollars (\$7.00) for each lot in excess of two. This fee must be paid to the City of Washington at the time this application is filed.

APPLICANT'S SIGNATURE:



APPLICANT/COMPANY NAME (Printed):

Doug Riegel

LANDOWNER SIGNATURE(s):

LANDOWNER NAME (Printed):

To: Planning and Zoning Commission

From: Planning and Engineering Department Staff

Date: December 10, 2018

Re: File # 18-1203 – Voluntary Annexation – Ed Schmelz – Highway 100 and Bluff Road

Synopsis: The applicant is requesting to annex 19.5 acres located at the intersection of Highway 100 and Bluff Road. Description and exhibit attached.

Adjacent Land Use /Zoning Matrix		
	Existing Land Use	Existing Zoning
North	ZX Gas Station / Industrial	M-2 Heavy Industrial
South	Vacant Land	N/A
East	Vacant Land	N/A
West	Church	C-2

Analysis:

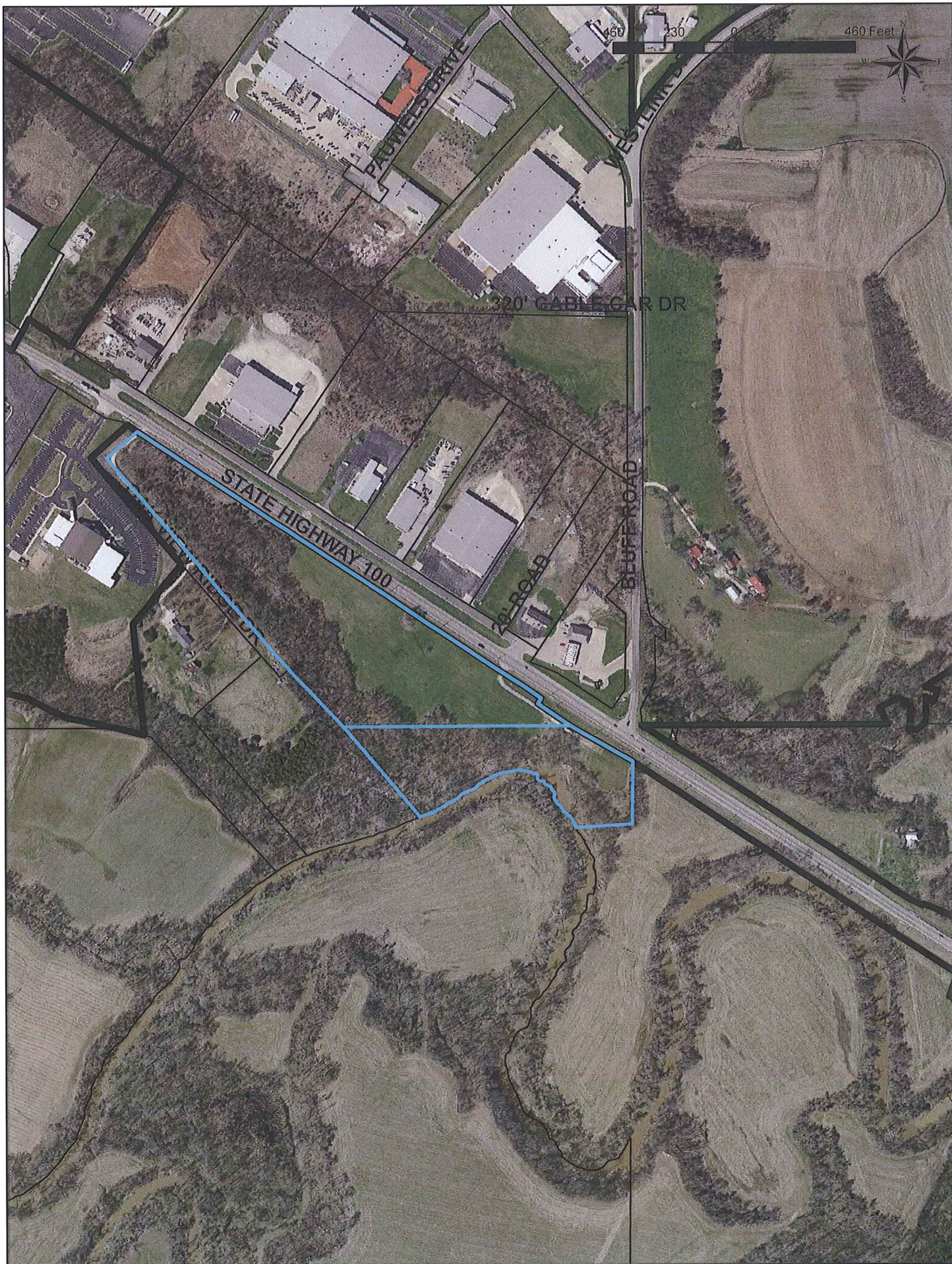
The applicant has submitted an application to annex approximately 19.5 acres of land adjacent to City Limits at the intersection of Highway 100 and Bluff Road. The property has access to Highway 100 and will not require any extension of City Streets to be immediately developed.

The applicant has requested that the property be brought in to City limits as R-3 Multi Family Residential. Given the property's location adjacent to a major highway and its proximity to existing commercial and industrial uses, a high density residential development could be appropriate for the area. The City's future land use map does show the area as a potential commercial development. However, staff feels that the proposed use does not hinder the implementation of the Comprehensive Plan and would argue that the proposed zoning actually helps achieve certain goals set out in the comprehensive plan to diversify the City's housing options and provide more entry level housing.

All concerns of site development pertaining to layout, density, stormwater, access, etc. will be addressed during the site plan approval process and if City code requirements are met staff believes there should not be a major detriment to the surrounding properties.

Recommendation:

Staff recommends approval of the proposed annexation of 19.5 acres and to bring it in as R-3 Multi Family Residential.





Legend

- Outside of City Limits
- AG
- C-2
- M-2

Zoning

EXHIBIT A

Part of the Southwest Quarter in Section Seventeen (17), and part of the Northwest Quarter in Section Twenty (20), all in Township Forty-Four (44) North, Range One (1) West of the 5th P.M., of the 5th P.M., described as follows: Beginning at an iron rod in the intersection of the South right of way line of Missouri State Highway No. 100 with the East line of said Northwest Quarter, said point being South 1 degree 02' West 124.9 feet from a railroad spike in the Northeast corner of the Northwest Quarter, continue thence South 1 degree 02' West West on Quarter Section line 234 feet to a limestone, thence South 84 degrees 32' West 160.4 feet to a point on the bank of St. John's Creek, thence with the North bank of St. John's Creek North 37 degrees West 300 feet, North 80 degrees West 100 feet, and South 64 degrees 33' West 418.3 feet, thence North 40 degrees 19' West 1,751.6 feet to an iron rod, thence North 48 degrees 16' East 147.3 feet to an iron rod in the South right of way line of Missouri State Highway No. 100, thence with the South line of said highway South 56 degrees 23' East 1,831.4 feet to a right of way marker, South 30 degrees 51' West 29.6 feet to a right of way marker and South 56 degrees 23' East 401.4 feet to the point of beginning, containing 19.50 acres, more or less.

18-1203

1. The undersigned is the owner of all fee interest in that real property described in Exhibit "A", a copy of which is attached hereto and incorporated herein by reference.
2. Said property described in Exhibit "A" is contiguous and compact to the existing corporate limits of the City of Washington, Missouri.
3. The undersigned hereby petitions the City Council of the City of Washington, Missouri, for voluntary annexation of the real property described in Exhibit "A".
4. The undersigned hereby requests the City Council of the City of Washington, Missouri, zone the real property described in Exhibit "A" as R-3 Multi-Family

Ed Schmelz

Applicant Name (print)

Applicant signature

[illegible]

Sherri Lynn Kerkamp
Notary Public



20 acres rent 100

We, Douglas E Hazel, and Cynthia Hazel Gilbertson, owners of 20.04 Acres MOL on Highway 100, Washington, MO 63090 (tax ID's 10-4-200-0-000-002000, Legal description per Realist tax: PT NE NW S HWY 100, and tax ID 10-4 -170-0-000-020000, Legal Description per Realist tax: PT S ½ SW S HWY 100), give Buyer, Edward L Schmelz approval to petition the City of Washington, Missouri for annexation and R-3 zoning of the 20.04 acres .



Date 11/28/2018

Douglas E Hazel

Cynthia Gilbertson

dotloop verified
11/28/18 2:22 PM CST
JHWY-OCLQ-5U5C-LEAA

Date 11/28/2018

Cynthia Hazel Gilbertson



December 3, 2018

Code Amendments

The City of Washington is currently under contract with a firm that is tasked with reviewing every section of the code to verify its consistency in language and modernize it. There are sections of code that refer to the same members of staff with different titles. The attached documents show the proposed changes in the highlighted text. Staff concurs with the consultant's recommendations to allow all titles to be uniform.

There is also a recommendation to add the highlighted text to the section on Board of Adjustment to match state statute.

If you have any questions feel free to contact me at 636-390-1004

Sincerely,

Sal Maniaci

Chapter 705, Sewers and Sewage Disposal

Article I, In General

- A. Due to the age of the enabling ordinances herein, the City may want to review this Article in its entirety for current applicability.

Decision:

- ☒ No revision desired.
☐ Revise as follows: (attach revisions separately).

- B. See the definition of "Superintendent" in Section 705.010 which states it is the Superintendent of the Board of Public Works. Note that in Sections 400.480, 410.030, 420.040 and 425.025 reference is made a few times to the "Director of Public Works." Should one of these official names be changed?

Decision:

- ☐ Use the same decision as under [Chapter 201](#) above.
☐ No revision desired.
☐ Revise as follows: _____

Article II, Rates and Charges

- A. Are the rates in Sections 705.110 and 705.120 still current? It appears they have not been amended since 2007 and 2008.

Decision:

- ☒ No revision desired.
☐ Revise as follows: (attach revisions separately).

- (1) If no other changes are required, the City should review these provisions to see if Subsections 705.120(C) and (D) can be deleted since it appears these rates are superseded by Subsection 705.120(E).

Decision:

- ☐ Delete Subsections 705.120(C) and (D).
☐ No revision desired.
☒ Revise as follows: Delete Subsections 705.120 (C) (D) and (F)

- B. See Section 705.130(B). It seems that the reference at the end of this Section to "Section 705.120(C) through (F)" should read "Section 705.120(E) through (G)" to be current.

City of Washington, MO
Friday, November 30, 2018

Chapter 400. Zoning

Article XI. Administration And Enforcement

Section 400.480. Zoning Administrator.

The Director of Planning, **Director of Public Works**, City Engineer, Building Official or a person of the same or similar title as formally designated by the City Administrator of the City of Washington shall be responsible for interpreting and administering the provisions of this Chapter and shall have primary responsibility for the enforcement of this Chapter by means of the duties specified herein. For the purposes of this Chapter, this person shall be referred to in this Chapter as "Zoning Administrator." Without limiting the generality of the previous sentence, the duties and authority of the Zoning Administrator shall be as follows:

A. Duties And Responsibilities Of The Zoning Administrator.

1. The duties and responsibilities of the Zoning Administrator shall include, but not necessarily be limited to, the following:
 - a. Review, analysis, reports and recommendations.
 - (1) The Zoning Administrator shall provide the Planning and Zoning Commission with review, analysis, reports and recommendations on:
 - (a) Petitions for rezoning (Zoning Map amendments);
 - (b) Proposed text amendments to this Chapter;
 - (c) Special use permit applications; and
 - (d) Planned developments.
 - (2) As applicable, the Zoning Administrator shall obtain and compile the comments from other City staff with respect to the above subjects.
 - b. Determine whether applications for building permits are in compliance with applicable requirements of this Chapter.
 - c. Furnish to the various department superintendents or other employees of the City such information as will aid in ensuring the proper compliance with this Chapter and other codes of the City.
 - d. Administer the various review procedures associated with, but not necessarily limited to, the following:
 - (1)

Site plan review provisions contained in Article VII, Site Plan Review Requirements;

- (2) Special use permit review provisions contained in Article V;
 - (3) Compliance with PD planned development requirements and review procedures of Article III, Section 400.115; and
 - (4) Other review and administrative tasks associated with the compliance with this Chapter as may be specified herein or as directed by the City Administrator.
- e. Provide administrative support to the Board of Appeals. This includes receiving, filing and forwarding to the Board of Appeals all information constituting the record upon which actions appealed from are taken.
 - f. Supervise the preparation of updates to the Official Zoning Map.
 - g. Except as otherwise provided for in this Chapter, notify, in writing, any person responsible for violating any of the provisions of this Chapter, indicating the nature of the violation and ordering the necessary corrective action.
 - h. May cause the cessation of any erection, construction, reconstruction, alteration, conversion, maintenance or use in violation of this Chapter by issuing a stop-work or stop-use order.
 - i. May refer any violation of this Chapter to the City Attorney for prosecution or other appropriate action when deemed necessary.
2. The Zoning Administrator may adopt such administrative policies as necessary to the carrying out of such duties.

City of Washington, MO
Friday, November 30, 2018

Chapter 410. Subdivision Regulations

Article III. Improvements And Design Requirements

Section 410.030. Design Standards For Streets And Roadways.

A. Pavement Design. Street pavement sections shall be as indicated in the following table:

Street Classification	Asphalt with Aggregate Base	Concrete with Aggregate Base	Optional Staged Construction
Alley	2" Surface Asphalt 2" Base Asphalt 4" Aggregate Woven Geotextile Fabric	6" Concrete 4" Aggregate Non-woven Geotextile Fabric	N/A
Local access	2" Surface Asphalt 4.5" Base Asphalt 4" Aggregate Woven Geotextile Fabric	6" Concrete 4" Aggregate Non-woven Geotextile Fabric	2" Surface Asphalt (Staged) 3" Base Asphalt 8" Aggregate Paving Fabric
Collector	2" Surface Asphalt 5" Base Asphalt 4" Aggregate Woven Geotextile Fabric	6.5" Concrete 4" Aggregate Non-woven Geotextile Fabric	N/A
Major	2" Surface Asphalt 7" Base Asphalt 4" Aggregate Woven Geotextile Fabric	7" Concrete 4" Aggregate Non-woven Geotextile Fabric	N/A

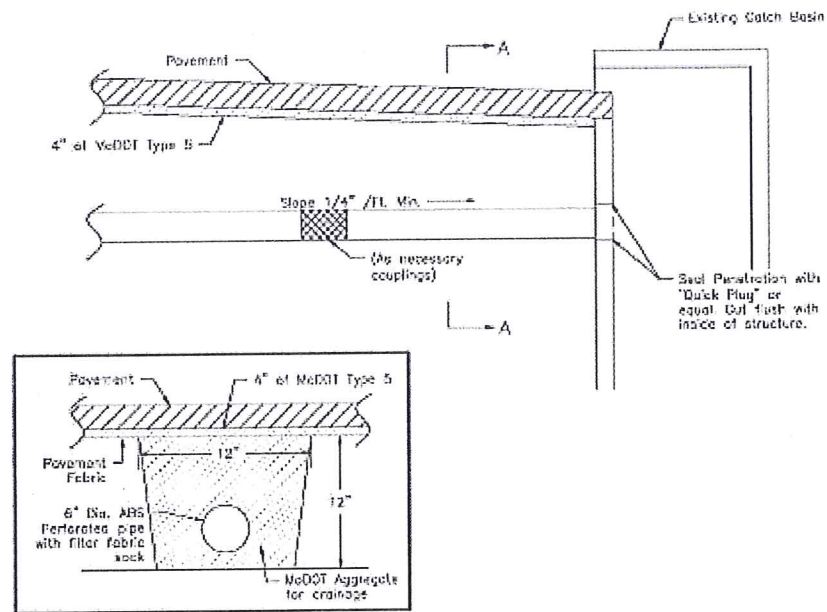
B. General.

1. A local access street is not designated "collector" or "major," per the Comprehensive Plan.
2. The "collector" and "major" streets are as designated in the Comprehensive Plan or as may be determined by the Planning and Zoning Commission or City Council during development plan review or as meets the definition of Section 410.020 of this Article.
3. The most recent traffic count information shall also be utilized in the classification of a street.

4. The City Council may adjust pavement thickness as necessary to accommodate a particular situation. Example situations may include construction staging for budget reasons, or a new residential street that will be subjected to minimal construction traffic.

C. Pavement Base.

1. Pavement requirements indicated herein are minimum thicknesses, based on soils having a minimum California Bearing Ratio of 3.0. If it is determined that poorer soils exist, pavement depths must be adjusted as necessary.
2. Subgrade soil shall be compacted to a minimum of ninety percent (90%) per the modified Proctor Test, ASTM Method D1557, for the top twelve (12) inches. Compaction shall be ninety percent (90%) for all fill areas below the top twelve (12) inches.
3. Aggregate base shall be compacted at optimum moisture, plus or minus one and five-tenths percentage (1.5%) points, to achieve a minimum density of ninety percent (90%) of maximum laboratory density, per ASTM D1557.
4. Aggregate is to be Missouri Highway and Transportation Department (MHTD) Type 5 or other approved type with a maximum of fifteen percent (15%) passing the No. 200 Sieve.
5. Woven and non-woven geotextile fabric is to be approved by the City Engineer. Geotextile fabric shall meet the following specifications:
 - a. Woven geotextile fabric must comply with AASHTO M288 for stabilization purposes. The geotextile shall be woven fabrics with survivability Class Two and elongation less than fifty percent (50%). Approved fabrics are Mirafi 600x, Carthage Mills FX-66, or equivalent.
 - b. Non-woven geotextile fabric must comply with AASHTO M288 for separation purposes. The geotextile shall be non-woven fabrics with survivability Class Two and elongation more than fifty percent (50%). Approved fabrics are Mirafi 160N, Carthage Mills FX-60-HS, or equivalent.
6. Transverse underdrains shall be installed under pavement at all inlets as designated by the City Engineer. See Figure A below for the transverse pavement underdrain detail.



D. Asphalt Concrete. Base and surface asphalt shall be types in compliance with the standards as set forth below. The most current version of these standards is available on the Missouri Department of Transportation's website, from the St. Louis County Department of Transportation website, and are maintained in the office of the **Director of Public Works** wherein printed copies can be provided if necessary.

1. Base asphalt to be MoDOT Type I-B or St. Louis County Type X.
2. Surface asphalt to be MoDOT Type I-C, Commercial Mix, or a combination, as approved by the City Engineer.

E. Concrete.

1. Concrete shall be six-bag cement mix, and develop strength of four thousand (4,000) psi in twenty-eight (28) days.
2. Concrete streets are to comply with joint and dowel bar requirements of St. Louis County.
3. A concrete swale shall be provided at all street intersections that channel stormwater runoff.

F. Staged Construction Option.

1. The surface asphalt shall not be applied until eighty percent (80%) of the subdivision lots are developed, or as approved by the City Council.
2. All deteriorated pavement shall be repaired to the satisfaction of the City Engineer, before the surface asphalt is applied.
3. Financial assurance shall be provided for the final asphalt work before final plat approval, per City Code Section 410.035(G)(5).

G. Inspection And Testing.

1. All street work performed shall be subject to inspection by City of Washington Engineering Department personnel, or by agents or contractors retained by the City.
2. Inspections shall be performed as may be appropriate. All phases of pavement construction shall be inspected. No construction may begin on any phase until the Engineering Department has been properly notified. The contractor or developer's representative shall give a minimum twenty-four-hour notice of proposed work to take place.
3. The developer shall have the responsibility to procure the services of a testing laboratory that must be approved by the City.
 - a. Soil Compaction.
 - (1) All soil compaction requirements, as stated herein shall be verified by said laboratory concurrent with grading and backfilling operations.
 - (2) The number of tests for each layer or lift of fill should be as determined by the testing laboratory.
 - (3) The pavement subgrade shall be tested, as a minimum, each one hundred (100) linear feet.
 - b. Concrete.
 - (1) For concrete pavement, three (3) concrete test cylinders shall be obtained for each seven hundred fifty (750) square yards or less of pavement. For each test series, test one (1) cylinder at seven (7) days, and one (1) cylinder at twenty-eight (28) days; the remaining cylinder shall be a spare.
 - (2) Test the slump of concrete periodically and during making of concrete test cylinders.
 - (3) Determine air content at least twice a day during progress of work and during making of concrete test cylinders. The testing methods and acceptance criteria shall be per the latest edition of the Missouri Standard Specifications for Highway Construction.
 - c. Asphalt. A job mix formula shall be submitted for approval by the City Engineer. Compaction testing shall be performed at the time of placement. The testing methods and acceptance criteria shall be per the latest edition of the Missouri Standard Specifications for Highway Construction.
 - d. Reports.
 - (1) The test laboratory shall submit a written report to the City that verifies all grading operations have been performed per City specifications.
 - (2) A written report, indicating the results of the pavement tests, shall be submitted to the City.
 - (3) The testing laboratory is to give verbal notification to the City immediately of any unsatisfactory test results.

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Chapter 420. Stormwater Management Standards

Article IV. Improvements And Design Standards

Section 420.040. Revegetation Of Disturbed Areas.

- A. Purpose And Intent: to provide erosion control measures for disturbed areas in order to prevent sedimentation that is carried by stormwater during construction activities.
- B. Applicability. The standards and criteria contained within this Section are deemed to be minimum standards and shall apply where natural vegetation is removed during grading operations. When grading operations are substantially complete or have been suspended for thirty (30) days, revegetation shall occur. Such revegetation shall meet the below criteria for either temporary or intermediate seeding.
- C. Enforcement. The provisions of this Section shall be administered and enforced by the Director of Public Works or authorized representative. If at any time after the issuance of a grading permit, development plan approval or preliminary plat approval the revegetation does not conform to the standards and criteria in this Section, a notice shall be sent to the owner citing the violation and describing what action is required to comply with this Section. The owner shall have thirty (30) days from date of said notice to restore vegetation as required. If the vegetation is not restored within the allotted time, such person shall be in violation of this Section. It is the responsibility of the owner of the property to comply with these requirements.
- D. Penalty. Failure to comply with the provisions within Section 420.035 shall be subject to penalties as outlined under Section 400.035 of the Washington Municipal Code.
- E. Financial Assurance. No permit shall be issued for grading, development plans or preliminary plat approval for any site for which revegetation is required by this Section until such sediment and erosion control plan has been submitted and approved by the Director of Public Works or authorized representative. Financial assurance must be given by the developer/property owner for one hundred thirty percent (130%) of the estimated cost of the revegetation plan.
- F. Sediment And Erosion Control Plan. Where natural vegetation is removed during grading operations, it shall be replaced as specified herein. The sediment and erosion control plan shall indicate the proposed phasing of the project to include conveyance systems, detention facilities, clearing, rough grading and construction, final grading, landscaping. When grading operations are substantially complete or have been suspended for thirty (30) days, revegetation shall occur. Such revegetation shall meet the below criteria for either temporary or intermediate seeding.
 - 1. Temporary Seeding. This is the establishment of fast-growing annual vegetation to provide economical erosion control for up to twelve (12) months and reduce the amount of sediment moving off the site. This practice applies when the landscape is anticipated to be disturbed within the next twelve (12) months. The required application rates are as follows:

one (1) bushel of wheat or oats per acre; 10-20-10 fertilizer at four hundred (400) pounds per acre; eighty (80) to one hundred (100) bales of straw mulch per acre.

2. Intermediate Seeding. This is the establishment of perennial vegetation on disturbed areas for periods longer than twelve (12) months. This type of vegetation provides economical long-term erosion control and helps prevent sediment from leaving the site. The required application rates are the same as for temporary seeding with the addition of forty (40) to fifty (50) pounds per acre of fescue grass seed. The application of fescue is not required during the period of May 15 to August 15. However, it shall be applied as soon as weather conditions permit following August 15.
- G. Reseeding. Reseeding shall occur at any time at the direction of the **Director of Public Works** if necessary to obtain the desired erosion control benefits. Vegetation types other than those specified herein may be utilized upon approval of the Director.
- H. Minimum Requirements. The criteria established herein are the minimum requirements for erosion and sediment control. The owner may at any time establish permanent vegetation which exceeds these requirements.

*City of Washington, MO
Friday, November 30, 2018*

Chapter 425. Fire Hydrants and Connections

Article IV. Variances And Exceptions

Section 425.025. Criteria For Variances And Exceptions.

In instances where new construction development is proposed as in-fill on existing lots in existing residential, commercial, or industrial areas; where commercial or industrial development is occurring as an expansion of existing uses and where the gross floor area of the development is increasing by more than fifty percent (50%) of the existing building footprint; and where existing fire hydrants are present, exceptions or variances to the requirements of this Chapter may be granted upon review by the **Director of Public Works** and the Fire Chief of the Washington Fire Department and written approval of the Fire Chief.

City of Washington, Missouri

(2) In all other municipalities, by a fine of not less than ten dollars and not more than two hundred fifty dollars for each and every day that such violation continues, or by imprisonment for ten days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court. Notwithstanding the provisions of section 82.300, for the second and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than one hundred dollars or more than five hundred dollars for each and every day that such violation shall continue, or by imprisonment for ten days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court.

3. Any such person who, having been served with an order to remove any such violation, shall fail to comply with such order within ten days after such service or shall continue to violate any provision of the regulations made under authority of sections 89.010 to 89.140 in the respect named in such order shall also be subject to a civil penalty of two hundred and fifty dollars. (RSMo 1939 § 7419, A.L. 1989 H.B. 498, A.L. 1998 H.B. 977 & 1608 and H.B. 1352, A.L. 2008 H.B. 1849 merged with S.B. 1002) Prior revision: 1929 § 7266

Decision:

- ☐ Insert the above underlined language as appropriate in this City.
- ☐ Insert the above underlined language as appropriate with a reference to the application of SB 572 to these provisions as decided in the [note above regarding Section 100.070](#).
- ☒ No revision desired.
- ☐ Revise as follows: (attach revisions separately).

Article XIII, Appeals to the Board of Adjustment

Note that Section 405.540 appears to be missing a couple of elements contained in Section 89.100, RSMo., as set out below. The City may want to review this statutory Section and determine if any revisions are desired.

89.100. Board of adjustment--appeals, procedure.

Appeals to the board of adjustment may be taken by any person aggrieved, by any neighborhood organization as defined in section 32.105 representing such person, or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

City of Washington, Missouri

Decision:

- ☐ Insert the underlined provisions noted above appropriately in Section 400.540.
- ☐ No revision desired.
- ☐ Revise as follows: (attach revisions separately).

Chapter 410, Subdivision Regulations

Article II, Jurisdiction and Enforcement; Definitions

See Section 410.015(B)(2). Note that the similar statutory provisions of Section 89.450, RSMo., have been amended to include an exception since this Section was enacted and contains different language therein.

89.450. Use of unapproved plat in sale of land--penalty--vacation or injunction of transfer.

No owner, or agent of the owner, of any land located within the platting jurisdiction of the City, knowingly or with intent to defraud, may transfer, sell, agree to sell, or negotiate to sell that land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been approved by the council or planning commission and recorded in the office of the appropriate county recorder unless the owner or agent shall disclose in writing that such plat has not been approved by such council or planning commission and the sale is contingent upon the approval of such plat by such council or planning commission. Any person violating the provisions of this section shall forfeit and pay to the City a penalty not to exceed three hundred dollars for each lot transferred or sold or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. The City may enjoin or vacate the transfer or sale or agreement by legal action, and may recover the penalty in such action. (L. 1963 p. 146 § 16, A.L. 2005 S.B. 210)

Decision:

- ☐ Add the exception underlined above at the end of this Subsection.
- ☐ Replace this Subsection with Section 89.450, RSMo.
- ☒ No revision desired.
- ☐ Revise as follows: (attach revisions separately).