

**CITY OF WASHINGTON, MISSOURI
PLANNING & ZONING COMMISSION MEETING MINUTES
Monday, May 11, 2020 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, Sandy Lucy, John Borgmann, Chuck Watson, Samantha Cerutti Wacker, Sal Maniaci

Absent: Tony Gokenbach, Tom Holdmeier

- 2) **Approval of Minutes from March 9, 2020-Motion made to approve, seconded and passed without dissent.**
- 3) **File #20-0501-**Applicant is requesting to rezone 600 W. Front Street from C-2, General Commercial to C-3, Downtown Commercial.

Sal Maniaci-The applicant has requested to rezone 600 West Front Street, more commonly known as Elijah McClean's, from C-2 General Commercial to C-3 Downtown Commercial Zone District.



Mark Vincent-Attorney for Elijahs.-4 S. Church St.-I am here tonight on behalf of Elijah's and Tony Bequette, his mother, the owner and Cameron Lueken to present the reasons why. I will primarily explain what we want to do. And then Cameron is going to explain to you how we are going to do it. What we are looking to do is to plan for the future, is what Planning & Zoning is, what the use is going to be in the future. Tony has the situation; Elijah's has the situation now where the tent that he has that is used for banquets and weddings can only be up six months per year. He can put it up or take it down and he is ok. The type of activity that he is doing now is the same activity he will be doing in the future. The difference is that Tony is possibly looking at expanding. And if he expands, like Mr. Maniaci said, he is going to need additional parking. What we will have is a plan where we don't impact the historic presence of the building and the lot. We don't want to impact the environment and we don't impact the enjoyment of the neighborhood for the folks that live around it. I am aware of the fact that there has been one complaint by neighbors on the parking requirements. I attend those meetings on behalf of Elijah's but what we are talking about tonight we have no problem with the City passing an ordinance creating no parking on Johnson Street or Main Street in the vicinity of Elijah's or for making it residential parking only for those in the area. We have other parking plans. Sandy, I am glad you brought up the public parking. There is no reason that Elijah's cannot use the same parking at Driftwood and Sugarfire just like everybody else does. No one is going to park on Front Street and walk up that hill with high heels on. We need to have other plans and there are other plans and Cameron will be presenting those to you. I looked and could not find where the business district ends. In your ordinances I didn't see where that was delineated. I saw the Historic Preservation District clearly marked off. And this is in the Historic Preservation District. We realize the historic nature of this property. To do additional parking we would be disrupting the historic presence. We would have to take out the lawns, which we could do if we had to. We would have to take out some of the bluff/buffers that are there presently, we don't want to do that. If we start disturbing the landscaping and the esthetics of it we are hurting that aspect of it, we would be hurting the environment by creating more runoff by making more hard surface parking lots on the property. That is not what we are about. We are here to take away that competitive disadvantage that Tony is facing. Restaurants down on Front Street have public parking and he could use public parking, in fact I think, if I am not mistaken, I think the City has a lease with some folks, they lease the property from and then improved it. There is more to the west that the same thing could be done. With the services that Tony does is perfect for valet parking and would work with a valet transferring back and forth to the existing parking lots. Please consider restricting Johnson Avenue to the west and Main Street leading into it from the west to only people from that area. I've got a lot of experience doing this stuff, been doing for Franklin County for 28 years, City of Union, 25 years, Owensville, 15 years, I am doing it right now for Warren County. I have plenty of planning and zoning experience. I have written several codes myself. I know what you are dealing with Sal. I really do and you should be congratulated on what you doing but when you are talking about stopping a business district right next to a person that wants to come in to a C-3 that is a mixed use that is truly better than being next to residential area than a C-2 because you are blending. So that really doesn't cut the mustard there. Leaving it C-2 is really worse than keeping it a mixed use. I am going to turn it over to Cameron. The folks that complained before are to the west. We want to take care of those people. And we think the city can do that by restricting parking on those streets.

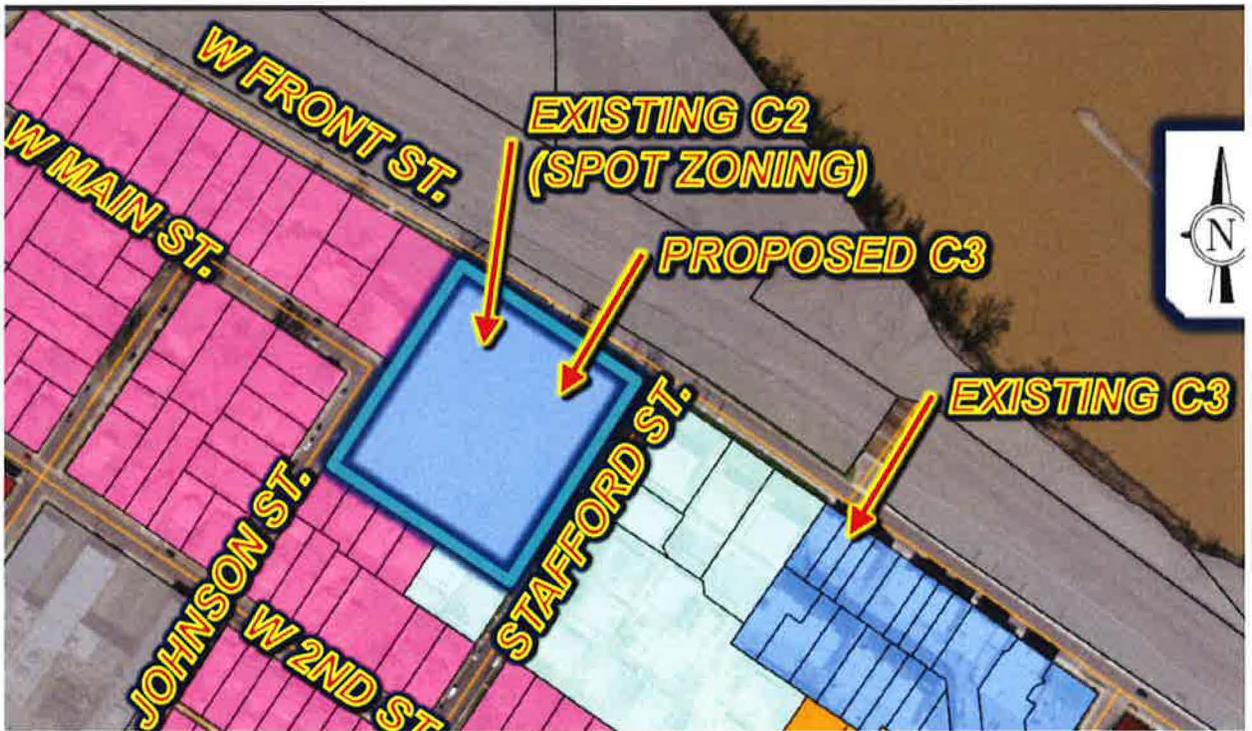
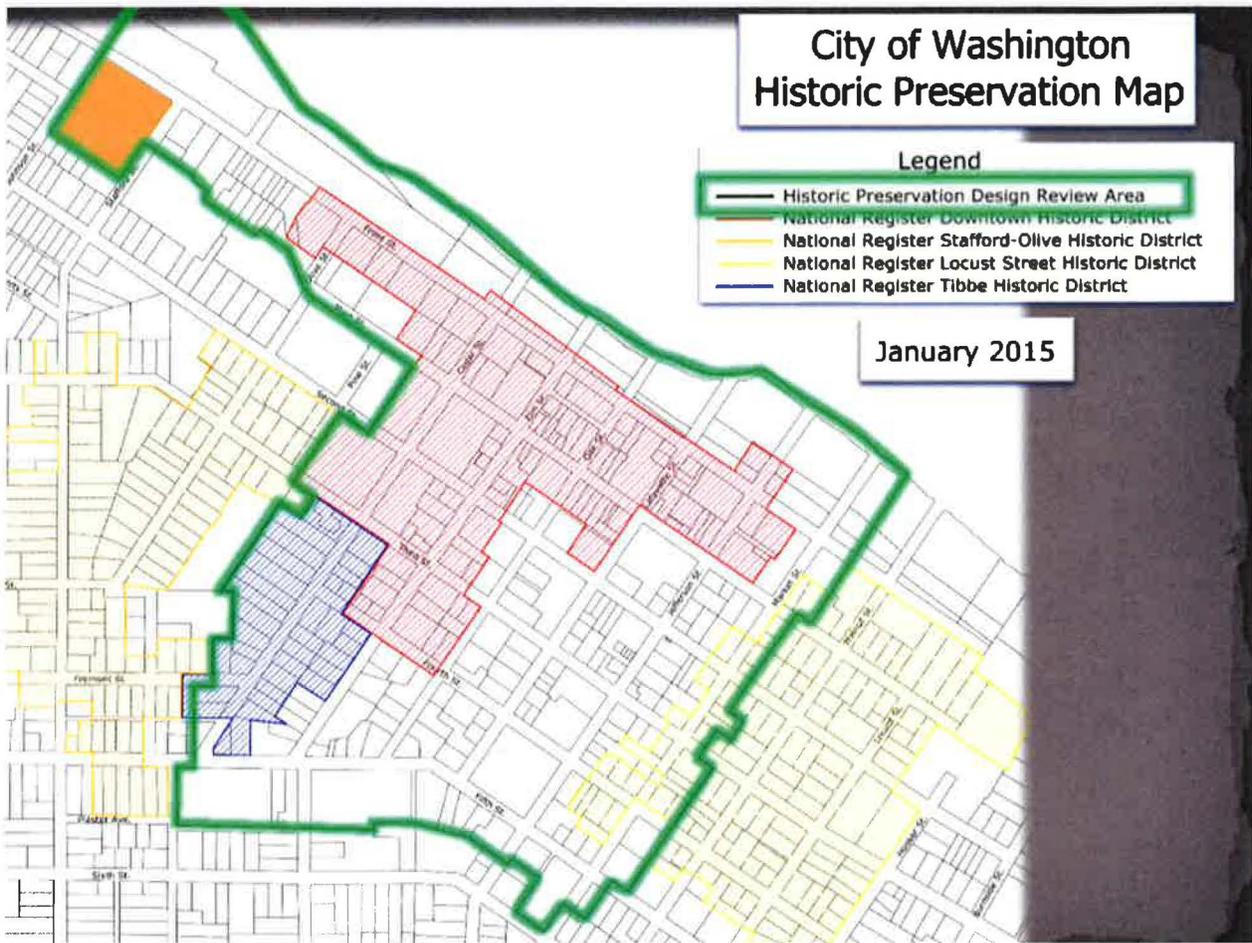
Cameron Lueken-Wunderlich Surveying & Engineering-Representing Elijah's-Power point Presentation.

-Dr. Elijah McLean-1939

-Spot Zoning

-2.9 acres-largest single parcel on the riverfront.

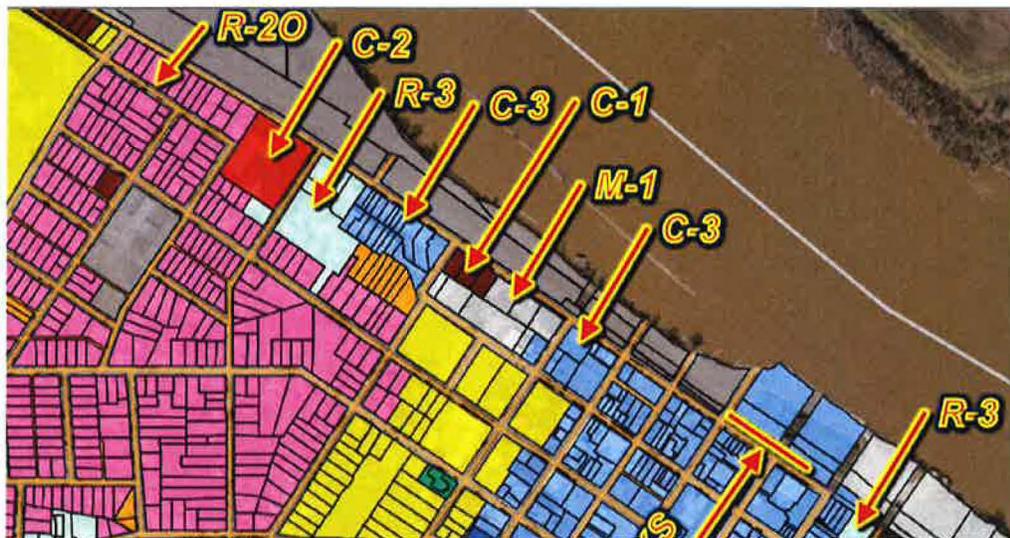
-C-3 Zoning-The purpose of this zoning district is to recognize the City of Washington's most historic and unique area of the City-the downtown area. In this way, the types of uses in the downtown area, a mixture of residential and commercial, can continue in order to promote the unique characteristics of this area not found anywhere else in the City. It is near residential and other C-3 zoning districts. Elijah's is part of the Historic Preservation as it should be.



Sandy Lucy-When it is in the Historic District it means that if you wanted to do any renovations/changes to the building you would have to go through Historic Preservation Commission.

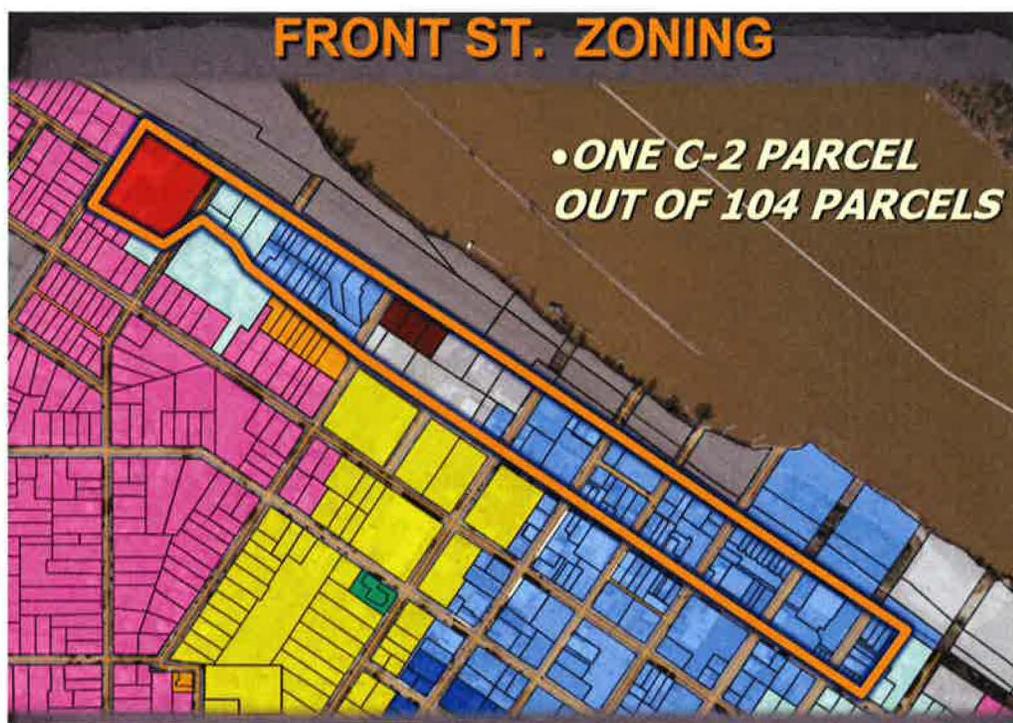
Sal Maniaci-So there are different maps on there. Anything hashed in color means it a Nationally Registered Historic District that qualifies. The green is what we consider the Design Review area which includes more of downtown. Back in 2006 Elijah's did not qualify for an Historic District by itself but the City still passed it as a Design Review Area. Elijah's is not on the register because it has been altered too many times. It actually used to be a brick house.

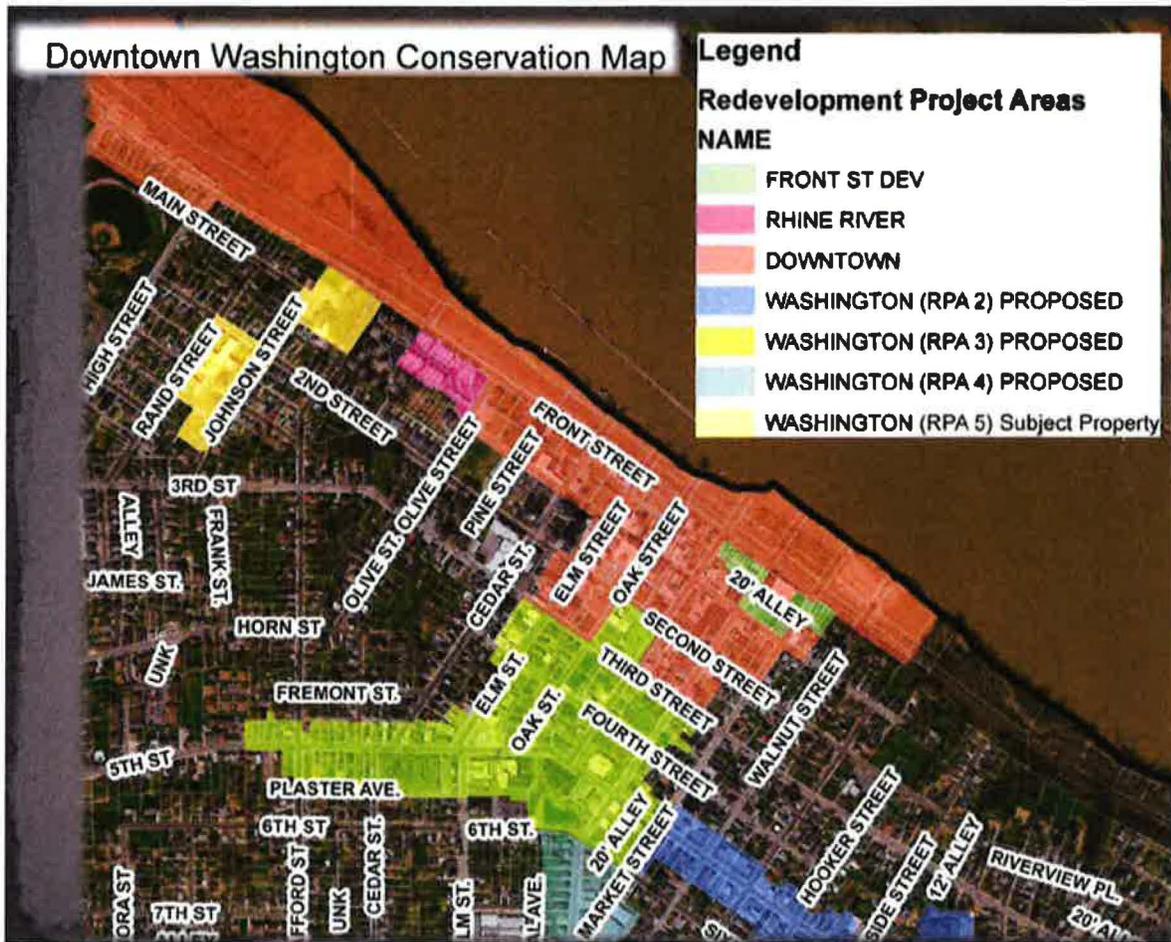
Cameron Lueken-Back to zoning. What jumped out at us is why is it zoned C-2 when it is closes to C-3? So we investigated and looked along the river front. We go from R-3 on the very east to a C-3 area to all the other zonings along the river front. The closest C-2 area we could find is about six blocks south which was a car wash.



Carolyn Witt-It is now a distillery.

Cameron Lueken-We didn't understand why it would be C-2. We thought it would be better as C-3. Below is a snapshot of Front Street just to give you an idea of what we are looking at.

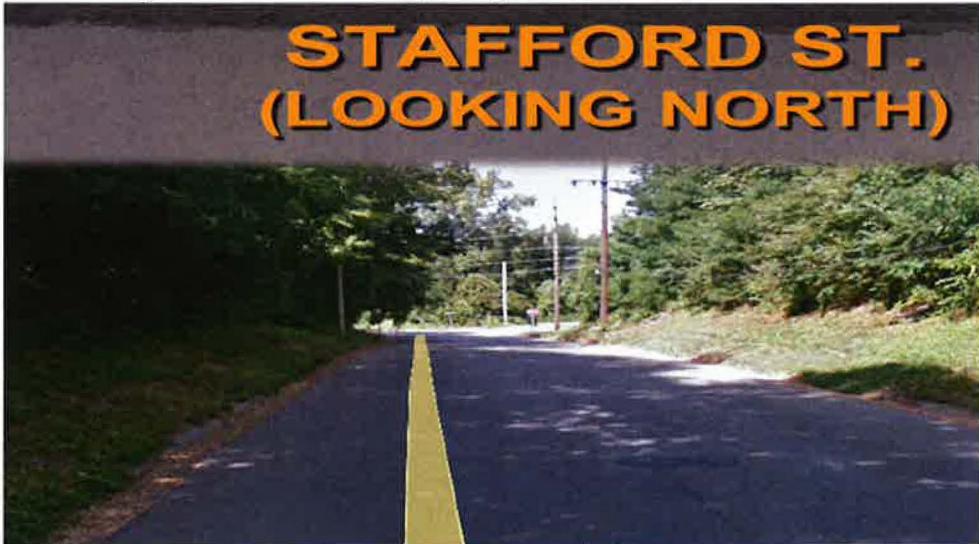




This is the Conservation Map and I believe Elijah's is RPA 5.

Sal Maniaci-All these areas were designated in 2007 when we created our first TIF and as part of that study, PGAV was asked to identify what other districts should be created as TIFS in the future. So only three of those, Front Street & Rhine River and Downtown are the three that are active. The other RPA's are inactive TIFS.

Cameron Lueken-Thanks for the explanation. This is a unique and historical property that is downtown. So what we are going into tonight is that we are going from a temporary tent and looking to put up a permanent pavilion. So I ask myself the question, is it proper to put a building in a C-3 district that is supposed to be historical. There is a grave concern for the parking situation. If we go from a tent to a permanent pavilion what is this parking going to look like.



Cameron goes into explaining the streets surrounding Eljahs and the possible parking that could come from those streets.



Mark Hidritch-What would be the width between the parallel parking?

Cameron Lueken-I don't know exactly, I haven't measured it.

John Borgmann-I am sure that is not a 35 ft. street. Maybe 28 ft., it that. I would need to know that before I approve anything.

Sal Maniaci-Tonight we could not get into that because they have only asked for rezoning so far. We couldn't approve a parking agreement.

John Borgmann-Stafford Street is a major north/south arterial coming off of Third St.and Second St. Even if there is nothing built along it, it is a good arterial to get to those other streets.

Sal Maniaci-Board of Adjustment would have to approve the lack of off-street parking and then Council will have to approve the on-street parking.

Cameron Lueken-In a C-2 not a C-3?

Sal Maniaci-Correct.

Chuck Watson-What is the elevation difference by the building and the street?

Cameron Lueken-I don't have that information, maybe ten to twelve feet vertically? Thirty to forty feet on the north side. Tony would be putting up signs.

John Borgmann-If you are going to walk everyone from Front Street from south on Stafford to that entry point with no sidewalks then those people would be walking in the street. Correct?

Cameron Lueken-Yes. Unless we put sidewalks in. Back to the Downtown Conservation Map. Sal said that this is the PGAV looked into for the TIFS back in 2007. Let's look at Rhine River.

Sal Maniaci-The City worked with UP to extend parking for Rhine River. That was part of the agreement.

Cameron Lueken-So if a body deemed that there is not enough parking downtown to service something, this is another area that is stubbed and that perhaps could add additional parking.



Sandy Lucy-The fenced area is part of the agreement with Union Pacific. Stubbed in case we want to expand but we have not gone into any agreements.

Sean Mayall-23 Town & County Drive, Washington, MO.-Riverfront looks great and he is very proud of it. Stafford Street is an area that would be great for parking.

Mark Hidritch-On the west side of Elijah's, how much width is there off-street that you can put off-street parking?

Mark Vincent-We have talked about different scenarios on what could be done to improve that street for parking. We are willing to donate some of that property to make that street wider. If the City would be interested in going into a development agreement. That would be very beneficial to a lot of people. I am not sure how much would be needed but we have sufficient land there. If we go to the west side of Stafford and east of Elijah's on that strip, we could give five to seven feet along there.

Mark Hidritch-You can get 15 to 16 spots on that side.

Mark Vincent-We would be willing to go into a development agreement. With the current zoning they can park there. This is a solution of Elijah's and the City working together. If we are willing to throw the land in that could solve the parking problem.

Tim Unnerstall-701 W. Main.-I appreciate on the work that the developer has put in as far as parking. Mr. Vincent just said that they could be parking there now. Valet parking would work. Once you make a change in zoning you are open to what the zoning will allow. What concerns me is the zero setback lines. God forbid something happen to this development but what would happen with the zoning. It's a unique property.

Karen Parham-111 Johnson Street-Concerned about parking and noise. Fighting for the neighborhood. The new owners have not been good to deal with. How can we trust them. How will the no parking be

enforced? With the gate open, people are going to park on Johnson Street and Main Street. The traffic is going to come through. Also, when there is an event I can feel the base at my home and I haven't called before but now I will be calling. Talking is fine but when the base is heard at my home what am I supposed to do especially if there is going to be a permanent pavilion?

Sal Maniaci-For the noise, we have not seen a building permit for the pavilion or permanent tent but it is permitted in either zoning district. We have a nuisance ordinance that covers every zoning district which would be directed to the police.

Sara Marquart-701 W. Second Street-at the corner of Johnson & Second Streets. How do you get people not to park on Johnson Street when the gate is open? And how many people will the tent accommodate?

Mark Vincent-Thank you for listening tonight. What we have here is a situation that, Elijah's already has the right to do what they are doing. As difficult as it may be, they have the right to park on Stafford Street. They have the right to park in front of Sugarfire if they want. That is all places where they can park. We are talking about business decisions and those have nothing to do with zoning. If Tony doesn't want people to walk up the grade he can provide either a trolley or valet parking. He can take his chances and maybe be in business a year from now or maybe not. That's his call to make. Cameron pointed out several times how this property got to be zoned to C-2 to begin with. If you look at it from a planning perspective from the west side of Elijah's all the way down to the landing and beyond should all be zoned the same, you stopped a little too short. There is no reason why that if the City considers it a historical area and Tony's plan had to be reviewed by the committee we know that it is not an historical property and it doesn't qualify for many reasons as pointed out but it is still viewed as a historical building. It is a no man's land. It makes no sense to have this property zoned C-2. As far as the parking we are trying to throw out ideas and suggestions. There are ways to give tags or stickers to a designated area if they wanted to enforce it. They can say ok, these cars have permission to park on Main Street or Johnson Street. If you don't have that sticker on there, you can't park there. As far as the gesture to contribute land to help develop Stafford Street; that is something that I think has never been suggested before. But we are willing to do it. It is a very good gesture on the part of Elijah's and Tony Bequette. That is the solution to a lot of this. These are business solutions and we would like to remind people of that. We are still looking at the free use of land that can be restricted by zoning. We ask that you consider our request.

Karen Parham-Elijah's is nestled into a residential area. We are residential and want to keep it residential. Please keep that in your consideration.

Carolyn Witt-Historic Preservation Commission-The district has nothing to do with zoning, it has to do with the age of things and the idea of it being old.

Sal Maniaci-The Historic District can be in any zoning district.

Carolyn Witt-So the assumption that C-3 should be every historic building is not what it is meant to be. It's not a guarantee of anything being historic. Being C-3 is not an assumption that it is supposed to be that way. C-3 was for high density historic area. Which I feel Sal covered very clearly. A high density historic area is not necessarily for a building. The existing historic district has more zoning than C-3. I have no problem with all of these wonderful changes they have talked about. It goes back to when I was on the Council and expanding that downtown parking. Union Pacific are not easy people to deal with. I see nothing wrong with these plans but you do not need C-3 zoning to do that. You can do that under your C-2 zoning. Ok, so you are a block off from a historic downtown area, that's true but that is a buffer, you are not next to an existing C-3. C-3 is designated high-density urban area that is exactly what our downtown is. Elijah's has lots of property; density is not its problem. So, I personally, representing the Historic Preservation I do not see C-3 zoning necessary at this time.

John Borgmann-We have talked about parking spaces but I have yet to see a number that C-2 would require them to have if they added the tent as a permanent structure.

Sal Maniaci-We don't know what they are adding. It is one space for every 50 sq. ft. of banquet/reception area. So until we see a building plan there is no way of knowing what is going to be required. They meet it with the current building.

John Borgmann-I think there has been some wonderful discussions and the options laid out here tonight. I am kind of like Carolyn and don't see the need for the C-3 zoning. I am not necessarily a fan of parking on Stafford Street the way the street currently is. If they would be willing to widen the easement or whatever needs to take place between the City and all that, to put sidewalk/parking there I would not have a problem with that. We still need to maintain it as a city street. I would not be in favor of restricting parking to residents only on Main & Johnson because you can't enforce it. I would not be in favor of doing anything there. If they are going to require more parking it has to either on Stafford Street or work out some amicable agreement on Front Street like we did with the Rhine River Project. At this point they want to do something but we don't really have a plan. I don't think anyone has come up with a good plan that would justify the rezoning at this point.

Sandy Lucy-I am wondering if we should be looking at C-4 so we have a development plan to look at and see what they want to do. That way we would know what we are looking at as a planning board which is what the shoe factory did.

Samantha Wacker-Should you desire to table this request given the idea of C-4 has come up I would like to offer to table this matter and not vote this evening if you would like to review the idea of a C-4 and whether that would be appropriate.

Sal Maniaci-It you used to be called C-4 up until 2017 when we changed it to Planned Commercial or PD-C and it requires a development plan to be submitted with the rezoning and that is reviewed and then it is specific to this property. Even as future owners you would have to follow this plan.

Sandy Lucy-Has Elijah's come before the Historic Preservation Board with all the renovations?

Carolyn Witt-Yes, they have.

Mark Vincent-I realize that the Historic Preservation District and zoning are not synonymous. That is not what I was saying. I looked for the delineation of the downtown district. Sal mentioned that and I could not find that. There is no boundary around the downtown district. It doesn't exist.

We think that C-4 is of no benefit. He can do everything we are asking tonight. We can park on Johnson Street right now, he can park on Main Street right now. We can have a tent up six months out of the year. We were just trying to plan for the long run. If the City is not interested in a development agreement that would make improvement to Stafford Street, that's fine. That is the City's right to do. You guys don't want to improve Stafford Street that is fine.

John Borgmann-That is not our call to make.

Roll call vote to deny the zoning:

Sandy Lucy-yes

Carolyn Witt-yes

Chuck Watson-yes

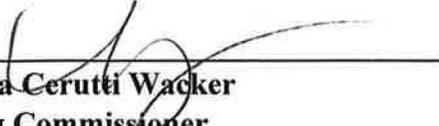
Mark Kluesner-yes

John Borgman-yes

One in favor of the rezoning: Mark Hidritch.

Rezoning was denied with the 5 to 1 vote.

Motion made to adjourn at 8:08 seconded and passed without dissent.

Approved: 
Samantha Cerutti Wacker
Presiding Commissioner

Next meeting of the Planning & Zoning Commission will be held Monday, June 8, 2020