

**CITY OF WASHINGTON, MISSOURI
PLANNING & ZONING COMMISSION MEETING MINUTES
Monday, September 14, 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 Piontek, Tom Holdmeier, Sandy Lucy, John Borgmann, Chuck Watson, Samantha Cerutti Wacker, Mark Kluesner, Gretchen Pettet, Sal Maniaci

Absent: Mark Hidritch, Tony Gokenbach

- 2) **Approval of Minutes from August 10, 2020-Motion made to approve, seconded and passed without dissent.**
- 3) **File #20-0901-**Applicant is requesting to rezone property located on West Second Street from R-2O, Residential Overlay District to PD-R, Planned Development Residential and approval of a Development Plan.

Sal Maniaci-The applicant has submitted an application for a 2.3 acre Planned Residential development along 2nd Street between Stafford and Olive Streets. The submitted site plan proposed 18 townhomes all facing 2nd street built between two phases. The plan shows a new alley/fire lane that will run to the rear of the units and connect to Stafford Street. The alley is 26 ft. wide and shows adequate fire access. There is nothing proposed along 3rd Street.

The land currently has a drainage ditch that runs through it and connects to a 48" catch basin and stormwater pipe leading to the river. The property is also currently in the 100-year floodplain. The development proposes extending this 48" drainage pipe under the driveway and alley and to the rear of the property where a new basin will be constructed. This will require approval from FEMA for a Letter of Map Amendment (LOMA) to be constructed. The Army Corps of Engineers will also have to review. Staff sees no issue with this proposal as long as letters of approval from FEMA and the Corps are submitted and all local stormwater detention requirements are met. There is ample open space reserved for a basin to the south of the townhomes. The existing power lines along 2nd Street are proposed to be buried as part of the development as well.

As for the proposed use and layout, the applicant is proposing 18 townhomes 60' x 22' in two phases. These are proposed on a downtown adjacent property in proximity of a number of residential uses varying in density. Across 2nd Street are the Hillcrest Apartments, duplexes, and the back-end of the Rhine River Townhomes. The property to the south is a mix of single family and two family structures, all of which are zoned R-2 Overlay. The plan also proposed to keep much of the existing greenspace buffering the development from the homes to the south. The proposed development technically is a single family residential development, just with shared walls. Given the nature of the area with single, two, multi-family developments and existing townhomes, staff feels that the proposed development is not out of character of the neighborhood. The 2nd Street corridor, from High St. to Elm St. has a number of different residential uses from the Shoe Factory Lofts, to two-family, to traditional single family homes.

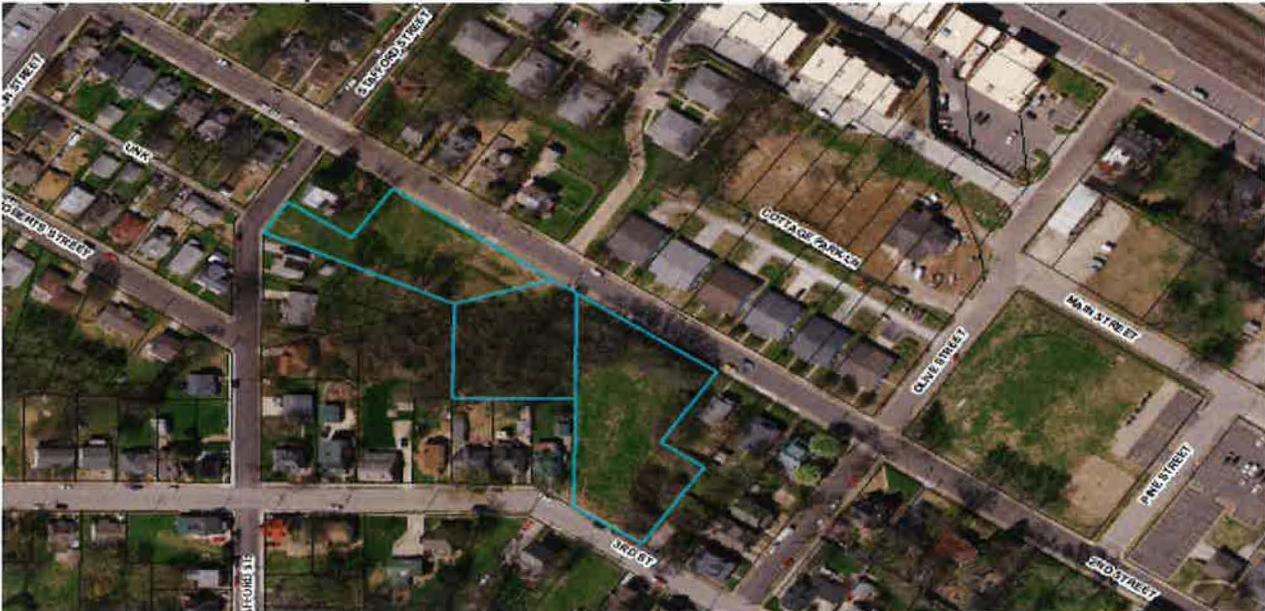
A rendering has been submitted showing the proposed architecture of the development. The applicant has indicated, however, that they will be two-story units instead of the three-story shown in the attachment. The property is not technically in a registered historic district but the proposed brick façade and design is compatible with our historic design guidelines. The proposed design does not differ much from what has been built downtown over the years (recently and historically).

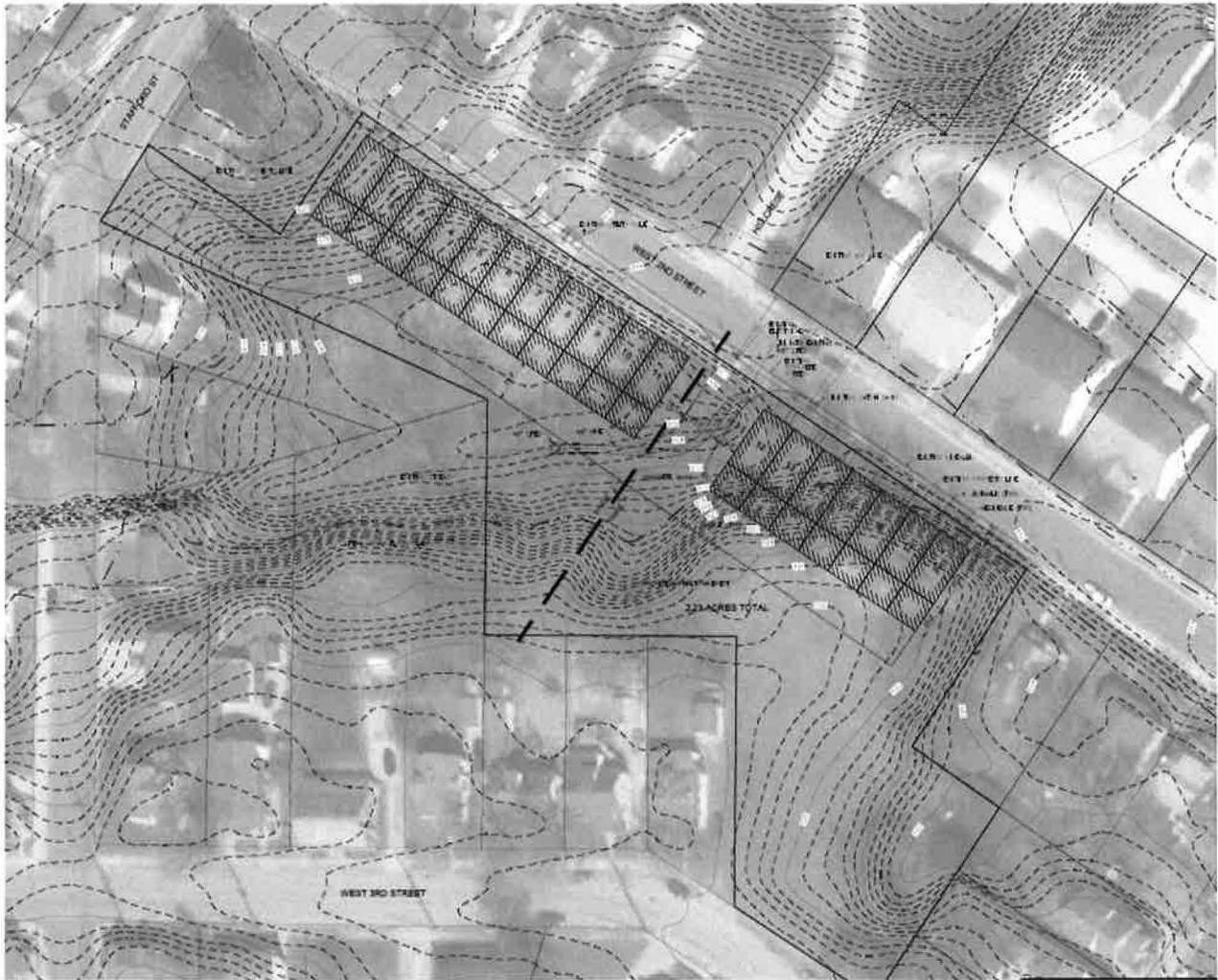
Lastly, the site plan submitted does not show detail of a final plat if each townhome is to sit on its own taxable parcel. This is not required at this time, but prior to Council approving a Final Development Plan, a plat will have to be submitted showing a subdivision plat with easements in the rear for the alley and common ground for the development.

Recommendation:

Staff recommends approval of the rezoning to PD-R and the development plan under the following conditions:

1. No parking signs are placed along the alley/fire lane
2. Stormwater calculations are submitted meeting City detention requirements
3. A LOMA from FEMA and an Army Corps 404 permit must be submitted prior to breaking ground
4. A Final subdivision plat must be submitted showing individual lots to be sold.





John Borgmann-The first phase is going to be the west section?

Sal Maniaci-Yes

John Borgmann-In that first phase, will that connecting drive to second street be completed?

Sal Maniaci-It will be required because this first phase is longer than 150 ft. so some kind of turn around will be required.

John Borgmann-The second phase, if I read the fine print right, there is seven buildings and 22 ft. per building? That's 154 ft.

Sal Maniaci-A fire truck can pull down to 150 ft., stop and the hose can still reach around.

John Borgmann-I thought the code said we couldn't have more than 150 ft. dead head drive. If you include the 12 ft. distance from the building to the edge of the roadway that comes off of second it's actually 168 ft.

Sal Maniaci-This was approved by the Fire Chief, Tim Frankenberg.

John Borgmann-I will talk to him about it.

Sal Maniaci-He said that given the Second Street that a truck could stop at 150 ft. and the hose could still reach around and it was adequate according to him.

John Borgmann-The drive over that 48 inch pipe will that be sufficient to sustain the poundage weight?
Sal Maniaci-Yes, during the infrastructure process and the construction plans will have to show the engineering.

Mark Kluesner-The south side of the building, south of Second Street, where the drive comes back to the back side of the buildings, will there be a large retaining wall there to retain that hillside? And do you have any idea how tall that might be?

Sal Maniaci-That would be a question for the applicant.

Doug Willming-Developer-To answer one of the questions, we are actually losing one of the buildings on the east side and furthest to the right for ponding. So where that pipe comes underneath the road I can add on to it to take the rainwater. What we do by developing the entire thing is we raise the ponding which in turn raises up as it goes. So what we essentially have to do is imagine a moat in the case of an extreme rain and the river coming up and flooding into that valley. From my understanding from the engineers, the amount of ponding that is currently there we have to take that same square footage and bring it around like a moat. It obviously won't be full of water all the time.

John Borgmann-That solves the length of that drive. Thank you.

Doug Willming-I am not 100% sure but we talked about extending the pipe there potentially depending on where that pipe goes, the ponding area tying that into, potentially having two tie ins. If it really got going we would have two inlets that if one got clogged the other one would take over.

Tom Holdmeier-And you will have a wall in the back?

Doug Willming-Yes, it will be in the ballpark of about ten feet. The concrete blocks that are two foot by four foot with a guard rail and flower bed on top of it. It would be roughly that entire development.

Samantha Wacker-Could you speak a little about the size of the units and who your target customer is and price.

Doug Willming-We are not 100% sure yet on what we are going to do but we do want to rent them. We are looking like something that Andy Unerstall did on Front Street. Rent from \$1500 to \$1800 a month. They will be 1768 sq. ft., four bed, three bath, two car garage, single story.

Samantha Wacker-Will they all be the same?

Doug Willming-Yes.

John Borgmann-Will they be sprinklered?

Doug Willming-That depends on what BFA comes up with.

Sal Maniaci-I don't think they are required if you have a certain fire rating between the walls.

Keith Kuenzel-How far back is the development going to come to our properties? My area is at 33 ft. and the flood thing is at 15. Will the rock wall come up to our property line? Or will we have the 30 ft. buffer zone? I would hate to have a drop off right at my property line. As far as our trees go, are they going to be getting rid of all the trees up to my property line?

Sal Maniaci-The buffer is set by the site plan. According to this plan I think you are going to have a decent amount of green space.

John Borgmann-If you go to the corner lot that gets real close to the property line. If they are talking about a 26 ft. fire lane and a two foot concrete wall to support that, that is going to be very close to that property line and we need to make sure that that 26 ft. gets maintained there if there is going to be a retaining wall there.

Sal Maniaci-We do have an option there where there is not any green space, I would recommend that if we are going to require some screening maybe a fence where there is not any of the wall. So this plan that has been submitted shows 26 ft. off the property line so that is what we are making our recommendation off of. If they come back and resubmit, we will go from there.

Neil Zeitzman-210 Stafford Street-There is a culvert that comes out of the back side of the home sitting there. I have had water half way up my yard during bad storms. I don't want my yard to turn into a retention pond. The City bought pipe at one time to extend all the way Stumpes property. They were going to do that and then just leave that as a retaining pond. I just had my home surveyed to get it out of the flood zone and I really don't want to be back in it. My other concern is, lets say the developer and

the city puts that pipe all the way through that property, the other side of Stafford and Roberts you can see that creek right there between those two homes. Will that clog up there and go over Second?

Sal Maniaci-They will have to submit calculated engineering stormwater plans to be verified that it will not increase runoff on any surrounding properties.

Marty & Marcia Riggs-202 Stafford- We have a couple of concerns. When you talk about putting a drive behind the buildings you know that is a former dump and I hope that the city would take the precautions of having that area tested because there is always something leaking up out of the ground. On our lot there is a 157 year old pecan tree, I don't know how close this is going to come to the property line but as the other gentleman said if you encroach on the tree roots, that tree might die.

Mark Piontek-That would be the contractors liability.

Marty Riggs-That is also a historical site. We have the two story smokehouse behind the house. Another concern that along that back ridge where you are talking about building, my understanding from the Department of Conservation, that is a bat habitat and you are not supposed to mess with that. I don't know if the construction would interfere with that or not.

Sal Maniaci-There is an Indiana bat in this area. The DNR permit covers all of that. That means that all the trees need to be cleared after October 1st because they move on. The Army Corps of Engineers permit looks into all of that and it is covered under the permit.

Marty Riggs-Is there going to be a retaining wall on our property line? I am just curious how close the construction is going to come to our property line.

Unknown name, they live at the corner of Olive and Main.-We share a property line with the Stumpe property on the Third Street side. One of my concerns is that the property shows 18 structures on a fairly small area. Those of us that live in that area know how much trouble we have with the storm sewers already with runoff and the amount of water that comes down now with some of the extreme storms that we have had. The system can barely handle it now. I am assuming that there is a plan for mediation.

Sal Maniaci-As I understand, the Army Corps requires some sort of mediation plan to be submitted to be able to get your permit.

Unknown-Will the stormwater committee have a say-so in this process?

Sal Maniaci-No, that is a federal organization. So they may reach out to our engineering department on recommendations because I know you can remediate in the general area so they may say find somewhere in this basin and enhance it but that again will be up to the Army Corps.

Unknown-With respect to the bats. There are bats there. I am wondering if there would be an environmental assessment required to see if they are rare and endangered species. I do know that there are the larger brown bats there.

Ralph Gildehaus-Remax Today.-I represent the seller on this property. As far as this development here this is by far the nicest proposal in the years of marketing the property.

Julianna Benedict-Corner of Second and Olive-I have several concerns. Density. The shoe factory just down the block is already going to expand the traffic and everything. That is already super high density. I was super shocked when that was approved. I have never done anything like this before but you are wanting to rezone and we don't even know what you are rezoning? We only got these letters a few days ago and it has already changed from three story to a two story. I don't really understand. You say the second and third phases are going to stay the same but how do we know that?

Sal Maniaci-If they do want to develop along Third Street they would have to submit what they are planning on doing and we would have to notify neighbors just like we are doing now. Anything they have not shown on this plan cannot be built. If they want anything more, they would have to submit a new plan. So this is what is being requested tonight.

Tom Holdmeier-If they make any changes they would have to come back with a new plan.

Sal Maniaci-This is a preliminary plan and they would have to come back with a final plan. When Council votes on it, the plan is put with the ordinance and recorded at the recorder of deeds. So it will be set in stone.

Julianna Benedict-So we can safely say on the garages for these 17 units now, that this is efficient for that many people on that little street. I am saying that between the shoe factory and these 17 houses that are going in this little bit space there is going to be a lot of traffic and a lot of cars. It is super high density for this area. I don't understand why we are rushing this through so fast. I feel we just need a little more time to digest what is going on. Can you assure me that this has nothing to do with HUDD housing?

Sal Maniaci-It does not have anything to do with that, I can assure you. We cannot say that they have to be a certain price. He can sell them or rent them, it is not up to us.

Tom Holdmeier-Sal, do you know how many duplexes would fit there?

Sal Maniaci-With duplexes you can't have shared walls, you can only have one shared wall and you need to have 12,000 sq. ft., maybe 12, I am not sure.

Julianna Benedict-Now we are going to have to have a stop sign and Second Street in our calm neighborhood.

Tim-Olive Street-First I need to ask that are that stop signs planned on Second Street or is that a different process.

Sal Maniaci-There is not another stop sign propose here.

Tom Holdmeier-There is a Traffic Committee that will look at that and make suggestions as to where a stop sign might need to go.

Carolyn Witt-You can go to that Traffic Committee meeting and make a suggestion. It is the first Friday of the month.

Tim-If you go back to the bigger picture where there be other development on the portion that is not going to be built on?

Tom Holdmeier-If for any reason he wants to develop the portion that is not going to be developed he would have to come back.

Tim-My house sits up and on a 10 ft. retaining wall. So there is a lot of water that flows past Third Street and down to the ravine and it also passes through that plot there and down. So the water from the east side, where will that water channel?

Sal Maniaci-I can't answer that right now. They will have to submit final development plans. Is that wall going to keep from the water flowing through?

Tim-What assurances do I have that the water will flow through and not affect my yard/wall?

Sal Maniaci-There is City code that requires them to show us how the water is going to be maintained. So they have to submit to our engineers and it has to be approved.

The following are two letters received regarding the agenda item:

September 9, 2020 Dear Washington friends,

Thank you for the opportunity to enthusiastically endorse the West 2nd Street rezoning and development. While I am unable to attend your meeting in person because of my husband's health condition, I appreciate your gracious acceptance and reading of this letter. This land has been in our Stumpe family for five generations. Owners are the five grandchildren of the late Dorothy and Clarence Stumpe and I am Trustee for the two youngest grandchildren. Since my mother's passing eight years ago, we are trying to sell property to settle her estate. We are pleased with this proposal because it demonstrates vibrant economic growth and high-quality housing for Washington. Several interested buyers have expressed interest in this 2nd Street land in the past--including a proposal for multiple storage units. By far, the current development being proposed is the most aesthetically pleasing and is also a substantial investment for the neighborhood. The design of beautiful large north facing bay windows and a red brick façade are in a contemporary design. My great-grandfather, Frank Stumpe, is surely smiling to see the use of this brick development on his land. Beginning in 1862, when Washington was known for its brick-making industry, he received high acclaim for reportedly making

10 million brick1. Please know of our continuing investment in Washington. I am a lifetime member of the Washington Historical Society and we have several large donations pending with the Historical Society and the Fire Department's "Firetiques." Thank you for supporting this rezoning and development. Sincerely,

Ruth Tofle, PhD

Sal-

Per our conversation last Thursday I informed you that I had a prior commitment on Monday September 14th and will not be able to attend the Planning And Zoning Commission Meeting that evening. As a recipient of your Stumpe Property Rezoning letter I'd like to offer my written comments. I could not find an email address for the Commission on the City website and trust that you will forward this to the appropriate members in a timely manner.

First, I would like to offer some input on the process itself. The letter is dated 9/4. We received it on 9/8 due to the holiday. That gives us 6 days to look at the information and formulate an opinion. This is an inadequate amount of time to rearrange busy schedules in order to attend the meeting. The developer has most likely been working on this for weeks or months and the City has known about it likely as long. Why don't those impacted by Development get a reasonable length of time also? The proposal will be presented on the 14th so we'll get more information hopefully. Then we'll have to formulate our input quickly that night and it could even be voted on the same night. Doesn't seem quite fair to those affected by a new development, especially since most of us aren't familiar with the process. Then your letter goes on to set the rezoning on the agenda for the Council meeting the following week. Gives one the impresssion that someone already thinks this will pass the Planning And Zoning Commission regardless of any adjacent property owner opposition. Details of this project seem to be in flux and not set. The plans that were sent out indicate 3 story development and I understand now that it may be 2 story. Pretty significant change in a few days. I googled the name on the plans and learned that the Board approved rezoning another piece of property for the same developer February 15, 2019. In the newspaper article it stated 3 bedroom 2 1/2 bath and his quote says well it will definitely be at least 2 bedroom 2 bath. Maybe proposals shouldn't be put on agendas until the required studies are completed and reviewed by staff as well as a sealed plan provided.

My comments on the rezoning request are as follows: I have lived in the same house on Second Street for 35 years this year and am very familiar with the neighborhood and the Stumpe Property. The general character of the block bounded by Second, Third, Stafford, and Olive as well as most of the adjacent blocks in the R2 Overlay area are single family with a few two family that have been added in recent years. With a few exceptions these properties have been well maintained and many even upgraded over the years enhancing the Stafford-Olive historic district. This is a very vibrant part of town where people care about their property and each other. The Stumpe Property is one of the properties that has not been adequately maintained over the years and is a pest and mosquito haven so a development would be welcome but not the one proposed in the letter.

1) It seems to me that the R2 Overlay district (the current zoning) was established specifically for land like the Stumpe property. The City Development Plan for R2 states: Protect and preserve single family areas while allowing more density with 2 family units. An example of the 2 family units would be right across the street from this property down to Olive. So the existing R2 Zoning allows for more density than single family, yet still fits in with nearby existing structures. R2 Overlay is the appropriate zoning for this property.

2) This sight is different than the shoe factory in that there are no constraints like reuse of existing structures. This is undeveloped land with no constraints that I am aware of that would keep a developer from building the maximum allowed number of single or two family units under R2 zoning.

3) The drawing that was sent out is conceptual and not a sealed drawing so we don't know for sure if this can even be built.

4) The plan illustrates 18 connected narrow (22') row houses. This does not in any way fit in with the character of the neighborhood.

5) 18 units is excessive. With the approval of the shoe factory development, we do not need anymore density in this area. It has been reported that there are parking concerns with the density of that project. Under section 400.115G 3 a. of the zoning code for Planned Development the density of residential development shall be consistent with the intent of the original underlying residential district which is R2 or compatible with nearby area. So, even if the Commission and Council deem this development good for Washington and this neighborhood, the density should be limited to that of R2 as single and two family are the overwhelming majority of the nearby area. Although the project boundaries are not identified I'd estimate about an acre and a half which would only allow 5-6 two family units.

6) There are large areas on the plan that do not appear to be within the project boundaries, especially a piece fronted on Third Street. Since there is no development planned for this space they should be removed from consideration for rezoning.

7) One of the Intents and Purpose of PD-R Zoning is to promote a more desirable community environment. Cramming a high density in row houses in an established single family area does not in my opinion meet that criteria.

8) Since I can't be at the meeting I'll ask in case it is not covered in the presentation: Has the applicant had an independent professional do a traffic study as well as determine the adequacy of existing utilities? This should be required before vote especially in light of the new development at the shoe factory and the aging infrastructure that was designed for single family. Also, the plans do not address how runoff will be handled. There is already significant flooding on Second Street during storm events.

In summary, I believe the existing zoning is proper for this property and already allows for more density than single family. The proposed development does not enhance community environment.

Respectfully Submitted,

Jim Armistead
412 West Second Street
Washington, MO 63090
636-221-2236

Julianna Benedict-I don't understand why these questions don't have to be answered in advance of voting. Why does it have to be changed before the developer shows us what is really going to go there and how it is all going to work?

Tom Holdmeier-We do not need to have sealed drawings because it costs so much up front and then if they are changes that costs a lot of money also. So we look at his plans and then he will go and get a sketch and have it exactly how it is supposed to be according to our meetings.

Julianna Benedict-I don't remember all the questions from the Armisteads but there were some very good points there. And I don't feel that those questions have not been answered. This is being rushed through.

Tom Holdmeier-The R-2 compared to the single family attached...

Sal Maniaci-The R-2 and the overlay district allows for one and two family and the two family in the sense that it is a two family, one on top and one on bottom. A single family attached is where they have a shared wall with no set-backs in between. R-2 still requires 6 ft. setback between houses.

Tom Holdmeier-It is a planned unit. And this is the best way for us to see what is going to be there exactly. With R-2 he wouldn't have to come in and just meet some specifications that Sal just said.

Julianna Benedict-Even coming in with duplexes like across the street that would be better than what is being proposed.

Sal Maniaci-You can't have a shared wall in an R-2 either so that would not work either. These are going to have shared walls and that is why it requires the rezoning.

Samantha Wacker-The planned development is unique, there are some water issues and some other issues that come with this property but by planning it as a planned unit development the developer can be a little more creative with the development without having to bulldoze the entire property. There is a lot of green space in this plan. This wouldn't work with a different kind of zoning. You may have to get rid of bat habitats and other things you may not need to do with this type of zoning. The other benefit to this type of zoning is that is they just want to come in as R-2, they could bulldoze the property and the neighbors would have not say so about it.

Julianna Benedict-R-2 would be single family homes.

Samantha Wacker-Not necessarily. You could building a bunch of two-family homes.

Julianna Benedict-That's preferable.

Doug Willming-Full sets of plans are very expensive. For me to get a set of plans for this project it would cost me around \$10,000 to get all this engineering done and then have to go and get it all changed. The three story building is basically what it is going to look like. I am shooting towards a similarity to Andy Unerstalls buildings on Front Street as I can. Reddish bricks, black windows, black handrails and this is going to target the 55 and older where the kids have moved out.

Tom Holdmeier-The retaining wall that will be coming off of Stafford. Would there be a retaining wall on that side for the driveway.

Doug Willming-There is a chance that it will be on both sides. I want to take as little of the back side of that property as I can. I don't want to lose those trees just as much as the people that live there. I don't want to look at the back of their house as much as I don't want to have them look at the back of my unit. I want that buffer back there. That top field will probably not even be touched. Where the road comes in and meets that historic home, I am going to do everything I can to a make it look good.

Tom Holdmeier-And the pecan tree?

Doug Willming-These are on slabs and the most it is going to be off the ground is 30 inches. I don't want the tree to do either. I want to keep as much as the green space as possible. I don't want to take out the trees if I don't have to. I want to move as little dirt as I can. As far as the water, it is going to slope into that ponding area.

John Borgmann-Looking at the grading, where that ridge is behind Phase 2, you are looking at a 531 elevation down to Stafford Street to a 512 elevation, so you have 18 foot of cut that you are going to have to make back into that hillside, is that correct?

Doug Willming-Yes.

John Borgmann-So your plan is then you are going to drop one of those units off on that east side, your plan is to have them all on the same grade?

Doug Willming-Wherever I can stair step, I will stair step. Basically what I will do is stair step to the floodplain.

John Borgmann-Then on the west side where the street ties into Stafford, there is quite a bit of change in elevation there also. So, Sal, does that meet our grade requirement on that west side? Have we looked at that?

Sal Maniaci-I could not tell you off the top of my head, we didn't know about the retaining walls until tonight.

John Borgmann-There is 20 feet, 30 feet, there is 10% grade in the city. My only concern after hearing everything tonight too, I would like to see a revised plat since you are cutting off another building and about the moat or whatever you want to call it, how that would lay in there a little bit. I think there are too many unanswered questions.

Sal Maniaci-There are enough changes that the applicant would have to submit a new plan.

Doug Willming-With losing the unit, the rainwater is the main concern. As far as building goes, there is really no other problem. But the ponding and the rainwater is where it is at. It doesn't change the moat, and I really shouldn't call it a moat, all it is is a lower elevation.

John Borgmann-Looking at the topographical lines there, it drops off from that 532 behind the east development and drops off to the east significantly there. So this area that you are talking about would come around that eastern development so you would cut into that hillside behind the retaining wall?

Doug Willming-Yes. Just strictly for ponding. There will be like an elevation to where it does not have to be all the way down here where it is.

John Borgmann-So you mentioned you may have to come into the property line of the side owners there along the eastern edge of the property line?

Doug Willming-Yes. More so just blending. It will start to pond, get that relief and instead of continuing up the creek and flooding everyone's house, it will pond, hit that relief and as of current in an extreme case it will end up on Second Street as I currently does. It should not be any worse than it already is.

John Borgmann-Just too many unanswered questions.

Mark Piontek-I have some of the same concerns that John has. I know he has got it all in his head but nobody can review that black on white. And we can't affix that to an ordinance and say well we know what he is talking about but we need it in black and white to review. My suggestion to all of you tonight, and keep it mind for the public. These are two different things here; there is the rezoning and the approval of this plan. I think there is enough information on whether to rezone it or not but not enough information to approve the Development Plan as presented according to our codes.

Samantha Wacker-I agree that this is not the normal plan that we would have presented to us. We also have to do our due-diligence on our part.

Mark Piontek-The idea in part was, you can come up and decide whether you are going to get your rezoning before you stick thousands of dollars into plans. Now you have to work on the plans to see if you are going to get an approved development plan. I don't think this part is there.

Doug Willming-Is that what Council is for?

Mark Piontek-No, you have to come back here with the development plan. Once it is approved here then it goes to Council for approval. The rezoning could come back next Monday, but not the development plan and then go to council in November.

Doug Willming-Do I continue to fund it?

Mark Piontek-Whatever the code requires is what we need to see.

A motion was made to approve the rezoning to PDR, seconded and passed without dissent.

The Development Plan was tabled until next month.

4. Public Hearing on Code Amendments:

Sal Maniaci-So last month we discussed three changes to the zoning code so we have to have a public hearing here and then also at Council. We did notice that in the paper a couple of weeks ago. The first one is Social Correctional Treatment & Counseling Services that was only permitted as a special use downtown and industrial districts and we felt that was a little exclusionary. We had someone call and asked if they wanted to do some counseling office if they had to do it in the industrial park which obviously not the intent of that. We talked about it being like a substance abuse which is also a special use in C-1 and C-2. So the only use that would be changing would be the special use in C-1 and C-2. The only change to this code is adding an "S" to this district.

Motion made to move onto to Council, seconded and passed without dissent.

Sal Maniaci-The second one is the discussion of cell tower heights. I know when we talked about it last month we realized that our existing code prohibited at 100 ft. which really didn't allow for expansion of any rural towers and any inquires we were getting were mostly above 100 ft. It is no secret that we do have coverage issues locally because we didn't think it was good to discourage cell towers and we

looked at some surrounding communities our size that do have cell tower regulations and 100 ft. is pretty small/short for a cell tower. So, we changed it to the simplest way was just to increase the height regulations to 200 ft. That gives us the capacity needed. Every one is required, if it is not a disguised tower, to get a special use permit and a site plan has to be submitted and commented on. So that was the change there changing from 100 ft. to 200 ft. in Section B. We also talked about in section F, right now our code only requires setback from a residential structure the height of the tower plus 10 feet. There was some talk about adding any structure to that. We did receive some comments and Jake Sprag is here too who was one of the applicants that applied for a cell tower last month that was going to be over 100 feet. In some discussions that would prohibit a bunch of locations just when you do have properties that do not have a residential structure. We actually require in the building department the fall zone to be submitted, stamped and sealed by an engineer licensed in Missouri plans that there is a fall zone submitted with that engineered plan that does determine the setback from a residential structure. So the residential will stay have to be the height of the tower plus ten feet then we give a fall zone for non-residential. Right now it is nothing. We don't have it in there at all. It just says from any residential structure. It doesn't mention it in neighboring non-residential. This is some language that I put in there. We can open it up for discussion.

Chuck Watson-What difference is that going to make saying you are using the height of the tower plus ten feet versus whatever is submitted with an engineer's plan.

Sal Maniaci-I believe that the reason is that they are not meant to fall the height of the tower. They collapse half way in so you are causing an additional set back and hardship.

Samantha Wacker-But it still regardless of the engineering report that I understand this it would still be at least 200 ft. from a residential structure.

Sal Maniaci-Correct. The height of the tower. No, you are correct, 200 ft. from any residential.

Samantha Wacker-The first part of that is residential. It is going to be 200 ft. away from any residential even if it is a 50 ft. tower.

Sal Maniaci-Sorry, you are correct. F-1 has not changed. That is how it is currently.

Mark Piontek-First I don't like the use of the term fall zone. That is not defined anywhere. Secondly, how do we know what standards the engineer is looking at when he determines what that is supposed to be.

Sal Maniaci-I do not have an answer I am open to discussion on this. When this was brought to my attention I thought that was a good comment so I wanted to open in up for discussion.

Mark Piontek-So if an engineer comes in and he says that I've got a piece of property between two commercial properties, the strip of ground is 20 ft. wide, and I am going to put up a 100 ft. monopole but it doesn't need a fall zone period just because the engineer sealed it. That's supposed to be good?

Chuck Watson-The engineer would be liable.

Mark Piontek-What's the engineer going to certify anyway? What is he certifying? That there is no fall zone? And then go find that engineer in fifteen years when the tower falls over.

Jake Sprag-The fall zone letter would be the engineer signing off what the fall zone is. Your scenario of 20 ft. between two buildings he wouldn't certify that there is no fall zone basically it would not be satisfying that. The fall zone would have to be less than the distance that the tower would be close to. The engineer signing off on the fall zone would give you the radius.

Mark Piontek-What I understand is that these towers are supposed to telescope within side themselves. They are not supposed to fall over.

Jake Sprag-That is true for some of them.

Mark Piontek-If that is the case then that particular tower would have zero fall zone.

Jake Sprag-I am not aware of telescoping towers. The ones we do are the self-support. Monopoles are the ones that we put up and are usually stacked.

Sal Maniaci-This only was brought up because we wanted to discuss the height of the tower. The setbacks from nonresidential structures was notice at the last discussion. We have not had that issue. It is

a possibility on discussing just the height of the tower change and not change anything in F-2. Leave it as is.

Samantha Wacker-I agree with Mark that if we are setting up a term and it is going to be a problem. I

Mark Piontek-What set of standards are these engineers going to use? Is one engineer going to look at one set of standards and another engineer going to look at a different set of standards? One says yes, a 20 ft. fall zone is adequate and the other one says no it should be 100 ft.

John Borgmann-Are all towers made the same?

Samantha Wacker-No. That is what we were saying.

John Borgmann-It could be anything. I am not comfortable with that statement.

Sal Maniaci-I totally get it I just threw out an option for discussion on the height of the tower. The whole point of this discussion is that we don't prohibit cell towers.

John Borgmann-Do we have any other options?

Sal Maniaci-You could just go with the changing of the height of the cell towers.

John Borgmann-So what are other communities doing?

Sal Maniaci-This was originally written from a community same us.

Chuck Watson-So any structure that is occupied?

Mark Piontek-I did some research this afternoon and it was the height of the tower plus 10 ft.

Samantha Wacker-Is that residential or commercial?

Mark Piontek-It didn't matter.

Samantha Wacker-I would be comfortable with that. Maybe that is more restrictive than we want to be but that certainly makes me comfortable.

Chuck Watson-Well if anybody has a structure and the tower falls on it, someone is going to be liable for it and what you are saying is if you are going to protect it you don't want inside that zone period.

Mark Piontek-It's not so much the liability it's if you are going to injure somebody if it is an occupied building.

John Borgmann-It takes away a need for another definition out of the zoning ordinance. So do we need a motion to accept Section B and not F.

Sal Maniaci-Then I need a motion and then the height of the tower plus 10 ft. which is what we discussed last month.

Mark Piontek-The only change from the code is strike the word residential.

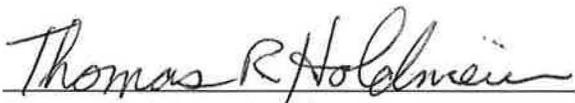
Motion to leave F2 like it is and strike residential, seconded and passed without dissent.

Motion to increasing total height to 200 ft., seconded and passed without dissent.

Sal Maniaci-Height requirements in C-2. We discussed this last month about increasing it to four stories because of our ladder trucks, fire ratings and sprinkler codes that is required on these commercial buildings. Last time we had 50 ft but we currently have 45 or three stories. Four stories or 60 ft. in C-2.

Motion made, seconded and passed without dissent.

Motion to adjourn, seconded and passed without dissent at 9:15 p.m.



Thomas R. Holdmeier
Chairman

Next meeting will be October 12th, 2020 5:30 p.m. Council Chambers, City Hall.