

**MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL  
CITY OF WASHINGTON, FRANKLIN COUNTY, MISSOURI  
MONDAY, APRIL 19, 2021**

**INTRODUCTORY ITEMS:**

Oath of Office – Newly Elected Officials: Duane Reed, Ward 1 Councilman; Mark Wessels, Ward 2 Councilman; Jeff Patke, Ward 3 Councilman; Joe Holtmeier, Ward 4 Councilman.

The Special Meeting of the City of Washington, Missouri, City Council was held on Monday, April 19, 2021, at 7:15 p.m. in the Council Chamber. Mayor Sandy Lucy opened the meeting with roll call and Pledge of Allegiance.

<b>Mayor:</b>	Sandy Lucy	Present
<b>Council Members: Ward I</b>	Duane Reed	Present
	Steve Sullentrup	Present
<b>Ward II</b>	Mark Wessels	Present
	Mark Hidritch	Present
<b>Ward III</b>	Jeff Patke	Present
	Greg Skornia	Present
<b>Ward IV</b>	Gretchen Pettet	Present
	Joe Holtmeier	Present

<b>Also Present:</b>	City Attorney	Mark Piontek
	City Administrator	Darren Lamb
	City Clerk	Sherri Klekamp
	Communications Director	Lisa Moffitt
	Police Captain	Jim Armstrong
	Public Works Director	John Nilges
	Economic Development Director	Sal Maniaci
	Airport Manager	Kevin Hellmann

Originals and/or copies of agenda items of the meeting, including recorded votes are available on record in the office of the City Clerk. Each ordinance is read a minimum of twice by title, unless otherwise noted.

**Approval and Adjustment of Agenda including Consent Agenda:**

- \* Collector’s Report Summary – January 2021
- \* Investment Report Summary – January 2021
- \* Rabies Clinic – May 13 & 20, 2021
- \* Pawnbroker Business License – Titan Hill LLC dba Titan Hill Armory and Pawn, 1807 East Fifth Street

A motion to accept and approve the agenda including the consent agenda accordingly made by Councilmember Sullentrup, seconded by Councilmember Holtmeier, passed without dissent.

**PRIORITY ITEMS:**

**City Council Elections:**

- \* Election of Mayor Pro Tem  
Councilmember Patke nominated Councilmember Sullentrup, seconded by Councilmember Hidritch.  
With no further nominations the motion to elect Steve Sullentrup as Mayor Pro Tem passed without dissent.
- \* Election of Council Member to P&Z Commission  
Councilmember Sullentrup nominated Councilmember Hidritch, seconded by Councilmember Patke.  
With no further nominations the motion to elect Mark Hidritch to the Planning and Zoning Commission passed without dissent.
- \* Election of Council Member to 353 Redevelopment Corporation  
Councilmember Hidritch nominated Councilmember Sullentrup, seconded by Councilmember Patke.  
With no further nominations the motion to elect Steve Sullentrup to the 353 Corporation passed without dissent.
- \* Election of Board of Health  
Councilmember Sullentrup nominated Councilmember Holtmeier, Councilmember Patke, Councilmember Reed and Councilmember Wessels, seconded by Councilmember Hidritch.  
With no further nominations the motion to elect Joe Holtmeier, Jeff Patke, Duane Reed and Mark Wessels to the Board of Health passed without dissent.

**Mayor's Presentations, Appointments & Re-Appointments:**

- \* Mayor's Proclamation – National Public Safety Telecommunicators Week  
*National Public Safety  
Telecommunicators Week  
April 11-17, 2021  
Whereas, emergencies can occur at any time that require police, fire or emergency medical services; and  
Whereas, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and  
Whereas, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Washington Communications Center; and  
Whereas, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services and are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and insuring their safety; and  
Whereas, Public Safety Telecommunicators of the City of Washington have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients;  
and*

*Whereas, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year.*

*Now Therefore, I Sandy Lucy, Mayor of the City of Washington, Missouri, do hereby proclaim April 11-17, 2021 as Telecommunicators Week in the City of Washington, Franklin County, Missouri in honor of the men and women whose diligence and professionalism keep our city and citizens safe.*

*In Witness Whereof I have hereunto set my hand and caused to be affixed the Seal of the City of Washington, Missouri this 19<sup>th</sup> day of April, 2021.*

*Sandy Lucy  
Mayor*

### **PUBLIC HEARINGS**

\* **Rezoning 102 East Second Street from R-3 Multi-Family to C-3 Central Commercial**

*April 13, 2021*

*Honorable Mayor & City Council*

*405 Jefferson Street*

*Washington, MO 63090*

*RE: File No. 21-0401-Rezoning 102 E. Second St-Applicant is requesting approval of a rezoning from R-3 Multi Family to C-3, Central Commercial District*

*Dear Mayor & City Council Members:*

*At the regular meeting of the Planning & Zoning Commission held on Monday, April 12, 2021 the Commission reviewed and recommended approval of the above mentioned file with a unanimous vote. Tony Gokenbach abstained from voting.*

*Sincerely,*

*Thomas R. Holdmeier*

*Chairman*

*Planning & Zoning Commission*

**Mayor:** Okay, Sal.

**Maniaci:** Good Evening. This first request tonight is for a rezoning of 102 East Second Street. This is located at the intersection of Second and Market Street, just a couple of blocks from where we're staying right now.

It is currently a Four Unit Multi-Family structure zoned R-3 on that eastern side of Market. It does have access to both Market and Second Street. The property here is zoned R-3 Multi-Family. So, then all of these colors kind of run together here, but this darker blue is all R-3 Multi-Family. This whole district is not necessarily multi-family, but in 89, when we did our zoning district, that's this area all got zoned multi-family for whatever reason. There is quite a few structures here that are multi-family, but it is kind of a mix of what we consider grandfathered, single-family, and then multi-family uses that fit into that district.

This lighter blue is what they're requesting. So, there is something caddy corner here, but not directly adjacent. This lighter blue is our C-3 Downtown Commercial District. It's our Central Business District that allows for mixed uses in the area. It also allows for not requiring off street parking because we don't often like to encourage that in our Downtown District because if we made people do off street parking on a zero lot line, they would most likely have to

buy a storage structure to tear it down, which is something we want to discourage. So, those are two benefits of being in this district that it's mixed use so you can have residential and commercial in one building as well as the, you don't have to have off street parking.

The applicant is requesting to move into this C-3 Downtown District for that reason, not necessarily the parking and they're going to add parking per the application, but they would like to put their offices on the main floor and then renovate the top floor into one apartment as what they stated at Planning and Zoning last week.

You saw my staff report in the packet this week. Staff did recommend denial of this rezoning really for one main reason, that it is not directly adjacent to the existing C-3 District. It is catty-corner here, it's close, but it would technically be a spot zoning. This entire block here is R-3 and we like to set a precedent of not allowing that C-3 District outside of the downtown as much as we can. I'll show some examples here where it has happened in the past. But the reason being is that that's the intent of that district is for it to be the Central Downtown District.

It is not written into code of where the boundaries of that be because over the years it has expanded. But, in my eyes or in staffs eyes, is that if you don't draw the line of it being directly adjacent to it, where do you draw the line? This is one property removed, which is as close as you can get without being adjacent. But, then in a month, if someone down here asked for it, is that still close enough? And so in our eyes, we just like to draw a straight line and say, Hey, if it's not adjacent, we aren't going to recommend that.

I did throw out an alternative in my staff report that would take a little bit longer and, Planning and Zoning did review it last week. But, the idea would be, if we can add an overlay to our zoning code. If Planning and Zoning and Council sees that there is a possibility that there are certain areas that could allow for mixed use outside of what the C-3 is, say, Hey, this area is adequate or fits the intent of this Downtown District, but maybe isn't zoned C-3, we could do an overlay district that encompasses this area as well as a couple others. That would kind of allow for some of these uses to still go in this area, but without having to get it rezoned and worry about spot zoning.

That is one alternative that would have to go through Planning and Zoning. There would have to be some homework done. I can't imagine we'd something we could get done within two or three months really because I think there'd be some discussions with Downtown Inc., Planning and Zoning, and we'd be going back and forth a little bit before we drew those boundaries.

A little bit of history of this. We have approved some C-3 Spot Zoning is what I'll call it. In the past, two occasions that I could find one here on Fifth Street, this is right next to Quality Copy. This property has access to Oak and Fifth here and it's the tire facility. They had to get rezoned to C-3 I believe in 2012 and then asked for a Special Use Permit to put that industrial use in. That was approved, and that was one circumstance.

The other was Rhine River. Now in this circumstance, they were having a very specific plan. It needed at the time we didn't have the same non-planned or the same planned mix plain residential that we have now in our code. This was done in 2010, but they needed the zero lot lines for those townhomes at Rhine River. So, they requested and it was approved for that rezoning here.

Now, I would say these are kind of different circumstances, where in this case I would actually argue that the overlay district, if we were to create it, would go out to this boundary because Rhine River and our other TIF, I think are pretty easy to argue that those are kind of our anchors of Front Street for where our entertainment and mixed use district really is at.

So, I don't think it was inappropriate to approve this here by any means because that was the zoning that we had available at the time in the code. It's just an example of where if we were to do an overlay district, this would be something we would include in it as well as this whole block here where the Corncob Pipe Factory is and there's a law firm here. This is all still zoned industrial, when in reality, if that's ever going to get redeveloped, it'll probably be mixed use and it should be C-3. It's just, the owners have never actually requested to come in because it's been the, Pipe Factory has been in use for 150 years. So, there was no need for them to ask for that.

The overlay district, I'm just kinda throwing it to the side is an alternative to kind of fixing that problem and saying, Hey, this is a district that we allow mixed uses in whether it's C-3 or not. If the person wants to come in and rezone for C-3, great. But, if they are right adjacent to this area they could be in that. And, the reason I think I said there would be a lot of discussions with downtown. This wouldn't be a perfect square if we wouldn't say, you know, our 20 or we often say downtown is five by five square blocks. Well, in this case, I wouldn't recommend having this area being that mixed use cause there's a lot of single-family or two-family even right here that necessarily offices wouldn't be appropriate.

So, we would have to kind of draw these boundaries and probably right down Main Street here and then go down Cedar. But again, that's something that P&Z has recommended to me to come back with at a later date. So, we will go back to them next month and talk about what those boundaries should be. I will have a report for you most likely not in June, I would say I would bet that P&Z would go back and forth a couple of times, most likely in July with a possibility if P&Z wants to do that.

The reason I preface all that is that is P&Z did vote on this specific rezoning. After we did have a long discussion about that overlay district, but there was a vote to go ahead and approve a motion to approve the rezoning. The reason being, I believe the motion Commissioner Cerutti Wacker made the motion and that it is catty-corner here and in her argument was that their intended use of office on the ground floor and single-family or one unit up top would not be out of character for the area. I did agree with that in my staff report that their end use, I don't think is detrimental to the surrounding properties by any means. It's just drawing a line and where are we going to say it's contingent to C-3 was my big concern, the intended use. I do agree that it's not going to harm the surrounding properties.

They made a motion to approve that. It passed six to nothing with one abstaining, or seven to nothing, one abstaining, I guess there is eight there. So, I just kind of wanted to throw that out there. We did talk about the overlay district. That is something that we're going to bring back just to kind of allow us to try and not have this happen in the future, but regardless they did vote unanimously plus one abstention to approve this rezoning.

**Lamb:** Two other things, if I could add. Sal, are you done? I apologize. I didn't mean to cut you off.

**Maniaci:** No, I'm done.

**Lamb:** One is, that would be the only property that you would have within that block that would that could be used for commercial use. Every parcel within theirs being actively used as residential right now. So that's one thing.

The second thing is if you do vote it to C-3, as Sal said, if they want to do office space, on the first floor and an apartment on the second floor, they can renovate that entire unit to office space at any given time down in the future. That would not come back before this board. That's just something of coming in and getting an occupancy through the Building Department to go ahead and do that.

So, even with their intent of doing an office on the first floor, maybe residents on the second, you do have the possibility that you could have a lot more commercial usage there. They would not be required to go ahead and provide off-street parking. Just want to make sure that that's very clear.

**Mayor:** So Sal, if we were going to do like an overlay or something, would you do that entire block, or how would that work, suggested overlay possibly?

**Maniaci:** We would have to determine where it's at. I would just from my first review of this, I would have to really sit down with our Downtown Inc. and in our staff and look at where the boundaries would be. I wouldn't go, say any property that has access to Stafford. That would be a very, I'm sorry to Market, here, that would be a very easy boundary to draw say, Hey, if you have a parcel that has access to Market, that is the eastern boundary of downtown.

That's kind of what we've always used Market to Stafford Front to Fifth, in general terms of downtown. But, I think as you went, this may be easier because you could just say, Hey, Market Street, and I know what Darren's right. There's, you know, there's some single-family even here in this multi-family that's grandfathered in. But, long-term saying if you're going to look at the whole point of an overlay is the, the long-term potential redevelopment. Is that going to hurt the surrounding area? I don't necessarily know if you, when you have C-3 on Market, actually past Market down here, and it's just one block up, Oops, I was holding two buttons at once. John, would you turn that back on for me? Just the presentation. So this full screen, there you go.

So, then this is where we get a little more complicated when you get further west, that's where we'd have to figure out what those boundaries are and that's where P&Z came forward and said there, yes, we would like to do that in the future still. So, I'm still going to be exploring that and figure out what those boundaries are, but there were, they were of the opinion that this parcel approving it now was not going to cause a detriment to the future what was worth they were founded on.

**Pettet:** Sal, so did the neighbors reply to the notification? Any feedback at all?

**Maniaci:** No, we had zero comments at Planning & Zoning.

**Wessels:** You know Sal, I respect really the way you follow the way the zoning has been laid out. That's why I was curious about why they made an exception here. You kind of explained it, but, I think when you take the time and the energy to lay these things out, I just feel like an exception should be for overwhelming kinds of kinds of reasons.

**Maniaci:** Yeah so, Master Plan like Rhine River was I think kind of *inaudible*...

**Wessels:** Yeah so, I would tend to agree with the staff that I'm not sure this is something...

**Patke:** Well Sal, we talk about an overlay. It's no guarantee it's going to include this property, is that right?

**Maniaci:** That is correct.

**Patke:** And if we do have an overlay, we still go back to Darren's point, where it could be commercial in the basement as anticipated, but it could also be commercial upstairs also...

**Maniaci:** Correct.

**Patke:** Even in overlay, that doesn't stop that...

**Maniaci:** Well, we could write the overlay district however we want.

**Patke:** Oh, okay.

**Maniaci:** I would just, I would propose to make it simple as if you're going to have an overlay district, you match it to what C-3 allows and just say, Hey, look, this is actually where we see the potential boundaries of C-3, because we can't go in and rezone other people's property. They have to request it, but we could do an overlay district and say, Hey, you are outside the C-3 boundary right now, but if you were to come into C-3 later, you know what I mean? That it allows for it.

**Lamb:** I'm just letting you know that if you go forward with what the applicant is requesting, you could have the entire structure occupied as commercial with zero off street parking.

**Patke:** Correct, and I understand your point. I mean, right now we have four apartments there, an off street parking could potentially be an office or two or more. If we allow this one, then the next door neighbor could do the same thing. Then we have off street parking for, you know, again, potentially half the block could be a business. We couldn't, I mean...

**Maniaci:** Now, we would not require it if it was approved, but they did. I just want to full disclosure. They did mention the applicant mentioned that they were going to be putting off street parking to the rear here. But if it goes C-3, we don't require it anyway, so they could change their mind, and we wouldn't make them hold to their word that they said at Planning and Zoning.

**Sullentrup:** Darren, have we ever done a rezoning agreement?

**Lamb:** You cannot, by law.

**Maniaci:** You cannot conditionalize a rezoning.

**Sullentrup:** Okay.

**Lamb:** You can create a Mixed-Use District, which is what we've done in the past. So for example, if you go up and down Jefferson Street from the Downtown District, and you go, as we've seen it over the years from Eighth Street going south, you've got a mixed of stuff. We had C-4 zoning, I think, I don't know what the applicable one is today, but I mean, over time, as some of those houses were converted to residential, et cetera. But, in that instance, they did have to provide off-street parking. They did not request C-3. C-3, you're not required to provide those off-street parking spaces.

Now, you could also argue in the same thing with the four-unit apartment complex. I don't know, do they have any off street parking for the tenants?

**Maniaci:** Not now, no.

**Lamb:** So, I mean, arguments could be made about that too, that, you know, you've got four, I think four units that you've got available to go ahead and rent. You can see the cars parked there just from the ariel.

**Sullentrup:** No off-street parking.

**Lamb:** That's right, and right now they just don't provide it. It's grandfathered in. It's been that way forever. But if you go to C-3, you could have commercial uses and you could have more parking up and down Market Street. That, and again, I think it sets the precedent as somebody else said that, that you could go ahead and request some additional parcels along Market Street to go ahead and be what premise would you have to deny one, just going to the south, the house right there to the south if they wanted it?

**Pettet:** Sal, are there any other streets, let me get this right. East of Market that connect off of Market that are the C-3? So like, is there anything else, like on Main Street, what's the next Fourth Street?

**Lamb:** You have down by where the ...

**Maniaci:** This is the furthest east of C-3.

**Sullentrup:** That's the old Boland Feed Store.

**Maniaci:** Yeah.

**Pettet:** Yeah.

**Maniaci:** This is where the new, the newest townhomes are. We rezoned that last year, but with the preface that it was directly across the street from existing C-3. So, that was the argument saying, Hey, we're just expanding the boundary and we thought that was perfectly logical. You know, honestly, if someone wanted to come in and redevelop this block right here, it's not, I think that would be perfectly logical to do C-3 there because if they came with a plan say, Hey, well, this is what we're thinking, and that's where I'm saying, if I were to say, we're going to create a boundary, I'm thinking planning for the long-term., If we keep seeing these types of proposed developments grow, our downtown borders are going to expand. Why not kind of create a quasi border, not to say people can't request C-3 beyond that in the future, but at least allows for these mixed uses without having to do any spot zoning. We're not putting ourselves in a situation where we're creating a precedent, we're creating a boundary.

**Pettet:** And, if Market was rezoned, if that happened, if Market was rezoned between Second and Main, then this property would be adjacent to...

**Maniaci:** Correct.

**Pettet:** Okay, but that's okay. Thank you.

**Maniaci:** Yep.

**Pettet:** What about Fourth Street? Is I don't I'm, Fourth and Market. Is that all-residential?

**Lamb:** Go a little bit further south, is that, can you go...

**Maniaci:** So Fourth, no. So, this is C-1...

**Pettet:** Okay.

**Maniaci:** Here along Fourth Street...

**Pettet:** But, what about east of Market on Fourth? I'm just trying to see what...

**Maniaci:** Yeah, I don't go that far.

**Pettet:** Sorry.

**Lamb:** I think you've got the...

**Patke:** *Inaudible*

**Maniaci:** *Inaudible*

**Lamb:** I think you've got the same R-3 zoning...

**Maniaci:** Yeah.

**Pettet:** Okay, thank you.

**Lamb:** The rest of it.

**Maniaci:** I think it is strange to have all of this as R-3 because it's a weird, you're saying that's all multi-family and it's definitely not. This whole block here of darker blue is already problematic because you have so many grandfathered uses. So, you're going to have a lot of issues.

**Lamb:** You've got a lot of single-family, two-family, multi-family all throughout that area.

**Maniaci:** In reality, I think there could be an argument to be made just to have an overlay district that encompasses all this dark blue, because I would say over 50% of that is not in conformance. That's where I'm going to go back to P&Z. Maybe we do look at a wider district to address that. That's why there's a lot of this R-2 Overlay. I believe that Darren did years ago, because that was the same issue. People were wanting to do single-family and it was all multi-family. You do an overlay district that you don't have to come to us every single time.

**Lamb:** We did that for that area, and then what he's not showing is on the west or whatever, by the Shoe Factory. That portion of town along High Street, same thing. It was zoned at that time, it was zoned a two-family and the City was requiring people to come in, even if you wanted, and this is back in the late 90's.

**Skornia:** Sal, this business was there and they don't have any off street parking. They got 15 and 20 employees and they're going to be parking in front of the residential homes all along there?

**Maniaci:** Yeah, I mean, that's the nature of coming with a C-3 District. Now they have stated they have six employees that's planned, but as Darren said, that's the current user. There could always be a future user that has 15 employees.

**Sullentrup:** So, the staff is recommending a denial and Planning and Zoning approved it?

**Patke:** Correct.

**Lamb:** Correct.

**Maniaci:** Unanimously, plus one abstention.

**Sullentrup:** Did you explain it to the Planning and Zoning the way you explained it to us?

**Maniaci:** Same presentation.

**Lamb:** He's got witnesses here.

**Patke:** Well, Mark, you were at the Planning and Zoning Meeting, what was the discussion there? I mean, he said that it was adjacent or diagonal from it was that really the consensus that, that was okay after that?

**Hidritch:** Yeah, I mean, there was no really not a lot of conversation. There was nobody else opposing it neighbors.

**Maniaci:** I will say, I don't see the applicant here. They also stood up and made their case. So that may have helped something that I didn't say. I'm just throwing that out there.

**Patke:** I'll be honest, I read this on Saturday and thought that it was just fine and the more I think about it, the more it seems to be like a little bit more of an issue than I thought. You know, a unanimous decision by Planning and Zoning easily swayed makes my decision for me. But, after hearing this, there's so many options, things that can go wrong there, and if we don't keep

consistent, we're going to run ourselves into the problems. I think there was a sway in my opinion here.

**Skornia:** Yeah, the zoning goes with the property. This business could fold in a year and then you get something else in there with a lot of employees.

**Maniaci:** Yep.

**Sullentrup:** I appreciate it Darren, giving us the information on what they want to do with something else besides the first floor level. I mean, if we do it here and they start doing the other places in Washington, it's going to create a problem later too.

**Maniaci:** Well, that was my biggest rub with it. It's only one property removed, but if, if we're saying that's close enough, then where do you draw the line? If this person wants to do it or two blocks over, and that was my biggest concern. But, I will say that if this property was C-3, I may have had a different, you know, it's right there. Then you have an argument that it's not spot zoning, but it's just not the case.

**Wessels:** Well, in your idea of an overlay coming back later with an overlay. To me, that makes sense. Then you have a plan that you're looking at and it's laid out rather than, as you say this spot stuff going on.

**Maniaci:** Yeah.

**Lamb:** You could at least address the parking. If you perceive that as a problem for the future, you could at least have some district that would require some off street parking to go ahead to meet.

**Sullentrup:** You recommended denial to Planning and Zoning and they voted for it?

**Maniaci:** Yeah, it didn't hurt my feelings. It's okay.

**Mayor:** That happens every once in a while. Every once in a while that happens.

**Lamb:** You guys get to vote.

**Mayor:** Okay so...

**Maniaci:** I'm surprised the applicant's not here, because he was here for the meeting before this.

**Hidritch:** Yeah, he said he was going to be here.

**Maniaci:** I think they may have got their wires crossed. I don't know.

**Mayor:** Okay so, is there any, can we see if anywhere else, are you done?

**Maniaci:** Yes, I'm done.

**Mayor:** Did anyone else have any more questions of Sal? Okay. Is there anyone here who is here tonight for this issue, who would like to address the Council? Okay, doesn't look like it. Okay so, any other discussion; otherwise we can entertain a motion to accept this into the minutes.

**Holtmeier:** I make a motion.

**Sullentrup:** Yeah, I can really see a problem down the road with residential now, the problem that they have on Market and Second Street with parking now. I mean, if you have a business in there during the daytime and people live in above you, you're still creating more problems for parking.

With no further discussion, a motion to accept this item into the minutes made by Councilmember Holtmeier, seconded by Councilmember Skornia, passed without dissent.

**Bill No. 21-12338, FAILED, Introduced by Councilmember Patke, an ordinance rezoning 102 East Second Street from R-3 Multi-Family Residential to C-3 Central Commercial in the City of Washington, Franklin County, Missouri.**

The ordinance was introduced by Councilmember Patke.

With no further discussion, the ordinance was read a second time and failed on the following vote; Patke-nay, Hidritch-nay, Holtmeier-nay, Sullentrup-nay, Wessels-nay, Skornia-nay, Pettet-nay, Reed-nay.

\* Rezoning 1222 West Ninth Street from R-1A Single-Family Residential to R-1B Single-Family Residential

*April 13, 2021*

*Honorable Mayor & City Council*

*405 Jefferson Street*

*Washington, MO 63090*

*RE: File No. 21-0402-The applicant is requesting to rezone 1222 West Ninth Street from R-1A, Single-Family Residence to R-1B, Single Family Residential*

*Dear Mayor & City Council:*

*At the regular meeting of the Planning & Zoning Commission held on Monday, April 12, 2021 the above mentioned rezoning was approved with an unanimous vote.*

*Sincerely,*

*Thomas R. Holdmeier*

*Chairman*

*Planning & Zoning Commission*

**Maniaci:** Alright, this one is a little bit more complicated.

**Sullentrup:** Just a second.

**Maniaci:** Oh, sorry.

**Sullentrup:** I do have a quick question. Is the six-month rule where they can reapply again or how does that work?

**Maniaci:** Yeah, they cannot apply for the same application for six months, but if we did the overlay district within the six months, it wouldn't matter because we would be changing the code.

**Sullentrup:** So they're not here to represent themselves?

**Maniaci:** They're not.

**Sullentrup:** *Inaudible*...will apply in six months.

**Maniaci:** I will say, I mean, they could start the residential renovation upstairs already.

**Lamb:** Absolutely. That's well within the code to do that.

**Patke:** I don't think you need a motion, but I think Sal's gonna go forward with the overlay possibility.

**Maniaci:** Yes, it's already on the agenda for P&Z next month. I just don't, I don't anticipate sending it to Council right after that. I bet P&Z will have to look at it for a month or two.

**Mayor:** The motion came out of Planning and Zoning that night to look at the overlay.

**Maniaci:** Correct.

**Mayor:** Or the direction. I don't know, it was the direction came from...

**Maniaci:** I'll have it on the agenda.

**Mayor:** Okay.

**Maniaci:** Alright. This next request, so this first one is just for the rezoning. There is a preliminary plat later on the agenda. This is a little bit more of a complicated situation just because of our zoning code has changed over the years.

So, this property is located, this is the Hanover Place Development. This is West Ninth Street, just below the KC Hall property to the south here, and then Clay Streets just to the west.

So, currently this entire property is zoned in, well, the property rezoned is, is to the west here, but all of these lots are zoned Senior Community District. Prior to 2017, we had this zoning district that allowed for a higher density, smaller lot development that was strictly for 55 and up. It basically was a planned district. They had to come with a plan. They had to show exactly what they were going to build, and then it actually designated by our zoning code that it had to be 55 and up. To be honest, that was something we were never going to be able to really enforce, what we didn't ask people at occupancy what their age was. So, it really wasn't realistic to keep that zoning code. So in 2017, when we rehailed our entire zoning code, we eliminated that zone district and got, basically replaced it with our PDR Planned Residential, but that requires a 1.5 acre request to do. You have to have at least 1.5 acres to request that, and there are a lot more steps now that you have to a lot more things you have to submit up front.

So, with all that being said, this development can still go forward in its current zoning. It's still obviously that zoning exists, and it's how it was approved, but no one can request that zoning any longer, that zoning doesn't exist.

So, the applicant came to a City staff that came to a couple of Site Plan Meetings to discuss this and let us know that they are purchasing a little bit less than half an acre this second, this back portion of this property to the west. They wanted to add two units, two more lots to this development. They asked can we go senior community, and we know obviously that doesn't exist anymore. There was the question of, should they rezone the entire thing to Planned Residential and just resubmit this whole development and bring the entire thing into conformance, but the problem is you have to have every single property on our sign off on that zoning because they would be, some of these are already built and sold and we can't require that if they want to come in and say, Hey, we don't want to have to come and rezoning that wouldn't fly, and we couldn't just rezone this portion because it's not an acre and a half.

So, it was actually by staff recommendation to this applicant on which kind of route to go with this. The direction was to rezone this portion in the back to R-1B Single-Family Residential. It's R-1A now, rezone it to R-1B which just allows for the smaller lot size. So, right now it's got 10,000 square foot minimums and the R-1B allows 6,000 square foot. That is very similar to all these lots here. As you get around the cul-de-sac, they get a little bit bigger, but some of these are right around 6,000 square feet, so it matches what they had in the senior community, which we no longer offer.

The other issue with this is this isn't necessarily anything that you guys would vote on because it has to go to the Board of Adjustment, but it was in my staff report and full transparency. All of these homes technically do not meet the setback for the R-1B District. We

typically require 25 feet in the front 25 feet in the rear, but the Senior Community District allowed 10 feet in the rear. In this case, they were approved for 15 to 18 feet and a range in the in the front on Hanover Way.

So, in order for them to come in and add two more lots, they have to get it rezoned, get a preliminary plat to add the two lots and ask for a variance, which I know is a lot of complicated applications. Three different boards, technically have to review that, but because we don't have Senior Community District anymore, and because the property isn't large enough to get rezoned to Planned Residential, that was my recommendation. I thought that was the best way that our code allowed for this request to even happen. So, that's kind of the backstory of how we got here.

So, this is just the exhibit that was in your packet of the track. They're wanting to rezone it's about 20,000 square feet. So, a little bit less than half an acre, and it's directly adjacent to their existing one. You can see what the plat looked like before or what it looks like today. They are requesting to add, and again, this is just the Public Hearing for the rezoning, but I'll kind of give all the information now so we have it. They're requesting to add two more homes to this development. So, right now you got lots, five, six, seven, they're wanting to add, take out the right of way here and add 5B. So, it'd be 5A, 5B, Five C, and then you have six and seven here. So, I think I originally said three lots. I forgot when you were removing five already existed, they're just naming it 5A then 5B and 5C, so it's really only two more homes.

This layout here, you can see the lot size and dimension is very similar to what was approved in the first phase. It's just we no longer have that district to allow that. So that's the variance that they're asking for.

My goal was to have them have the Board of Adjustment Meeting done last week after P & Z, so by the time we got to you all, it was already decided. All that you would have to vote on was the zoning and the plat. Unfortunately, that's only a five person board. We had two people on unable to make it within 24-hour notice, and so we had to reschedule. So, I just kind of wanna throw that out there that we're not voting on the there's nothing on the agenda tonight for the setbacks. It's strictly for the platting and the zoning.

For the actual plat, you can see, they are requesting to extend this drive here. The improvements will actually go further, but they had this, through our discussion had to be less than 150 feet, that's like 103 feet here, so they can expand that more within the fire code requirements, and then actually extend those improvements that's a 30 foot road. We do allow that in our code as long as it's less than 10 homes so there's no concern there. They will have to have no parking on one side. I think they determined it will be on the north side here. So, there's a neat, better radius as you pull in and so those two aspects meet the code.

The lot sizes that they're adding are more than 6,000 square feet, so there's no issue there. They do meet if it's rezoned, they meet the new zoning requirement. Really the biggest question is should we be allowed because it's a lot of changes on paper with the rezoning and the platting and everything. But in reality, I think the, the crux of the request is should they be permitted to add two more homes to this development?

We recommended approval of that request given the fact that you already have an existing development in this area that is Single-Family Residential. They are going to have their own indentures in here that we do not enforce, but it will match the existing indentures they have

here for the senior community. No rentals and all that. That did get brought up at Planning and Zoning. So, staff did recommend approval of the rezoning of this half acre, as well as this plat. Again, the plat is on your agenda later, and then honestly, the variance as well, because of the fact that it is matching. It's not out of order of the existing development that is exist today. Again, if we still had senior community, they'd be able to expand that. The Board of Adjustment would allow them to expand that if they wanted to and it would be pretty simple.

**Sullentrup:** Is that cul-de-sac already in?

**Maniaci:** Yes, that cul-de-sac is already in. So again, if it was built after 2017, we would have required a larger cul-de-sac, but codes change and that's just is what it is. This was requested, I think in the end of 2015 and then started in early 2016, because I started in February and I think it was already well on its way. So, that's all I have. I'll answer any questions you have. There were quite a few comments from Planning and Zoning, so I'm sure we'll hear from the applicant and the neighbors as well.

Oh, they voted unanimously to approve both the plat and the rezoning. I apologize. Planning and Zoning did vote unanimously to approve.

**Jerry Diekhaus:** *Inaudible*

**Mayor:** Okay, hold on just a minute. Okay, just hold on.

**Maniaci:** Yes, and I will just answer it. So the road will continue. That was, I think, an oversight on this drawing, the improvements we'll have to go further to get access to these homes here. So, you can't have the improvements by fire code more than 150 feet. I guess they could actually take, John can explain this better than I can. They can build the improvements, correct?

**Nilges:** Yeah. The fire code allows for a maximum 150 feet without a fire turnaround. So, you can actually build it further than that, as long as you can access the homes. So, for example, if they built a 200 feet long, the fire lane still was only 150 feet. So, you have to put out proof turn around at the end of it. So, Sal hit on it. I mean, they have to get access to the homes. So, it would definitely have to be built at least to the garages to do so.

**Maniaci:** I think the original thought was maybe they could have driveways come right off to the stub and then this would just be less maintenance and less pavement for the City, but, they can extend that up to 150 feet. The applicant did make clear last week that this is 103 feet right now so, they have the capacity.

**Sullentrup:** Well, they wouldn't have to for that last house on the left.

**Maniaci:** Correct.

**Nilges:** Correct.

**Wessels:** Will that be a private street, Sal?

**Maniaci:** No, we do not allow private streets anymore unless it's in a planned development and Hanover Way is not private.

**Nilges:** Fact, it's a City publicly owned and maintained street.

**Mayor:** Are there any other questions from Councilmembers? Okay, it's a Public Hearing so is there anyone here who would like to address the Council on this item?

**Kurt Unnerstall:** My name's Kurt Unnerstall for the record. I'm the developer.

**Klekamp:** Can you please pull down your mask please?

**Kurt Unnerstall:** Sorry, I'm the developer of Hanover. We did that as Sal mentioned in 2015. At the time you had senior housing development. The market dictated that people were kind of

tired of duplexes and they wanted villas, so we looked for a way to be able to do that and the Senior Housing District allowed for that.

So, basically your style of construction of two homes with a wall down the middle, we just took that same project and just split it and set it on a lot individually. So, that's why the issues on some of the setbacks and things like that. Kept it to 55 and older, had a meeting with the folks down there in Hanover that are living there now and they were adamant that they wanted it a part of their development, to be able to control it and to have it that way. I said, not a problem. So, it's our intent to add these two lots to Hanover's, restrictions. So, that it'll be a 55 and up that no longer can be controlled by the City, but they want to control that. So, we'll deed restrict it to be 55 and older, villa lots.

In a nutshell, like I said, I know there were some concerns last month about spacing. These lots actually got more spacing than R-2 Development that abuts to this in duplexes. They're actually going to tighter buildings than we are.

And then additionally, Fran, you know, back when we did this, I spoke with Fran about purchasing this land. At that time, Fran didn't want to sell and we're getting ready to build in the corner down there. I just went back to her and said, you know, kind of now, or never kind of thing. It's once we close that lot five in there, you really can't access that unless you tear her house down. But, she's sitting on a basic, an acre ground, and she said, you know, I really don't want all that land. I don't want to maintain it. So, we were able to add that little l-shape road there added two extra villa lots, and really spread that out down in that valley below the Casey's.

So, we feel it's a win-win, it's a better improvement as Sal mentioned. I think he pretty much covered the highlights were actually larger than the 6,000 minimum. She's going to retain her home on a half acre. She's got a house and a garage, that doesn't change.

I spoke with the residents above there, which I don't see them in the stands tonight, but they were concerned about the setbacks to their residential on a single-family. I said we'll be glad to build an evergreen berm there and work with them. There's really because I guess what I think some of the folks don't understand is that if Fran sells or if Fran stays there, or somebody buys her house. It's Single-Family Residential 10,000 square foot, and that's a one acre lot. So, down the road, somebody could tear the house down and build right back in there. All we're doing is building villas. We're not building no big monstrosity barn. We're not building no big building back there. We're just keeping them single-family villas standalone, and they will match exactly what's at Hanover.

You're welcome to drive in there. Probably most you've seen that development, that's all carefree living if you will. Brick, siding, and they get their grass cut every morning or every Thursday. Jerry's here, he's with the Homeowner Association. So, basically that's it in a nutshell, we're just, just wanting to add two more lots and build more senior housing.

As Sal mentioned, I wouldn't be asking for that, but we didn't have an avenue when the code got changed from 17/18 whenever it was, to now it's R-1B we do have, I guess, one ability to rezone part of it to an, R-1B based on staff makes the most sense.

**Holtmeier:** Are you willing to extend that road?

**Kurt Unnerstall:** Yeah, and again, I'm glad that you brought that up, Joe. We showed that, and I'll take the blame for that. I thought the requirement was to show what the City's going to maintain. In actuality, we're going to build the street further down. It just won't be maintained by

the City. So, to your point, we're going to build a road to get into the driveway, but we're showing that, that gray line as that City street, and then we would just build it and maintain it as private piece of street. I think the 150 or whatever it is.

**Nilges:** Yeah, that's a maximum. And again, those things all get worked out during planning reviews.

**Kurt Unnerstall:** Yeah, I think we showed 103, because again, we met with the staff and the fire, Mr. Holtmeier I think was there, and he said, yeah, that's fine. I can pull the hose from that link. So, we were just trying to clarify what would be City street to meet the fire code.

**Mayor:** Are there any other questions of Councilmembers from Kurt?

**Kurt Unnerstall:** Thank you.

**Mayor:** Okay, thank you. Is there anyone else who would like to address the Council?

**Jerry Dieckhaus:** *Inaudible...*

**Mayor:** Oh, you need to come up. Yeah. Come on up and give us your name, your address.

**Jerry Dieckhaus:** My name is Jerry Dieckhaus and I live at 910 Hanover Way.

**Mayor:** Okay.

**Jerry Dieckhaus:** The only thing I'm concerned about is he said the road would stop at 103 feet, and then he would maintain the rest of it. Why wouldn't the City maintain that extra 20, 30, 40 feet, whatever it is?

**Nilges:** As currently drawn, they have to have access to the drive, to the garages of the homes. So, if it was built the way it's shown here, we would not get building permits per for the two at the end. So, we would require them to extend it to the driveway. So, it's just, it just needs to be drawn.

**Lamb:** Are you asking why won't the City maintain it?

**Mayor:** Yeah, why won't the City maintain it?

**Lamb:** That's what he's asking.

**Nilges:** And we will, that's what I'm trying to say. Along way to get there but yes, we will require that to be extended to the end of the garage and we will maintain it.

**Jerry Dieckhaus:** Okay, because otherwise if the homeowners...

**Nilges:** I understand that, yes. Yep.

**Jerry Dieckhaus:** And another thing is, my lot is right across from that road going there. I want to make sure that Kurt takes care of the water problem. He's supposedly pledged to put a berm between the houses above us. So, I want him to pledge that he'll take care of that water problem coming off that road, which he said he would, you know what I'm saying? When it rains that water comes off that hill like you wouldn't believe. My driveway is straight across from that new road going in.

**Nilges:** Okay, I'm not familiar with the water problem right now. Obviously...

**Jerry Dieckhaus:** Well there is really no problem right now...

**Nilges:** Okay.

**Jerry Dieckhaus:** But, when that road goes in, I'm afraid 30 feet...

**Nilges:** Okay.

**Jerry Dieckhaus:** Of a gravel or 30 feet of paved road, there's going to be a lot of water...

**Nilges:** I understand. Yes, we'll definitely take into consideration and review that once the final design of the roadway and stormwater and those things are all presented to City staff to take care of.

**Jerry Dieckhaus:** Okay.

**Nilges:** So yes, we can definitely do that.

**Jerry Dieckhaus:** That's all I got.

**Nilges:** Alright.

**Mayor:** Okay, thank you. Is there anyone else who would like to address the Council?

**Robert Stevens:** My name is Robert Stevens. I live at 1312 Apple blossom Lane, which is just a *inaudible*...on the left-hand side of that drawing up there. The questions, I guess, that we posed and have continued to be concerned about is the distance between that end of that house. They don't show the condos and the single development, but basically they're talking about being able to be within 10 to 12 feet of that line of the property. That puts us within about another seven or eight feet of us, which isn't any farther from where I am to where that basically that screen is. With that kind distance, it just is really too much. You are trying to put three houses in a row in a space that was originally designed for two.

They're talking about the lots being basically the same, but they're ever so much closer because of the changes in the distance between and where they're being set back. I really have a lot of problems with that. Other people that live up there, or really be in a position where when you step out the back door, you're going to be within 15 feet of somebody's house. I think that's really a house too much or a bridge too far as the famous movie once said, but this extension, if it was limited to the one house on each side, I think that that would be certainly a very, very logical kind of deal. On the other side, they're going to have 25 feet for the lot. That's immediately across the road. I can't see why, if you didn't have that second lot, you could have that same 25 feet that's on the upper side, on the south side. So, we just ask, I guess, that you consider the fact that there are 12 families living in that Apple blossom Lane. There are another six families on Lilac. Each one of them has signed a petition, which was given to the Council for the...

**Mayor:** Planning and Zoning.

**Robert Stevens:** Last week. We all objected to this with the same problems. That you're really in a place where there's nothing between where you're doing and what their houses they're building. Literally just sitting back to back. I just ask each one of you, you're all homeowners, every one of you who owns a home here in Washington, you wouldn't be sitting on this Council, but what is it like if you would step out the back door and you'd see 15 to 18 feet, a home sitting there where you once had nothing but grass and a beautiful green spot?

So, I just asked the Council to take into effect that, and that everybody that is sitting on the subdivision has signed that petition. I don't think there's any doubt of where we would like to see you do that, but obviously we'd like that to be considered. Thank you.

**Mayor:** Okay, thank you.

**Wessels:** What did we say the setback was on these homes?

**Maniaci:** *Inaudible*...they're not requesting a setback variance to the side here. So, the homes that they're saying that they're going to be the backyard here. Our code already only requires 12 feet between homes. So, six foot side yard setbacks. This could be developed on today, and they

could be six feet from that property line already. What is being proposed is not asking you to any closer than what could already be done today. So, we just want to make that clear.

**Skornia:** Doesn't Apple Blossom have a 30-foot yard rear yard setback, or rear yard requirement ready?

**Maniaci:** It's 25 feet per the zoning code. If they're plat has their own requirements, that's their own plat, but that zoning has a 25 or Apple blossom is and Lilac. They have a 25-foot rear in a six-foot side, just like everyone else. These have six foot sides on the purple have six foot sides. Every residential in the City limits, no matter what zone it is, unless it's downtown has six foot side yard setbacks. That was kind of part of our argument that what's being requested with this plat here is not asking to put homes, abnormally, close to other existing homes. I don't want to be kind of be crue, but it's kind of that if you want to look at five acres and buy five acres is kind of the argument there. This is a developable property that that six feet is always the standard between home 12 feet.

**Mayor:** It would be six feet between the property lines.

**Maniaci:** Correct.

**Mayor:** Not six feet between the homes.

**Maniaci:** Correct.

**Holtmeier:** It would be 12 feet.

**Maniaci:** It would be 12 feet between the home is the minimum...

**Mayor:** But...

**Maniaci:** Six feet from the property line.

**Mayor:** Six feet from the property line.

**Maniaci:** And that's every...

**Mayor:** And if their property line goes back 25 feet, then it's...

**Maniaci:** *Inaudible*

**Mayor:** From that 25 feet.

**Maniaci:** Yeah, the minimum is six feet from the property line for a side yard in every zoned district.

**Sullentrup:** Well, Apple Blossom's got 25 foot setback from the front of their back.

**Patke:** We're assuming that from what Greg said, right?

**Maniaci:** To the R-2 Overlay? I, again, I don't know when this was built, if that's grandfathered in, it doesn't look like it's quite 25 feet, but...

**Lamb:** I don't think they were 25.

**Maniaci:** So, these look like they may have gotten variances...

**Sullentrup:** I thought you already said that was 25-foot setback?

**Maniaci:** These are off of Lilac. So, Lilac and Apple Blossom, these are zoned different things.

**Sullentrup:** Go back to the other picture. From the corner of that house to the property line there, what is it?

**Maniaci:** I couldn't tell you what that setback is. It looks like it's less than 25, but I don't, you know, I don't know.

**Sullentrup:** The one on the top is a lot closer to the ones in the bottom.

**Wessels:** Yeah.

**Mayor:** But that's the home that the did he still owns?

**Maniaci:** Yeah. So...

**Wessels:** What's...

**Maniaci:** These setbacks here are not any different than what already exists.

**Wessels:** Is Hanover Way also 30 feet?

**Maniaci:** No, it's 35, but that's because there's more than 10 homes.

**Wessels:** If those are drawn on a scale, I don't know, but from the back of the Lilac over there over, that looks pretty close to 25, if it's not.

**Maniaci:** We just want to make that clear that this lot, as it sits today, the owner obviously is wishing to sell it. They could sell it to somebody else and they could do homes here. If they tear down this home, this house here to get access, this six foot side yard setback exist today, they would not have to go to Planning and Zoning. They do not have to go to Council to rezone it, and not have to get a variance. They could already build that. So, we're not recommending that these homes get any closer to the side yard.

**Mayor:** Okay, thank you Sal. Are there any other questions by Councilmembers right now? Did you want to address the council? Yes. Come on forward.

**Bob Ruth:** Ooh, glad to get that off. Good Evening, I'm Bob Ruth...

**Mayor:** Do you want to pull the microphone down a little for you, there you go. Very good, thank you.

**Bob Ruth:** I'm Bob Ruth and I live on Apple Blossom Lane, 1300. I'm the President of our Condominium Association. We didn't object to Hanover Place when it was first proposed, even though we were losing a lot of green space. We're in the City, we understand that. There was a quaint little barn on there probably a hundred year old log barn or out building that like I said, it was a quaint thing, but we didn't object to it.

This half acre is to us as like a pocket park. If you're familiar with those, I don't know whether we have those in Washington or not, but they have them in Clayton where people have donated a parcel of land and to the City and they maintained it. Sometime back, John Florian who lives on Lilac Lane talked with Fran about whether she'd be interested in selling and she wasn't. So, he dropped it, but, his idea then, and our idea now is to leave that as green space. We would collectively purchase it and we can either maintain it because Hanover and Apple Blossom have their lawns cut by groundskeepers, and another half-acre wouldn't be any objection or any problem to maintain that a once a week like we do all the rest of ours.

When this original was proposed, it sounded to us like they were shoehorning living quarters in a two-acre space. We have two acres. We also have 12 units, but ours being more like a duplex side-by-side it leaves more ground open.

We have a 25 foot setback in the front and back in addition to that, we have 15 feet in the front, a utility easement. So, from my, the front of my house to the curb is 40 feet. There's, I'm not sure I've heard 18, whatever. Our street is 50 feet wide. There's, I think Sal just said 35. I thought it was 40, but anyway, whatever it is,

My point is, if you go down Apple Blossom Lane and look, and then you go down Hanover, you can immediately feel the inclosing and with society the way it is today, and people flaring up and what have you, it's not a good idea to compress people into smaller areas. That's what we see with this proposal here. They're just adding more of this compressed kind of a thing.

We would propose, since we didn't know the property was for sale, nothing's been done other than just talk about it. We'd like to see that green space stay as green space as a pocket park accessible to Hanover to any of the surrounding neighbors. So, if it's approved, but for some reason it doesn't, the development doesn't go and doesn't, it's not developed, we again, would like to come back and try to try to purchase that property Like I say, make it into a community park or green space.

**Mayor:** Okay.

**Sullentrup:** Have you spoken to the property owner about it at all?

**Bob Ruth:** Briefly. Had a conversation with her and assured her that there's no animosity on our part. She owns the property; she can do what she wants with it. I, we have expressed though that we would like to keep it as green space. We would be glad to do that.

I'm not going to quibble about dimensions, but all you have to do is drive down those streets and look like I say, we have 40 feet, they have 18 feet to the front of their buildings.

**Mayor:** Okay.

**Bob Ruth:** We have 25 feet on it at the back. I'm not sure what they have. Somebody else have to answer that, I heard 10 feet. I know this new proposal here, it's 10 feet, it's 10 feet to our line. I can't imagine that. I mean, if we'd put up a privacy fence, they'd bounce off their wall to our fence. It seems to me. So, I just think it's poor.

**Mayor:** Okay, thank you.

**Bob Ruth:** Thank you.

**Mayor:** Thank you. Is there anyone else?

**Kim Davis:** Hello. Kim Davis, 1309 Apple Blossom. I was here last week and I addressed them, the Council at that time, and I made a challenge to everyone to drive to Hanover Way and look at what is being proposed. After you physically drive there and see it and not on paper, but physically drive there. Let me know how you would feel if you were the house backing up to them as my condo is, and as my neighbors is. This is as far as from here to that wall. See if you would want to continue to live in that area.

We brought up concerns about the road and would our firetrucks, our ambulance, those kinds of safety equipment, be able to get there. I'm being told that it does pass code, but at some time or another, when you have a rule set, how many times can you ask for a variance on a rule before you don't have a rule any longer? So, I just asked for you to take this into consideration and please, please I implore you to go visibly look at this. Thank you.

**Mayor:** Thank you. Is there anyone else?

**Mike Johns:** My name is Mike Johns. I live at 610 Roberts Street. I did go down there. These are my friends and I went down there on their request. They're totally correct. They're jamming this in there. If you haven't been down there, go down there and look, see where they're going to put these street and they're going to jam in three houses when they could probably just do two. I think it would be fine, but yeah, actually go look at it. It's a small area. Thanks.

**Mayor:** Thank you.

**Pettet:** Can I clarify something? There was a reference to a variance and we are not discussing a variance. Is that correct? Everything is within. Okay. I just wanted to make sure I hadn't missed something.

**Mayor:** We're not debating that.

**Pettet:** Okay, thank you.

**Mayor:** So, Sal...

**Jerry Dieckhaus:** *Inaudible*

**Mayor:** Yeah, you can come back.

**Jerry Dieckhaus:** I was up here earlier. I'd just like to make one statement. I live in Hanover and I liked the idea. I liked the road going in there to split things up a little bit. The people I've talked to in Hanover, they all liked it. So, that's my thought.

**Mayor:** Thank you. Sal, what's there's discussion about a variance?

**Maniaci:** Yes. So, they still have to go to the Board of Adjustment because when this was approved, it got a, was a 10 foot in the rear, 15 feet in the front. I think that's what the variance was for. They still have to get that on these lots. It was supposed to go last week...

**Mayor:** Right.

**Maniaci:** And obviously, it got moved to May 4th, or I'd have to check. We just sent the new letters. They are requesting variances to match that. So, it'd be 10 feet in the rear and then 18 feet in the front is what they're doing.

**Mayor:** So, they're requesting the variance so that they match what else, the rest of the...

**Maniaci:** That was in the senior community...

**Mayor:** Homes that are in this senior community that are already there.

**Maniaci:** Correct, but then again...

**Mayor:** Okay, does that make sense?

**Pettet:** Yes, thank you.

**Maniaci:** The original recommendation from us was to go to Planning and Zoning the next day, go to Board of Adjustment, so it was all done by the time I got here, but obviously things changed.

**Mayor:** Okay. Was that a variance of when that was when Hanover place was initially built, it was built as a senior...

**Lamb:** Senior housing.

**Mayor:** Senior housing and that...

**Maniaci:** *Inaudible*

**Mayor:** Measurement is what was, because it was senior housing right?

**Maniaci:** In the rear, yes.

**Mayor:** In the rear.

**Maniaci:** They did get a variance for the front yard.

**Mayor:** Yeah, okay. Kurt, did you want to come back?

**Kurt Unnerstall:** I just want to point out one other thing. Back in, my memory is starting to slip a little bit. I don't remember what year, I want to say it was like 2008 or nine. I actually, my company did the work in Apple blossom. At the time, I'm a Knights of Columbus member. There was a lot of members that were upset about multi-family housing next to the KC's, and it's a big, pristine piece of land in the City. I shared the members of the Knights of Columbus that our R-2 folks would be good neighbors or duplexes. They're going to be mostly retirees and so on and so forth. So, again, I understand fears, nobody likes change.

To Jerry's point, all the folks, I couldn't be happier with the folks that purchased villa lots in there. It's a real quiet neighborhood. We do meet all the fire codes as far as access. We certainly wouldn't build anything less than what's required.

There is a large green space to the east and then obviously the Borgia Field is there. So, there's a lot of green space there between the KC's then Borgia High School and the Kopp land. So, you know, the City feels that we need more green space. I would think that we could maybe approach the Kopp Family and see if we can maybe acquire that land if a community park is something that they're adamant that they want to do. I think that's a good idea.

So, but anyway, like I said, I think we're, I'm just trying to follow what we built before. We were really left with no alternative since there's no senior housing code. So, this is why we're when they say there's a variance on a variance. Well, it's because the code that was allowing it doesn't exist. So, I just want to clarify that. Thank you.

**Mayor:** Okay.

**Lamb:** Sal, if they did a PDR could this be approved under a PDR?

**Maniaci:** No, it's not large enough. They would have to rezone...

**Lamb:** Okay.

**Maniaci:** PDR requires an acre and a half to even...

**Lamb:** Okay.

**Maniaci:** They have to get a variance for that to go smaller, so they could try and do the unbuilt ones up here, but then you're having a very odd shaped spot zoning.

**Lamb:** Just asking, just wanted to make sure.

**Maniaci:** Yeah, we went down that path and we just thought this was probably the cleanest way to do it.

**Mayor:** Any other questions or anything? Comments?

With no further discussion, a motion to accept this item into the minutes made by Councilmember Holtmeier, seconded by Councilmember Patke, passed without dissent.

**Bill No. 21-12339, Ordinance No. 21-13290, an ordinance rezoning 1222 West Ninth Street from R-1A Single-Family Residential to R-1B Single-Family Residential in the City of Washington, Franklin County, Missouri.**

The ordinance was introduced by Councilmember Patke.

With no further discussion, the ordinance was read a second time and approved on the following vote; Patke-aye, Hidritch-aye, Holtmeier-aye, Sullentrup-aye, Wessels-aye, Skornia-aye, Pettet-aye, Reed-aye.

### **CITIZENS COMMENTS**

\* None

### **UNFINISHED BUSINESS**

\* None

## **REPORT OF DEPARTMENT HEADS**

- \* Public Works Director John Nilges updated Council on the Rabbit Trail Traffic Study, sewer system, Airport Hangar Project, MoDOT approval on High Street and vandalism to the lighting at the Airport.

## **ORDINANCES/RESOLUTIONS**

**Bill No. 21-12340, Ordinance No. 21-13291, an ordinance accepting the bid from Jim Trenary Motorsports, Inc., for the purchase of a 2021 Pioneer 700 EPS.**

The ordinance was introduced by Councilmember Holtmeier.

After discussion, the ordinance was read a second time and approved on the following vote; Patke-aye, Hidritch-aye, Holtmeier-aye, Sullentrup-aye, Wessels-aye, Skornia-aye, Pettet-aye, Reed-aye.

**Bill No. 21-12341, Ordinance No. 21-13292, an ordinance authorizing and directing the execution of a Missouri Highways and Transportation Commission Transportation Alternatives Funds Supplemental Agreement.**

The ordinance was introduced by Councilmember Sullentrup.

After discussion, the ordinance was read a second time and approved on the following vote; Patke-aye, Hidritch-aye, Holtmeier-aye, Sullentrup-aye, Wessels-aye, Skornia-aye, Pettet-aye, Reed-aye.

## **COMMISSION, COMMITTEE AND BOARD REPORTS**

- \* Preliminary Plat approval for Hanover Place

*April 13, 2021*

*Mayor & City Council*

*City of Washington*

*Washington, MO 63090*

*File No. 21-0402-The applicant is requesting a Preliminary Plat for Hanover Place*

*Dear Mayor & City Council,*

*At the regular meeting of the Planning & Zoning Commission held on April 12, 2021 the above mentioned rezoning was approved with an unanimous vote.*

*Sincerely,*

*Thomas R. Holdmeier*

*Chairman*

After a brief discussion, a motion to accept and approve this item made by Councilmember Patke, seconded by Councilmember Holtmeier, passed without dissent.

## **MAYOR'S REPORT**

- \* Brief discussion on the 2021 Mayor's Liaison Committee Assignments.
- \* Washington City Cemetery Dedication is Thursday at 5 p.m.

**CITY ADMINISTRATOR’S REPORT**

- \* Monday, May 17, 2021 Special Workshop at 6:00 p.m. to discuss Salary Study and The American Rescue Plan of 2021.

**COUNCIL COMMENTS**

- \* Councilmember Hidritch thanked the Police Department for taking care of the derelict vehicles and junk nuisances.
- \* Councilmember Hidritch thanked Public Works Director John Nilges for looking into Rabbit Trail.

**INFORMATION**

- \* Washington City-Wide Bulk Pick-Up – April 26-April 30, 2021

**CITY ATTORNEY’S REPORT**

Public vote on whether or not to hold a closed meeting to discuss personnel, legal and real estate matters pursuant to Section 610.021 RSMo (2000) passed at 9:11 p.m. on the following roll call vote; Patke-aye, Hidritch-aye, Holtmeier-aye, Sullentrup-aye, Wessels-aye, Skornia-aye, Pettet-aye, Reed-aye.

The regular session reconvened at 9:43 p.m.

**ADJOURNMENT**

With no further business to discuss, a motion to adjourn made at 9:43 p.m. by Councilmember Patke, seconded by Councilmember Holtmeier passed without dissent.

Adopted: \_\_\_\_\_

Attest: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President of City Council

Passed: \_\_\_\_\_

Attest: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor of Washington, Missouri