

**CITY OF WASHINGTON, MISSOURI**  
**PLANNING & ZONING COMMISSION MEETING MINUTES**  
**Monday, July 12<sup>th</sup>, 2021 7:00 p.m.**

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

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

**Present:** Carolyn Witt, Mark Hidritch, Mark Kluesner, Mark Piontek, Tom Holdmeier, Sandy Lucy, John Borgmann, Chuck Watson, Samantha Cerutti Wacker, Sal Maniaci

2) **Approval of Minutes from June 14, 2021-Motion made to approve, seconded and passed without dissent.**

3) **File No. 21-0701-The applicant is requesting approval of a Special Use Permit at 309 Locust Street.**



**Sal Maniaci-** The applicant is requesting a special use permit to utilize both 309 and 317 Locust Street for Vacation Rental Dwelling. The structures are currently single-family homes in an R-2 Single and Two Family Overlay District. The special use permit would allow the applicant to accept lodgers for periods of 30 days and less. The home will be required to receive a new occupancy inspection to meet the requirements for short-term lodging. The proposed use is insignificant to the surrounding area and should not detriment the neighborhood. There are existing Short Term Lodging properties within 300 ft. to the north at 205 Locust Street, as well as a number of units to the west in the C-3 Zoning District. Staff recommends approval of the Special Use Permit to operate a Vacation Rental Dwellings at both 309 and 317 Locust Street.

**Mark Kluesner-**Yes. Sal is that still considered two separate properties? Because I know there's been a lot of improvements made in the backside. They ever had to remove that lot line.

**Sal Maniaci-** No, it is two properties two inspections. They'll have two bed taxes two inspections. One application but just for the sake of the application we noticed it twice but we just had them pay one fee since it was one review really.

**Mark Kluesner-** So we're able to get close to the property line with some of that stuff. It looks like they were really able to get really close to the property line.

**Sal Maniaci-** And to be honest I can't tell you why that's something like that is on the tax map. I don't know if that's a an alley in between there but they are showing those.

**Mark Kluesner-** That's the only reason I ask that.

**Ben Kuenzel-Applicant-** My name is Ben Kuenzel, the applicant on this. I think the property line used to be the north and he replatted it so we could get a pool in the back there and get it built because it extends over the line and then the deck on that at southern garage almost goes to the property line. So that strip is actually on the plat it shows it as a part of the two parcels.

**Samantha C. Wacker-** So as long as you're up here, are you aware of any objections from your neighbors?

**Ben Kuenzel-**No.

**Sal Maniaci-** And we did send out letters to everyone that was 185 ft. of both of them and we did not receive any phone calls.

**Carolyn Witt-** It's always a good sign.

**Motion made to approve 309 Locust Street, seconded and passed without dissent.**

- 4) **File No. 21-0702-**The applicant is requesting approval of a Special Use Permit at 317 Locust Street.

**Motion made to approve 317 Locust Street, seconded and passed without dissent.**

- 5) **Discussion Items: Downtown Mixed Used Overlay District**



**Sal Maniaci-** Okay so we wanted to bring this back for everybody and have that revised language in your packet before we schedule the public hearing at council and I actually I called Tom today so we did have a discussion just kind of in house on Friday with Darren and Mark and I just wanted to throw out another option as well. So we were discussing the background for this with Darren kind of getting him up to speed with what was being changed here with the residential and then actually requiring the Special Use Permit for the zero lot line intersections and it came up with actually rezoning what is the

intent and purpose of this? We pulled this up and the intent of creating those uses that are compatible with downtown and allowing those but also said potential growth boundaries and to me that was kind of more the priority because of the whole point where what started this was we had a rezoning adjacent catty corner to our existing C-3 zoning but not technically adjacent and that proposed the use that they explained to us from what they know what they are actually proposing, it was appropriate and met the standards of downtown. We thought it was a use that would have fit in with the area, but we didn't want to start approving a spot zoning for C-3 that wasn't adjacent because how do you start drawing a red line if one person's catty corner and then someone else asked for it and their block and a half, three blocks removed you don't really have a leg to stand on to say why we proved it here. Well, we didn't approve it there. So, really I thought the main intent of this or the larger priority was to set a growth boundary that we could say, look, our Planning and Zoning Commission, we had a chance for public comment. Our City Council, they all agree that this is what we designated the growth boundary of downtown where anything in this red area, if someone to come in with a higher density, a mixed use, that we said, okay, yes, you're part of the Downtown District. You know that those uses that that type of development is appropriate. The reason I went to the overlay district right away is because there are four different zoning classifications in there and I didn't, I thought for someone to rezone they had to petition for that and this was the easiest way to do that. We talked it over with Mark and Darren on Friday. It is possible, I'm going throw out another option in there, we can do we can still move forward with an overlay district, but another option would be to actually and we have amended this red line since then, but this just you can see the amount of zoning districts. What you could do is actually notice all of these people that have the different zoning and actually have a public hearing to rezone all of these to the C-3. And so you wouldn't be creating overlay district, you would just be saying here's the Downtown District, these are the C-3, these areas of prime for redevelopment. Now, you would have to I would still recommend amending the C-3 district then to change that intent and definition to designate that growth boundary. So when someone, because you still have them, what happens when someone comes in just right outside and say, hey, we're adjacent and then that keeps growing. I think you really do need to set a growth boundary and then if it if a major project comes up, then you have the opportunity to review it as a planned district or a chance to revise that growth boundary at that time. So, I just wanted to lay both options on the table. I'm not going to lie that had not really crossed my mind to just send a letter to each person and say well you know we're entertaining rezoning in your district reached on your property. I thought the overlay district from what we've done in the past was how we did that. Now keep in mind that you have to have some changes made to that C-3 if we want that because right now we don't have that Special Use, you would just be rezoning the C-3. We don't have a Special Use permit for zero lot lines of intersections. We have the setback requirements. Right now where if you're on the outskirts of the C-3 next to residential you don't get zero lot line on that outer boundary next to the residential. So Andy's town homes down here, the ones that are furthest east those are all zero lot line except for the one that's furthest east. He had to be six ft. set back from the Woods residence because our current code already protects that you don't get that zero lot line right there. And so we could put those revisions back in to the overlay district which is what we are proposing but I just wanted to throw that out there today that both are on the table and kind of see how everyone felt about that alternative to changing the code and just doing C-3 because that overlay district really was just copying C-3 plus a couple minor amendments. So who's going to open that for discussion?

**Sandy Lucy-** How many properties would that be that you're going to change to C-3 over there?

**Sal Maniaci-** Quite a bit because again we amended it. So you have let me go back to you got a little bit bigger after our first meeting. This is the actual proposed area. So you have all this along Fifth Street. This is all still zone industrial. So, obviously that would be something that we would

rezone. These properties are all single family residential. And then this is all C-2 Overlay. But again, we discussed if someone to come back and restore the historic nature of Fifth Street, like it was originally, they wouldn't be able to do that. But under this overlay district they would.

**Sandy Lucy-** So you think the overlay district is the better route or is that up for discussion?

**Sal Maniaci-** I think it's up for discussion. I think the overlay district would be, well, I think it would be simpler in designing, like actually writing in the intent that we want and saying, hey look, it's normally district this, we could even call it a growth boundary overlay district. I think we could really set that red line and say, hey, this is what we see as the Downtown District. The C-3 would be simpler for people who just own profits, a lot more easy, it's a lot easier to comprehend, they're going to be okay, so I'm in C-2 overlay, but I'm also in this growth boundary overlay, you know, it does get very complicated where you have this red line that's covering multiple districts. I think for me as I'm understanding and I think the overlay district is perfectly fine that you could say, hey look there's a boundary we have to come up with make sure we have all these provisions for those outer boundaries that are adjacent to residential to make sure that we're protecting the people that are adjacent to that that are not in the Downtown District.

**John Borgmann-** If we change to C-2, it would change the requirements for C-2 and other locations too, correct? And not just an overlay?

**Sal Maniaci-** You mean change it to C-3?

**John Borgmann-** Yes, C-3.

**Sal Maniaci-** So yes, I mean if we if we just made everything in here C-3, that would be, they would all have the zoning requirements for C-3.

**John Borgmann-** Are there other areas know that our C-3?

**Sal Maniaci-** No, this is the C-3 is only downtown. No, there's nothing else. So we could at that time of rezoning, I could still propose a code amendment because I would still recommend changing that intent to say, you know that this was created as a growth boundary because again it keeps right now if someone were to come in and want to rezone, you know, a block and a half out that you don't necessarily have the language and there to protect you as much. But you could you could make those amendments.

**Samantha C. Wacker-** So I mean, is it mutually exclusive? Could we for now say that this is an overlay and then at some later point rezone, does that make any sense?

**Sal Maniaci-** Mark, you have an answer to that?

**Mark Piontek-** I'm not sure what you're gaining by that.

**Samantha C. Wacker-** I mean, my question, my thought was because there are some things in this overlay that are not necessarily just in C-3, like the corners and those types of things if for now we said overlay and then maybe at some future point we amend what C3 means?

**Mark Piontek-** I think the way this is written or in the way the boundary is described, everything within that boundary or every C-3 district in the city is within that boundary.

**Sal Maniaci-** That is correct.

**Mark Piontek-** So if you're going to adopt a set of regulations that apply to C-3, why not just do that up front? So could you go, I'm sorry, could you go back to your zoning map here for a second. So all of these areas, even if they're zoned R-1 or R-1B or whatever they R-2, those are regardless of the zoning designation that they have today, they're all going to be C-3 overlay.

**Sal Maniaci-** If we did it the overlay way, correct anything.

**Mark Piontek-** Isn't that a bit confusing? My property is zoned R-2, but at C-3 overlay?

**Sal Maniaci-** Well, yes, I mean that's you being an overlay district where you have your, you're R-1, but because you're an overly district, you have additional development rights.

**Samantha C. Wacker-** So, Mark, are you suggesting that the cleaner way to do it is just rezone everything to C-3?

**Mark Piontek-** Yes and Sal is right. We met, we had a meeting Friday actually about something unrelated to this and got on this topic. Myself, Sal and Darren and I think it was Darren's suggestion, but I think it's appropriate that you would just go through and rezone everything as C-3 rather than create an overlay district over top of R-1A, R-1B or whatever you have.

**Samantha C. Wacker-** So, Mark would in doing that a concern that came up at the last meeting is not having zero lot lines on all four corners of an intersection. Can we still have a Special Use Permit for that? Is that still accomplishable if you rezone everything to C-3?

**Mark Piontek-** You just add that as a requirement in your C-3 zoning district. That if you're on a four way intersection on a corner lot you have to have approval. Special Use Permit approval.

**Samantha C. Wacker-** Okay.

**Sal Maniaci-** And since we'd be since I would be recommending change revising the intent and the code anyway you can do it at the same time.

**Samantha C. Wacker-** Okay. I just didn't want to make it more complicated. I was I'm trying to look for the simple route and if that's the simple route than that makes sense.

**Mark Kluesner-** Not for that same reason of being on a four way stop. Is that why you extended at the Sixth street instead of just stopping it at Fifth?

**Samantha C. Wacker-**I think it is stopped at Fifth, it stopped in the middle of the block at Fifth, correct?

**Sal Maniaci-** The only reason it looks like it goes all way to Sixth is because Immanuel Lutheran, it does go all the way to Sixth, but Immanuel Lutheran owns, so like I drew it halfway through the block but they own two Sixth streets. So technically when you results something, it doesn't go half a block, parcels the whole block.

**Samantha C. Wacker-** So it's just meant to cover that south side of Fifth Street, correct?

**Sal Maniaci-** So I drew it here on the intent say, hey, this anything facing Fifth Street should be included because historically both sides of Fifth and you still have zero lot line on the south side of Fifth Street. On some, they are grandfathered in. But if they happen to own all the way to Sixth, yes that it would be included down to Sixth. But because I mean our current code requires that there's residential adjacent to it on you know over here. So they wouldn't get zero lot line all the way around. But right so yes we could just send a notice to everyone and we can do it all at once. I can highlight in our mapping software every property that's not currently C-3 that would become C-3, send that zoning notice like we would normally do and have a public hearing on all that. It's a fact of creating this district.

**Sandy Lucy-** But they can stay as they are?

**Sal Maniaci-** Yes, all it does is just open it up for additional use because all those properties in there have uses that are permitted in C-3 with the exception of the Corn Cob pipe factory is still considered manufacturing. But other than that C-3's are the most used in that area.

**Samantha C. Wacker-** So I think it would just be important to make that clear to property owners that it's not restricting their ability to use their property, it's expanding the ability the use.

**Sal Maniaci-** Yes, I think we'll have to put a lot of thought in the letter that goes out. I mean our zoning matrixes are pretty extensive but I mean general office, general retail, you know you can't have any outdoor storage. It's basically everything that's allowed in C-2 and then all the residential you're just allowed to stack them. And everything but manufacturing. Now there are some industrial uses that are listed in there, just not all of them because our zoning matrix doesn't say industrial here, you actually list uses. So there's some uses that are considered light manufacturing that are as intensive technically distilling and breweries considered industrial, but that is allowed in C-3 obviously because we have breweries and distilleries in, well right now we just have breweries in our Downtown District so there are some industrial uses that are coming in there. Like for some reason if you remember that's why G's Tire Storage went to C-3 because whatever use that was at the time was listed and C-3 they asked for there up on Fifth Street. That's how it got that.

**John Borgmann-** I think it makes more sense to go a new zoning, C-2, to change everything.

**Sal Maniaci-** It does make it a lot clearer. It does make it a lot easier for someone who, because Mark's right this yellow is R-2 overlay. There's only four parcels, but there will be one of them that your in an R-2 overlay but then we put additional overlay that would add uses. So it does get very complicated. I was honestly under the impression that if the person didn't petition the rezoning that we couldn't do that. So we can we can be the ones to petition the rezoning which makes sense. Obviously. I just was

thinking overlay. But yeah, I'm thinking what we'll do is invite in the letter, invite them to a PNC discussion and then let them know the public hearing will be later in August.

**Carolyn Witt-** I think, and I can't speak for the whole thing, but as far as historic preservation goes, this is the idea. It's expanding our, as you say, it's a, what was the word you used? The growth boundary and I think that is a positive thing from a historic preservation standpoint because that allows a larger scale included.

**Sal Maniaci-** And so part of that, it's no secret that a big benefit of being in the C-3 is not having to provide your own parking. And that's where we're I think we're going to say this is our growth boundaries where we see your part of the downtown district, you can utilize on street parking, any public parking spaces, public parking lots in this area and something I can do for the next meeting, I can highlight the public parking areas in the area because it's within a decent walking distance then that makes for a strong argument why they should have to provide their own parking. And on Caroline's point with the historic preservation that all stemmed that was the whole idea of not requiring off street parking is because if you required someone on Main Street who had a zero lot line building to write off street parking they're forced by the property next door and tearing them down. So you know that's not something we want to encourage. Um So but you also have to be you know mindful of the fact that you do have properties once you get close to this boundary that are historically single family residential. And so you know that was something we talked about in the overlay district. Do we maybe say we're not doing that? But we could write this into the C-3 which I think is we already have it. If you are adjacent to residential, you don't get zero lot line on that on that property line. You know, I think it's worthwhile discussing if you are adjacent to residential here, you don't get off street parking or you have to provide off street parking because of the fact that you know some of these as you get further east, west, south and are over here that there are, it is like Cedar Street for example, we didn't include that on purpose because that's historic Victorian style home. It's got a style that we don't want that to be redeveloped. That's how we want to stay. And if you have someone directly adjacent to them, which we don't necessarily this regard, but do you want a neighbor to allow overflow parking in that residential area? So I think that's when we're making an amendment to C-3 to allow them to have a Special Use Permit for the four way intersection rule. We could also write something in where you're parking on the outer boundaries is also restricted. You have to have some type of off street parking if you're adjacent to single family residential.

**Carolyn Witt-** You mentioned about highlighting the public parking that exists. We've had a lot of discussions in the design committee about marking parking lots because it's not very clear in town what's private and what's public and it's not okay. We wanted designated. So somebody driving into town for an event not everything is marked tow away church parking, whatever and we really need to have that. And good the signs are ordered. This is a good thing.

**Mark Piontek-** It sounds like while we're on the subject here. We talked a little bit about and maybe you want to go back to your zoning map again. If you look at the property that's adjacent to the river that's north of the railroad tracks, a lot of that is zoned industrial and it's really not appropriate for that area anymore. So we may want to think and leave this to you, but we may want to think about extending those boundaries to include the riverfront property that's adjacent and rezone that to C-3 and then whatever else. And it's not really clear on this map. But if there's other property that zoned industrial along the riverfront north of the railroad tracks rezone that as well.

**Sal Maniaci-** This is all one parcel for the western portion of the trail, that's all M-2 and then this is M-1 from where the concrete plant used to be.

**Mark Piontek-** Right. And we talked about, well, we actually talked about in the discussion on Friday creating a new zoning district, something park or something like that.

**Sal Maniaci-** Civic space, park space.

**Mark Piontek-** So I don't know if you want to do C-3 where it's adjacent to C-3 or you just want to redo it all as park but I think the idea is to rezone that away from industrial.

**Samantha C. Wacker-** I would think more park is appropriate because that's I mean that's matches usually.

**Mark Piontek-** Usually that is what it is. It's all city owned.

**Samantha C. Wacker-** I don't think C-3 is appropriate, but a park of some sort some kind of park district. Because we wouldn't, I don't think, that we want in that area on the riverfront for all the C-3 uses, we want the park land.

**Sal Maniaci-** And I would recommend keeping this one parcel where the Waterworks building is.

**Mark Piontek-** I was going to say the only thing would be the waterworks building because that has historically been used as commercial and we're trying to get somebody in there for commercial.

**John Borgmann-** And the next parcel to it where the depot is?

**Mark Piontek-** The depots on the south side of things, it's not on the other side.

**Samantha C. Wacker-** But I mean the Waterworks could I mean could that parcel even be like a non-conforming within a park district? Would that just because that's a unique property?

**Mark Piontek-** You could it would probably be easier just to zone it as C-3.

**Mark Kluesner-** Just the one would be C-3 and the rest would all be the same?

**Mark Piontek-** A parks district or park zone.

**Samantha C. Wacker-** I know we try to stay away from the spot zoning. So that's what I was thinking, leave that since it sits in the park district, leaving it as the park district.

**Cameron Lueken with Wunderlich Survey & Engineering** and with me tonight is Tony Bequette owner of Elijah McLean's I guess backing up a few steps here. As you guys probably remember, we're here about a year ago about Elijah McLean's about resilient to C-3. And we started reading about in the paper and we started asking ourselves, well we noticed the boundary didn't include us and or Tony's property. And I contacted Sal and said, hey Sal when is it appropriate for us to join the conversation. And so after I don't want to come in after you guys have had all this and I didn't want to get in the way either of things he thought was appropriate now to join the conversation. So I want to thank you guys for hearing our opinion now. So, basically as you guys already know that's the boundary to proposed C-3 zoning district and that's the latest revised one and it hasn't been revised any more than that. So, basically what we noticed was that it went about two blocks further to the south and went about two and two thirds blocks further to the west. And so we were trying to kind of figure that out. You know what we're trying to do there. So we looked at where we were at relationship to that and basically the western limit of our Tony's Elijah's is about two blocks west. So geographically we didn't think we were too far outside the boundary area, you might say. So moving forward from there, one thing we looked at was the codes, what's the purpose of the intent of a C-3 zoning district? And as you guys know, it's about the historic, unique here in the city, about the downtown area and it's about basically a mixture of residential, commercial to promote the unique characteristics of area not found anywhere else in the city. That's kind of a in a nutshell. So we looked at historic map historically, what we thought how this was significant and we noticed was the area in green that was in 2015. I'm not sure how long it took to prepare this. Probably Caroline knows all that, but this was what was published in January 2015, you might say. And at that time it did include Elijah McClain's obviously because as you guys know, it's probably the home was built in 1839 and it's one of the five oldest structures in Washington for what we can tell. So naturally it would have been included in historic design review area. So we looked at the historic compared to your proposed C-3. It was uncanny how close it was. I mean that's what the area is now being proposed. And you look at it just as you guys have had a conversation about Cedar Street. Cedar Street is primarily all residential, so it wouldn't make sense to include that in C-3, which you obviously did not, but it was interesting how close it got to that and I think Mark had a good point while ago about expanding the use to the north as the parking areas outside of north of Front Street serve the areas of the south side. I think it's a good point that Mark made about that. So I just wanted to kind of us to think about that historically how significant Elijah McLean's is related to C-3 district and going on from there. So this was the purpose and intent of the C-3 districts. So as you guys know, that's kind of, we talked about, it was built in 1839. It is near

residential and it is it is C-2 right now, so it's near the C-3 district right now. So the conclusion we're talking about the C-3 expansion, south, east, west and north as Mark mentioned, kind of including, expanding that boundary, 1839 was a structure, one of the five old buildings in the city and there a long time and we don't know why this was dropped from the C-3, maybe it was in the 2015, but we don't know why maybe just wasn't thought about perhaps. And I guess historically versus newer, the rebuilding of the downtown area like Sugar Fire and stuff on the west side. There are newer buildings that are located in C-3. Also, one of the things that was brought, let me go back to the map here. We're thinking about things tonight about cleaning things up. So you mentioned the combination of a residential uses and the commercial. There was about four parcels that are south of Elijah McLean's here that a C-3 district might include those also. That would make them conforming. So to clean up a nonconforming use. Those houses are built on the alley and I don't think they conform to current standards. So basically I think I think Elijah's, and don't quote me on this but I think it's the only business in downtown that's not C-3. Basically, in a nutshell, we're just asking to be considered equally with the other residences and commercial businesses that are in that downtown area.

**Sal Maniaci**-I think you know obviously Cameron and I spoke when he's asked when would be a good time to come to this meeting. We talked about this a little bit and that's probably why I brought up this was I spoke with Cameron before our meeting Friday. I think there is an argument that you know Elijah McLean's it was part of the historic desired area for a reason it is part of downtown. But I think, it's we can't get over the fact that it is adjacent to historically single family residential neighborhood that if you're going to talk natural growth boundaries I think Elijah McLean's because of the fact that blocks Main Street off from that it is in itself a growth boundary to the west. And so that's why I brought up earlier the fact that if you are going to include some properties that are adjacent to single family residential, maybe with that code revision, you include protections for the parking adjacent to their say that part of the C-3 district you get those additional uses, but because of the fact that you're adjacent to single family residential you have to provide off street parking. That was you know an alternative. I thought that could be met kind of a compromise to show yes it's considered part of its inside this growth boundary. I don't think that is necessarily downside of that. If someone were to come in today and say we weren't doing any of this rezoning and we weren't doing any of this growth boundary or anything. If someone were to come in and purchase these apartments here that you know they're a little bit older there and wanted to do a very similar Rhine River Development will be turned away at that and say it's not appropriate. Probably not. We would probably encourage that type of redevelopment there and encourage the expansion and then you're already there, you're already where you're at Elijah McLean's. So I think there's a possibility of including it. The whole point when we recommend denial that rezoning was the same reason we recommend denial on Market Street about four months ago. It is not adjacent and we don't want to open up that can of worms where we start doing it outside the block of C-3 because you have to where do you stop at that point? And then parking? We brought up parking on Market Street as well. Where if you're going to do that and you have traditional single family homes right there, how is that going to impact the people who are who are already there that aren't across the street from a public parking lot or you know I haven't had that third entire existence. So I do think that could be a possible alternative of we already have that on the zero lot line, you could add the additional parking requirement.

**Samantha C. Wacker**-Well we've been through a lot of discussion about these boundaries and I don't think the boundaries are irrational. There are properties that are historic but are not included in these. So the idea of that historic review boundary versus this boundary. There are two different things. We're comparing apples and oranges. We're not talking about expansion of the downtown use when we're talking about design review. So I mean, I think we've I would not be in favor of expanding this in either direction. We've gone through it and we've talked about it.

**Cameron Lueken**-Samantha while, excuse me, why is it not? Why aren't they in conformance? I mean, the what? I'm sorry, the zoning industry, I mean, the intent of the zoning is too, is to complete basically the harmonious use of commercial and residential related to historic significance. I don't think, I think



they can be put together. They don't need to be separated. They need to be put together if you're out in Greenfield, if you're out south of 100, there's no historical downtown significance out there so that see if it would be appropriate there. But this is certainly what this is for.

**Samantha C. Wacker**-Well Cameron, with all due respect and we talked about when we were talking about these boundaries, we talked about how far do we go to the South. Do we go as far as the brewery? Do we go as far as that? I mean you have to draw the line and what is logically considered downtown. It doesn't normally go that far west as far as I think what is considered downtown or what use is we got. So I don't think it's an irrational boundary whatsoever.

**Cameron Lueken**-And I guess that was my point of geographic limitation. Is that basically, you know, when you're considering moving the boundary, I think you were actually, I think you have your the one you and Witt and someone else recommended moving the boundary south, correct?

**Samantha C. Wacker**-Somewhat south, but not as far south as some other.

**Cameron Lueken**-Right. So basically you move to two blocks south. We're proposing two blocks west.

**Samantha C. Wacker**- I think we suggested moving it a half a block south to or the other side of Fifth Street.

**Cameron Lueken**-Yes, that's two blocks.

**Sal Maniaci**-It stopped at Fourth Street in our original proposal, then we amended it block and a half to go, well, you can have Immanuel Lutherans, two blocks. It depends on how big the parcel is. One block to Fifth Street, but then a half a block south of Fifth Street, correct?

**Cameron Lueken**-We already have a lot north of 4th street will begin with.

**Samantha C. Wacker**-Well, and Cameron, obviously if we're talking about making this rezoning the properties, there's going to be public hearing and more opportunities for public input. I mean, this does seem to me to be a backdoor attempt to obtain something that there was an individualized public hearing about this particular property that you're trying to talk about today. And there was a lot of opposition to that. So this seems to be a backdoor attempt to get what was attempted to be gotten. And certainly, I mean, that's up to and your property owner if they want to apply or they want to ask for different things.

**Cameron Lueken**-But I came here based on the recommendation of Sal I just I don't think it's a backdoor attempt. I wouldn't have came here tonight if Sal, not because I asked him specifically when to join the conversation. Right? Because this is not just a benefit to us, it's a benefit to everybody that's being expanded.

**Samantha C. Wacker**-It's a public conversation.

**Cameron Lueken**-Right?

**Samantha C. Wacker**-Absolutely right.

**Cameron Lueken**-So the basically the purpose of the rezoning altogether was this Tom. Right now, the C3 code does not allow for permanent a permanent, there's a tent there six months of the year is only allowed to put it up. So what happened was is basically Tony wanted the ability to put up a permanent nice looking structure and not be subjected to damage like he was just this past Friday evening. Right? Just like perhaps the VFW has perhaps, like the Hummingbird has something more permanent and aesthetically pleasing than a tent that was the whole purpose. Does that answer your question Tom?

**Tom Holdmeier**Yes, I just want everybody to be aware of what was going on.

**Sal Maniaci**--So our building code this night, anything related to the zoning code, once it's more once it's there more than six months it's considered permanent and then it's considered a structure, meaning it asked me parking requirements and that was the whole point that once it was there six months you have to follow the parking requirements for whatever that structure is. C-3-Obviously didn't have parking requirements.

**Sandy Lucy**-So you want to build a permanent structure?

**Tony Bequette**-Yes.

**Sandy Lucy**-Do have plans to build a permanent structure? Have you brought those fourth?

**Sal Maniaci**-No. So the plan was I think that's why they wanted to rezone it first and then submit the plans because once it's in there permanently you have to have parking for it.

**Mark Piontek**-So Cameron help me out here. So if it if it was included within the C-3 district as you're proposing but the city added a requirement that if you're adjacent to residential you still have to have off street parking. How does that benefit you?

**Cameron Lueken**- So that's a good question. So basically I don't know to answer your question. Right. Meaning that there could be in that district there could be, we don't know what that code says. What it looks like. So I don't know how to answer that question exactly. Now, if it just reverts back to what it is today, you're correct, it wouldn't benefit. Right. But I think the thing that we're talking about is that the C3 is unique and effect that allows for relaxation of parking requirements to promote.

**Mark Piontek**-I mean let's just cut through it. All right. What you're really trying to do is avoid having to have off street parking. That's what you're really after.

**Cameron Lueken**-Right. But isn't that the whole point of the C-3 district for everybody? Isn't that aren't we just asking you to be treated like everybody else.

**Mark Piontek**-Where it's appropriate.

**Cameron Lueken**-Right. That's appropriate.

**Mark Piontek**-But I think and we went through this six months a year ago and it got turned down for the reason that people have said there is parking in the neighborhood that's a problem. And so I guess I'm having trouble understanding what is going to be accomplished here other than you're going to eliminate the off street parking requirement. Which is only going to make the problem worse. And I don't know, I saw the article in the newspaper this weekend about the bridal boom and about how the two managers at Elijah McLean's said you know 2020 or 2021 and 2022 is going to be huge. We're going to have you know, more than 200 people here on a regular basis. So that all tells me that there's going to be a parking problem there and it's not going to get better if it's C-3.

**Samantha C. Wacker**-The other proposal, as I heard if I understood correctly is that we're talking about in the C3 that would be adjacent to residential you wouldn't necessarily get the benefit of the zero lot line either.

**Sal Maniaci**-That's already.

**Samantha C. Wacker**-But it's a bit that's important to note I think if you're building additional structures on the property. I mean if you look at Cameron, the rationale that you're proposing to include this property would be the same rationale to include Cedar Street.

**Cameron Lueken**-No because there's no commercial use on Cedar Street. I'm sorry there's no commercial use on Cedar Street.

**Samantha C. Wacker**-There has been in the past on the residences. It used to be a funeral home. It used to be a medical office. I mean there have been historically multi use. And so we're proposing to not have those because that's a special area. And as you said, this is a special property. So there's reasons that the lines are where they are.

**Cameron Lueken**-Sandy, would you like to see what the structure would look like the pavilion sometime? Okay. All right. We'll work on that.

**Mark Kluesner**-Also at the same meeting that I guess it's been a year ago or so much that he had a concept for some parking on Stafford Street?

**Cameron Lueken**-Correct.

**Mark Kluesner**-Maybe some plans on something like that might help as well.

**Sandy Lucy**-Or maybe just some plans for parking on the property.

**Sal Maniaci**-Yes, Well, and that's where I think what we in our staff report, I'd have to pull it up, but I think what we recommended last time when we recommend denial was that there is an alternative route where they could ask for variance while showing, hey, we're going to put parking on Stafford, we're going to put a staircase up so they don't have to walk. People actually park on staff because you can connect to it and the big thing was having a gate on Johnson Street so that people can get in. I don't think it's out of the question to get a parking variance because again, like Mark said, you're going to cut through it, the tents there six months out of the year. So that uses already there legally and there's already a parking problem that we can do nothing about here. All you're doing is making that existing

problem happen year round rather than half of the year. Is that really different? But if you're going to at least try and better the situation, I could sit there and a Board of Adjustment meeting and say, hey look we're in favor of this variance because they came up with these other provisions rather than rezone and they don't have to do anything. So that was because it's been a year. That was kind of the whole point of that last discussion that we could go that route because there's other venues to say, hey look this is a unique property, it's not C-3, it may not meet the full parking calculation, but six months out of the year, they already have 200 people there were just trying to make it a better situation. And in reality, the biggest thing is especially if you have people from out of town, they're going to put in the address on Front Street, they're going to go park, Google is going to take them to Front Street. But if you have someone who, who says, oh I know that hill, I'm going to park on Johnson Street and pull that in and that seems to be from the complaints we've gotten. Again, I haven't been there on at a wedding where I'm driving up and down Main, but from the complaints are Traffic Committee has gotten people come and park on Main, Johnson and use that gate. And so I think there are some ways to say, hey look well amend that and will put parking around Stafford and will close that gate to the public. I know our fire department does not want to close permanently so obviously we have to do a Knox box. And so I think if we want to include its, there's a motion to amend this map. I was already thinking about adding that parking requirement because that came up on Market Street as well. There are four houses there that we thought may have some opposition that we said, hey look if you're in the district, but if you're someone right next to you wants to put in a business, they do have to do it. Sometimes parking, that's something we can all come up with the public hearing. We can whenever we send this letter we can make that amendment anyway. So I think there's two options there. We cannot include McLean's go back to the boundary we have with the possibility of variance or included and have that parking requirement. It would be my recommendation to have the intent of what really we're trying to do. Your intent there on both both avenues.

**Sandy Lucy**-Have you submitted any plans on parking that we talked about a year ago?

**Cameron Lueken**-No more plans than what was on the original presentation back in May of last year. We, like Mark indicated, we actually there's two ideas that we actually presented. One was parking along the east side there of Stafford Street and then the other one actually there's just as what was built on the front just as the parking lot was built out in front of Sugar Fire and all that. There's still a vacant ground to the west of that parking lot on Front Street.

**Sal Maniaci**-You had that expanded for 16 more stalls or something I think.

**Cameron Lueken**-I thought it was 30.

**Samantha C. Wacker**-I think Cameron, if you remember something that came out of that meeting also was a suggestion to consider P.D.C. to have a creative use to get that property because that PDC is intended for properties that are unique and maybe wouldn't necessarily fit into a neat box. But that was suggested at that meeting that might get you where you want to go

**Sal Maniaci**-Yes that or variance can do it because if you go to the PDC route it's longer and you have to have plans upfront but you can just like the shoe factory to design your parking up front as part of that plan and then you don't have to go to get a variance. So there's yes correct those avenues. So I would not be surprised if we have this public hearing and some of these other neighbors, they want that same that parking requirement may get requested but thrown in there either at the next public hearing here in August or at City Council because I know that will come up and saying, okay, what happens, but if you have properties over here on Market Street that don't want all the street parking taken or right here along Second Street. So we took this out and then we added it down south. You can see some of these homes saying, hey, look, if this got redeveloped right here, they may not want that no off street parking. So we could require these uses that are right on the boundary to have off street parking is part of it. And maybe it's a reduced off street parking the edge to provide some, maybe it's 75% of your requirement. That's all something I think you come up through our public hearing process, but I think regardless, that's going to be a discussion.

**Tony Bequette**-I own Elijah McLean's. Just a few things. I quoted the article when I found out about it. Sal said this overlay district would allow any development that was previously only allowed in C-3 zoning or within the Downtowns district to be allowed in a few more blocks. Well we are a few more blocks. So the point is to get less restrictions to have fewer hurdles for anyone who was interested in developing property in downtown. I just have a hard time buying the Elijah McLean's is not part of downtown, it's on the riverfront, it's two blocks from all the downtown developments happening now and I'll quote Mrs. Wacker, I think we all went downtown to evolve and grow. We also want to be flexible within reason. Parking has always been an issue of Elijah's because of one homeowner that homeowners not allowed on our property, the cops will arrest her for trespassing. She's been so difficult. Elijah McLean's is the largest parcel in downtown. It is also, it has the most parking of any parcel downtown and to further hamstring us, we can't grow. We can already park with the tent, so that parking is going to be there with our business six months out of the year so it does, we can create the parking for the pavilion but to do that we would have to build parking lot in the whole front of that property, that whole front of that property parking lot. So I don't know if that's what people want to see if they want to see a parking lot when they drive up to Elijah McLean's because that's all they're going to see. We're zoned C-2. We are the only property. It's commercial now part of the zoning. You would also clean up the properties to the south of Elijah. They're not conforming as they are now. It would clean those up. This makes perfect sense to include Elijah's. I just don't see how you guys think it shouldn't be part of downtown.

**Mark Kluesner**-you guys are very harmonious, you know, historical wise, but come up some good plans on parking and maybe.

**Tony Bequette**-But once again I would like to be treated equally like everybody in this overlay.

**Mark Kluesner**-But I wouldn't be opposed to loading it through if you come up some good plans as an individual.

**Tony Bequette**-And once again, I would like to be treated equally as everybody in the C-3 zoning in the overlay. That's all I have. If you have any questions I'd like to address.

**Samantha C. Wacker**-Mr. Bequette, with all due respect, as you'll recall. I didn't vote on your prior proposal.

**Carolyn Witt**-We had a lot of discussion and I don't see that anything has really changed myself. I mean, from what the original and I'm sorry that's not what you want to hear but that's that's and I don't have anything to do with anybody's divorce.

**John Borgmann**-And we're going to look at making it all C-3 instead of an overlay?

**Sal Maniaci**- What I'll do is just on September agenda. I'll have a request for rezoning and we'll just list every address. Listed there will have it as one item.

**Carolyn Witt**-What's that I'm sorry and would be the public hearing in August?

**Sal Maniaci**- Because at this point I don't you know, we'll also have to do the code amendment to the intent and then the four way intersections. It would be The 9th. It's early.

Because the First is a Sunday. So it'll be P&Z on the ninth. This will probably be one that I will not schedule the council right away. We'll probably notice it twice. Because what will happen if I put in the paper that it's going to be at the Council on the 16th will probably have some amendments and then I'll have to change the notice. So what we'll do is we'll put it for P&Z at the ninth for sure. And then after that vote, if parking gets amended, if we decide because I do think we're going to have to discuss the possibility of all this being a growth boundary because what happens is some of this, if someone comes in with a whole block proposal right outside of this. So I think we're going to have to address the definition of the intent in this of being able to expand this further out, that kind of thing. So, long story short, we'll have it on the Ninth will notice we'll get a letter together and we'll kind of go through to make sure that the language as clear as possible. I'll pass that around administration so I get a couple eyes on it and then go from there. I don't have anything else on September's meeting.

**Samantha C. Wacker**-So to be clear, so there's no voting on anything that has to do with this tonight. No, this is just a discussion item. I guess the motion could be made if you want to amend this again, but in reality that could be done on the Ninth as well in August.

**Tom Holdmeier**-I'll entertain one last motion.

**John Borgmann**-Motion to adjourn.

**Samantha C. Wacker-Second.**

**Tom Holdmeier- All those in favor. Aye.Any opposed? So moved.**

**Motion to adjourn, seconded and passed without dissent at 8:01 p.m.**



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**Thomas R. Holdmeier**  
**Chairman**