

**CITY OF WASHINGTON, MISSOURI
PLANNING & ZONING COMMISSION MEETING MINUTES
Monday, August 9th, 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 July 12, 2021-Motion made to approve, seconded and passed without dissent.**

3) **File No.-21-0801-Jim Feigherty-Preliminary Plat at 1401 Jefferson Street.**



Sal Maniaci-The applicant is requesting approval of a preliminary plat to subdivide 1401 Jefferson Street into two lots. The proposed subdivision meets all size and setback requirements of the zoning code; however, the rear lot does not meet the Right-Of-Way frontage requirement. The code requires every lot created to be able to access a public right-of-way. This plat is asking to waive that requirement and in lieu allow an existing easement to meet the intent of that code section.

The applicant submitted information proving the existence a 50 ft. wide easement allowing access to the proposed lot through the Ameren Property to 14th Street. The paperwork is attached to this report. Given that the access meets the intent of the code to not allow a land-locked property, staff sees no issue with this variance. Staff recommends approval of the proposed preliminary plat.

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

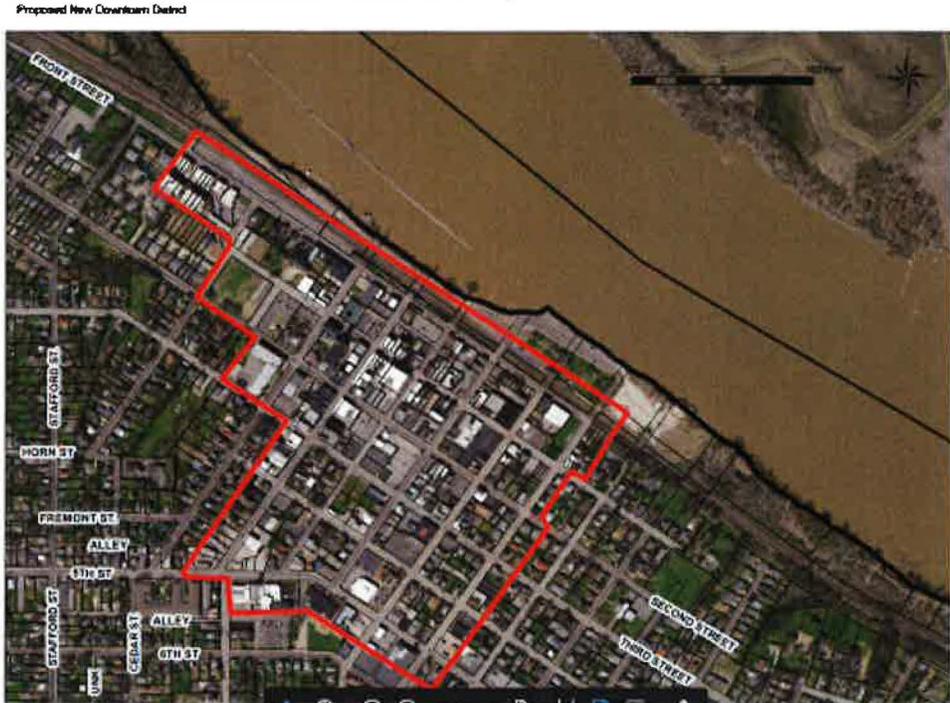
4) **File No.-21-0802-Amendment #24 to 353 Redevelopment Agreement**

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

5) **File No.-21-0803-Amendment #25 to 353 Redevelopment Agreement**

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

6) **Discussion Items: Downtown Mixed Used Overlay District**



Sal Maniaci-So this has been on our agenda for three months now. I know we amended this a couple times to what we thought was the best course of action. So just to brief people in the audience and the board. This came up a number of months ago that we really don't have a contingent and orderly downtown district as you can see here this is our existing downtown zoning. So in our code book, we have our C-3 Downtown Commercial District that allows for higher density, zero lot lines, pretty much historically, what you'd see in the downtown district development that suits what has been always done historically and then actually just fits into that code. So people want to ask for variances and all that all the time for new development and for a long time what we've done is slowly expanded this. So as people ask for rezoning, if it was contingent with it, it was a pretty obvious approval, this one was done with Rhine River as part of the TIFF district. You can see it is separated from it. There was one here on Fifth Street. This one was ten years ago, I think this one was in 2000 so almost 10 years ago as well. So it's been a while and we have since had some requests. We've had two just in the past year for rezoning that are not contingent with this that are asking for the C-3. It became a discussion point that we need to come up with almost a red line of where we are anticipating our growth boundaries will be for downtown. You can consider part of the downtown district because we had some requests that we thought a mixed use, there is actually probably pretty appropriate use, but if we approve the C-3 without it being contingent, where do you draw the red line, is it one block down two blocks down and you start having this C-3 is supposed to be downtown district spaced out, it could be all throughout town. There was not really any definition that we to discourage people from requesting that. And so we started with the discussion about possibly doing an overlay district and including a certain area and for two months I know we messed with that district. Then after talking with Mark and Darren before last month's meeting the fact that this overlay district really just mimicked exactly this C-3 existing district. We thought the

easier version would be to just draw the boundaries what we want, change the definition and we can talk about the special use that would be a different code change but actually just petition to rezone any property in that district and that boundary to the C-3 and that we don't have to have another overlay district that is that is overlaying multiple overlay districts and kind of piling up and getting too confusing for people. And as you remember, we drew a potential boundary of what we determined to be appropriate downtown growth boundary for future development. If we had someone who came in with a redevelopment here currently, I'm just going to pick on this because it is a green lot that is called a greenfield site that has good potential for downtown development, right next to your outside our door here. That currently is not zoned for a downtown development, it wouldn't allow the zero lot lines, it wouldn't allow mixed use, they would have to either rezone and it wouldn't be contingent with C-3 so we wouldn't really have good precedent to allow it or they have to try and go to a planned district with the property is not large enough, which a lot of these aren't because our code requires an acre and a half. And so we thought really the easiest way was to draw this boundary here so it goes up and down Front to Olive here to include Rhine River and its stair steps back down away from the traditional single family residential on those historic buildings on Cedar and Second that we wouldn't really ever want to encourage redevelopment there. And then goes down to Fifth, it does cross both sides of Fifth here at Jefferson Street. I know there's some discussion about Cedar Crest that was not included, then it goes down to Market and allows properties that access Market Street. And so this would actually give us a boundary that's contingent with all of our existing C-3 properties. There wouldn't be any more gaps in there. And what I highlighted here, these are the 84 properties that would actually be rezoned and brought into the C-3 district. And so it kind of looks like a jagged mess there, but in reality Market here, it's really any property that touches Market. Same with Fifth down here. And then like we said we stair stepped around the residential and so this and we sent a letter to all these property owners which I assume is why some people here tonight and we wanted to make very clear this is not causing any course of action for anybody. They're not asking to stop any uses with their property. It's really just saying hey we're going to actually define this downtown boundary now this is your part of the C-3 district. Everything you're doing today is still permitted you actually just are allowed more uses now actually if someone ever wanted to sell and their adjacent to C-3 they wouldn't have to worry about do I have to rezone to allow that mixed use. This is now we're saying this is the district boundary. So what we did is we published in the paper, we noticed we sent the letters out, we did not actually set a date at council. We wanted a discussion here first and then kind of see if we wanted to amend this boundary. I did forward you a letter from St. Peters. They have two parcels and half the parking lot was included in the other half wasn't. And so they wanted to include all of their parking lot, which makes sense. Why would they want two zonings on their property. And the only reason I didn't include that because that one parcel to the south is not technically touching Fifth Street. So they could get a boundary adjustment. But those kind of things. I wanted to kind of hash that out tonight and let the public speak as well. And then we can come back next month either, well two choices tonight, we could say we like this boundary. We don't think this group needs to discuss anymore and we can send an ordinance to council or we can come back next month and do that. I will say the code amendment for the definition we're still going to do that so that way we're clear about the growth boundary. If someone comes in and ask for C-3 on West 5th Street or East Fifth Street over by the hospital, we can say, nope, it's clear in our zoning code that this C-3 and is defined by a district boundary that they would have to, we would have to amend that code again if we want to get outside this boundary. And then also the special use permit for zero lot lines at four way intersections. That is just an amendment to that C-3. We don't have to do anything with rewriting that at this point, we can still rezone these people at this whole district and then come back with that code amendment for that next month.

Mark Kluesner-Now everyone involved there lot lines will stay the same?

Sal Maniaci-Yes. There's nothing changing with the parcel boundaries. Nobody's taxes will change because they're everyone's taxes are assessed by use and so just because you're coming into commercial district, your house is not automatically going to be assessed commercially. Everything will stay the same. Same zoning wise. There are more uses that you can do with your property in the future.

Mark Kluesner-And everyone has been notified?

Sal Maniaci-I want to say we sent 90 letters.

John Borgmann-And I was just reading St. Peter's letter, I was thinking that maybe that's something we ought to look at for the east and west side of Jefferson up to Elm and over to Market and include the St. Peter's parcel. Immanuel already has all those parcels and I know that that lot that is left there on that block where Immanuel Lutheran at that we do have a right of first refusal and I'm a member of Immanuel so I know that that is all going to be church property and I was part of the long range planning committee there that decided to stay put and do the church addition and do all that. They're so they're not going anywhere either.

Sal Maniaci- St. Peter's actually, half the block does go out of the Sixth already, it's just they have a portion that has been consolidated yet. So you know there is on both ends of this east and west there's portions that already touched Sixth Street. That's another option because it's a really small gap here. We could just make at the southern boundary, you can just make Sixth Street, the southern boundary of that.

Samantha C. Wacker-That might be more logical, a small amount of property.

Sal Maniaci-It looks like there's only three more parcels there.

John Borgmann-That's what my thought was with.

Sal Maniaci-So we could just connect really that small gap right here. Actually what I'll do, so this red line essentially would go to the Sixth on Market Street here and we would just include that as well.

John Borgmann-That would be my recommendation.

Samantha C. Wacker- With the goal being and making it contiguous.

John Borgmann-Correct.

Mike Wood-St. Peters United Church of Christ.-Mr. Chairman, members of the commission, I think you do have the letter. I am here representing St. Peter's United Church of Christ at the corner of Market and Fifth Street. The parcel that's not included as those of you that have been around this town a long time is the old Napa building. When we purchased that, that's where the parcels come in. We also own the parking lot on Sixth Street below so if you wanted to include that, we would be happy to include that as well. But if you didn't we understand. We're not as concerned with that as we are the property that borders Market Street and Jefferson Street having that all zone the same for us. But it sounds like that's the way you're going. So I will sit down and watch the rest of the meeting. Thank you.

Ty Strauser-16 East Third Street. We had just got the letter and didn't know anything more about it but we haven't been getting the paper but it's just basically outlined a downtown areas that basically all it is?

Tom Holdmeier-A District, C-3. We do that and Sal can explain better than I can. But there's several things like usually have residential zone and that's it. Downtown you have several different things with people living above and below businesses and this is just outlining a larger area.

Ty Strauser-Okay.

Samantha C. Wacker-Also it's expanding what you can do with your property. Should you so choose

Tom Holdmeier-If you had a residential in there now you can do office in there in the future or if you wanted to have a live work space or do something different.

Ty Strauser- The next question I had already talking to the City Engineer a few months back, and they plan on, in the next year or so, redoing all the 3rd street and redoing our sidewalk and stuff. Will that increase our money that we have to pay towards that are being rezoned.

Sal Maniaci-- No, not at all. So that is all those projects for downtown from Front Street to Fifth as they overlay streets. Those are all pre budgeted out 10 years out.

Sandy Lucy-We have a half cent sales tax here for transportation and part of it goes to retire the debt on going out to the highway. But the other part is for all of our streets here in Washington.

Ty Strauser-So we'll just be included kind of like as the historical district too then?

Sal Maniaci- So we have our historical districts are separate from this. We do have different overlaying districts, in there you may be in that, but that really only allows you to, if to apply for the National Register programs up above the city. So this doesn't affect anything with the historic district.

Samantha C. Wacker-This is a zoning boundary, not a historical boundary per se. It's really, it's not intended to make it to cost anybody any money. It's just intended to give you more choices as to how you what you can do with your property if you choose.

Ty Strauser-Okay, thank you.

Joseph Bleckmann, the president of Bleckman Machine in Washington.-And I just wanted to reiterate and to make sure that in rezoning this, that is not going to affect our day to day business in any way. Uh there are several times, you know, not many times, but when we have a big customer that breaks down in the middle of the night and we sometimes have to come in and work in the middle of night and this isn't going to be by rezoning this it's not going to be a problem with that.

Sal Maniaci-No. So actually we're bringing that property that you're at into a mixed use district that does allow the commercial and the residential that you already have there. So it actually, I think it would clean things things up for you. So you're not even grandfather and you're actually being brought into conformance.

Joseph Bleckmann-A lot of our work sits out on our lot, you know that it's too big to get in our shop. Yeah, that's not going to be a problem?

Sal Maniaci-No, that's fine.

Jim Hartman-419 Elm Street-And just have a couple of questions. The letter I got this says the development of your property for zero setbacks. That's one of the changes are going to make and the allowance for mixed uses between residential and commercial, if I think that's everything says, is there any other reason why we're doing this?

Sal Maniaci-The main reason is to set an actual growth boundary to say, hey look, this is our actual downtown district that we're going to define it. Those are two things that are allowed in the downtown district.

Jim Hartman-Isn't this allowed in everything else? Can a person have a zero setback variance for that? Can you get a variance for mixed use residential commercial?

Samantha C. Wacker-You have to get variances. I thought we just okay'd one of them didn't we? Okay, something like that.

Sal Maniaci-So you can get a variance for setbacks, you can't get a variance for uses. For uses, you have to get a rezoned or not. And the problem with our current zoning outside of the downtown district, it's strictly either residential or strictly only commercial when in a lot of these instances people may want an office on the ground floor residential top like historically you would allow. And so this C-3 allows that mixed use that, we can't ask for a variance for. This is really the only avenue to get a mixed use.

Jim Hartman- So you can't get variance for anything else like that?

Sal Maniaci-Not for uses.

Tom Holdmeier-Sometimes we do on side yard setbacks.

Jim Hartman-Downtown we didn't on the commercial, we didn't get any changes?

Samantha C. Wacker-It's a special use permit, not a variance, it's just terminology but the other piece is just to try to encourage people to use the historic structures because there's also no parking requirements with C-3 so that if somebody did want to do a live work space or something like that, they're not they would not need to be feel compelled to tear down a historic structure to create parking.

Jim Hartman-Okay. Well I have a residential area and right next to me is a vacant lot which we all know, people probably want to put something on there, so right next to me, they can build a two story, three story building?

Sal Maniaci- They could yes.

Jim Hartman-Right next right next to my house?

Sal Maniaci-Correct.

Jim Hartman-That's why totally, I'm against this. I mean this is kind of ridiculous. I just I can't imagine that all the stuff that happened downtown there weren't variances and allowances to do other things.

Sal Maniaci-So everything that happened downtown was or is already zoned.

Jim Hartman-It's already zoned?

Sal Maniaci-Yes and so what we're trying to do is to match everything else that's highlighted. Everything that's highlighted here is going to match the same zoning that's here. So this in this highlighted area, you don't need variances because that's that is allowed by code. And what we're saying is this area is going to grow to cover all of this area.

Jim Hartman-Okay. And one was the first one established?

Sal Maniaci- Probably in 89.

Jim Hartman-1989.

Sal Maniaci-I think it's when we adopted that said the zoning codes of mixed use, Sandy was the first one that developed down there.

Sandy Lucy-We developed in 2000 though.

Sal Maniaci- We didn't even have mixed use at the time.

Sandy Lucy-So even after that at the time because we had to we actually had to come before the planning and zoning and the council because there was something on the books that said you could not take two apartments and turn it into one. That was not allowed. We had to ask.

Sal Maniaci-So even since then, yeah, I'm not sure when we first wrote the C-3 code to allow for that type of development.

Sandy Lucy-Well, we've had zero lot lines.

Jim Hartman-But basically that's one of the reasons I'm totally against it because the where we are situated and there are residential houses on that street and a lot of other streets aren't residential houses.

John Borgmann-Where is your property located?

Jim Hartman-Across know Purcell Ellis?

Samantha C. Wacker-Your house backs to the houses on Cedar Street back to yours?

Jim Hartman-I did put a new sidewalk in and paid for it myself before we started the sidewalk fiasco. Thank you.

Jenny Hartman-And it is the home of the first mayor of Washington. I don't think people don't know that John Ernst built that home. And he was the first mayor of Washington. So we're really concerned we've put a lot of work into. And it's a beautiful home and you're all welcome to come by and see how beautiful the home is. We're just very concerned with what could happen around us. What's all included in a C-3? What can you do in a C-3?

Sal Maniaci-Well it's mixed use, general commercial and residential. I mean it's multi family, single family.

Jenny Hartman-General commercial. That's what scares me.

Sal Maniaci-I mean what you can see on Main Street and Elm Street is like the general retail.

Jenny Hartman-Retail.

Samantha C. Wacker-there's lots of historic homes on that particular part of Elm Street.

Jenny Hartman There is one down in the corner where the Schroeder building is. You know, that's got a lot of history behind that and I actually understand they had slaves in that basement. And then the next one where Dave Tobin lives, that's a very old home. Dick Urschel I think built that home. Another mayor of Washington. And then you have the next home up to it which is an old Bush home, Eric Bushes home, you know, and that's in 1883 I think, you know, so our homes are beautiful homes and people have taken good care of them. I'm just concerned what

C-3 could do to our property or the property right next to us as Jim said that that lot next to us concerns us because it used to be when we bought the house, it was an empty lot with flowers and bushes and grass and everything. And you've got to be concerned with what you're looking at. What you're looking at and what we've done over 42 years we've lived there. So that's my concerns my concerns with what is what is in C. Three. What can somebody do?

Samantha C. Wacker-Are any of the properties in that particular block where those historic homes are on Elm Street, are any of those already C-3? Because I'm just trying to look at that boundary because I know we specifically pulled the houses on Cedar Street out and I'm wondering if it might not be appropriate to pull that bank of houses out as well.

Sal Maniaci-It stops right here at Fourth are just north of Fourth. I think these are the four homes.

Samantha C. Wacker-Yes I think it starts at Fourth and goes up. And I think the whole point when we went south here towards Fifth was to include the Purcell lot itself if that someone want to revert to what was historically. So I mean we could exclude the homes here on Elm there same way we did with Cedar.

Jenny Hartman-The lot is what concerns us.

John Borgmann-But we could move on Fourth, go East at Fourth and Elm and then come up and still catch the Purcell.

Sal Maniaci-Yeah, absolutely.

John Borgmann-And leave that half a block of between Elm and Cedar residential. Leave the residential side off.

Samantha C. Wacker-Again for the same reason we left off the houses on Cedar. It might be appropriate. I think that probably would be appropriate.

Sal Maniaci-That's the exact same reason we did that on Cedar.

Mark Kluesner-We certainly could. But once you get up to Jenny and Jim's house and they do have a beautiful house along with the ones below them. But then it becomes an empty lot being Tee's old building and then Fishers parking lot. And I mean that could be in all the way down to Hartman's house and then cut it out. But you know, it draws a straight line up that way I guess that's why we looked at it.

Tom Holdmeier-What is that lot zoned now?

Sal Maniaci-This dark light blue is already C-2 Overlay. So it could already be commercial.

C-2 To overlay allows single family, two family and commercial. So it could already be commercial today.

Jenny Hartman-Okay. But what is the difference between C-2 and C-3?

Sal Maniaci-It allows the zero lot line is actually the only thing.

Samantha C. Wacker-No parking requirements on the lot.

Chuck Watson-It's already commercial. So if you're already in a commercial district.

Jenny Hartman-I understood that we were just concerned with C-3 designated and what could go into that lot right next to us.

Chuck Watson-Apparently everything that can go into are now the same thing.

Sandy Lucy-Nothing would be different. You would just have a zero lot line.

Jenny Hartman-We heard that there was going to be a small machine factory going in over there.

Chuck Watson-Regardless, it's already zoned as such. So it's like you can't stop it anyway, it's already zoned commercial.

Samantha C. Wacker-You can always buy it.

Jenny Hartman-The guy behind it that just redid the whole Post building wanted to buy that lot. So we're just curious. Thank you so much.

Samantha C. Wacker-So it sounds like there's probably not a reason to remove those if they're already in a commercial zoning, it's probably appropriate to leave them to leave it.

Sal Maniaci-To be honest we're cleaning up the boundary, this isn't really because this is already this overlay here does allow some mixed uses. That's not necessarily the concern is what we're trying to encompass everything over here along Fifth Street and then all these gaps that we have on Front Street down here, this residential, single family residential. So that's why we're someone said why even rezoning, because we're trying to clean up this boundary to include all that, it's not just the C-2 overlay. There's a lot of different zoning here that we're trying to just all get into one to really just clean up the boundary.

Samantha C. Wacker-So it sounds like there's no purpose really altering it.

Brian Bogue-I just wanted, we wanted to show our support for this, we do own a few properties in this in this boundary and I think from a renovation and rehab standpoint it does make things easier. You know what you're getting into right away and what your neighbors and your properties are, how they are, what you're capable of doing. And I think that we have proper restrictions already in downtown as far as improper use and things. I think that all that is already in place. So let's just are thought thank you.

Sal Maniaci-People see commercial and they think I'm going to get taxed commercially so that your taxes are done by the assessor and they do it by use. And so no matter what your zoning is, they come and inspect the property and determine the taxes based on what the actual physical uses.

Tom Holdmeier-Anyone else, any other comments or questioned by board? You don't need a vote on it right now.

Sal Maniaci-Well, I think you could vote to it if you want me to just amend that and if I'm adding properties, Mark, do I have to go come back here? Okay, so we'll come back here next month with those properties to the south there on Sixth and when I send out that new letter to everybody will make sure we have two dates. It'll be the P&Z here in September and then the council will scheduled for the following week. So get wrapped up in September then. Okay, so very good. Any other items for discussion? Okay, nope, I don't have anything else. Thank you.

Motion to adjourn, seconded and passed without dissent at 7:40 p.m.



Thomas R. Holdmeier
Chairman