

CITY OF WASHINGTON, MISSOURI
PLANNING & ZONING COMMISSION MEETING MINUTES
Monday, May 9, 2022 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: Mark Hidritch, Tom Holdmeier, Mayor Doug Hagedorn, John Borgmann, Chuck Watson, Samantha Cerutti Wacker, Carolyn Witt, Mike Wood, Sal Maniaci

Absent: Mark Kluesner, Mark Piontek

- 2) **Approval of Minutes from April 11, 2022**-Motion made to approve by John Borgmann, seconded by Mark Hidritch and passed without dissent.

- 3) **File No. 22-0501**-The applicant is requesting approval of a Special Use Permit for a short-term rental at 2134 Matilda Court

Sal Maniaci- Sal Maniaci-Yes, so the first of two requests tonight are for short-term lodging. This one is located again off Matilda Court off in Cricket Creek Estates. So this is Stuetermann Road to the north and you can see it's one of the cul-de-sac streets here kind of hidden away. And you can see it is R-1A Single Family Residential just like everything South of 100. Any single family south of 100 is pretty much R-1A. This is a little bit of I guess of a unique request for short-term lodging because the area you know it's not close to where we typically see them. We have had two of these, the only two we've ever gotten denied were south of 100 one was in Deer Run and one was in Lake Washington. And I think both of those, the neighbors had quite a bit of concern. On this one I let the applicant know to be honest I don't think they're local. I corresponded with them via email, I think they're getting ready to move here or purchasing this and from what I understood in the emails they are looking to possibly do this until they move here full time. And so I let them know it could be difficult in this location but from a staff, that's just historical how votes have gone, from a staff's recommendation, it doesn't change our recommendations on this for short term lodging. We don't make recommendations specifically on how close it is to you know tourism activities. Ours is if it creates a detriment to the neighborhood and so in this case we say really by definition short term lodging is incidental to the neighborhood. It's just taking what could already be there and doing it on 30 days or less. We already have laws in place for everyone else for nuisance and sound and if there's gatherings, parties to protect the neighborhood from that. In this case they do have off street parking. So our recommendation is still approval for this, we did send out letters to the neighborhood, everyone within 185 ft. So it actually did touch in this case homes on Steutermann, I'm blanking on the street name down here, the one to the south, but it did cross outside just this block and so we notified quite a few people and I did not receive any phone calls and obviously no one's here tonight.

Tom Holdmeier-Okay. Any questions comments by board?

Samantha C. Wacker-I reviewed this and I mean before, so I'm troubled that the applicant isn't here first. I think they should be here or have somebody representing them here. But my concern is I mean I believe that they mean well but I am concerned that this puts us on a slippery slope of you know, we have a history of denying these types of things when they're in really a residential, single family neighborhood. When they describe in the packet they're classifying this as a two family home. I mean that that's not what it's that's not the zoning, it's not a two family area. I mean I tend to favor these, I

think they're good for the community but I'm not sure that it's appropriate that we get into the habit of approving these in a very clearly residential subdivision type of area and that's my concern.

Chuck Watson-And I guess I'm with Samantha it's like you know that they're nobody's here to represent themselves either.

John Borgmann-Sal do you know putting the second family in the basement and I know egress is always an issue with that. Have we looked at it, do we know if their bedroom egress windows.

Sal Maniaci-So not from any current occupancy inspections but again that would be before they could put that in the application all they want but until they get that approved from the building department it could just be single family. I know that's their intent but at the end of the day they have to get that approved for having a secondary egress on there. And I do understand that this is technically single family that it's kind of a loophole when you get a special use permit for short term lodging that it allows you to have as long as the building code approves it, it gets you the loophole around the single family in the neighborhood.

John Borgmann-So I heard them say they had an outside entrance, the sidewalk around the back. You know I read that in here too that was all there.

Sal Maniaci-So they would have to have it inspected, it would have to have it built out for just like any other two unit apartment with you know the exit signs and all that.

Samantha C. Wacker-And on top of that I mean there's no, I mean this is approving the whole property, this is not approving just the basement apartment because it's not two addresses. This is one address, there's nothing to say that they couldn't use the entire house in this way, which again, you know, I'm just not sure that it's an appropriate use for the neighborhood. That's my concern.

Sal Maniaci-Totally understand.

Tom Holdmeier-Do we have a way to defend our decision? Because like how is that different than Locust Street? Really?

Sal Maniaci-I mean Mark couldn't make it tonight I would say I think we're pretty comfortable with being able to defend that if it came to that because of I mean if you look at the other ones that have been approved, they are with their either in a mixed use area like zoning wise or it's R-2 Overlay or R-1B are within walking distance of that. So I do think there's room to stand by that. I also get the assumption from just emailing back and forth with them, they were just like let's just see throw in the application and see what happens. So because I told them and it's not likely, you know, I kind of just discouraged from it. So, you know, you may want to look at another area and they said well if we're not living there for a while, let's see if we can do it in the interim.

Chuck Watson-And well the one I mean on their application, it says the proposed lower level dwelling apartments 1000 square feet and consists of two bedrooms kitchen, all that kind of stuff. It says the area has a private or a separate private main entrance and has the been building approved with lower level remodeled in 2020 by City of Washington. See Blake M.

Sal Maniaci-Not for a separate apartment. You can add a second kitchen to your house all you want.

Chuck Watson-But I guess again back getting into John's question and stuff though too, if all this then it does approve the egress fire stuff.

Samantha C. Wacker-It sounds like they just got a building permit that they follow the rules for finishing their basement necessarily.

Mark Hidritch-Probably maybe a previous owner.

Chuck Watson-Yeah. I don't know. It's just that is not clear to me. And again it's like, you know, again it's like if they were here..

Mike Wood-That's going to be my question. Do you want to reject this or do you want to put it on hold and tell the property owner can come before us.

Samantha C. Wacker-I mean my thought, Mike, is maybe to table it and if they're serious they can come before us and answer questions.

Mike Wood-I mean I don't have any problem with either one. I'm going to be honest with you.

Samantha C. Wacker-You know that I'm not going to change my mind, but maybe I will. I don't know. But I don't know that my concerns are going to be different. But at least we could address some of these questions and have somebody.

Mike Wood-It would make them at least feel like they're getting a fair shot before us before we voted. I mean, even if it does get voted down, at least they got a fair shot before us.

Samantha C. Wacker-I agree with you Mike. So, I mean, I'll move to table this.

Carolyn Witt-Second.

Tom Holdmeier-Is there any further discussion?

John Borgmann-I guess the only other question maybe we could talk to the building department and see what's if they have any type of what actually was approved because I know two bedrooms are going to require two windows big enough for egress. And I don't remember from the lay of the land over there if there would be enough slope there that they could have a window on the sides that would meet that. Because the problem you run into it can't be any higher than 28" off the floor I think. And then it's got to be so many inches high, too and wide. So you know that that may if it's a slope side that may get a little bit.

Sal Maniaci-I mean, they could have gotten a building permit for just the adding a kitchen down there and not actually to inhabit as a bedroom which we see all the time.

Samantha C. Wacker-I will motion to table this.

Chuck Watson-Second

Tom Holdmeier-If there's no further discussion. We have a motion on the floor. All those in favor of tabling?

All-Aye.

Tom Holdmeier-Any opposed? So moved.

- 4) **File No. 22-0502**-The applicant is requesting approval of a Special Use Permit for a short-term rental at 910 Missouri Avenue.

Sal Maniaci-Alright so another request. So in this request obviously we have the highlighted property Missouri Avenue. For people who aren't aware before the highway was built and everything, this used to be an alleyway and we had right-of-way frontage. This was First Avenue and Missouri Avenue came down this way. And so there is kind of, the access here is a little bit funky just because technically this is an alley to the rear of these homes and then it accesses about four homes here. Property is zoned R-1B, Single Family Residential adjacent to an existing short-term lodging actually under construction but has been approved for that. Ed has already filled out the applications for the same use in this location, which is permitted in C-1 without going to P&Z and City Council. The only other thing I'll mention here if in '20, it was right before I started because I looked at the staff report in 2016 the previous owner of this asked to request to rezone this to C-1 and it was denied because of lack of appropriate access. So we reviewed that staff report and staff's recommendation this time around we decided it didn't necessarily have any reason to affect our recommendation with this given that this is still residential nature. So the current access that you have here for that use is still going to be residential. It's just going to be changing tenants on a weekly basis rather than on a long term but the trip generation is the same with cars coming in and out. And given the fact that they have access to the parking not only on the subject property but next door, gives them a little bit better access to the property. And so staff does recommend approval of this request for the short term lodging.

Chuck Watson-Sal then you're saying the property that he has is the one to the left?

Sal Maniaci-Yes.

Chuck Watson-Awesome.

Sal Maniaci-So if you remember this was built without the building permit on the left. That was a long time ago. I don't know if it's been there for a long time. It changed hands multiple times via cash. And so there was never any due diligence and owners would come in and realized the crap, we can't get a permit on it because it was not only built without a building permit, but it was over the right-of-way

line here and so if you can see how this looks just last year Council approved a vacation request, a partial vacation request of this, you can see that's why it cuts down because of the topography here we were never going to build First Avenue. So we didn't have an issue with that, but we do have a sewer line that runs down there. And so staff recommended and City Council also agreed to vacate a portion of that. And so that cleaned up that situation. It looks like that building is slightly on this property, but that aerial is just off, it actually has shifted to the east. And so that building is not over the property line in this location, it is right here. So that has been cleaned up since the last time anyone has looked at this in 2016.

Mark Hidritch-The other properties look like they are on property lines.

Sal Maniaci-Well, that happens a lot. Our aerials don't necessarily match up exactly with our lines and, so what I would imagine, we wouldn't know for sure until we got a survey of each one. If you would take this entire block and shift it probably 10 ft. on the aerial all of these would line up to where they actually are. That happens on the older part of town on our maps. It'll look like the proper lines going down your house, but it just doesn't, the layers don't show up on our computer right.

Mike Wood-So, and there is another short-term rental on the other side too.

Sal Maniaci-Well, I apologize. I didn't have that map when I took a screenshot up there. There's a couple in this location and then actually I don't think they've gotten their license for it yet, but they've added this office here has an upstairs and the use, the zoning would allow for it. They've showed interest in doing an upstairs unit as well. And so you kind of have some right when you come off the highway here.

Chuck Watson-So you don't have a, zoom back, map a little bit further that shows the other short term.

Sal Maniaci-I don't, I apologize. I didn't turn them on when I took this, but there is one right across here, there's two just on this screen one right next door, one across the highway and then this one has not gotten their license yet, but has gotten the application.

Carolyn Witt-The thing that was going to go in here was a business wasn't it? It was and that was our concern because it wouldn't be short term. You have a family or a group, Maybe two cars maybe. But that was a business.

Sal Maniaci-It technically does not have the right-of-way frontage that you're supposed to have 60 ft. right-of-way for commercial. And that alley doesn't technically count. And so that's where you'd have to either make some major improvements to Missouri Avenue or I think we've talked about this with Ed that since he owns both if you wanted to, you could combine this into one lot now and you wouldn't have that concern anymore but until he does there's no need to for this use.

Tom Holdmeier-Any other discussion?

John Borgmann-And that alley goes through so.

Sal Maniaci-All the way to Madison.

Ed Schmelz-Owner/Developer-Just to answer a couple of questions. Mark, to your point the buildings are not on the property line. We did have a full survey done when we went to vacate the north alley and I did not bring that with me. I'm sorry but it is not over. I mean this is shifted to the east. Those lines are so everything is good. When we first looked at it we were told the building to the west which is 902 Missouri we were told that that was over the property line to the east it's actually not. So I do have that survey, we could provide it. So it should hopefully that shows that it's not over. So we are currently rehabbing the 20-year project there to the west. But so we're about a month and a half away from having that finally completed as a guesthouse. And the property here to the east is currently a two family up and down. Each unit is about 1200 square feet and there three bedroom, one bath. So like I said you know one up one up top one down below. John, before you ask both units have a front and the back entrance. So they do have a set of steps in the front and back on upstairs. I'll have to check on the windows to see if they meet egress or not. I believe they do. But both floors have front and back, front and back exits. So hopefully we're okay there.

Sal Maniaci-That one that 907 has gotten recent occupants is grandfathered in with two units right now because that has been inspected since it's been two units. I know that because the previous owners made

sure that they could still utilize those two units. So unless one of our previous inspections was wrong, I would assume the bedrooms meet everything.

John Borgmann-Because it would have to meet, I would think the exit requirements for the bedroom.

Sal Maniaci-I mean it's definitely we've had this conversation with the previous owners since our occupancy law, so multiple times.

John Borgmann-That's been on the books for years.

Ed Schmelz-So I was happy to see the upstairs had two sets of steps, you know, typically in those old buildings they have one and that's it. So that was, I thought, that was a good deal. One goes out to the front and one goes out to the backyard. So what we're going to be taking that from a 3-1 and making each one of these units a 2-2, so two beds, two baths, make open them up, make them a little bit more spacious. Which will also eliminate some of our parking needs because right now there's plenty of parking anyway. There's a two car garage that's one for each unit right now And there's probably 3-4 spots outside. So you know, eliminating two bedrooms we feel will help us with our off street parking also. We currently have 15 of these guesthouses up in Herman. So we're not strangers to professional management of these. I think we do a pretty good job of this. We're not new to the game.

John Borgmann-It will be nice to get that other house finished. **Tom Holdmeier**-Any other questions? Great. Thanks.

Ed Schmelz-Thank you.

Chuck Watson-I'll make a motion to approve.

Samantha C. Wacker-Second.

Tom Holdmeier-All those in favor say aye.

All-Aye-

Tom Holdmeier-Any opposed? So moved.

Sal Maniaci-Two quick things. One I do want to mention it's not gone without a conversation at City Hall that we have gotten more and more of these applications in. You hear about other communities kind of turning off the faucet on them because there's a lot of different concerns. I mean the biggest one, if you have more Airbnb's going in to your community, then you have new houses, then you're kind of defeating the community aspect of having families have an opportunity to buy homes in your community. We're not to that point yet. But there has been some conversations, and I don't think there's any sense of urgency, but we've talked about doing some research on modernizing maybe some of our codes because it even gets to a point, I don't think we have any neighborhoods to the point yet, but we may not have if you look at how many new homes we've built. It's not anywhere near having that concern, but you also don't want to have one specific neighborhood have that concern. Now if you have, I'm just going to pick on Cedar Street, if Cedar Street all of a sudden only had one actual home utilized as a home and the rest were all Airbnb's, then that kind of defeats the integrity of the residential integrity of the home of the neighborhood. So we've talked about that a little bit internally. I don't think there's any reason to do any type of moratorium or any recommendations like that. We haven't seen that many come in. But we've started to look at what other communities do. It can go as intense as you only allow so many and every year it's first come, first serve and the application, the fees get pretty expensive. I don't know how Nashville does it. They pick a census block and they say we will allow five in the census block. And we talked about this this morning, some communities say you have to live there for two years before you can rent it out. So it's not just outsiders coming in and buying them up and renting them out. So there's other alternatives. I just wanted to you to know.

Chuck Watson-Well, true. I mean Augusta's, they put a moratorium because basically, I mean all the investors coming in, but that's what as there was something on the news just the other day about, you know, just like you're saying it's like investors just coming in and buying entire streets and putting them up.

Sal Maniaci-When you have no new single family homes built and then all Airbnb's come in if someone wants to move to that community.

Chuck Watson-And that's what their whole thing and stuff too was like you say, the integrity of the neighborhood and stuff too. I mean when you have just people turning over and stuff like that.

Samantha C. Wacker-Well, it's like this is an issue that we need to talk about with the comp plan.

Sal Maniaci-Correct. So that's kind of leading to the next one. But I think it hasn't gone over our heads. We're talking about it because if you go back in our agendas, we've had at least one pretty much on most of our agendas for the past year. So they're definitely popular and we went from 35 to 44 active in this past year. And because of their popularity, we know we have more people doing it illegally. So we're trying to figure out how to find an affordable company that can, we found some companies that will monitor that for us and actually send the letters out and say they get to 95% legal and conforming, it was like \$30-\$35,000 a year. And if you can't prove that we're collecting that much in the bed tax, I don't know if I can justify it.

Samantha C. Wacker-You have to justify what you're losing in the bed tax.

Sal Maniaci-So, I've had two companies tell us that we have close to 80 at any given time actually actively advertising and we only have about 40 some doing it the right way. So there is not a level playing field. So we Emily Underdown, Tourism Director, we've done zoom interviews with two organizations. They were both pretty expensive and we're going to find a third that would hopefully be incentive based that the more they collect, the more maybe they get a percentage of it.

Mike Wood-It's not only the tax issue too. I think it's a safety issue putting them in that have not been inspected to meet our codes.

Samantha C. Wacker-But it is, I mean it's unfair. I mean for the folks that do go through the process and do it correctly and then you've got someone who's doing it and not following the process, it is lost revenue for the city and it is an unfair advantage because then of course they can charge a lower rate if they're not paying.

Sal Maniaci-Either two things are happening and they're both bad. Either they're charging a lower rate and undercutting the people who are doing it correctly or they're charging the same rates and keeping that 5% for themselves.

Samantha C. Wacker-Right. Either way, it's not good. And then, as you said, the safety issue is a problem too because, okay, it's all good until somebody loses an eye, right? I mean, you know, there's a fire or there's a criminal offense or something of that nature because we don't know. I mean, they might not be screening correctly.

Sal Maniaci-Airbnb or V.R.B.O. you have to have a little background check and submit your license. Those now are getting to the point where we've submitted, they get into these smaller towns where they'll actually collect the tax for us. So our finance department doesn't have to track it down. Which would be nice. But to get on that level playing field.

John Borgmann-I know that Herman is experiencing problems with it.

Sal Maniaci-I thought they did a moratorium, but somebody told me they didn't actually do a moratorium yet.

John Borgmann-I'm good friends with the fire chief of Herman. And their challenge is they're losing population. So they're losing the volunteers and all the stuff that a smaller community needs to stay thriving and they're really concerned about it when he said he had 11 of them and that kind of perked my ear a little bit, you know that's part of what goes on. You know, they lose the playing field for people to come and help in the community because there..

Mike Wood-Well you lose the workforce, you lose your school, you lose a lot of things when that happens.

John Borgmann-We got a large as populist city, so it's not as much of an influence now and I don't think we would ever let it get to the point that it's affecting the smaller communities, but Herman's only a population of about 3000. So I mean..

Samantha C. Wacker-I know that they do have concerns also there about people coming in that have no ties to the community that I don't care if they tear up your place or you'll have drunk and disorderly or who knows what in the community. And again, hopefully the background checking helps with that.

Sal Maniaci-And I just wanted to bring it up because we've gotten, I guess the article about the Augusta and I don't know what was shared about Herman, but I've gotten a lot of questions about it recently, so we're looking into it, but at this point we don't think it's an issue where we need to like put a pause on it, but as it continues to grow. I mean, especially if we had, again, one neighborhood become overwhelmed with it, then maybe we need to look at it block by block or see what, we were not big enough to do census block because one census block is about a ward. That's hard to do, but we're looking at what cities our size do.

Samantha C. Wacker-So I would rather that we be proactive about addressing it rather than reactive for when we have a problem.

Sal Maniaci-I just wanted to put that out there that we're talking about it.

And then the other thing, I just want to let everyone know, we had our kickoff meeting today with H3 Studios. So Tom, the Mayor, Darren, Wayne, John and myself sat down with them to go over, really just overall schedule, a timeline of where they're looking at. Right now they're looking at June 2023 completion. So obviously it's over a year. That is the first thrown out of a schedule just to make sure we have enough time to get everything that we need to get done. They originally thought 9 to 10 months. So you know, we've even looked at some areas we can tighten up in there. And that June 2023 would be full adoption. So you would have it completed two months early before that and then a lot of discussion. So we are putting together our Steering Committee with that they had some recommendations on diversifying that from not only people on our boards, but also maybe some business leaders and interest groups. So we're going through that right now, if we want to get on there. One date I want everyone and this is tentative, H3, we gave them the date today. They're going to let us know in the coming weeks to make sure it works for them, but since we're all in the same room, I'm going to tentatively to everyone Tuesday, June 21st at 5:30 they would like to have a workshop. They do three workshops, one with department heads, one with what they say is stakeholders, people who are community members that have interest and then the third, I'm saying they're going to do it first is with Planning and Zoning and City Council actually at the same time and it's basically it's an exercise that you review your existing comp plan, the goals and objectives of it and then figure out where you want, what you want to keep, what you want to change and they want to get the input from P&Z and City Council at the same time. So right now we're aiming for Council actually has a meeting that night at seven. So we thought let's just do it at 5:30 on the 21st and have an hour and a half and then we'll roll into the council meeting. If that changes, I'll send out an email, but that's what I wanted to get on everyone's calendar for now because that's going to start. They want to get those first workshops on, they want to start with comparing it to our existing comp plan our goals and objectives that we either don't want to keep or how we did and build on that's kind of step one. And so they want to get all three of those workshops done in June.

John Borgmann-Do we have homework we need to do in preparation for that?

Sal Maniaci-Well, I asked them because I kept calling it an exercise. If there's going to be something they need to hand out, but maybe, but I'll find out. They said they'll let me know by tomorrow if that date is good or not. They're even going to get this kind of a list of what Wage group is committing to do, what they're, what we're expecting of each group. So they're going to give us that material. For \$130,000 I would hope they would.

Mark Hidritch-Why don't we have a meeting on the 20th?

Sal Maniaci-Because it's our first time we're observing Juneteenth. So, the Council meeting got moved from Monday to Tuesday. I know we all had to make sure that that was correct today because of the Juneteenth was a Sunday. And since Sunday we observe it Monday.

Tom Holdmeier-So any other questions, comments? I'll entertain one last motion.

John Borgmann-Motion to adjourn.

Chuck Watson-Second.

Tom Holdmeier-All those in favor?

All-Aye.

Tom Holdmeier-Any opposed? So moved.

Motion to adjourn the meeting at 7:33 p.m.



Thomas R. Holdmeier

Chairman

Planning & Zoning Commission