

**CITY OF WASHINGTON, MISSOURI
PLANNING & ZONING COMMISSION MEETING
405 JEFFERSON STREET, WASHINGTON, MISSOURI
COUNCIL CHAMBERS -- GROUND LEVEL
Wednesday, April 12th, 2023 @ 7:00 P.M.**

- 1) Announcement of Meeting / Call to Order/ Roll Call / Pledge of Allegiance.
- 2) Approval of Minutes from March 13, 2023
- 3) **File No. 23-0401**-1322 E. Fifth Street-Rezoning
- 4) **File No. 23-0402**-309 Coulter Court-Rezoning
- 5) **File No. 23-0403**-Annexation-Kleekamp Farm
- 6) **File No. 23-0404**-Vacation request-Henry Street
- 7) **Other Business**-Public Discussion-Short Term Rentals
- 8) **Adjournment**

NOTE: ATTENDANCE AT THIS PLANNING AND ZONING COMMISSION MEETING BY A KNOWLEDGEABLE REPRESENTATIVE OF YOUR INTERESTS IS RECOMMENDED. ANY QUESTIONS CONCERNING YOUR REQUESTS THAT ARE NOT ANSWERED AT THIS MEETING MAY RESULT IN YOUR REQUEST BEING TABLED OR DENIED.

CITY OF WASHINGTON, MISSOURI
PLANNING & ZONING COMMISSION MEETING MINUTES
Monday, March 13, 2023 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 Piontek, Tom Holdmeier, Mayor Hagedorn, John Borgmann, Chuck Watson, Carolyn Witt, Mike Wood, Sal Maniaci

Absent: Mark Hidritch, Mark Kluesner, Samantha C. Wacker

- 2) **Approval of the Minutes from the February 13, 2023 meeting-** Motion made by John Borgmann, seconded by Chuck Watson, passed without dissent.

- 3) **File No. 23-0301-Preliminary Plat-WW Industrial Park Plat 3**

Sal Maniaci- So this is a minor subdivision for a lot at WW Industrial Park. It's actually the car wash next to the ZX gas station. As you can see here in this area it is long and narrow and does actually have right of way frontage along Bluff and WW and that is important when we come to look at the plat, the property itself is zoned M-2, Heavy Industrial. And so there are no minimum lot sizes in there. But under any subdivision, any lot created does have to have at least 50 ft. of road frontage. And so you can see here on the preliminary plat that was submitted, they're looking to create this lot to the rear by cutting off, subdividing the lot behind the gas station and creating a secondary lot. Our first thought when we saw this was well, it's creating a landlocked parcel, but in reality, since it does have right of way frontage on Bluff Road, it does meet the minimum requirements of our subdivision code. This went to site plan and we reviewed and the only comment we have is that this existing 20 ft. cross access easement gets widen to 26 ft. because that is the current fire code. I'm not sure if when this first got subdivided, it may even 20 at the time, but that was the only comment the site plan committee had. So we make a recommendation with that condition and I'm happy to take any questions.

John Borgmann-I have one comment is the 26 ft. fire lane requirement is not an easement that's the width of pavement

Sal Maniaci-The width of what? Yes, correct. It'll actually have to be the improved access when they get whoever ends up going back there so they can get it approved with an easement. But whenever you come in with an, actually a site plan, whoever builds on it, they will have to make the improvements to pass that.

John Borgmann-Okay. So, it's going to have a 26 ft. road is going to have to have wider than a 26 ft. easement. Correct?

Sal Maniaci-I mean, not necessarily, it's not a public street, so it's not like a right of way within, they could just do it 26 ft. in there.

John Borgmann-And build a road 26 ft. wide. It's hard surface that won't go outside the easement.

Sal Maniaci-Now. I mean, if there was a public road something they're dedicating to us, then yes, we would request a wider right of way, but we do that with fire lanes all the time. It labels 26 ft. on there and then it's between these two property owners when it's actually built.

John Borgmann-Right. And, you know, right now it's just a lot that's got stuff stored on it. So it's not a big deal. But if we approve this, it could be a building at some point down the road where that width would play an important part in our access.

Sal Maniaci-We have heard about a potential user for that, but no one has contacted us over other than the new owner of the gas station.

John Borgmann-Because right now, the road is gravel and full of ruts.

Sal Maniaci-So if someone were to purchase that back lot, or actually we've heard that there is a user for it, but when they come to us that's when we would look at their site plan and figure out what their uses and make sure you get. Okay.

Mayor Hagedorn-How wide is it Sal? What's the width of the lot?

Sal Maniaci-I couldn't tell you.

Mayor Hagedorn-I can't read that smaller print. I'm sorry.

Sal Maniaci-I couldn't tell you the top of my head to be honest.

Mayor Hagedorn-There it is 149 ft.

Mike Wood-So they meet the requirements by having frontage on Bluff Road, but they're not going to use the frontage on Bluff Road.

Sal Maniaci-And so that's why we require some alternative to the plat. It's just interesting that they meet the requirements to do it and not have to use that frontage. But if there's an alternative plan, it's very creative as long as.

Sal Maniaci-Subdivision code requires that. So if it's ever built, they are not landlocked. We can't stop people from subdividing land and we say you have to have 50 ft. of right of way from it so that someone buys it and we can say no, we created a lot that has access, you just need to spend the money to get to it. And in this case, they're going to be using an alternative, but this allows it in the future if someone wanted to put a culvert in an access Bluff Road, they could.

Tom Holdmeier-Any other questions, comments by board members? Is there anyone in the audience that would like to speak on this?

James Foertner-I can answer any questions. I'm with Wortmann Fortner LLC. We own some gas stations in the area. Well, and liquor stores like the Liquor Cabinet in New Haven, I own that. Quick One in Gerald, Jack Flash in Jefferson City. This store would become a Jack Flash. So we are acquiring the ZX on Bluff Road. We're going to be making some improvements of that, but we'd also like to acquire the car wash property. Patriot Towing had just acquired that property prior to us getting a contract on the Bluff

Road station. So we came to an agreement with them that he only needed the back lot. He wasn't that interested in the car wash business. So he agreed to subdivide that off and sell it to us.

Tom Holdmeier-Any questions?

Mike Wood-Are you okay with the 26-foot right of way?

James Foertner-Yes.

Tom Holdmeier-Alright, great. Thanks. Anyone else I would like to speak on this? If not entertain, I'll entertain a motion,

Mike Wood-I'll move approval with the condition of the 26 ft fire line easement.

Carolyn Witt-Second.

Tom Holdmeier-First and second. All those in favor?

All-Aye.

Tom Holdmeier-Any opposed? So moved.

4. Other Discussion-Noise Ordinance-

Sal Maniaci-If you remember in October, we reviewed some revisions, possible revisions to our noise ordinance. In particular more so is that we didn't, the way the code was written had this octave band cycles per second and the decibel levels in the different and had like a range in different zoning districts. We didn't, the city didn't even have and the police didn't even have the equipment to be able to measure that accurately. So when we got a complaint, which be honest in the six years, I've been here, there's only been one time or one property that's been getting complaints. And I think that's what drew this at the time in October. And we realized we didn't have the proper equipment. And so in October, we looked at some other communities of what they give me refresher, I have not changed since October, we looked at what some other communities do and then tried to tweak it simplified as much and, and match what we think is appropriate for Washington. And that is what's in your packet tonight. This is just a revised noise ordinance. Again, this is because we have this equipment that is strictly based on DBA's decibels that we can measure. And so it's got the loudest a property can be. Here's the receiving zoning category. So even if you are on commercial property, if there is a residential property close to you, you measure that, the police were able to measure that from the receiving. And so we did have a small group of staff members look at this and make this recommendation in October. The point was to get feedback from you all back in October, you guys recommended to move forward with this. And the reason it didn't go to council is that I went back and looked and we never did an official public hearing here. It was just a discussion but didn't open it to the public. So we've advertised this in the paper. We're going to have the same discussion tonight. And again, this is what we pulled. This was something John found it was actually a study through from Yale that showed typical sound levels. And to give an example. And the reason we did 80 for the properties on downtown in C-3 for receiving is that a freight train from 100 ft. away is approximately 80 decibels. And we thought if a property downtown is going to be as loud as the trains that are going through, we thought that was a pretty good threshold to sit at. The one thing I really want to point out is that again, this is a zoning code that can be amended

again in the future if you realize, hey, there's a complaint, we think it's viable or we think it's feasible that this is too loud or not in the best situation, not in the best location. This can be revised, but we think for right now this is the best recommendation we have to simplify it and allow it to match the equipment the police currently have.

Tom Holdmeier-Questions by board members?

Chuck Watson-So what is the pressure level relative to all of this and stuff though too? I mean, what does that even mean?

Sal Maniaci-That's the, I think that's just the phrasing, the pressure level of is how you actually measure the decibel, it's measured in pressure, it's a unit of measurement.

Chuck Watson-Basically you've got just a decibel.

Sal Maniaci-Instead of this octave band and cycles per second. That to be honest, when the police tried to enforce this, we didn't, we know one was trained or had the equipment to do this. This was something that was adopted in 2017 when we got the new zoning code and I think they took it from another city and we just realized there's simpler ways to do it.

Chuck Watson-So as far as the police are concerned, all they really look at is the decibel level on this meter that they're measuring at a it's going to be at the property line of the...

Sal Maniaci-Whoever is complaining, whoever has filed the complaint So whoever is called there the receiving zoning category and that is the maximum that we can then enforce that.

Chuck Watson-They just have to look at that. They don't have to worry about some other kind of based on this and this and this correct. They just look at that and then they go from there.

Sal Maniaci-Then you see we have made it so it doesn't apply to festival districts which covers obviously any of our major festivals. They have to get a letter signed by the Mayor designating that district and that covers our main four festivals that downtown does as well as the fair.

Tom Holdmeier-Any other questions or comments by board? Is there anyone in the audience that would like to speak on this? If there's no other comments, I'll entertain a motion.

John Borgmann-Motion to approve or recommend.

Chuck Watson-Second.

Tom Holdmeier-All those in favor?

All-Aye.

Tom Holdmeier-Any opposed? So moved.

5. Short Term Rental Discussion-

Sal Maniaci-So, all right. Yes. So, this was one of the situations. I actually put my full presentation in the packet. So most of you have seen this, but I just wanted to go through here. I figured that was the easiest way rather than write a report because at this time we sat down, Darren, the Mayor, John Nilges and myself. We sat down internally and just kind of discussed. And we think this is you know, given that we have three months of the

Planning & Zoning Commission, I guess two months now to finalize two months from today to finalize recommendations that staff wouldn't actually come forward with recommendations today. Maybe just some scenarios that we thought were possibilities. And then we'll let the public comment and then obviously Commission comment and then give us some direction on what we could propose from there and then bring back an official recommendation based on what we hear tonight. So again, these are the same slides from last month, but you can kind of see this map here shows the general area of our existing short term lodging. This again includes hotels as well and then just zoomed in as a layer on top of the zoning map, which I think will be important later, we'll step back to talk about what zoning districts would be most feasible for this. But you can kind of see they do naturally kind of congregate closer to downtown, but obviously, it's not just in the C-3, it is in the five or six blocks surrounding it. So again, there are 6,048 residential units, 72% owner occupied. So, we have about 1,600, almost 1,700 long term rental units, 35 active short term. Again, with the caveat being that people can turn their short term into long term and back and forth once they've been approved to do so. So this is who is currently paying the short term lodging tax. I was hoping to get the Granicus report from them before tonight just with getting scheduled, Emily and I weren't able to get that scheduled till Thursday, this upcoming Thursday with them via Zoom. So I'll have a better report from them. But I just wanted to point that out that we are still moving forward with that. And currently are still sitting at 35 active. So again, here are some of the concerns that we wanted to cover from last month. So, I came up with three or staff came up with three possible scenarios of how we could regulate these so we could make them permitted in C-1, C-2 and C-3 so permitted it in commercial districts that is similar to how we do it now. C-2 and C-3, they're already permitted. We would just add C-1 which is our neighborhood commercial. C-1 allows like hotel uses anyway. So it kind of seems like it's just natural for that to also be permitted there. And then we'd make it a special use permit required in the R-2 Overlay district only. And I'll show a map of where that is. But our R-2 Overlay just so everyone is aware is an overlay district that, so R-2 Residential Zoning is a zoning district that allows for two family residential units. No more than two families on a certain parcel. There R-2 Overlay is an actual geographically defined area pretty much surrounding the four or five blocks around downtown that allows for single family and two family because historically, a lot of those homes over the years over the last 100 or so years have either been one or two family. And so we created an overlay district 10 plus years ago to allow for both of those uses, single and two family and those who have naturally kind of been around the downtown area. And then we could talk about a distance apart from each other. We talked about 300 ft. at one point just because that is the typical length of the block. So you have someone in the center. I know John said some recommendations of what that could look like some other alternatives and I'll get to that other scenario and I think there's most common, what will probably happen is we'll make a hybrid of a couple of these scenarios, but that was

scenario one and what that would look like here with a 300-foot buffer. So everything in this gold is the R-2 Overlay. So you can see here that's generally the area that it covers right outside of downtown. And then we took our mapping software and we had them draw 300 ft. buffer along all of our existing. So that means there would not be permitted if scenario one got approved, no one would be able to request a new short term lodging establishment within any of those buffers. And then every time you'd approve one that would create a new buffer and you'd have to go outside of it again. So that's scenario one.

Scenario two, pretty much the exact same, but there was some discussion and I think this merit some concern about possibly having some distances or a cap in downtown as well. And so permitted in C-1, C-2 and C-3. This scenario two is just a little bit, I think more restrictive and you'd have a distance from one another from parcel to parcel just because there has been discussion that if you, if the city says they have to be in downtown or they have to be in C-1, C-2 or C-3 and a special use permit in R-2, then you could be flooding the downtown area with them and still making the affordable housing. You're not tackling the affordable housing problem. Any unit that is now available for rent, if this is the only area of town you can do it a property owner is going to have more economic value if they go to short term lodging. And so there's a concern that you'd be taking away any long term rental units from downtown, removing that possibility. Why would anyone go to long term when they could do short term, make way more money? It's kind of the concern there. And then the other discussion is that you can maybe do one per block in the downtown district on each side of the street. And I'll show you what that could look like as well. And then again, the same in the scenario two is still a special use permit permitted in the R-2 Overlay, 300 ft. apart from each other. So again, there's that 300 ft. buffer and then if you did 100 ft. buffer downtown, you can see how that gets a little bit smaller. And you could still have two on a block if you did it that way.

But lastly, our scenario three is to designate some type of short term lodging overlay district or whatever you want to call it overlay district or different terms for it, but basically it requires a special use permit in residential districts. I have kind of changed my tune on that and we can get to the end here, but you can have it as a special use permit in those residential districts in that area, one property per block on each side of the street, meaning that once one is approved between two intersections on one side of the block, you can have one more on the other side of the street. But then that is done. That means the block is done. You cannot do anymore. And then this would apply to residential districts only or to the district as a whole. Again, that can, that distance can vary from if you just want it to be downtown or if you just wanted to be in the in the entire area. This is a general area of what I drew. Again, just kind of throwing darts out here of what this possible overlay district example could look like. This overlay district right here. I drew basically following most on the east side of town, I followed that R-2 Overlay still. So we just went, I went to the boundary of the existing R-2 Overlay.

Tom Holdmeier-Do you know that street?

Carolyn Witt-MacArthur Street.

Sal Maniaci-So that eastern end would be MacArthur Street. And then it follows the C-2 Overlay District that's this corridor on Fifth Street. And then I had it go down to Eighth because that is again where the R-2 Overlay is on the south side I followed that R-2 Overlay. And the only reason I expanded here is that I kept it on Sixth. So here this is Sixth Street here. So any property that was touching Sixth and then I went because there was already one approved right here it seemed silly, if that's already operating there and we really don't have an issue. And then I went and included everything all the way up to the fairgrounds. Again, this was just something I threw a dart out set in this area would be and I don't know if it necessarily an overlay district because an overlay district is typically one zoning, but maybe we just called a tourism district and that's where they're permitted. I don't know that would be more of a question for Mark. That was one scenario there. And then again, I want to urge that this can be treated as a step one. Obviously, we talked about waiting till the Comp Plan is done at the end of the summer to do this or we don't want to keep the moratorium that long necessarily. But when we get more feedback and recommendations our city codes are living documents, this can be amended again. So we can treat this as a step one truly in this process and that if we want to change it, we can. But so what we talked about internally is that all three options could include amendments the way we define and regulate short term lodging as a whole. And I think that's going to really help fix some of the concerns regardless of what scenario you do is that you're going to have to really nail down the definitions how these are regulated. So the first is that, clarify that it's for transient, overnight guests occupying the residence for less than 30 days. Our definition now has the 60 days in there. And then I don't, for some reason, was always thought to be 30 days there. I think at some point there was a definition but just to clarify and make sure that across the board, anything less than 30 days is considered short term lodging. Actually, define them as non-owner occupied. So that means it is more of a traditional Airbnb where there is the current owner of the home is not staying in there with you. Like what would be a traditional bed and breakfast. Require additional registration application that states the existing noise and parking requirements but have them actually sign it and make them aware of it, proof of insurance of a \$1 million dollar in liability in the application. I think that could make sure it is an applicant who is serious about it, not someone who's just throwing it out that I'm going to put my property in here and let it get approved now and if I want to do it, I'll do it. It's actually someone who's willing to be serious about it. And then that they can have that registration be filled out annually with the business license when they renew that in June. And then I think it is still fair to define a bed and breakfast as an owner-occupied facility for transient overnight guests, less than 30 days. And those could still be permitted, possibly just throwing it out there in all residential districts with a special use permit. And we don't have to do that. But I just thought if, it seemed to me when we were hearing from the public that if it was owner occupied, people were less concerned, well, we still have a handful of traditional bed and breakfast in town and that could still be a possibility. So I think it'd be worthwhile having that as two different defined uses. So that's kind of where I leave it.

John Borgmann-So the 300 ft. distance. My question with that is how is that measured? Is that from property line or is that from building?

Sal Maniaci-We can do it either way. Currently on there our mapping systems picks a center point in the property.

John Borgmann-On street frontage?

Sal Maniaci-Center of the lot. It takes the center of the lot and it draws a buffer around it. This is just all the mapping software. The mapping software also allows you to do it by parcel, which you can do.

John Borgmann-And I guess that's the reason I suggested we do one per side of street in a block because then you don't have to worry about who's going to measure where's the enforcement, if it's 299 ft. it clouds the issue a little bit and makes it a little bit more restrictive.

Sal Maniaci-And after you sent that email, I agree. And I think that that is the intent of it, that you don't want it overtaking a block. And if you have, I think the example we wanted to show is High Street here, there's two across the street from each other. Well, I've never had any complaints about that one not to say that there aren't any, but maybe that's a perfect example where that's not too many on that area of High Street. Those are both in the R-2 Overlay.

John Borgmann-And I just thought that would make it simpler to police and all that without having somebody from staff have to go out and verify that it's 300 ft.

Sal Maniaci-And there are blocks that are shorter, longer than others. But I think that's just the way it is.

Chuck Watson-That's the other thing is there's blocks that are rather long.

Sal Maniaci-But I think there's an argument to be made that even if you have a longer block, you don't have, that's still your neighborhood. That's just the built environment you have. And whether your block happens to be 300 ft. or 500 ft. there's going to be one per side per block.

Chuck Watson-The only thought I had regarding your scenario two was your distance of 100 ft.

Sal Maniaci-And the distance was very arbitrary.

Chuck Watson-I know, but that's when you have the scenario that was more concentrated in the downtown area getting to that was you end up with the number of places that could be vacant for a period of time because these are short term rentals and stuff like that. There might be weeks when you have a whole big area that there's nobody even there in those.

Sal Maniaci-You're right. And I think that's going to be the other when I say we're going to have to create some type of registration form and that's why this is none of this is going to happen in a month. At what point does somebody decide, I'm going to switch back to long term or vice versa? And so, I would assume the way it would work is in June, when they renew that they have 30 days to do so, or else it's going to have to be void. I don't know if we're going to have to write that in there somehow because if someone's ready to put one on the other side of the street, you know what I mean? But right now that block is at capacity, but that property was ready to turn it into long term

and then that way they, as the property owner can weigh in, do they want to hold onto that license or do they want to get rid of it? I know that's not uncommon. I mean, the community is much larger than us that have more tourism. I've read and heard about them having, they open up for registration at this time of year and it's first come first serve and that's just the way it is in some of those communities. So I think it'd be rare that that could happen, but it could happen.

Tom Holdmeier-I would like to see also that permits can be denied or pulled.

Sal Maniaci-You mean revoked?

Tom Holdmeier-Yes.

Mark Piontek-We talked a little bit about that about coming up with a procedure where it would apply to any special use permit where they could be revoked under certain circumstances where maybe they're not meeting the conditions that were imposed or whatever. So we talked about, I didn't see that in Sal's Power Point here, we did talk about that. I talked to Darren about that. Darren was recommending that we include some language to that effect. We would add that.

Sal Maniaci-We talked about that, that would be like Mark said, just for special use permits across the board.

Tom Holdmeier-Because we've had other special use permits that have not worked out.

Sal Maniaci-There's one that is coming to mind that we just had to ticket it over and over and over because we couldn't revoke it. So it would be maybe a little more teeth to making sure it kept because if the judge doesn't do anything, why are they ever going to care to fix it.

Mike Wood-A parking requirement is a recommendation too, is one parking spot per bedroom?

Sal Maniaci-Yes.

Mike Wood- What if somebody built a, bought a building downtown and wanted to like do what they did with Old Dutch and put in a hotel, small boutique hotel downtown.

Sal Maniaci-My intent of that was for residential zoning districts only because currently we don't have parking requirements downtown. So if you wanted to put it in the R-2 Overlay that you had to have one parking space off street for each bedroom you're creating. And that was one I think that's what St. Charles did. To be honest, I just saw that and thought that was a good idea.

Mike Wood-I think that's been one of the questions that have been brought forward as people are concerned about the cars that come in with it. So I think that's a, it's a fair way to do it. I just wasn't thinking in my mind separating the overlay district with a residential district, but I like that idea.

Chuck Watson-And then also you were adding C-1, right?

Sal Maniaci-Yes.

Chuck Watson-And so what areas cover all of C-1?

Sal Maniaci-Well, so C-1 is not geographical.

Chuck Watson-Is that always down Fifth Street?

Sal Maniaci-The whole hospital area is C-1. C-1 is typically our neighborhood, commercial. So anything that's commercial around the hospital is C-1. Which really

makes sense because that was another area that we considered possibly including because there's a handful of them going by the hospital and you think that that may be used, people want them there.

Chuck Watson-And then down Jefferson out too 100 is that all C-1 then along there too?

Sal Maniaci- Jefferson already has its own issues where it has all different types of zoning. We talked about that internally as well and decided since if we're going to treat this truly is a step one, our Comp Plan is planning to tackle Jefferson as creating its own mixed use corridor and we could add that later.

Tom Holdmeier-Like Fifth Street.

Sal Maniaci-C-1 is this dark red. So everything over by the hospital is neighborhood commercial yet you have some up and down Jefferson as well. Some of these homes are zoned residential, but are businesses. The other side of the street, there's not a ton of C-1.

Mike Wood-And like on 47, you've got one side of the street, right? But not the other because those houses over there on Madison back up to it, right? That's what we're looking at there right?

Sal Maniaci-Yes. And then remember that museum was supposed to go this entire block, got zoned to C-1 but homes have been continued to go in there anyway.

Tom Holdmeier-It doesn't revert back?

Sal Maniaci-If it's unplanned, no.

Chuck Watson-So, down to the east, does that C-1 go just to the hospital a little bit and that's it?

Sal Maniaci-There's a few scattered in here. But the majority of them are by the hospital and on Jefferson, you're right. So, this is actually a little bit easier to see because it's a different color. So this pink is the R-2 Overlay. So that is the general guidelines of where we were like if you didn't do the district as a whole, I drew it and that was the general area because the majority of them were kind of in that. But we realized there may be some areas, like my concern is with just going R-2 Overlay is that if you are still, you are choking it down to a smaller area. And I mean, look in the middle here, is there a reason why this in the middle on Cedar Street here should not be approved for that. But if you did just do R-2 Overlay, none of this would be permitted. There's this weird strip of multi family even like right here, it's all still zoned R-3 even though it's a single family, two family, four family that wouldn't be permitted. And so that's where we were. The R-2 is the general area we wanted to cover, but obviously there's some pockets in between and then going west of the fairgrounds, we do have some in that area already.

Mike Wood-How far west down Fifth Street do you go? Was it to High or is it all the way out to Grand?

Sal Maniaci-High.

Mike Wood I could see that maybe going out to Grand.

Sal Maniaci-And that was the thing that whenever you have State and Fair Street, all of these kind of seem there, square blocks with sidewalks or walkable areas. But then you have Parkview. Some of these Parkside, these are cul-de-sacs, Parkview and Parkside. You know, typically that cul-de-sac is not the type of neighborhood that these go in it's the more traditional neighborhoods. So that was kind of where I drew my boundary like

that too. Follow it, cut this down the middle and leave those cul-de-sacs out of it. But again, that was arbitrary. Just kind of drew a boundary.

John Borgmann-I think I would be more inclined to have a new overlay district even though that's another thing to have to track and keep in our minds what we're doing.

Sal Maniaci-Well, we're talking about that today and an overlay district is really another way to call it and we can talk to your, an overlay is an overlay on top of an existing zoning district. And so I don't necessarily want to have this all be, you know, cause you're going to be covering multiple zonings. So I don't know if there's like a lodging district that I don't know.

Mark Piontek-Well, and I have a little bit of a concern about that John is you're going to create a specific overlay district just for short term rentals. At what point do you, where do you stop? You start creating special overlay districts for each particular use that comes up? That gets to be a problem.

John Borgmann-I was just trying to come up with some way to expand it so we could take in more of that west, especially that west territory.

Mark Piontek-Well, we talked about that for a half a minute this afternoon, about possibly just extending the R-2 Overlay to include those areas along whatever it is, State and James and Louis and Fair, whatever else.

Sal Maniaci-Because that would make it easier. And there's probably some of those older homes in that area that are probably one or two family anyway, that are grandfathered. The whole point of that and again, that R-2 Overlay was we had homes that were being used as two family for decades but they were trying to go back to single family currently they couldn't in the code because it was said R-2. Why would you ever stop someone from going from two family to one family if they want a bigger house.

John Borgmann-So it would be easier to expand the R-2 Overlay district.

Mark Piontek-I don't know about easier, but to me it's more logical to do that than to create just one particular district for one use.

John Borgmann-I like that. I wasn't aware of that.

Mike Wood-What else comes along with that. I mean, there's a few things, I don't know that there would be particular, one of them is the setback, right?

Sal Maniaci-No. So the only thing that changes in R-2 Overlay is that it can be single family and two family. It's the only addition.

John Borgmann-And would we have to do anything with those other areas? You just mentioned the R-2's right in there?

Sal Maniaci-No, I mean, you can leave this strip out. This is Locust Street. I could not tell you why Locust Street is this whole strip of blocks is multi family. I think there was like one or two, maybe fourplex's is in there. So it all got zoned multi family. You could maybe add it as a special use permit in R-2 and R-3. Does it really matter if someone in an R-3 out on the highway wants to do a short term lodging? Like if someone at 100 West wanted to do that, would we really care? So you could do that, that would fill this gap and then you're really just talking, is it that important to include this over here?

John Borgmann-I think we ought to include the west end of the city. I mean, to me that there's housing in there that I think would be utilized as short term because we've got

some out there now already right? I'm not mistaken another, right at the edge of the current R-2 Overlay.

Chuck Watson-There was two of them on High Street.

Sal Maniaci-There's actually not currently. Those are in R-2.

Tom Holdmeier-Where else is there R-3 that would possibly be a problem? Or like the apartments on, I don't even know if it would be a problem on Madison.

Mark Piontek-Don't we have some down in Village West?

Sal Maniaci-Oh, some short term lodging? Not if they're doing it legally.

Mark Piontek-I thought somebody was in here, Lisa.

John Borgmann-They have one. I think there's one right at the corner there. Isn't that one? This is Lisa and Dale's, they got that approved.

Mike Wood-And they have one over by the bridge. Is that the one?

Sal Maniaci-Well, that's not technically on here because it's still under construction. Oh, no, it is. It's on here.

Mike Wood-So, yeah, one of them that's on the right. Yeah. As you're going out of town and on the left hand side, one for Lisa and Dale.

John Borgmann-Sal can you go to the map of the, it's got the circles on it, please.

The 300 ft circles. There you go. Okay. This is the one I was thinking of in Village West.

Sal Maniaci-I don't know who owns that, but they got that approved. Yeah, I think that's okay. I couldn't think of who the owner was. And that's R-3. That's correct. It's a four unit. They asked for two of them to be. That's correct. So I think maybe that's a possible answer to is R-2 and R-3 are special use permits not to complicate things too much because I know we haven't really made a move, but I was talking about it a little bit more today. If you're going to add so many regulate, like add the insurance and the parking all stuff that staff is reviewing. I'm just saying, is it a possibility that you don't even require a special use permit? Because if there are check marks that they're going to have to hit and they're coming into our office and showing that they hit them, what's the point of sending out letters if we know they can meet their requirements? It's just going to put P&Z and Council on the situation again that if enough neighbors show up, even though these people are meeting their requirements that they're going to want to vote it down when really they shouldn't.

Tom Holdmeier-We can revoke it?

Carolyn Witt-It wouldn't be a permit.

Mark Piontek-I mean, you would have to add whether you would require. Well, yeah, you're right. If you're not issuing a special permit.

Sal Maniaci-Then you can't revoke it. You're right. I mean, I guess you could make that registration revocable, the annual registration. You have like a three strike rule on complaints.

Chuck Watson-But you would want that an immediate revocation. Then if you got your third strikes, enough people complain.

Sal Maniaci- I really don't want to police it myself actually.

John Borgmann-That's what you run into is the policing of it. That gets to be a challenge.

Tom Holdmeier-Hopefully not.

Sal Maniaci-Maybe you're right. I take that back. Maybe you just keep it a special use permit.

Tom Holdmeier-Well, we can take a look at this in a year and see how it is.

Sal Maniaci-That's the other thing we could do the R-2 and R-3 and we could keep track of here's who's requested outside of that district. How many people are we actually turning down?

Tom Holdmeier-Do the police know if it's in a special use or if it's a long term lease?

Sal Maniaci-Not unless we give them a list. We can give them this list.

Tom Holdmeier-Just give them a list of the addresses.

Mark Piontek-Sal, I have a sort of a different question. My memory is that some years ago, the concern about downtown was that there wasn't enough residential housing there wasn't enough permanent residences downtown to generate or keep the businesses going. Are we defeating that goal by turning the downtown into short term rentals?

Sal Maniaci-Possibly, I mean, that is a concern that that's one of the things we wanted to talk about, of having the block rule downtown as well because if you say it has to be in this area, anyone who has a property is going to go straight to that because it makes more financial sense.

Chuck Watson-When you say one per block, are you talking about one per block on a given street or one per block for the whole square?

Sal Maniaci-On a given street. Wherever your addressed at.

John Borgmann-For each block front.

Chuck Watson-So you could still have for a given block you could have four,.

Mike Wood-You have two right next to each other.

Chuck Watson-If they were on the corner. But you could have two back to back.

Mike Wood-If their meeting the other requirements that we're going to put in place.

Mark Piontek-So how many buildings downtown have basically one apartment above them?

Sal Maniaci-I couldn't answer that.

Mark Piontek-Where if you had a short term rental that pretty much wipes out the entire building. I guess going back to my original question. Are you defeating the goal of moving people downtown to live?

Sal Maniaci-Well, that's why I want to do the one for, I think we want to do the one per block on downtown as well.

Mark Piontek-Do we know what that would actually accomplish or what would that actually do in terms of removing residential housing stock from downtown? Do we know what those numbers are?

Sal Maniaci-No

John Borgmann-You're probably going from long term rental to short term rental.

Sal Maniaci-That's what I'm saying. That's why I'd like to discourage if we could or limit.

John Borgmann-And we really don't have any way we can determine what long term rental we have downtown in that downtown district do we?

Sal Maniaci-Not currently? I'm sure there's a way we could.

Mike Wood-I mean some of those are owner occupied too.

Carolyn Witt-Well, I know Downtown Washington did a survey but it was several years ago trying to figure out what property owners had available space and who was in it or not. And the gentleman that owns the block just east of Andy's, there's a Remax, there's a brewery and all that. He was approached and when all this developments were going, he suddenly decided, well, you know, I should do something with this. Remember it was the detailing on the street. And so Tyler might have some sort of survey because I know they really, they were really behind, getting bodies downtown to get a grocery store. You had to have residents had people who would shop. So I know there was a real active in trying to have some grasp of who was what was available and what was not.

Mark Piontek-There's not a tremendous amount of residential downtown anyway. And if you're taking out one on each street. What is that?

Sal Maniaci-Right now it's open game. Any long term unit could go short term tomorrow.

Mark Piontek-I understand that. But while we're doing this, should we be looking at that as well?

Carolyn Witt-Well, then you have something like Droege's where I don't know how many apartments are in that, the old Droege building above the grocery store because I know there was some interest, I think that is turning over into something because that was long term rental.

Sal Maniaci-I think that's what we would just be limited that saying you can still do short term in downtown, obviously we'd like to limit it. We got two on each side of the street here. Sorry.

Chuck Watson-So if you had the wider radius, a bigger radius that you can put downtown?

Sal Maniaci-I think we just do that block rule. I wouldn't do a radius.

Chuck Watson-I understand it's easier to measure. But if you try to do block rule, I mean, could you put it as, again, one per square block instead of just saying one?

Mark Piontek-Well, and I guess I'm not understanding what the issue is with the measurement. I mean, if we send notices out on the rezoning, it's 185 ft. from the property line or if we get protests on a rezoning, it's 185 ft. from the property line. If we have applications for liquor licenses, you got to be so many feet from a church or from the school. So, I mean, we do know how to measure distances. Why would this be any different?

John Borgmann-So he brings up a good point. How do you determine that 185 distance?

Sal Maniaci-We measure from property line. We use mapping software.

John Borgmann-You use mapping software to measure property line.

Sal Maniaci-So we take our survey of their lot from the county and I tell the computer to draw 185 ft. from the property lines and then it selects any other property owners in that and generates a mailing list.

John Borgmann-So we could do that same procedure for something here.

Sal Maniaci-Very easily.

Mark Piontek-I don't think we're going out with a tape measure.

John Borgmann-Well, I didn't know and my concern is who's responsible for doing that more than anything else?

Sal Maniaci-I am.

Mike Wood-I guess the other question comes down to, we're talking about the concentration of these. Is there any talk about how many is too many for our city? I mean there's nothing on the top end of this. When do we want to set that before we get too saturated?

Sal Maniaci-Staffs thought process on that was if you're going to have distance from each other, then that that's going to take care of itself. Why pick an arbitrary number? If at some point there, if you're taking distance from each other, there's not going to be any more room for them.

Tom Holdmeier-The way it sounds though we're not close now. Again, but we review in a year, we will hear problems arising. Hopefully we can address, clean up, change the code to get it right.

Mike Wood-And whatever gets decided, I would still like to see since there's no special use permit for it anymore, I think anytime anybody having a license, I said on our next agenda, it should just be at the bottom. These were added this last month just so as a commission member, we have an understanding of how many and where they were kind of going.

Tom Holdmeier-I think we're still special use right?

Sal Maniaci-I think we're still doing special use in R-2 and R-3 and then the C-1, C-2 and C-3, which you can do today. You're right.

Mike Wood-Because we're sitting here now. I think, I remember we did that one.

Sal Maniaci- And I'm curious, I mean, there's got to be at least four that we've already approved that aren't on this map yet because they're still under construction. This map doesn't populate them until they actually come in and pay their quarterly tax. There's at least one on Sixth Street and one they're each on Sixth or Seventh, they were like on opposite sides. Remember we approved them back to back and neither of them are on this map yet because they were still renovating the house.

Mayor Hagedorn-Would everybody agree with me when I say the demand for short term rentals are increasing? Why is that? You would say no, you think it's dropping? May I ask this lady in the green jacket, please.

Tyann Marcink Hammond-Hello. The data shows it's increasing okay. And a little bit of background is the fact that back in 2014, 10 years ago, 2013, only 30% of the country even new vacation rentals existed. So, therefore the demand we're seeing is, people are actually finding out, oh, this is the way we can travel and the data has shown that as people realize this is a way to travel, they want to travel this way. And if they don't have a place to travel when they want to go somewhere and they don't have this type of accommodation, they're going to skip over it.

Mayor Hagedorn-Okay. Thank you.

Sal Maniaci-And I will say, I mean, as far as the demand goes here and I mean, you guys have seen it. I mean most months we have them on our agenda until we've advertised moratorium. Most months they've been on our agenda.

Mayor Hagedorn-Well, I'm going to have to agree with you that demand is increasing and then I have to ask why is that? Why in Washington, Missouri we have this demand. Other communities like our surrounding communities. It's that big compared to us getting bigger. You think that's the only reason?

Tom Holdmeier-Wait, wait, this is really not a discussion with the people. It was the board. It's a discussion by the board so we can talk for a long time. We want to hear everybody. We're going to have another one the next time this comes up and it's going to be a public hearing and that's when we get more info, we're trying to get the basics and I think we'll have Mark try to write something up for ordinance and then we can all hash that out at that next meeting, but you can hear what we're saying and what's going on here and then we'll get that. Right? Is that it Sal?

Sal Maniaci-Yes, when you actually adopted it is when you actually have code changes in front of you, it's a public hearing.

Mayor Hagedorn-I think we need to keep that in mind why we have a demand here and how that relates to our short term rental situation and that demand is a good thing. It shows us that we are a place that people want to go to, they want to move to. Hopefully that's what Sal is trying to do and, and others and you know, we want those folks to move here, but first of all, they have to come and see us and how does that relate to what we're doing right here? I don't have the answers to that. There's lots of smart people in this room that do but how those things relate to one another is key because as I see it, those short term rentals, they add value to our community, they improve or have improved a lot of the houses that needed TLC over the course of time. Okay. And they bring other people from other communities, one which enriches our lives and two, they spend their money and that's a huge source of pride and income and potential talent for people moving here. And so, this is pretty important that we define how that short term rental and in my book, especially our downtown area because I think not do they only come to the wineries, Donna, they come to see what we have as exemplified by our downtown.

Mike Wood-I wholeheartedly agree with you Doug, I think this is the idea here is how do we take that potential for growth and good for our economy and good for our town and mesh that with what we currently have in our community. And that's where we're kind of pulling strings, trying to tug a little bit. And I think that's the purpose of it is how do we get in on the growth without negatively affect the others are losing who we are.

Tom Holdmeier-But most things you do in the city, there, there a balance, you know, and we're always doing that and that's why we have to look at it and say we can change too change with the times, you know, maybe we do get too many and I think the Comp Plan is going to bring out more and studies will and we'll get a better handle on it. But really the way it sounds now we're not over that threshold by any means.

Mike Wood-And the market will somewhat take care of that. I think if all of a sudden you're an owner of one of these and you can't rent them because there's so many out there

that get rented before you or your size is the same as everybody else's, you're going to flip that back in the long term or something.

Tom Holdmeier-I know a lot of people that have come to town..

Mayor Hagedorn-How do we balance that with attracting new families too?

John Borgmann-So, Sal you mentioned the 300 ft. apart from each other as the 300 ft. being a typical city block size. And I'm just looking at the map here a little bit and if we did that on the west part of the city where you get the bigger blocks out there, is that really going to work well or how do we? I guess that's where I was kind of leaning, comment about each side of the street. I thought, well, maybe we need to just go by measurement. If you're being apart from each other, then there's some big blocks out. If you look out there in the west end, just outside the R-2 Overlay

Sal Maniaci-If you do it by buffer, like 300 ft., I mean, you can't do it, they can't be across the street from each other.

John Borgmann-Right. And there's a big area that's existing. Is that such a big deal right now? I don't think so.

John Borgmann-There's this big, this part of town, it's got some big blocks,

Chuck Watson-But if you're strictly still by 300 ft right?

John Borgmann-And that's what I think, I think the distance I'm kind of coming back off of my one per block side, you know, and that's what this is all about.

Mark Piontek-What is this?

Sal Maniaci-That's Parkview Court.

Mark Piontek-Is that a block? Two blocks, three blocks? What is this, is that a block or three? What is this a block?

John Borgmann-That's why I'm thinking more leaning towards the 300 ft. now that I can see a map and through our discussion and you explained how you measure that.

Sal Maniaci-Well, this one is from a point. If this, if it was from parcel line, those wouldn't be perfect circles. Those would be square buffers because right now when we in our mapping system, we say, hey, this parcel just got approved for short term lodging you put in the address and it puts that marker in the middle of the property. And then so I drew a buffer from the middle of the property out just for the sake of this meeting. But whenever I do it with the letters, we do it from property line to get more people. And I think that's our state law requires it. It's the buffers are more square.

John Borgmann-So based on that discussion, then I would think I would be more inclined to look at scenario two and keep the distance at 100 in the C-1, C-2 and C-3. Remove the one property per block and then add under the special use permitted in the R-2 Overlay at R-2 and R-3 also and then keep the 300 ft apart.

Tom Holdmeier-One thing I did want to bring up. I'm sorry, I should have from the beginning. You guys did get the email that Samantha's comments, just make sure. Okay. R-3 and R-2 do it by feet.

Chuck Watson-And I guess one thing I wanted to kind of ask too was okay when you talk about the requirements for the applicant to have all their information as far as noise and trash and all those kind of things. Do we currently have anything as far as requirements for them to post that inside of the unit so that the people that are renting are

aware of what city ordinances are at that after 10:00, they're supposed to be quiet or things like that.

Sal Maniaci-We don't.

Chuck Watson-Then that's something that we can add to there.

Sal Maniaci-That could be part of their occupancy inspection as well.

Chuck Watson-Just like that has it in plain sight for the, for the occupants to see that this is what the owner has signed up to and this is what the city is expecting you or the neighbors are expecting you to.

Tom Holdmeier-Usually it's done when you rent. I mean, from what my experience, they make you aware of those things.

Chuck Watson-Well, since a lot of this is all online and through.

Tom Holdmeier-That's why we do it either individually or through services there, but we can do it. I mean, I'm not against that.

John Borgmann-And I like the special use permit process provided we have a revocation.

Tom Holdmeier-Any other comments? So you kind of have an idea?

Sal Maniaci-So what I can do for next month and if we could be direction I can have it drafted and noticed. So it's public like public hearing, that's you guys want me to do it would be the revision for scenario two, go back to it, removing the one per block having it in R-3 as well. And then what I'll do is I will create new maps that what show what the buffers look like from property line. So you can kind of see what the true areas that are no longer permissible. And then I'll get a copy of Mark's draft change for revocation.

Tom Holdmeier-Any other questions, comments?

John Borgmann-The special use permit would be required in the R-2 and the overlay, right?

Sal Maniaci-No, just the overlay.

John Borgmann-Just the overlay. Then anything else R-2 is typically south of town.

Mike Wood-Didn't you say R-2 and R-3 and R-2 Overlay and R-3?

John Borgmann-Okay. I thought we had talked about R-2 including R-2?

Sal Maniaci-There's not a ton of R-2 that's not in the overlay, but it's like these town homes out off Stone Crest. Anything that's outside of R-2 Overlay Is typically those properties that were waiting to get into R-1C single family attached that traditional duplex is now.

John Borgmann-I guess my only concern is make sure we have plenty of time to review this prior to our public hearing.

Sal Maniaci-We can get at that out quick. It won't take long, right? Anything else Mark?

John Borgmann-Well, that, that was really helpful last month when I asked to have the minutes out ahead of time for just that discussion we had because we could then go through that. And that's how I developed my list of suggestions was based off of that input. So I think that that really helps rather than waiting till four or five days beforehand and then you're rushed, trying to have time, time. So thank you Gina for doing that.

Motion to adjourn the meeting at 8:10 p.m., first and second, passed without dissent.

Thomas R. Holdmeier
Chairperson
Planning & Zoning Commission

To: Planning and Zoning Commission

From: Planning and Engineering Department Staff

Date: April 12, 2023

Re: File # 230401

Synopsis: The applicant is requesting approval of a rezoning of 1322 E 5th Street from R-1B Single Family Residential to C-1 Light Commercial

Adjacent Land Use /Zoning Matrix		
	Existing Land Use	Existing Zoning
North	Single Family / Office Building	R-1B
South	Single Family	R-1B
East	Vacant Land	C-1
West	Single Family	R-1B

Analysis:

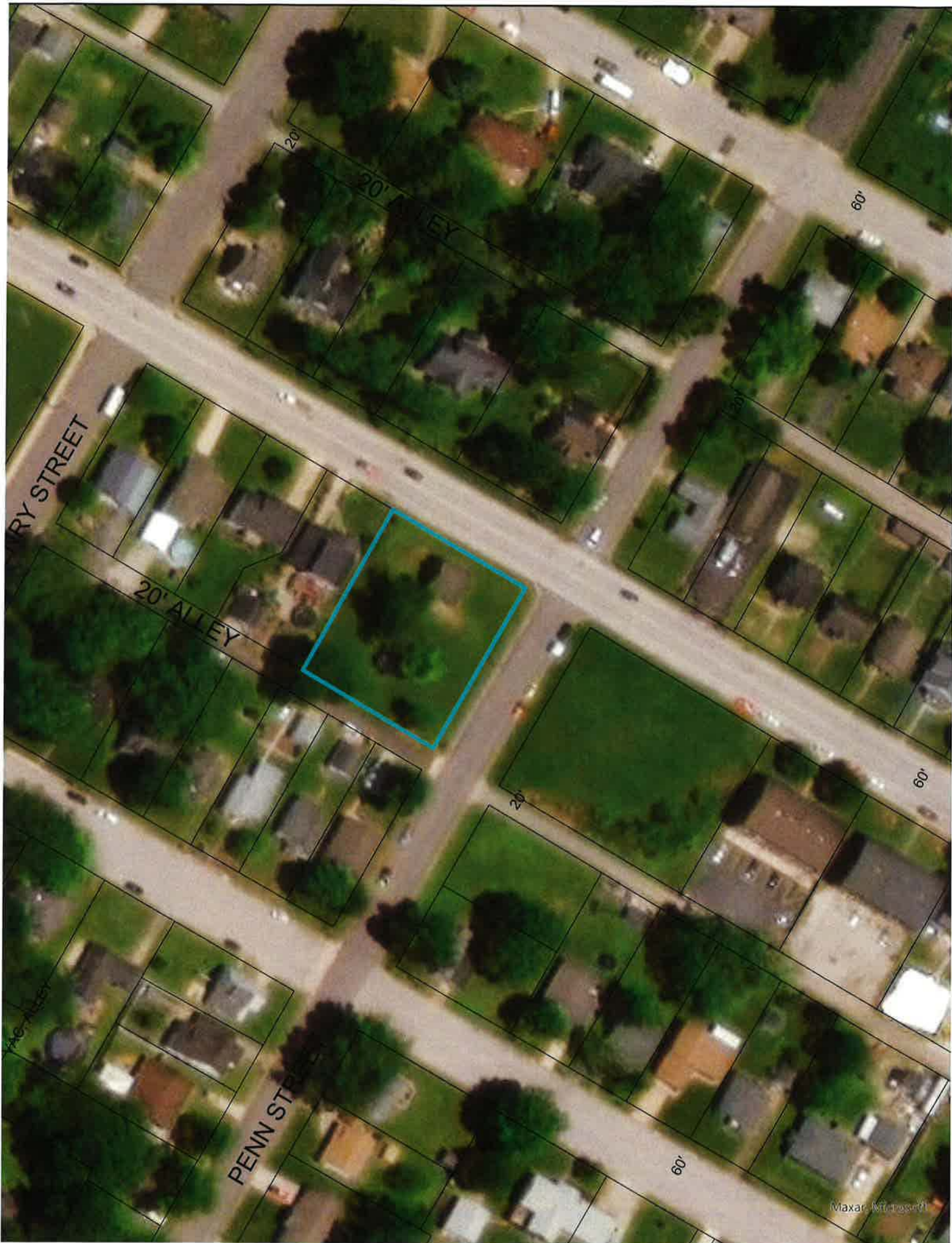
The applicant has requested to rezone a corner lot at the southwestern intersection of East Fifth Street and Penn Street from R-1B Single Family Residential to C-1 Light Commercial. The subject property is approximately 0.5 acres in size with 18,000 sq. ft and has access from 5th Street, Penn Street, and an existing alley to the rear. The property currently has a vacant home on it.

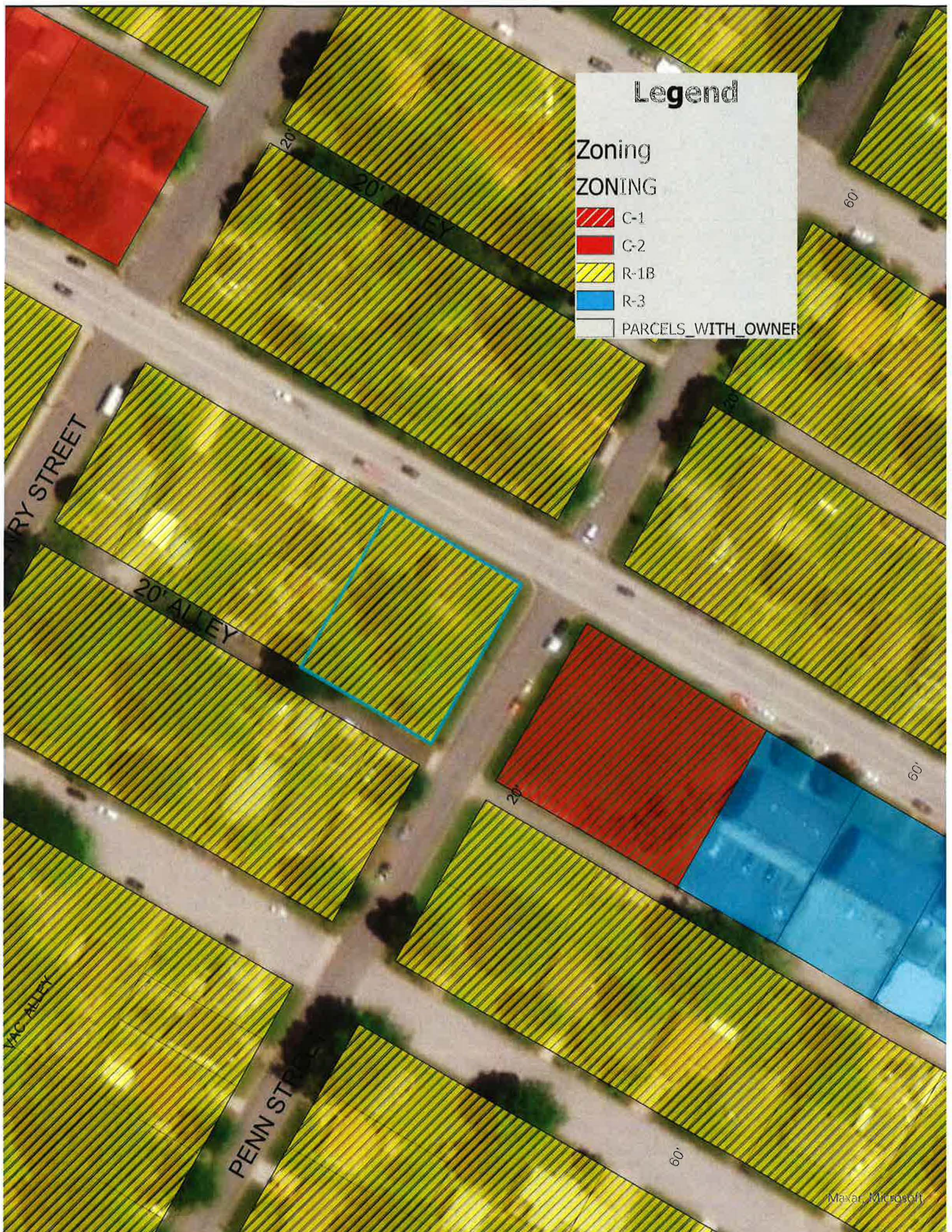
The 5th Street corridor is often mixed use; however, this portion is primarily residential. Directly across the street there is a grandfathered office building but even that is zoned R-1B Single Family Residential. In 2021, the property owner across the street at 5th and Penn requested to have their lot rezoned from R-3 Multi Family Residential to C-1 Light Commercial. At the time, Staff recommended denial of the rezoning, however it was approved by City Council.

Staff's recommendation remains that same that the existing zoning is more appropriate given the surrounding uses, however, it is worth noting that since the previous rezoning was granted across the street, this intersection could become commercial. Staff believes highest and best use would be for the property on the other side of the street to revert back to Multi-Family Residential and this property remain single family, with the acknowledgement that the existing and proposed zoning could potentially be properly developed to not detriment the surrounding properties.

Recommendation:

Staff recommends denial of a request to rezone 1322 East 5th Street from R-1B Single Family Residential to C-1 Light Commercial.





23-0401

CITY OF WASHINGTON, MISSOURI
Department of Planning and Engineering Services
405 JEFFERSON STREET • WASHINGTON, MO 63090
636.390.1010 phone • 636.239-4649 fax

Applicant Information for Rezoning Land

Please print:

Site Address: 1322 East 5th St.

Lot # 1, 2 & PT 3 Subdivision: Hahne Field

PID# 1062303010092000

Applicant Name Cowboy's Holdings, LLC Daytime phone 636-544-8829 ^{Angie}

Address of Applicant 101 Skyviews Ln. Labadie mo 63055

Name of Owner Larry "Cowboy" Proemsey Daytime phone 314-422-7541

Address of Owner (if different from Applicant) Same

Site Information

Address or Legal: 1322 East 5th St, Washington mo 63090

Current Zoning: R-1B Lot Size: 18,731 sq ft

Existing Land Use: _____

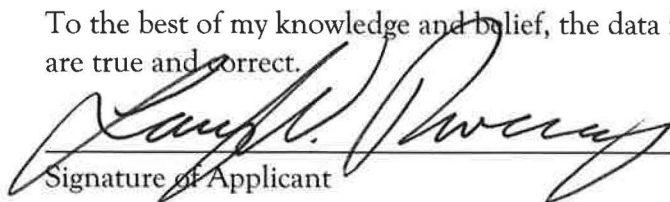
Proposed Zoning and Intended Use of Property: C-1 or Residential/Comm Overlay

Surrounding Land Use

North R-1B South R-1B

East C-1 West R-1B

To the best of my knowledge and belief, the data in this application and all attachments thereto are true and correct.


Signature of Applicant

3/11/2023
Date

Signature of Landowner (if different) Date

To: Planning and Zoning Commission

From: Planning and Engineering Department Staff

Date: April 12, 2023

Re: File # 23-0402 – Meriwether Estates – Rezoning 309 and 313 Coulter Court

Synopsis: The applicant is requesting to rezone 309 and 313 Coulter Court in the Meriwether Estates Subdivision from R-3 Multi-Family Residential to R-1C Single Family Attached.

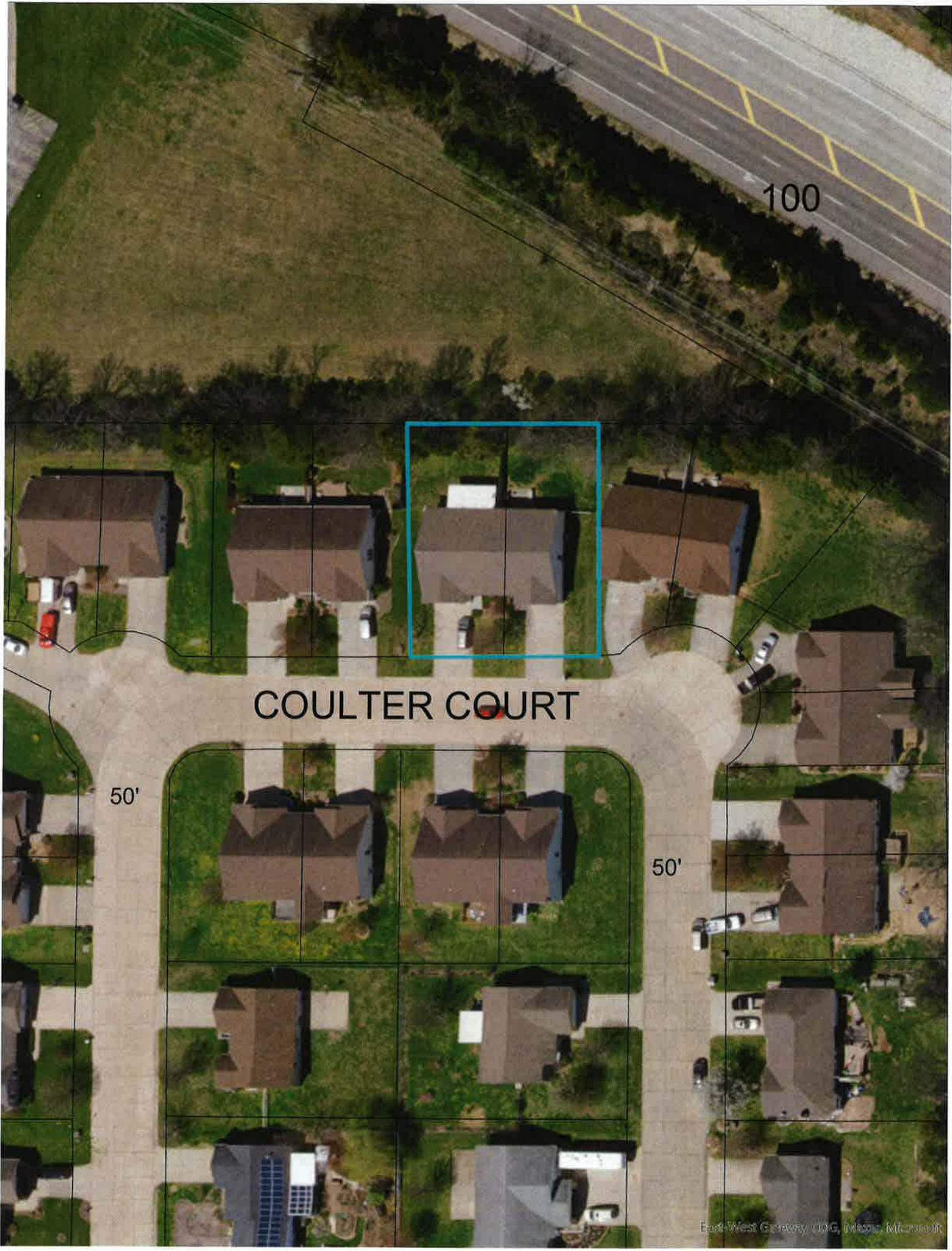
Adjacent Land Use / Zoning Matrix		
	Existing Land Use	Existing Zoning
North	Commercial Property	C-2
South	Single and Two Family Residences	R-1A, R-1C
East	Two Family Residences	R-1C
West	Two Family Residences	R-1C

Analysis:

The applicant is wishing to rezone the subject property from R-3 Multi-Family Residential to R-1C Single Family attached. The neighborhood was constructed prior to the existence of the R-1C Single Family Attached zone district and the owners would like to rezone the properties in order to subdivide them for possible individual sale. The surrounding properties are all either single family or two family structures, and a number of duplexes in Meriwether Estates have already had R-1C rezoning approved. Granting the request would not detriment the surrounding properties and would place the properties in the correct district.

Recommendation:

Staff recommends approval to rezone 309 and 312 Coulter Court from R-3 to R-1C Single Family Attached.



100

COULTER COURT

50'

50'

Legend

Zoning

ZONING

C-2

R-1A

R-1C

R-3

PARCELS_WITH_OWNER

COULTER COURT

50'

50'

MERIWETHER ESTATES PLAT 6

A RESUBDIVISION OF UNITS 6A & 6B OF AMENDED LOT 6 REVISED MERIWETHER ESTATES CONDOMINIUMS, LOCATED IN THE SE 1/4 OF THE NW 1/4 OF SECTION 27, TOWNSHIP 44 NORTH, RANGE 1 WEST OF THE 5TH P.M., CITY OF WASHINGTON, FRANKLIN COUNTY, MISSOURI

Common wall agreement

The undersigned are the owners of Lots 6A and 6B of "Meriwether Estates Plat 6" as shown on the plat recorded herewith and do hereby acknowledge and agree that inasmuch as the individual lot owners identified herein share a common wall with adjoining lot owners, they hereby each grant and convey an easement for the common wall with equal rights and responsibilities thereto. Said easements shall run with and attach to the lots identified above. The owners of each property shall have a perpetual easement in and to that part of the adjoining property on which the common wall is located, for party wall purposes, including mutual support, maintenance, repair and inspection. In the event of damage to or destruction of the common wall from any cause, the owners, at their joint expense, shall repair or rebuild said common wall. Each owner shall have the right to the full use of any common wall so repaired and rebuilt. Notwithstanding anything contained above to the contrary, if the negligence, willful act or omission of any owner or his or her family, or agent or invites shall cause damage to or destruction of the common wall, such owners shall bear the entire cost of the repair or the reconstruction. An owner who by his or her negligent or willful act causes the common wall to be exposed to the elements shall bear the full cost of furnishing the necessary protection against such elements as well as the cost of repairing any degradation and damage to the building or its components.

Certificate of Ownership

We, the undersigned owners of the tract of land shown hereon have caused the same to be surveyed and subdivided in the manner shown and said subdivision shall henceforth be known as "MERIWETHER ESTATES PLAT 6". The utility easements shown hereon are hereby dedicated for the use, installation and maintenance of public utilities.

LINDA PRITCHETT _____ DATE _____

JAMES PARSONS _____ DATE _____

CATHERINE PARSONS _____ DATE _____

STATE OF MISSOURI
COUNTY OF FRANKLIN

On this _____ day of _____, in the year _____
before me, the undersigned notary public, personally appeared _____

known to me to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged that he/she/they executed the same for the purposes
therein contained.
In witness whereof, I hereunto set my hand and official seal.

Notary Public
Print Name: _____
My commission expires: _____

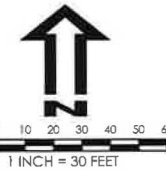
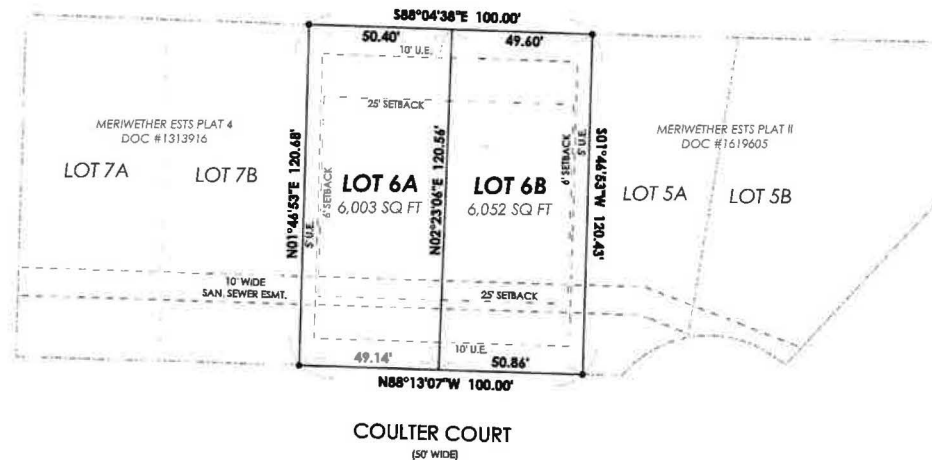
STATE OF MISSOURI
COUNTY OF FRANKLIN

On this _____ day of _____, in the year _____
before me, the undersigned notary public, personally appeared _____

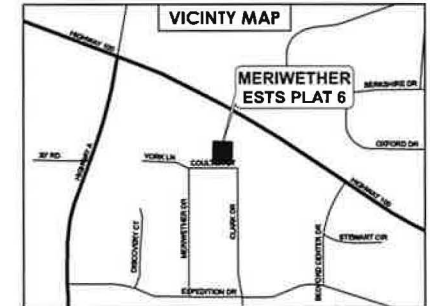
known to me to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged that he/she/they executed the same for the purposes
therein contained.
In witness whereof, I hereunto set my hand and official seal.

Notary Public
Print Name: _____
My commission expires: _____

N/F
JOHNSTON HOLDINGS LLC
DOC #2110387



- FOUND IRON ROD WITH CAP
- SET IRON ROD WITH CAP



Legal Description of Meriwether Estates Plat 6

A tract of land located in the Southwest quarter of the Northwest quarter of Section 27, Township 44 North, Range 1 West of the Fifth P.M., in the City of Washington, Franklin County, Missouri, being Units 6A & 6B of Amended Lot 6 Revised Meriwether Estates Condominiums, as recorded in Plat Book P, Page 1003, in the Franklin County Recorder of Deeds office.

Containing 12,055 square feet.

Subject to any and all easements, restrictions, conditions, etc. of record.

NOTES:

1. North derived from the bearings of record of the plat of Amended Lot 6 Revised Meriwether Estates Condominiums, as recorded in Plat Book P, Page 1003, in the Franklin County Recorder of Deeds office.
2. Deeds of record for the subject property are Documents #0806917, #1308347 and Book 1026 Page 515, as recorded in the Franklin County Recorder's Office.
3. Property is zoned R-3.
4. This survey meets the Accuracy standards for "Urban Property".
5. Subject to any and all easements, restrictions, conditions, etc. of record.

MERIWETHER ESTATES PLAT 6

A RESUBDIVISION OF UNITS 6A & 6B OF AMENDED LOT 6 REVISED MERIWETHER ESTATES CONDOMINIUMS, LOCATED IN THE SE 1/4 OF THE NW 1/4 OF SECTION 27, TOWNSHIP 44 NORTH, RANGE 1 WEST OF THE 5TH P.M., CITY OF WASHINGTON, FRANKLIN COUNTY, MISSOURI

SURVEY PREPARED FOR: LINDA PRITCHETT AND JAMES & CATHERINE PARSONS
SITE OF SURVEY: 309/313 COULTER CT WASHINGTON MO 63090
DATE OF DRAWING: 03/23/2023

State of Missouri)
County of Franklin)

This is to certify to Linda Pritchett and James & Catherine Parsons, that we have during the month of March, 2023, executed a survey and resubdivision of a tract of land being units 6A & 6B of Amended Lot 6 Revised Meriwether Estates Condominiums, in the City of Washington, Franklin County, Missouri, to the best of my knowledge and belief this plat represents a true and accurate record of said survey and was executed in accordance with the current "Minimum Standards" for Property Boundary Surveys of the Missouri Department of Insurance, Financial Institutions and Professional Registration, Division of Land Survey. Witness my original signature and seal this 21st day of March, 2023.

Kurt J. Muser



Kurt J. Muser PLS #1852
Professional Land Surveyor State of Missouri
PO Box 343 Washington MO 63090

MUSER AND ASSOCIATES LAND SURVEYING
KURT MUSER REGISTERED LAND SURVEYOR
204 OAK ST WASHINGTON MO 63090
636-239-1247



I, Douglas Trentmann, Collector of Revenue for Franklin County, Missouri, first being sworn depose and say that I am familiar with the land belonging to Linda Pritchett, James Parsons, and Catherine Parsons and subdivided as "Meriwether Estates Plat 6" and further state that there are no delinquent tax assessments on the aforesaid land shown due Franklin County.

Douglas Trentmann Collector of Revenue
Franklin County MO

I, Sheri Klekamp, City Clerk for and within the City of Washington, Missouri do certify that the above plat of MERIWETHER ESTATES PLAT 6 was approved by the City of Washington, Missouri by _____

Ordinance No. _____ Passed and approved the _____ day of _____

Sheri Klekamp
City Clerk, City of Washington, MO

23-0402

CITY OF WASHINGTON, MISSOURI
Department of Planning and Engineering Services
405 Jefferson Street • Washington, Missouri 63090
636.390.1010 phone • 636.239.4649 fax

PRELIMINARY PLAT APPLICATION

Date: 03/23/2023

Applicant Information:

Name: Jeff Jasper Phone: (417) 276-1212

Address: 6200 W 126th Street, Overland Park, KS 66209

Do you own the subject property? ☐ Yes ☒ No

If not, please provide ownership information here:

Name: Linda Pritchett Phone: (636) 221-8022

Address: 309 Coulter Court, Washington, MO 63090

Name of Proposed Subdivision: MERIWETHER EST CAM L

Number of Lots Proposed: 2 Zoning District(s): R-3

Two copies of a detailed plat of the subject property must accompany this request.

Fee: Seventy-five dollars (\$75.00) for the first two lots, plus seven dollars (\$7.00) for each lot in excess of two. This fee must be paid to the City of Washington at the time this application is filed.

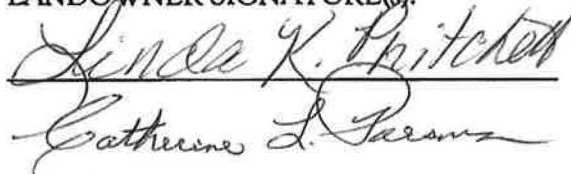
APPLICANT'S SIGNATURE:



APPLICANT/COMPANY NAME (Printed):

Jeff Jasper

LANDOWNER SIGNATURE(s):



LANDOWNER NAME (Printed):

Linda Pritchett

CITY OF WASHINGTON, MISSOURI
Department of Planning and Engineering Services
405 JEFFERSON STREET • WASHINGTON, MO 63090
636.390.1010 phone • 636.239-4649 fax

Applicant Information for Rezoning Land

Please print:

Site Address: 309 Coulter Court

Lot # 6A Subdivision: MERIWETHER EST CAM L

PID# 10-8-27.0-2-015-033.111

Applicant Name Jeff Jasper Daytime phone (417) 276-1212

Address of Applicant 6200 W 126th Street, Overland Park, KS 66209

Name of Owner Linda Pritchett Daytime phone (636) 221-8022

Address of Owner (if different from Applicant) 309 Coulter Court, Washington, MO 63090

Site Information

Address or Legal: 309 Coulter Court, Washington, MO 63090

Current Zoning: R-3 Lot Size: 6003 sq ft

Existing Land Use: Residential

Proposed Zoning and Intended Use of Property: Residential

Surrounding Land Use

North Residential South Residential

East Residential West Residential

To the best of my knowledge and belief, the data in this application and all attachments thereto are true and correct.

Signature of Applicant

03/23/2023

Date

Signature of Landowner (if different)

3-24-23

Date

To: Planning and Zoning Commission

From: Planning and Engineering Department Staff

Date: April 12, 2023

Re: File # 23-0403 – Voluntary Annexation – Jasper Farm

Synopsis: The applicant is requesting to annex 4.09 acres of the Jasper Farm

Adjacent Land Use /Zoning Matrix		
	Existing Land Use	Existing Zoning
North	Commercial Property	C-2
South	Vacant Land	R-1C
East	Common Ground / Creek	R-1A
West	Riverbend Estates Senior Living	SCD

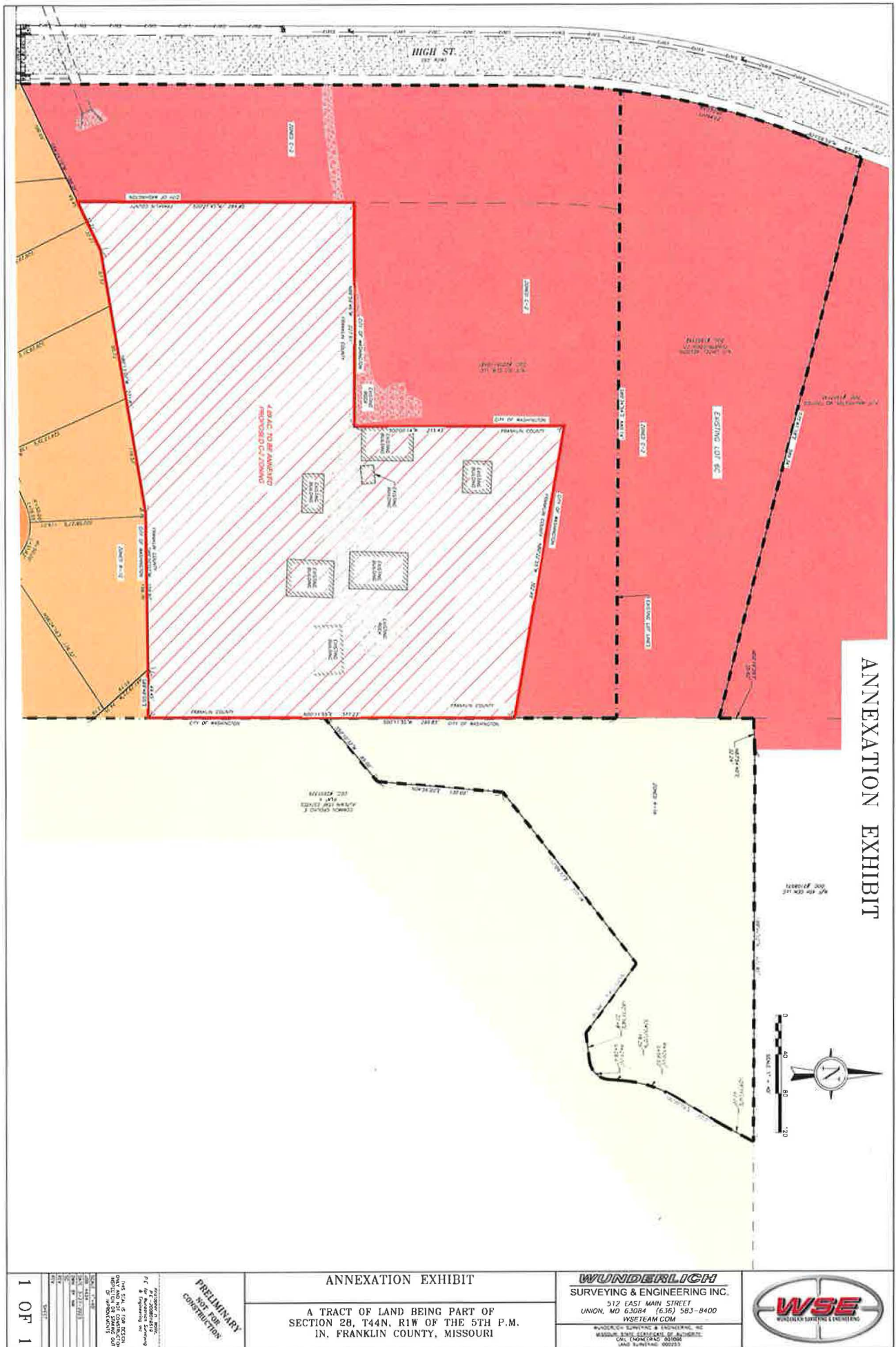
Analysis:

The applicant has submitted an application to annex 4.09 acres of the Jasper farm south of Highway 100 and east of High Street. An exhibit is attached demonstrating the area to be annexed. The applicant is requesting the property to come in as C-2 General Commercial, even though there is an existing farm and farmhouse on the property. The way the property sits in conjunction to the Highland Meadows commercial development, staff agrees that this property, in the long term is appropriate for commercial development. The existing uses of livestock and single family residential will be lawfully non-conforming (grandfathered in). This closes a "donut" in the City limits and cleans up the boundaries in this area. This makes it much easier for emergency services to access and creates a uniform city limit.

Recommendation:

Staff recommends approval of the proposed annexation as well as the proposed zoning designation C-2 General Commercial.





1 OF 1

WUNDERLICH SURVEYING & ENGINEERING, INC.
512 EAST MAIN STREET
UNION, MO 63084 (636) 583-8400
WSETEAM.COM

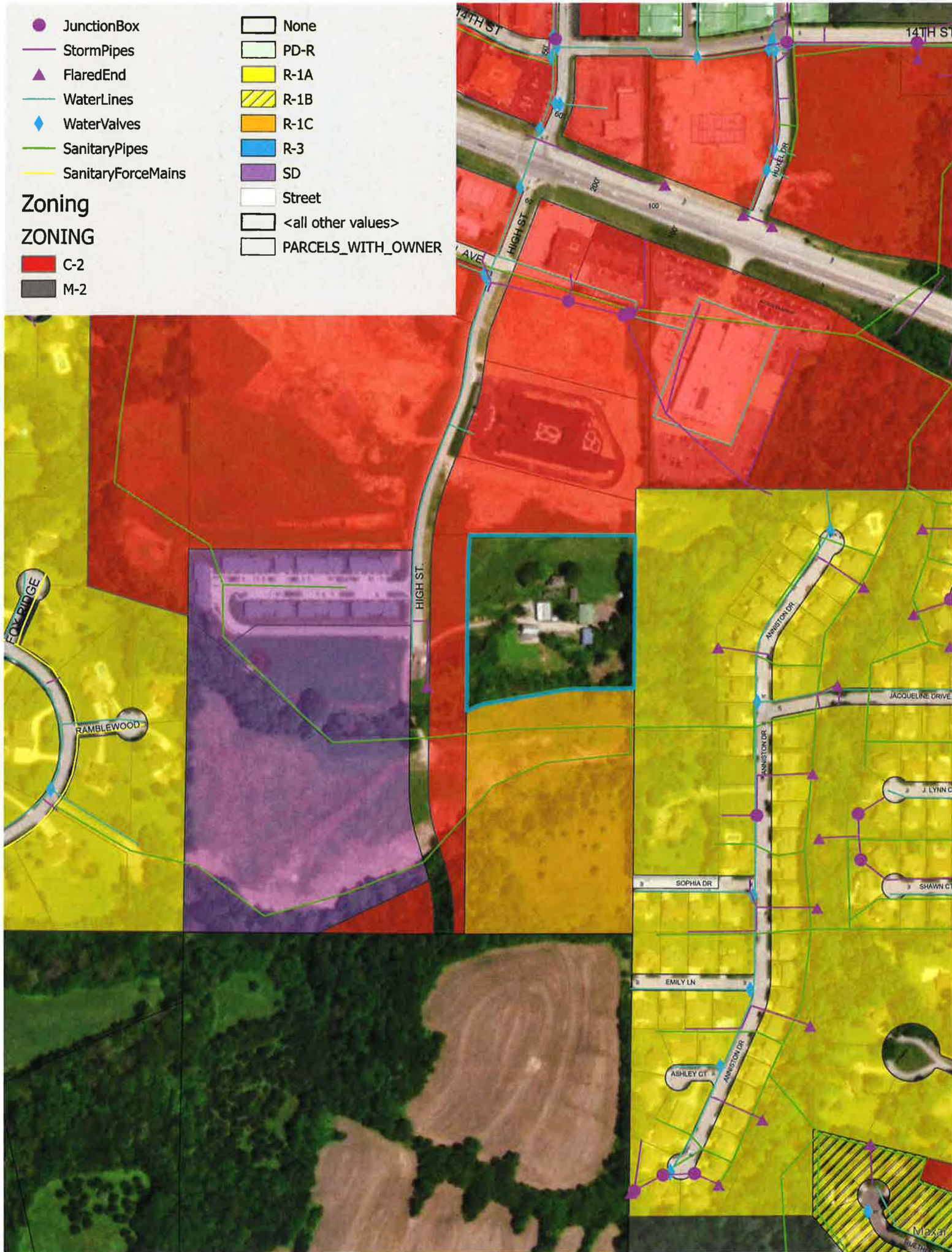
PRELIMINARY
NOT FOR
CONSTRUCTION

ANNEXATION EXHIBIT
A TRACT OF LAND BEING PART OF
SECTION 28, T44N, R1W OF THE 5TH P.M.
IN, FRANKLIN COUNTY, MISSOURI

WUNDERLICH SURVEYING & ENGINEERING, INC.
512 EAST MAIN STREET
UNION, MO 63084 (636) 583-8400
WSETEAM.COM



- JunctionBox
 - StormPipes
 - ▲ FlaredEnd
 - WaterLines
 - ◆ WaterValves
 - SanitaryPipes
 - SanitaryForceMains
 - None
 - PD-R
 - R-1A
 - R-1B
 - R-1C
 - R-3
 - SD
 - Street
 - <all other values>
 - PARCELS_WITH_OWNER
- ### Zoning
- ### ZONING
- C-2
 - M-2



CITY OF WASHINGTON, MISSOURI
Department of Planning and Engineering Services
405 Jefferson Street • Washington, Missouri 63090
636.390.1010 phone • 636.239.4649 fax

VERIFIED PETITION FOR ANNEXATION

By completing this document, the undersigned is verifying the following:

1. The undersigned is the owner of all fee interest in that real property described in Exhibit "A", a copy of which is attached hereto and incorporated herein by reference.
2. Said property described in Exhibit "A" is contiguous and compact to the existing corporate limits of the City of Washington, Missouri.
3. The undersigned hereby petitions the City Council of the City of Washington, Missouri, for voluntary annexation of the real property described in Exhibit "A".
4. The undersigned hereby requests the City Council of the City of Washington, Missouri, zone the real property described in Exhibit "A" as 1750 High Street Washington, MO 63090

The following describes the fee involved with a voluntary annexation request, and the conditions of a refund, as called out in the City of Washington Codes:

SECTION 400.170: VOLUNTARY ANNEXATION PETITIONS FEES & PROCEDURES

A. Any request for voluntary annexation submitted to the City of Washington, Missouri, pursuant to Section 71.012 of the Revised Statutes of Missouri shall be accompanied by a cost deposit of two hundred dollars (\$200.00) for processing said request. Please make check payable to the City of Washington.

B. If the request for voluntary annexation is not approved by the City Council, the cost deposit shall be refunded to the applicant. If the request for voluntary annexation is withdrawn by the applicant, the cost deposit shall be forfeited to the City. If the request for voluntary annexation is contingent on the occurrence of one (1) or more events and these events do not transpire due to action or inaction by others than the City Council and the voluntary annexation is not approved by the City Council, then the cost deposit shall be forfeited to the City. (Ord. No. 00-8783 §1, 4-3-00)

X Monica Frasier

Applicant Name (print)

X Mannie Deasin

Applicant signature

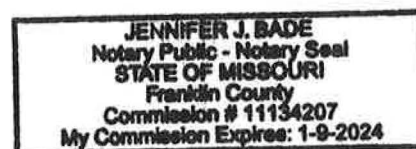
Address & Phone 9 Irish Lane Washington, MO 63090 636-667-3565

STATE OF MISSOURI)
) SS
COUNTY OF FRANKLIN)

On this 29 day of March, 2023 before me appeared Monica Frasier, to me personally known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their own free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, in the County and State aforesaid, the day and year last above written.

Jennifer J. Bade





Proposed Vacation of Henry Street

The City received a request to vacate Henry Street. Staff reviewed at site plan and had the following comments to send on to the Commission and City Council.

Planning and Zoning:

- Henry Street from the existing First Street ROW to the Union Pacific Property could be vacated. The topography in this area and its limitation from the railroad make it unlikely that a road would ever be built here, even if the block is redeveloped. Henry Street from First south to Third should remain as public ROW. It is not unreasonable that this area could be redeveloped and improvements on First and Henry could be built.
- Existing landlocked parcels should be consolidated with the Smith parcel to the west to come into conformance with City Code.

Engineering Department

- A public utility easement over the entire ROW shall be retained.

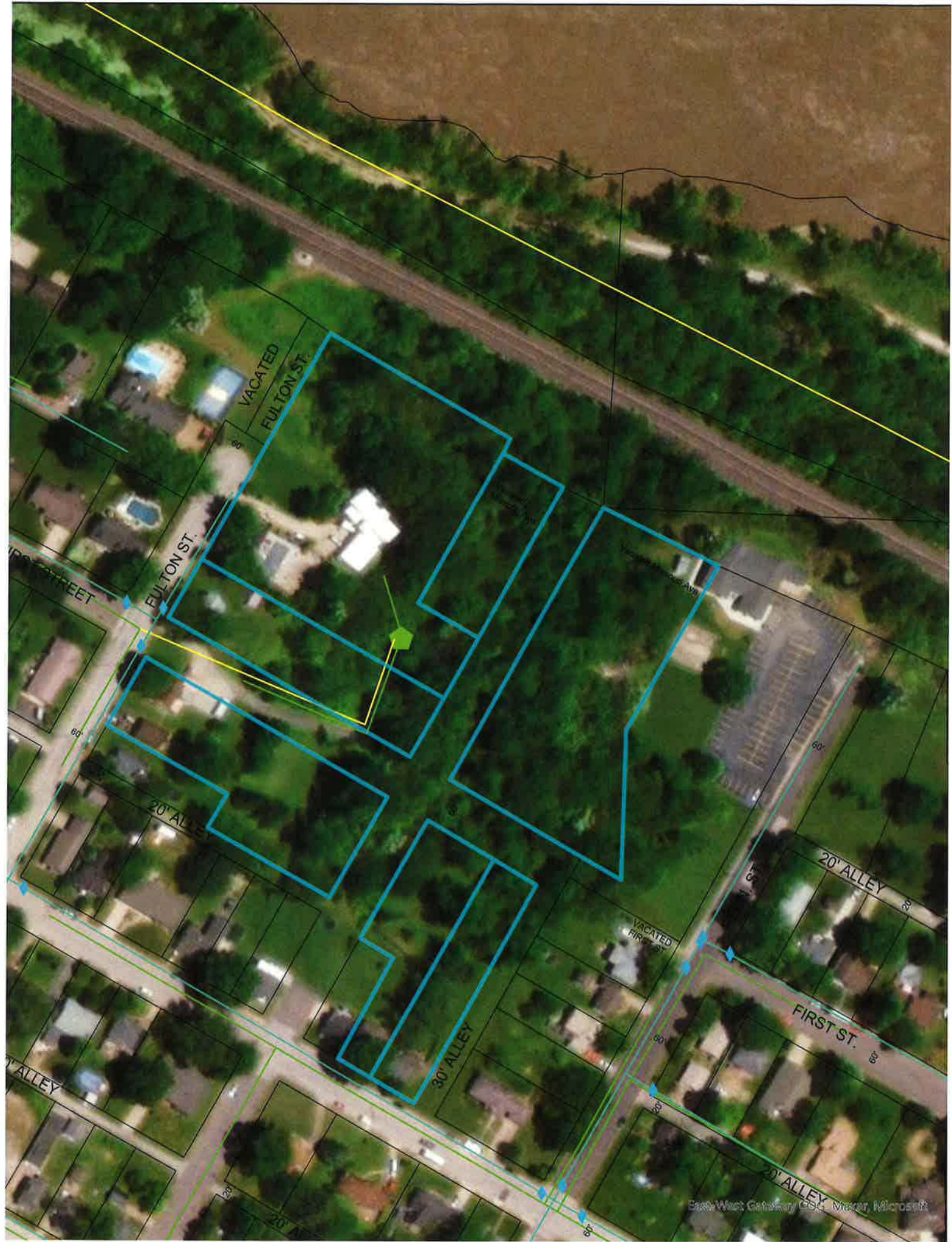
Water/Wastewater

- There is a private sanitary lateral that traverses the ROW to the Hummingbird Club. An easement must be shown for it.

The property owner must also have a survey drawn up demonstrating the above and calling out what to be vacated.

Feel free to reach out with any questions.

Sal Maniaci
Community and Economic Development Director





Area to be vacated





WASHINGTON AREA CHAMBER OF COMMERCE
DIVISION OF TOURISM

323 W MAIN STREET
WASHINGTON, MO 63090

(636) 239-2715 x101
TOURISM@WASHMO.ORG

April 4, 2023

Thomas Holdmeier, Chairman, and
Planning and Zoning Commission Members
405 Jefferson Street
Washington, MO 63090

RE: Short-Term Lodging Moratorium for the City of Washington, Missouri

Dear Chairman and Commission Members,

My name is Emily Underdown Hopkins. I have been the Tourism Director for Washington, Missouri for almost five years, and a part of the Tourism Division for over five years. I am writing this letter to this commission to ask for consideration regarding the new rules and regulations that have been proposed for short-term lodging establishments within our city.

Over the last five years, I have seen the rapid growth of our community—from residential to industry and also to tourism. Regardless of opinion, you cannot deny the growth in tourism throughout our city. Since the pandemic, there has been a consistent increase in lodging tax year over year. In other words, more visitors coming to and spending money in our community. The biggest increase in lodging tax we have seen was this past year with a 29.5% increase in 2022, over 2021. All of this being said, these increases happened without a significant jump in the overall number of short-term lodging establishments within city limits. People are excited and eager to visit Washington more frequently and during all times of the year!

While I do believe that having appropriate rules and regulations for transient lodging establishments is necessary, I would ask you to consider extending the allowable boundaries for short-term lodging within city limits. Using current, pre-determined zoning boundaries for short-term lodging is overlooking areas in Washington that are vital to our tourism industry. It would be my recommendation to extend the boundaries specifically on the western side of town. The Washington Town & Country Fair is our biggest tourism-related event. With the current considered zoning cut-off at High Street and 5th Street, that eliminates a significant area near the fairgrounds for additional lodging.

Something to think about—the first tab on the City of Washington website is labeled “Visitors”. The reason for that is because our community is not only focused on the residents of Washington, but also on those we welcome to our outstanding community. It is my belief that the impact tourism has on our economic climate is often overlooked. If the value of our tourism industry is truly understood, it is easy to see why we must support and encourage continued tourism-related investments.

Thank you for your time and consideration.

Sincerely,

Emily Underdown Hopkins
Director of Tourism - Washington, MO
DMO – Franklin County, MO

Short-Term Rental Operating License

Good Neighbor Guidelines

and/or the owner's rental license revocation. Quiet hours are 10:00 pm – 7:00 am.

7. **Maintenance of Property:** Be sure to pick up after yourself and keep the property clean, presentable, and free of the trash.
8. **Trash and Recycling:** Place all trash and recycling in the designated containers stored indoors. The Responsible Agent will handle trash disposal on the designated pickup day by placing the containers at the appropriate place for pickup and returning trash and recycling containers to the designated indoor location by 7:00 p.m. on the day of pickup. Extinguish and dispose of cigarette butts properly.
9. **Parking & Traffic Safety:** Do not park on lawns, or in a manner that blocks driveways, sidewalks, alleys, or mailboxes. Observe posted speed limits and watch for pedestrians and children.
10. **Pets:** Promptly clean up after your pets. Prevent excessive and prolonged barking, and keep pets from roaming the neighborhood. **Unattended barking dogs left at the rental are prohibited.** Control aggressive pets, and be sure to abide by the local leash laws. Store pet food indoors and in a secure container to reduce the likelihood of unwanted pest problems.
Would "Unattended barking dogs left at the rental are prohibited." be part of the ordinance, or would this already be covered under an existing ordinance?
11. **No Events on Premises.** Using the short-term rental as an event site is not allowed under the Washington City Municipal Code. Examples of events include but are not limited to, company retreats, weddings, rehearsal dinners, etc.
12. **Respect Wildlife:** This area is blessed with diverse wildlife. While it can be exciting to see wildlife, it is best to do so at a safe distance. Most dangerous and potentially harmful encounters with wildlife happen because people fail to leave wildlife alone. Do not allow pets to disturb wildlife or leave out food or scraps.

Short-Term Rental Operating License

Good Neighbor Guidelines

The Good Neighbor Guidelines (GNG) were created to remind Short-term Rental (STR) owners and tenants/guests of the importance of being a good neighbor.

1. **24-Hour Responsible Agent Contact Information:** If at any time you have concerns about your stay or in regards to your neighbors, please call the 24-hour contact number listed in the rental lease agreement or posted in the unit. In the event of an emergency, please call 911.

Timely Response to complaints: The licensee or representative shall resolve neighborhood questions, concerns, or complaints in a reasonably timely manner depending on the circumstances, initial response must be within 30 min. by email, telephone, or another manner. It is in the best interest of an STR owner or designated representative to maintain a record of all complaints received including the date, time, nature of the complaint, and the action and time the action was taken in response to the complaint.

2. **Fire Restrictions:** Be fire-wise and only use approved outdoor devices, and do not leave outdoor fires unattended.
3. **General Respect for Neighbors:** Be friendly and courteous. Treat your neighbors like you want to be treated. Respect your neighbors, their privacy, and their property.
4. **Tenant/Guest Responsibility:** Approved guests and visitors are expected to follow the Good Neighbor Guidelines. Be sure to read your rental agreement for additional terms and restrictions which may include consequences for violating the Good Neighbor Guidelines.
5. **Occupancy Limits:** Short-term Rental overnight occupancy (10:00 pm – 7:00 am) is limited to two persons per bedroom plus two additional persons. Daytime occupancy (7:00 am – 10:00 pm) is limited to overnight occupancy plus six additional persons.
It is recommended that the maximum occupancy be included in the rental agreement/contract.
6. **Noise and Outdoor Lighting:** Be considerate of the neighborhood and your neighbor's right to the quiet enjoyment of their home and property, especially after 10 p.m. Public disturbance noises include the creation of loud, frequent, repetitive, or continuous sounds that exceed a reasonable standard, disturbing the peace and comfort of another. Noise complaints generated from your party may even result in a civil penalty

STR Ordinance Discussion

RE: Tyann Marcink

- Housing affordability issues are caused by stifled housing supply driven by soaring construction costs and tight local constraints on where properties can be built. Only 4.2% growth in housing from 2010-2021. [TownCharts](#)/American Community Survey census.
- Additionally, [this Oxford Economics study](#) found that STRs are not a significant driver of rising rents and housing prices.

CW NOTES:

I was unable to read this study, you need to have a subscription to the Wall Street Journal to read this.

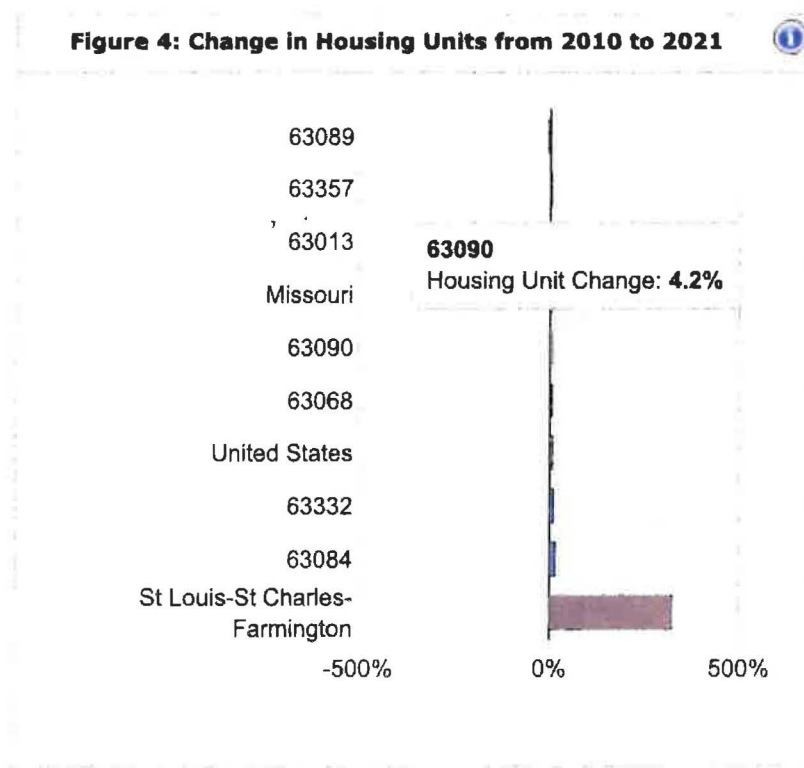
*But if you do a search online, you can find there are many other studies done for cities in the same situation as we are and compiled by non-partisan organizations, that show that STRs are actually a significant driver of rising rents, housing prices, housing disparity, and the **economic costs STRs impose likely outweigh the benefits.** (See one such study here done in 2019: <https://www.epi.org/publication/the-economic-costs-and-benefits-of-airbnb-no-reason-for-local-policymakers-to-let-airbnb-bypass-tax-or-regulatory-obligations/>.)*

STR Ordinance Discussion RE: Tyann Marcink

Short-Term Rental of tiny homes or mobile or manufactured home units is prohibited.

DWELLING. A building or portion of a building designed or used exclusively for residential occupancy. In no case shall a motor home, trailer coach, recreation vehicle, automobile, automobile chassis, tent, portable building, or other similar types of building or vehicle be considered a dwelling.

**Additional Comments Regarding Tyann's PowerPoint
Slides: 2023-02-14 WashMo STR data.pdf, Slides 31 & 32**



Appendix A: Proliferation & Housing Affordability

Facts Continued:

STR Ordinance Discussion

RE: Tyann Marcink

would hope that the steps of the appropriate insurance, safety inspection, and other requirements would be a deterrent for this.

It is a free market...

And one last thought: A commercial activity is one where folks can walk off the street during open hours and visit the business. You can't do that with an STR or a long term rental as one must have arrangements to be at the property.

*"Renting short-term rentals is considered a **business** by most local governments, and owners must comply with specific workplace regulations and business licensing rules established in their local communities."*

Thank you for letting me be a part of the discussion. Please let me know what questions you think of.

Tyann Marcink Hammond

Owner, Missouri Haus

636-306-2470

missourihaus.com

Follow us on [Facebook](#), [Instagram](#), and [TikTok](#)
@missourihaus | #visitmo | #missouriadventure

Additional Definitions to Consider?

The city of Savannah, Georgia, defines a **short-term rental** as "the rental of an entire dwelling unit for 30 days or less", while the rental of a room in a unit is regulated separately as a **bed and breakfast homestay**.

Short-Term Rentals are not permitted in structures not intended for residential occupancy.

STR Ordinance Discussion

RE: Tyann Marcink

I feel 1% is too high. I would be more in favor of 0.6 or 0.7%.

But also I believe the area for STRs needs to be expanded. Where do guests want to be?

- Easy access to downtown
- Near the hospital
- Easy access to 47 and 100

If it were me, I'd say anything in city limits simply needs registration/license. And have the cap of number of registrations. Just because someone CAN make a house an STR, it doesn't mean they will nor is it a good decision to do so. My feeling is that the homes south of 100 are not good candidates in a guest's eyes, but also why limit the greatest part of America: free economics.

My second choice for area allowed for STRs would be anything between 100 and the river, including all R-1. This includes the properties near the fair, downtown, the hospital, and east end that has access to 100.

Having a larger area available for STRs allows property owners the free economic choices in the market, and it also helps not to over-concentrate STRs into a small area.

When a person is looking at a property for STR, they are looking at several key things:

- Desirable location
- Safe location
- Curb appeal of location

All to do with location and the type of guest they feel would want to stay at the house.

A thought that also crossed my mind on buffers: I wouldn't be surprised if a resident put in for a registration on their street just to keep out an STR because they are ~~area~~ afraid of change. I

STR Ordinance Discussion

RE: Tyann Marcink

Buffer between STRs: Personally I am not a fan of buffers. Not every house is a good house to STR, and by creating buffers, you could be eliminating homes that would be good for STR.

But as was mentioned, we don't want to dilute the neighborhoods.

Are you going to require buffers for long term rentals? These are homes that the owners make money from families living in them.

I don't see why long-term rentals should be affected by any code requirements and don't anticipate any need to make changes for them.

When you look at the homes that are currently STRs in Washington, the majority of them are ones that have been renovated, from extensive rehab work with full gut jobs to light renovations. The City would love to have all homes be kept pristine and updated with beautiful curb appeal, the rundown houses become an eyesore.

And sometimes it is the individuals who are able to short term rent the property who are the ones who can justify putting the funds needed for extensive work into these houses.

While this is true, it is not our job to determine if it is economically feasible to rehab a home. The free market should take care of this.

Having STRs close to one another is in demand from travelers. With the two side-by-side homes on Locust Street that we manage, they are booked together more often than separately.

I don't agree with this. Sounds more like marketing input than true factual information.

I would support a cap of STRs in relation to the percentage of total housing units. Start with 1% and reassess in a few years.

STR Ordinance Discussion

RE: Tyann Marcink

*denied, No. 127545, 2021 WL 6500616 (Ill. Nov. 24, 2021), an Illinois appellate court held that the owner's use of her condominium unit for a short-term rental (the owner was using Airbnb) constituted a **business** in violation of the section of the declaration which prohibited the use of units for business. The court explained that "[the owner] is **engaged in a business enterprise** in that she is providing her short-term renters with a service and a product—use of her unit as an accommodation—in exchange for payment." Id. ¶ 36. Interestingly, in that case, the court held that the owner was not violating the restriction in the declaration prohibiting leasing, because it considered the Airbnb arrangement to be a license agreement and not a lease agreement. However, the owner could not overcome the business restriction."*

What if a property doesn't have off street parking? Does that automatically disqualify it? Some older homes only have street parking.

Why would we want to create a nuisance for the neighbors if we know the possibility already exists?

Can a registration/license be revoked?

How could a registration/license be done instead of the SUP process? I know it was briefly touched on at PnZ, but could this be looked at more closely?

To revoke a SUP/registration/license, possibly a three strike rule? If so, complaints need to be validated strikes and not arbitrary. Also look at making it an offense to file a false complaint?

*"Have **no more than three (3) Notices of Violation** of the City's **zoning, noise, or refuse ordinance** in the previous one-year period. Issuance of the fourth such Notice of Violation shall render all previously issued STR permitting and licensing null and void."*

STR Ordinance Discussion

RE: Tyann Marcink

Make the Short-Term Rental uniquely tied to an individual property AND the property owner.

If the property is sold, the new owner must complete an application for a Short-Term Rental license. If they don't, the property would revert back to its prior status. Likewise, the permit shall not be transferred or assigned to another individual, person, entity, or address.

What would the annual renewal look like?

- Safety inspection?
- Paperwork filed?
- Current on paying tourism tax?
- Verification of insurance with minimum \$1M liability?
- Verification of STR specific insurance policy?
- Verification that city rules for noise, parking, and trash are posted?
- Sign a Good Neighbor promise?
- *Identify a contact who would have twenty-four (24) hour cellphone availability, and who is available to be on-site within 30 minutes of notice.*
- *Obtain approval from the property's HOA/POA, if applicable.*

If you intend to seek a short-term rental in a community governed by a homeowner's association (HOA), you may need to obtain a letter of approval. There may also be limitations in the HOA covenants, restrictions, and private codes as to how the property is used.

"Homeowners' association regulations are considered a relevant factor in whether to deny the use of a specific property because it is not compatible with the surrounding area, including its impacts on adjacent properties.

However, not every court that has dealt with this issue has permitted these short-term rentals to prevail over these types of restrictions. For example, in Wood v. Evergreen Condominium Association, 2021 IL App (1st) 200687, appeal

STR Ordinance Discussion

RE: Tyann Marcink

I've added my comments regarding her email in red.

From: Tyann Marcink Hammond <tyann@missourihaus.com>
Sent: Thursday, March 16, 2023 5:31 PM
To: Sal Maniaci <smaniaci@washmo.gov>; Doug Hagedorn <dhagedorn@washmo.gov>
Subject: my thoughts and questions on the updated STR ordinance discussion

Hi Sal and Mayor Hagedorn,

Here are my thoughts from listening to the PnZ discussion on Monday night:

Is the SUP or registration transferable with sale of the property?
This will increase the value of the property.

This is not necessarily true. "The STR model is essentially identical to how a hotel operates – but it is conceptually more difficult to understand because there are multiple uses for single-family dwellings (owner-occupy, traditional 12- to 24-month rental, short-term rental) while hotels really only have one functional use...being hotels.

To attempt an analogy, consider a comparison of vehicles. 1) A vehicle that is utilized for food service delivery such as DoorDash, and 2) A vehicle that is utilized for personal transportation. The first is technically an income-producing tool and the next is not. All else being equal, would you pay more for the first vehicle? Probably not. This is not dissimilar to how STR valuation should be perceived relative to owner-occupied or traditional 12-month rental units."

Other cities have made their Short-Term Rental license non-transferrable and I think we should consider doing this too.