

CITY OF WASHINGTON, MISSOURI

PLANNING & ZONING COMMISSION MEETING MINUTES

Monday, June 15, 2015 @ 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, Missouri.

- 1) The meeting was called to order, Pledge of Allegiance, and the following roll call was taken:
Present: Carolyn Witt, Greg Skornia, Kevin Cundiff, Mark Piontek, Tom Holdmeier, John Borgmann, Samantha Cerutti Wacker
Absent: Gayle Hachman, Tony Gokenbach
Also Present: Dan Boyce, Mark Piontek

- 2) Approval of the Minutes from May, 11th, 2015
Motion to approve the minutes from the Monday, May 11th, 2015 meeting of the Planning & Zoning Commission, motion made and seconded, passed without dissent.

- 3) **File No. 15-1515, Northern Star Homes. Applicant is seeking to rezone lots, 6A, 2B, 3A, 3B, 5A, 5B, and 6B of Malvern Hill and Lot 6A of Malvern Hill Plat 2.**
Dan Boyce-Currently it is zoned and platted to accommodate 4 duplex buildings, 8 units. There are 2 duplexes that have been built at the end of the cul-de-sac and that is outside the scope of what is being considered today. Those will remain as is. What is driving this are the sales of the units. They want to build 6 single family home lots. The density would be less.

The Rezoning and Preliminary Plat applications go hand in hand. The first two cul-de-sacs are currently zoned R-1D and they want to make the remainder of the cul-de-sac the same thing.

Motion made by Greg Skornia, seconded by Kevin Cundiff, passed without dissent.

- 4) **File No. 15-0516, Northern Star Homes. Application is seeking Preliminary Plat approval for Malvern Hill, Plat 3.**

Motion made by John Borgmann, seconded by Kevin Cundiff, passed without dissent.

- 5) **File No. 15-0513, City of Washington, MO. Applicant is seeking a Special Use Permit for 808 Front Street, City of Washington, Franklin County, Missouri.**
Dan Boyce-We rezoned this property to C-1. There are two homes on the lot that are considered non-conforming uses. The requested Special Use Permit will allow the homes to be permitted uses.

Items # 5 & #6 are the same request for a different address.

Motion made by Carolyn Witt, seconded by John Borgmann, passed without dissent.

- 6) **File No. 15-0514, City of Washington, MO. Applicant is seeking a Special Use Permit for 1008 Front Street, City of Washington, Franklin County, Missouri.**
- 7) **File No. 15-0511, Daryl L. Duncan. Applicant is seeking to rezone 1000 Duncan Heights Drive from "R-1A", Single Family Residence District to "C-4" Planned Commercial District.**

See minutes below Item #8

- 8) **File No. 15-0512, Kathleen W. Duncan. Applicant is seeking to rezone from "R-1A", Single Family Residence District to "C-4" Planned Commercial District:
A parcel of land in the Southeast Quarter of Section 22, Township 44 North, Range 1 West, in the City of Washington, Franklin County, Missouri, described as follows:**

The point of beginning being an aluminum pipe in concrete in the Southwest corner of Lot 14 of Aluminum City Subdivision, thence South 66° 00' 04" East 89.81 feet to a point, thence along an arc having a radius of 218.30 feet a bearing of South 73° 44' 50" East and a distance of 61.97 feet to a point in the Southeast corner of Lot 15 of Aluminum City Subdivision, thence South 2° 55' 46" West 86.91 feet, thence South 87° 46' 02" East 194.43 feet to an iron rod, thence South 8° 17' 40" West to a point, thence North 18° 56' 48" East 37.97 feet to a point, thence North 77° 07' 28" East 32.57 feet to the point of beginning, containing 0.49 acres more or less.

Dan Boyce-Applicant has withdrawn C-2 request and requested C-4 Zoning. Letter from Brian Gentges- added to minutes of May 11th, 2015. Letter from Cochran-added to meeting minutes.

John B.-Dan, do you know why the corner house at Scenic Drive that butts up to the SE corner of the Duncan property, why that corner is so close to that residence and how that happened?

Dan-I don't know what setbacks are there. That is one of things that would be could be considered in Site Plan Review.

Kevin-I question how the property line is going to work.

Dan-Our previous Comprehensive Plan showed everything as residential. After the Comprehensive Plan was updated it was shown as commercial.

John-When was the plan updated last?

Sandy-2013

Daryl Duncan-Last meeting I was requesting a C-2 zoning and now are requesting a C-4. I would think it would be good to put a medical building back there. I have no problem with explaining to every neighbor what my plan would be.

John B.-Have you ever considered residential?

Daryl-We have an architectural firm looking at it. We are looking at partial commercial and partial residential. It has been for sale as totally residential.

John B.-So you are looking at selling the property as is and someone else developing it?

Daryl D.-Yes and no. I don't want to spend any more money on this. I did rock testing, drawings and would like some go ahead on this. Hopefully when the right thing comes along we can work with it.

John B.-Are you going to leave the residence?

Daryl D.-I am not sure of my intent right now.

Kevin C.-Can you share info on the rock testing?

Daryl D.-The bluff is definitely a lot of rock.

Tom H.-The plans we saw at the last meeting are those before your request for C-4?

Daryl D.-Yes, those were from Horn Engineering. Drawn up in 2007.

Tom H.-If it was to be developed would you consider a buffer zone?

Daryl D.-That would not be a problem.

Samantha C.- Has anyone been interested in purchasing the eastern most part of the property?

Daryl D.- I would entertain that, yes.

Tom H.-Do you any idea for the entrance/exit for the property? Would it be the north rather than the south? I would like to see a shared entrance once Mr. Wilson develops his land.

Daryl D.-That is not an issue. I would like to talk to the church and somehow that the road there could come across over to Duncan Avenue.

John B.-in talking to some people it sounds like if your property was to go commercial that the church would be interested in selling their property and have it zoned commercial also.

Daryl D.-It would seem to flow better.

John B.-On commercial property we would like to have 2 ways in.

John Hillermann-Thank you for walking the property. Seems like we have to put a lot of trust in what this will be. We don't know what will come of the property. Our concern would be how the property is going to be developed.

Tom H.-The C-4 is a way to keep it controlled as to what goes there.

Charlie Hart-I just wanted to say I am opposed to the rezoning. I firmly believe that there is a community that opposes this development. We don't have a plan so how would we differential to this lot to the unknown.

Tom Dunlady-The rezoning of both the Duncan and Wilson properties are contingent on the Duncan Avenue Right-of-Way being established. This contingency was stipulated in the P&Z packet memo. We were told at the last meeting of the P&Z that the language was included at the request of the City Administrator and the City Counselor. The fact that there is a contingency implies that there is a concern that the right-of-way could be denied. Subsequent to last month's P&Z and the City Council meeting we have heard conflicting feedback from the Board and the Council regarding the potential implications of the city not gaining this right-of-way. On one hand we have heard that neither the Duncan nor the Wilson property would be able to develop their properties without the City gaining the right-of-way. Then we have heard that C-4 developments cannot be tied to this contingency. In light of the fact that this contingency remains in the updated P&Z packet we would like to ask the City Counselor what would the impact would be if this right-of-way would not be approved.

Mark Piontek-It will not effect on the Wilson rezoning because it has already been approved and there was no contingency in the ordinance regarding the rezoning of the property. Mr. Wilson could not have dedicated the right-of-way because he doesn't own it. I am not sure where that comment came from that it was put in there by request because I don't remember saying that to anyone. The City can require the Duncan's dedicate the right-of-way a condition of the approval of the C-4 zoning.

Tom D.-Is that a normal request?

Mark P.-You got to have access somehow.

Tom D.-In all 3 of the requests it still states in there that there is contingency of the right-of-way being granted. The fact that this was discussed at last P&Z meeting and the Council meeting that this was a contingency as states in the packet. We would suggest that there be a revote on the Wilson property based on this information. When this was voted on at the last meeting it was clearly discussed that that was a contingency. The people were voting on this information.

Mark P.-The ordinance has been passed and is in force.

Tom D.-What does contingency mean to you?

Mark P.-The staff can recommend contingencies but the Council does not have to approve them.

Tom D.-The council approved the ordinance with the contingency of the right-of-way.

Board Members-Disagreed

Samantha-The packet isn't the ordinance, it is just staffs report to the Board.

Mark P.-What is your point?

Tom D.- The packet states that this is a contingency for the right-of-way.

Mark P.-Staff can make any recommendation but if the Council doesn't agree they will not pass the ordinance.

Dan Boyce-It was a recommendation by the Board and the City Council did not accept it.

Samantha-This Board is not the final word, final word comes from City Council.

Tom D.-The rezoning application requires a proposed zoning and intent of use statement. This is required so that the Board and the Council members can make firm decisions on a rezoning request. There is no specific use plan in Mr. Duncan's application. He is not what will be done with the property. He stated that he may need a partner. Does this unknown give any other Board members concern?

Dan B.-Our codes say that the zoning request for C-4 does not have to have a development plan with it. If a developer puts together a site plan that costs thousands of dollars and goes before the Board and does not receive the requested zoning, the money is wasted. That is why there is the C-4 zoning.

Tom H.-Sometimes these Planned Developments takes months.

Dan B.-The Wilson plan currently has C-4 zoning. He does not have an approved Development Plan. What he showed us was his concept of the development and what he would like to do. He still has to bring a plan before us.

Tom D.-There has been some talk about the future use plan. Do the Board members use this map as guidance?

Tom H.-It is guidance.

Lloyd Miesner-we live about 200 ft. from the Duncan property. We want to go on record that we are opposed to this rezoning. This neighborhood starts at Patient's First north then to State Farm on the south and from Hwy 47 on the west to Wal-Mart on the east with the exception of the 2 churches and a school. We appreciate some of you coming out and walking the properties. We have a lot of pride in our ownership and how it would affect us. The street in front of the property is congested already with 2 churches and a school. The Board has been entrusted to represent citizens of Washington. I would like you to visualize your homes looking at these properties. Thank you.

Tom Smith-This area is a premium location to build/live. We thank you for walking our properties. We hope by talking, seeing and walking our properties u can see why we would have concerns about the Duncan development. We are a community there. Can we as a larger

community not see before us that we need to maintain the quality of residential life. To rezone this neighborhood for commercial would be a breakdown of the residential life here in Washington.

Shawn Wildt-I am opposed to the proposed rezoning. I would like to point out that the many commercial properties that are for sale or lease in town. Is there a need for more commercial property? I am a professional surveyor. It is my opinion that the rezoning of the Duncan property will bring down the value of our neighborhood. My opinion is that this rezoning would start a domino effect whereby adjacent property owners will request to rezone their properties as commercial such as Peace Lutheran and Mr. Grimes home. Please consider these facts and opinions. Thank you.

Steve Ruether-We are here to express our opposition to the rezoning of the Duncan property. We all believe that the traffic is an issue. Does this zoning help the City? There are 40 people here today that are here in opposition of the rezoning. If Mr. Duncan does sell and move we have to deal with a developer. Presentation of slide show of the neighborhood and commercial properties next to residential homes.

Samantha-Has anyone approached the Duncan's about purchasing this area as green space?

Steve R.-No we have not.

John H.-Dr. Grimes asked Mr. Duncan if he would consider letting him purchase a piece of the land and Mr. Duncan's response (this is second hand so I cannot verify) was that he didn't have enough money. Thank you.

Daryl D.- Dr. Grimes did ask me about buying a strip of land behind his house. My cousin Craig owns the property. I can't sell my dead cousins property. I planted most of the trees on the property. My commitment to the community, the sale from Zero to Clemco, I handled that. One reason I chose Clemco because they were willing to relocate to Washington. It was a win, win for the community. I brought jobs here and kept jobs here.

Steve Reuther-I did not say that they have not done anything. The legacy has changed by Mr. Duncan wanting to sell out and leave the community.

James Jackson- I object to the comment that Mr. Duncan wants to sell out and leave the community.

Penny Duncan-We never once said that we are going to sell and move out of the country.

Greg Skornia-This red square at the end of Fieldstone is not our normal way of zoning. This future land use looks like a mistake.

John B.-If the zoning was denied and the contingency of the right-of-way for Duncan Ave. remains, do we have a letter from the Duncan's that gave us access through there?

Mark P.-Yes, there is a letter that does go far back that discusses an arrangement that the City would acquire the right-of-way for Duncan Ave. in return for conveying other property that the City acquired would be surplus when the new street was put in.

John B.-If we deny the zoning does that change anything in the City's stance?

Mark P.-That letter happened long before this request for this zoning. It won't be the end of Duncan Avenue. We can ask for what we want but it is up to the applicant if they want to come back and ask for something else.

Tom H.-Residential is not a permitted use in C-4.

Samantha-So they would have to come before us with the request of subdividing the property?

Mark P.-Yes but the codes do not say that you cannot have two different zonings for two individual lots. The best idea would be to come back with a preliminary plat showing the subdividing.

Sandy Lucy-I have a question about buffer zones. I don't think any of the ones that were presented are a good example. So when C-4 comes forth and they bring back there plan how large can you require the buffer zone to be?

Mark P.-One of the things that the code allows is that you can require greater than the minimums.

Sandy L.-The minimum buffer zone is five feet?

Dan B.-20 or 25 feet.

Sandy L.-If the plan goes through you can require a buffer zone of 50 ft? And what needed to be planted?

Mark P.-Yes. Plan would have to be reviewed to see what would work. There are a number of requirements for a development plan that can be used if this is zoned to C-4. They have to show the proposed use of the development of the parcel including principal and accessory uses, they have to show the footprint of any proposed building, the amount of land covered by the building structures, drives and parking facilities. They have to show plan elevation views, which means all 4 sides of the building and they also have to show what the materials are on the sides of the building and what the roof would look like. P&Z and Council would have to look at the proposed plan and deem what is appropriate.

Greg S.-What about water retention? This will have to be on site. I think this is a poor commercial spot there is too much going against it.

John B.-About buffer zones, who is the watchdog for that?

Dan B.-The owner is responsible for the maintenance and the City would be responsible to enforce that.

John B.-So if there was a complaint they would come to the City.

Dan B.-Yes.

Kevin C.-We do have some nice examples of buffer zones throughout town.

Tom H.-I would like to see more of the plan before the C-4 approval. I am not opposed to C-4 but it has to be the right situation with the right buildings.

Samantha-I would like to see perhaps a sub-divided plan.

Tom H.-You can't tell someone that they can't build a house in Washington because there is too much residential so you can't tell Mr. Duncan that there is too much commercial. I think he has the right to do what he wants.

Sandy-Are we going to table?

Tom H.-That is up to Mr. Duncan if he wants to table or if he wants us to vote on it and decide. If we vote and vote it down it is six months, if we vote for it would go to Council. Both ways it goes to Council and they can override our vote. If you do fail you have to wait six months to come back. If we table it you need to come back with plans and additional information.

Samantha-If it fails here doesn't it need more votes from Council that it does here tonight?

Mark P.-Yes, 6 out 8.

Tom H.-Mr. Duncan would like to say anything?

Daryl D.-I have to move forward and do something. The question is how extensive in the amount of money do I have to spend to provide what you are asking for? Is it general concepts? Do I need elevations and such? Please give me your input.

Samantha-Maybe you need to speak to your neighbors and see if any of them have an interest in purchasing part of it?

Daryl D.-It has been for sale for quite a while.

Tom H.-I would like to see elevations and how the building would look. A lot of times when you sell land and you have a developer, and you ask for the zoning, the developer usually has the plans done to see what is going to happen.

Daryl D.-I suggest you table then and move forward.

Motion made by Sandy Lucy, seconded by Samantha C Wacker, passed without dissent to table the request.

Steve R.-We thought it was going to be voted on? Now we have to come back again and do the same thing a couple months from now? We didn't know he had a choice.

Samantha-We are asking Mr. Duncan to bring us a plan, more information, at that time.

John H.-I would rather see a vote on it. If he does sell he would have to figure out what it is worth and then what kind of responsibilities do you have, or the new property owner have concerning storm water retention and runoff? Any of the property owners, especially Charlie and myself, can you tell me an astronomical amounts of runoff from his property? I have spent thousands of dollars fixing the issue.

Tom H.-If you are not contributing any more water and it has been there before and you are not changing anything there is no problem. If you increase the flow then something needs to be done.

Mark P.- If you are developing the property there cannot be anymore runoff after development than there is before the development. Engineers would have to make the call.

Dan B.-You can't make the situation worse than it is now.

John H.-The situation is horrible.

Dan B.-You built your house downstream of that hill right?

John H.-I understand that.

Tom H.-If you buy land and don't do anything to it, you don't have to.

Samantha-The water issue is something that can be part of the plan.

Mark P.-The code requires the calculations determine if there is any differential runoff and if there is it either needs to be retained or help back somehow.

Dan B.-This is not different than any other development. They have to follow the same rules.

Tom H.-I see bad all the time.

Dan B.-If it is impervious area there is nothing that can be done.

9) File No. 15-0517. Hanover Place. Applicant is seeking approval of a Development Plan.

Dan Boyce-They are asking for Site Development Planned approval and if it is agreed that this should be approved property it can be sent onto City Council as a recommendation. What we don't have is details that our subdivision code requires for infrastructure. There are no cross sections in the street, there is no profile of the street, stormwater pipes are not sized, no detention information. These are not required for site plan approval. So if the site plan does get approved they have to come back with the infrastructure details.

Mark Piontek-The Senior Community District is subject to the same requirements of the development plan for a C-4 which includes showing the footprints on parcel, amount of land covered, elevations of buildings. I don't see any of that in the packet.

Kurt Unnerstall-Dan said let's get the development plan approved tonight. We want a blessing of the concept of what we are doing with the land. We want single villas in the back but it doesn't work with the footing requirements. We were hoping on getting all singles in there.

Discussion regarding handouts were passed to Board members from Kurt Unnerstall.

Dan B.-There is a 35 ft. wide city street. No lesser width, not a private street with the ROW being dedicated. The difference is they are proposing 40 ft. of ROW.

Kurt U.-That was approved at the last meeting that we have a city street, wider street with less of a ROW.

Dan B.-We discussed that there should be easements behind the ROW. The details of the easements will have to be shown when they bring the development plan to us.

John B.-It is on there.

Dan B.-10 ft. rear yard if it connects to a residential district. 25 ft. from the ROW?

Kurt U.-Yes

Samantha-Are you going to have a zero lot line on the properties?

Kurt U.-That is an R-1C issue and this is Senior Community. I would like to have the zero lot line.

Dan B.-In this zoning district there was no density specified. There is no lot size per unit. The maximum number of housing units is at the discretion of the City Council based upon anticipated impacts and benefits. They are proposing 6,000 sq. ft. lots minimum.

Mark P.-There is no side yard set-back requirement in a Senior Housing Community. So you can have the zero lot-line.

Kurt U.-This land will have a home owners association.

Dan B.-What is the distant between buildings? 30 ft.

Kurt U.-They are villas. Stone fronts. It is 55 and older.

Motion made by Greg Skornia to accept the conceptual plan contingent on correcting addition of lot line at the end of the cul-de-sac, Samantha Cerutti Wacker, seconded, passed without dissent.

- 10) **File No. 15-0518. Kurt Unnerstall-Applicant is requesting to rezone an existing Senior Community Development to C-2 General Commercial.**

Motion made by Greg Skornia to rezone Tract 2 to C-2 General Commercial, John Borgmann seconded, passed without dissent.

- 11) **File No. 15-0519. Kurt Unnerstall-Applicant is requesting Voluntary Annexation of approximately 24.81 acres.**

Kurt U.-Our plan is to bring the land in the SW corner of the Jasper Farm. The senior housing plan developer was unsuccessful in applying for the tax credits. They are still interested in purchasing the land. We have a master development plan for the farm and they were contracted to purchase the piece in the NE corner which is the rezoning item no. 10. We would

like to rezone the large tract and they are going to take land in the upper portion of it and put the residential senior development there. We have plans to develop the piece in the NE corner as commercial. Short discussion on sketch plan handout. The land in the front which is already in the City is zoned commercial already. The land that we propose to annex we would propose that tract to be senior housing. We feel that there is going to be a need for senior housing in the future. Perhaps the City and I can fund and get High Street built. We didn't want to see a piece meal development of the Jasper Farm. We are just trying to trade tracts which we feel is better for the City because you are gaining commercial land along the highway and residential in the back where it belongs.

Samantha-So we are annexing the large tract and bring it in as C-2 but then your use map is showing Senior Development?

Kurt U.-No we are asking that it comes in as Senior Housing. Tract 1 & 2 are already in the City.

Mark P.-If you have to have this zoned before the swap with the group out of Columbia don't you need to wait until this property gets annexed and zoned before you apply for the rezoning?

Kurt U.-I brought that up to Darren and I was told that if it was done sequentially on the nights that they are voted on I should be ok. If you want me to table tract 2 Item No. 10-the rezoning request, I will. I was told that if we bring in the senior housing into the SW corner...

Mark P.-The only thing is that what if the Council does not approve the annexation and the Senior Community zoning?

Short discussion on requirements/timing of annexation approval. (inaudible)

Kurt U.-We are on the agenda for July 6th for the public hearing. We wanted to be on it earlier but did not get the notice in the paper on time.

Sandy-So tonight we vote on annexation?

Mark P.-And recommendation on the Senior Housing.

John B.-Two votes or three? Do we vote to annex?

Mark P.-One vote is on the recommendation of the annexation and the Senior Community Zoning and one on the rezoning of that parcel.

Motion made by Samantha Cerutti Wacker to approve the Annexation with the zoning being the Senior Development. Seconded by Sandy Lucy, passed without dissent.

12) File No. 15-0601. Karen Eshragi-Applicant is seeking to extend C-4 Zoning.

Dan B.-This is the property across the street from State Farm building off of Madison. Current C-4 zoning. Code requires a Development Plan to be submitted or zoning will be reverted back to original zoning. First extension since 2013.

Motion made by Carolyn Witt to extend the C-4 Zoning for 2 years. Seconded by Samantha Cerutti Wacker, passed without dissent.

13) File No. 15-0602. Franklin County Review-Mayall Properties

Dan B.-This request was received May 26, 2015 from the County. The want to subdivide a little over for 100,000 sq. ft. for a 20 unit apartment complex. We looked at this when we reviewed

for the rezoning. The developer says that he does intend to sprinkle the building and the pavement widening and turn arounds don't come into play because it is so close to Pottery Road.

John B.-Researched the NFPA codes and it may be a challenge to install the sprinkler system without a huge expense. The building location is built with a 2 ½ " main that runs from the water tower in Krakow. It can be done with on-site storage and pumps. Discussions continue with the Fire Department and developer.

Samantha C Wacker-So is there anything new we need to know since our last review?

Dan B.-No

Motion made by Samantha Cerrutti Wacker to send the county the same letter that we sent back in March. Seconded and passed without dissent.

Motion made and seconded to adjourn meeting at 9:38 p.m. Passed without dissent.

The next meeting of the Planning & Zoning Commission will be July 13, 2015 at 7:00 p.m.

Thomas R. Holdmeier
Chairman