

April 12, 2018
MINUTES OF THE PLANNING AND ZONING COMMISSION
Springfield, Missouri

The Planning and Zoning Commission met in regular session April 12, 2018 in the City Council Chambers. Chairman Randall Doennig called the meeting to order.

Roll Call - Present: Randall Doennig (Chairman), King Coltrin (Vice-Chairman), Dee Ogilvy, Natalie Broekhoven, Joel Thomas, Britton Jobe, David Shuler, and Melissa Cox. Absent: Cameron Rose. Staff in attendance: Bob Hosmer, Principal Planner, Mary Lilly Smith, Planning Development Director, Nick Woodman, Asst. City Attorney, Daniel Neal, Senior Planner.

MINUTES: The minutes of March 15, 2018 were approved.

COMMUNICATIONS:

Bob Hosmer reported on City Council meeting actions.

CONSENT ITEMS:

None

UNFINISHED BUSINESS:

Planned Development 361

1211-1223 East Cherry Street and 538 South National Avenue

Applicant: A&M Pizza Real Estate, LLC and Kirk A. Heyle Trust

Mr. Hosmer stated that this is a request to rezone property generally located at 538 South National Avenue and 1211-1223 East Cherry Street from a Planned Development No. 297 and GR, General Retail District to Planned Development No. 361. The Growth Management and Land Use Plan identifies this as an appropriate area for Medium Intensity Retail, Office and Housing along National Avenue and Medium to High Density Housing along Cherry Street. The Major Thoroughfare Plan classifies National Ave as a primary arterial roadway and Cherry Street as a secondary arterial roadway which supports the proposed land use. The applicant has been granted an appeal to the current administrative delay for any rezoning or lot combinations in the Rountree Urban Conservation District No. 2. The applicant is proposing to administratively replat the lot and construct an addition and parking lot for the expansion Domino's pizza. The existing multi-family apartments will be converted to office, storage and residential (manager residence) which will be considered accessory uses. The Urban Conservation District (Rountree) No. 2 will remain in the same location as originally zoned. A traffic study was not required. The PD will limit the intensity of development by requiring any change in uses to submit a traffic study. The proposed PD will require the removal of the existing driveway on National Avenue, a sidewalk and traffic control easement, a six-foot solid fence between the existing covered parking area and the multi-family to the east. The PD will be required to meet the off-street parking requirements with an increased amount of bicycle parking due to high volumes of walk-in customers with its proximity to Missouri State University. A final development plan must conform with the requirements of Exhibit 1 and 2. Staff Recommends approval.

Mr. Thomas asked about the 28% parking reduction.

Mr. Hosmer noted that it is not a typical drive-thru window and more of a drive-up window and this makes it safe for people to access the property.

Mr. Doennig opened the public hearing.

Mr. Greg Whitlock, 9648 E. Northview, representing the owner. This is an expansion of Domino's including façade and parking spacing improvements as well as relocating the drive-up window, noting that this does not fit the average restaurant description.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Planned Development 361 (1211-1223 East Cherry Street and 538 South National Avenue). Ms. Ogilvy seconded the motion. Ayes: Doennig, Shuler, Cox, Coltrin, Broekhoven, Thomas, Jobe, and Ogilvy. Nays: None. Abstain: None. Absent: Rose.

PUBLIC HEARINGS:

Conditional Use Permit 434

2330 West Grand Street

Applicant: Scripps Media, Inc.

Mr. Hosmer asked that this case be TABLED and presented at the Planning and Zoning Commission meeting on May 10, 2018.

COMMISSION ACTION:

Ms. Broekhoven motioned to **TABLE** Conditional Use Permit 434 (2330 West Grand Street). Mr. Jobe seconded the motion. Ayes: Doennig, Shuler, Cox, Coltrin, Broekhoven, Thomas, Jobe, and Ogilvy. Nays: None. Abstain: None. Absent: Rose.

OTHER BUSINESS:

Action of City Council Amendments

Citywide

Applicant: City of Springfield

Mr. Hosmer stated that this is a request to amend Section 36-367., Amendments, to clarify when City Council is required to remand zoning map or text amendments back to Planning and Zoning Commission. Planning and Zoning Commission initiated amendments to Section 36-367 on February 15, 2018. The proposed amendment will clarify the roles of the Planning and Zoning Commission and City Council when deciding zoning map and text amendments. Staff is proposing to add language to Section 36-367 that states the planning and zoning commission's role with respect to rezoning applications is advisory. Any report or recommendation made by the planning and zoning commission shall not be binding on the City Council, nor shall such recommendation or report limit the City Council's legislative authority.

Sec. 36-367. – Amendments. Note: Language to be added is underlined.

(1) Authority. The city council may from time to time by ordinance amend, supplement, change, modify or repeal the boundaries of the districts or regulations herein or subsequently established. The planning and zoning commission's role with respect to rezoning applications is advisory. Any report or recommendation made by the planning and zoning commission shall not be binding on the city council, nor shall such recommendation or report limit the city council's legislative authority.

Before an amendment shall be approved by ordinance, the planning and zoning commission shall have first had a public hearing regarding the proposed amendment and made an official report to the city council regarding the planning and zoning commission's recommendation regarding said amendment. Once the planning and zoning commission has made its official report, any further review by the planning and zoning commission shall not be required unless city council elects to refer a matter back to the planning and zoning commission for further review.

Mr. Jobe asked if staff has consulted or reviewed Chapter 89 and if this is authorized by statutes and is it consistent with Chapter 89.

Mr. Hosmer noted that is basically reinforcing that the Planning and Zoning Commission role is a recommending board and that it does not make final decision on zoning or text amendments this is the role of City Council. Staff believes it is consistent with state statutes.

Mr. Woodman noted that he agrees that it is consistent with Chapter 89.

Ms. Smith noted that this is being recommended by City Council due to issues where they wanted to make changes in the past and what their ability was to remand back to Planning and Zoning Commission. She also noted that City Council can make things more restrictive than what Commission can impose if they chose more restrictions or make another use no longer permitted and reminded the Commission that they are an advisory board.

Ms. Cox stated that she thinks that it reinstates Commission's advisory role and she notes not sure why the reasons for the clarification.

Mr. Doennig opened the public hearing.

No Speakers.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Action of City Council Amendments (Citywide). Mr. Thomas seconded the motion. Ayes: Doennig, Shuler, Cox, Coltrin, Broekhoven, Thomas, Jobe, and Ogilvy. Nays: None. Abstain: None. Absent: Rose.

Short-Term Stay Rental Amendments
Citywide

Applicant: City of Springfield

Mr. Neal stated that this is a request to amend the permitted uses subsections in all base zoning districts in Division 4 of the Zoning Ordinance, clarify Section 36-451, Home Occupations, add a new Section 36-472, Short-Term Stay Rentals and definition to allow Short-Term Stay Rentals under certain conditions and requirements. The original Short-Term Stay Rental Amendments were considered by Planning and Zoning Commission on January 11, 2018, and City Council has remanded revised amendments with a substitute bill (attached) back to Planning and Zoning for review with the following changes. Following are the proposed amendments.

	Zoning Districts permitted	Special Permit Required	Distance from other STSR / B&B	Maximum annual rentals	Owner-Occupied Primary Residence	Primary Structure	Business License & Certificate of Occupancy	Maximum Residents
Type 1	R-SF R-TH	No	500 feet	95 days	Yes	Yes and/or historic carriage house	Yes	No more than 3 unrelated
Type 2	R-SF R-TH	Yes	500 feet	No	No	Yes and/or historic carriage house	Yes	No more than 3 unrelated
Type 3	All districts except R-SF & R-TH	No	None **Only 2 permitted per premise	No	No	No	Yes	No more than 4 unrelated persons in R-LD, R-MD & R-HD; based on building code in other districts

Ms. Cox asking for the requirement of the 500 feet separation.

Mr. Neal stated that in a single-family neighborhood that it is important for separation so there will not be a row of houses that are Short-Term Rentals and are operating all in one section of a block and this provides separation.

Mr. Thomas asked about the 30-day exception on the 500 feet separation. Staff noted that once they are established within the 30 days they can operate as an established use and this was the Mayor's proposal.

Mr. Thomas asked about Historic Carriage House's and if they can be modified. Staff noted that there are some provisions to establish an accessory apartment in the Historic Carriage House and may allow an 10% to 20% increase to the structure.

Mr. Thomas asked about the multi-family provision of apartment complexes turning into hotels, staff stated that it becomes a de facto hotel without having to meet any of the requirements for a hotel, i.e., inspection, licensing, or paying lodging taxes, etc.

Mr. Jobe asked about the different type of categories and noted the error of the section number and asked if the regulations have been looked at in other cities that have Short-Term Rentals. Staff stated that other cities have been looked at as well Springfield's benchmark cities.

Ms. Cox asked what is pushing the Short-Term Rental Stay regulations and worried about over drafting regulations. Staff noted that that an increase of popularity of STR's that the City has been receiving more complaints over the last couple of years and part of the reason for regulations.

Ms. Smith noted that the City has done surveys of Phelps and Rountree because those areas have a lot of overcrowding and parking issues and there are concerns of keeping neighborhood integrity. The largest number of complaints have come from the Southern Hills Neighborhood, but STR's are currently not allowed in the City of Springfield's zoning ordinance. When we originally went to City Council in January they thought that the City was over reaching and so modifications were made and these are what are being presented tonight.

Mr. Doennig opened the public hearing.

Mr. Doug Fender, 2756 E. Division Street, stated that we are ignoring the positive that the Short-Term Rental (STR) industry can and will provide tax revenue and improved property values due to people seeing how nice STR properties are taken care of and may motivate them to do up-keep.

Mr. Tracy Kimberlin, 2495 S. Mumford, director of the Springfield Convention & Visitor's Bureau. Stated that STR's are becoming a growing industry in Springfield and stated that regulations are necessary and noted that increase of STR's since 2015.

Mr. Coltrin asked about the hotel/room situation and what is the status of availability. Mr. Kimberlin noted that Springfield is currently right sized, however there are a couple of properties under construction and a lot more are being discussed and if they do build that may put us in an over-built situation.

Mr. Jerry Reynolds, 2833 E. Normandy likes the idea of ordinances for Short-Term Rentals (STR) and gave out names of other cities that have regulated STRs and asked if anyone has asked a neighbor of a STR if they are okay with one in the same neighborhood or next door.

Mr. John Horner, 1622 E. Walnut stated that he does not believe the City needs to regulate Short-Term Rentals and that the City should encourage STR's and that regulations are a burden.

Ms. Pat Horner, 1622 E. Walnut stated that she is against regulations for STR's and that some of the complaints that the City have received are a neighborhood feud versus problems with the Short-Term Rentals itself and believes that STR's will be hard to enforce.

Mr. Vic Sincok, 1923 S. Arcadia, believes that regulations are necessary and does not want Short-Term Rentals in residential areas and has had problems with a STR in his neighborhood noting blaring lights, noise, and numerous cars.

Mr. Doennig closed the public hearing.

Mr. Thomas asked for the expected time-frame for a person applying for a permit and regulating/checking the STR. Staff noted scenarios on the diverse types, but generally 45 days if they meet the 50%. If they do not meet the 50% threshold then we will issue the permit. If there are adequate protests then it will be put on the next City Council agenda and it is a one reading bill. The Licensing Division will have persons available to check on the different platforms for STR's.

Ms. Ogilvy indicated her preference on the lot size issue and believes that the 500 feet rule should stand regardless of the size of the lot.

Mr. Jobe commented that he believes that Short-Term Rentals need to be regulated and this ordinance does a lot of thing right, however believes that it does not make enough distinction between the causal/occasional Short-Term Rental and someone who does it professionally and believes that this is the direction the economy is going and plans to vote no because he believes it may be over-burdensome.

Ms. Broekhoven stated that her issues are neighborhood integrity and the noise ordinance and doesn't believe all the requirements of this ordinance medicates these issues and does not assuage concerns of neighborhood integrity a noise.

Ms. Cox does not feel that what is being presented is medicate issues of noise, parking, etc., noting that she is in favor of regulations for Short-Terms Rentals, but feels that this over-stepping and over-bearing and will be voting no.

Mr. Doennig commends City staff for taking this on and sees improvement from January's presentation believes in the proposed regulations. The Short-Term Rental's are subject to the same noise ordinance as a regular residence and no variance are given to the STR and will be treated just like a private residence. The issue is people are operating businesses without regulations and are illegal and need to be regulated, it is reasonable and fair and his concerns are the 500 feet separation and find it to be arbitrary and thinks a better solution is available than just randomly stating a 500 feet separation, noting that most STR's will naturally congregate in certain areas of the City because of the desirability of amenities that are nearby. I will be voting yes.

Mr. Thomas asked if the City will evaluate the license yearly and see if complaints have been received. Staff noted that the Director of Building Development Services has the authority to suspend or revoke a license and may be based on complaints and compliance with the regulations.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** Short-Term Stay Rental Amendments referencing Section 36-475 to be corrected to 36-472(4) (Citywide). Ms. Ogilvy seconded the motion. Ayes: Doennig, Shuler, Cox, Coltrin, Broekhoven, Thomas, Jobe, and Ogilvy. Nays: None. Abstain: None. Absent: Rose.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Short-Term Stay Rental Amendments (Citywide). Ms. Ogilvy seconded the motion. Ayes: Doennig, Coltrin, and Ogilvy. Nays: Shuler, Cox, Broekhoven, Thomas, and Jobe. Abstain: None. Absent: Rose.