

MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: October 18, 2012

TIME: 6:30 pm

The regular meeting and public hearing of the Planning and Zoning Commission was held on the above date and time in City Council Chambers, third floor of City Hall with the following members and staff in attendance: Shelby Lawhon (Chair); Matt Edwards (Vice-Chair), Tom Baird, Gloria Roling, Jim Hansen, and King Coltrin; Michael MacPherson, Principal Planner; Thomas Rykowski, City Attorney; Sandy Goddard, Administrative Assistant; Absent: Jay McClelland, Jason Ray, and Phil Young.

ROLL CALL:

APPROVAL OF MINUTES:

COMMUNICATIONS:

Mr. Hansen, Ms. Roling and Mr. Coltrin attended the Bi-State APA Conference in Kansas City, Missouri on October 10th through the 12th. Mr. Hansen, Ms. Roling and Mr. Coltrin conveyed their appreciation to the City for the opportunity to attend the conference. Mr. Hansen said this was an opportunity for him to meet professional Planners who are peering into the future to prepare their cities and regions for what's to come. The keynote speaker, Mr. Mitchell Silver, President of the American Planners Association, presented an eye opening presentation on the emerging trends and challenges in the twenty-first century and how Planners could lead and innovate as we move forward. There are only three things that bring in new or additional wealth to your town; industry, agriculture and tourism. Mr. Hansen stated they learned a lot and feels better equipped and certainly better informed for their duties as Commission members.

Ms. Roling stated that she recognized the importance of collaboration and believes that Springfield does a great job of doing this with other agencies and businesses and the importance of structure in the operation of the Springfield Planning and Zoning Commission.

Mr. Coltrin commented that it is enlightening to see the things that are going on and find out what is going on in other cities. You might think that Springfield, a mid-major town is behind these big cities when you look at what they are doing and discover that what is being done in Springfield already, you find that we are in good shape. There were interesting walking tours down main street and seeing how they are trying to utilize the resources they have. Another interesting seminar showed a planning process in which they take neighborhoods that are looking at doing complete streets; they will block off the street and bring in plants and paint stripping and turn the whole street into the vision of what it would be like when it's done. They then open it up to a block party for the neighbors and businesses to see what it would be like and how things would operate and build collaboration between everyone that lives in the area. It seemed to bring people together and whether they liked it or didn't like it, it allowed them to visualize something that is hard ordinarily to figure out.

Mr. MacPherson expressed his appreciation of their participation and added this might be a great strategy working on the College Street Corridor.

HEARINGS:

Conditional Use Permit:

1. **Conditional Use Permit 399**
(661 South New)

Robert Ross

Mr. MacPherson stated the purpose of this request is to approve a Conditional Use Permit to permit a non-profit community center within an R-SF, Single Family Residential District. As you will recall some four or five years ago we made a text amendment to the Zoning Ordinance which would allow for a Conditional Use Permit for adaptive reuse because in many of the older neighborhoods there were smaller old grocery stores that were no longer viable to be operated as grocery stores and in many instances they were vacant and they were becoming a blight on the neighborhood. The approach to that and other similar type of buildings in the neighborhoods that were not being used to their maximum potential and the idea was then to create an opportunity to adopt a new use that would make it fit within the community.

City Council approved Special Ordinance 25804 on August 9, 2010 for a Conditional Use Permit (UP 389) for the adaptive use of a non-residential structure within an R-SF, Single Family Residential District for a semi-precious gem retailer and residential use on the subject property. The gem retailer operated at this site for only a short time. When the gem store closed, the property owner spoke with Planning staff regarding options for the structure. Conditional Use Permit 389 was very specific in the uses that it permitted and the owner was concerned that a new Conditional Use Permit would need to be approved each time a new user was found for the building. Planning staff told the owner that if another use of similar intensity as the gem retailer was interested in locating there that the Administrative Review Committee could review the proposed use and make an interpretation to allow the use. Planning staff was not contacted about another use of the building following that discussion.

Staff became aware of the church use after a complaint was received from a nearby property owner. The church is illegal non-conforming because the site does not have adequate off-street parking for the church use. The property owner worked with Building Development Services staff to determine if there was a way to continue the existing use of the building. The non-profit community center was suggested as an option because religious services are permitted to be held within a community center and community centers do not require any off-street parking. A community center is defined as "A place, structure, area, or other facility for social, educational, and recreational activities of a neighborhood or community or subdivision, provided any such use is not operated for commercial gain." . Non-profit community centers are not required to provide off-street parking because the intent is that they are located in the immediate areas they serve and many of those served by the facility will walk or ride bikes. With the approval of this use permit the community center could offer meeting space or other activities or services for the neighborhood and community groups but it would not be required. Religious services would also be permitted to be held in the community center. The existing, or any other, church could hold services there regularly without the need to provide the necessary parking. Planning and Zoning Commission held a public hearing on this application at their September 6, 2012 meeting and recommended the applicant meet with the neighboring property owners and staff to develop some limits on hours of operation and occupancy to address the noise complaints and possible future parking issues. Mr. Perry Elkins, the neighbor who spoke at the September 6, 2012 Commission meeting and some hours of operation for the church use were agreed on. The operation hours for the church include service times on Sunday morning (9:00 a.m. and 11:00 a.m.) and Sunday evening service two times at month (6:00 p.m.). In addition, the office hours for the church are set from 10:00 a.m. to 5:00 p.m. on Tuesday and Friday and Wednesday from 10:00 am. to 12:00 p.m. The facility will have operational hours at various other times including a Bible study and prayer time on Tuesday evening from 7:00 p.m. to 9:00 p.m., Wednesday from 12:00 p.m. to 2:00 p.m. and Friday from 6:00 p.m. to 9:00 p.m. Music lessons at the facility would be limited to Tuesday, Friday and Saturday between 11:00 a.m. and 1:30 p.m. There would be other various special events held throughout the year on a limited basis. In addition to the limited hours of operation proposed in this application the noise standards in the Zoning Ordinance apply to the site as well. In addition to the noise concerns expressed at the public hearing, there was concern from Commission that while the lack of off-street parking is not a problem at this time because of the availability of on-street parking that it could become an issue as the congregation grows. Based on the size of the structure and the limited toilet facilities the maximum occupancy at this time is approximately fifteen (15) people. The maximum occupancy of the building would significantly increase should additional restroom facilities be added. Staff is recommending the occupancy of the building be restricted to a maximum of fifty (50) people to reduce the potential

for parking and congestion issues to arise. Staff had previously recommended against this application due to concern of the potential impact on the surrounding neighborhood. With the conditions that are proposed regarding the hours of operation and restriction on the occupancy of the building staff is recommending approval of this application. Approval of this application will provide the opportunity for the productive use of this existing structure which could otherwise deteriorate and become a blight on the neighborhood. In addition to the religious services that are planned, the facility will provide a place for neighborhood serving activities. City Council approved an ordinance (GO 5882) in July 2010 to allow non-profit community centers as a conditional use within all residential zoning districts. At that time the amendment was processed to accommodate a youth facility near McGregor School to provide after school services. Staff recommends that City Council initiate a Zoning Text Amendment to better define a non-profit community center and to determine if off-street parking should be required for this use.

Mr. MacPherson concluded the findings for staff recommendation are as follows: The building is currently being used as a church which is illegal non-conforming because the off-street parking requirements are not met for the use. Approval of a non-profit community center use would permit the continued use of the structure for religious services. Other uses would also be permitted including social, educational and recreational activities. Approval of this request provides the opportunity for productive use of this existing building which could otherwise deteriorate and become a blight on the neighborhood. The proposed restrictions on the hours of operation and the occupancy of the structure will help to reduce the potential for negative impacts on the surrounding neighborhood due to noise, parking and congestion.

Mr. Hansen asked if this non-profit community center pay taxes.

Mr. MacPherson deferred the question to the applicant's representative.

Mr. Baird asked if there was a need for another public hearing or neighborhood meeting since these restrictions have been placed on the proposed facility.

Mr. MacPherson stated they require one (1) neighborhood meeting and if the proposed use were being expanded at the site, then they would require a second neighborhood meeting. But when City is further restricting what was originally proposed to, then there is not another meeting.

Mr. Lawhon opened the public hearing.

Mr. John Ross, 6505 Callie Road, Rogersville, 65714; commented he is representing his brother Robert Ross.

Mr. Hansen asked if whether this property pays property tax or not.

Mr. Ross stated they always have.

Mr. Edwards expressed his appreciation to staff and the neighborhood and the applicants for working this out. It was a pretty reasonable agreement that everyone has come to and it's nice to see flexibility on some of these buildings to get people in them and in use and if they are paying taxes all the better.

Mr. Lawhon closed the public hearing.

Mr. Baird motioned to **approve** Conditional Use Permit No. 399. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Ayes: Lawhon, Hansen, Roling, Baird, Coltrin, and Edwards. Nays: None. Abstain: None. Absent: McClelland, Ray, and Young.

OTHER PUBLIC HEARINGS:

2. The Frisco Redevelopment Plan (309 North Jefferson)

City of Springfield

Mr. Matt Schaefer stated the purpose of this request is to approve the Redevelopment Plan for the Frisco Redevelopment Area located at the northwest corner of North Jefferson Avenue and East Olive Street. The Frisco Redevelopment Corporation has filed an application requesting partial real property tax abatement pursuant to Chapter 353, Missouri Revised Statutes (RSMo) for a proposed redevelopment project. Mr. Schaefer reviewed the Urban Redevelopment Corporation Law. The application included a redevelopment plan, which the Springfield Planning and Zoning Commission shall review for conformance to the Springfield-Greene County Comprehensive Plan. The Frisco Redevelopment Area consists of a single 1.49 acre parcel that encompasses the site of the Landmark Building. The Landmark Building is a locally-designated historic site and is currently used as a multi-tenant commercial office building. For several years the building has had limited occupancy and is in need of major rehabilitation. The developer proposes to redevelop the Landmark into an affordable housing development that would be marketed to low income tenants. The Redevelopment Plan proposes to rehabilitate and convert the building into a 68-unit affordable housing development that will be known as the "The Frisco." The development will incorporate universal design in all 68 units, and will be entirely accessible to individuals with disabilities. The project will include community gathering spaces, an outdoor pool, and covered on-site parking in an adjacent garage. Exterior renovations will include tuck pointing the existing masonry and replacing doors and windows in accordance with the *Secretary of the Interior's Standards for Rehabilitating Historic Properties*. The Landmark Building was originally constructed in 1910 as the Frisco Office Building, which served as the Springfield communication and operations headquarters for the Frisco Railway. In 1966, the Railway relocated its offices to a new building (currently known as the Frisco Building on East Chestnut Street near US 65). The vacated building was later renamed the Landmark Building and has since served as a multi-tenant office building. The Landmark Building has had limited occupancy as an office building for several years and is in need of major rehabilitation. There is also a surface parking lot and a parking garage located within the Redevelopment Area containing a total of seventy-seven (77) on-site parking spaces. The exterior of the parking garage will be painted and the surface lot will be repaired and restriped. This project will be taking advantage of State and Federal Historic Tax credits, the building will be rehabilitated consistent with the Secretary of Interior Standards for Rehabilitation of Historic Property. The implementation of this Redevelopment Plan will facilitate the City in restoring a blighted historical landmark and filling a shortage of accessible housing by transforming the Redevelopment Area into an attractive location for low income tenants to reside. This will also help to create additional interest and activity in Greater Downtown. Additionally, the rehabilitation of the Redevelopment Area will increase the taxable revenues to the City, while placing a greater portion of Greater Downtown in congruence with the visions of the Center City Plan Element discussed above. Mr. Schaefer commented Staff supports this project added he is available for questions.

Mr. Hansen asked if all the units are low income or is it mixed.

Mr. Schaefer stated he believes it will be low income. The project will be utilizing low income housing tax credits and the Developers representative can elaborate further.

Mr. Coltrin said his question is directed more to the program this is working under and whether or not it allows for a mixing of incomes asking in general does Springfield have any facilities that have mixed income levels.

Mr. Schaefer commented he is uncertain and would have to check on that.

Mr. Lawhon opened the public hearing.

Ms. Sarah Wilson, 901 St. Louis Street, commented she is representing the applicant.

Mr. Hansen asked if all the units are going to be low income or a mixture.

Ms. Wilson stated that to her knowledge they will all be low income because with low income housing tax credits they are restricted for up to twenty-five years at those rates and that is something they work out with the Missouri Housing Development Commission.

Mr. Lawhon asked about the exterior renovation.

Ms. Wilson said they will be doing tuck-pointing and replacing the windows and doors in accordance to the historical standards to keep the historical nature of the building.

Mr. Lawhon asked if there is demand for this.

Ms. Wilson commented there is a demand study in the Developers Application and there is a need in Springfield for low income market housing.

Ms. Roling asked if there would be an on-site manager living at the facility.

Ms. Wilson stated that she understands there will be an office, but not certain if they will be there full time, but they can check into that and let them know.

Mr. Lawhon closed the public hearing.

Mr. Edwards motioned to **approve** The Frisco Redevelopment Plan. Ms. Roling **seconded** the motion. The motion **carried** as follows: Ayes: Lawhon, Hansen, Roling, Baird, Coltrin, and Edwards. Nays: None. Abstain: None. Absent: McClelland, Ray, and Young.

Mr. Coltrin asked Mr. Schaefer to find out if Springfield does have any facilities that have mixed income in it and also to see the State doesn't promote that in light of all the recent talk of diversity.

Mr. Edwards stated that the new Springfield Field Guide has in the housing chapter some information about that and which does look to promote diversity of mixed income housing through neighborhoods and developments and may be a resource to look at.

Mr. MacPherson stated that Mr. Schaefer will do some research and provide a memo to the Commission with his findings.

OTHER BUSINESS:

3. Initiate Zoning Text Amendments for the COM, Commercial Street District City of Springfield (City-Wide)

Mr. MacPherson stated that City Council approved General Ordinance 5879 in July 2012 for the purpose of establishing Use Groups within the Zoning Ordinance. As part of the ordinance that was approved to establish the Use Groups, several of the Zoning Districts were revised to strike individual uses that would be categorized with the new use groups. The intent was to maintain the uses that were already permitted in each district while providing more flexibility and a systematic approach for the assignment of future uses. It was recently discovered that prior to the approval of the use group amendment, restaurants, taverns and cocktail lounges were permitted in the CS, Commercial Service District and were removed as part of the text amendment. However, the Eating and Drinking Establishments Use Groups which permits these uses was inadvertently left out of the CS District. Staff is recommending Planning and Zoning Commission initiate a Zoning Text Amendment to add the "Eating and Drinking Establishments Use Group" as a permitted use within the CS, Commercial Service District. Approval of this request

will not amend the Zoning Ordinance, but only begins the process of review and recommendations by staff and Planning and Zoning Commission and City Council. Staff will return to Planning and Zoning Commission and City Council for a public hearing at a later date.

Mr. Coltrin motioned to **approve** to Initiate Zoning Text Amendment for the CS, Commercial Service District. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Ayes: Lawhon, Hansen, Roling, Baird, Coltrin, and Edwards. Nays: None. Abstain: None. Absent: McClelland, Ray, and Young

ANY OTHER MATTERS UNDER COMMISSION JURISDICTION:

There being no further business, the meeting was adjourned at approximately 9:55 p.m.

Michael MacPherson
Principal Planner

