

MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: October 31, 2013

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: Matt Edwards (Chair). King Coltrin (Vice-Chair), Jay McClelland, Jim Hansen, Tom Baird, and Gabrielle White; Staff in attendance: Bob Hosmer, Principal Planner; Ralph Rognstad, Director, Nancy Yendes, City Attorney; Dawne Gardner and Ron Colson, Public Works; Sandy Goddard, Administrative Assistant. Absent: Lawhon and Young.

ROLL CALL:

APPROVAL OF MINUTES: The minutes of October 3, 2013 were approved unanimously.

COMMUNICATIONS:

Mr. Hosmer requested that Subdivision Variance 345 be removed from the Consent Agenda to the public hearing agenda.

Mr. Hansen motioned to **remove** Subdivision Variance 345 from the Consent Agenda and move to a public hearing. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Ray, Baird, and Hansen. Nays: None. Abstain: None. Absent: White, Lawhon, and Young.

CONSENT ITEMS:

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| 2. <u>Relinquish Easement 796</u>
(3050 N. Kentwood Avenue) | <u>Glen44 Investments, LLC</u> |
| 3. <u>Acquire 500</u>
(3326 N. Farm Road 143) | <u>Springfield-Greene County Parks Dept</u> |
| 4. <u>Acquire 501</u>
(215 W. Plainview Road) | <u>City Utilities</u> |
| 5. <u>Brewery District Lofts Subdivision</u>
(500 blk W. Walnut Street & W. McDaniel) | <u>EMLOTT, LLC</u> |
| 6. <u>Planned Development 271 Amended FDP</u>
(3057 N. Fremont Avenue) | <u>Cameron Wells</u> |

Mr. Ray motioned to **approve** the Consent Agenda items. Mr. Baird **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Ray, Baird, and Hansen. Nays: None. Abstain: None. Absent: White, Lawhon, and Young.

V. PUBLIC HEARINGS:

1. Subdivision Variance 345 (2027 E. Sunset Street)

Blanca Roper

Mr. Hosmer noted that the applicant is requesting a variance from Section 410(6) (a) of the Subdivision Regulations so that a payment may be made in lieu of constructing a sidewalk along the frontage of Sheridan Avenue located at 2027 East Sunset Street. The required sidewalk would not connect to any adjacent sidewalks or pedestrian facilities. The cost is prohibitive because there are no curbs for stormwater and it would have to traverse existing ditches. Staff believes the sidewalk improvements can be placed in a more appropriate location. The sidewalk fees will go to a fund that will be used for future sidewalk projects benefiting elementary schools in the area. Staff recommends approval.

Mr. Kevin, Anderson Engineering, 2045 W. Woodland, commented he is representing the owner.

Mr. Edwards opened the public hearing. As there were no speakers, the public hearing was closed.

Mr. Coltrin motioned to **approve** Subdivision Variance 345. Mr. McClelland **seconded** the motioned. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Ray, Baird, and Hansen. Nays: None. Abstain: None. Absent: White, Lawhon, and Young.

Commissioner White arrived late.

7. Z-21-2013 w/Conditional Overlay District No. 65 (634 East Bear Boulevard)

Tan Bros, LLC & E & F Financial, Inc.

Mr. Hosmer stated the purpose of the request is to rezone approximately 0.75 acres of property generally located at 626 and 634 East Bear Boulevard from an R-HD, High Density Multi-Family Residential District and UN, University Combining Overlay District to a GI, Government and Institutional District; and establishing Conditional Overlay District No. 65. This will allow for the subject property to be redeveloped for multi-family development with an increased density. The accompanying Conditional Overlay District will require that at least eighty (80) percent of the normally required off-street parking and bicycle parking for this use be provided as off-street parking is not required within the GI District. The GI District does allow for non-governmental uses that are supportive of those uses, so an apartment complex would be supportive of the University near that location. The subject property is located at the southwest corner of Holland and Bear Boulevard, directly west of the Missouri State University (MSU) campus. The main focus of the proposed development is to provide student housing. The applicant proposes to provide a total of forty (40) units with a mix of 4 bedrooms, 3 bedrooms, 2 bedrooms, 1 bedroom and micro-efficiency units for a total of 77 beds. Based on the current requirements of the Zoning Ordinance, sixty-nine (69) off-street parking spaces would be required to serve the proposed development. The required parking could be reduced by up to ten (10) percent if additional bicycle parking spaces are provided. The intent of this proposal is to reflect the same off-street parking requirements as recently proposed for the micro-efficiency multi-family units and the UN, University Combining Overlay District proposal which is currently at City Council and has been tabled at this point. Under this proposal, approximately fifty (50) spaces would be provided. As a comparison, the existing zoning would accommodate the development of up to twenty-three (23) 4 bedroom units for a total of 92 beds on the subject property and only require the provision of 46 off-

street parking spaces. Approval of this request will provide for increased density with a more diverse mix of units within the development while still requiring sufficient parking. The subject property is within walking and bicycling distance of the MSU campus, the downtown area and bus stops. There is a good sidewalk system and marked bike routes in the area. An increasing number of students, particularly international students, do not own cars and live near the MSU campus. The reduction in space dedicated to parking allows more destinations to be built closer together and with a more active walking environment which further encourages walking and other modes of transportation such as transit and bicycling and reduces congestion on the roadways. The more these alternative modes of transportation are provided for and used the more they appear safe, convenient and popular for others and the demand for parking continues to decrease. Staff is recommending approval with the conditions as outlined.

Mr. Hansen clarified that the parking amendment ordinance has been tabled.

Mr. Hosmer said yes.

Mr. Hansen asked if they were voting for this request although it may not be lawful.

Mr. Hosmer said this is a Conditional Overlay District in which they are choosing to add this to the restrictions. The GI District doesn't have any parking requirements right now so GI parking is not something they would be required to do and so this overlay district would be putting more restrictions on them and having some parking restrictions and bicycle requirements. The applicant is imposing these restrictions on this property.

Mr. Hansen commented there will be fewer parking spaces than would normally be allowed on this.

Mr. Hosmer asked if it was left as a multi-family.

Mr. Hansen said yes.

Mr. Hosmer referred to the Comparison formula in the staff report and stated the applicant is proposing 50 parking spaces with this overlay district which the City believes is reasonable since the GI District does not have any parking requirements.

Mr. Hansen stated that they are adopting standards here that are otherwise tabled by Council.

Mr. Hosmer said the standard does not apply to the GI District; the applicant is putting the overlay district on it.

Mr. Hansen said he is speaking of the standards that apply to it as it is. We are going to reduce the parking requirement on these two lots from what they are now.

Mr. Hosmer asked if he meant if they were developed as multi-family or remained in the district, possibly.

Mr. Edwards commented Commission did the micro-efficiency parking amendment which is tabled at Council; would we be doing this now if that had gone through or would we be pursuing this under that original track of thinking.

Mr. Rognstad said we would not have to do it if that was approved by Council. We would add the overlay district because the Government Institution District does not require any parking so we have to have the overlay district and rather than spelling out the micro-efficiency in the overlay district we would just say that they would comply with the requirements of the Zoning Ordinance and they would have to meet at least eighty (80) percent of the parking. The University Combining District that we are also proposing to amend is how we would allow the reduction by twenty (20) percent instead of the normal ten (10) percent. In the University Combining District only works with multi-family districts, it doesn't work with Government Institutional District. We did tell the developer that the Micro Efficiency Dwelling Unit Text Amendments had been tabled at Council and if they go forward with this request and Commission approves this then Council may table it. The applicant does have the opportunity to do it this way and if he can make the case to Commission and Council that this case is unique and warrants this type of parking arrangement, and then he may be able to get it approved. Staff supported it because we supported the amendments to the text.

Mr. Hansen suggested that if Commission approves the request they are kicking it down the road to City Council.

Mr. Hosmer said for clarifications right now there are proposed changes to the UN District with the micro-efficiency parking and reducing the parking for that district. The applicant is not asking for that district; they are in that district right now. They are asking to be rezoned to GI, which currently does not have any parking requirements. Staff realized that this would be a multi-family development, and we would want to have some type of parking restrictions on the property and discussed an overlay district that would restrict the parking to some degree, so we mimicked and used what we were proposing at Council, so it's confusing because they are kind of back to back, but staff is choosing to take the wording they are using for the UN District proposal and applying it to the GI District Overlay District.

Mr. Hansen asked why the applicant needs the Governmental zoning then.

Mr. Hosmer commented that the GI zoning allows for non-governmental uses that are supportive; we have the University which needs supportive uses like housing, so those things are supportive in the GI District.

Mr. Hansen clarified that multi-family, high-density housing is allowed there now, so why go to the GI zoning.

Mr. Rognstad stated the density they are requesting is higher than what is allowed.

Mr. Hansen asked higher than high density.

Mr. Rognstad added it is because they are requesting the one-bedroom apartments; if they were going to stick with four (4) bedroom apartments and have the same number of beds, it wouldn't be as big an issue.

Mr. Hansen inquired about the number of dwelling units in the HD now and under the GI.

Mr. Hosmer reviewed the number of units and the parking requirements.

Mr. Hansen stated it seems to him they are going to increase the DU's to an unlimited amount and at the

same time limit the cutback on the amount of parking, cutting it to practically nothing; Mr. Hansen asked what uses were allowed in the GI.

Mr. Hosmer agreed the parking will be down to one space for the micro-efficiency.

Mr. Hansen clarified one or less.

Mr. Hosmer said what they are proposing with the overlay district would be one space for the one bedroom and the two bedrooms would be 1.5...

Mr. Hansen stated that the percentage of that is reduced with the bike racks, so it is less than one parking space per unit.

Mr. Rognstad discussed the number of units that could be built under the high-density.

Mr. Edwards opened the public hearing.

Mr. Joel Thomas, Bates & Associates, 433 W. Walnut commented he wanted to clarify the number of units; the parking would be well under what you would be providing with the GI. They are trying to get the density up with the GI District because they do not want to do all four (4) bedroom units. It has nothing to do with parking. They can get 116 beds in the space right now; they are only asking for 77 beds.

Mr. Edwards asked Mr. Thomas, referencing the amendment held up in Council, if this is why they have decided to go through the GI zoning; is that a result of that or was this something you had in mind before the amendment.

Mr. Thomas stated the results of the GI were for the density.

Mr. Hansen asked Mr. Thomas about the number of dwelling units as the zoning is today and parking spaces allowed asking how it would change if the zoning was approved to GI.

Mr. Thomas said if they did the GI, they would get much more variety in the number bedrooms of the units. To get more beds for fewer spaces you go with four (4) bedroom units, but they do not want to go that way, they want a mix on the space. With the GI, they could put a business or a bank on there, but they are looking to have a conditional overlay that lets only residential be place on it.

Mr. Hansen commented they have to look at the most intense use a property can be used for.

Mr. Hosmer commented that for clarification as part of the Conditional Overlay District conditions on number two (2) of the staff report, that if any other use other than the residential uses there would be a traffic study required and can be added not to allow the other uses in the GI District which have retail and other uses listed.

Mr. Dwayne Fulk, 3134 S. Arcadia Ave, Springfield stated he is speaking on behalf of several neighboring property owners, developers who have developed similar projects in this area even recently; there are six (6) of them. They want to go on record saying they are not opposed to this development in general, but they are opposed to this request and some of those reasons have been voiced this evening. The fit

doesn't seem appropriate for a private developer to have GI zoning. It has been referenced that certain services are appropriate however within the zoning code it says those have to be necessary services and it's already been pointed out it is not necessary to have GI zoning to have housing. GI zoning requires all off-street parking lots and vehicular use areas to be screened from all residential uses. So in essence you would have to have a screen between the parking lot for this building and the residence itself. It also requires all lighting to be designed to reflect away from adjacent residential areas so it is not a good safety situation. The parking in fact is just seventy-two (72) percent of what's required; instead of sixty-nine (69) it's fifty units that's compounding the ten (10) percent reduction for bicycle racks that exist currently and it's already been pointed out the additional ten (10) percent reduction proposed to Council and the additional reduction in the micro-units proposed to Council as well. Those bills have been tabled and so this is another way around that. It has been lost in the shuffle here that there is also a redevelopment plan that Commission approved and has been tabled at Council as well and that doesn't call for any rezoning, it calls for a variance request based on these same issues. Mr. Fulk noted the overflow parking would obviously be a burden on neighbors including the folks he represents on the University and potentially on the City as well. Studies and experience show that the vast majority of students own vehicles and his clients would say that their parking lots are always full. There is a legality issue here; obviously the developer can't control who applies or who rents or whether they bring a vehicle. Fair housing laws prohibit discrimination on the basis of race, color, national origin, religion, sex, family status or disability, even preferential treatment so there is a reverse discrimination issue there as well. Mr. Fulk commented he would encourage Commission for these reasons, because better methods currently exist, including the redevelopment plan in the City Council Bills, to vote against this proposal.

Mr. Baird clarified that Mr. Fulk stated he represented some of the surrounding developers and neighbors as well or just the developers.

Mr. Fulk stated owners of neighboring properties and they are all developers.

Mr. David Embree, 626 East Monroe, Springfield commented he is with Christian Campus House stating they have owned property at 622 East Monroe since 1986 and have purchased property down to 606 E Monroe. He is representing the non-developer neighbors. The concerns are the permeable surfaces; the proposal seems to minimize permeable surfaces. It seems fifteen (15) percent green space would push even more water onto the streets. There are serious runoff issues; the water reaches the top of the curbs. There is no parking on Holland or Madison or Harrison. The apartments under construction at Kimbrough aren't completed and already there is parking non-stop all the way down to Jefferson. There is no overflow parking on the streets, it simply does not exist. We would like the trees to remain if possible. After surveying two classes of students, mostly freshmen, sample size of 40, only three (3) did not have their own cars (1 international student). Only three (3) knew anyone who lived off-campus in a house or apartment where no one had a car and only three (3) knew another student who lived off-campus who used a bicycle exclusively. The most substantial complaint was during attempts to visit friends there is no parking available. Other concerns are the developer is not a long-term management company. Why should neighbors need to make sacrifices to enable a development which is purely about the profit margin? Why should some developers get government preference over others? The need for GI is questionable. Mr. Embree stated he is available for questions.

Mr. Edwards closed the public hearing.

Mr. Edwards commented he is personally uncomfortable with the situation based on Council's decision to

table previous work in this direction. Commission always look to Council for direction on things like this to give us an idea of what they are thinking and if they are thinking "we don't know yet", then Mr. Edwards stated he is dubious about pushing forward with anything with further density. Mr. Edwards stated he is concerned about the precedent that Commission will set here if this is approved that we find all sorts of new ways to skirt around zoning situations by getting creative and if there is one thing he has learned, getting creative makes a mess down the road.

Mr. Baird asked staff if any other developer been able to get zoning changed to GI in this area or is this first request of this sort.

Mr. Hosmer stated this is the first that he is aware of. The GI was changed in 2008 to allow multi-family and general retail so this is the first.

Mr. Baird asked if there are any restrictions that prevent anyone from trying to get the GI zoning.

Mr. Hosmer stated no; staff needs to revisit the GI District and look at the provisions where we allowed multi-family and retail uses without consideration for parking and density and intensity.

Mr. Baird stated he too is uncomfortable with this however he will say that infill, especially in this area, is becoming more prevalent and is something that needs to happen for the University and the community to continue to grow. It seems more of the students that would be on the campus would have to walk farther to class each day than they would to one of the parking garages to the north or south so he is a little less concerned about the parking issue and more concerned about if they are setting a precedent here and moving forward with Council having something on their plate as well.

Mr. Hansen stated he too agrees about setting a precedent of skirting zoning requirements by changing zoning particularly to change it to a more intense use without the limiting factor of something spelled out in the conditional overlay. The sky is the limit on what could be put on this with a GI zoning. With the parking question of where there could be business and at the same time reduced parking spaces, it would seem to be compounding the intensity of the GI, and added he is not in favor of the request.

Mr. Coltrin expressed he believes they need to work as much as possible on the infill cases to make certain they can utilize land, but at the same time when you look at the films that were put on the screen and look at the streets and the cars parked there on a daily basis, clearly there is not an abundance of available overspill parking for something like that to occur. He understands why Council has tabled something to take a deeper look and is inclined to agree that this may not be a good time to run another case through with a smaller parking requirement.

Ms. White asked staff about the code that allows for four bedroom units with fewer parking spaces; the density is there any intent on staff's part to look at that issue as well. It does seem somewhat incongruent when you start talking about putting four (4) bodies in a room and not requiring four (4) parking spaces. Ms. White added she understands that it is the way it's written, but wondering if that's necessarily fair to any developers. Ms. White stated she has lived in this neighborhood and a lot of this parking we see on the street is there because the University requires students to pay for parking and so if one has to pay money for parking or can find street parking for free, as a student that's sort of an incentive. It is a little misleading to look at that parking situation and say this is the way it is because there are no other alternatives and students have the opportunity to park in campus buildings, but there is possible other

alternatives that just looking at the street parking as their only option and it may be their choice to park there as opposed to other choices available to them because they don't have to walk as far in the rain or carry their book bag as far; but you can't look at a picture of parking and see that as the only position and development in the infill student area is very important.

Mr. Coltrin commented that parking is not the only issue, and added he does understand he cannot control where those people park. They cannot be forced to go to a parking garage because they are a student and they should park in the parking garage so the existing condition has to be dealt with in this situation. In not wanting to make something worse, he is aware that tomorrow that condition is not going to change regardless of what Commission does tonight; those cars will still be parked there tomorrow. Whether they should be or not, that's a whole separate issue and whether or not the City can do anything about that is their issue. If I put more housing in there with no place for parking, it will make the situation worse.

Mr. Rognstad commented that the University has a pilot program going on currently where you can get a twenty-four permit, but they don't know how long that will last so they did not want the City to take that into consideration. In using the GI zoning for apartments, Commission needs to consider this is a different type of model of multi-family and what we see in other areas and we don't address it based on beds, we've always addressed it based on bedrooms with the idea that you generally have a larger family who would rent a larger apartment with more bedrooms. This model has been around for just a few years and we may need to look at how we accommodate this model so that you can have more units but you can't necessarily have more bedrooms. As noted, you could have a lot more bedrooms than you could have units, so we need to look at how we address that. By putting the parking requirement in the overlay district, even though there is no density requirement in the GI in the way you're placing a density limit because they have to provide the parking and at some point they would have to build a parking deck if they wanted to go higher, there is a limit. Staff believes that moving as many people as close to the campus as possible is a good thing so they can walk to class and not have to travel and reduce congestion on the streets. We believe there is a trend for fewer students to have cars and how far that trend will go is anybody's guess. We don't have any data to say this is where it's going. We believe if you have these units close to the campus then there will be people who will make that choice not to have a vehicle and go to school. We don't believe we are skirting the zoning ordinance by allowing them to go to GI partly because it's GI across the street. If they were four blocks away to the west in the middle of the RHD and they wanted to do the GI, we would not recommend the GI because it's right adjacent to the university. Part of the reason for putting the Commercial and Residential into the GI was to allow where the edge could move around and you would have this blending of uses next to these high intensity areas because it may not be appropriate to zone property to a residential district, it may make more sense next to a Governmental Institution area to have the GI zoning.

Mr. Hansen motioned to **approve** Z-21-2013 w/Conditional Overlay District No. 65. Mr. Baird **seconded** the motion. The motion **failed** as follows: Ayes: None. Nays: Edwards, Coltrin, McClelland, Ray, White, Baird, and Hansen. Abstain: None. Absent: Lawhon and Young.

8. Planned Development 344
(934 E. Webster St.)

Timmons Temple Church of God

Mr. Hosmer noted that the applicant has requested this item be tabled to the December 5, 2013 meeting.

9. Conditional Use Permit 406
(1543 West Republic Road)

Greg Jacobs

Mr. Hosmer stated the purpose of this request is to approve a Conditional Use Permit to allow an automobile service garage within a GR, General Retail District. The site is part of a larger tract of land that is developed with a commercial vehicle training center to the west. Staff recommends approval of this application for the following reasons: The subject property is surrounded by James River Freeway to the north and east and other non-residential development to the south and west. The proposed use is compatible with the existing non-residential development already existing nearby. The subject property is located along Republic Road which is classified as a primary arterial roadway, which is an appropriate location for the proposed use. Access to the site is provided from Republic Road and Kansas Court to the west. The proposed driveway on Republic is required to line up with the existing driveway to the south. Staff has reviewed the applicant's request for a Conditional Use Permit and has determined that it satisfies the standards for Conditional Use Permits outlined in Section 3-3310 of the Zoning Ordinance.

Mr. McClelland asked about the sanitary sewer connection and who would extend the utility, the developer or the City.

Mr. Hosmer stated the developer would do that as it is one of the requirements outlined in the conditions for the Conditional Use Permit.

Mr. Edwards opened the public hearing.

The applicant/representatives were not present and there were no speakers to the issue.

Ms. Yendes noted that since the applicant is not present, under Commission Rules of Procedures, Commission can continue the public hearing to the next scheduled meeting. Normally we don't vote on something unless the applicant is present. That way if the applicant does show up, they will have an opportunity to speak and the request can be voted on at that time.

Mr. McClelland motioned to **continue** Conditional Use Permit 406 to the November 14, 2013 meeting. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Ray, White, Baird, and Hansen. Nays: None. Abstain: None. Absent: Lawhon and Young.

10. Energy Place Subdivision
(3809 E. Energy Place)

Joe Manzardo

Mr. Hosmer stated the purpose of this request is to approve a preliminary plat to subdivide 11.5 acres into a two (2) lot subdivision, including a subdivision variance for a fee in lieu of constructing sidewalks located at 3809 East Energy Place. The existing use is an asphalt and striping business and they are proposing additional uses for manufacturing uses when they subdivide the property. The applicant is proposing a two (2) lot manufacturing subdivision that will create an additional developable lot in Partnership Industrial Center. Planning and Zoning Commission is given authority to review whether the subdivision variance for a fee-in-lieu of constructing sidewalks can be granted. The applicant is requesting a subdivision variance to pay a fee-in-lieu of constructing sidewalks along Le Compte Road and Energy Place (approximately 1,390 linear feet). The sidewalk fees will go to a fund that will be used for future sidewalk projects benefiting elementary schools in the area. Staff supports the requested variance (Attachment B). If Planning and

Zoning Commission approves the preliminary, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.

Mr. McClelland asked about the applicant's response on Attachment B of the Staff Report, stating that no sidewalks were required relating to this lot. Traffic Division comments the fee in lieu of sidewalks is \$20,850.00 stating he does not believe in his opinion that is a fair assessment.

Ms. Yendes stated there were plans of a walking track when the plat was first done and then when it came back Council excused that requirement, and since then we have had the sidewalk ordinance passed for a fee in lieu of if you don't build the sidewalk, so when this was originally platted just like many places in town, those was no requirement for a fee in lieu of when it was waived. The rules have changed.

Mr. Coltrin asked if there have been communications with City Utilities about not having the sidewalk because it has been mentioned recently that the biggest mistake they have made in the Industrial Park was not including sidewalks because the people want to get out and walk and they have nowhere to go.

Ms. Yendes stated that she is not certain that this request addresses that particularly, but in the next item on the agenda is the sidewalk changes amendment and she believes that if those go through, fee in lieu's can be used anywhere in the Council Zone. It does not have to be used next to a school, so there is a possibility that some of these of sidewalks will be built where there are adults who walk.

Mr. Rognstad stated the issue has been more on the eastern end of the property.

Mr. Geoffrey Butler, 319 N. Main, stated he is representing the applicant. The sidewalk is one of the key issues of why they are at Commission, adding they could split this lot administratively, but they want to take this to Commission and Council to address the sidewalk issue for the simple fact that the waiving of the sidewalk occurred when this was originally platted and actuality this property is entitled to not have sidewalks. Just because they want to make two useable pieces out of it, because of the drainage easement down the middle of it, it can't be used as one property. So what they have is one usable piece and then an empty piece and so the idea is to split it up and do it. But then the sidewalk comes up and if they did it administratively there would be no option, you build the sidewalks. If you looked down LeCompte it is virtually impossible to build them. Going up Energy Place is a cul-de-sac so that would be a sidewalk to nowhere. Mr. Butler stated they propose to subdivide the property, not put the sidewalks in, but they also feel they should not have to do the payment in lieu of, and that is what they will be asking Council for is to acknowledge the special ordinance that was passed when this thing was platted that waived not only the construction of the sidewalks, but any costs for the sidewalks. Since that date, yes, Commission and City Council have adopted ordinances that allow you to do the payment in lieu of sidewalks, but these sidewalks were waived long ago. We will ask Council to waive the fee. We are asking Commission to approve the payment in lieu of.

Mr. Coltrin clarified that Mr. Butler would like Commission to approve him to move on so he fight his battle with Council.

Mr. Butler said that is correct.

Mr. Edwards closed the public hearing.

Mr. McClelland motioned to **approve** Energy Place Subdivision. Mr. Baird **seconded** the motion. The

motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Ray, White, Baird, and Hansen. Nays: None. Abstain: None. Absent: Lawhon and Young.

11. WC-1 Changes Zoning Text Amendment
(College Street)

City of Springfield

Mr. Hosmer commented the purpose of this request is to amend *Section 4-2900, WC, West College Street District*, specifically *Section 4-2902, WC-1, Mixed-Use Sub-area*, of the *Springfield Zoning Ordinance* to clarify uses and add a new use. On September 9, 2013, City Council adopted three ordinances (General Ordinance Nos. 6077 and 6078 and Special Ordinance No. 26306) that modified the zoning regulations, as well as approved a redevelopment plan and certain financial incentives to encourage and facilitate redevelopment along the section of West College Street between South Grant Avenue and South Kansas Expressway. Subsequent to the adoption of the WC District, staff has determined that some “clean-up” is needed within the District, specifically within the WC-1, Mixed-Use Sub-area, to clarify the intent of the ordinance. Staff is also recommending that an additional use be included within the District. The following is a summary of the recommended changes:

“Automobile Service Garages, including body and fender repair and paint shops if a legally conforming use at the time of the passage of this ordinance provided a Conditional Use Permit is obtained for any expansion of the structure for said use.” This change is to clarify that a Conditional Use Permit is required only when there is an expansion of the structure involved with this use and not just an expansion of the business within the existing structure. This proposed change is to clarify that the design requirements are only applicable on new structures and existing structures are not required to meet this requirement. “Any establishment which provides supplies and/or services such as janitorial services, sign shops, packaging or shipping service, locksmith or printing, lithographing, engraving, photocopying, blueprinting, publishing and binding establishments provided there is no outdoor storage of equipment, materials or commercial vehicles.” Staff believes this would accommodate small scale uses and that would be appropriate and would not adversely impact the surrounding property. Staff recommends approval.

Mr. Edwards opened the public hearing. As there were no speakers to the issue, the public hearing was closed.

Mr. Hansen motioned to **approve** the WC-1 Changes Zoning Text Amendment. Mr. Coltrin **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Ray, White, Baird, and Hansen. Nays: None. Abstain: None. Absent: Lawhon and Young.

12. Sidewalks, Traffic Studies, FAR & ROW Zoning & Subdivision Text Amendment
(City-Wide)

City of Springfield

Mr. Hosmer stated this is a request to amend *Sections 4-1000 through 4-2000 and 4-3000 through 4-4400, District Regulations*, and add a new *Section 5-3100, Sidewalks/Pedestrian Walkways*, in the *Springfield Zoning Ordinance*; and amend *Sections 303, 403 and 410* of the City's *Subdivision Regulations* to address sidewalk, traffic studies, floor area ratio and right-of-way dedication requirements. In response to comments from the development community, staff reviewed the Zoning Ordinance and Subdivision Regulations and determined that changes were needed to streamline the process on sidewalks, traffic studies, floor area ratio and right-of-way dedication.

The development community as well as staff identified the following concerns regarding current development regulations for sidewalks, traffic studies, floor area ratios and right-of-way:

***Sidewalks –**

Currently, sidewalks can only be required at zoning/subdivision

Public Improvement Plans are required for sidewalks

Request to pay fee in lieu of construction of sidewalk must go to Planning and Zoning Commission

***Traffic Studies –**

Currently, traffic studies can be required at zoning when intensity is increased above 1,000 trips per day or for a Planned Development District.

Studies are based on highest most intense use permitted in the zoning district, not the actual use

Traffic studies may be costly and can take additional time especially before a developer knows what the actual use will be

***Floor Area Ratio & Building Coverage –**

Currently, the FAR and building coverage requirements are covered with other bulk, area and height requirements. The bulk plane, height, bufferyards, open space and off-street parking requirements dictate the size and height of buildings and cover the FAR and building coverage requirements. The FAR and building coverage duplicate these other requirements and do not provide any additional protections to the public.

***Right-of-Way –**

Subdivision Regulations require the dedication of a set amount of right of way at subdivision. There is no set amount of right-of-way required at zoning.

One size does not fit all

If less is acceptable based on need, a subdivision variance must be submitted to Planning & Zoning.

The development review group studied these concerns and offered possible changes. Staff has prepared proposed amendments to the development regulations to address these issues. Staff is recommending approval.

Mr. Hansen clarified that the FAR is to clean up things that are already addressed in other parts of the ordinance and asked for a more specific explanation about the sidewalks and what it does relative to Planning and Zoning.

Mr. Hosmer said correct.

Mr. Hosmer said yes adding that it changes the timing of when sidewalks are required. Currently, the Subdivision Regulations require it to be built with the subdivision and many times when development takes place there are heavy trucks that drive over the sidewalks and tear them up. At the time of development, we are going to require that sidewalks be built and go through the building process and not through the subdivision process so when they pull a permit and get ready to construct, then a sidewalk could be built at that time.

Mr. Rognstad stated in a lot of cases they could escrow them for three (3) years; to clarify, it does not mean they would never build sidewalks with the subdivision; it's only if there are no new streets involved in the subdivision. If there are new streets involved in the subdivision then they are required to either build the sidewalk or they can escrow it for the three (3) years and of course you can extend that. One of the big changes is this would also catch people who are building in existing lots and they would have to be building

sidewalks so we will be getting more sidewalks.

Mr. Edwards opened the public hearing; as there were no speakers to the issue, the public hearing was closed.

Mr. Hansen motioned to **approve** the Sidewalks, Traffic Studies, FAR & ROW Zoning & Subdivision Text Amendment. Mr. Baird **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Ray, White, Baird, and Hansen. Nays: None. Abstain: None. Absent: Lawhon and Young.

There being no further business, the meeting was adjourned at approximately 7:41 p.m.

A handwritten signature in black ink, appearing to read 'Bob Hosmer', with a long horizontal flourish extending to the right.

Bob Hosmer, AICP
Principal Planner

