MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: January 9, 2014
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), Jim Hansen, Jay McClelland, Jason Ray, Tom Baird, Shelby Lawhon, and Gabrielle White; Staff in attendance: Bob Hosmer, Principal Planner; Nancy Yendes, City Attorney; Matt Schaefer, Planner, Economic Development, Dawne Gardner and Ron Colson, Public Works; Sandy Goddard, Administrative Assistant. Absent:

ROLL CALL:

APPROVAL OF MINUTES: The minutes of December 12, 2013 were approved unanimously.

COMMUNICATIONS:

None.

CONSENT ITEMS:

1. Acquisition 503 — Springfield Public Schools
   (1030 North Cedarbrook Avenue)

Mr. McClelland noted that the address for this case is incorrect and will be changed by staff.

Mr. Hosmer noted that the address should be 1030 "North" Cedarbrook.

Mr. Lawhon motioned to **approve** the consent agenda item Acquisition 503. Mr. Baird **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Hansen, Ray, Baird, Lawhon, and White. Nays: None. Abstain: None. Absent: Young.

PUBLIC HEARINGS:

2. Planned Development 345 — Mark Coburn
   (1735 South Kansas Expressway)

Mr. Hosmer stated the purpose of this request is to rezone approximately 0.89 acres of property generally located at 1735 South Kansas Expressway from Planned Development District No. 46 to Planned Development District No. 345 for the purpose of adding, new and used motor vehicle rental establishments, as a permitted use. Mr. McClelland pointed out that the address should be a Sunshine address, so staff will verify that information. The rental car use will be limited to administrative functions relating to the rental car business, drop off and pick up of rental cars, and on-site parking for not more than ten (10) rental cars and vans. No vehicle fueling, washing, maintenance, other related service functions or outdoor loudspeaker paging systems are allowed. The rental cars have a designated parking area on the site as shown on Exhibit 2. The available parking on the site must accommodate the existing businesses on-site as well as the extra spaces needed for the rental cars. The site has a total of fifty-two (52) parking spaces and the current uses on site require 38 parking spaces. There are ten (10) additional spaces designated for the parking of the rental cars. It is important to note that the provision of spaces for the parking of rental cars may impact the ability for future uses to locate in the shopping center because the required parking may not be adequate for uses that require more off-street parking. Staff recommends approval.

Mr. Hansen expressed concern about new occupants moving into the other structures will have an agreement with this property.

Mr. Hosmer noted that should the property change hands, they will have to have an occupancy permit and abide by the parking standards for the new use.

Mr. Edwards opened the public hearing.

Mr. Jarod Michael, 433 West Walnut, stating he is available for questions.

Mr. Edwards closed the public hearing.

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

3. Conditional Use Permit 407 — B&S Investements, LLC
   (1108 East Walnut Street)

Mr. Hosmer stated the applicant is requesting approval of a Conditional Use Permit to allow a restaurant at 1108 East Walnut Street within the Walnut Street Urban Conservation District No. 1 West, Area A. This will facilitate reuse of the existing structure for a restaurant/bakery business that will also cater which is permitted with other restaurants. The applicant will be required to widen the public alley between the rear driveway and National Avenue to accommodate two-way vehicle traffic on the site, making improvements along the alleyway to their property. A cross access agreement and parking agreement must be executed across the properties at 1108 and 1112 to allow the existing access and off-street parking spaces to be shared. The site plan shows some shared parking arrangements in this location and that would be required as far as these conditions. Staff has reviewed the applicants request for the Conditional Use Permit and has determined that it satisfies the standards as required by Code. Mr. Hosmer noted he handed out some changes per the applicant, Attachment 2, asking to remove item six (6) which would have required an access agreement off the driveway and having the driveway labeled as an entrance only or exit only. Since this property is not a part of this Conditional Use Permit, staff did not think it was appropriate to have that put on the property to have to have an access agreement to the adjacent property, so it was removed and the site plan shows that change. Staff recommends approval.

Mr. Hansen asked if the driveway access from Walnut will be up to the owners. The alley improvements need to be brought up to twenty (20) feet asking if it was possible to do that. There are major utility poles in the alley. Would they have to be moved.

Mr. Hosmer stated that is up the owners; the City would not require that as a condition and yes the twenty (20) feet is correct. Referring to the overhead display, Mr. Hosmer pointed out the twenty (20) foot right-of-way and will have to have some infill along the route to the Hardee's property. They would not have to move the utility poles, they would pave around them.

Ms. Gardner stated that is normal practice for an alley. They are an exception to the normal street width and realize they have been around for a long time and there are utility poles in place so we work with developers to go around utility pole.

Mr. Edwards opened the public hearing.

Mr. Chris Ball, 444 S. Campbell, stated he is representing the applicant. The house will be occupied as a commercial bakery on the main floor and a residence on the second floor, the bakery being the Conditional Use Permit. It is not strictly a catering business, it is a current established business in the City that is relocating. An agreement has been reached regarding the drive and the parking with the adjacent property owner who is also the seller and they can work out the other drive independently. There are minor obstructions in the alley, which is already paved, but they will be filling it out as best they can all the way to National.

Mr. Baird asked if that was left up to the owner or the City to inspect the fill after it is done and say it is good.

Mr. Ball stated it will be surveyed and the construction documents will be based on that survey and then that will be submitted with the permit drawing so the City will have a chance to review it both in traffic and planning and make certain it meets the expectations as best as they can. They will fill it out to the full twenty (20) foot easement wherever they can.

Mr. Edwards closed the public hearing.

Mr. Baird asked staff if it is standard practice to have a developer widen a street beyond their property boundary.

Ms. Gardner said it is if they are using that for their primary circulation, it is standard practice to widen beyond their property.

Mr. Lawhon motioned to approve Conditional Use Permit 407 without condition six (6) on Attachment 2. Mr. McClelland seconded the motion. The motion carried as follows: Ayes: Edwards, Coltrin, McClelland, Hansen, Ray, Baird, Lawhon, and White. Nays: None. Abstain: None. Absent: Young.

4. <u>Conditional Use Permit 408</u> <u>EMMLOTT, LLC</u>
   (507 West Walnut)

Mr. Hosmer said the purpose of this request is to allow a Distillery use at 507 West Walnut Street within a CC, Center City District. 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. Hosmer stated he is available for questions.

Mr. Hansen asked if this property has come before Commission before.
Mr. Hosmer stated it is part of the Brewery Lofts development.

Mr. Edwards opened the public hearing.

Mr. Jarod Michael, Bates and Associates, commented they are doing the project and designed the Brewery Lofts next door as well. This has come up for a separate issue; this piece of property itself is part of a re-plat with the other adjacent properties as well. This will be a separate development from the Brewery District Lofts Project. It is by the same owner, but a separate project.

Mr. Hansen clarified that the loft complex will be build to the west of this, but a separate development.

Mr. Michael said yes.

Mr. Edwards asked if they will be working with the Brewery on this or is it totally separate business.

Mr. Michael said it would be a separate business; they have already been service spirits to Southwest Missouri for several years so they are now getting their own place. The name is Missouri Spirit House and they will have a serving and tasting room.

Mr. Edwards closed the public hearing.

Mr. Hansen motioned to **approve** Conditional Use Permit 408. Mr. Baird **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Hansen, Ray, Baird, Lawhon, and White. Nays: None. Abstain: None. Absent: Young.

5. <u>Redevelopment Plan "The Q Place" Student Housing Redevelopment Area</u>
(626- 634 East Bear Boulevard) <u>Miller Commerce, LLC</u>

Mr. Schaefer stated earlier this fall, in October, there was a plan for "The Q" Student housing Redevelopment area which was Commission recommended approval of that plan. The Plan was scheduled to proceed to City Council for the October 21, 2013 Council meeting and prior to the meeting it was removed from the agenda because there was inconsistencies within the Plan pertaining to the proposed zoning. The Plan stated that no new zoning would be proposed for the Area and that the developer intended to apply for a zoning variance to the project's off-street parking requirements. However, instead of pursuing a variance, the Developer submitted a request to rezone the Area from R-HD, High-Density Multi-Family Residential District, to GI, Government and Institutional Use District, (Z-21-2013 CODF #65) in order to allow for reduction in the number of off-street parking spaces. Commission recommended denial. The developer has decided not to pursue an appeal on the rezoning instead has amended the redevelopment plan and has submitted it under a new name which is "The Q Place" Student Housing Redevelopment Plan. The Plan addressed the aforementioned inconsistencies by stating no new zoning is proposed for the Area and the any new zoning that might be sought for the Area will be consistent with the Plan. The Plan also increases the project's density from 90 residents to 116 residents. It will still be a twenty-nine (29) unit development, with a mixture of one (1), two (2), and four (4) bedroom units also some micro-efficiencies and more accurately describes the way the leases are arranged currently for the existing structures. Staff supports the plan and recommends approval.

Mr. Hansen asked about two houses to the west he thought were included in the outline of the plan.

Mr. Schaefer stated it only includes just the two multi-family structures that are shown on the graphic which is the same as the previous proposal.

Mr. Hansen asked about the current parking on this property.

Mr. Schaefer stated the current parking requirement is if it is two (2) bedrooms or higher, there are two parking spaces per unit and that is 1.5 parking spaces per unit if it's a single bedroom or an efficiency unit. The Developer will be working within the limitations of the zoning.

Mr. Hansen clarified there will be no discounts or coupons…

Mr. Schaefer noted there is a Text Amendment that may be going forward to allow for reduction in the parking requirements in the University Combining District and that would drop it to one (1) parking space per unit for single bedrooms.

Mr. Hansen asked if that was the amendment they had reviewed previously.

Mr. Edwards clarified that the amendment is held up at Council currently.

Mr. Hosmer stated it goes to City Council on the 13th of January; Monday evening's agenda.

Mr. Schaefer stated that if the amendment passes then the developer will be able to develop in accordance with that, but if not, then the developer will still work within the limitations of the ordinance.

Mr. Hansen stated that will be 26 more people with the possibility of cutting the parking requirement by twenty (20) percent.

Mr. Schaefer stated thirty-three (33) percent for the efficiency units; the two spaces per unit for the two (2) bedroom or greater would remain the same.

Mr. Hansen discussed the two (2) bedroom apartments in ratio to the micro-efficiency units asking if Mr. Schaefer knew what the ratio would be.

Mr. Schaefer clarified if Mr. Hansen was asking about the mix of units, he would defer the question to the developers representative for an answer. But if you are going to have a mix of two (2) bedroom and four (4) bedroom units along with efficiencies and single bedrooms, your overall parking requirement ratio would be lower than two (2).

Mr. Hansen stated there is no stipulation in this proposal that would require them to do two (2) bedroom apartments, they could do them all in micro-efficiencies units.

Mr. Schaefer stated yes they could if they wished. The Plan does contemplate that it would be twenty-nine units and it would have a mixture of efficiencies, single-bedrooms, two (2) bedrooms and four (4) bedrooms.

Mr. Hansen stated that if they approve this request, then when it goes to Council it would have to have twenty-nine units.

Mr. Schaefer commented that is what the plan specifies, so if the plan is approved and the developers goes to develop it would be the expectation that they would develop it in accordance to that plan when they go to apply for abatement from the Land Clearance for Redevelopment Authority.

Mr. Hansen stated he would be in favor of this development if it will be twenty-nine units, but if there is an indication that it could be lots more units, then he would be concerned about it.

Mr. Schaefer noted that the underlying zoning is ultimately going to control the density on that project. It will have to comply with the High-Density Residential zoning district so it will have that sealing, but the plan itself is talking about twenty-nine (29) units.

Mr. Hosmer commented that it could potentially have quite a bit more than what the parking is going to dictate some of the scale backing of the apartments and other site development.

Mr. Hansen stated that is his concern that if you are increasing the amount of residents on this property you have to put them somewhere so where does that room come from, it will come from the parking and he is nervous that they are going to put twenty (2) percent more residents in there and cut the parking by thirty-three (33) percent. Mr. Hansen said that doesn't seem constructive to him; that seems like a recipe for parking problems.

Mr. Hosmer commented a memo went to Council proposing to look at this issue in a year or two and revisit the efficiency parking and if there are any problems that arise from this type arrangement, adjustments and corrections would need to be done. Mr. Hosmer briefly discussed studies from other cities with these type of arrangements.

Mr. Hansen commented he anticipates looking at this in a year or two and seeing the issues this has caused.

Ms. Yendes noted there is a resolution on the Council agenda Monday night directing the City Manager to report back to Council in two (2) years with whatever impact the micro-efficiency change in parking has throughout the City.

Mr. Edwards opened the public hearing.

Ms. Sarah Wilson, Husch Blackwell, stated the number of units they are currently planning is twenty-six (26) units, with four (4) of those being the one bedroom micro-efficiency apartments. As Mr. Schaefer noted, if they want to quality for tax abatement with the plan, they cannot have any more than twenty-nine (2) units so if they went about that, they would not longer qualify for the tax abatement, which is why they submitted a new plan.

Mr. Edwards closed the public hearing.

Mr. Hansen expressed his concern about reducing the parking requirements on this student housing around MSU. It's obvious to anyone who travels around or through the area that parking is a issue.

Mr. Lawhon expressed his concern about this issue as well, but considers this as an experiment with the new type of housing arrangements and parking requirements for it; it's going to be reviewed in two years and we will be able to see then if Commission's decision was the correct one or not.

Mr. Hansen motioned to **approve** the Redevelopment Plan "The Q Place" Student Housing Redevelopment Area. Mr. Lawhon **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Hansen, Ray, Baird, Lawhon, and White. Nays: None. Abstain: None. Absent: Young.

ANY OTHER MATTERS UNDER COMMISSION JURISDICTION

Elections

Mr. Edwards asked for motions for nominations for Chair person.

Mr. McClelland nominated Tom Baird for Chair. Mr. Hansen seconded the motion.

Mr. Lawhon nominated Matt Edwards for Chair. Mr. Ray seconded the motion.

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

Lawhon, Ray and Coltrin voted for Matt Edwards. Mr. McClelland, Mr. Hansen and Ms. White voted for Tom Baird.

Mr. Hosmer called the vote 4/2 in favor of Mr. Edwards.

Mr. Edwards asked for motions for Vice-Chair.

Mr. Lawhon nominated Tom Baird. Mr. McClelland seconded the nomination. There were no further nominations.

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

Mr. Lawhon motioned to elect Tom Baird as Vice-chair by acclamation. Ms. White seconded the motion. The motion carried as follows: Ayes: Edwards, Coltrin, McClelland, Hansen, Ray, Lawhon, and White. Nays: None. Abstain: Baird. Absent: Young.

A presentation was made by Mr. Hosmer of plaques to King Coltrin and Jay McClelland for their years of service on the Planning and Zoning Commission.

There was an error in the voting; the vote for Chairman was called in error as 4/2 in favor of Mr. Edwards when it was a tie vote of 3/3. The elections for Chairman and Vice-chair will be held again at the next meeting of Planning and Zoning Commission on February 6, 2014.

There being no further business, the meeting was adjourned at approximately 7:15 p.m.

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Bob Hosmer, AICP
Principal Planner