

October 11, 2018
MINUTES OF THE PLANNING AND ZONING COMMISSION
Springfield, Missouri

The Planning and Zoning Commission met in regular session October 11, 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, Britton Jobe, Melissa Cox, Natalie Broekhoven, Cameron Rose, and Joel Thomas. Absent: David Shuler. Staff in attendance: Bob Hosmer, Principal Planner and Mary Lilly Smith, Planning Director, and Thomas Rykowski, Asst. City Attorney.

MINUTES: The minutes of September 13, 2018 were approved.

COMMUNICATIONS:

Bob Hosmer reported on City Council meeting actions and noted the cases that are tabled at tonight's commission hearing.

CONSENT ITEMS:

Relinquishment of Easement 869
829 South Holland Avenue

Applicant: Magers Property III, LLC, c/o Randall Magers

COMMISSION ACTION:

Ms. Cox motioned to **approve** consent item, Relinquishment of Easement 869 (829 South Holland Avenue). Mr. Rose seconded the motion. Ayes: Doennig, Coltrin, Cox, Broekhoven, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

UNFINISHED BUSINESS:

Z-20-2018 w/COD #155
3503, 3521 & 3527 South Lone Pine Avenue

Applicant: Roger Bannigan & Scott Munson

Mr. Hosmer stated that the developer asked that this case be TABLED and presented at the Planning and Zoning Commission meeting on November 8, 2018.

COMMISSION ACTION:

Ms. Cox motioned to **TABLE** Z-20-2018 w/COD #155 (3503, 3521 & 3527 South Lone Pine Avenue) to the November 8, 2018 Planning and Zoning Commission meeting. Mr. Rose seconded the motion. Ayes: Doennig, Coltrin, Cox, Broekhoven, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

Planned Development 366
1403, 1405, 1411, 1415, 1425, & 1427 East Cherry Street

Applicant: Pickwick and Cherry, LLC

Mr. Hosmer stated that the representative asked this case to be TABLED and presented at the Planning and Zoning Commission meeting on December 6, 2018.

COMMISSION ACTION:

Ms. Cox motioned to **TABLE** Planned Development 366 (1403, 1405, 1411, 1415, 1425, & 1427 East Cherry Street) to the December 6, 2018 Planning and Zoning Commission meeting. Mr. Rose seconded the motion. Ayes: Doennig, Coltrin, Cox, Broekhoven, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

Z-23-2018 w/COD #158

3040 East Cherry Street

Applicant: Excel Investments, LP

Mr. Hosmer stated that this is a request to rezone approximately 5.01 acres of a portion of property generally located at 3040 East Cherry Street from R-LD, Low-density Multi-Family Residential District w/ Conditional Overlay District No. 77 to GR, General Retail District and establish Conditional Overlay District No. 158. The Growth Management and Land Use Plan identifies this area for low-density housing. However, the adjacent properties adjacent to the north and east are zoned for general industrial uses. The R-LD is owned by the applicant. Cherry is classified as a secondary arterial roadway and no traffic study. Need 10-foot of ROW and sidewalks along Cherry. A fee in lieu of on-site stormwater detention will be not be allowed. A land disturbance permit is required.

A bufferyard type C, a minimum of (20) feet/ plantings will be required along the west and south property line. Staff recommends approval A fee in lieu of on-site stormwater detention will be not be allowed. A land disturbance permit is required. A bufferyard type C, a minimum of (20) feet/ plantings will be required along the west and south property line. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Andrew Schaub, 2900 S. Brentwood; Brentwood, MO, representing the owners. This will be a members-only style dog park with daycare and kenneling available and will be adjacent to administrative offices on the property.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** Z-23-2018 w/COD #158 (3040 East Cherry Street). Mr. Rose seconded the motion. Ayes: Doennig, Coltrin, Cox, Broekhoven, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

PUBLIC HEARINGS:

Preliminary Plat of Cherry Hills Village

3040 East Cherry Street

Applicant: Excel Investments, LP

Mr. Hosmer stated that this is a request to approve a 2-lot subdivision located at 3040 East Cherry Street. The applicant is proposing to subdivide approximately thirty-six (36) acres into a two-lot subdivision named "Cherry Hills Village Subdivision." If Planning and Zoning Commission and City Council approves the preliminary plat is active for two (2) years. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Andrew Schaub, 2900 S. Brentwood; Brentwood, MO, representing the owners. This will be a members-only style dog park with daycare and kenneling available and will be adjacent to administrative offices on the property.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** Preliminary Plat of Cherry Hills Village (3040 East Cherry Street). Mr. Rose seconded the motion. Ayes: Doennig, Coltrin, Cox, Broekhoven, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

Z-24-2018

3723 South Scenic Avenue

Applicant: Melody Hargiss

Mr. Hosmer stated that this is a request to rezone approximately 0.07 acres of property generally located at 3723 South Scenic Avenue from County R-1 Single Family District to an R-SF, Single Family Residential District. The Growth Management and Land Use Plan identifies this as an appropriate area for Low-Density Housing. Scenic Avenue, is classified as a Secondary Arterial roadway. The proposed R-SF, Single-Family Residential District is consistent with the zoning in the surrounding area. The property is currently being annexed into the city. Staff recommends approval.

Mr. Doennig opened the public hearing.

Ms. Melody Hargiss, 3723 S. Scenic Avenue, owner and wanting to add to my current property and annex into the City and clean it up.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Z-24-2018 (3723 South Scenic Avenue). Mr. Jobe seconded the motion. Ayes: Doennig, Coltrin, Cox, Broekhoven, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

Z-25-2018

1904 West College Street

Applicant: City of Springfield

Mr. Hosmer stated that this is a request to rezone approximately 0.21 acres of property generally located at 1904 West College Street from HC, Highway Commercial to a CS, Commercial Services District. The applicant, City of Springfield Fire Department is requesting to rezone property for the development of a new fire station. The Growth Management and Land Use Plan recommends this area as appropriate for Medium Intensity Retail, Office or Housing. If approved the property will be combined with property to the east. Bufferyards and bulk plane requirements R-SF. Staff recommends approval.

Mr. Doennig opened the public hearing.

No speakers.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Z-25-2018 (1904 West College Street). Ms. Broekhoven seconded the motion. Ayes: Doennig, Coltrin, Cox, Broekhoven, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

Z-26-2018

4200 blk West Kearney Street

Applicant: Arma Development

Mr. Hosmer stated that this is a request to rezone approximately 2.87 acres of property generally located in the 4200 block of West Kearney Street, from LB, Limited Business District to GM, General Manufacturing District. The Growth Management and Land Use Plan identifies this area as appropriate for General Industry, Transportation and Utilities. The GM District is listed as an appropriate zoning district for this land use category. The property was zoned LB, in January 2002. The property has remained undeveloped.

Staff recommends approval.

Mr. Doennig opened the public hearing.

No representative for Z-26-2018 in attendance.

Mr. Thomas Rykowski, Assistant City Attorney noted: Per Rule 4.1.2 in the absence of the applicant, the commission may choose to hear the case. At the close of the public hearing, "...the Commission shall continue the public hearing for one meeting to allow the applicant to comment." "Commission may make its recommendation...following the close of the public hearing at the following meeting." There is nothing in the rule about a failure to appear a second time, only that the commission may act.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Rose motioned to **TABLE** Z-26-2018 (4200 blk West Kearney Street) to the November 8, 2018 Planning Commission meeting. Ms. Cox seconded the motion. Ayes: Doennig, Coltrin, Cox, Broekhoven, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

Short-Term Rental Amendments

Citywide

Applicant: City of Springfield

Mr. Daniel Neal stated that this is a request to amend the proposed regulations for Short-Term Rentals.

Type 1

Eliminates the following requirements: 500-foot separation and Certificate of Occupancy.

Adds requirement: Affidavit certifying that the primary residence or historic carriage house will not be rented more than 95 days in the calendar year.

Type 2

Modifies permitting process for Type 2; Neighborhood Meeting; Post property 10 days prior; Notices mailed to property owners within 500 feet and registered neighborhood association 10 days prior.

If owners representing 30% of property within 500 feet sign protest within 21 days following the neighborhood meeting, application is forwarded to City Council then Council acts on one-reading resolution. If no sufficient protest filed within 21 days after the neighborhood meeting, application approved and permit issued and Type 2 STR must obtain business license and certificate of occupancy; \$350 permit fee, subject to annual fee study; 500-foot separation from other STR's or Bed and Breakfast.

Type 3

No changes to original proposal; Rented for periods of less than 30 consecutive days; Located in districts other than R-SF and R-TH;

No more than two STR Type 3s permitted on a premise; Premise- any tract of land consisting of one or more lots, under single or multiple ownership, which functions as one unit; All other requirements such as notification, certificate of occupancy, business license, violations and other rental requirements consistent with Type 1 & 2.

Notification Requirements

- No changes to original proposal.
- Must post conspicuously in each dwelling rental unit:
 - o Names and contact information of person/persons responsible for day-to-day operations.
 - o Certificate of occupancy and business license number.
 - o City restrictions on noise including limitations on amplified sound.
 - o Parking restrictions.
 - o Trash collection schedule.

- o That property shall not be used solely for receptions, parties, weddings or other similar events.

Revocation, Suspension or Denial of License

- Adds language about licensing
- Director of Building Development Services can revoke, suspend or deny issuance or renewal of a license for period of 12 months.
- Failure to comply with STR requirements or any other City code or ordinance.
- License issued on misstatement of fact, fraud or noncompliance.
- Appeal to City Council.
- Another STR Type 2 could locate within the 500-foot separation and prohibit revoked or denied STR from being re-established.

Housekeeping

- Clarifies original proposal.
- Owner of a licensed STR may transfer property and permitted use to another owner.
- New owner must complete application and provide required information to City.
- Clarifies items that must be posted in STR.
- Short-Term Rentals cannot be rented solely for receptions, parties, weddings and other similar events.

Implementation

- Current and new STR's following ordinance passage subject to 500-foot separation requirements.
- Applications for STR's shall commence two weeks after passage of the ordinance with an initial 30-day review period to determine any conflicts.
- If conflicts exist; lottery system to randomly select which property can apply.

Mr. Doennig opened the public hearing.

Ms. Cox asked about the differences between the neighborhood meeting radius and 500-foot separation requirements for STR Type 2s.

Mr. Neal stated that separation requirements for Short-Term Rentals Type 2 is measured by the street right-of-way.

Mr. Neal noted the notification of the neighborhood meeting and protest area (30% of properties) are 500-foot radius from the property line.

Ms. Cox had an issue with requiring protest petitions if we are not rezoning.

Mr. Neal noted other ordinances that have protest petitions, i.e., liquor licenses, etc.

Mr. Doennig asked about the logic of the 500-foot separation and 500-foot protest areas for STR Type 2s being different.

Mr. Neal stated that Plans and Policies had recommended the 500-foot neighborhood meeting and protest area for STR Type 2s similar to rezoning cases so that those affected by the separation requirements for STR Type 2s were notified and could protest.

Mr. Thomas asked about the 500-foot separation requirements and how long a standard block in Springfield was?

Mr. Neal stated that that a typical block is 500 to 600-feet in length.

Mr. Rose asked about the exclusion area and protest petitions.

Mr. Jobe has concerns regarding the proposed language (Sec. 36-472 - Short Term Rentals; Short-Term Rental Type 2; Subsection d1) and gave out an example and which types are allowed and not allowed.

Mr. Neal noted the proposed separation requirements were not intended to affect STR Type 1s.

Ms. Smith stated that the intent is STR Type 2s are subject to a 500-foot separation.

Mr. Jobe asked if the grandfathering of existing STR's will be prohibited.

Mr. Neal stated that all STRs are currently illegal and as proposed by the amendments, any new or existing ones will be drawn by random number generation upon application.

Mr. Coltrin asked if these amendments were subject to changes/recommendations to City Council.

Mr. Neal stated that Planning and Zoning can propose changes to their recommendations.

Mr. Rose asked for clarification on the Type 1's (no separation) and Type 2's and 3 (has separation) and asked if a Type 1 can shut down a Type 2 rental.

Mr. Rykowski stated that an established Type 2 cannot cause a Type 1 to shut down if they are within 500-foot.

Ms. Broekhoven asked for further clarification on Type 1's and Type 2's and the separation.

Ms. Smith said that there can be any Type 1 located anywhere and however close to Type 2, but Type 2 is subject to a 500-foot separation from a Type 1, 2, or 3 or Bed and Breakfast.

Mr. Doennig asked about hotel/motel tax and where would be language be located.

Mr. Neal stated that hotel/motel tax will be a separate City code and not in the purview of the Planning Commission.

Mr. Thomas asked about the 30% of the protest area and does it come forward to the Planning Commission.

Mr. Neal stated that it only comes forward to the City Council.

Mr. Steve Hargis, 1160 S. Clay Avenue would like to see clearer and simpler language and noted San Francisco's STR's regulations and stated that Phelps Grove Neighborhood rejects the proposed regulations and also gave information on what other cities are currently doing and fines being enforced to illegal STR's.

Ms. Bobbi Ream, 1448 E. Berkeley stated that the current Meador Park Neighborhood opposes STR's at their last 3 meetings and question the policing of the STR's. She also noted parking concerns and would like Meador Park Neighborhood to be exempt from Type 2 STR's.

Mr. Erick Pauly, 631 E. Loren Street, President of Phelps Grove Neighborhood and noted that Building Development Services (BDS) cannot keep up with current regulations (traffic and parking) and cannot see how they can add these on and asked that the City relook at the proposed regulations.

Mr. Tracy Kimberling, 2495 S. Mumford supports the proposed regulations, however has concerns regarding the Type 3 rentals without the regulations that a hotel/motel has.

Mr. Doennig closed the public hearing.

Mr. Jobe expressed his concerns and will be voting no and believes that the proposed regulations do not address certain needs, i.e., parking, noise, and other various issues.

Mr. Thomas noted his concern regarding follow-up with BDS (inspections) and noted that this feels that this is being over regulated.

Ms. Smith noted that BDS stated that they expect the inspection (initial C of O) to be quickly done and should not impact BDS's case load.

Mr. Doennig stated that STR's are unregulated and part of the City's culture, however the issues of noise, parking, etc., rules will be applied to STR's just like any other building, his concerns are the two separate standards (Type 2 rental example) and thinks the language is too vague, and will vote no.

Ms. Broekhoven noted the Commission's responsibility and will be voting no mainly due to Type 2 STR's and believes these are not going to be rezoned in anyway and considers them commercial property.

Ms. Ogilvy asked why the City did not make these regulations simpler, like other larger city STR's and will be voting no and voicing her confusion over the Type 2 regulations.

Mr. Rose noted that he will be voting no, however sees improvement from January, but still sees serious issues.

Mr. Coltrin thanked City staff for their effort, but also sees issues with Type 2 regulations and explanations and believes simpler is better and will be voting no.

COMMISSION ACTION:

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

Request to Repeal the Monroe Redevelopment Plan

1141 East Bear Boulevard

Applicant: City of Springfield

Mr. Matt Schaefer stated that this is a request to Repeal the Redevelopment Plan for the Monroe Redevelopment area. The area previously declared blighted as part of the former Southwest MO State College Urban Renewal Area and the plan adopted in May 2011 proposed construction of a four-story, 38-unit (122-bed) multi-family residential development. Project certified for real property tax abatement and completed in fall 2011. Missouri State University acquired project in December 2012 - project is now tax-exempt and no longer receiving abatement and the area was declared remediated and free of blight in 2015 and the Redevelopment Plan is no longer effective and may be repealed.

Mr. Coltrin asked if regulations are being reduced.

Mr. Schaefer stated that some will be reduced from the regulations.

Mr. Jobe asked if the Urban Renewal Area was not owned by the University previously.

Mr. Schaefer noted that some of the Urban Renewal Area is part of the Missouri State University.

Mr. Doennig opened the public hearing.

No speakers.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Request to Repeal the Monroe Redevelopment Plan (1141 East Bear Boulevard). Mr. Rose seconded the motion. Ayes: Doennig, Coltrin, Cox, Broekhoven, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Shuler.