December 6, 2018
MINUTES OF THE PLANNING AND ZONING COMMISSION
Springfield, Missouri

The Planning and Zoning Commission met in regular session December 6, 2018 in the City Council Chambers. Vice-Chairman King Coltrin called the meeting to order.

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

MINUTES: The minutes of October 11, 2018 were approved, and November 6, 2018 minutes were approved as amended.

COMMUNICATIONS :

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

CONSENT ITEMS:

Acquire 529
1824 West College Street
Applicant: City of Springfield

Relinquishment of Easement 871
2660 West Battlefield Road
Applicant: Store Galore, LLC

Relinquishment of Easement 872
2700 blk North Glenstone Avenue
Applicant: Campus Inc.

Relinquishment of Easement 873
2700 blk South Jefferson Avenue
Applicant: Empire Mortgage Co., Inc.

COMMISSION ACTION:
Ms. Cox motioned to **approve** consent items, Acquire 529 (1824 West College Street) and Relinquishment of Easement 871 (2660 West Battlefield Road) and Relinquishment of Easement 872 (2700 blk North Glenstone Avenue) and Relinquishment of Easement 873 (2700 blk South Jefferson Avenue). Ms. Broekhoven seconded the motion. Ayes: Coltrin, Cox, Broekhoven, Shuler, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Doennig.

UNFINISHED BUSINESS:

Z-20-2018 w/COD #155
3503, 3521 & 3527 South Lone Pine Avenue
Applicant: Roger Bannigan & Scott Munson

No action taken due to Administrative Delay.

Planned Development 366
1403, 1405, 1409, 1411, 1415, 1425, & 1427 East Cherry Street and 527 South Pickwick Avenue
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 January 17, 2019.

COMMISSION ACTION:

Ms. Cox motioned to **TABLE** Planned Development 366 (1403, 1405, 1409, 1411, 1415, 1425, & 1427 East Cherry Street and 527 South Pickwick Avenue). Mr. Rose seconded the motion. Ayes: Coltrin, Cox, Broekhoven, Shuler, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Doennig.

PUBLIC HEARINGS:

Vacation 804
1600 blk North Missouri Avenue
Applicant: City of Springfield

Mr. Hosmer stated that this a request to vacate a 10 feet wide public alley generally located in the 1600 block of North Missouri Avenue. The City of Springfield is the applicant. The proposed vacation was reviewed by City departments. A storm water easement will need to be retained. The request meets the criteria and staff recommends approval.

Mr. Coltrin opened the public hearing.

No speakers.

Mr. Coltrin closed the public hearing.

COMMISSION ACTION:
Ms. Cox motioned to **approve** Vacation 804 (1600 blk North Missouri Avenue). Ms. Broekhoven seconded the motion. Ayes: Coltrin, Cox, Broekhoven, Shuler, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Doennig.

Vacation 805
800 blk South Kimbrough Avenue
Applicant: City of Springfield

Mr. Hosmer stated that this a request to vacate two segments of a public alley generally located in the 800 block of South Kimbrough Avenue. The City of Springfield is the applicant. The proposed vacation was reviewed by City departments. The alley segments between this request has already been vacated. A sanitary sewer easement will need to be retained along both vacated segments.
The request meets the criteria and staff recommends approval.

Mr. Coltrin opened the public hearing.

No speakers.

Mr. Coltrin closed the public hearing.

COMMISSION ACTION:
Ms. Cox motioned to **approve** Vacation 805 (800 blk South Kimbrough Avenue). Ms. Broekhoven seconded the motion. Ayes: Coltrin, Cox, Broekhoven, Shuler, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Doennig.

Z-30-2018 w/COD #162
3411 South Kansas Avenue
Applicant: Project Collective, LLC

Mr. Hosmer stated that the representative asked this case to be TABLED and presented at the Planning and Zoning Commission meeting on January 17, 2019.

Mr. Rose motioned to **TABLE** Z-30-2018 w/COD #162 (3411 South Kansas Avenue). Ms. Cox seconded the motion. Ayes: Coltrin, Cox, Broekhoven, Shuler, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Doennig.

Z-31-2018 w/COD #163
3200 blk East Kearney Street
Applicant: ICT II, LLC

Preliminary Plat Morris Industrial Park
3200 blk East Kearney Street
Applicant: ICT II, LLC

Combined the presentation for zoning and preliminary plat.

Mr. Hosmer stated that this is a request to rezone approximately 33.33 acres of property located in the 2200 Block of North Belcrest Avenue from HC, Highway Commercial District and HM, Heavy Manufacturing District, to HM, Heavy Manufacturing District, and establishing Conditional Overlay District No. 163. The Growth Management and Land Use Plan identifies this as an appropriate area for General Industry, Transportation and Utilities. The Major Thoroughfare Plan classifies U.S. 65 as a freeway, Kearney Street as a primary arterial and Belcrest Avenue as a commercial local roadway which supports the proposed land use. Traffic Impact Study may be required at the time of development by City/MODOT and access to Kearney will be limited. Fee in lieu of on-site stormwater detention will not be allowed. The proposed Conditional Overlay District will require a cul-de-sac at Belcrest Avenue and require the property to be subdivided along the zoning district boundaries. Staff recommends approval.

Mr. Hosmer stated that this is a request for a two-lot subdivision on 57.25 acres located in the 3200 block of East Kearney Street. Stormwater detention is required (fee in lieu of on-site stormwater detention will not be allowed). The developer will be required to construct a cul-de-sac at the south end of Belcrest Avenue. The existing bill boards along Interstate U.S. Highway 65 do not meet Zoning Ordinance requirements, remain non-conforming. If approved the preliminary plat is active for two (2) years. Staff recommends approval.

Mr. Coltrin opened the public hearing.

Mr. Derek Lee, 1200 E. Woodhurst, representing the owner and here to answer any questions.

Mr. Coltrin closed the public hearing.

COMMISSION ACTION:
Ms. Cox motioned to **approve** Z-31-2018 w/COD #163 (3200 blk East Kearney Street). Mr. Shuler seconded the motion. Ayes: Coltrin, Cox, Broekhoven, Shuler, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Doennig.

COMMISSION ACTION:
Ms. Cox motioned to **approve** Preliminary Plat Morris Industrial Park (3200 blk East Kearney Street). Mr. Jobe seconded the motion. Ayes: Coltrin, Cox, Broekhoven, Shuler, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Doennig.

Z-32-2018
2963 East Division Street
Applicant: JKJ Corner Stores, LLC

Mr. Hosmer stated that this is a request to rezone approximately 1.89 acres of property located at 2963 East Division Street from GM, General Manufacturing District to a IC, Industrial Commercial District. The Growth Management and Land Use Plan identifies this as an appropriate area for Low-Density Housing on the northern portion and Medium Intensity Retail, Office or Housing on the southeast corner of the subject property. The applicant intends to construct a new Kum & Go gas station on the site. The GM District does not allow for gas stations and convenience stores. Division Street is classified as primary arterial roadway and Packer Road is classified as a secondary arterial roadway in the Transportation Plan. A Traffic Impact Study was not required, as there is no change in use and the proposed improvements did not increase the trip generations. Fee in lieu of on-site stormwater detention will not be allowed. Staff recommends approval.

Mr. Coltrin opened the public hearing.

Mr. Will Hoey, 550 St. Louis Street, representing Kum & Go, here to answer any questions.

Mr. Coltrin closed the public hearing.

COMMISSION ACTION:
Ms. Cox motioned to **approve** Z-32-2018 (2963 East Division Street). Mr. Jobe seconded the motion. Ayes: Coltrin, Cox, Broekhoven, Shuler, Rose, Jobe, Ogilvy, and Thomas. Nays: None. Abstain: None. Absent: Doennig.

Z-33-2018 w/COD #164
2521 South Holland Avenue
Applicant: Jeffrey L. Ballard

Mr. Hosmer stated that this is a request to rezone approximately 3.58 acres of property generally located at 2521 South Holland Avenue from R-SF, Single-family Residential to R-LD, Low-Density Multi-Family District and establish Conditional Overlay District No. 164. The Growth Management and Land Use Plan is unclear as to the proposed land use. The properties to the north are identified as appropriate for low-density housing. The properties to the east indicate an appropriate land use as Medium Intensity Retail, Office or Housing. Holland Avenue is classified as a Collector roadway and Downing is classified as a local roadway in the Transportation Plan. Holland does not connect to Sunset Street. A Traffic Impact Study is not required. The property is in a FEMA designated floodplain, and a fee in lieu of stormwater detention is allowed. Staff is requesting an amendment to the COD to include the following language; "*Provide documentation to the director of public works demonstrating that flood elevations will not increase above the base flood elevation, which is set by FEMA on the date of passage of this ordinance, as a result of this development*." The applicant intends to build a multi-family development with a maximum density of eleven (11) dwelling units per acre. (similar density to R-TH). A turnaround is required to be constructed at the end of E. Downing Street. Sidewalks along South Holland Avenue. Staff recommends approval.

Mr. Coltrin opened the public hearing.

Ms. Teresa Davison, 535 W. Battlefield Road, representing the owner and here to answer any questions.

Mr. Michael Zarifis, 624 E. Glenwood and has concerns regarding flood, traffic, and decreasing property values. This area has major flood issues and would like to know why it did not require a transportation study because there is a lot of through traffic within the neighborhood.

Mr. Bruce Lawley, 625 E. Glenwood stated his concerns traffic and flooding issues (has a sump-pump) and worries about the traffic due to the elementary in the neighborhood.

Mr. Paul Neidy, 532 E. Glenwood stated his concerns regarding flooding (no adequate drainage in the area) and possible decreasing property values.

Ms. Jina Zarifis, 624 E. Glenwood stated her concerns on the major flooding and they require the use of a sump-pump in their crawl space and has major issues with drainage/flooding under their house.

Mr. Coltrin closed the public hearing.

Ms. Cox asked about the traffic count.

Mr. Estell gave out the proposed additional trip count and they did not exceed the threshold.

Mr. Thomas asked about the floor finished grade for the development and Glenwood Street.

Ms. Julie Hawkins stated that she is not aware of their (homeowners) elevation's, but the proposed development is required to be 2 ft above the base-flood elevation.

Mr. Jobe asked for clarification regarding the "fee in lieu of" in this area.

Ms. Hawkins stated that the floodplain is at the end and detention does not serve a purpose because you are trying to slow down the water release at the end.

Ms. Broekhoven asked about the language in the COD.

Ms. Hawkins stated that Public Works Storm Water has a certificate of no-rise for work in the flood way, but not a requirement in the flood plain. For work in the flood plain, the language is "they can build as long as they do not create 1 foot of rise," but since they are so close we are adding additional language.

COMMISSION ACTION:
Mr. Jobe motioned to **approve** Z-33-2018 w/COD #164 (2521 South Holland Avenue). Ms. Ogilvy seconded the motion. Ayes: Coltrin, Cox, Broekhoven, Shuler, Rose, Jobe, and Thomas. Nays: Ogilvy. Abstain: None. Absent: Doennig.

Planned Development 367
3315 & 3303 South Campbell Avenue
Applicant: Walmart Inc.

Mr. Hosmer stated that this is a request to rezone approximately 26.03 acres of property generally located at 3315 & 3303 South Campbell Avenue, from Planned Development 14 amendment 4 to Planned Development 367. The Growth Management and Land Use Plan identifies this area as appropriate for Medium-intensity Retail, Office or Housing. The proposed Planned Development retains all of the existing Planned Development's requirements except changes the parking requirements to match those of the Zoning Ordinance. The existing PD requires parking to be a minimum of 1 space per 165 square feet of gross leasable area.
The current Zoning Ordinance only requires 1 space per 250 square feet of total building floor area. A Traffic Impact Study is not required. Fee in lieu of on-site stormwater detention is not applicable as the site is already fully built out. Staff recommends approval.

Mr. Coltrin opened the public hearing.

Ms. Sunday Bougher, 1437 S. Boulder, Tulsa, OK representing Walmart. During the process of expansion, we discovered that the PD was dated and doing some housekeeping to get updated.

Mr. Coltrin closed the public hearing.

COMMISSION ACTION:
Ms. Cox motioned to **approve** Planned Development 367 (3315 & 3303 South Campbell Avenue). Mr. Jobe seconded the motion. Ayes: Coltrin, Cox, Broekhoven, Shuler, Rose, Thomas, Jobe, and Ogilvy. Nays: None. Abstain: None. Absent: Doennig.

Planned Development 368
2100 blk South Eastgate Avenue
Applicant: Castlebay Real Estate Holdings No. 9, LLC

Mr. King Coltrin recused himself.

Mr. Hosmer stated that this is a request to rezone approximately 1.45 acres generally located at 2100 block S. Eastgate Avenue from a Planned Development No. 268 to Planned Development No. 368 to allow an indoor self-storage facility. The Growth Management and Land Use Plan identifies this property as an appropriate area for Medium or High-Density Housing; however, the existing PD allows for commercial uses such as fitness centers, indoor sports facilities, nursing and retirement homes and general office uses. The property is located along U.S. 65 Highway and near the U.S. 65/Sunshine Community Activity Center which encourages more intense land uses and development. A Traffic Impact Study was not required. Fee in lieu of on-site stormwater detention will not be allowed. The PD will only permit; General Office Use Group and Accessory uses allowed and Indoor Self-Service Storage Facilities.
PD will limit hours of operation between 5am to 12am with no loading/unloading vehicles between 12am to 5am. Maximum total square footage set at 100,000 sf. Building setback 50 ft from Hwy 65 and 10 ft all others. Maximum height set at 60 feet and below a 45-degree bulk plane. Limits materials used in the construction and design standards of articulations, projections and recesses for the building. Landscaping and bufferyard type B along the eastern boundary. There will be 16 parking spaces provided per site plan. A Traffic Impact Study was not required. Fee in lieu of on-site stormwater detention will not be allowed. Staff recommends approval.

Mr. Rose opened the public hearing.

Mr. Dane Seiler, 5051 S. National Avenue representing the owner. This will be an indoor self-storage that will not generate a lot of traffic. At the neighborhood meeting only two people were present, and they had no problems with the project.

Mr. Rose closed the public hearing.

COMMISSION ACTION:
Ms. Cox motioned to **approve** Planned Development 368 (2100 blk South Eastgate Avenue). Ms. Cox seconded the motion. Ayes: Cox, Broekhoven, Shuler, Rose, Thomas, Ogilvy, and Jobe. Nays: None. Abstain: None. Absent: Doennig. Mr. King Coltrin recused himself.

Planned Development 369
1624 East Briar Street
Applicant: Hoke & Peterson, LLC

Mr. Britton Jobe recused himself.

Mr. Hosmer stated that this is a request to rezone approximately 1.5 acres of property generally located at 1624 East Briar Street from a R-SF, Single-Family Residential District to a PD, Planned Development 369 District. The Growth Management and Land Use Plan designates this area as appropriate for low-density housing. The applicant's proposed low-density housing PD will have a maximum residential density of 4 dwelling units per acre which is less than the permitted 7 du/acre in R-SF zoning district.
The Growing Neighborhoods section of the Plan encourages a variety of development and redevelopment strategies such as the neighborhood unit concept, planned mixed-use developments, rural clustered housing or other innovative concepts to build strong neighborhoods and a sense of community. The applicant is proposing to rezone the subject property to a PD No. 369 to allow for a single-family residential condominium subdivision on the property. The proposed planned development will rezone the property; however, it does not deviate from the overall intent and uses that already exist within the R-SF District. The applicant is required to apply for a PD because the current ordinance only allows single-family residential dwellings to be placed on individual lots. The existing house is to remain (barn will be removed). The permitted uses will be the same uses as in the R-SF District. Each unit will access a private drive that will then access the public street system (Briar Street). The proposed maximum height of any structure (not exceeding two stories/35 ft) is more restrictive than the current R-SF requirements of two and one-half stories or 35 from ground level. The PD requires an opaque barrier, wooden fence, six (6) feet in height, which visually screens the development from adjacent properties. The PD open space requirement of 46% is more restrictive than the

R-SF requirements of 30%. The front yard side back will be 25 feet, side yard setbacks will be 5 feet adjacent and the rear yard setback will be at least 25 feet from any R-SF district.
A condominium plat is required. The site plan will require homes to be built in the allocated space per exhibit 2. Staff is supportive of the proposed requirements and believe these contribute to a lower impact development.

Mr. Coltrin opened the public hearing.

Mr. Rick Wilson, 1835 S. Stewart representing the owner. At the neighborhood meeting there are some concerns that we have addressed, i.e., storm water issues by using water gardens and infiltration ponds. We also noted that the neighbors were upset about the loss of visibility and wandering wildlife.

Ms. Jada Dooling, 4944 S. Crescent, we have a large private backyard that has various wildlife that roams the area and feels that the representative has not given necessary information or ability to negotiate for this project and would like the commission to deny this request.

Ms. Lori Livingston, 4937 S. Gibson Ct., believes that this project does not fit in the character of the neighborhood and concerns are traffic issues and stormwater. This project is 100% different than what our neighborhood represents and noted this property is land-locked due to no public road.

Mr. Shane Moses, 5006 S. Kissick Avenue noted that this area has a dangerous intersection and has concerns regarding traffic.

Mr. Peter Richardson, 4934 S. Crescent Avenue, stated his concerns were major flooding and shared photos with the commission and stated that the area cannot handle any more water.

Mr. Tyler Dooling, 4944 S. Cresent Avenue, stated that this project adds damage to the integrity of the 40-year old neighborhood and noted that these homes have private park-like setting and believes this violates the Comprehensive Plan and does not maintain the Growth Management Plan. He also asked for the people in the audience to stand up who were there due to this project and did not plan on speaking. Approximately 30 people stood up.

Mr. LeRoy Peck, 5011 S. Charleston Avenue stated his concerns regarding flood (stormwater) and traffic issues and noted that this particular area is dangerous due to traffic.

Mr. Coltrin closed the public hearing.

Mr. Thomas asked about the need of a traffic study.

Mr. Estell noted that it did not require a traffic study.

Ms. Broekhoven noted that it appears to be a mini-pocket neighborhood within a Single-Family District and how is this addressed in the Comprehensive Plan.

Mr. Hosmer states that it is still a single-family use.

Ms. Cox noted her concern that the infill would not be appropriate (not a good fit) for this area and will be voting no.

Mr. Coltrin also noted the lack of road frontage and the development on the land does not fit the area and will not be supporting this proposal.

Mr. Shuler noted that there are a lot of accidents in the location and believe that it could cause more problems and noted that it does not fit the area.

COMMISSION ACTION:
Mr. Rose motioned to **approve** Planned Development 369 (1624 East Briar Street). Ms. Cox seconded the motion. Ayes: Rose. Nays: Coltrin, Cox, Broekhoven, Shuler, Thomas, and Ogilvy. Abstain: None. Absent: Doennig. Mr. Britton Jobe recused himself.

Preliminary Plat AFM Pet Corporation
2738 East Kearney Street
Applicant: MFA Petroleum Corporation

Mr. Jobe recused himself.

Mr. Hosmer stated that this is a request to subdivide approximately 8.5 acres into a two-lot subdivision located at 2710 & 2738 E. Kearney Street. If approved the preliminary plat it will be active for two (2) years. Staff recommends approval.

Mr. Coltrin opened the public hearing.

Mr. Aaron Hargrave, 2045 W. Woodland, representing the owner.

Mr. Coltrin closed the public hearing.

COMMISSION ACTION:
Ms. Cox motioned to **approve** Preliminary Plat AFM Pet Corporation (2738 East Kearney Street). Mr. Rose seconded the motion. Ayes: Rose, Coltrin, Cox, Broekhoven, Shuler, Thomas, and Ogilvy. Nays: None. Abstain: None. Absent: Doennig. Mr. Britton Jobe recused himself.

Master Sign Plan for Napleton Autowerks
3508 East Division Street
Applicant: Napleton Equities, LLC

Mr. Hosmer states that this is a request to approve a Master Sign Plan for the Napleton Equities, LLC on approximately 6.65 acres located at 3508 East Division Street. The Community Physical Image and Character Plan recommends improving the visual appearance of the urban area. The property is planned to be utilized by three car dealerships, each with their own sign. Current ordinance only allows for a maximum of two signs per premise. The Master Sign Plan will allow the property to have an additional sign (3 total), but not additional signage total effective area. This application will not increase the allowable total effective area of signage on the premise.

	Without Master Sign Plan	**With Master Sign Plan**
Division:	400sf 40ft tall	200sf 30ft tall
Hwy 65:	400sf 40ft tall	300sf 40ft tall
Eastgate:	No sign	150sf 24ft tall

This application will not increase the allowable total effective area of signage on the premise. Staff recommends approval and the Master sign plans only requires planning and zoning commission approval.

Mr. Geoff Butler, 319 N. Main Avenue representing the owner. Need 3 individual signs for the 3 dealerships and they cannot be placed on one sign, each dealership requires one sign per dealership.

COMMISSION ACTION:
Ms. Cox motioned to **approve** Master Sign Plan for Napleton Autowerks (3508 East Division Street). Mr. Rose seconded the motion. Ayes: Rose, Coltrin, Cox, Broekhoven, Shuler, Thomas, Jobe, and Ogilvy. Nays: None. Abstain: None. Absent: Doennig.

ATM Amendments
Citywide
Applicant: City of Springfield

Mr. Hosmer stated that this is a proposed text amendment for ATM's. City Council initiated amendments to Section 36-452., Temporary Uses, on November 19, 2018. Staff is requesting to amend Section 36-452.- 'Temporary Uses,' to add requirements for Automatic Teller Machines (ATMs) as a temporary use in all zoning districts. The proposed amendment will allow an ATM to temporarily locate for no more than 24 months in any zoning district if the site is 10 acres or more and is located along and has access to a secondary arterial or higher classified roadway. This will limit these temporary uses to larger sites (i.e. churches) along major roadway corridors. The amendments will also limit the site to no more than one ATM and the permit shall not give any legal non-conforming status. The ATM use shall cease to exist no later than 24 months from the issuance of the building permit.
A site plan shall be submitted to, and approved, showing conformance with the requirements of the Zoning Ordinance, adopted standards, and other city codes. This site plan review will rectify any issues with circulation, queuing, screening and lighting that may occur. Staff requests that Commission approve amendments to the Zoning Ordinance of the city code as specified.

Note: Language to be added is <u>underlined</u>.
Sec 36-352. Temporary uses.

(3) Temporary uses permitted

(a) The following temporary uses of land are permitted in any zoning district subject to the specific regulations and time limits which follow, and to the other applicable regulations of the district in which the use is permitted.

6. Automated Teller Machines (ATMs), subject to the following restrictions:

a. Must be located on 10 acres or more; and

b. Must be located along and have access to a secondary arterial or higher classified roadway; and

c. A site plan shall be submitted to, and approved, showing conformance with the requirements of the zoning ordinance, adopted standards, and other city codes; and

d. Such use shall cease to exist no later than 24 months from the issuance of the building permit; and

e. No more than one ATM is allowed per site; and

f. Issuance of this permit shall not give any legal non-conforming status to the site, and under no circumstance shall the use exist longer than 24 months as set forth in subsection d.

Mr. Rose asked what the point of the amendment is.

Ms. Smith stated that the City had request from a bank that is building a new location and they had been in talks with a church to temporarily place their ATM in the church parking lot.

Ms. Broekhoven asked if we are amending codes just for one bank that is temporarily moving an ATM.

Ms. Smith noted that the City was presented with two options, one that the church could be rezoned, which is not viable, and second realizing that there may be future requests and again stating that the placement of the ATM is temporary (24 months).

Ms. Cox asked about the ten acres.

Ms. Smith said that they looked at different sizes (four/six/ten acres) and decided upon the ten acres.

COMMISSION ACTION:
Mr. Rose motioned to **approve** the ATM Amendments (Citywide). Mr. Jobe seconded the motion. Ayes: Coltrin, Cox, Shuler, Rose, Thomas, Ogilvy, Broekhoven, and Jobe. Nays: None. Abstain: None. Absent: Doennig.

Short-Term Rental Amendments
Citywide
Applicant: City of Springfield

Mr. Daniel Neal states that these are the changes to Short-Term Rental Amendments.

Type 1: Modifies the Short-Term Rental (STR) Type 1 definition to permit unlimited short-term rentals in a legal accessory apartment located in the primary structure or historic carriage-house when the property owner is present on the premise. Type 1s are otherwise limited to no more than 95 days in a calendar year when the owner is absent from the premise.

Type 2: Changes the separation requirement to a density limitation for Short-Term Rental Type 2s. Type 2s will be limited to no more than one Type 2 or bed and breakfast per eight residential structures on a block face in R-SF or R-TH districts. No STR Type 2 will be permitted on a block face with fewer than four (4) residential structures, unless an appeal is granted by City Council. Block face is defined as one side of a street, from one intersection to the next, excluding alleys. Residential structures are determined by the mailing address assigned to each

Changes the protest provision to a consent provision for Short-Term Rental Type 2s. Type 2 applicants will be required to present a notarized affidavit with the signatures of fifty-five percent (55%) of the adjacent residential property owners, including those adjoining and immediately across the street from the proposed STR, indicating their consent to the STR Type 2. Prior to submitting their application, including the affidavit, to the City, the applicant must conduct a neighborhood meeting to discuss their proposal. Notification and posting requirements remain the same as the original bill. The applicant may apply to City Council for a Resolution granting the STR Type 2 permit if they are unable to obtain the requisite signatures.

Violations: Clarifies that advertising or promoting a noncompliant Short-Term Rental using a third-part intermediary will be a violation of the ordinance.

Implementation: Implements a grace period for implementation of the density limitation. Applicants for STR Type 2s who file within the first thirty (30) days of passage of the ordinance will not be subject to the density limitations. This will apply to existing and new STRs.

Mr. Jobe asked about precedence in the City Code for affirmative approval for adjourning neighbors for use of property.

Ms. Smith noted that liquor license and a shelter require an affirmative from adjourning property owners within a certain distance and noted that the 55% was modeled after Kansas City and this is putting the ownership back on the operator/applicant.

Mr. Jobe also asked about any data from Kansas City on economic impact for their Short-Term Rental.

Ms. Smith said that they are in the beginning stages of their STR.

Mr. Thomas asked about what would happen if a neighbor did not sign and not get the 55%.

Mr. Neal stated that it would go to City Council for approval then.

Commission members asked various questions regarding clarification.

Mr. Jobe believes that the process has gone backwards and has concerns with the 55% (reverse) protest, second the neighborhood meeting for type 2, and third the business license for type 1 and voiced his frustrations with the hours of comments and concerns that have not addressed these issues. Would like owners of STR's are held liable and until then, will be voting no.

Ms. Broekhoven has not issue with the type 1, but the type 2 STR's are a business located in a residential area (noise/litter/parking/traffic concerns) and will be voting no.

Mr. Rose believes that there has been progress with the changes and will be voting yes.

Ms. Cox voiced her dislike of the 55% protest and neighborhood meetings but has seen improvements and will vote yes.

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