

PLANS AND POLICIES COMMITTEE MEETING

December 13, 2023

12:00 p.m.

Councilman Denny Whayne Conference Room (Busch Building, 4th Floor)
840 Boonville Avenue

MEMBERS

PRESENT: Abe McGull, Chair; Callie Carroll; Craig Hosmer; and Derek Lee.

MEMBERS

ABSENT: None.

COUNCIL/ STAFF

PRESENT: Brandon Jenson, Zone 2 Councilmember; Jason Gage, City Manager; Collin Quigley, Deputy City Manager; Maurice S. Jones, Deputy City Manager; Jan Millington, Interim City Attorney; Bob Hosmer, Planning Manager; Dan Smith, Director of Public Works; Brett Foster, Traffic Engineer; Brendan Griesemer, Interim Director of Planning and Development; Kyle Tolbert, Assistant City Attorney; Anita Cotter, City Clerk; and Lauren Fischer, City Clerk Administrative Specialist.

GUEST: Marta Mize, *Springfield News-Leader*.

Councilman Abe McGull, Chair, called the meeting to order at approximately 12:02 p.m., and roll call was conducted. Present: Callie Carroll, Derek Lee, Craig Hosmer, and Abe McGull. Absent: None.

Councilman Hosmer moved to approve the minutes of the October 25, 2023, meeting as presented. Councilman Lee seconded the motion, and it was approved by the following vote: Ayes: Carroll, Hosmer, Lee, and McGull. Nays: None. Absent: None. Abstain: None.

Councilman McGull provided an overview of the meeting agenda. He noted the meeting discussion topics regarding amending the City's parking space requirements and amending the Administrative Subdivision Code were recommended to the Committee by Councilman Lee. Councilman McGull explained Councilman Lee had requested to address the items out of order, taking Item 4 first. He introduced Jason Gage, City Manager, who provided an overview of the process the Committee could use to amend the Administrative Subdivision Code and the parking space requirements outlined in the City Zoning Code.

Mr. Gage explained the agenda items regarding the Administrative Subdivision Code and the parking space requirements were considered Land Use Code amendments. He noted during the amendment process, the draft ordinance would be reviewed by the Growth and Development Advisory Council (GDAC) and the Neighborhood Advisory Council (NAC), possibly through the joint committee representing both organizations. He noted the Committee would have the

ability to get input from Multistudio since they were under contract to address the Land Use Code. He further noted the Committee's finalized recommendations would then be sent to the Planning and Zoning Commission and then to City Council for approval.

Councilman McGull asked Mr. Gage if he would provide the Committee with a document outlining the steps of the City Code amendment process. Mr. Gage responded affirmatively. Councilman McGull thanked Mr. Gage for his review of the amendment process. He then introduced Councilman Lee to present his recommendations for parking requirements.

Councilman Lee asked for clarification on the draft ordinance being reviewed by the NAC. Mr. Gage explained, based on City Council's request to have broader input, a joint committee with representatives of both the GDAC and the NAC had been assembled to review proposals. This has been working well. Councilman Lee explained the proposed changes would have very little to do with neighborhoods, as parking requirements were not something that would impact a single-family neighborhood.

Councilman Lee provided an overview of the recommended changes to the language in City Code Section 36-455, Subsection 1, which referred to off-street parking requirements (Exhibit 3). He expressed his opinion the City Code required a developer to provide significantly more parking spaces than the national standards as outlined in the Institute of Transportation Engineers Parking Generation Manual (Exhibit 4). He discussed the ability for businesses with different peak times to utilize the same parking spaces. He further noted the proposed language would allow developers the option to either follow the regulations outlined in the City Code or to follow the national standards outlined in the current edition of the Institute of Transportation Engineers Parking Generation Manual.

Councilman Lee noted he used the Institute of Transportation Engineers Parking Generation Manual while working on different development projects. He discussed a current project on Commercial Street which had issues regarding the parking space requirements outlined in the City Code. He noted he was able to contact the City to request approval to use the guidelines listed in the Institute of Transportation Engineers Parking Generation Manual, which helped resolve the parking issue for that area. He further noted the City could reduce the need for staff to review case-by-case requests submitted by developers by providing the option for the developer to either use the parking space requirements outlined in the City Code or the parking requirements outlined in the Institute of Transportation Engineers Parking Generation Manual.

Councilman McGull discussed the off-street parking requirements, noting City Code requires five parking spaces for a barber shop with three chairs (Exhibit 3). He agreed the City Code provisions regarding parking space requirements should be updated. Mr. Gage asked what the ITE would require for a barber shop. Councilman Lee responded the ITE does not address that particular use.

Councilman McGull asked for any comments from staff members regarding the topic. Brett Foster, Traffic Engineer, offered clarification of the ITE manual. He noted the ITE manual provides the average peak demand and is continually updated online. Mr. Foster expressed his opinion this would be a reasonable change and would provide flexibility. He emphasized the

ITE manual only listed peak demand and did not provide policy on how to interpret the information.

Councilman Hosmer asked if the Institute of Transportation Engineers Parking Generation Manual was recognized throughout the development industry. Mr. Foster responded affirmatively. He explained the Institute of Transportation Engineers Parking Generation Manual was the nationally recognized standard used by developers for parking generation. He noted the online manual provided historical and current data which could be sorted/filtered by time.

Councilman Hosmer asked if Mr. Foster anticipated any conflict between the requirements for the number of parking spaces outlined in the Institute of Transportation Engineers Parking Generation Manual and the requirements for parking outlined in City Code. Mr. Foster responded he did not anticipate any conflicts if the developer had the option to choose which guideline to follow. He noted his only concern would be defining the number of parking spaces needed in instances where multi-unit establishments, such as a 2-bedroom apartment, require 1.66 parking spaces to be available per unit. He noted the 1.66 number would need to be rounded up to 2 parking spaces. Mr. Gage noted language would need to be added to clarify whole numbers when referring to parking spaces. Mr. Foster noted the proposed changes would provide flexibility for staff, as uses can change, and some of the City Code is antiquated and does not fit the current use; it would also give some flexibility to developers, as land use and parking are big concerns.

Councilman Hosmer expressed his opinion neighborhoods do care about parking. He used the Rountree Neighborhood as an example, where, in his opinion, on-street parking caused issues.

Councilwoman Carroll asked for clarification regarding parking space requirements for restaurants located in walkable areas. Councilman Lee responded there are sections of the Code which ask whether the area has a transportation system nearby, but he expressed his opinion that would not be used in the City even with the bus system. He noted Springfield citizens primarily drive to their desired location and park. Councilwoman Carroll asked about parking in the downtown area. Councilman Lee explained parking is not required in the downtown area of Springfield. He noted parking requirements for a business similar to Imo's Pizza would not consider the number of patrons walking to the establishment; only the size of the restaurant would be used to calculate the parking requirements.

Mr. Gage asked for clarification in a situation where the Zoning Code would require parking for a particular use; he asked if the developer would have the choice to follow the guidelines outlined in the City Code or to follow the national standards outlined in the Institute of Transportation Engineers Parking Generation Manual under this proposal. He further asked if the Zoning Code did not require parking for a particular use, then no parking requirements would need to be met. Councilman Lee responded affirmatively to both inquiries.

Mr. Gage asked if any of the parking standards had been changed in the last few years due to issues related to neighborhoods or commercial developments. He expressed his opinion the reasoning for any such changes should be taken into account as modifications were being

considered. Bob Hosmer, Planning Manager, responded there have been some requests for certain use types where a reduction in parking has been an issue. In these instances, if the reduction is not allowed in our Code, the Administrative Review Committee can review the request.

Councilman McGull discussed how parking requirements could affect the City. He explained maximizing the use of parking spaces is good for the City, such as a coffee shop now located on a parking lot on East Sunshine Street. Allowing another commercial entity to use underutilized parking spaces brings in more tax revenue.

Councilman Hosmer asked how the proposed changes to parking space requirements would affect businesses or multi-family residential buildings currently operating. Mr. Foster responded an already-established business or multi-family residential building would still follow the previous City Code but would have the option to update their parking requirements to follow the proposed City Code. He further noted a developer applying for a new permit would have to comply with the updated City Code. Mr. Foster explained if someone came in for a new building permit or a permit for a new use, then they would have to comply with the current Code or standard.

Councilman Hosmer asked about the Americans with Disabilities Act (ADA) parking space requirements. Councilman Lee responded the ADA requirements would be calculated based on a percentage of the total number of required parking spaces.

Councilman Lee expressed his opinion the recommended changes would result in reasonable reduction of the required number of parking spaces based on national standards. He also expressed his opinion all of the extra paving with fewer buildings would have a negative environmental impact.

Councilman McGull noted the proposed amendment made sense to him.

The Committee members discussed the next step in the process to amend off-street parking requirements outlined in the City Code. Mr. Gage noted staff recommends the draft amendment be provided to Multistudio for review as part of their contract obligation. He further noted the Committee could choose to get input from the Growth and Development Advisory Council and the Neighborhood Advisory Council regarding the changes. Councilman Lee discussed adding a deadline for this topic to be reviewed by the Planning and Zoning Commission before being brought to City Council for further discussion. The Committee members agreed February 14, 2024, would provide enough time for the proposed to be reviewed by the Planning and Zoning Commission.

Councilman Lee moved to submit draft Code Section 35-455 to Multistudio for their review and comments and also to obtain the routine input from the GDAC and the NAC. Councilman Lee then suggested adding a reasonable deadline for the draft to be reviewed. Councilman Hosmer noted he did not understand why it had to be reviewed by the GDAC or NAC. He suggested representatives could testify like other entities. Mr. Gage responded the City had made a commitment to do that as a courtesy. Councilman Hosmer asked who made the commitment.

Mr. Gage responded it had been done for years, and it was the expectation; he did note the Committee members could instruct staff not to have the groups review the proposed language, but noted the groups would expect to see it since it relates to development. Councilman Lee suggested there be a set date for the draft language to go before the Planning and Zoning Commission. Mr. Gage reviewed a potential timeline and discussed meeting dates with staff members. The Committee members agreed a February 14, 2024, deadline would provide enough time for the proposed to be reviewed by the Planning and Zoning Commission and be listed on the agenda for the Plans and Policies Committee for consideration.

Councilwoman Carroll seconded the motion, and it was approved by the following vote: Ayes: Carroll, Hosmer, Lee, and McGull. Nays: None. Absent: None. Abstain: None.

Councilman McGull noted the next topic of discussion would be Councilman Lee's recommendation to amend the Administrative Subdivision Code.

Councilman Lee explained he personally worked with many single-family residential subdivisions, but very few have been in the city of Springfield. He expressed his opinion the City Code is antiquated, noting it was written for a developer with 10 acres wanting to put 25 residential homes on that property. He reviewed the details surrounding a subdivision in Hickory Hills which was submitted to the City for a pre-plan review, and the City delayed the pre-plan review because they needed to refresh their memory on how to do a single-family subdivision, so it took an extra week. The point is the Code is written to address circumstances which don't typically occur.

Many of the sections in the Code do not apply, in his opinion, to a commercial subdivision where there are existing buildings, such as dividing two buildings on one lot into two lots. Councilman Lee gave an example of a property owner having to remove a driveway, extend sanitary sewers, and install a sidewalk in order to subdivide a piece of property. In this example, the cost to meet the requirements was estimated at \$100,000. He explained under this proposal, if the use of a property is not being changed, then the owner should not be required to complete the same process as required of a new development. He notes many of his clients will often not subdivide based on the antiquated requirements.

Councilwoman Carroll asked how Councilman Lee felt the example situation should have been addressed. Councilman Lee noted his proposal was that an administrative subdivision process be established; as of right now, the City does not have an administrative subdivision process that fits that situation. He noted what the City currently has was a replat process; old lots which never were subdivided and have been in operation for a long time are required by the City to go through the whole subdivision process, and what that means is the owner or developer has to bring the property up to today's standards. Councilman Lee noted he has found most of his clients choose not to develop and not subdivide when it goes through the process and the requirements come in. He noted the requirement to remove a driveway often stops the effort by the owner or developer, since the driveways are necessary for retail developments. Councilman Lee expressed his opinion this leads to blight by having such a prohibitive cost associated with the replat. This often pushes the development into residential districts rather than the developer going through this process.

Councilman McGull asked about the City's current driveway requirements. Councilman Lee responded the current City Code stated on this particular road classification if a parcel had two driveways within 200 feet of each other, one must be removed.

Councilman McGull asked for additional information on the costs experienced by the property owner/developer in Councilman Lee's example. Councilman Lee responded the cost to remove the driveway was about \$25,000; the sidewalk was around \$50,000; the subdivision process took about nine months, so there were carrying costs; and there was a cost for the improvements.

Mr. Gage explained developers would be ineligible to use the administrative subdivision process for lots which have not been platted. He noted the administrative subdivision process was intended as a streamlined process for developers who had purchased a grouping of lots which met all the requirements outlined in the current City Code. If those requirements were not met, the property would have to go through the full platting process. He cautioned against creating a new zoning nonconformity, as the platting process can create zoning barriers. He noted there could be some flexibility on non-zoning, but exceptions would have to be examined to determine if they were reasonable. Mr. Gage was unsure if exceptions would be allowed in the platting process.

Councilman Lee expressed his opinion there is a significantly lower amount of development because the cost is too high right now. He noted this is an opportunity to encourage small businesses to locate in our community because surrounding communities have administrative subdivision processes.

Councilman Hosmer noted having a sidewalk along Campbell and having fewer driveways would be safer and contribute to the community good. He asked for clarification on whether Councilman Lee's opinion was that a developer should not have any responsibility for sidewalks.

Councilman Lee responded there were two different sets of language before the Committee members for consideration; one of them required sidewalks but allowed to process to be completed in less than nine months. He noted there was a Fee in Lieu of Fund, but developers need to be able to do something like this in a much shorter time period.

Councilman Hosmer asked if taxpayers would eventually pay for installing those sidewalks near the example property. Councilman Lee explained he wanted businesses, and if business were to come in and pay sales tax, that would provide funds to pay City employee salaries. He expressed his opinion the current requirements were high enough that many developers were going away, so he would not require sidewalks.

Councilman Hosmer noted there was a problem with developers selecting neighborhood areas, such as Sunshine and National, when there are empty/buildable lots all over Glenstone, Campbell, and Sunshine. He explained he wasn't sure how to incentivize building in those pre-existing areas.

Councilman Lee referred to the second set of draft language. He expressed his opinion it makes sense for the residents in a residential neighborhood to pay for the sidewalks they are using. He expressed his opinion, in the example situation, putting in a small segment of sidewalk was very expensive.

Councilman Lee discussed the cost a developer would have to pay to add a segment of a sidewalk instead of paying the fee in lieu of sidewalks. Mr. Gage noted the intent of the fee in lieu of sidewalks was to address areas where the development of a sidewalk could not be completed. Councilman McGull asked if the cost for fee in lieu of sidewalks was set at a competitive rate. Mr. Gage explained the City's Finance Department calculated the cost. Mr. Foster explained the fee in lieu of sidewalks cost was calculated based on the three-year average for the cost to install a sidewalk and adjust the project on a standard consumer price index. When that was completed three years ago, they looked at the previous three-year average, and it was \$42-43 per linear foot. When that went to City Council, they decided to do a 75 percent cost recovery on that and evaluate it during the next cycle. So, they had been looking at pricing that was six years old three years ago, and that pricing was substantially lower. Mr. Foster noted they had been seeing 30 to 40 percent on the incidental-type construction fees across the board. They looked at 179 bids over the last three years and the average was about \$85 per linear foot. Public Works is estimating \$90 for current bids.

Mr. Gage asked if the numbers were pulled out of larger projects with sidewalks or if they were just sidewalk projects. Mr. Foster responded that three factors were used: City project bids, the actual development bid submitted through the CIP process, and the Missouri Department of Transportation price index. Mr. Gage asked if those costs were associated with sidewalk only projects. Mr. Foster responded affirmatively, noting it would be for a sidewalk only along the road and would not be associated with another project.

Councilman Hosmer asked how the fee in lieu of sidewalks would help a developer. Mr. Lee responded the time component was the issue.

Councilman Hosmer asked if the developer could pay 85 to 100 percent of the actual cost of the sidewalk in front of their development. Councilman Lee responded an administrative subdivision could be done in six weeks instead of nine months.

Councilman McGull asked if the time factor was due to the design of the sidewalks. Councilman Lee responded most of it was the major subdivision; an administrative subdivision does not go to Planning and Zoning or to City Council. An administrative subdivision is just done administratively; there are no public hearings. Formal sketch plats, a formal preliminary plat, and a formal final plat are required. All of those things are very expensive from an engineering and survey perspective and from a time perspective.

Councilman Hosmer asked for clarification that the administrative subdivision process would be used when the developer was not building a new building. Councilman Lee explained subdivisions were not associated with buildings. He pointed to another example at 1212 South Glenstone. He noted developer wanted to tear down the current building and build a new building. In order to do that, the developer needed to subdivide to split off a parcel of land. The

City's requirements were to remove multiple driveways and build sidewalks. Councilman Lee explained the project went away as soon as the City's comments were received. He noted the original building is still sitting there.

Councilman Hosmer asked if the problem was the removal of driveways. Councilman Lee explained the sidewalk fees and the nine months contributed to the decision. He expressed his opinion the current process is not a competitive way to have businesses locate on Glenstone.

Councilman McGull asked for clarification that particular developer would prefer to pay a fee in lieu of sidewalk. Councilman Lee responded the developer anticipated the requirement to do away with six driveways would affect the business to the point it would reduce the amount of money he could make.

Councilwoman Carroll commented the ugly, vacant building was still standing. Councilman Lee responded affirmatively and noted that was what the issue was about.

Mr. Gage noted regardless of whether it was a full or administrative plat, the site has to meet all current codes. If the current Code limits distances between driveways, the property must meet those requirements. The platting cannot create a zoning variance. He explained if there were a variance between the platting of an area and the zoning code, the administrative subdivision process could not be used, and the developer would have to use the platting process.

Mr. Foster explained the sidewalk requirements were added to the City Code in approximately 2015. It was decided at that time, when a property was platted or a building permit application was made, the sidewalk should be added. That was a Code requirement added by City Council to try to increase the number of sidewalks. He noted some of the other things in the platting process are regulatory because plats are required to have public services, like the sewer, and access to a city street. He explained those were added as a Code requirement and not a regulatory requirement, so there could be more flexibility if City Council chose to amend those requirements. He also explained the driveway requirements were added for public safety.

Mr. Gage asked if the driveway separation requirement was in the Zoning section of the Land Use Code or outside the Zoning section. Mr. Foster responded it was in the Subdivision side.

Councilman Lee noted the language in proposed draft Code Section 36-223 (Exhibit 2b) would not change the sewer or public utility requirements. He noted if it were desirable for a small business to tear down an old structure on Glenstone and build something new, this would be a way to accomplish that goal. He explained there were developers who wanted to come to Springfield, and he expressed his opinion the City was telling them no when we told them the cost.

Councilman McGull expressed his opinion the two driveways in the middle of the example property were too close together.

Councilman Lee expressed his opinion the City only had one tool in the toolbox when it came to driveways; if a developer were to submit something to the City of Springfield, the process

operates like a robot and requires any driveway within 200 feet be removed. He expressed his opinion there was no discretion.

Councilman Hosmer expressed his opinion the decisions need to be fair and must listen to both sides; the decisions cannot be discretionary calls.

Councilman Lee explained this would be the result if the status quo is kept. He noted he had provided two examples but could provide examples of additional projects where the City Code does not fit with many routine developments.

Council Hosmer ask for additional clarification about the property where the City had requested that several driveways be removed. Councilman Lee explained it was all the same parcel. Councilman Hosmer clarified that the developer wanted to divide one parcel. Councilman Lee pointed out the building considered for sale. He noted in order to sell that one building which was on the one big parcel, they needed to create its own parcel. Councilman Hosmer clarified when that one parcel was created, it required the whole parcel to come into compliance with City Code. Councilman Lee responded affirmatively.

Mr. Foster noted one part of Comprehensive Code rewrite would be access management and other topics discussed by Councilman Lee. He noted one of the difficulties was that the City did not have a lot of tools in the toolbox once a property gets through the platting process. Mr. Foster noted the way the policy was currently written for these lots was that issues could be addressed during the platting, replatting, or administrative subdivision if it had not previously been platted. He explained that was the only way for Public Works to acquire right-of-way. He noted the City had worked with some of Councilman Lee's clients regarding driveways. One of the strategies was to delay such things until the time the lot redevelops and there is physical activity there.

Councilman Hosmer expressed his opinion, in this instance, if only one parcel were going to be developed, the City gets something out of it by changing access and getting rid of one or two driveways and not affecting the rest of the parcel. He expressed his opinion this would encourage development.

Mr. Foster explained if something like that were to be attempted under the current Code, the City would have to take a variance to the Planning and Zoning Commission and explain that the driveway would have to be removed at whatever time the land use changes or whatever variance was being proposed. The Planning and Zoning Commission and City Council would have to approve the variance. Mr. Foster acknowledged that this was a lengthy process.

Councilman Hosmer asked if this could be done as a consent item, acknowledging that items A, B, C, D would be completed at a later time. Councilman Lee responded in a lot of the cases, the buildings and parking are not changed; the developer just wants to change the lot lines. In that situation, it is the City's only chance to take something from them. He noted the City tries to seize that opportunity regarding driveways and sidewalks.

Councilwoman Carroll left the meeting at 1:13 p.m.

Mr. Gage clarified Councilman Lee's statement that the City is trying to seize something from the applicant is that the City is trying to follow the Code at the time which would require the property to be brought up to the full standard which would result in the City taking something from the applicant. Mr. Gage asked if Councilman Lee was describing an overreach.

Councilman Lee responded with his opinion the things required were extreme overreaches. He expressed his opinion if any Councilmember were to ask a developer if they would want to develop on a specific site if they were going to lose eight driveways and have to spend several hundred thousand dollars. Mr. Gage asked if that was based on interpretation or based on the way the Code was written.

Mr. Gage asked Councilman Lee if it were his interpretation of the Code today that it would not require eliminating the driveways that are too close to the intersection or each other. Councilman Lee responded the Code requires the elimination, noting it says within 200 feet.

Mr. Gage explained that was why the City was considering a Code change. Councilman Lee explained it was the subdivision ordinance, and the proposed language takes the issue out of the subdivision ordinance.

Councilman McGull expressed his opinion Item 3 required additional study. Councilman Hosmer expressed his opinion fee in lieu of made sense, especially on these types of projects.

Mr. Gage discussed the proposed provision regarding fee in lieu of the sidewalks. Mr. Foster noted the Planning and Development Department was currently in the process of reviewing how to apply the fee in lieu of sidewalks with the Multistudio Group and exploring other options, such as acquiring an easement. Councilman McGull expressed his support of the fee in lieu of sidewalks because it would allow the City to collect the revenue to use towards other sidewalk projects in the city.

Councilman McGull noted he would like the administration subdivision code topic to be listed on the agenda for the next Committee meeting so discussion could continue. Mr. Gage asked if Councilman McGull wanted the topic brought back to the Committee before obtaining additional input. He noted staff could certainly get a perspective from Multistudio. Mr. Gage explained staff could also get input from GDAC and NAC, but it would depend on whether the Committee members wanted to discuss the topic further and possibly modify the language.

Councilman McGull responded he would like to have the input. He asked for thoughts from the other members. Councilman Lee noted he would like for it to go to the other groups and noted he had two options for consideration.

With no further business to come before the Committee, the meeting adjourned at 1:20 p.m.