



Zoning & Subdivision Report

Planning & Development Department ~ 417/864-1611
840 Boonville Avenue ~ Springfield, Missouri 65801

ZONING ORDINANCE AMENDMENTS – PERSONAL SERVICES IN OFFICE DISTRICTS

DATE: August 28, 2008

RECOMMENDATION:

Staff and the Zoning Ordinance Review Committee recommend the amendments contained in the attached Exhibit 1 be **approved**. Staff also recommends the following changes be made to the applicant's request:

1. Separate retail uses and personal services into two different categories;
2. Personal service uses would not be limited a percentage of the floor area on the site;
3. Continue to limit retail uses to 10 percent of the office floor area on the site;
4. Limit the types of retail uses to the retail establishments listed in the General Retail District;
and
5. Add definitions of personal service establishment and retail establishment.

FINDINGS FOR APPROVAL:

1. Personal service uses have a similar impact on public infrastructure and neighboring properties as the permitted office uses.
2. Expanding personal service uses in the Office district will permit the services to be allowed in more locations throughout the community that are potentially closer to their customers.
3. The personal services uses located in Office districts provide services to surrounding neighborhoods and not just primarily to workers and customers in the Office district.

FINDINGS FOR DENIAL:

1. Personal service uses have a greater impact on public infrastructure or neighboring properties than typically permitted office uses.
2. There are adequate locations throughout the community for personal service uses in the other zoning districts that permit such uses.
3. Personal service uses should be limited because they are intended to primarily provide services to workers in the Office district and not generate traffic flows unrelated to the office uses.

PersonalServicesOfficeSR

BACKGROUND

1. This request was submitted by Ronald Burch who states in the application, "I would like to be able to lease this space to businesses that perform personal services. In this specific instance, a spa". This space is 3101 South Kimbrough Avenue.
2. Staff told the applicant in August that a rezoning to a commercial district, which would permit the applicant to use the building for the spa, would make the existing building nonconforming since it would not meet the bulk plane standards for that district. Instead of proceeding with the rezoning, staff told the applicant it would support this text amendment.
3. The following districts allow personal services:
 - a. Office - Retail and personal service uses located in an office building such as newsstands, cigar stores, barber shops, beauty parlors, tailor shops, shoe repair shops and restaurants, provided the total floor area of such uses does not exceeded ten (10) percent of the gross floor of the office building.
 - b. Government and Institutional – Personal service establishments [as a conditional use].
 - c. Limited Business, General Retail, Highway Commercial, Commercial Services, Center City and Industrial Commercial – Each of these districts has the following description: Personal service establishments including beauty parlors, barber shops, dry cleaning and laundry pick-up, shoe repair, self-service laundromats, express or mailing offices and hearing aid and eye glass shops.
4. Staff sent an earlier draft of this report to neighborhood associations registered with the City. That report recommended approval but did not include a discussion about negative outcomes that could occur if this amendment is approved.

STAFF COMMENTS:

1. The applicant wants personal service establishments to be permitted uses in the office zoning district with no limitation on the floor area. The request is to specifically allow a spa as a personal service establishment and to be able to lease an entire building for this purpose. The applicant does not define a "spa". Discussions between the applicant and staff, however, indicate the applicant wants to lease his building to a tenant who would provide massages.
2. The office zoning district already allows personal service establishments and the Building Development Services Department considers spas to be personal service establishments. These establishments are combined with retail uses in the office district. The zoning ordinance limits the floor area for the combined "retail and personal service uses" to ten percent of the structure's floor area in the office district.
3. Retail and personal service establishments are appropriate in office developments for the following reasons:
 - a. These uses provide goods and services frequently used by businesses in the offices, their workers and the office customers as stated;

- b. Allowing a mix of uses in the same district reduces the need to drive elsewhere for the same services. This reduces vehicular pollution as well as the number of vehicles on the city's roadways;
 - c. Some offices will benefit from having accessory establishments in the same building. A medical clinic will benefit from a pharmacy in the same or nearby building as will an optometrist benefit from an eye glass shop as examples.
 - d. There is a benefit to the community of allowing personal service uses in the Office district because it allows them to be more widespread throughout the community without have to rezone properties to commercial districts, which may not be appropriate in certain locations.
4. The ten percent limitation on floor area for retail and personal services is to prevent them from becoming dominant uses on office-zoned property. Because the floor area of these uses is limited by the structure within which they are located, the original intent of allowing these uses was to primarily serve businesses, their office workers and customers. However, the type of office development that is occurring does not tend to predominately support the retail and personal service uses. Retail and personal services uses can be destination uses that serve off-site customers more than the office workers and customers within the same development.
5. There is a difference between the potential impact on public infrastructure and neighboring properties of retail uses versus the personal service and office uses. Retail uses can generate more traffic and many tend to operate later hours. Although, there are certain uses already permitted in the Office district that often operate later hours. Fitness centers often open early in the morning and stay open late in the evening. There is also nothing to limit the hours of typical office uses. Personal service uses tend to generate traffic similar to office uses, but the hours of operation vary. For example, hair salons and tanning facilities are often open in the evenings, but they do not generate the amount of traffic that could occur from a retail establishment. Massages for health reasons are similar to what occurs in doctors' offices which are allowed in the same office district as the request for a spa would allow if it's approved. Massages for health reasons will have a similar impact to doctor or chiropractic offices.
6. The ten percent limitation on the retail uses needs to remain because retail should not be a dominate use. If more retail is appropriate in an area, the property should be rezoned to a commercial district. Increased retail development in an office district will have a greater impact on residential property than the office uses due to the requirement for less buffering for office uses in an office district versus a retail district as well as more traffic and longer hours of operation. Some retail uses, such as home improvement stores, bowling alleys, auto parts stores, flea markets, etc., might not be appropriate in an otherwise office location. The recommendation continues to restrict retail to some of the same uses now allowed in the office district plus the "retail establishments" allowed in the General Retail District in an effort to keep any impact down on less intense uses.
7. The recommendation in Exhibit 1 includes definitions for retail establishments and personal service uses to differentiate between them and to provide clarity about their purpose.
8. This is a complex issue and Commission has several options beyond just approval or denial in its recommendation to City Council. If after the public hearing, Commission has concerns

about allowing personal service uses to the extent recommended, Commission could just recommend an increase in the percent of floor area permitted for personal services uses over the current ten percent. Another option would be to require a conditional use permit for personal service uses beyond the permitted ten percent floor area. This would require a public hearing and review by Commission and Council for every personal service use in the office district.

9. Neighborhood associations registered with the City have been notified of this public hearing and have been sent an earlier draft of this report.

Staff contact:

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