

September 1, 2016
MINUTES OF THE PLANNING AND ZONING COMMISSION
Springfield, Missouri

The Planning and Zoning Commission met in regular session September 1, 2016 in the City Council Chambers. Vice Chairman Randall Doennig called the meeting to order.

Roll Call - Present: Randy Doennig (Vice Chair), David Shuler, Melissa Cox, King Coltrin, and Dee Ogilvy. Absent: Matthew Edwards, Cameron Rose, Jason Ray, and Andrew Cline

Staff in attendance: Bob Hosmer, Principal Planner, Mary Lilly Smith, Director, Planning and Development, Nicholas Woodman, Asst. City Attorney, Tom Rykowski, Asst. City Attorney, Dawne Gardner, Public Works Traffic Engineer, Julie Hawkins, Public Works Project Engineer, and Chris Dunnaway, Public Works Principal Engineer

Minutes: The minutes of August 4, 2016 were approved unanimously.

COMMUNICATIONS :

Mr. Hosmer reported on the August 8, 2016 City Council meeting actions.

UNFINISHED BUSINESS:

Vacation 785
2400 blk East Granite Springs Street
Applicant: Mark and Mary Eck

Mr. Hosmer states that this is a request to vacate all of Riverbluff Boulevard (formerly platted as Granite Springs Street) right-of-way in the Granite Springs Phase 1 final plat.

A street was never constructed within this right-of-way. City Council passed Special Ordinance No. 26761 on July 11, 2016 approving the mapping of the East West Arterial. The location of the East West Arterial mapping was determined to be further south of the subject right-of-way. A street is not planned to be located within the subject right-of-way. Twenty-two (22) property owners are within three hundred (300) feet of the subject area and have been notified of this action. Staff has not received any comments. The applicant held a neighborhood meeting on July 26, 2016 regarding the vacation request. The requested vacation meets the approval criteria listed in Attachment 2. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mark Eck, 1134 E. 24th Street; Tulsa, OK here for the request of the application.

Mr. Brian McTague, 6328 S. Ridge Crossing, Ozark, MO is curious what is the timeline and what it means for the residents affected.

Mr. Hosmer noted that the vacation of the right-of-way (ROW) will go back to the property that had dedicated the right-of-way and the timeline for the East West Arterial is a five (5) year limitation.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms Cox motioned that we approve Vacation 785 (2400 blk East Granite Springs Street). Ms Ogilvy seconded the motion. The motion **carried** as follows: Ayes: Doennig, Shuler, Ogilvy, Cox, and Coltrin. Nays: None. Abstain: None. Absent: Ray, Cline, Edwards, and Rose.

NEW BUSINESS :

CONSENT ITEMS :

Relinquishment of Easement 838
1031 South Wabash Avenue
Applicant: Valscott Properties, LLC

Relinquishment of Easement 839
3000 blk North Oakland Avenue
Applicant: Spring Meadows Estates

COMMISSION ACTION:

Ms Cox motioned that we approve consent items Relinquishment of Easement 838 (1031 South Wabash Avenue) and Relinquishment of Easement 839 (3000 blk North Oakland Avenue). Mr. Shuler seconded the motion. The motion **carried** as follows: Ayes: Doennig, Shuler, Ogilvy, Cox, and Coltrin. Nays: None. Abstain: None. Absent: Ray, Cline, Edwards, and Rose.

PUBLIC HEARINGS:

Z-11-2016 w/COD #112
1811 East Sunset Drive
Applicant: 1811 E. Sunset, LLC

Mr. Hosmer stated that this is a request to rezone approximately 0.6 acre of property generally located at 1811 East Sunset Drive from Planned Development No. 97 to a LB, Limited Business District and establishing Conditional Overlay District No. 112. The Growth Management and Land Use Plan of the Comprehensive Plan designate this area as appropriate for medium-intensity retail, office and residential uses. Office and Limited Business Districts are two of the zoning districts recommended in this area.

The applicant is proposing to rezone the property to facilitate the redevelopment of the site for a new retail/office building.

Planned Development No. 97 currently only permits administrative and professional offices-- finance, insurance, real estate services, medical offices and medical support activities.

CONDITIONAL OVERLAY DISTRICT PROVISIONS:

The requirements of Section 36-420. Limited Business District of the Springfield Zoning Ordinance shall be as modified herein for development within this district.

Prohibits the following permitted uses:

- Eating and drinking establishment use group, excluding drive-in, pick up window, or drive-thru facilities.

Prohibits the following conditional uses:

- Eating and drinking establishment use group, including drive-in, pick up window, or drive-thru facilities.
- Funeral homes and mortuaries (crematoriums are permitted as accessory use).
- General office use group, including banks and financial institutions with automatic teller machines and drive-thru facilities.
- Public service and public utility uses.
- Residential uses on the first floor frontage of a building.
- Retail sales use group, including convenience stores with gas pumps.

The applicant has retained the retail sales use group, including convenience stores without gas pumps and any other retail sales.

The addition of a retail sales use could potentially create additional traffic safety and congestion within this area. Staff does not support (LB District) retail sales uses at this location because of its access restraints, lot configuration and proximity to R-SF, properties. Staff does support O-1; Office District which is similar to the uses in the existing PD. Staff recommends denial.

Mr. Doennig opened the public hearing.

Mr. Rick Muenks, 3041 S. Kimbrough handed out a letter to the commission members. I am the owner/representative and represent the contracted buyer. The contracted buyer desires to construct a State Farm office and have additional lease space which may be office or retail. He wants to keep that option open and have the flexibility due to Glenstone Avenue. The site is small and will not be able to hold large retail, however it can support small retail, such as a boutique shop, etc., and this is why they are asking for the zoning change. Mr. Muenks went over the documentation that he has passed out to the commission members.

Mr. Coltrin asked Mr. Muenks about possible traffic backing up from the proposed plans and noted the problems that are currently there due to the number of vehicles turning in and out at the intersection.

Mr. Doennig asked about the additional right-of-way (ROW) improvements that are available and asked if the proposed buyer will be making any improvements to the intersection and Mr. Muenks noted that the proposed buyer will not make any improvements.

Ms. Cox asked for clarification and asked if State Farm's best interest would be for recommendation to Office District 1 (O-1) due to the proposed buyer not wanting to make any improvements to the intersection. Mr. Muenks noted that it has been discussed with staff on their recommendation for Office District 1 (O-1).

Ms. Cox noted that the current zoning would not work, but for the immediate timeframe that possibly Office District 1 (O-1) could be recommended and that possible future improvements could be looked at in the future.

Mr. Muenks noted that the proposed buyer would probably be okay with Office District 1 (O-1) for the immediate timeframe.

Mr. Doennig closed the public hearing.

Mr. Coltrin noted that this is a difficult decision and feels that Office District 1 (O-1) would be a step in the right direction.

Ms. Cox asked staff if the Commission can make a recommendation for Office District 1 (O-1) and would like to make a motion that addresses the concerns of the client, but appeases both sides of the issue.

Staff clarified that the Commission can make a recommendation for Limited Business (LB) or Office District 1 (O-1) and that during LDIC staff recommended straight Office District zoning with no limitations which allows retail but not to exceed 10% of the total office space.

COMMISSION ACTION: 1

Mr. Doennig motioned to approve Z-11-2016 w/COD #112 (1811 East Sunset Drive). Ms Cox seconded the motion. The motion **did not carry** as follows: Ayes: Ogilvy. Nays: Doennig, Shuler, Cox, and Coltrin. Abstain: None. Absent: Ray, Cline, Edwards, and Rose.

COMMISSION ACTION: 2

Ms. Cox motioned that Commission amend Z-11-2016 w/COD #112 (1811 East Sunset Drive) to Office District 1 (O-1). Mr. Shuler seconded the motion. The motion **carried** as follows: Ayes: Doennig, Shuler, Ogilvy, Cox, and Coltrin. Nays: None. Abstain: None. Absent: Ray, Cline, Edwards, and Rose.

Z-12-2016 w/COD #111
2832 East Sunshine Drive
Applicant: Robert L. O'Block, Trust

The applicant's representative has requested that this case be tabled and placed on the Planning and Zoning Commission meeting for the October 13, 2016. Staff recommends approval.

COMMISSION ACTION:

Ms. Cox motioned that we table Z-12-2016 w/COD #111 (2832 East Sunshine Drive) to the next meeting (October 13, 2016). Mr. Coltrin seconded the motion. The motion **carried** as follows: Ayes: Doennig, Shuler, Ogilvy, Cox, and Coltrin. Nays: None. Abstain: None. Absent: Ray, Cline, Edwards, and Rose.

Z-13-2016
222 East Primrose Street
Applicant: Lipscomb Properties, LLC

Mr. Hosmer stated that this is a request to rezone approximately 0.90 acres of property generally located at 222 East Primrose Street from a Planned Development 21 Amendment 1 District to a GR, General Retail District.

The Growth Management and Land Use Plan Element of the Comprehensive Plan identify this area appropriate for medium intensity retail, office or housing. The Plan identifies the General Retail district as appropriate for this land use category. The subject property is near the James River Freeway and Campbell Avenue Activity Center. The property is located at the corner of Primrose Street, a secondary arterial roadway and South Avenue, a collector roadway, both of which are appropriate for GR, General Retail uses. A traffic study was not warranted. The PD has similar uses to the GR. Buyout in lieu of on-site stormwater detention is not an option. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Derek Lee, Lee Engineering, 1200 E. Woodhurst representing the owner and to answer any questions. This is an existing strip center and they want to add the use of a pharmacy that will primarily serve the Pain Management Center currently located in the strip center.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned that we approve Z-13-2016 (222 East Primrose Street). Mr. Coltrin seconded the motion. The motion **carried** as follows: Ayes: Doennig, Shuler, Ogilvy, Cox, and Coltrin. Nays: None. Abstain: None. Absent: Ray, Cline, Edwards, and Rose.

Z-14-2016 w/COD #110
1606 East Blaine Street

Applicant: John Peterson

Mr. Hosmer stated that this is a request to rezone approximately 2.4 acres of property generally located at 1606 East Blaine Avenue from an R-SF, Single-Family Residential District to a R-LD, Low-Density Multi-Family Residential District; and establishing Conditional Overlay District No. 110.

The Growth Management and Land Use Comprehensive Plan identify this property as an appropriate area for Low Density Housing. However, the plan recommends that each neighborhood should contain a range of housing types, densities and building configurations including single family detached, townhouses and apartments. The Major Thoroughfare Plan classifies Blaine Avenue between Glenstone and Weller as a local roadway. A traffic study was not warranted by Public Works Traffic Division since the rezoning from R-SF to R-LD with COD #110 will not generate a significant amount of additional traffic. The proposed conditional overlay district will restrict the residential density to 11 dwelling units per acre which is similar to the R-TH, Residential Townhouse District to the west. The R-TH and R-LD Districts both allow duplexes; the primary difference is that the R-TH District only allows one duplex per lot while the R-LD allows for multiple duplexes or units on a single lot.

There is a strip of land owned by a separate property owner between 1606 East Blaine and Fairway Avenue. Access to Fairway Avenue will not be allowed without a dedication of right-of-way through this property. Driveway accesses from a stub street are not allowed unless a city standard turnaround is constructed, which will require additional right-of-way to be dedicated by the property at 1606 East Blaine and by the property owners to the east at 1624 East Blaine (church property). If Fairway Avenue is constructed through to Blaine Avenue then only the right-of-way will have to be dedicated from the property owners.

A landscaped bufferyard "Type B" at least 15 feet wide is required between any adjacent R-SF and R-TH District property. All structures shall remain below a forty-five (45) degree bulk plane as measured from the boundaries of any R-SF district. This is a one to one relationship, for every one foot of height there is an equal one foot required building setback. Buyout in lieu of on-site stormwater detention is not an option. There is an existing 8 inch sewer main along the east side of the property and has adequate dry weather capacity for the 24 unit proposed development however there are downstream overflow and backup issues. There have been wet weather flow overflows to the south of Division which cause backups along Fairway north of Division. Staff recommends approval limiting the maximum density for the subject property to eleven (11) dwelling units per acre.

Mr. Coltrin questioned the report (page 7, item number 2, RL-D) that the intent of all vehicular access from a collector or higher classified streets without traversing minor streets in adjoining residential neighborhood streets, but then the next paragraph talks about whether putting a cul-de-sac in and taking access or where they can extend to Fairway. Can they extend Fairway based on the zoning because it would not be a collector's street?

Mr. Hosmer noted that there is a collector street to the south (Division) and if access is allowed through Fairway this is classified as a local street. Staff believed that reducing the density similar to the R-TH with the COD that this not increase traffic significantly.

Mr. Doennig opened the public hearing.

Mr. John Peterson, 1611 N. Campbell, would like to rezone this property.

Mr. Chris Miller, 1605 N. Fairway, representing owners at 1626 and 1619 N. Fairway. Stated that there are 27 people on this street that are not in favor of this proposal. Concerns are traffic and people turning around at the dead-end as well as parking along side the road. He also mentioned about problems with rainwater and sewer and that several people south of his residence have water backing up in their basement as well as native wildlife, foxes, turkey's and a crowned yellow night heron nests yearly in the

trees and the local ornithology people study it. He stated that he would feel that he would have to sell his house if the proposal moves forward.

Mr. Coltrin asked if he is opposed to the traffic coming through and if he wanted the access off of Blaine to the north.

Mr. Miller stated that it is one of the main concerns and if the access would come off of Blaine that it would be much better.

Mr. Doennig asked for clarification about extending Fairway and getting right-of-way (ROW) from two property owners in addition to the subject property of the zoning request.

Mr. Hosmer stated that it is correct and there is a one foot line of property extending from the north of 1625 and 1626 N. Fairway which blocks 1606 S. Blaine from getting access. There would have to purchase the right-of-way (ROW) for access as well as from the church property.

Mr. Doennig noted that at this present time the traffic from the town-homes would exit to Blaine Street and not be moving south on Fairway unless they can purchase additional right-of-way (ROW).

Ms. Cox asked if are they are only looking at the rezoning and asked if any preliminary plat or future development would come in front of the commission again.

Mr. Hosmer stated that this is a certified tract and they would not have to go forward to the commission unless platted, but if there are no streets or extensions than they would not go back to commission.

Mr. Neil Stenger, 1615 E. Primrose talked about the Fairway issue and stated that the plat called for the cul-de-sac to be built but it was not. At the time of being platted they reserved one foot of property at the end of the subdivision and the design was a technique to prevent development of adjacent properties. Mr. Peterson and I originally thought that another driveway to access the duplexes made sense coming from Fairway and the balance of the project to go to Blaine in order to split the traffic. To be clear, Mr. Peterson does not care about access on Fairway versus Blaine. If he does not get access on Fairway he will do the access to Blaine.

Ms. Betty Dickensheet, 1530 N. Fairway and stated that her house was built in 1942. Her concerns are that they are doing R-LD when the street over on Delaware and also Evangel Court are R-TH and does not agree with some of the options on R-LD for the area and wanted to know why it was done as R-LD.

Mr. Dennis Stewart, 1613 N. Fairway and stated that his concerns are the traffic, and water drainage, noting that Jordan Valley Creek is at the end of street as well as the integrity of the neighborhood. There is a lot of water drainage at the end of the street in the spring and fall which completely floods. It floods enough to push the man-holes up and it started when they did the development with the cul-de-sac on Delaware. When Mr. Peterson had the neighborhood meeting he stated that he wanted an entrance from Fairway and Blaine Street but has not seen the plans yet.

Ms. JoAnn Ash, 1625 N. Fairway stated that her concerns are her property values, traffic, sewer, and water run-off and not knowing what type of housing is being considered.

Ms. Linda Snider, 1619 N. Fairway stated that her concerns are water run-off, sewer, traffic, and wildlife. This is a nice, safe and quiet area. We have Weller Gardens that is behind the church that the neighborhood uses and what will happen to the neighborhood garden once the housing goes in.

Mr. Doennig closed the public hearing.

Mr. Doennig asked about the direction of the slope on the property and the buffer requirements on the south end of the property.

Mr. Hosmer noted that the slope is to the south and that there will be a 15' bufferyard with a 45 degree bulk plane on the south as well as along the church property.

Mr. Doennig asked stormwater if there is known flooding in this area.

Mr. Chris Dunnaway noted that they are aware of the problems and will be required to provide detention.

Mr. Coltrin asked stormwater if there is a drainage system and where will the discharge be located.

Mr. Dunnaway noted that the initial impression would be on Fairway and it would not have any increase of peak rate of run-off so it would not be any worse than it is today however the one foot section of land might a problem.

Ms. Cox asked if they would have to provide detention.

Mr. Dunnaway stated they would have to provide detention and required to retain the water quantity volume for 24 to 48 hours, noting that the discharge rate would have to remain the same as it is today and not increase stormwater problems in the area.

Mr. Doennig asked if the detention basin is to discharge onto the street, but noted the one foot of land that goes across the entire area.

Mr. Dunnaway noted that this is a common problem where there is no right-of-way (ROW), easement, or drainage channel for someone to discharge into. Public Works will allow that it to be spread it back out to what it is today or condemn the one foot area.

Mr. Doennig asked if they can mandate the flow over someone else's property.

Mr. Dunnaway stated that as long as it mimic's what it is today and that the stormwater already drains south over that one foot strip.

Mr. Shuler asked for any drawings of where any possible streets would be because the proposed property appears narrow.

Mr. Peterson brought up a current draft drawing of what he proposing.

Mr. Hosmer noted that they are not required to build a street with a R-LD because they put all the structures on one lot which is the difference between R-TH, which requires individual lots, and a street and R-LD, would not require a street.

Ms. Cox asked if they would only require one access and not necessarily from Fairway.

Mr. Hosmer stated that this is correct because it is under 35 units and the Fire Department does not require two access points.

Ms. Cox asked if there is a quantity requirement for stormwater.

Mr. Dunnaway stated that there is not a requirement for quantity, they would restrict the rate and suggested that it would be better if they got an easement to discharge to the street.

Ms. Cox stated that she understands the ramifications of taking an open plot of land that is within Springfield city limits, they are few and far between where you can take your pets and allow your children to run across a field, but is in the middle of Springfield and would expect this piece of land to develop.

COMMISSION ACTION:

Mr. Coltrin motioned that we approve Z-14-2016 w/COD #110 (1606 East Blaine Street). Ms. Cox seconded the motion. The motion **carried** as follows: Ayes: Doennig, Shuler, Ogilvy, Cox, and Coltrin. Nays: None. Abstain: None. Absent: Ray, Cline, Edwards, and Rose.

Andy Land Subdivision
3830 South Glenstone Avenue
Applicant: Wisdom, LLC

Mr. Hosmer stated that this is a request to approve a preliminary plat Andy Land Subdivision to subdivide approximately 1.48 acres into a two lot commercial subdivision located at 3830 South Glenstone Avenue.

This property is the remnant of Flowerland Subdivision and vacated right-of-way of Luster Avenue from the MoDOT and City intersection improvements. Public sewer will need to be extended to serve Lots 1 and 2. Sidewalks are required to be constructed along the property frontage on Luster Avenue and Republic Street. Buyout in lieu of on-site stormwater detention cannot be determined by the information provided and can be approved on a case by case basis. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations. If Planning and Zoning Commission approves the preliminary plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years. Staff recommends approval

Mr. Doennig opened the public hearing.

Mr. Neil Brady, Anderson Engineering, 2045 W. Woodland. They are actively building the site and here to answer any questions.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Coltrin motioned that we approve Andy Land Subdivision (3830 South Glenstone Avenue). Mr. Shuler seconded the motion. The motion **carried** as follows: Ayes: Doennig, Shuler, Ogilvy, Cox, and Coltrin. Nays: None. Abstain: None. Absent: Ray, Cline, Edwards, and Rose.

OTHER BUSINESS :

Initiate Utility Substation Facilities
Citywide

Applicant: City of Springfield

Mr. Hosmer stated that this is a request to initiate a text amendments to Section 36-303. (30) (b) Utility Substations Facilities.

Staff is requesting amendments to the design standards of utility substation facilities. The current requirements state that if a utility substation facility building, fence or wall is painted that neutral colors shall be used. Staff believes there are situations where alternate colors may be appropriate and proposes to modify this section of the Zoning Ordinance to remove the paint color requirement. Staff requests that Commission initiate amendments to the Zoning Ordinance. If approved Staff will prepare and draft changes to the Zoning Ordinance and schedule a public hearing at both the Commission and the City Council. Staff recommends approval.

COMMISSION ACTION:

Ms Cox motioned that we approve Initiate Utility Substation Facilities (Citywide). Mr. Doennig seconded the motion. The motion **carried** as follows: Ayes: Doennig, Shuler, Ogilvy, Cox, and Coltrin. Nays: None. Abstain: None. Absent: Ray, Cline, Edwards, and Rose.