

November 16 , 2017
MINUTES OF THE PLANNING AND ZONING COMMISSION
Springfield, Missouri

The Planning and Zoning Commission met in regular session November 16, 2017 in the City Council Chambers. Chairman Randall Doennig called the meeting to order.

Roll Call - Present: Randall Doennig (Chairman), King Coltrin, David Shuler, Melissa Cox, Joel Thomas, Cameron Rose, Natalie Broekhoven and Dee Ogilvy. Absent: Andrew Cline. Staff in attendance: Bob Hosmer, Principal Planner, Tom Rykowski, Asst. City Attorney, Derrick Estell, Public Works Traffic Engineer, Julie Hawkins, Public Works Project Engineer.

MINUTES: The minutes of October 5, 2017 were approved as amended.

COMMUNICATIONS :

Bob Hosmer reported on City Council meeting actions.

CONSENT ITEMS:

Relinquishment of Easement 848
3429 East Chestnut Expressway
Applicant: Menard, Inc.

Relinquishment of Easement 856
1850 West Republic Road
Applicant: Ozmo VA Company, LLC

Relinquishment of Easement 857
3626 South Avenue
Applicant: Cornflower Properties, LLC.

Extend Security Agreement No. 35
1364 East Battlefield Road
Applicant: SWC E. Battlefield Road & Fremont Avenue

COMMISSION ACTION:

Ms. Cox motioned to **approve** Consent Agenda items - Relinquishment of Easement 848 (3429 East Chestnut Expressway), Relinquishment of Easement 856 (1850 West Republic Road), Relinquishment of Easement 857 (3626 South Avenue), and Extend Security Agreement No. 35 (1364 East Battlefield Road). Mr. Coltrin seconded the motion. Ayes: Doennig, Shuler, Coltrin, Thomas, Cox, Rose, Broekhoven and Ogilvy. Nays: None. Abstain: None. Absent: Cline

UNFINISHED BUSINESS:

Vacation 793
Alley adjacent to 1040 & 1110 North Sherman Avenue
Applicant: Greenway Studios, LLC

Mr. Hosmer stated that the applicant would like to withdraw Vacation 793.

COMMISSION ACTION:

Ms. Cox motioned to **withdraw** Vacation 793 (Alley adjacent to 1040 & 1110 North Sherman Avenue). Ms. Ogilvy seconded the motion. Ayes: Doennig, Shuler, Coltrin, Thomas, Cox, Rose, Broekhoven and Ogilvy. Nays: None. Abstain: None. Absent: Cline.

Stream Buffer Zoning Flexibility Amendments
Citywide
Applicant: City of Springfield - Public Works & Environmental Services

Mr. Hosmer stated that this be TABLED and presented at the Planning and Zoning Commission meeting on January 11, 2018.

COMMISSION ACTION:

Ms. Cox motioned to **TABLE** Stream Buffer Zoning Flexibility Amendments (Citywide). Mr. Rose seconded the motion. Ayes: Doennig, Shuler, Coltrin, Thomas, Cox, Rose, Ogilvy, and Broekhoven. Nays: None. Abstain: None. Absent: Cline.

Z-28-2017 w/COD #136
1220 East Lark Street

Applicant: State Bank of Southwest Missouri, Inc.

Mr. Hosmer stated that the applicant would like Z-28-2017 w/COD #136 be withdrawn and changed to Planned Development 360.

COMMISSION ACTION:

Ms. Cox motioned to **withdraw** Z-28-2017 w/COD #136 (1220 East Lark Street). Mr. Rose seconded the motion. Ayes: Doennig, Shuler, Coltrin, Thomas, Cox, Rose, Broekhoven and Ogilvy. Nays: None. Abstain: None. Absent: Cline.

PUBLIC HEARINGS:

Planned Development 360
1220 East Lark Street

Applicant: State Bank of Southwest Missouri, Inc.

Mr. Hosmer stated that this is a request to rezone 3.2 acres of property located at 1220 East Lark Street from Planned Development District No. 84 to a Planned Development 360. The proposed PD will allow uses as permitted in the GR, General Retail District, except those that are prohibited as listed. The applicant will also be using grass pavers for a portion of the off-street parking and will be allowed to be counted towards a part of their interior landscaping and open space requirements. Buyout in lieu of on-site stormwater detention is not applicable as detention is already provided. A traffic study is not required. The significant differences between PD 84 and the proposed PD 360 is:

- Allow temporary lodging uses (i.e., hotels), and
- Reduction in temporary lodging off-street parking requirements for accessory uses (meeting rooms for lodging guests only), and
- Remove the bufferyard adjacent to the multi-family development to the east where there is an existing cross access easement.

Staff recommends approval.

Mr. Doennig asked about the Planned Development to the east and Mr. Hosmer noted that when staff looks at requirements they look at the uses when they are next to a Planned Development when applying buffer-yards.

Mr. Doennig opened the public meeting.

Mr. Geoff Butler, 319 N. Main, representing the applicant. Planned Development 84 is large and developed and creates a series of cross access easements to provide access to the public right-of-way under controlled conditions. All the properties shared access and it reduced the number of accesses to National and Lark. The cross access easement provide the parking, access and circulation which minimizes the

amount of pavement. The stormwater detention has been provided for this part of the development which is on the north end and this is a premium location for a hotel.

Mr. Neil Stenger, 1615 E. Primrose, representing the applicant. The bank has been looking at several designs and passed out a copy of schematic version 1.

Mr. Doennig closed the public meeting.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Planned Development 360 (1220 East Lark Street). Mr. Shuler seconded the motion. Ayes: Doennig, Shuler, Coltrin, Thomas, Cox, Rose, Broekhoven, and Ogilvy. Nays: None. Abstain: None. Absent: Cline.

Z-32-2017 w/COD #137

2300 blk North Kansas Expressway and 1500 blk West Kearney Street and West Turner Street

Applicant: Kansas & Kearney Intersection, LLC

Mr. Coltrin recused himself.

Mr. Hosmer stated that this is a request to rezone approximately 5.1 acres of property generally located at North Kansas Expressway and West Kearney Street from an HC, Highway Commercial w/ Conditional Overlay District No. 24 and R-SF, Single-family Residential District to an HC, Highway Commercial and establishing Conditional Overlay District No. 137. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies the northern portion of this property as appropriate for medium intensity retail, office or housing. The southern portion of the subject property is identified as being appropriate for low-density housing. The Plan encourages Community-Scale Commercial Centers on primary arterial streets near intersections of primary and secondary arterials, expressway or freeways. Kansas is classified as an expressway, Kearney Street is classified as a primary arterial and Bolivar and Turner are classified as local roadways. Kansas Expressway and Kearney are MoDOT. A traffic study was approved by MoDOT. A right-in turn lane from Kansas Expressway unto Turner Street and a right-out acceleration lane from Turner Street onto Kansas Expressway and intersection improvements will be required. Buyout in lieu of on-site stormwater detention will not be allowed. The proposed conditional overlay district will require a bufferyard Type "C" along the south boundary which is fifteen (15) feet wide with plantings. The bufferyard, will require a six-foot solid wood fence, masonry/brick wall or evergreen hedge located on the north side of the required plantings which will be planted directly along Turner Street and R-SF properties. A bufferyard Type "C" along the eastern boundary adjacent to R-LD zoned will be required. The proposed conditional overlay district requires the property is be combined into one tract and an application submitted for the vacation of alley's. Staff recommends approval.

Ms. Cox asked what was being rezoned Highway Commercial and Mr. Hosmer stated that it is the entire tract is being rezoned to Highway Commercial with a new COD.

Ms. Broekhoven wanted to know why it is being changed to Highway Commercial instead of General Retail, noting the conditions that are removing uses back to General Retail, save a few that would remain within Highway Commercial. Mrs. Hosmer stated that he would refer to the representative.

Mr. Doennig asked about the vacation of the alleys and the small strip that goes east then southeasterly and wanted to know if that is a platted alley. Mr. Hosmer stated that it is a platted alley and is proposed to be vacated.

Mr. Doennig opened the public meeting

Mr. Brett Roubal, 1901 S. Ventura Avenue, representing the applicant. We assembled this entire tract and will start from scratch to redevelop the underused intersection. To assist in usage concerns we put the

Conditional Overlay District and limit high intensity uses to make sure that it fits in the neighborhood and add the buffer yard requirements. There were eight people at the neighborhood meeting with some additional phone calls and there were no concerns.

Mr. Thomas asked about the access to Turner or Bolivar from the property. Mr. Roubal stated there will be access from Bolivar and Turner, however have not determined where the break-ins will be off Bolivar and Turner.

Mr. Shuler asked about the comments regarding the vacate houses on the property and asked if most of the homes are vacant. Mr. Roubal noted that it may be approximately 50% being vacant.

Ms. Broekhoven asked about the usage for the development and noted that it is vague. Mr. Roubal stated that the plans have not been solidified and feels that it not appropriate to convey at this time, but notes that plans have not been made for the southern half of the proposal.

Mr. Robert Briggs, 947 South Delaware, representing family members who live in the area. Stated his concern for opening to Kansas from Turner Street, the area has a opening on Bolivar to Kansas and has a lot of traffic and expressed his concerns.

Mr. Ronald Cutter, 2242 N. Nettleton, lives in the area and has concerns regarding an area in the north corner (1800's map presented) - Kansas/Kearney and Bolivar Road showing a family grave site and wanted to let the commission members to know about it.

Mr. Doennig closed the public meeting.

Ms. Cox has concerns regarding the entire lot being zoned as Highway Commercial and noted the buffer yards, but wants to know about Turner Street and the traffic flow from the residential area and what will be turned into a very large area of Highway Commercial. Mr. Hosmer said that MoDOT will allow right-ins and right-outs and it will change the traffic pattern on Turner Street.

Mr. Estell noted that there will be an increase in traffic on Turner Street. As far as access from Kansas Expressway and Kearney that is under MoDOT's jurisdiction and they do allow that access. On Turner Street and Bolivar Road and the alley between, they will have to meet the City standards as far as driveway spacing requirements.

Ms. Cox asked with limited access means, will there be access from the area that is hatched onto Turner Street, which also abuts the residential single family? Mr. Estell said that would be allowed per the City, but meets the minimum spacing requirements from Kansas Expressway and Bolivar Road.

Mr. Thomas had questions regarding right-in and right-out off Kansas Expressway. Mr. Estell noted there are minimum spacing requirements from an intersection of an expressway and a primary arterial which is approximately 150' to 200' for the approach.

Ms. Cox has concerns about extending Highway Commercial as far south and with potential access that would disrupt the residential single family areas. Could there be any limiting access off Turner or any opportunity to look at minimum distance from Kansas or Bolivar that would further protect the Single Family Residential to the west and south.

Mr. Roubal noted that MoDOT would not allow anything other than a break-in off Turner and he noted that there is Single Family Residential next to Highway Commercial all over the city and are putting in the additional buffer and fencing that be required to help separate the zoning.

Mr. Estell noted that the first driveway would be a minimum 150' from the intersection of Kansas Expressway and Turner Street for the approach and 50' from Bolivar would be the other standard.

Mr. Rose asked if there are a potential for two entrances off Turner. Mr. Roubal stated that there are no two entrances off Turner.

Ms. Ogilvy asked for clarification regarding the alley and asked about the cemetery and what would need to be done. Mr. Hosmer noted that there needs to be a relocation plan and may to do research and/or title work.

Mr. Doennig asked about the cemetery already being in Highway Commercial and asked if that is a true comment. Mr. Hosmer stated that it was already Highway Commercial but with a Conditional Overlay District.

Mr. Doennig noted that the City is working hard to increase development and improve Zone 1, if this is compatible with the goal of the City as far as their plans to redevelop Zone 1.

Ms. Smith noted that the City has recently commissioned a market study of Kearney Street and the results of that study, we are working on a redevelopment plan to provide incentives such as property tax abatements for Kearney Street and its frontage and on the significant corners the draft redevelopment plan includes this whole area as eligible for incentives.

Ms. Cox had more concerns regarding ingress/egress to Kansas Expressway.

Ms. Broekhoven expressed her concerns about the unknowns for this development regarding Highway Commercial.

Mr. Thomas questioned the right-in/right-out off Turner again. Mr. Roubal noted as the approval process with MoDOT they requested that multiple entrances off of Kearney would be eliminated and be consolidated into one that meets the minimum spacing requirements.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Z-32-2017 w/COD #137 (2300 blk North Kansas Expressway and 1500 blk West Kearney Street and West Turner Street). Ms. Broekhoven seconded the motion. Ayes: Doennig, Shuler, Rose, and Ogilvy. Nays: Thomas, Cox, and Broekhoven. Abstain: None. Absent: Cline

Z-34-2017 w/COD #139
1255 East Chestnut Expressway
Applicant: Arvest Bank

Mr. Hosmer stated that this is a request to rezone approximately 1.62 acres of property generally located at 1255 East Chestnut Expressway from a GR, General Retail District with Conditional Overlay District No.10 to a GR, General Retail District and establishing Conditional Overlay District No. 139.

This application will maintain the GR, General Retail zoning but remove the COD requirement of a 0.25 Floor Area Ratio (FAR). The FAR restricts the building area to twenty-five (25%) of the property. Council removed FAR requirements from the Zoning Ordinance in all zoning districts on January 2014. All other requirements of the COD are being retained. Staff recommends approval.

Mr. Doennig open the public hearing.

Ms. Debbie Shantz-Hart, 2955 S. Ridge Drive, representing the applicant. Working with Arvest Bank to remove the Floor Area Ratio (FAR) from the conditional overlay district. We are planning to build low-density housing behind the retail on the property and think it is an appropriate use, however have not had the funding approved yet, and just at this time request to remove the FAR.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Z-34-2017 w/COD #139 (1255 East Chestnut Expressway). Mr. Rose seconded the motion. Ayes: Doennig, Shuler, Coltrin, Thomas, Cox, Rose, Broekhoven and Ogilvy. Nays: None. Abstain: None. Absent: Cline.

Z-33-2017 w/COD #138

611 West Sunset Street

Applicant: E&M Edgewood, LLC

Mr. Hosmer stated that this is a request to rezone approximately 6.53 acres generally located at 611 West Sunset Street from a R-SF, Single-Family Residential District to a R-MD, Medium-Density Multi-Family Residential District and establishing Conditional Overlay District No. 138. The Multi-Family guidelines requires at least three amenities for developments over 100 units. The applicant is wanting approval of a dog park as an allowable amenity. Dog parks are not on the list of amenities. The guidelines allow for approval of any proposed amenity found by the City Council to provide recreation or meet the needs of the multi-family development residents to a level similarly listed. Staff believes that a dog park is a similar amenity and is consistent with the guidelines. The maximum height of any multi-family dwelling is restricted by a forty-five (45) degree bulk plane as measured from the boundaries of any R-TH districts. This is a one to one ratio of setback to height. A traffic study was not required. Buyout in lieu of on-site stormwater detention will be allowed. The bufferyard requirement between the R-MD, Medium-Density Multi-Family Residential District and adjacent R-TH, Residential Townhouse District to the north and west, is a Bufferyard Type "B." Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Derek Lee, 1200 E. Woodhurst, representing the applicant. The general intent for the proposal is to be a 55+ gated community with a dog park as an amenity which the developers feel would the residents would use. The neighborhood meeting went well and no problems.

Mr. Doennig asked about the height of the building. Mr. Lee stated that it will be a four-story building.

Ms. Broekhoven commented that she appreciates that the developer has plans of what the property will be.

Mr. Doennig closed the public hearing.

Mr. Coltrin asked about the dog park. Mr. Hosmer stated that it is part of the multi-family guidelines to provide at least three amenities, etc., club house, pool, or in this case a dog park as one of the amenities.

COMMISSION ACTION:

Mr. Rose motioned to **approve** Z-33-2017 w/COD #138 (611 West Sunset Street) with the dog park as an acceptable amenity. Ms. Broekhoven seconded the motion. Ayes: Doennig, Shuler, Coltrin, Thomas, Cox, Rose, Broekhoven and Ogilvy. Nays: None. Abstain: None. Absent: Cline.

Preliminary Plat Coryell at Sunset

611 West Sunset Street

Applicant: E&M Edgewood, LLC

Mr. Hosmer stated that this is a request to approve the Preliminary Plat of for a one lot residential subdivision on approximately 6.53 acres generally located at 611 West Sunset Street. The Growth Management and Land Use Element of the Comprehensive Plan designates this property as appropriate for medium intensity retail, office or housing. The property was originally a part of the preliminary plat of South Creek Center. The eastern portion of that plat was recorded as South Creek Center Phase 1 in 2010. The western portion, where this property is located, expired in 2012. The plat had a cul-de-sac on the western part of the property. The applicant did not want to construct the turnaround. The tract was not able to be certified as a tract of record, thus requiring a new preliminary and final plat to be approved. The property is in a FEMA designated floodplain. Buyout in lieu of on-site stormwater detention will be allowed. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council. An approved preliminary plat is active for two (2) years. Staff recommends approval.

Mr. Rose asked about the stub street. Mr. Hosmer stated the stub street is built, but the cul-de-sac has not been built.

Mr. Doennig opened the public hearing.

Mr. Derek Lee, 1200 E. Woodhurst, representing the applicant. For clarification, the stub street remains and will have a street connecting to it and going over to the access drive to the east (shown on the site plan).

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Preliminary Plat Coryell at Sunset (611 West Sunset Street). Ms. Broekhoven seconded the motion. Ayes: Doennig, Shuler, Coltrin, Thomas, Cox, Rose, Broekhoven and Ogilvy. Nays: None. Abstain: None. Absent: Cline.

OTHER BUSINESS:

Residential Uses Above and Behind in Non-Residential Districts

Citywide

Applicant: City of Springfield

Mr. Hosmer stated that this is a request amendment to modify the requirements for residential uses above and behind non-residential uses in a commercial district (O, LB, GR and HC).

The Zoning Ordinance currently requires that residential uses be located above or behind nonresidential uses on all street frontages in certain commercial zoning districts (“nonresidential use requirement on street frontages”) unless a conditional use permit is issued. This applies to existing permitted uses in the Office (O), Limited Business (LB), General Retail (GR) and Highway Commercial (HC) Districts. Staff is requesting amendments to the Zoning Ordinance to modify the current requirements for residential uses in a commercial district. The proposed amendments will modify the current ordinance that requires non-residential uses on all street frontages to require non-residential uses on the first-floor of only the highest classified street. Any other adjacent street frontages would be allowed to have residential uses without obtaining a conditional use permit. This will allow more flexibility for residential uses in mixed use developments that are adjacent to multiple street frontages. The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Environmental Advisory Board (EAB) and all registered neighborhood associations were notified of these amendments and have made no objections to date. Staff recommends approval. Language is provided below.

Residential uses provided such uses are located above the first floor or behind nonresidential uses so as to create a continuous nonresidential facade, on the first-floor level ~~along all street frontages~~.

When a lot has multiple street frontages, first-floor non-residential uses will be required at a minimum on the street with the highest classification.

Ms. Cox asked for assurance that we are not allowing residential uses on the main level on the highest classified street.

Mr. Hosmer stated that it is correct, but will be allowed to have residential along other streets.

Mr. Doennig opened the public hearing.

No Speakers.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Residential Uses Above and Behind in Non-Residential Districts (Citywide). Mr. Rose seconded the motion. Ayes: Doennig, Shuler, Coltrin, Thomas, Cox, Rose, Broekhoven and Ogilvy. Nays: None. Abstain: None. Absent: Cline.

Approval of the 2018 Planning and Zoning Commission Meeting Calendar

Applicant: City of Springfield

Mr. Hosmer stated that staff is requesting approval of the 2018 meeting calendar for next year.

Ms. Cox motioned to **approve** the 2018 Planning and Zoning Commission Meeting Calendar. Ms. Broekhoven seconded the motion. Ayes: Doennig, Shuler, Coltrin, Thomas, Cox, Rose, Broekhoven and Ogilvy. Nays: None. Abstain: None. Absent: Cline.