

**December 14 , 2017**  
**MINUTES OF THE PLANNING AND ZONING COMMISSION**  
Springfield, Missouri

The Planning and Zoning Commission met in regular session December 14, 2017 in the City Council Chambers. Chairman Randall Doennig called the meeting to order.

Roll Call - Present: Randall Doennig (Chairman), David Shuler, Melissa Cox, Joel Thomas, Cameron Rose, Natalie Broekhoven and Dee Ogilvy. Absent: King Coltrin. 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 November 16, 2017 were approved.

**COMMUNICATIONS :**

Bob Hosmer reported on City Council meeting actions.

**CONSENT ITEMS:**

Request to Dispose 520  
1518 East Dale Street

**Applicant:** Springfield Public Schools

Request to Dispose 521  
1423 West Atlantic Street

**Applicant:** Springfield Public Schools

**COMMISSION ACTION:**

Ms. Cox motioned to **approve** Consent Agenda items - Request to Dispose 520 (1518 East Dale Street) and Request to Dispose 521 (1423 West Atlantic Street). Ms. Ogilvy seconded the motion. Ayes: Doennig, Shuler, Thomas, Cox, Rose, Broekhoven, and Ogilvy. Nays: None. Abstain: None. Absent: Coltrin.

**PUBLIC HEARINGS:**

Z-36-2017

2759 West Republic Street

**Applicant:** Adolph A. Uckele, Donald G. Bechtel, and James Norman Coats Trusts

Mr. Hosmer stated that this is a request to rezone approximately 1.42 acres of property generally located at 2759 West Republic Street from a County C-2, General Commercial District to a GR, General Retail District. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this area as appropriate for low-density housing. The GR district is consistent with the Plan which recommends neighborhood-scale businesses near intersections of arterial and collector, or higher classification, streets. The subject property is located along Republic Street which is classified as a primary arterial roadway and Homewood Avenue which is classified as a local. The applicant is proposing to annex and rezone to allow for the development of the property for a new retail use. A traffic study was not required. Buyout in lieu of on-site stormwater detention is not allowed because there is already existing detention on-site. A bufferyard type "E" is required on the northside where adjacent to R-TH and a type "C" bufferyard adjacent to R-MD. All structures must remain below a (30) degree bulk plane measured from the boundary of the R-TH district. Staff recommends approval.

Mr. Doennig opened the public meeting.

Mr. Dane Seiler, 5051 S. National representing the applicant. When are planning on having the property annexed into the City and make the zoning consistent with the City's requirements and are fine with the current buffer-yard and plan on having a fence.

Mr. Doennig closed the public meeting.

**COMMISSION ACTION:**

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

Z-37-2017 w/COD #140

2000 blk West Republic Street

**Applicant:** Leas Legacy Lands, LLC

Mr. Hosmer stated that this is a request to rezone approximately 3.87 acres of property generally located in the 2000 block of West Republic Street from a R-SF, Single Family Residential District to a GR, General Retail District and establishing Conditional Overlay District No. 140. The Growth Management and Land Use Plan designates this area as appropriate for Medium or High Density Housing uses. The property to the east is classified as High Intensity Retail, Office or Housing but is undeveloped and remains zoned residential. The City Council rezoned the adjacent property to the west to GR in 2014. Republic Street is classified as a primary arterial roadway in the Transportation Plan. The proposed rezoning required a traffic impact study which has been approved by the Public Works Traffic Division. The bufferyard requirement between the GR, General Retail District and the adjacent R-SF Districts, is a Bufferyard Type "F" (min. 20 feet wide). A 30-degree bulk plane will be required between R-SF and GR zoning. The proposed COD will require that the detention basin to be designed to reduce the peak developed 100-year storm to a peak pre-developed 25-year storm. This will provide a larger detention basin to further protect downstream neighbors from major stormwater events. Staff recommends approval.

Mr. Doennig opened the public meeting

Mr. Derek Lee, 1200 E. Woodhurst, representing the owner. At the neighborhood meeting, there were three primary questions of storm-water going through the valley at the discharge site, fencing, and a sink-hole that has opened to the south. The fencing concerns are not on this proposed property, it is on the adjacent property and is not included in the Conditional Overlay District. The concerns were for the construction traffic so we put up a construction fence a few weeks after the neighborhood meeting. The plans have been revised to show fencing on the adjoining property. There has been an agreement to build a larger detention basin that reduces the storm-water to the peak existing flow to the pre-development 25-year storm. The sink-hole started in the detention basin of the property to the south, but has opened-up and taken over the berm. It is not on the site and we are not contributing to the sink-hole and it not an issue that can be fixed.

Ms. Cox asked about the detention pond and if it will be used on the southern end and if this will be used as a buffer.

Mr. Lee noted that it is a city easement and the water will flow through it.

Mr. Doennig closed the public meeting.

**COMMISSION ACTION:**

Ms. Broekhoven motioned to **approve** Z-37-2017 w/COD #140 (2000 blk West Republic Street). Ms. Ogilvy seconded the motion. Ayes: Doennig, Shuler, Thomas, Cox, Rose, Broekhoven, and Ogilvy. Nays: None. Abstain: None. Absent: Coltrin.

Z-38-2017 w/COD #141

1850 South Blackman Road

**Applicant:** Christian Church Disciples of Christ

Mr. Hosmer stated that this is a request to rezone approximately 2.87 acres generally located at 1850 South Blackman Road from a County R-1, Suburban Residence to an O-1, Office District and establishing Conditional Overlay District No. 141. The subject property was annexed into the city in 2007. The property to the north, at 3810 E. Sunshine Street, was included in this annexation.

After modifications to the original rezoning proposal of both the properties, this property was excluded from the rezoning and remained zoned County R-1 in the city. The Growth Management and Land Use Plan recommends offices as appropriate uses along major roadways when not located at major intersections. The Plan encourages the use of office developments as transitions and buffers between commercial and residential areas. Sunshine Street is classified as a Primary Arterial and Blackman Road is classified as a Secondary Arterial. A Traffic Study was submitted and approved prior to rezoning of property. Staff is aware of flooding problems in the area. Buyout in lieu of stormwater detention will not be allowed and detention must be provided. A bulk plane of forty-five (45) degree measured from the boundary of the residential districts to the east and south. This is a one to one relationship; building to setback. The measurement is taken from the property line; of which increases in elevations could determine the height of the building or structures.

The proposed Conditional Overlay District will:

- Prohibiting cemeteries, substance abuse treatment facilities, police and fire stations, wireless tower facilities, etc.,
- Placing limits on the hours of operation for uses including athletic clubs, fitness centers, indoor sports facilities, and medical and dental clinics (10pm to 6am),
- Limiting hours for trash pick-up and deliveries (10pm to 7am),
- Requiring a bufferyard that exceeds required standards with a forty (40) foot wide buffer including additional screening along the east and south property line,
- Restricting buildings to a maximum of two (2) stories; and,
- Requiring a higher requirement of open space from 20% to 35% open space.

The COD will require:

- Bufferyards along the east and south property line of the subject property at least forty (40) feet deep.
- The plantings within the bufferyards shall consist of evergreen trees, 6 feet to 12 feet in height, (preferably a white pine species) and shall be planted every 12 feet in a “zig-zag” or staggered pattern to allow for maximum growth and to eventually create a screening effect.
- On the southern bufferyard any existing trees that are over 6” in diameter will count as two newly planted trees.

Staff recommends approval.

Mr. Doennig noted it was still county zoning and at what point is the applicant required to do city zoning.

Mr. Hosmer stated that they would have to get zoned to the City’s districts.

Mr. Doennig open the public hearing.

Mr. Derek Lee, 1200 E. Woodhurst, representing the owner. Has documents showing the original subdivision and the rezoned tract to the north. The north tract was zoned 10 years ago, and came before the Commission at that time. The neighborhood was against the zoning 10 years ago, and still are. The neighborhood will not support any development in this area other than single family and their objections are in the neighborhood meeting notes. We have placed a very restricted Conditional Overlay District to match what could be developed with the zoning.

Mr. Doennig asked about the Conditional Overlay District and what is considered a side-yard in this situation.

Mr. Lee noted that the width in O-1 would 6 feet, but to the neighbors to the south and east, we are proposing 40 feet buffer and a typical office buffer would be 15 feet. Against the street there will be a 10-foot parameter landscape buffer and on the north side, there is a shared access easement with the office park.

Mr. Doennig asked about a 45-foot building, and if that would be more than 2-stories.

Mr. Lee stated that it would be higher than a 2-story building with the north lot being 55 foot and will be three stories tall, however the south lot will only be 2 stories tall.

Mr. Thomas asked about how many acres will be developed due to the restrictions indicated.

Mr. Lee noted that the development restriction will be approximately 1+ acre off the development.

Mr. Doennig noted for the record that Commission is allowing additional time for Mr. Aaron Lyons at the podium due to his representation of the neighborhood members.

Mr. Aaron Lyons, Attorney at Law, 3337 E. Ridgeview, representing the neighborhood who are opposing this development. He noted that he had sent documentation/pictures/signed petition (part of staff report) stating the details of their opposition.

Mr. John Gafner, 1885 S. Camber, has concerns regarding flooding (run-off from Sam's Club, etc.), height of the building overlooking his backyard noting that his yard will be 70 feet below the office complex including a retaining wall the height of 20 feet and noted the previous good faith to a 1-story building.

Mr. Thomas asked about the bulk plane being measured from the elevation of the property line and believes that the drone pictures are not accurate and asked about the previous zoning on the property.

Mr. Gafner said that the drone pictures (located in staff report) were taken 40 feet away from the fence at the height of 35 feet above Blackman Road and stated that there was an agreement that the front portion would be commercial and this area would provide a buffer and that is when the neighbors stopped their opposition when the church agreed to an O-1 designation for just the corner and that is when the lot was split in half and stated that they were going to leave that area alone and not ask for rezoning.

Mr. Hosmer said that the church was looking for General Retail for both tracts and went through City Council and then remanded back to Planning and Zoning when it was zoned Office and took off the southern tract due to considerable opposition.

Ms. Barb Farrar, 3873 E. Eastmoor Street, has concerns of privacy from which the building will be overlooking her backyard/patio and swimming pool and her preference would be a 45-foot home versus an office building that might have 130 car parking lot, as well as dumpsters, delivery trucks, and trash trucks, etc., and she also expressed concerns stormwater run-off and flooding. She noted the 20/20 Vision showing low-density housing for this area.

Mr. Doennig noted everything to the east boundary is County and everything to the west is City. Mr. Hosmer affirmed.

Mr. Darrell Reeds, 3889 E. Eastmoor Street has concerns regarding noise issues and traffic and his view is the back of the Walmart Neighborhood Market and now having stormwater issues after the development, citing his crawl space has been flooded up to 20 inches of water on two occasions and Ms. Farrar of 3873 E. Eastmoor had up to 24 inches of water in her crawl space.

Mr. Bart Newton, 1888 S. Brandon Avenue passed out pictures of flooding/stormwater problems (photos in staff report) showing ducks hanging out in the flooded area and that water does not respect city and county lines. He also has noted that the neighborhood retention pond has been patched/repaired out of his own resources. He states that no one maintains the retention pond except him and the neighbors.

Mr. Thomas noted that problem of stormwater and wondered if it (stormwater from Sam's, Neighborhood Market, etc.) cross Blackman Road.

Ms. Hawkins stated that the when the Neighborhood Market was constructed there was already a detention area that served the Sam's Club and is in the same area as the Neighborhood Market detention now. The

Neighborhood Market detention drains to the north onto Sunshine and the new detention that was built to serve some of the Sam's Club has an existing pipe that goes under Blackman Road to the proposed site.

Ms. Elaine Hamburg, 1926 S. Brittany Place stated that past compromises' have been forgotten and the owner of the property is again asking to rezone this tract of land without consideration for the prior flexibility. This would have involved cutting down the trees, building up the height of the land, putting in a detention pond next to her property and putting up a multi-story office building including a parking lot with night lighting. She stated that she will be looking up at least 55 feet or more to the building and people in the building will be able to look down into my home/yard. She also noted the increase of stormwater problems into the neighborhood.

Ms. Broekhoven asked about the stormwater pipe from the existing Sam's development under Blackman Road and into the detention pond and asked where the easement is located and if Stormwater has been asked to review the requirements that the City would see for detention or conveyance of the water that is naturally passing through the property.

Ms. Hawkins stated that they piped under Blackman Road because there is a natural channel that runs to the southeast corner of the property and is not sure if there is a formal easement and it comes out to a concrete channel that conveys the flow to the spring-fed pond and continues to the detention that serves the neighborhood. She noted that they have e-mailed the consultant regarding the new flooding issues and the consultant to consider the timing of the detention outflow from Sam's Club and the Neighborhood Market on detention design and are required to do on-site detention.

Mr. Bob Warren, 3939 E. Eastmoor, has concerns for traffic flow problems from Sunshine, Blackman, and Cherokee noting the intersection at Sunshine and Blackman which has speed limit of 50mph.

Mr. Thomas if the current property will utilize the existing right-in-right-out off Sunshine as a cross access easement or will they only have access off Blackman.

Mr. Estell noted that they will be able to access Sunshine.

Ms. Debbie Peterson, 1940 S. Brittany Place. Our cul-de-sac abuts against the property has been involved fighting against the development of the Walmart Super Center/Sam's Club/Neighborhood Market. The history of this property has been going on for more than 20 years and we knew that it was residential and accepted that when we bought our home/property and there are severe water problems in this area.

Brian Hamburg, 1921 S. Oakmont, commented on the stormwater issues as well as the retention pond and that it cannot handle the current amount and will be more extreme with more development. The stormwater from the detention exit pipe is astonishing and the water seeps over the top of the detention pond and goes into my yard, which has been damaged in the past.

Ms. Martha Phillips, 1920 S. Brittany Place stated safety issues and the blanket rezoning of the unknown tenants of office buildings and is worried about not enough information that may bring crime. She also stated concerns on the height of the building.

Mr. Brian Phillips, 1920 S. Brittany Place spoke of privacy concerns due to the height of the building and will feel like living in fishbowl.

Mr. Craig Peterson, 1940 S. Brittany Place noted stormwater and traffic concerns, as well as Blackman Road being raised to fix traffic flow problems.

Ms. Jean May, 1927 S. Brittany Place commented on traffic concerns as well as the building height and believes that new development would cause issues with their quality of living as well as privacy.

Mr. Tony Gott, 1958 S. Brittany Place voiced his concerns of the commercial impact on residential areas stating that the value of the homes will be affected and that we live in an automobile culture and that Blackman Road was the buffer between commercial and residential.

Mr. Doennig closed the public hearing.

Ms. Broekhoven asked for the parking requirements for O-1.

Mr. Hosmer stated that it is one space per 350 square feet.

Ms. Broekhoven asked Mr. Lee about the 40-foot buffer along the south and east side (where houses are) and wanted to know what the actual scale of the building would be.

Mr. Lee stated that he has put together several site plans but the general size is 35,000 square feet and the building is in the northwest corner.

Mr. Thomas asked if the City has plans to annex further east.

Mr. Hosmer stated that he is not aware of any plans for annexation.

Ms. Cox questioned about stormwater and the consultant (Mr. Lee) and what is being done for stormwater.

Mr. Lee stated that they are not detaining the water to the north as it is already being detained, but are going to carry the pipe that is going under Blackman and will by-pass the detention basin, but the City will make us look at the entire site, not just the detention basin.

Mr. Doennig stated the purview of the Commission is limited to a certain number of considerations and that City Council has a broader purview. He noted that Commission is strictly looking at land use and the issue is that County uses (R-1 zoning) are more debilitating to the adjacent neighborhood than what is being proposed by this Conditional Overlay District. The issues of privacy are a concern, but under County zoning a building 45 feet tall could be built along the backend of the property line at 15 feet away. Stormwater is another major issue and understands the power of water and what can happen in the Ozarks, however the County uses are worse than the Conditional Overlay District and understand the neighborhood concerns, however will be voting in favor.

Ms. Cox voiced her concerns on the stormwater and how it is being managed, but see that is a lessor of two evils, so I will be voting in favor.

Mr. Thomas asked if the corner lot was part of the County previously when the neighborhood was built and the City annexed the area but left the County zoning at that time.

Mr. Rose noted that stormwater and traffic are a common problem that the Commission hear and there never seems to be a perfect solution. I would have voted against this if a recommendation to lower the bulk plane would have raised because of the topography of the land to help avoid some of the issues, however I will support this.

#### **COMMISSION ACTION:**

Ms. Cox motioned to **approve** Z-38-2017 w/COD #141 (1850 South Blackman Road). Mr. Rose seconded the motion. Ayes: Doennig, Cox, Rose, and Broekhoven. Nays: Thomas, Shuler, and Ogilvy. Abstain: None. Absent: Coltrin.

Conditional Use Permit 432  
1452 North LaFontaine Avenue

**Applicant:** Summit Roofing Company, LLC

Mr. Hosmer stated that this is a request to allow a wireless telecommunication tower with Conditional Use Permit No. 432 in a HC, Highway Commercial District generally located at 1452 North Lafontaine Avenue. The Growth Management and Land Use Plan identifies area for Medium-Intensity Retail, Office or Housing. Lafontaine Avenue is classified as a local roadway in the Transportation Plan. The applicant request is to allow a 180-foot unmanned wireless telecommunication tower facility on the eastern side of the property. Wireless communication towers are allowed in HC district with a Conditional Use Permit. The approval of this request will provide for the productive use of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties. The proposed communication tower will be enclosed by a 6 feet wood fence and will require landscaping installed per code. The existing vegetation will remain on the south property line to meet landscaping requirements. Staff is requesting a modification to the site plan to require a row of evergreen scrubs per code to be placed on the north and west side; around the wooden fence. Staff recommends approval with modifications to site plan.

Mr. Doennig opened the public hearing.

Mr. Darryl Cain, 7406 Albervan Street, Shawnee, Kansas representing the owner. Putting a 185-foot cell tower in this location and will serve T-Mobile or any other type of wireless company.

Mr. Doennig closed the public hearing.

**COMMISSION ACTION:**

Ms. Cox motioned to **approve** modifications to Conditional Use Permit 432 (1452 North LaFontaine Avenue). Mr. Rose seconded the motion. Ayes: Doennig, Shuler, Thomas, Cox, Rose, Broekhoven, and Ogilvy. Nays: None. Abstain: None. Absent: Coltrin.

**COMMISSION ACTION:**

Ms. Cox motioned to **approve** Conditional Use Permit 432 (1452 North LaFontaine Avenue) with modifications Ms. Broekhoven seconded the motion. Ayes: Doennig, Shuler, Thomas, Cox, Rose, Broekhoven, and Ogilvy. Nays: None. Abstain: None. Absent: Coltrin.

Preliminary Plat Renewal - Hickory Hills Subdivision Phase II  
3800 blk East Farm Road 132

**Applicant:** Hickory Land Company, LLC

Mr. Hosmer stated that this is a request to renew Hickory Hills Subdivision Phase II located in the 3800 Block of Farm Road 132/ East Chestnut Expressway. The applicant is requesting to approve a preliminary plat to subdivide approximately 76.32 acres into a (106) lot residential and (3) lot commercial subdivision. The Growth Management and Land Use Plan identifies this area as appropriate for Medium Intensity Retail, Office and Housing and Low-Density Housing. The property is zoned GR, General Retail, R-SF and PD 305 (Lots 4 through 105 are zoned R-SF and lot 106 remains PD 305). The original preliminary plat approved in 2015; however, the final plat was not submitted in time to extend it. If Planning and Zoning Commission approves the preliminary plat, then the 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. Thomas asked if they connecting to Farm Road 185 or will they extend one of the cul-de-sacs off the subdivision.

Mr. Hosmer noted they will connect off Chestnut Expressway.

Mr. Doennig opened the public hearing.

Mr. Aaron Hargrave, 2045 W. Woodland, representing the applicant and wanting to renew the preliminary plat.

Mr. Doennig closed the public hearing.

**COMMISSION ACTION:**

Mr. Rose motioned to **approve** Preliminary Plat Renewal - Hickory Hills Subdivision Phase II (3800 blk East Farm Road 132). Ms. Ogilvy seconded the motion. Ayes: Doennig, Shuler, Thomas, Cox, Rose, Broekhoven, and Ogilvy. Nays: None. Abstain: None. Absent: Coltrin.

**OTHER BUSINESS:**

2018 Capital Improvements Program

Citywide

**Applicant:** City of Springfield

Mr. Whitman stated that this is a schedule and strategy for funding and planning the construction, maintenance and replacement of the City’s infrastructure and public facilities for the next six-years.

Capital Improvement Defined:

- Cost \$100,000 or more;
- Are significant, permanent, or have a useful life of six years or more;
- Independent projects, such as: construction of new streets, parks, storm water and sanitary sewer facilities, improvements to the landfill, airport and public facilities, grounds and buildings including acquisition;
- Comprehensive programs that consolidate numerous smaller individual improvements that do not individually meet the \$100K threshold, such as: sidewalk, storm water and sewer repair, signal enhancement and neighborhood improvement programs.

\* Does not include funding for equipment, services, supplies, personnel or dangerous building demolition

<b>Planned Capital Improvements - 2018</b>	<b>Planned Capital Improvements -2019 to 2023</b>	<b>Completed Capital Improvements -2017</b>
117 Projects / Programs are proposed for funding in 2018	150 Projects / Programs are proposed for between 2019 - 2023	22 Projects / Programs
Estimated Cost: \$80,351,926	Estimated Cost: \$395,228,035	Estimated Cost: \$41,635,760

Mr. Doennig opened the public hearing.

No Speakers.

Mr. Doennig closed the public hearing.

**COMMISSION ACTION:**

Ms. Cox motioned to **approve** 2018 Capital Improvements Program (Citywide). Mr. Rose seconded the motion. Ayes: Doennig, Shuler, Thomas, Cox, Rose, Broekhoven, and Ogilvy. Nays: None. Abstain: None. Absent: Coltrin.