

**March 3, 2016**  
**MINUTES OF THE PLANNING AND ZONING COMMISSION**  
Springfield, Missouri

The Planning and Zoning Commission met in regular session March 3, 2016 in the City Council Chambers. Chairman Jason Ray called the meeting to order.

Roll Call: Present: Jason Ray (Chair), Randy Doennig (Vice Chair), Tom Baird, David Shuler, and Melissa Cox. Absent: Andrew Cline, Cameron Rose, and Matthew Edwards.

Staff in attendance: Bob Hosmer, Principal Planner, Tom Rykowski, Asst. City Attorney, Nicholas Woodman, Asst. City Attorney, Dawne Gardner, Public Works Traffic Engineer and Rodney Colson, Public Works Storm Water.

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

**Communications:**

Mr. Hosmer stated that staff is requesting that item number 7 (Conditional Use Permit 417, 506 West Edgewood St) be tabled until the April (March 31, 2016) meeting, and item number 17 (Mount Vernon and Market Redevelopment Plan (616 South Market Avenue) be tabled indefinitely.

**COMMISSION ACTION:**

Mr. Baird motioned to approve the items to be tabled. Mr. Doennig seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Baird, Shuler, and Cox. Nays: None. Abstain: None. Absent: Cline, Rose, and Edwards

**Consent Items:**

Relinquishment of Easement 829  
3700 South Farm Road 103  
**Applicant:** City Utilities

**COMMISSION ACTION:**

Mr. Baird motioned to approve consent item Relinquishment of Easement 829 (3700 South Farm Road 103). Ms. Cox seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Baird, Shuler, and Cox. Nays: None. Abstain: None. Absent: Cline, Rose, and Edwards

**UNFINISHED BUSINESS:**

Amend the Transportation Plan  
Citywide  
**Applicant:** City of Springfield

Mr. Hosmer stated that this is a request to approve the Springfield-Greene County Comprehensive Plan Transportation Plan Element which was adopted by City Council on June 11, 2001. A portion of this document identifies the Major Thoroughfares within the City. The Major Thoroughfare Plan represents future roadway functions and is intended to provide an overall framework for making decisions on thoroughfare improvements and extensions. The Plan identifies locations of future major transportation corridors and serves as a general guide for securing rights-of-ways. Future roads are shown in general locations, the actual location may vary. The proposed amendments are in compliance with the goals set forth in the Transportation Plan which are:

- Identify and establish future thoroughfare systems that integrates land uses with transportation system needs.

- Recognize a distinct hierarchy of street classification as thoroughfare improvements and development definitions are made.
- Work with Ozarks Transportation Organization to review and update the plan every 5 years in conjunction with their Long Range Transportation Plan review/update the a preliminary plat to subdivide approximately 92.77 acres into a two (2) lot manufacturing subdivision.

Missouri law requires that a certified copy of any adopted major street plan be filed in the office of the county recorder.

The City will file a copy of the Major Thoroughfare Plan with the Greene County Recorder's office upon adoption by the Planning & Zoning Commission and the Springfield City Council. The Major Thoroughfare Plan map currently exists as Figure 20-2 and Figure 20-9 in the Transportation Plan. Staff recommends adopting the amended Major Thoroughfare Plan and subsequently amending Figure 20-2 and 20-9 in the Transportation Plan.

Mr. Baird asked for clarification on the reclassification of streets.

Mr. Hosmer stated that this is a notification to future developers that streets would need to be built to standards based on development occurring over time and any improvements that the City would make.

Ms. Gardner, Traffic Engineering stated that if it is an existing street and there is a classification change on the Major Thoroughfare Plan it allows the City, when development occurs, to secure additional right of way. This will allow the City to construct a street to meet the current classification standards if the street becomes a future City project.

Mr. Ray opened the public hearing.

No member of the public spoke.

Mr. Ray closed the public hearing.

#### **COMMISSION ACTION:**

Mr. Doennig motions that we approve the Major Thoroughfare Plan Amendment to the Transportation Plan. Ms. Cox seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Baird, Shuler, and Cox. Nays: None. Abstain: None. Absent: Cline, Rose, and Edwards

East West Arterial Mapping

**Applicant:** City of Springfield

Mr. Doennig recuses himself from the current item.

Mr. Ray states that the East West Arterial Mapping item does not have a quorum and is to be tabled until the April (March 31, 2016) meeting or until we have a quorum to vote.

#### **PUBLIC HEARINGS:**

Z-2-2016

550 East Chestnut Expressway

**Applicant:** William Brandt Properties, LLC

Mr. Hosmer stated that this is a request to rezone 0.62 acres of property located at 540 and 550 East Chestnut Expressway from a HM, Heavy Manufacturing District to a GR, General Retail District. The subject property is within the Center City Activity Center as shown in the Growth Management and Land Use Plan element of the Comprehensive Plan. Activity Centers are identified as areas of significant business and high-density housing. The IDEA Commons Plan identifies this property within the General

Mixed-Use future land use category. There is an existing restaurant on the property as a legal non-conforming use in the HM, Heavy Manufacturing District. If the rezoning is approved, it would allow the existing restaurant use to be considered a permitted use. Sidewalks are required to be constructed on Chestnut Expressway frontage at the time of redevelopment. Staff recommends approval.

Mr. William Brandt, 540 E. Chestnut Expressway, asking for rezoning from heavy manufacturing to general retail. The land was purchased in 1995 with the intent to operate a restaurant. In 2004 some of the old duplexes were torn down and replaced with an office building and now would like to operate a restaurant.

Mr. Ray opened the public hearing.

No member of the public spoke.

Mr. Ray closed the public hearing.

**COMMISSION ACTION:**

Mr. Baird motions that we approve Z-2-2016 (550 East Chestnut Expressway). Mr. Doennig seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Baird, Shuler, and Cox. Nays: None. Abstain: None. Absent: Cline, Rose, and Edwards

Conditional Use Permit 420  
522 West McDaniel Avenue

**Applicant:** Bryan Bevel

Mr. Hosmer stated that this is a request to allow a conditional use permit for brewery production in the CC, Center City District generally located at 522 West McDaniel Street. The Zoning Ordinance requires a use permit for breweries in the CC, Center City District. A brewery is required to obtain a use permit because it is considered to be the manufacturing and production of a product. A Use Permit was approved by Resolution Number 8472 in June 1997 that allows the existing pub and brewery at 305 South Market Avenue. The Growth Management and Land Use Plan of the Comprehensive Plan identifies this property as an appropriate area for high-intensity office, retail, housing, academic and public land uses. The conditions are that an Administrative Lot Combination shall be approved for the two properties. Staff recommends approval.

Mr. Bryan Bevel, 885 South Farm Road 197 wants to expand for storage.

Mr. Ray opened the public hearing.

No member of the public spoke.

Mr. Ray closed the public hearing.

**COMMISSION ACTION:**

Mr. Doennig motions that we approve Conditional Use Permit 420 (522 West McDaniel Avenue). Ms. Cox seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Baird, Shuler, and Cox. Nays: None. Abstain: None. Absent: Cline, Rose, and Edwards

COM-1 District Amendments  
Citywide

**Applicant:** City of Springfield

Mr. Hosmer stated that this is a request to amend subsection 36-425 (7) Design Requirements in the COM-1 Commercial Street District. There have been issues in the COM-1, Commercial Street District,

pertaining to the design requirements and how they are applied to new construction/additions along Blaine Street. Blaine Street is currently built and functions as a public alley for access to the back of properties along Commercial Street. Staff is proposing to clarify that Blaine Street was not intended to be used as a street frontage for design requirement purposes and that certain design requirements for interior building heights shall only apply to new construction. The original intent of the COM-1 Commercial Street District Design Requirements was to protect the unique nature and architectural character of the existing historic structures, and to protect it from infringing influences that may diminish or dilute the historic character.

- **On each lot, the building façade shall be built to the district minimum setback line for at least 80 percent of the street frontage.** This does not include Blaine Street frontage.
- **The building façade shall be built to the district minimum setback line within 30 feet of a block corner.** This does not include Blaine Street frontage.
- Blank lengths of wall exceeding 20 linear feet are prohibited on all street frontages. This does not include Blaine Street frontage.
- The ground floor of any new construction shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a minimum depth of at least 25 feet. This does not include Blaine Street frontage.

Mr. Baird and Ms. Cox asked about the text and language for Blaine Street and about the inclusion of Pacific Street.

Mr. Hosmer stated that Blaine Street is currently built and functions as a public alley for access to the back of properties along Commercial Street. Staff wanted to clarify that Blaine Street was not intended to be used as a street frontage for design requirement purposes. Staff indicated that Pacific Street was not included in the COM-1 District.

(Staff clarification: **The COM-1 district does front along the north side of Pacific Street. However, in our discussions staff does want Pacific Street as well as other streets to meet the design requirements i.e., buildings built up to the setback to address the street. Alleys do not have to meet the requirements.** Again the main reason we wanted to remove Blaine Street is that it functions as an alley access to the backs of the buildings facing Commercial Street. This would also be the case if buildings were built along Pacific Street. The backs of buildings along Pacific Street would face Blaine Street. This could also allow buildings built along the frontage of Pacific Street to have parking in the back along Blaine Street.)

Mr. Ray opened the public hearing.

No member of the public spoke.

Mr. Ray closed the public hearing.

#### **COMMISSION ACTION:**

Mr. Doennig motions that we approve COM-1 District Amendments (Citywide). Ms. Cox seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Baird, Shuler, and Cox. Nays: None. Abstain: None. Absent: Cline, Rose, and Edwards

Reasonable Accommodation Amendments  
Citywide

**Applicant:** City of Springfield

Mr. Hosmer stated that this is a request to add a new section 36-336, Reasonable Accommodation Policy Procedure to Division 3, Subsection 1, Administration and Enforcement of the Zoning Ordinance. Planning and Zoning Commission initiated amendments to the off-street parking requirements and other

related sections of the Zoning Ordinance to allow review and consideration for persons with disabilities at their meeting on October 3, 2013. The Federal Fair Housing Act requires the City to apply its regulations in a manner that does not discriminate against persons with disabilities. The City is required by Federal law to provide “reasonable accommodation”, and Building Development Services currently applies that standard to requests received for modification to single-family dwellings for medical needs. The City has informally handled these on a case by case basis. The implementation of this procedure brings us into compliance with accepted practices. The proposed amendment will allow the Director of Building Development Services and/or the Administrative Review Committee (ARC) the ability to grant exemptions to the Zoning Ordinance requirements to make reasonable accommodations for persons with disabilities following the requirements.

These amendments will replace the current Administrative Ruling (2011) and City Council resolution (2004) that BDS currently uses in these situations. Any appeals of ARC’s decisions would go to the Board of Adjustment for a public hearing.

Ms. Cox asked if all requests for reasonable accommodations have to be accompanied by an official statement, i.e., doctor, prescription, or other prescribed requirements that allow for that accommodation and how long is the process.

Mr. Hosmer stated that it would be on a case by case basis and would need to meet ADA requirements and the process could take as little as a few minutes.

Mr. Baird asked where the language came from.

Mr. Hosmer stated that Greene County had adopted a similar procedure, but the City has worked with the Law Department for the appropriate language.

Mr. Ray opened the public hearing.

No member of the public spoke.

Mr. Ray closed the public hearing.

**COMMISSION ACTION:**

Ms. Cox motions that we approve Reasonable Accommodation Amendments (Citywide). Mr. Baird seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Baird, Shuler, and Cox. Nays: None. Abstain: None. Absent: Cline, Rose, and Edwards

Amend Section 36-350 Planning and Zoning Commission and Section 36-353 Landmarks Board Term Limits

**Applicant:** City of Springfield

Mr. Hosmer stated that this is a request to amend Subsection 36-350 (1) and 36-353 (3) term limits for Planning and Zoning Commission and Landmarks Board members. Planning and Zoning Commission initiated the amendments to the terms limits for at their meeting on February 4, 2016. Currently, the Planning and Zoning Commission members may be appointed for a maximum of two, four year terms and Landmarks Board members shall serve a maximum of two, three-year terms. City Charter requires that no person shall be appointed to any board for more than two consecutive terms, but does not have the maximum (lifetime prohibition). This amendment will provide for consistency in term limits across City boards and commissions as well as eliminate the lifetime two-term limit. Staff is proposing removing the maximum two term limits for each entity.

Commission members asked if this will make the Planning and Zoning Commission and the Landmarks Board conform with the other boards in the City and asked about the differences in the term limits for the commissions.

Mr. Hosmer confirmed that they conform with other City boards and that the State statute allows for Planning and Zoning Commission members four (4) years and the Landmarks Board is set by the City Charter, which allows for three (3) years.

Mr. Ray opened the public hearing.

No member of the public spoke.

Mr. Ray closed the public hearing.

**COMMISSION ACTION:**

Ms. Cox motions that we approve Amend Section 36-350 Planning and Zoning Commission and Section 36-353 Landmarks Board Term Limits. Mr. Doennig seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Baird, Shuler, and Cox. Nays: None. Abstain: None. Absent: Cline, Rose, and Edwards

Extend Security Agreement No. 33  
2935 East Sunshine Street  
**Applicant:** City of Springfield

Mr. Hosmer stated that this is a request to Extend Security Agreement No 33: Request to extend the security agreement for property located at 2935 East Sunshine Street. The DL Rogers Subdivision is a two lot subdivision with a detention basin that was final platted and recorded on March 12, 2015. In lieu of the final completion of said improvements before the plat is recorded, the sub-divider may post a surety bond, an escrow agreement, letter of credit or other appropriate security agreement, approved by the City of Springfield. The Commission may, upon proof of hardship, extend the completion date set forth in said bond or agreements for a maximum period of one additional year; provided a request for said extension is made prior to the end of the one year following recordation and provided the amount of said security is revised pursuant to a revised estimate by the Department of Public Works. Staff recommends the extension be approved for another year from March 11, 2016 to March 11, 2017.

Aaron Hargave, 2045 W. Woodland requesting an extension.

Mr. Ray opened the public hearing.

No member of the public spoke.

Mr. Ray closed the public hearing.

**COMMISSION ACTION:**

Mr. Baird motions that we approve Extend Security Agreement No. 33. Ms. Cox seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Baird, Shuler, and Cox. Nays: None. Abstain: None. Absent: Cline, Rose, and Edwards

Final Development Plan PD 271 Amended  
560 West Bryant Street (Lot 3 of Walnut Creek Phase 3)  
**Applicant:** Verandas, LLC

Mr. Hosmer stated that this is a request to approve the Final Development Plan for Planned Development 271 for property located at 560 West Bryant Street (lot 3 of Walnut Creek Phase 3). Planned Development 271 Amended was approved by City Council on October 12, 2009. The Final Development Plan is required to be approved by the Planning and Zoning Commission provided it is in substantial conformance with the approved Planned Development ordinance. The Administrative Review Committee reviewed the proposed plan. The applicant requested an alternative to the perimeter landscaping requirements similar to other properties that have developed in the district. ARC was supportive of a berm with landscaping of understory trees, canopy trees, and shrubs. Staff recommends approval.

Matt Capen, 5051 S. National Avenue, Suite 7A, architectural representative for Verandas, LLC.

Mr. Ray opened the public hearing.

No member of the public spoke.

Mr. Ray closed the public hearing.

**COMMISSION ACTION:**

Ms. Cox motions that we approve Final Development Plan PD 271 Amended. Mr. Baird seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Baird, Shuler, and Cox. Nays: None. Abstain: None. Absent: Cline, Rose, and Edwards

Final Development Plan PD 228 Amended  
1320 East McClernon Street

**Applicant:** Whisker Investments, LLC

Mr. Hosmer stated that this is a request to approve the Final Development Plan for Planned Development 228 for property located at 1320 East McClernon Street. The subject property was rezoned to a Planned Development 228 Amended in March 29, 2004 to permit multi-family elderly housing facilities as defined by the Federal Fair Housing Act. The Planned Development allows for multi-family elderly housing on lot 21 but requires Planning and Zoning Commission and City Council approval provided it is in substantial conformance with the approved Planned Development ordinance. The applicant is proposing to construct a multi-family elderly housing development on 5.36 acres of property within Planned Development 228 Amended lot 21. Approval of this application will facilitate development of this property for a 36 unit multi-family elderly development. Staff recommends approval.

Aaron Hargave, 2045 W. Woodland, owner representative to answer any questions.

Mr. Ray opened the public hearing.

No member of the public spoke.

Mr. Ray closed the public hearing.

**COMMISSION ACTION:**

Mr. Baird motions that we approve Final Development Plan PD 228 Amended. Mr. Doennig seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Baird, Shuler, and Cox. Nays: None. Abstain: None. Absent: Cline, Rose, and Edwards

**OTHER BUSINESS :**

Mr. Baird asked what the procedure was for recruitment of new members.

Mr. Hosmer stated that it is City Clerk's office responsibility and that there is information on the web page with applications.