

February 14, 2021
MINUTES OF THE PLANNING AND ZONING COMMISSION
Springfield, Missouri

The Planning and Zoning Commission met in regular session and Zoom video conferencing in the City Council Chambers.

Roll Call - Present: Randall Doennig (Chairman), King Coltrin (Vice-Chairman), Dee Ogilvy, Britton Jobe, Natalie Broekhoven, Bill Knuckles, Bruce Colony, and Kuleya Bruce. Absent: None. Staff in attendance: Bob Hosmer, Planning Manager, Kyle Tolbert, Assistant City Attorney, and Mary Lilly Smith, Planning Director.

MINUTES: The minutes of January 14, 2020 were approved.

COMMUNICATIONS: Bob Hosmer reported on City Council meeting actions.

CONSENT ITEMS:

Relinquishment of 905
3601 & 3703 North Farm Road 139 and 4000 blk of North
Farm Road 137
Applicant: City of Springfield

Relinquishment of 908
533 & 601 South Jefferson Avenue
Applicant: Roman Catholic Diocese of
Springfield - Cape Girardeau

COMMISSION ACTION:

Mr. Coltrin motioned to **approve** items Relinquishment of 905 (3601 & 3703 North Farm Road 139 and 4000 blk of North Farm Road 137) and Relinquishment of 908 (533 & 601 South Jefferson Avenue). Ms. Broekhoven seconded the motion. Ayes: Doennig, Coltrin, Ogilvy, Jobe, Broekhoven, Knuckles, Colony, and Bruce. Nays: None. Abstain: None. Absent: None.

UNFINISHED BUSINESS:

Z-1-2021 w/COD #195
1720 West Grand Street
Applicant: College of the Ozarks

Mr. Hosmer stated that this is a request to rezone approximately 1.37 acres of property generally located at 1720 West Grand from R-LD, Low-Density Multi-Family Residential District with COD No. 178 to GR, General Retail District, and establishing Conditional Overlay District No. 195. The Growth Management and Land Use Plan Element of the Comprehensive Plan identifies the subject property as appropriate for Low-Density Housing uses. The Transportation Plan classifies Grand Street, as a primary arterial roadway, and Kansas as an Expressway roadway. A Traffic Impact Study is required at the time of development. This request would remove the current COD No. 178 requirements for a turnaround to be constructed at the end of Loren Street. The property is not located in a FEMA designated floodplain or a stream buffer area. A fee in lieu of on-site stormwater detention will be allowed due to the proximity to the floodplain. The applicant is proposing to combine this tract with other tracts to the north and west to create a one lot final plat. A 15 foot bufferyard Type S1 will be require along the south property with plantings and a 15 feet bufferyard Type C on the east /R-HD. 30-degree bulk plane from the R-SF district. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Derek Lee, owner representative will be the site of a COVID vaccine area that will be remodeled and will keep everything else as is.

Mr. Bruce Colony asked if sold.

Mr. Derek Lee noted that it has been sold and will be cleaning up the platting and zoning.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Coltrin motioned to **approve** item Z-1-2021 w/COD #195 (1720 West Grand Street). Ms. Ogilvy seconded the motion. Ayes: Doennig, Coltrin, Ogilvy, Jobe, Broekhoven, Knuckles, Colony, and Bruce. Nays: None. Abstain: None. Absent: None.

Conditional Use Permit 447
1650 East Sunshine Street
Applicant: JRW Family Prop, LLC, c/o J Randolph Wilson

Mr. King Coltrin and Mr. Britton Jobe recused.

Mr. Hosmer stated that this is a request to approve a Conditional Use Permit for the purpose of authorizing an automobile washing business within the GR, General Retail District generally located at 1650 East Sunshine Street. The Comprehensive Plan identifies this area as appropriate for Medium Intensity Retail, Office or Housing. The GR District is recommended for this area. The applicant is requesting a Conditional Use Permit for an automobile washing business (car vacuums and parking stalls) in a GR, General Retail District. A CUP and site plan are required. The Major Thoroughfare Plan classifies Sunshine Street as a Primary Arterial roadway. A fee in lieu of on-site stormwater detention will be allowed. The property is not located in a stream buffer area. There is an existing car wash business located at 1640 East Sunshine Street (to west) approved in 2006 and is owned by the applicant. The requested car vacuums, parking stalls and cross access to the existing car wash; meets the definition of a “premises” or functional unit per City Code. “Premises defined as any tract of land, consisting of one or more lots, under single or multiple ownership, which operates as a functional unit. When developed, premises shall also possess one or more of the following criteria: (a) shared parking; (b) common management; (c) common identification; (d) common access; or (e) shared circulation.” This expansion of the existing car wash CUP i.e. “vacuums and parking” should be incorporated into the entire premises (both properties) for a complete review per city code 36-363 (5) (9) and (10). The existing car wash was developed in 2006 and redeveloped in 2013. There appears to be multiple zoning violations which includes the removal of the rear bufferyard, landscaping and fence, an encroachment into the R-SF zoned property to the south (parking and dumpster) and other unauthorized site plan changes. A new site plan for the entire site would bring the entire site into compliance.

Existing Car Wash development	CUP 371 approved site plan
<u>“Exit tower” located north of car wash building</u>	<u>“Exit tower” not shown</u>
<u>Twenty (20) car vacuum stalls</u>	<u>Ten (10) car vacuum stalls shown</u>
<u>Two (2) pay stations at vehicle queuing lane</u>	<u>No pay station shown</u>
<u>Enlarged double vehicle queuing lane</u>	<u>Smaller vehicle queuing lane shown</u>
<u>No rear bufferyard with solid wood fence and no plantings.</u>	<u>Twenty-five (25) foot bufferyard with solid wood fence and plantings shown.</u>

The Department of Public Work Traffic Operations Division does not support the proposed Conditional Use Permit. “The business functions of 1640 and 1650 would produce traffic flow between the two driveways (parcels) that would create hazards to the safety of vehicular and pedestrian traffic and disjointed vehicular circulation paths that are not compliant with Section 36-363 (10) (2), 36-363 (10) (17), and 36-363 (10) (18).” Staff has determined that the application does not satisfy the standards for Conditional Use Permits outlined in Section 36-363 (10) of the Zoning Ordinance.

Ms. Bruce asked about the distance between residences from the east.

Mr. Hosmer noted it was 6 to 10 feet.

Mr. Knuckles asked how the boundaries were established, the impact of parking spaces (volume concerns) and entrances (right in – right out only).

Mr. Hosmer noted that the legal description on the Conditional Use Permit is incorrect and will be working with the developer to correct and Mr. Brett Foster noted that volume will increase to projected 75 cars per hour also stated that entrances/exits along Sunshine have accident problems and want to address those issues of a lot of traffic in a small area.

Mr. Hosmer noted again that “premise issues” is what needs to be addressed and not just pieces of other issues and they want to combine the Conditional Use Permit.

Mr. Doennig asked if the property that is being encroachment is owned by the owner and bufferyard, and if we go back and review throughout the city for enforcement as well as the right in – right out access.

Mr. Hosmer noted that they own that property and stated that the City sometimes does review the bufferyard and will require changes and noted that they are working with Traffic Engineering and the developer/owner on the access.

Ms. Bruce asked about the change in volume of noise ordinances for residential-single family and other car washes with an excess of vacuums.

Mr. Hosmer noted that they City does have ordinances and they will need to comply with the ordinance and said the City is required to look at the “whole premise” and needs to be reviewed as a whole and some other changes.

Mr. Knuckles asked about any changes to restore the bufferyard.

Mr. Hosmer stated that the City will make sure it complies.

Mr. Doennig will this be the only example of common ownership/use where the parcels are separated and not combined.

Mr. Hosmer noted they continue to work with the developer on the site plan to be combined.

Ms. Bruce asked if they have submitted a combined site plan.

Mr. Hosmer said they have submitted a site plan that does not show a combined premise and gave out examples to make it safe for traffic volumes.

Mr. Colony stated that he was confused to the parcel on the south and believes that this needs to be considered as one premise.

Mr. Hosmer stated that they do not own it but have a cross access agreement.

Mr. Knuckles asked if there are any other separate tracts that are combined and about the other property using the access.

Mr. Hosmer noted that there are in the City with a Master Sign plan for those areas and gave out examples on what a premise is and said for a Conditional Use Permit, you must look at the premise.

Mr. Doennig opened the public hearing.

Mr. Christopher Wynn, engineer and representing the owner. Noted that the process has been started in November 2020 through predevelopment showing cross-access for the properties. Went through several comments on the access and what is required. In the 2006 CUP there were two access and has closed one already and trip generation on the volume of traffic. The staff report will be equal to proposed volume and said the number of conflicts does not increase. He also commented on the earlier staff report from the January 2021 meeting where the project was pulled/tabled by staff and where the staff report has changed for the February meeting.

Ms. Bruce asked if a study was done during peak times and during its max compacity and the vacuum capacity and increase of clients.

Mr. Wynn said that the City did not require a traffic analysis and believes that the additional vacuums will not increase traffic. Mr. Hosmer asked Mr. Wynn about the spacing from the driveways to each other and that the standard is 200 feet and if complying with the standards.

Mr. Wynn did agree that they are too close but disagreed on a few points, i.e., January report.

Mr. Greg Byler, owner, noted that the process has been convoluted with the City on the agreement and gave out the business plan for the current property and the one that is currently under contract, noting frequent break-ins on the vacant. He noted that the only traffic concerns are approximately 10 days per year and can't add more traffic due to the additional vacuums because it will not generate by the amount of the cars going through the car wash and believes the current proposal has more safety effects. He also noted that they residents do not complain about the noise versus the drive thru with the Chinese restaurant next door.

Ms. Bruce asked about access to and from the property and possible lanes of traffic and if he sees a hazard in the cross access and noted her concern. She also addressed of what would happen if they did not get cross access.

Mr. Byler stated again about how many cars can the property be accommodated and believes that it is a very safe ingress and egress and said he has discussed this with the City and only allow one way movement from 1640 to 1650 Sunshine for a safer traffic pattern. He noted that he would not go forward as part of the carwash, but do something different, i.e., drive-thru coffee with no cross-access.

Mr. Brett Foster, Traffic Engineer stated that they City only asks for limitation on the left turn into and out of the 1650 property. If the Conditional Use is for only this use and not if another type of facility and could be closed.

Mr. Colony has a question on the rear lot (barbershop) and the operational plan from Kentwood Avenue.

Mr. Byler noted that it does not interfere with their plans and no coming and going from Kentwood Avenue.

Mr. Doennig asked about the cross-access easement to 1650 Sunshine and to Kentwood Avenue and will they be okay with a right in right access (two-way) on Sunshine and about the timeframe for use at a car wash and vacuum facility.

Mr. Byler stated that they would want a one way to and from Sunshine and the timeframe ranges from 3 minutes to hour and a half.

Ms. Bruce asked about signage for one way only, is there anything that would prevent from doubling back.

Mr. Byler said that there would be site control, i.e., signage, traffic cones, etc.

Ms. Broekhoven said that they are looking like they are looking at the two parcels as one premise and why the ownership is not interested as one overall conditional permit versus 1650 Sunshine only.

Mr. Byler was preferring to keep it separate, however until tonight we will work with the attorney work it out for combining.

Mr. Bryan Fisher, attorney for the owner and asking for additional time (5 more minutes) for a total of 10 minutes for presentation.

Mr. Doennig asked for a motion to vote.

COMMISSION ACTION (additional speaker time):

Ms. Broekhoven motioned to **approve** additional time (5 minutes) for Mr. Fisher to address the Commission. Mr. Colony seconded the motion. Ayes: Knuckles, Colony, and Bruce. Nays: Doennig, and Broekhoven. None. Abstain: None. Absent: None. Tied motion does not allow additional time per statement of City Attorney, Kyle Tolbert.

Mr. Bryan Fisher stated what is important for this meeting is the Conditional Use Permit and what is the standard is and went over what adverse effects and what is appropriate. He believes that this is being presented as appropriate, versus if someone else puts in a coffee, donut shop, etc., and what is currently be proposed with a one way in and out and what is the standard is and this already has a Conditional Use Permit for 1640 so to combine 1640 and 1650 as combined is not necessary and noted the statement on the pulled January 2021 staff report.

Mr. Colony asked if Mr. Fisher if these two properties concur the intent operate as one property.

Mr. Fisher said yes to be considered as one property, but not does not concur with the City statement as "one premise."

Mr. Doennig closed the public meeting.

Mr. Doennig asked about traffic volume if no change of zoning and how much traffic can come and go if property (new property) is left as is and what is the difference from the January and February reports that has been mentioned.

Mr. Hosmer noted that they are not rezoning the property and noted that the differences in the reports is the January report had not been completed before the project was pulled from the agenda.

Mr. Foster stated that the traffic volume would be limited by the physical number of cars on the property and possible different proposed uses which different section of codes could affect the property.

Ms. Bruce questioned the ingress and egress and limitation on access.

Mr. Foster gave out examples of possible hazards for incoming and outgoing traffic.

Mr. Doennig asked if they have had any public complaints filed for the property.

Mr. Hosmer noted that there are two comments cards from property owners stating their concerns and are part of the staff report.

Mr. Doennig asked about any complaints from the barbershop about the access.

Mr. Hosmer stated that he believes that there are no complaints.

COMMISSION ACTION:

Ms. Broekhoven motioned to **approve** item Conditional Use Permit 447 (1650 East Sunshine Street). Mr. Colony seconded the motion. Ayes: Doennig, Broekhoven, and Knuckles. Nays: Ogilvy, Colony, and Bruce. None. Abstain: None. Absent: None. Mr. King Coltrin and Mr. Britton Jobe recused.

MOTION TIED – automatically tabled to the Planning and Zoning Commission meeting on March 11, 2021.

PUBLIC HEARINGS:

Conditional Use Permit 448
2420 East Blaine Street

Applicant: The Lackey Building, LLC

Mr. Hosmer stated that this is a request to permit an adaptive reuse of a nonresidential structure as a residential use with a Conditional Use Permit in a R-TH, Residential Townhouse District generally located at 2420 East Blaine Street.

Mr. Doennig opened the public hearing.

Mr. Curtis Jared, developer and here to answer any questions.

Mr. Jerry Reynolds, citizen noted the protective covenant and does not oppose the rezoning, however the architectural blend needs to part of the existing neighborhood. Feels that the water retention off of Sunshine needs to be kept clear due to it being clogged up throughout the years and possibly under-estimated and noted that a previous owner had kept an area where the water was easily absorbed (flower garden) and not just flowing into his property. The Comprehensive Plan identifies this as an appropriate for Low Density Housing uses. The applicant is requesting a Conditional Use Permit to convert an existing warehousing structure to multi-family units in a R-TH District. The purpose of the adaptive use regulations is to allow for the use of structures, originally constructed for nonresidential uses to be repurposed as a stand-alone residential use. The Major Thoroughfare Plan classifies Blaine Street as a Collector and Patterson as a Local roadway. A Traffic Impact Study was not required as the change in use did not increase the trip generations. A fee in lieu of on-site stormwater detention will be allowed. The property is not located in a stream buffer area. The Conditional Use Permit will:

- Allow the conversion an existing warehousing structure into 13 multi-family units in conformance with the site plan and 21 standards in Attachment 3 and 4.
- Require a bufferyard Type B along the RSF and RTH property line with plantings and a solid 6 ft fence.
- No signs larger than 20 sf with wall signs not more than 10% of the façade facing street.
- One indoor and one outdoor amenity listed in the Revised Multi-family Location and Design Guidelines.
- Sidewalks along the frontage of both Blaine and Pacific/ Patterson.

Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Michael Stalzer, stated that this is a proposed use for a 13 multi-family unit and will be using the existing footprint.

Mr. Doennig closed the public hearing.

Mr. King Coltrin asked about the existing gravel driveway.

Mr. Daniel Neal stated that the existing gravel drive will be pavement.

COMMISSION ACTION:

Mr. Coltrin motioned to **approve** item Conditional Use Permit 448 (2420 East Blaine Street). Mr. Colony seconded the motion. Ayes: Doennig, Coltrin, Ogilvy, Jobe, Broekhoven, Knuckles, Colony, and Bruce. Nays: None. Abstain: None. Absent: None.