

February 9, 2023
MINUTES OF THE PLANNING AND ZONING COMMISSION
Springfield, Missouri

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

Roll Call - Present: Britton Jobe (Chairman), Natalie Broekhoven (Vice-Chairman), Bruce Colony, Christopher Lebeck, Eric Pauly, Bill Knuckles, Betty Ridge, and Helen Gunther. Absent: Dan Scott. Staff in attendance: Bob Hosmer, Planning Manager, Susan Istenes, Planning Director, Jill Burris, Assistant City Attorney, Kyle McGinnis, Senior Planner, and Michael Sparlin, Senior Planner.

MINUTES: The minutes of January 12, 2023, were approved.

COMMUNICATIONS: Bob Hosmer reported on City Council meeting actions.

CONSENT ITEMS:

UNFINISHED BUSINESS:

Z-27-2022 w/COD #220

1739, 1745 & 1755 South National Avenue and 1111, 1119, 1133 & 1141 East Sunshine Street and 1138 East University Street

Applicant: BK&M, LLC

Request to postpone to the March 9, 2023, Planning and Zoning meeting. (Mr. Lebeck recused himself)

COMMISSION ACTION:

Mr. Knuckles motioned to **postpone** Z-27-2022 w/COD #220 (1739, 1745 & 1755 South National Avenue and 1111, 1119, 1133 & 1141 East Sunshine Street and 1138 East University Street) to March 9, 2023. Ms. Broekhoven seconded the motion. Ayes: Jobe, Broekhoven, Pauly, Knuckles, Ridge, and Gunther. Nays: Colony. Abstain: None. Absent: Scott. Christopher Lebeck recused himself.

Vacation 826

1700 blk West Loren Street

Applicant: Advocates for Healthy Community, Inc.

Mr. McGinnis stated that this is a request to vacate a portion of the public right-of-way at the 1700 block of West Loren Street.

Mr. Knuckles asked about a sanitary sewer easement.

Mr. McGinnis noted that there is a sanitary sewer and cross access easement on the property.

Mr. Jobe opened the public hearing.

Mr. Derek Lee, 1200 E. Woodhurst Street, representing the owner (Jordan Valley Community Health Center) and they are combining the land to develop a campus. They do not own the right-of-way so they can't grant an easement, so the city is offering to vacate.

Mr. Knuckles asked if the other part/half of the street has been vacated, Mr. Lee does not know but it is all the property in between it.

Mr. Jobe closed the hearing.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Vacation 826 (1720 West Grand Avenue). Mr. Lebeck seconded the motion. Ayes: Jobe, Broekhoven, Colony, Pauly, Lebeck, Knuckles, Ridge, and Gunther. Nays: None. Abstain: None. Absent: Scott.

Home Occupation Amendments

Citywide

Applicant: City of Springfield

Postponed to the March 9, 2023, Planning and Zoning meeting, received 48 hours in advance of the public hearing.

COMMISSION ACTION:

No action taken.

PUBLIC HEARINGS:

Z-1-2023 w/COD #222

1018 North Farmer Avenue and 1622, 1628 & 1634 West Scott Street

Applicant: Baptist Temple of Springfield

Mr. McGinnis stated that this is a request to rezone approximately 0.71 acres of property generally located at 1018 N. Farmer Avenue and 1622 through 1634 W. Scott Street from R-SF, Single-family residential district to R-TH, Residential townhouse district and establishing Conditional Overlay District No. 222. The project area is located within the Center City Neighborhood placetypes (corrected and referenced as an “established neighborhood placetype” in staff report and verbally noted during presentation).

Mr. Colony asked for the limitations on the Conditional Overlay District and asked about small-scale commercial.

Mr. McGinnis noted that only one is that future construction conforms to the affordable housing design guidelines. Mr. McGinnis also noted that the zoning district would not allow small scale commercial, but it is the placetype that would encourage commercial where appropriate. This placetype is to enhance and diversify the neighborhoods.

Mr. Knuckles asked if the properties to the east would be within the Conditional Overlay District and Mr. McGinnis noted that the properties are not.

Mr. Jobe opened the public hearing.

Ms. Michelle Lopez, 5256 S. Aspen Drive and here as a representative to the property management and to answer any questions.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Z-1-2023 w/COD #222 (1018 North Farmer Avenue and 1622, 1628 & 1634 West Scott Street). Ms. Broekhoven seconded the motion. Ayes: Jobe, Broekhoven, Colony, Pauly, Lebeck, Knuckles, Ridge, and Gunther. Nays: None. Abstain: None. Absent: Scott.

Z-3-2023 w/COD #223
2238, 2250 & 2316 East Catalpa Street
Applicant: NGA Holdings, LLC

Mr. Sparlin stated this is a request to rezone approximately 14.8 acres of property generally located at 2238, 2250, 2316 East Catalpa Street from R-TH, Residential Townhouse District to R-LD, Low-density Multi-family Residential District and establishing Conditional Overlay District No. 223.

Mr. Knuckles asked about bufferyard B and if adequate for that type of development. Mr. Sparlin noted that it is sufficient and complies with the zoning code requirements.

Mr. Knuckles about egress/ingress on to Catalpa and if the only access and Mr. Sparlin noted that there are no other streets abutting the property.

Mr. Pauly asked about the bulk plane (45-degree) and noted that it seems a problem if allowing into a residential area. Mr. Sparlin noted that the R-LD, Low-Density Multifamily Residential Districts have the same standards for R-SF, Single Family Residential Districts.

Mr. Pauly asked if they will exceed the 15 feet width limit to allow a three-story building, Mr. Sparlin noted that they could have a three-story building, but developer/applicant can answer that question.

Ms. Ridge asked if the railroad is still active in that area and Mr. Sparlin noted that he is unsure.

Mr. Colony asked about stormwater and said a lot of flooding occurs by the tracks and would like the drainage issues to be addressed.

Mr. Joe Codichini stated that first stipulation at the time of development is that they must install new pipe (900/1000 ft) to alleviate the overflow and the second they have to have detention that would accommodate the sinkholes in the area.

Mr. Colony noted the intersection at Barnes and Catalpa and how terrible it is.

Mr. Chad Zickefoose stated that the intersection will be analyzed and possible improvements at the time (traffic impact study) of construction.

Mr. Jobe opened the public hearing.

Mr. Nathan Adams, 3213 S. West Bypass, stated that these will be 2-story buildings (townhome development) will have the same density as R-SF by not splitting the property to not develop public streets.

Mr. Pauly asked about bulk plane and if a 2 or 3 story building.

Mr. Adams stated it will be only 2-story buildings, but not sure on type of roof.

Mr. Colony wants clarification on public street comment, Mr. Adams noted this will be like a "gated community" and not separated out and will have one owner. Mr. Colony also noted that there are several nice and large trees and would like them to be preserved. Mr. Adams said that they will try to preserve as many as possible.

Mr. Knuckles asked who will maintain the private infrastructure. Mr. Adams noted that the single owner would maintain the property.

Ms. Leslie Vandenberg, 1162 S. Marlan is against the zoning change, but not against growth. She voiced her concerns regarding traffic, ingress/egress (wants more access points) and stormwater/flooding issues noting that there are no storm drains and asked for this to be denied until stormwater and roadway have been improved.

Mr. Colony noted her concerns for traffic and stormwater and asked if these issues were rectified, then would she still have issues and she stated that traffic would still be a problem and looking at apartment complexes across from a single-family residential area.

Mr. Knuckles asked if the city has plans for street improvements. Mr. Chad Zickefoose stated that there are no plans for Catalpa and Barnes but could in the future if a traffic study would recommend improvements.

Mr. Lebeck asked about the zoning and dwelling unit per acre and was clarified that it allows for 11 du/ac.

Ms. Britton Dennis, 1161 S. Maple Grove Avenue voiced her concerns for an apartment complex versus single family homes, she also noted concerns for traffic, stormwater, biking (part of the Greenwood bike trail) and low inventory of properties for purchase.

Ms. Sherry Lincoln, 1163 S. Maple Grove is here on behalf of the children and teachers in the area and stating that the local schools would be severely impacted with the additional students (overcrowding) in the classrooms. She also noted that the street is not safe (traffic) and that they have had flooding issues.

Ms. Amelia Mooney, 1166 S. Maple Grove noted that there are approximately 30 single family homes in the neighborhood and the only exit is Catalpa and stated that they have problems with the homeless living in woods and believes that townhouses would put too much of a strain on the neighborhood and Greenway Trail and this type of project is not suitable. She also stated that she would like for any study (traffic impact) to happen before construction, not after.

Mr. Colony wanted clarification and explained that building permits (after traffic study) would not be issued until construction has begun.

Mr. Zickefoose noted that if the rezoning is approved then a traffic study is required and then the recommendations would need to be escrowed or constructed before any building permits would be issued.

Mr. Jobe closed the public hearing.

Mr. Colony asked if the developer would be allowed to construct their project, and would they be granted a Certificate of Occupancy? Mr. Zickefoose stated that they would not receive a Certificate of Occupancy until completed and a sidewalk will be required on Catalpa (frontage).

Mr. Lebeck asked for clarification on the recommendations, item 6 (Findings for Staff Recommendations). Mr. Hosmer said the same du/ac does not reach a threshold for a traffic study prior to the zoning case.

Mr. Zickefoose explained what would prompt a required traffic study, but traffic study can put a condition on the development.

Mr. Knuckles asked about the density and suggested that the city look at the traffic along Catalpa and Barnes as well as drainage issues.

Mr. Jobe stated that Planning and Zoning Commission can approve a change to the land use and does share the current concerns, but the scope is limited to the amendment map and will be in support of it.

Ms. Broekhoven asked what the street designation of Barnes and Catalpa is, Mr. Zickefoose noted that they are both collector's and the stepdown use type would be good for this area, but Barnes and Catalpa are basically neighborhood streets and are dangerous. Current zoning is the same intensity with a Conditional Overlay District that brings attention to the traffic issues and believes this is a positive outcome and will vote in support.

Mr. Pauly also travels this daily and does not believe he can support this due to the traffic concerns.

Ms. Ridge also noted that she had traveled Catalpa daily and the road conditions were not that bad, but the railroad crossing is dangerous and mentioned stormwater issues.

Mr. Lebeck stated that Planning and Zoning must note the 8 conditions (Planning and Zoning Authority / Section 36-367) when looking at rezoning and said the traffic issues already exist and this development will have positive benefits and he will support the rezoning.

Mr. Colony noted the perfect opportunity to fix the stormwater and traffic issues and will be supporting and wants the city to work with the developer to fix the current issues.

Ms. Gunther asked about turn lanes, Mr. Zickefoose said the developer would be required to build whatever improvements, exception would be if Catalpa / Barnes already require turn lanes.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Z-3-2023 w/COD #223 (2238, 2250 & 2316 East Catalpa Street). Mr. Lebeck seconded the motion. Ayes: Jobe, Broekhoven, Colony, Lebeck, Knuckles, Ridge, and Gunther. Nays: Pauly. Abstain: None. Absent: Scott.

OTHER BUSINESS:

Preliminary Plat of Troy Acres First Addition
520 South Troy Avenue

Applicant: Crawford Mace, LLC

Mr. Hosmer stated that this is a request to approve a preliminary plat for a 6-lot residential subdivision located at 520 South Troy Avenue.

Mr. Jobe opened the public hearing.

Mr. Bill Mace, 2112 State Hwy and here to answer any questions.

Mr. Ted Adams, 315 South Troy Avenue stated his concerns of the street width for the 6 homes as proposed and would like to know if the developer will be fixing the street.

Mr. Lee Viorel for owner at 421 S. Troy Avenue and is against the size of the lots and have 33 landowners who do not approve the density and would like for them to reconsider for 3 lots. He voiced concern for parking, location of driveway access easements, too narrow of street, no curb and gutter and believes this development is not harmonious for the neighborhood. He also talked about the lot size for placement of the houses and garages/carport that would cause possible street parking.

Mr. Lebeck asked for lot sizes surrounding the area and Mr. Viorel was told they are roughly double in size.

Mr. Knuckles as for street and plat requirements, Mr. Zickefoose stated that the city code does not require improvements to the existing street and there are no plans to widen Troy Avenue.

Mr. Jobe asked for advisement on the discretion to consider for the subdivision. Mr. Hosmer stated that meeting the standard is what the Commission is to assess.

Mr. Colony (Duke Avenue) noted the neighboring lot sizes and point out that they are only a bit larger than the proposed development.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Preliminary Plat of Troy Acres First Addition (520 South Troy Avenue). Mr. Knuckles seconded the motion. Ayes: Jobe, Broekhoven, Colony, Pauly, Lebeck, Knuckles, Ridge, and Gunther. Nays: None. Abstain: None. Absent: Scott.

Neighborhood Compatibility Amendments

Citywide

Applicant: City of Springfield

Postponed to the March 9, 2023, Planning and Zoning meeting, received 48 hours in advance of the public hearing.

COMMISSION ACTION:

No action taken

Stand Alone Multi-Family in Commercial District Amendments

Citywide

Applicant: City of Springfield

Postponed to the March 9, 2023, Planning and Zoning meeting, received 48 hours in advance of the public hearing.

COMMISSION ACTION:

No action taken

Rules of Procedure for Planning and Zoning

Applicant: City of Springfield

Mr. Hosmer stated that this a proposal to modify the Rules of Procedure for the Planning and Zoning Commission.

1. Ms. Susan Istenes stated that for better reading at Section 2.6 Action by the Commission.
"If five votes are not obtained after three such votes, the item shall be deemed denied." Suggest the sentence change to "If 5 votes notes are not obtained after three meetings, the item shall be deemed denied. Strike: ~~such~~, change the word "votes" to meetings.

Mr. Knuckles asked for clarification on denial. Mr. Colony went over the changes and would like Ms. Burris to clarify.

Ms. Burris stated this is for a recommending body, not an approving body and goes back to the tie issue, confirming if you can't get to five votes, not five members present, etc., and Mr. Colony and Mr. Hosmer (Vacations, not going forward to City Council) went over the final items.

COMMISSION ACTION 1:

Mr. Colony motioned to **approve** the amendment for the Rules of Procedure for Planning and Zoning. Mr. Knuckles seconded the motion. Ayes: Jobe, Broekhoven, Colony, Pauly, Lebeck, Knuckles, Ridge, and Gunther. Nays: None. Abstain: None. Absent: Scott.

2. Mr. Jobe has one concern on page 7 of the redlined copy (request for postponement).
Exceptions: The Commission may grant a request to postpone or table a case for a longer period than from the originally scheduled date of the public hearing in cases where ~~circumstances beyond the control of the applicant~~

~~render it difficult to comply with the public hearing schedule.~~ Read as “the applicant in the opinion of the commission demonstrates a good cause.” and went over why this is being offered as an amendment.

Mr. Lebeck stated the following.

“Exceptions: The Commission may grant a request to postpone or table a case for a longer period than from the originally scheduled date of the public hearing for good cause shown.” ~~in cases where circumstances beyond the control of the applicant render it difficult to comply with the public hearing schedule.~~

Ms. Burris suggests, “finding of good cause.”

Mr. Lebeck stated the following.

“Exceptions: The Commission may grant a request to postpone or table a case for a longer period than from the originally scheduled date of the public hearing upon finding of good cause.” ~~shown in cases where circumstances beyond the control of the applicant render it difficult to comply with the public hearing schedule~~

COMMISSION ACTION 2:

Mr. Lebeck motioned to **approve** the amendment for the Rules of Procedure for Planning and Zoning. Mr. Colony seconded the motion. Ayes: Jobe, Broekhoven, Colony, Pauly, Lebeck, Knuckles, Ridge, and Gunther. Nays: None. Abstain: None. Absent: Scott.

Mr. Colony read from the completed “draft” version and questions the 180 days and asking if the 180 days is cumulative. Ms. Burris said that she believes it would be “cumulative 180 days” and after 180 days it would automatically be withdrawn.

Mr. Colony also asked about the 48-hour request for postponement if not approved and Ms. Burris said they would proceed with the public hearing on the agenda.

Mr. Lebeck is asking if less than 48 hours, then the full agenda is posted and what are and who is making a substantive amendment, color, adding one tree to landscaping, etc.

Mr. Jobe voiced his same concern if the amendment is substantive, and Ms. Burris said they would have to have a substantive finding under the current rules and notes that this is just a request to postpone and not to rehear such action.

Mr. Colony asked for the difference of postponing versus tabling. Ms. Burris gave out examples.

COMMISSION ACTION (accept recommendations):

Mr. Colony motioned to **accept** the recommendations for the Rules of Procedure for Planning and Zoning as amended. Mr. Knuckles seconded the motion. Ayes: Jobe, Broekhoven, Colony, Pauly, Lebeck, Knuckles, Ridge, and Gunther. Nays: None. Abstain: None. Absent: Scott.

ADJOURN: 8:05pm