

October 6, 2022
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 (Vice-Chairman), Bruce Colony, Bill Knuckles, Christopher Lebeck, Natalie Broekhoven and Eric Pauly. Absent: Randall Doennig (Chairman). Staff in attendance: Bob Hosmer, Planning Manager, Jill Burris, Assistant City Attorney, Susan Istenes, Planning Director

MINUTES: The minutes of September 8, 2022, were approved.

COMMUNICATIONS: Bob Hosmer reported on City Council meeting actions.

CONSENT ITEMS:

Relinquishment of Easement 929
922 South Eastgate Avenue
Applicant: Courageous Church

COMMISSION ACTION:

Mr. Knuckles motioned to approve Relinquishment of Easement 929 (922 South Eastgate Avenue). Ms. Broekhoven seconded the motion. Ayes: Jobe, Colony, Pauly, Knuckles, Broekhoven, and Lebeck. Nays: None. Abstain: None. Absent: Doennig.

UNFINISHED BUSINESS:

Z-21-2022
2000 West Thoman Street
Applicant: City of Springfield

Mr. Hosmer states that this is a request to rezone approximately 0.5 acre of property generally located at 2000 West Thoman Street from HM, Heavy Manufacturing District (corrected from GM, General Manufacturing as stated in presentation) to R-SF, Residential Single-Family District. The Comprehensive Plan identifies this area as appropriate for Low Density Housing, however the area has been zoned GM since 1995. This would allow for the continued single-family residential use which was mistakenly left as Heavy Manufacturing during the 1995 Citywide remapping. The Transportation Plan classifies Thoman as a local roadway. A Traffic Impact Study is not required. The property is not located in a FEMA designated floodplain, stream buffer or sinkhole area and stormwater detention is required. The requested rezoning to R-SF, Single-Family Residential will allow the existing residential to use to the east to be conforming. This will also bring the residential property under one consistent residential zoning district. The proposed zoning and uses will not have a substantial impact on the public street system, public utilities, pedestrian traffic or impact traffic safety in the vicinity. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied. Staff recommends approval.

Mr. Jobe opened the public hearing.

Ms. Debbie Greek, 2000 W. Thoman, is the property owner and been there for 35 years and this has been before City Council in 1994/1995 and went over the history of the property.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Z-21-2022 (2000 West Thoman Street). Mr. Pauly seconded the motion. Ayes: Jobe, Colony, Pauly, Knuckles, Broekhoven, and Lebeck. Nays: None. Abstain: None. Absent: Doennig.

Z-23-2022 w/COD #220

1739, 1745, 1755 South National Avenue, 1141 East Sunshine Street and 1138 East University Street

Applicant: BK & M, LLC

Mr. Hosmer stated that the applicant requests to postpone to the November 17, 2022, Planning and Zoning meeting.

COMMISSION ACTION:

Mr. Knuckles motioned to **postpone** Z-23-2022 w/COD #220 (1739, 1745, 1755 South National Avenue, 1141 East Sunshine Street and 1138 East University Street). Ms. Broekhoven seconded the motion. Ayes: Jobe, Colony, Pauly, Knuckles, Broekhoven, and Lebeck. Nays: None. Abstain: None. Absent: Doennig.

Subdivision Variance 354

2101 North Main Avenue

Applicant: Barrett Fisk Investments, LLC

Mr. Hosmer stated that this is a request to approve a variance from Section 36-247(a) and 36-247(8) of the Subdivision Regulations located at 2101 North Main Avenue. The applicant owns two lots with four homes; three being located on the southern lot. The code does not allow more than 1 dwelling on a lot in an R-SF district. The two westernmost homes encroach on the lot line dividing the two lots. The applicant is requesting a variance independent of Preliminary Plat to vary from Section 36-247(a) minimum lot size and 36-247(8) front yard building setback of the Subdivision Regulations. The Administrative replat will create four lots less than the minimum lot size is 6,000 square feet. The minimum front yard building setback is 15 feet. Due to the ambiguity of Sec 36-206 in the Subdivision Regulations, it is not clear what process is necessary to grant variances that are submitted with an Administrative Replats. It was decided that both the Board of Adjustment and the Planning and Zoning Commission must review and approve the variance request. On September 20th the Board of Adjustment approved the variances. The applicant is proposing 4 new lots; all below the 6,000sf minimum lot size. The existing houses on Lot 1 and Lot 2 will not meet the minimum front yard setback of 15 feet and the application is proposing 8.5 feet and 8.4 feet. If the commission approves the subdivision variance will be recorded in the office of the Recorder of Deeds of Greene County. No such variance shall be recorded, however, until a 30-day period shall have passed during which time said variance may be challenged in a court.

Mr. Knuckles if one of the houses is torn down, would the variance stay in place?

Mr. Hosmer stated that it would stay in place.

Mr. Jobe opened the public hearing.

Mr. Rick Wilson, 1835 S. Stewart and representing the owner. In the past there were few regulations, and these houses are in boundary issues. These houses have been used as rentals and owner occupied and these homes would be perfect for that and here to answer any questions.

Ms. Broekhoven asked when the homes were built.

Mr. Wilson stated that they were built around 1928.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Subdivision Variance 354 (2101 North Main Avenue). Mr. Lebeck seconded the motion. Ayes: Jobe, Colony, Knuckles, Broekhoven, and Lebeck. Nays: Pauly. Abstain: None. Absent: Doennig.

Street Name Change 80

3100 – 3399 blk North Mulroy Road

Applicant: Buc-ee's

Mr. Hosmer stated that this is a request to rename the 3100-3399 block of North Mulroy Road to North Beaver Road. The Buc-ee's gas station and travel center is being constructed at 3280 North Mulroy Road and they want to rename the street to "Beaver Road" to assist drivers in guiding them to the store. It has been our policy to not support street name changes to directly to a company's name. However, staff does support renaming Mulroy Road to Beaver Road as it does not directly reference a business's name. Other similar name changes in the past were Bear Blvd and Innovation Ave. which were proposed by MSU and Innovative Dental. Mulroy Road is classified in the City's Transportation plan as a primary arterial roadway. There are no other addresses on this road. Staff recommends approval.

Mr. Colony asked if leaving the name to North Mulroy Road would cause any problems and was a neighborhood meeting required, or was any notice given to the neighbors on the fact that this name change was out there?

Mr. Hosmer said that it would not cause any problems, however the applicant and MoDot said that it would be for guidance and there was a neighborhood meeting.

Mr. Pauly noted that there have been two name change requests that have come through recently and wanted to ask regarding the signage that is mentioned. We see all the signage for the different road names and things like that. Would there also be signage for the business along those roads as well?

Mr. Chad Zickefoose, Public Works, stated they have no preference, but recommend changing the name, along with MoDot to make it clear for the traveling public on which lane to enter on the round-about and this simplifies it.

Mr. Zickefoose stated that there's no opportunity for private advertising in the public right away. Missouri has Blue Wayward signs. There is a private company, a third-party company that MoDOT partners with that put up the way finding signs, the large blue signs that have gas stations, restaurants, attractions. So, they would have the opportunity to apply to that company, pay a fee and get their logo on one of those blue signs along the interstate. That would be the only option.

Mr. Jobe opened the public hearing.

Mr. John Chamberlin, 805 Penn Avenue, Suite 150, Kansas City, MO, representing Buc-ee's and noted the request came about during the design process as we were working with MoDOT on the improvements for the I-44 and Mulroy interchange and changing that into a roundabout. And as Chad said, a multi lane roundabout, a way to assist drivers that are unfamiliar with the area, to help them get into the correct lanes to reduce confusion. And that would in turn improve operations at the roundabouts if they're able to stay in the right lanes by understanding which one they need to be in, and we appreciate staff's report and would answer any questions that you have.

Mr. Jobe closed the public hearing.

Mr. Colony asked are there any costs associated with the renaming of the road to the city or taken on by the developer?

Mr. Zickefoose noted all the cost of re-signing is by the developer. They're paying for all the improvements at the interchange to all three roundabouts, the additional lanes on the ramps to Whitening and Mulroy Road, and then all of the signing on the interstate and on North Mulroy Road, the current North Mulroy Road.

Mr. Pauly agrees with Planning Department's historic look at this, where they have not supported renaming a road after a particular customer driven business. Looking at this and looking at what's happened in the past, I think that passed beyond the name that this is being traded on with branding and obviously with their logo being Bucky Beaver, wanting to change the road name to Beaver Road, Beaver Avenue and that certainly trades on that particular name. And I do think that that does give an unfair advantage to a direct customer retail establishment over some of our other retailers in the area. I see. It no different than if a fast-food restaurant wanted to come in and request a change to Golden Arches Boulevard. Well, we all know who that's going to be. We would also have then perhaps their competition wanting to come in and change to a Kings Avenue or a Redheaded Pigtailed Girl Lane. I simply can't support this because I do see this as being an unfair advantage that a retail business is having over other retail businesses.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Street Name Change 80 (3100 – 3399 blk North Mulroy Road). Mr. Colony seconded the motion. Ayes: Jobe, Knuckles, and Broekhoven. Nays: Colony, Pauly, and Lebeck. Abstain: None. Absent: Doennig. **Motion Failed.** Due to tie vote, it will automatically be tabled to the next Planning and Zoning Commission (November 17, 2022).

PUBLIC HEARINGS:

Conditional Use Permit 469
600 South Glenstone Avenue
Applicant: 600 S. Glenstone, LLC

Mr. Hosmer stated that this is a request to permit an automobile washing business within the GR, General Retail District generally located at 600 South Glenstone Avenue. The Growth Management and Land Use Plan designate this area as appropriate for Medium-Intensity Retail, Office or Housing uses. The subject property is at the intersection of a primary arterial (Glenstone) and secondary arterial (Cherry) roadways. A Traffic Impact Study is not required. The property is not located in a FEMA designated floodplain, stream buffer or sinkhole area. Stormwater detention will need more detailed analysis prior to construction. The CUP will allow an automobile washing business in conformance with the site plan, and all other zoning and applicable city standards. Proposed CUP meets the requirements standards. Staff recommends approval.

Mr. Knuckles asked about a comment for a six-foot fence along that east property line and if it was an existing fence.

Mr. Hosmer believes there is or was an existing fence or they're going to repair or put back in. There is a portion of it to the lot to the south had a six-foot fence, and then further to the north, up to Cherry Street, was a four-foot fence so it a requirement that there'd be a six-foot fence.

Mr. Jobe opened the public hearing.

Mr. Bob Manaus, JM Civil Engineering, Allen Texas, representing the applicant and in regard to the fence, if there isn't a six-foot fence, we will build one and here to answer any questions.

Mr. Darien Teeter, 437 W. University and I own property directly across from this proposed car wash on Cherry Street. My concern has to do with the congestion on that intersection. The corner of Cherry and Glenstone is quite busy. Especially around the 3:00 4:00 pm time frame. With people picking up their kids from the school down the street as well as normal traffic. With McDonald's being there and so forth. Where at any point in time. From 3:00pm on until maybe 6:00pm there'd be 20 or 30 cars backed up on Cherry Street blocking entrance to my building on the corner of

Chair and Glenstone. My concern has to do with the congestion and also the idea of signage to force people, instead of going into that intersection, turn east on Cherry or if the driveway would bleed out from the car wash onto Glenstone, have it turned north on Glenstone and alleviate some of the traffic congestion at that corner.

Mr. Colony asked if there were any problems with congestion when it was a bank?

Mr. Teeter stated it's a busy intersection under general circumstances. There's a school right down the street and the parents picking up students start backing up and the cars backed up from the school up to my building on a regular basis, 20 or 30 cars deep to get through that corner.

Mr. Jobe closed the public hearing.

Mr. Lebeck asked why a traffic study not required and how are the numbers determined.

Mr. Zickefoose noted that there's an international transportation standard, there's a manual in where tables based on use, so there's tables for car washes and so forth. So based on the table of the car wash by code we use those numbers out of that IDE manual. This proposal didn't meet those thresholds to require a traffic impact study.

Mr. Lebeck asked if they are factoring in any way about congestion at Cherry and Glenstone. Is that factoring into your decision whether or not a traffic impact study is needed?

Mr. Zickefoose noted they work with the intersection of Glenstone Avenue and Cherry Street are under MODot jurisdiction, so we work with them on a regular basis to try to address congestion along Glenstone, however ultimately by the code we're only able typically to allow to require a traffic study if the change in use increases the trips by 100 in the hour or 1000 in the day.

Mr. Lebeck asked about if the code doesn't factor in the decision to make a traffic impact study if there's preexisting congestion at that intersection.

Mr. Zickefoose noted that it not strictly by the code, the traffic engineer can request that. And so based on going from the bank to the proposed car wash and with the signalized intersection there, there's really no additional improvements that could be made and Glenstone isn't going to be widened at any time and there's already turn lanes, right turn lanes and left turn lanes. We also know that the car wash isn't going to generate any more traffic than the bank and traffic will remain similar after as it was before. We are addressing some of the access, we're closing an access to Cherry Street that's closer to Glenstone and we're addressing some of the congestion by that and the safety concerns by moving that access point farther away from Glenstone Avenue.

Mr. Knuckles asked about the access off of Glenstone and if the other would remain open that's furthest to the east.

Mr. Zickefoose noted that it is correct and if the uses increase the peak hour traffic by 100 or more or the 24 hours volume by 1000 or more. Then it would trigger the requirement for a traffic impact study, so changing from the bank to the car wash didn't meet that threshold.

Ms. Broekhoven noted that the traffic impact study or lack of traffic impact study was in the fact a bank or office space has been underutilized for a number of years now with traffic at that intersection still being incredibly congested like the public speaker had previously communicated.

Mr. Zickefoose thinks if a traffic impact study were done at this intersection, my opinion is that it would show that no additional improvements were needed. Maybe some retiming of the signalized intersection itself.

Ms. Broekhoven know that we've had hearings previously on the intensity of traffic that has been generated from car washes at similar intersections. And so, I think that is the primary concern that I have, as well as what I believe some of the other commissioners have, is that it will generate a significant amount of traffic at this intersection. Furthermore,

you're pushing all access to the site towards the residential neighborhood behind the property, generating more noise, traffic and intensity along the single-family residential section of the development.

Mr. Zickefoose noted that the eastern entrance and driveway was already there. It was there previously and they're just going to continue to utilize it with their new development.

Ms. Broekhoven noted it's the only access point to the site.

Mr. Hosmer stated that they can go south through the properties to the south to get back to Glenstone if they choose.

Mr. Zickefoose noted that he is not sure what the output is on the car wash, but the cars exit the car wash at a fairly slow rate. So as far as them pulling out of the car wash, I don't see significant traffic flowing out of the car wash.

Mr. Lebeck asked if Planning Commission have the authority to request a traffic study? Is there a process for that?

City staff is not aware of that, and city code allows the requirement for a traffic impact study at the time of zoning.

Mr. Lebeck noted we have quite a few car washes in Springfield recently, and I think we have some good data points to see what kind of traffic these things truly generate in the city. It seems like we would have a good opportunity here to really see if that book is accurate and in the Springfield scenario, that a car wash does have no appreciable impact on the intersection.

Mr. Colony would like to direct some of that traffic to the south and those two lots that are shown on the drawing that all seem to be owned by one property owner. That that cross utilization will remain and that the car wash customers would be able to go south through the adjacent parking lot and out onto Glenstone. And if we could figure out if the applicant could figure out how some way to direct their traffic to come in off of Cherry and out onto Glenstone, that maybe we might come to a happy medium here and nobody'd have to worry about the traffic, and they'd have a nice flow. Is there any way that we can request the applicant work on signage or directional controls to push traffic out to the south out onto Glenstone and alleviate the traffic off Cherry in some way?

Mr. Zickefoose noted that the large bank lot has already been split into two lots and platted with the cross access that has been already in place, and those two lots cross access from Glenstone around to Cherry exist already.

Ms. Jill Burris, Assistant City Attorney, stated she wanted to provide the legal standard for the commission as to what it can do in granting a conditional use permit. You may recommend such condition safeguards and restrictions on the premises benefit it, as may be necessary to comply with the standards set forth in the cup section to avoid or minimize or mitigate potentially adverse effect of such conditional uses and do not see the ability to request a traffic study. But you may impose conditions or recommend that the City Council impose conditions on the use permit in addition to those already in there. She noted if there were to be a recommendation and whoever wants to make that motion that the commission could come to a consensus before making such a motion.

Mr. Colony recommend that we tag the approval of this issue of this conditional use permit that the applicant be required to or at least we recommend that the applicant employ means to direct traffic exiting the car wash to turn south again and go exit onto Glenstone, as opposed to trying to get out on Cherry with signage. I think we make some sort of recommendation that they use signage and other means to direct traffic to the south.

Mr. Jobe recalled the representative to the podium.

Mr. Bob Manaus, JM Civil Engineering, Allen Texas noted that they can put some directional signage to help direct traffic.

Mr. Colony stated that we went through an extensive discussion on another car wash on another busy street in town where they limited in and out onto that busy street and found a more creative use of more flow that actually increased their efficiency as well as controlled the access to the streets and would make that our recommendation.

Mr. Jobe asked if the recommendation was limited to signage?

Mr. Colony stated not necessarily.

Mr. Jobe stated that the motion is to require the applicant to install signage or other traffic control means to the recommendation.

Mr. Knuckles stated that he was concerned about the owner to the property not having direct access to the property when it's been moved further to the east and reduces that capacity issue. Believes it limits the access to the property owner by proposing indirect access to his business on the corner and I'm concerned of closing off that east access or limiting traffic through that access.

COMMISSION ACTION #1:

Mr. Colony motioned to **approve** Amendment to Conditional Use Permit 469 (City Council require the applicant employ additional means of traffic control and signage as is necessary to make it clear to their customers that there is access to Glenstone, to the south, as well as onto Cherry Street). Mr. Lebeck seconded the motion. Ayes: Colony, Pauly, and Lebeck. Nays: Jobe, Knuckles, and Broekhoven. Abstain: None. Absent: Doennig. **Motion Failed.**

COMMISSION ACTION #2:

Mr. Knuckles motioned to **approve** Conditional Use Permit 469 (600 South Glenstone Avenue). Ms. Broekhoven seconded the motion. Ayes: Jobe, Knuckles, Colony, and Lebeck. Nays: Pauly and Broekhoven. Abstain: None. Absent: Doennig.

Conditional Use Permit 470

404, 420 & 424 East Sunshine Street

Applicant: Reding Management, LLC & Redec, LLC

Mr. Hosmer stated that this is a request to permit an eating and drinking establishment use group, including drive-in pick-up window or drive thru facility as a conditional use permit within a LB, Limited Business District located at 404, 420 and 424 East Sunshine Street. On March 10, 2022, the Planning and Zoning Commission recommended denial of CUP No. 461 (Drive Thru facility). On April 4, 2022, City Council remanded CUP 461 back to the Planning and Zoning Commission. On June 16, 2022, the Planning and Zoning Commission recommended denial of CUP No. 461 (Drive Thru facility). On July 25, 2022, City Council denied CUP 461(Drive Thru facility) but approved the LB Limited Business District with a COD No 207. The applicant is proposing to construct a new drive-thru coffee shop. Limited Business LB District allows eating and drinking establishments, for drive-thru facilities only with a Conditional Use Permit. A site plan is required for a CUP. All activities and uses except off-street parking and loading facilities, drive-thru facilities, activities shall be conducted entirely within a completely enclosed building. No individual retail store establishment or other permitted use shall have a gross floor area greater than 5,000 square feet. The maximum structure height is 25 feet, and all structures shall remain below a 30-degree bulk plane. The CUP and COD will require the following:

- Sidewalks along Roanoke.
- A Type D" bufferyard (15) feet wide. There must be two (2) canopy trees, two (4) understory trees, two (4) evergreen tree and fourteen (14) shrubs per 100 liner feet. A six-foot-tall solid wood fence is also required as part of the bufferyard.
- Not allow access to Sunshine (except for existing home), Limit access to the southern portions of Jefferson and Roanoke. Require cross access.
- Not allow the narrow lot exemption for reduced landscaping,

- Require a lot combination for lots 6-7 at time of development.
- Hours of operation shall be limited to 5:30 a.m. to 9:00 p.m. Sunday through Thursday and 5:30 a.m. to 10 p.m. Friday and Saturday.
- All outside speakers shall be pointed north towards Sunshine Street and away from the residences to the south and east. The noise level shall not exceed 80 decibels at the property line.

The Transportation Plan classifies Sunshine as a Secondary Arterial, Jefferson as a Collector and Roanoke as a Local roadway. A Traffic Impact Study is not required. The property is not located in a FEMA designated floodplain, sinkhole or stream buffer area and stormwater detention is required. The proposed use will not have a substantial impact on the public street system, public utilities, pedestrian traffic or impact traffic safety in the vicinity. Although the site location is shallow, the proposed business is primarily auto oriented with no indoor seating, and the building is not oriented towards the street to foster safe pedestrian access to the building, staff supports the proposed development as redesigned. The application meets the approval standards for conditional use permits. Staff recommends approval.

Mr. Knuckles wanted clarification that the conditional use permit will allow the drive through service to be enacted on the property and its current zoning is limited business does not.

Mr. Hosmer replied that they could have an eating, drinking establishment that has a sit down inside the building, they just couldn't have a drive through pickup window without a conditional use permit.

Mr. Colony noted that they've not made any adjustment to their plan for the drive through at all. It's still going to anticipated to handle three lanes. It's going to handle as many cars as they can possibly pull in there.

Mr. Hosmer noted the only difference were the hours of operation and (sound/music) the speakers away from the property.

Mr. Colony stated that they added some additional buffer yard and lost some speakers. But it does not appear that they've made any attempt to modify their business plan to be anything other than a high-volume drive-through with an entry and exit point on Jefferson and then onto a small collector street of Roanoke, which at this point in time has no sidewalks there but did see that they were required to add sidewalks. Is that the entire length of the block or just right there by their property line?

Mr. Hosmer noted that it will be the front of their property.

Mr. Colony noted that all the cars that are coming out of there that don't want to try to turn back onto Sunshine and would prefer to drive through the neighborhood to find another way out are still going to be driving down a small collector street with no sidewalks, no gutters. I still think that this is a bad idea.

Mr. Lebeck went over the staff findings and comments. He asked to clarify the uses on Roanoke and Jefferson.

Mr. Hosmer noted that Roanoke and Jefferson is residential.

Mr. Lebeck asked for clarification on Attachment 1 Department of Environmental Services staff comments as to no objections to the "rezoning" is that a typo?

Mr. Hosmer stated this should say "Conditional Use Permit".

Mr. Lebeck wanted clarification on no traffic study and no current traffic count for Roanoke.

Mr. Zickefoose stated that there is no current traffic count on Roanoke.

Mr. Lebeck asked for clarification on staff comments under improvements Public Works Traffic Division where it states "zoning" in staff comments is that a typo?

Mr. Hosmer stated this should say "Conditional Use Permit".

Mr. Lebeck referred to standards item 11 and quoted "subject property in an area of nonresidential uses and is not anticipated to dominate the immediate vicinity or to interfere with the development and use of neighboring properties" and asked about making of the standards.

Mr. Hosmer believes they are based on the traffic impact and the impact that would be around the area.
Mr. Lebeck asked for comparisons for other 7 Brew Coffee Shops in Springfield. No Traffic Study required.

Mr. Zickefoose gave out information that were approximately 776 new trips for a 7 Brew Coffee Shop with peak hours of 9:00am to 12:00pm. He also noted with the highest volume being 11:00am - volume of 82 cars in that hour. We took the entire 776 cars that visited that 7 Brew, assumed that they were all brand new trips to the location here at Sunshine and Jefferson, which we know that most of the traffic there will be vehicles that are already passing through that intersection on their way to other locations and they'll pull off. But we assumed that all 776 were new trips. We plugged them into our own models and ran it, and there was no change in the level of service at that intersection. There's plenty of capacity in that intersection of Sunshine and Jefferson.

Ms. Broekhoven asked if the 7 Brew that was reviewed if it was nested into a residential neighborhood?

Mr. Zickefoose believes it is.

Ms. Broekhoven wondered if it was able to absorb the additional trips easier because it was not on such small residential roads, whereas it would be much more intense in this location.

Mr. Zickefoose said that they didn't analyze the traffic flow at the existing 7 Brew but simply counted the cars that were coming in and out of that location, and then we assumed that similar traffic volumes would be at this location here at Sunshine and Jefferson.

Mr. Knuckles asked where was the survey done?

Mr. Zickefoose stated it was the 7 Brew at Glenstone and Kearney and during that 17-hour count, we didn't see backup of traffic from 7 Brew on to Glenstone Avenue. The cars that pulled in there were existing traffic on that road.

Mr. Jobe opened the public hearing.

Mr. Chris Wynn, 5051 S. National Avenue, developer representative, noted two topics that come up a lot when we visit the site. The first one is traffic, the second one is noise. There's already been a lot of discussion about traffic before I even have spoken. The first thing I want to note is the 776 trips, a trip is so someone going into the stores a trip, and someone coming out of the stores a trip, so there's not actually 776 cars that would be divided by two and would approximately 335. Don't actually have 700 new cars coming in, there are 350 coming in and 350 leaving, it's much less than the 700. My colleague Dane Seiler, professional transportation operations engineer, and the city all concluded that traffic at this intersection would operate basically as it does today. We don't see a traffic issue generated by 7 Brew at this location. Furthermore, Chad and his team at the city have plugged in the traffic that was generated by the one at Kearney and Glenstone and plugged it into the models of this intersection again and shown that it's not having a negative impact on this road corridor. It's a busy road. It's a busy intersection. All indications show that we shouldn't really have that much worry about traffic at this intersection.

He also noted about the queuing, there were three wide we've put in all of these stalls and all of this queuing space to accommodate the city's request. They've had a lot of issues with places like Chick-fil-A and Starbucks that have limited queuing capacity that caused it to back up into Sunshine. Our intentions are not to have 26 cars there at all

times, and also talked about some of the concessions they have made from a traffic standpoint, by giving up right away along Sunshine Street and giving up ten-foot of right away so that in the future, the city could expand Sunshine Street.

Mr. Wynn asked for additional time.

COMMISSION ACTION: (extend speaking time)

Mr. Knuckles motioned to **approve** additional time (2 minutes) for Conditional Use Permit 470 (404, 420 & 424 East Sunshine Street). Ms. Broekhoven seconded the motion. Ayes: Jobe, Colony, Pauly, Lebeck, Knuckles, and Broekhoven. Nays: None. Abstain: None. Absent: Doennig.

Mr. Wynn also stated that they are originally we're having access to Sunshine and now no longer show access to Sunshine and is originally going to be done in two phases, but now doing it in one phase to alleviate some of the traffic onto Jefferson Avenue. Since we lost our access to Sunshine, we now have a secondary access to Roanoke. Both of those houses (on Sunshine) are still there today and will be going away as part of that drive that would go out to Roanoke, plus we're adding sidewalk along Roanoke for walkability. We are adding a sidewalk connection from the building where we have added additional outdoor seating to Jefferson. He also talked about hours of operation and noise stating that in a Limited Business zone district, there's no restriction on noise and we're going to generate 80 decibels, noting a restaurant could go in there right now, generate more than 80 decibels. They are also limiting the hours to lessen the impact of the surrounding neighborhoods and doing things with the exterior speakers, to point them away from the residences. 80 decibels at 5-feet from the building is as loud as a lawn mower. The noise dissipates, as you get to the property line, it's around 54 decibels, which is the same volume as an average conversation, and the landscape buffer will also help with noise. We are adding approximately 35 trees and 48 shrubs, beyond what is required by zoning, there's a conditional overlay district that requires us to have an extra two understory trees and an extra two evergreen trees, with a six-foot-tall privacy fence, which will also help deter the noise.

Mr. Knuckles asked for the thoughts on bringing back another Conditional Use Permit.

Mr. Wynn noted that Sunshine Street is one of the busiest corridors in the City of Springfield and the Comprehensive Plan designates the busy intersections for commercial uses and stated that they have gone back to the community. The developer tried to meet with the president of University Heights and did meet with the neighborhood. We've tried to listen to their concerns regarding traffic and noise. We put more restrictions regarding these two items into the CUP and we feel that with this new case, that we should get a little more consideration from the Planning Commission and City Council.

Mr. Lebeck asked what kind of indoor and outdoor seating does this facility have?

Mr. Wynn, it has no indoor seating and a couple of picnic tables underneath the canopy on the west side of the building.

Mr. Lebeck asked how many people can these two picnic tables seat?

Mr. Wynn said it would be approximately eight if you had four at each picnic table.

Mr. Lebeck asked about the loudspeakers.

Mr. Wynn noted that there are there are two speakers. There's one on the south side of the building facing the queue, and there's one on the east side facing out the service door.

Mr. Colony asked about the three lanes of cars, each about twelve and a half feet wide, coming through a 26-foot-wide drive opening and you believe is that everybody that's in that drive through lane is going to turn left and come back around and dump out onto Jefferson and somehow get through a 26-foot opening that's already clogged with incoming

traffic. My issue here is that the intent of the business is to be a high-capacity drive-thru stating that the Growth Management and Land Use Plan of the Comprehensive Plan states that the protection of our existing residential neighborhoods is a prime concern. It's important to ensure that new land uses are not detrimental residential areas and to recognize the vulnerability of residential areas to certain adverse impacts and it goes on about neighborhood-oriented businesses and does not see this as compatible with the neighborhood. Can you tell me how many cars can you get out? How does this traffic really supposed to work? Is it just the signage that's going to get three lanes of traffic?

Mr. Wynn said the intentions of the development are to send as much traffic back out to Jefferson as possible. When we lost the access to Sunshine and it's good to have more than one access to a development for fire code, etc.

Mr. Colony again states that he loves love coffee but does not think this is the right place for the new store.

Mr. Art Peine, 4878 W. University, voiced his concerns for traffic and noting that traffic does back up when families are picking up kids and believes that this drive thru is a bad fit.

Mr. Lebeck asked for clarification about traffic backing up to his driveway and how long he has owned the property.

Mr. Peine noted that he already seeing traffic back down to his driveway and owned the property for six years.

Mr. Bruce Adib-Yazdi, 46 South Holland and lives a few blocks away from this particular property and voiced his concern for noise and stated that traffic will stack on Sunshine Street.

Mr. Colony asked if Mr. Adib-Yazdi is speaking as a resident and what his professional occupation is and would like to see if this establishment is neighborhood oriented.

Mr. Adib-Yazdi said it was a coffee shop that had a place to go sit down and could walk to it and have a nice place to hang out, but you would have a hard time visiting this place from the neighborhood because you have to drive.

Ms. Willa Williams, 1821 S. Kings Avenue said she bikes to work and has walkability concerns and about the access to Roanoke because she bikes on Jefferson Avenue.

Ms. Juliane Schulze, 505 E. Ottawa Court, voiced her concerns for the school and traffic and wants the neighborhood to stay stable with kids riding their bikes and people walking their dogs.

Mr. Pauly asked about sidewalks in the area and how she travel through the neighborhood.

Ms. Schulze noted that there are no sidewalks and has lived for 32 years and knows how to get in and out.

Mr. Seth Entwisk, 524 E. Cherokee, voiced his concerns for traffic and stating that the streets are too narrow to accommodate the traffic flow.

Ms. Jan Peterson, 1024 E. Stanford, President of University Heights, noting that very little on the proposal has changed and believes it is not a good fit for the neighborhood.

Mr. Jacob Rude, Springfield Council of Better Business, noted that staff recommends approval and should have no traffic problems and would like compromises on this development is zoned Limited Business and will be commercial use and will have additional traffic and said that the other 7 Brew's do not have any problems.

Ms. Annette Hollon, 1133 E. Linwood Drive, voiced her concerns for safety for the school students and families walking to and from school.

Mr. Jobe closed the public hearing.

Mr. Knuckles stated his concern is, with the proximity of the business and even the 325 or 350 cars a day, that there is a significant risk of the drive thru traffic at this location and reading some of the purpose of the Conditional Use Permit where it says design to avoid, minimize mitigate, potentially adverse effects, and believes it falls into that category, and intend to vote against the CUP.

Mr. Colony does not think there's anybody on this commission that is anti-development or anti-anything at this corner of a commercial nature. The Comprehensive Plan, states that we should be within and complementary to the neighborhood and it should be neighborhood friendly, and I do not believe that a drive thru coffee shop, especially one with three or four or five lanes and limited throughput is neighborhood friendly. The proposed conditional use will not have any substantial or undue adverse effect upon or will lack amenity or will be incompatible with the use, enjoyment of adjacent or surrounding property, the character of the neighborhood, traffic conditions, etc., and I, too, appreciate the efforts of staff. Bob, these folks, the city planners, the engineers, the work they go through to determine whether or not something should come before us is exemplary. And they do a fine job, but there are times that we disagree, and this is one of those. If the developer can come back with something that is the neighborhood friendly that goes in there, I'll be all over it.

Mr. Lebeck noted that as a commission member we are looking for development opportunities, the right development opportunities and the problem here is it's the wrong fit for this corner and always have to go back to the Comprehensive Plan when we look at what should we put at a location. The Comprehensive Plan specifically says that the Growth Management Land Use Plan design designates this area as appropriate for low density housing uses. However, as an optional element, small neighborhood-oriented retail or services businesses carefully located and screened at certain locations. It goes on further to say that the Growth Management and Land Use Plan encourages the future location of neighborhood level shopping areas near intersections of arterials and collector streets and to site commercial areas where they serve only the adjacent neighborhood. This is just not a good fit here and the protection of our existing neighborhood neighborhoods is a prime concern and will not support this in its current form.

Ms. Broekhoven is surprised that staff has recommended approval on this particular conditional use permit because it is such a mismatch with our comprehensive master plan and the goals of the Planning Department in Springfield and feel more like this is city staff trying to accommodate a developer with an ill-fitting intensity and redress it a few times to make it an acceptable solution. But the intensity is too high for residential area and will not be recommending approval.

Mr. Jobe stated that he understands that it has changed a little bit each time and did vote to deny recommendation the first time. The second time was very explicit and the reason that I changed my vote to yes. I will be recommending approval of this tonight for the same reason that I did the second time that I did. I think that the circumstances have shifted, in my opinion, toward even more reason to support it, primarily because the decision was made by city council to rezone this to a commercial use, albeit limited use. I'm very sensitive to the neighborhood's concerns. Sunshine is an extremely traveled street and it is next to one of the heaviest traffic intersections in our city and will be voting in support.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Conditional Use Permit 470 (404, 420 & 424 East Sunshine Street). Ms. Broekhoven seconded the motion. Ayes: Jobe. Nays: Colony, Pauly, Lebeck, Knuckles, and Broekhoven. Abstain: None. Absent: Doennig. **Motion Failed.**

OTHER BUSINESS:

GAP Redevelopment Area

Approximately 265.3-acre area generally bounded by West Olive Street to the north, West Catalpa Street to the South, South Campbell Avenue to the east, and South Douglas Avenue to the west.

Applicant: City of Springfield

Mr. Matt Schaefer noted in March of 2021, city Council adopted the Grand Avenue Corridor plan and one of the implementation measures in that quarter plan was to adopt a zoning district to reinforce the recommendations of the plan. After that, City Council did follow up with adopting the Grand Avenue Parkway zoning district. It was also further noted after that rezoning occurred was that to really reinforce and maximize the investment that's being made along the corridor, it's going to be necessary to have some private investment that would be coupled with the public investment. City Council did authorize for the city to hire a consultant to assist with preparing a redevelopment plan in blight study for the Grand Avenue Corridor area and city staff did issue a request for proposals and going through reviewing the responses received, the city subsequently hired PGAV planners to prepare white study and redevelopment plan for the Grand Avenue Parkway corridor and surrounding area. Staff has been working with PGAP planners and has also been working with area stakeholders on preparing a redevelopment plan for this area and was considered at the Springfield Land Clearance for Redevelopment Authority earlier this week, and they recommended approval. And under state law, because this is a redevelopment plan, pursuant to the land clearance for Redevelopment Authority Law.

Adam Jones, consultant and been working with the city for a long time now. And we really wanted to create a program that would allow this corridor to create more place making land uses and become a more I think pedestrian friendly corridor and really try to reinforce the previous work that's been done there with the successful petition for a build grant that you all got and the projects that are coming to fruition because of that. He went over his presentation with goals and objectives (process).

Mr. Colony wanted clarification on tax abatements and if any other means of public investment are not going to be automatic by our action here tonight and just made available.

Mr. Matt Schaefer noted that it is correct, and the commission is making a recommendation to City Council whether or not this redevelopment plan conforms with the City's Comprehensive Plan.

Mr. Jobe asked about multiple references in the staff report.

Mr. Schaefer noted that the redevelopment plan is scheduled to go to City Council for a public hearing on November 14, 2022, and staff has formulated its recommendation for this redevelopment plan is under the assumption that by the time this plan is enacted, the forward SDF plan will be adopted

Ms. Broekhoven asked about the terms for Chapter 99 and Chapter 353.

Mr. Schaefer stated the redevelopment plan has a 20-year shelf life on this plan, and it will have to be revisited from time to time. And that's a requirement under the City's workable program so that we don't have redevelopment plans that just stay on the books and get stale. Chapter 353, that is up to 25 years of abatement, and it offers 100% abatement for ten years and then up to an additional 15 years at 50% that is subject to the city's economic development incentives policies where that could be adjusted back. It's really depending on financial need to make the project work.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Mr. Lebeck motioned to **approve** GAP Redevelopment Area (Approximately 265.3-acre area generally bounded by West Olive Street to the north, West Catalpa Street to the South, South Campbell Avenue to the east, and South Douglas Avenue to the west). Ms. Broekhoven seconded the motion. Ayes: Jobe, Colony, Knuckles, Broekhoven, Pauly, and Lebeck. Nays: None. Abstain: None. Absent: Doennig.

Initiate Land Development Code Text Amendment
(Update of the current zoning ordinance and an interim implementation text amendment)
Citywide
Applicant: City of Springfield

Mr. Hosmer stated that this is a request to Initiate Text Amendments to update Chapter 36 Land Development Code per Comprehensive Plan Implementation. The City of Springfield's Comprehensive Plan, Forward SGF, will be set for public hearing/adoption at Planning and Zoning Commission on October 25, 2022. The city zoning code has not been fully updated since 1995 and the Subdivision Regs since 1956. City staff has submitted a Requests for Proposals to update Code --Nov/Dec. (18-month process). Staff recommends amending Chapter 36 Land Development Code and all applicable sections of the Zoning Ordinance for an interim implementation per Forward SGF recommendations. Staff requests that Commission initiate amendments to the Zoning Ordinance.

Mr. Lebeck noted they are talking two things. Number one, a complete overhaul. And then number two, something that's kind of a placeholder until we get that complete overhaul.

Mr. Jobe confirmed that these will be two separate items and have an interim plan.

Ms. Susan Istenes, noted that once we get our consultant on board and we'll work with them to formulate a plan is to probably take things in pieces and obviously, we're going to have to prioritize some things, make the changes, then we'll probably bring them forward for public comment and to the Planning Commission for your consideration as we go along and update those codes.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Initiate Land Development Code Text Amendment - Update of the current zoning ordinance and an interim implementation text amendment (Citywide). Mr. Pauly seconded the motion. Ayes: Jobe, Colony, Knuckles, Broekhoven, Pauly, and Lebeck. Nays: None. Abstain: None. Absent: Doennig.

Discussion of neighborhood meetings (500 feet) per section 36-368(9)

Applicant: City of Springfield

Mr. Hosmer went over neighborhood meetings and handed out information for Springfield-Greene County Civility Project.

Neighborhood Meeting History:

Originally passed as a policy by City Council Resolution 9283 (August 22, 2005). The policy had been an effective tool in opening a line of communication between the applicant and the surrounding neighborhood prior to the public hearing process. Policy was adopted into zoning ordinance September 14, 2015. One of the differences from the original policy is that a comment card, applicants summary of the meeting and requiring the meeting to be held on-site or in the vicinity of the subject property. The process is designed to inform the citizens early enough to allow any possible mitigations to be negotiated prior to the public hearing process.

Neighborhood Meeting Process:

Applicant(s) shall hold a neighborhood meeting prior to the planning and zoning commission public hearing on:

- Zoning map classification changes,
- Planned developments,
- Vacations of public right-of-way (that are not initiated by the city public works director) and
- Conditional use permits.

A neighborhood meeting shall be held at least 21 days prior to the planning and zoning commission public hearing. Notice of the meeting shall be sent by first-class mail, postage paid, at least ten days prior to the meeting, to at least one record owner of each real property within 500 feet of the development proposal, as shown on the records of the

county assessor, and to the president or other association officer(s) of any neighborhood association(s) as on file with the director of planning and development. It is recommended the meeting be held early enough to provide time for the applicant to consider any neighborhood input, allow any changes to be evaluated by staff, and to resolve any issues if possible. The mailing shall be performed by the planning and development department; however, the letters and envelopes themselves must be prepared, and postage placed on same by the applicant. The neighborhood letters shall be submitted to the planning and development department for mailing, one business day prior to the deadline (10 days prior to the hearing). A file copy of the letter shall be provided to the planning and development department. The notice letter shall contain the following at a minimum or any additional information as required by the director of planning and development:

- Description of existing conditions or zoning and proposed changes or proposed zoning.
- Meeting date, time, and location.
- Applicant or their representative's contact information.
- Development review notice and comment cards.

Neighborhood Meeting Update:

- 99% of the time meetings are civil and productive.
- We do realize there needs to be more guidance for the applicant, neighborhood organizations and neighbors.
- But hard to codify every detail.
- Draft of "Best Practices" for conducting meeting.

Commission members discussed various options of what would be best for changes to the current Neighborhood meeting.

ADJOURN: