

October 7, 2021
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: Randall Doennig (Chairman), Dee Ogilvy, Bill Knuckles, Bruce Colony, Kuleya Bruce, Britton Jobe, and Natalie Broekhoven. Absent: King Coltrin (Vice-Chairman) and Christopher Lebeck. Staff in attendance: Bob Hosmer, Planning Manager, Kyle Tolbert, Assistant City Attorney, and Brendan Griesemer, Acting Planning Director.

MINUTES: The minutes of September 6, 2021 were approved.

COMMUNICATIONS: Bob Hosmer reported on City Council meeting actions.

CONSENT ITEMS:

Relinquishment of Easement 918
1145 East Siler Parkway

Applicant: AP Developer, LLC

Relinquishment of Easement 919
6000 blk of South Farm Road 157

Applicant: Anthony Park, LLC

Relinquishment of Easement 920
1100 East Montclair Street

Applicant: St. John's Regional Health Center

Request to Dispose 527
614 West Division Street

Applicant: City Utilities

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Relinquishment of Easement 918 (1145 East Siler Parkway), Relinquishment of Easement 919 (6000 blk of South Farm Road 157), Relinquishment of Easement 920 (1100 East Montclair Street), and Request to Dispose 527 (614 West Division Street). Ms. Ogilvy seconded the motion. Ayes: Doennig, Ogilvy, Knuckles, Colony, Bruce, Jobe, and Broekhoven. Nays: None. Abstain: None. Absent: Coltrin and Lebeck.

UNFINISHED BUSINESS:

Conditional Use Permit 453
4939 West Chestnut Expressway

Applicant: Pilot Travel Centers, LLC

Mr. Hosmer stated that the applicant requests this application be withdrawn.

COMMISSION ACTION:

Mr. Knuckles motioned to **withdraw** Conditional Use Permit 453 (4939 West Chestnut Expressway). Ms. Bruce seconded the motion. Ayes: Doennig, Ogilvy, Knuckles, Colony, Bruce, Jobe, and Broekhoven. Nays: None. Abstain: None. Absent: Coltrin and Lebeck.

PUBLIC HEARINGS:

Z-19-2021 w/COD #203
3280 & 3284 North Mulroy Road

Applicant: Vivian L. McKinzie and Childress Family, LP

Mr. Hosmer stated that this a request to rezone approximately 32 acres of property generally located at 3284 N. Mulroy Rd. from County R-1, Suburban Residence District and County PAD 933 to HC, Highway Commercial District and establishing Conditional Overlay District No. 203. There is an annexation request for the smaller tract in County. The proposed Conditional Overlay District will:

- Require a Traffic Study at the time of development to MoDOT and City,
- 50 feet of ROW and sidewalk along Mulroy Rd,
- Sewer connection fee.

Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. John Chamberlin, Kansas City has no issues with the staff report and here to answer any questions.

Mr. Michael Brand, Strafford (lives just north of the proposed development) and believes that the current flooding issues will be worse and stated that when it was originally woodland and before it was turned onto pasture/hay fields there was no flooding or run off problems, but since it has been turned into pasture there is significant flooding to the barn and area and cannot navigate through it. He also noted that he is on well water (water table) and does not like the idea of his cattle and his family drinking contaminated water with oil.

Mr. Jerry Tolbert, Strafford, lives east of the proposed development on 28 acres and is pleased with the proposed development and is in favor the rezoning.

Mr. Doennig closed the public hearing.

Mr. Jobe wanted to clarify the density of the use and any allowable activity does not have a greater use than the county.

Mr. Hosmer noted the county would allow offices, light industrial, etc., and would a lot more intense (county zoning).

Mr. Knuckles noted that the site will have to comply with stormwater requirements and asked that Chris Dunnaway explain the requirements for detention of stormwater.

Mr. Dunnaway stated they will have to provide stormwater detention and have the rates to what they are today and provide water quality.

Mr. Doennig asked where the detention basins will drain.

Mr. Dunnaway stated that they will probably be towards to lower area (pond).

Mr. Colony noted that there is an existing 30" culvert and will it go across the property to the north.

Mr. Dunnaway noted the stormwater has to convey across the property.

Mr. Doennig asked a hypothetical question for stormwater. If this property was developed like a FedEx warehouse, would that have the same run off to what is being proposed in terms of quantity.

Mr. Dunnaway noted that they will design to percentage of the impervious area.

Mr. Knuckles said about the two detention basins on site and will be severely intense impervious surface.

Mr. Dunnaway noted the change from pasture to concrete and rooftop and they provide large storage area to provide for volume to allow same rate as of today.

Mr. Colony wanted to ask how the staff/developers would be aware of these issues.

Mr. Hosmer noted that the developers will have to comply with all requirements and standards.

Ms. Bruce asked if the rezoning goes through, would the property be allowed to pay a fee in lieu of on-site detention?

Mr. Hosmer stated they will have to provide detention.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** Z-19-2021 w/COD #203 (3280 & 3284 North Mulroy Road). Ms. Bruce seconded the motion. Ayes: Doennig, Ogilvy, Knuckles, Colony, Bruce, Jobe, and Broekhoven. Nays: None. Abstain: None. Absent: Coltrin and Lebeck.

Conditional Use Permit 454

3015 East Sunshine Street

Applicant: Ozarks Motors & Supply Company

Mr. Hosmer stated that this 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 3015 East Sunshine Street. The Comprehensive Plan identifies the property as Medium Intensity Retail, Office, or Housing. The Transportation Plan classifies Sunshine Street as a Primary Arterial roadway. A Traffic Impact Study is not required. The property is not located in a FEMA designated floodplain, stream buffer or sinkhole area. On-site stormwater detention will be required. The CUP will allow a car wash in compliance with the approved site plan. A Type F bufferyard with fence will be provided between R-SF and GR/car wash. The application meets the approval standards for the conditional use permit. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Aaron Hargrave, 3213 S. West Bypass; Springfield here to answer any questions.

Mr. Bruce Colony asked if they intend to recycle the wastewater from their business.

Mr. Hargrave noted that they are intending to recycle the wastewater.

Mr. Knuckles asked about how much water will be used before they start recycling and what about the leftover grit and residue.

Mr. Hargrave noted that he is not sure on how much wastewater will be released before recycling but said the grit and residue will be separated.

Mr. Doennig closed the public hearing.

Mr. Colony asked about the requirements for this type of operation.

Mr. Hosmer noted that the City does have a noise and light ordinance but does not regulate them on their recycling wastewater.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Conditional Use Permit 454 (3015 East Sunshine Street) with staff responses in attachment 3 & 4, as the specific findings of fact on the proposed conditional use. Ms. Ogilvy seconded the motion. Ayes: Doennig, Ogilvy, Knuckles, Colony, Bruce, and Jobe. Nays: Broekhoven. Abstain: None. Absent: Coltrin and Lebeck.

Conditional Use Permit 455

307 South National Avenue

Applicant: Kirk A. Heyle Trust

Mr. Britton Jobe recused himself.

Mr. Hosmer stated that this a request to approve a Conditional Use Permit for the purpose of authorizing a restaurant within the Walnut Street Urban Conservation District No. 1, Area West, generally located at 307 South National Avenue. The Comprehensive Plan identifies the property as Medium Intensity Retail, Office, or Housing. The Transportation Plan classifies

National Ave as a Primary Arterial roadway. A Traffic Impact Study is not required. The property is not located in a FEMA designated floodplain, stream buffer or sinkhole area. On-site stormwater detention will be required. The subject property was approved a Conditional Use Permit for a restaurant in August of 1989. The conditional use permit for the restaurant was discontinued or abandoned for a period of 12 consecutive months and a new conditional use permit must be granted by City Council to reestablish the restaurant use. The application meets the approval standards for the conditional use permit. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Nate Dunville, 3144 E. Republic Road; Springfield here to answer any questions.

Mr. Bruce Colony asked about the ratio to car versus table space as this has a very little parking.

Mr. Dunville noted that they are aware of the lack of parking but will have appropriate parking for the available parking.

Ms. Ogilvy asked what type of restaurant is locating there.

Mr. Dunville declined to answer what type of restaurant it will be.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Conditional Use Permit 455 (307 South National Avenue) with staff responses in attachment 3 & 4, as the specific findings of fact on the proposed conditional use. Mr. Colony seconded the motion. Ayes: Doennig, Ogilvy, Knuckles, Colony, Bruce, and Broekhoven. Nays: None. Abstain: None. Absent: Coltrin and Lebeck. Mr. Britton Jobe recused himself.

Preliminary Plat of Murray's Hickory Village Subdivision
636 South Mission Avenue

Applicant: Hickory Village 55 Plus, LLC

Mr. Hosmer stated that this is a request to approve a preliminary plat for a nine-lot residential subdivision located at 636 South Mission. The applicant is proposing to subdivide 2.29 acres into a nine-lot residential subdivision. The property is zoned R-SF. Transportation Plan classifies Mission Avenue as a local roadway. A Traffic Study is not required, but a sidewalk will be required along Mission Avenue. Recommend shared driveway access similar to the existing homes. The property is not located in a FEMA designated floodplain, stream buffer or sinkhole area. On-site stormwater detention will be required. A land disturbance permit will be required if disturbing 1 acre or greater. If Planning and Zoning Commission approves the preliminary plat and the City Council accepts public streets and easements, then the preliminary plat will be active for two (2) years. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Gary Drennan, Marshfield and is the surveyor for the project and here to answer any questions.

Mr. Colony asked if this an expansion of existing 55+ projects/communities to the east.

Mr. Drennan noted that he was not sure, but same ownership.

Mr. Eric Rumstein, 709 South Mission; Springfield voiced his concerns regarding stormwater, environmental issues (taking down large established trees), and property values. He noted that current stormwater pools and backups onto the property and also into his driveway area and feels that any removal of trees (one tree he believes is from the Civil War era and its size is massive) will impact the runoff even more. He also voiced concern regarding damage to the roadway if a majority of the trees

are removed that in a few years when the roots under the road start to decay that this may cause damage. He would like more information on the actual plan and does not feel that the developer is being candid about the project.

Mr. Colony asked about the proposed development area retaining any stormwater.

Mr. Rumstein said that it retains stormwater and creates a creek that heads to the southeast and at this time it does take several hours for it drain.

Mr. Knuckles asked for his current location and where are the surveyor stakes in conjunction with the trees.

Mr. Rumstein said that he is at the lowest area and the water backs up to his driveway and then drains across the road.

Mr. Dave Bodeen, 304 W. Erie; Springfield here to answer any questions.

Mr. Knuckles asked about the trees and the detention.

Mr. Bodeen stated that he has not seen where the pins/stakes are currently at in conjunction with the trees but noted it would be to their interest to save as many trees as possible and only remove what they would need for driveway access. The drainage issue is not caused by our proposed development – our proposed lots are wider then the minimum and noted they have to provide water quality.

Mr. Colony said that he believes Mr. Rumstein's concern is what will happen about the runoff after development.

Mr. Bodeen noted that they will have to provide detention and won't do anything to effect up and downstream runoff.

Ms. Bruce asked how many units that will be developed and about the driveways and how will this affect the development.

Mr. Bodeen noted that it is 9 units with individual driveways (not shared/combined drives) and went over stating that saving as many trees as possible to help individualize each unit.

Mr. Bruce asked about landscaping.

Mr. Bodeen noted that they are catering the units to look nice and additional landscaping but cannot answer at this time.

Mr. Jason Murray, PO Box 2965 Springfield stated that there will be 7 new homes with and 2 existing homes, that will have a shared driveway, the new homes will have their own driveway and are hoping to save the majority of the trees. City staff are recommending sharing driveways, but feel individual driveways are a better fit for the neighborhood.

Ms. Bruce asked about the trees and if they are taking some out will they be replacing any as well as the location and size.

Mr. Murray noted that they will be replacing/planting trees and shrubs but will make sure that they will not be too close to the houses as that causes problems.

Mr. Colony asked if there are required bufferyards to adjacent properties.

Mr. Hosmer said that there are no requirements for any residential.

Mr. Doennig closed the public hearing.

Mr. Knuckles asked about any stormwater issues in the area and runoff and the discharge amount.

Mr. Dunnaway noted that they have not received any service requests and there is about 20 acres coming into the culvert and they will have to provide larger culverts.

Ms. Ogilvy noted that there has been concerns regarding mature trees in the city and hopes the developer will consider that these trees are massive/large, and we will not be able to replant trees like these in our lifetime and hope that the City takes up the issue of trees when people do develop.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** Preliminary Plat of Murray's Hickory Village Subdivision (636 South Mission Avenue). Mr. Knuckles seconded the motion. Ayes: Doennig, Ogilvy, Knuckles, Colony, Jobe, and Broekhoven. Nays: Bruce. Abstain: None. Absent: Coltrin and Lebeck.

Preliminary Plat of Mercy Villa Subdivision
1100 East Montclair Street

Applicant: St. John's Regional Health Center

Mr. Hosmer stated that this is a request to approve a preliminary plat for a three-lot residential subdivision located at 100 East Montclair Street. The applicant is proposing to subdivide 14.7 acres into a three-lot residential subdivision and the property is zoned R-MD. Transportation Plan classifies Maryland Ave and Montclair Street as Collectors, and National Avenue as a Primary Arterial. A Traffic Study is not required, National Ave is will require 50 ft. of ROW (5 feet is needed). The property is not located in a FEMA designated floodplain, stream buffer or sinkhole area. On-site stormwater detention will be required. If Planning and Zoning Commission approves the preliminary plat and the City Council accepts public streets and easements, then the preliminary plat will be active for two (2) years. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Will Hoey, Springfield and here to answer any questions.

Mr. Knuckles asked about the access to lots 2 & 3 for public ROW.

Mr. Hoey noted that no changes for lot 3(access remains) and for lot 2, there has not been any discussion and they may sell off the property.

Mr. Hosmer stated that they have to meet standards for access.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** Preliminary Plat of Mercy Villa Subdivision (1100 East Montclair Street). Ms. Bruce seconded the motion. Ayes: Doennig, Ogilvy, Knuckles, Colony, Jobe, Bruce, and Broekhoven. Nays: None. Abstain: None. Absent: Coltrin and Lebeck.

Preliminary Plat of Cottles Range Subdivision
3280 & 3284 North Mulroy Road

Applicant: St. John's Regional Health Center

Mr. Hosmer stated that this is a request to approve a preliminary plat for a three-lot commercial subdivision located at 3280 N. Mulroy Road. The applicant is proposing to subdivide 32.5 acres into a three-lot commercial subdivision. The property is currently zoned Co PAD but Rezoning to HC. Transportation Plan classifies Mulroy Road as a Primary Arterial. A Traffic Study will be required at time of development. The property is not located in a FEMA designated floodplain, stream buffer or sinkhole area. On-site stormwater detention will be required. If Planning and Zoning Commission approves the preliminary plat and the City Council accepts public streets and easements, then the preliminary plat will be active for two (2) years. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. John Chamberlin, Kansas City noted that the developer has not objections to staff comments.

Mr. Colony asked about drainage and sewage structures on lot 1.

Mr. Chamberlin noted that lot 1 will be developed into a Buc-ee's.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Preliminary Plat of Cottles Range Subdivision (3280 & 3284 North Mulroy Road). Mr. Colony seconded the motion. Ayes: Doennig, Ogilvy, Knuckles, Colony, Jobe, Bruce, and Broekhoven. Nays: None. Abstain: None. Absent: Coltrin and Lebeck.

OTHER BUSINESS:

Amended Redevelopment Plan for the Beverly Lofts Redevelopment Area
519, 525 & 529 East Cherry Street

Applicant: Beverly Lofts, LLC

Mr. Schaefer stated that this is a request for a Second Amendment to the Redevelopment Plan for the Beverly Lofts Redevelopment Area, located at 519-529 East Cherry Street. Chapter 353 Redevelopment Plan and was approved April 2017 and amended August 2017.

Phase One (completed in 2018):

- Rehabilitate and convert building at 529 E Cherry St into a 22-unit residential apartment building.
- Demolish structures at 519 and 525 E Cherry Street

Phase Two (pending):

- Construct 18- to 28-unit residential apartment building on vacant area demolished in phase one.
- Requires amendment to incorporate finalized plans for new building prior to beginning construction.

Proposed Amendment (Phase Two)

- 18-unit residential apartment building.
- Similar size/layout to Phase One.
- Planned completion: 2024.

Mr. Colony asked about the structures that were torn down and parking.

Mr. Schaefer noted that there were two single family structures that were turned into offices. Both properties are Center City zoning and do not require parking, but they have offered parking.

Mr. Doennig opened the public hearing.

Mr. Matthew Wine, 2144 E. Republic Road; here on behalf of the applicant and filling in the gaps/details with the city.

Mr. Doennig closed the public hearing.

Mr. Knuckles asked if we are voting for the amendment and the review.

Mr. Schaefer stated that they are voting on the recommendations for the amendments.

Mr. Knuckles asked about finances for development.

Mr. Schaefer went over some of the information but noted that the commission is here to vote on the land use, noting that City Council will go over all the financial details.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Amended Redevelopment Plan for the Beverly Lofts Redevelopment Area (519, 525 & 529 East Cherry Street). Mr. Knuckles seconded the motion. Ayes: Doennig, Ogilvy, Knuckles, Colony, Jobe, Bruce, and Broekhoven. Nays: None. Abstain: None. Absent: Coltrin and Lebeck.

Initiate Zoning Variance Amendment
Citywide

Applicant: City of Springfield

Mr. Hosmer stated that this is a request to initiate amendments to the Board of Adjustment Variance requirements. Staff is proposing amendments to the Board of Adjustment Variance section, 36-465. A variance is the remedy created by State Law Chapter 89 giving cities power to vary (variances) from the strict letter of the ordinance. This section of the city code has not been changed or updated since 1995. This update will bring our code in-line with State law and recent court cases. Staff requests that Commission initiate amendments to the Zoning Ordinance to consider modifications as specified. If approved, staff will prepare and draft changes to the Zoning Ordinance.

Mr. Doennig opened the public hearing.

No speakers.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Initiate Zoning Variance Amendment (Citywide). Mr. Colony seconded the motion. Ayes: Doennig, Ogilvy, Knuckles, Colony, Jobe, Bruce, and Broekhoven. Nays: None. Abstain: None. Absent: Coltrin and Lebeck.