APPROVED
by the Planning and Zoning Commission

January 9, 2020
MINUTES OF THE PLANNING AND ZONING COMMISSION
Springfield, Missouri

The Planning and Zoning Commission met in regular session January 9, 2020 in the City Council Chambers.

Roll Call - Present: Randall Doennig (Chairman), King Coltrin (Vice-Chairman), Cameron Rose, Britton Jobe, Melissa Cox, Joel Thomas, and Natalie Broekhoven. Absent: David Shuler and Dee Ogilvy. Staff in attendance: Bob Hosmer, Planning Manager, Nicholas Woodman, Assistant City Attorney, and Mandy Buettgen, Public Works Engineer

MINUTES: The minutes of December 12, 2019 were approved.

COMMUNICATIONS: Bob Hosmer reported on City Council meeting actions.

CONSENT ITEMS:

Relinquishment of Easement 893
3750 South Campbell Avenue
Applicant: TRB Kickapoo, LLC

Relinquishment of Easement 894
2516 West Battlefield Road
Applicant: Mouery Properties, LLC

Relinquishment of Easement 895
2121 South Blackman Road
Applicant: Hope Church of Springfield

COMMISSION ACTION:
Ms. Cox motioned to **approve** Relinquishment of Easement 893 (3750 South Campbell Avenue), Relinquishment of Easement 894 (2516 West Battlefield Road), and Relinquishment of Easement 895 (2121 South Blackman Road). Mr. Rose seconded the motion. Ayes: Doennig, Coltrin, Broekhoven, Cox, Thomas, Rose, and Jobe. Nays: None. Abstain: None. Absent: Shuler and Ogilvy.

UNFINISHED BUSINESS:

Vacation 811
1500 blk North Sherman Avenue
Applicant: Springfield R-12 School District

Staff is requesting that the vacation request be tabled to the next Planning and Zoning Commission meeting on February 13, 2020.

COMMISSION ACTION:
Mr. Rose motioned to **TABLE** Vacation 811 (1500 blk North Sherman Avenue). Ms. Cox seconded the motion. Ayes: Doennig, Coltrin, Broekhoven, Cox, Thomas, Rose, and Jobe. Nays: None. Abstain: None. Absent: Shuler and Ogilvy.

PUBLIC HEARINGS:

Vacation 813
1806 North O'Hara Avenue
Applicant: David A. Richards

Mr. Hosmer stated that this is a request to vacate right of way located at 1806 North O'Hara Avenue. The applicant is requesting to vacate a public alley between Nixon and O'Hara. The alley is undeveloped and is not used as an access point. All adjacent property owners have given consent to the vacation. The request for vacation meets the approval criteria. Any person objecting may petition the City Council to review the request to vacate by filing an appeal within 15 days with the City Clerk from the date the resolution was passed by the Planning and Zoning Commission.

- All property owners adjacent to the street, alley or public way have access to another street, alley or public way.
  All adjacent properties have access to other public streets.
- The owners of two-thirds of the property adjacent to the street, alley or public way to be vacated have given their consent to the vacation.
  All adjacent property owners have consented to the vacation of the alley.
- That the retention of the street, alley, public way or subdivision serves no useful purpose.

The alley is undeveloped and does not serve a useful purpose to the adjacent properties nor to the city street system.

- That the vacation will not affect the ability to use utilities, public or private.

The applicant will not be dedicating easements. No utilities are located in the alley.

Staff recommends approval.

Mr. Doennig opened the public hearing.

David A. Richards, 2953 W. Mt. Vernon Street have been cleaning up the alley/area and here to answer any questions.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Vacation 813 (1806 North O'Hara Avenue). Mr. Coltrin seconded the motion. Ayes: Doennig, Coltrin, Broekhoven, Cox, Thomas, Rose, and Jobe. Nays: None. Abstain: None. Absent: Shuler and Ogilvy.

Vacation 814
200 blk East Phelps Street
Applicant: Board of Governors of Missouri State University

Mr. Hosmer stated that this is a request to vacate right of way generally located in the 200 Block of East Phelps. The applicant is requesting to have conditions placed on this request, so the developer can make future plans without making the necessary improvements at this time. All adjacent property owners have given consent to the vacation. The request for vacation meets the approval criteria.

- All property owners adjacent to the street, alley or public way have access to another street, alley or public way.

  All adjacent properties have access to other public streets.
- The owners of two-thirds of the property adjacent to the street, alley or public way to be vacated have given their consent to the vacation.

  All adjacent property owners have consented to the vacation of the alley.
- That the retention of the street, alley, public way or subdivision serves no useful purpose.

  The applicant is proposing to dedicate a new perpetual right-of-way easement on the opposite side of the street to replace what is being vacated.
- That the vacation will not affect the ability to use utilities, public or private.

  The applicant will be dedicating easements to accommodate existing utilities

This vacation shall not become effective until the following conditions are met:

1. Springnet facilities will need to be relocated if building is intended to be constructed in this area. The costs for this will be the responsibility of the Developer/Owner. Otherwise, an easement will need to be granted for these facilities.
2. Additional easement for electric facilities planned to be installed will be needed on the South side of Phelps outside of the area to be dedicated as new right-of-way.
3. A new perpetual right-of-way easement will need to be dedicated along the property to the south as shown on the attached sketch.
4. A certificate of decision is recorded along with the aforementioned replacement easements.
5. The developer will have 3 years to meet all conditions or the public right-of-way will remain as it exists, today.

Staff recommends approval.

Mr. Doennig opened the public hearing.

Ms. Jane Earnhart, 550 St. Louis Street, the applicant representative and here to answer any questions.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Vacation 814 (200 blk East Phelps Street). Mr. Jobe seconded the motion. Ayes: Doennig, Coltrin, Broekhoven, Cox, Thomas, Rose, and Jobe. Nays: None. Abstain: None. Absent: Shuler and Ogilvy.

Z-1-2020
3750 South Campbell Avenue
Applicant: TRB Kickapoo, LLC

Mr. Hosmer stated that this is a request to rezone approximately 0.69 acres of property generally located at 3750 South Campbell Avenue from HC, Highway Commercial to GR, General Retail District. The Comprehensive Plan identifies this area as an appropriate for Medium Intensity Retail, Offices or Housing. The Transportation Plan classifies South Campbell Avenue as a Primary Arterial roadway. A Traffic Impact Study will not be required as the change in zoning did not increase the trip generations. A fee in lieu of on-site stormwater detention will not be allowed, and the property is not located in a stream buffer. The GR district is consistent with the Comprehensive Plan which lists GR as an appropriate zoning district. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Geoffrey Butler, 319 N. Main Street, the applicant representative and we are down zoning due to the buffer yard (15 feet) that would use up 6 parking spaces and we need those parking spaces.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Ms. Cox motioned to **approve** Z-1-2020 (3750 South Campbell Avenue). Mr. Rose seconded the motion. Ayes: Doennig, Coltrin, Broekhoven, Cox, Thomas, Rose, and Jobe. Nays: None. Abstain: None. Absent: Shuler and Ogilvy.

Conditional Use Permit 441
216 West Weaver Road
Applicant: McKeen Trust

Mr. Hosmer stated that this is a request to allow an automotive service garage within a GR, General Retail District generally located at 216 West Weaver Road. The Comprehensive Plan identifies this as an appropriate for High Intensity Retail, Office or Housing. General Retail uses are appropriate. The applicant is proposing to build a new Firestone Auto Care store at this location. Automotive service garage requires a Conditional Use Permit. The Major Thoroughfare Plan classifies Campbell Avenue as an Expressway and Weaver as a Secondary Arterial roadway. A Traffic Impact Study was not required as the change in zoning did not increase the trip generations. A fee in lieu of on-site stormwater detention will not be allowed. The property is not located in a stream buffer area.

The CUP will require:
- An automotive service garage in conformance with the site plan and 21 standards in Attachment 3 and 5.
- A buffer yard Type S2 is required along the south property line of the subject property. A solid fence, berm or hedge as described in Section 36-482 is required between the off-street parking and vehicular use area and the south property line.
- Lighting shall be significantly reduced during non-operational building hours, allowing only lighting necessary for security purposes. The lighting plan submitted for review shall note where this distinction occurs.
- If the property is subdivided, then the requirements would only apply to that particular lot as shown on the attached site plan. The subdivision must follow the current Subdivision Regulations.
- The proposed detached sign must be located outside of any right-of-way, easements or sight triangles and meet all requirements of Section 36-454 of the Zoning Ordinance. Signs should be set back so that they are not within a 100-foot by 100-foot sight triangle at the corner of Campbell and Weaver.
- A cross-access easement must be provided for the existing shared-access drive to the new Weaver Road.
- The existing private drive will not be able to be connected to W. Weaver Road (outer) to the south.

Staff recommends approval.

Ms. Cox asked if this CUP pertains to the entire lot or just the section noted.

Mr. Hosmer said it is just for the noted section.

Mr. Doennig opened the public hearing.

Mr. Bob Gage 9010 Overlook Blvd, Brentwood TN. The layout of the project is away from the residences on the south and we plan to put the required screening (southern boundary) in place as well as storm water retention and water control due to disturbing more than an acre. We are also constructing a cross access drive along Weaver and it will be a shared driveway.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Ms. Cox motioned to **approve** Conditional Use Permit 441 (216 West Weaver Road). Mr. Jobe seconded the motion. Ayes: Doennig, Coltrin, Broekhoven, Cox, Thomas, Rose, and Jobe. Nays: None. Abstain: None. Absent: Shuler and Ogilvy.

Planned Development 192 FDP
3720 South Weller Avenue
Applicant: Rhett Smillie

Mr. Hosmer stated that this is a request to approve the Final Development Plan for PD 192 generally located at 3720 South Weller Avenue. The Comprehensive Plan identifies this area as appropriate for High Intensity Retail Office or Housing uses. The applicant is proposing to construct a small, multi-tenant retail center with associated parking on the property. The Planned Development 192 allows for the uses permitted in the GR, General Retail District, including the retail sales use group, but requires a final development plan approval by the Planning and Zoning Commission. The Planning and Zoning Commission is to review and take final action on this proposal. The proposed final development plan was reviewed by all City departments and any outstanding issues will need to be resolved prior to the issuance of any building permits. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Matt Miller, 5770 S. Fox Hollow, the developer representative and here to answer any questions.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Ms. Cox motioned to **approve** Planned Development 192 FDP (3720 South Weller Avenue). Mr. Jobe seconded the motion. Ayes: Doennig, Coltrin, Broekhoven, Cox, Thomas, Rose, and Jobe. Nays: None. Abstain: None. Absent: Shuler and Ogilvy.

Preliminary Plat of Magers Crossroads at 65
3525 East Battlefield Road
Applicant: McLean Enterprises

Mr. Hosmer stated that this is a request to approve a 17 acre 4-lot subdivision commercial subdivision located at 3523 East Battlefield (Battlefield and Highway 65). The Comprehensive Plan identifies this area as appropriate for Medium Intensity Retail, Office or Housing. The subdivision divides the property in a way that will facilitate the proposed commercial development. The Major Thoroughfare Plan classifies Battlefield Road as a Primary Arterial which supports the proposed land use. Property is currently in the process of being rezoned to General Retail w/COD #180. A traffic study will be submitted at the time of development and if there are public improvements required, they must be completed or escrowed before final plat. Fee in lieu of on-site stormwater detention will not be allowed. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department. If Planning and Zoning Commission approves the preliminary plat, the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Derek Lee, 1200 E. Woodhurst, representing owner/developer and here to answer any questions.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Ms. Cox motioned to **approve** Preliminary Plat of Magers Crossroads at 65 (3525 East Battlefield Road). Mr. Thomas seconded the motion. Ayes: Doennig, Coltrin, Broekhoven, Cox, Thomas, Rose, and Jobe. Nays: None. Abstain: None. Absent: Shuler and Ogilvy.

Cosmetology Home Occupation Amendments
Citywide
Applicant: City of Springfield

Mr. Hosmer stated that City council had initiated amendments to the Zoning Ordinance on Home Occupations for Estheticians and Manicurists on October 7, 2019. The amendments to the home occupation section would allow cosmetology services (hairdressers, estheticians and manicurists) similar to the requirements of hair cutting and styling.

Section 36-451 Home Occupations. Note: Ordinance language to be added is underlined and language removed is ~~stricken~~.
(m) Performing any acts of cosmetology for compensation ~~Hair and styling~~, provided:
1. Only chair is permitted and only one customer is allowed in the home at a time; and
2. House of operation for this home occupation shall be limited to 7:00am to 7:00pm; and
3. Use is limited to single-family homes; and
4. The use complies with all building and other applicable codes, City of Springfield, and State of Missouri regulations and standards.

(g) No alteration of the principal residential building shall be made which changes the character thereof as a dwelling, including the creation of a separate entrance to the dwelling or utilization of an existing entrance exclusively for the home occupation unless specifically required by state licensing provisions.

(5) Particular home occupations prohibited. Permitted home occupations shall not in any event be deemed to include the following types of activities and uses:
(a) Animal hospitals, stables, or kennels.
(b) Auto repairing and painting.
~~(c) Barber shops and beauty parlors~~.

Staff recommends approval.

Mr. Jobe noted his concern regarding the stricken of hair cutting/stylist and that cosmetology is exclusive of hair stylists.

Bob Hosmer noted that is a state statue.

Ms. Cox asked if this can incorporate hair, nails, etc.

Mary Lilly Smith noted that the cosmetology ordinance (revised state stature 329-010) covers manicurist, hairstylists, etc.

Mr. Doennig opened the public hearing.

No speakers.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Ms. Cox motioned to **approve** Cosmetology Home Occupation Amendments (Citywide). Ms. Broekhoven seconded the motion. Ayes: Doennig, Coltrin, Broekhoven, Cox, Thomas, Rose, and Jobe. Nays: None. Abstain: None. Absent: Shuler and Ogilvy.

Vision Obstruction Restrictions Amendments
Citywide
Applicant: City of Springfield

Ms. Buettgen stated that this is a request for proposed code changes for vegetation abatements.

Definition of "Triangle"
Section 106-32: No person shall permit any tree … to grow …within 30 feet of the intersection of the curb lines of two intersecting streets to a height in excess of two feet above the lowest grade of the two intersecting streets, provided that trees…may grow…if the limbs are trimmed to a minimum of height of eight feet.

Section 36-453: No …tree … over two feet in height shall be placed…with the sight triangle formed by the intersection of two public streets, as defined in subsection (6)(b)1… However, a single tree having a single trunk shall be allowed …provided the tree is pruned to a height of seven feet above yard grade.

Section 36-453 6(b)4: (*hen front yard not required*) …no tree…shall be placed within…the triangle…measuring twice the pavement width…

"Baseline"
Section 106-32: No person shall permit any tree … to grow …within 30 feet of the intersection of the curb lines of two intersecting streets to a height in excess of two feet above the lowest grade of the two intersecting streets, provided that trees…may grow…if the limbs are trimmed to a minimum of height of eight feet.

Section 36-453: No …tree … over two feet in height shall be placed…with the sight triangle formed by the intersection of two public streets, as defined in subsection (6)(b)1…However, a single tree having a single trunk shall be allowed …provided the tree is pruned to a height of seven feet above yard grade.

"Allowances in the Triangle"
Section 106-32: No person shall permit any tree … to grow …within 30 feet of the intersection of the curb lines of two intersecting streets to a height in excess of two feet above the lowest grade of the two intersecting streets, provided that trees…may grow…if the limbs are trimmed to a minimum of height of eight feet.

Section 36-453: No …tree … over two feet in height shall be placed…with the sight triangle formed by the intersection of two public streets, as defined in subsection (6)(b)1… However, a single tree having a single trunk shall be allowed …provided the tree is pruned to a height of seven feet above yard grade.

Proposed Code Changes - Ordinance language to be added is underlined and language removed is ~~stricken~~:

Section 106-32	Section 36-453
No person shall permit any tree (…) to grow …within ~~30 feet of the intersection of the curb lines of two intersecting streets~~… any sight triangle, as defined in section 36-463 of the City Code	No …tree … over two feet in height shall be placed…with the sight triangle formed by the intersection of two public streets, as defined in subsection (6)(b)1… (no change, refers to sight triangle table)
…two feet above the lowest grade of the two intersecting streets	(6)(3) …two feet…above ~~yard grade~~ the lowest grade of such intersecting streets.
…provided that ~~trees~~…a single tree	(6)(3) …provided the tree is pruned to a height of ~~seven~~ eight feet
May grow above such height if the limbs are trimmed to a minimum height of eight feet.	(6)(3) …provided the tree is pruned to a height of ~~seven~~ eight feet
	(6)(4) (Deleted. Planning Department found no benefit in having this section call out a different measuring stand for sight triangles): ~~When front year not required…the street intersection sight triangle…measuring twice the pavement width of each intersecting street, as classified in the major thoroughfare plan…~~

Ms. Cox asked about a large/tall shrub (crepe myrtle) with multiple branches how would they be treated.

Ms. Buettgen noted that if it is a life-safety issue then it would be addressed on case by case basis, however it may need to be trimmed to the height of eight feet and if it obscures the ROW, it may need to be removed.

Mr. Doennig opened the public hearing.

No speakers.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Ms. Cox motioned to **approve** Vision Obstruction Restrictions Amendments (Citywide). Mr. Rose seconded the motion. Ayes: Doennig, Coltrin, Broekhoven, Cox, Thomas, Rose, and Jobe. Nays: None. Abstain: None. Absent: Shuler and Ogilvy.

OTHER BUSINESS:

Elections of Officers 2020

COMMISSION ACTION: (Chairman)
Ms. Cox motioned to **elect** Randall Doennig for Chairman. Ms. Broekhoven seconded the motion. Ayes: Coltrin, Broekhoven, Cox, Thomas, Rose, and Jobe. Nays: None. Abstain: None. Absent: Shuler and Ogilvy. (Randal Doennig did NOT vote)

COMMISSION ACTION: (Vice-Chairman)
Mr. Jobe motioned to **elect** King Coltrin for Vice-Chairman. Mr. Rose seconded the motion. Ayes: Doennig, Coltrin, Broekhoven, Cox, Thomas, Rose, and Jobe. Nays: None. Abstain: None. Absent: Shuler and Ogilvy.