

September 12, 2019
MINUTES OF THE PLANNING AND ZONING COMMISSION
Springfield, Missouri

The Planning and Zoning Commission met in regular session September 12, 2019 in the City Council Chambers. Chairman Randall Doennig called the meeting to order.

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

MINUTES: The minutes of August 15, 2019 were approved.

COMMUNICATIONS: Bob Hosmer reported on City Council meeting actions.

CONSENT ITEMS:

Relinquishment of Easement 888
421 East Sunshine Street
Applicant: School District of Springfield, R-12

Relinquishment of Easement 889
505 East St. Louis Street
Applicant: LW MSU, LLC

COMMISSION ACTION:

Ms. Cox motioned to **approve** consent item Relinquishment of Easement 888 (421 East Sunshine Street) and Relinquishment of Easement 889 (505 East St. Louis Street). Mr. Shuler seconded the motion. Ayes: Doennig, Coltrin, Shuler, Cox, Thomas, Rose, and Jobe. Nays: None. Abstain: None. Absent: Ogilvy and Broekhoven.

PUBLIC HEARINGS:

Z-20-2019

833, 911 & 921 East Division Street and 1500 blk of North Sherman Avenue and 824 & 826 East Locust Street

Applicant: School District of Springfield, R-12

Mr. Hosmer stated that this is a request to rezone approximately 3 acres of property generally located in the 833, 911 and 921 East Division Street, 1500 Block of North Sherman Avenue and 824 and 826 East Locust Street from R-SF, Single-Family Residential and R-TH, Residential Townhouse and LB, Limited Business to GI, Government and Institutional Use District. The Comprehensive Plan identifies this as an appropriate for Low-Density Housing. Schools are allowed in all residential districts. The request is consistent with the Mid-Town Neighborhood Plan which recommends managing the expansion of institutional uses without negatively affecting the future of the residential portions of the neighborhood. The applicant, SPS, will consolidate the three zoning districts into one district and allow for the development of a new elementary school. The Major Thoroughfare Plan classifies Division Street as a Primary Arterial, Sherman Avenue as a Collector and Locust Street as a Local roadway. A Traffic Impact Study was not required. The property is located within the Jordan Creek North Branch drainage area; and is not in stream buffer. A fee in lieu of on-site stormwater detention will not be allowed. The GI district is established for lands where governmental activities, major public and private educational and medical facilities are located. There is a pending request to vacate Sherman Avenue. Staff recommends approval.

Ms. Melissa Cox voiced access concerns about the potential Vacation.

Mr. Hosmer noted that staff has not seen the layout at this time, and this is not what is being considered tonight.

Mr. Doennig opened the public hearing,

Mr. Derek Lee, 1200 E. Woodhurst, representing the owner noted that there were neighborhood concerns regarding vehicles backing out in the area, but has had no negative comments regarding the school building.

Mr. Doennig asked about the northeast corner and if a school is already in place.

Mr. Lee stated that there is a building in the area, however it is not be utilized as a school.

Mr. Doennig closed the public hearing.

Mr. Terry Schull, 1534 N. Clay Avenue, voiced his concerns regarding traffic and parking issues stating not enough room for buses and parents picking up their children and does not like this situation.

Mr. Donald Hampton, 922 E. Locust Street, questioned if the alley access would be blocked. He noted that he has seen homeless people gathering and also trash/junk being dumped and would like it to be blocked.

Mr. King Coltrin asked if the speaker if he opposed the proposed school and if he has discussed his concerns.

Mr. Schull stated that he did not have a problem with the proposed school, only the alleyway and did discuss it with the school district.

Mr. Mike Higgins, 1000 E. Division wanted to know if his house would be affected by the proposed school and vacating Sherman Avenue.

Mr. Hosmer stated that his home will not be affected.

Ms. Susan Schull, 1534 N. Clay Avenue questioned the layout/plan of the school and believes the buses will have problems turning around.

Mr. King Coltrin asked if the speaker if she opposed the proposed school and if he has discussed his concerns.

Ms. Schull stated her concerns are with the layout/plans but does not oppose the school.

Mr. Ken Spellman, 1622 E. Lark Street, questioned the flow of traffic in the alley and believes it restricts access to his tenant (parking and traffic concerns) that lives on E. Locust Street.

Mr. Doennig closed the public meeting.

Ms. Cox asked about the access (Vacation and alley).

Mr. Hosmer stated that he is not sure of the access, however potentially vacating Sherman, but has not seen any of the details.

Ms. Cox asked about buses using the alleyway.

Mr. Hosmer stated that will need to be improvements.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Z-20-2019 (833, 911 & 921 East Division Street and 1500 blk of North Sherman Avenue and 824 & 826 East Locust Street). Mr. Shuler seconded the motion. Ayes: Doennig, Coltrin, Shuler, Cox, Thomas, Rose, and Jobe. Nays: None. Abstain: None. Absent: Ogilvy and Broekhoven.

Planned Development 372

852 & 906 South National Avenue and 1224 & 1234 East Page Street

Applicant: Missouri Baptist

Mr. Hosmer stated that this is a request to rezone approximately 2.2 acres generally located at 852 & 906 S. National Avenue and 1224 & 1234 E. Page Street from a R-HD, High-Density Multifamily Residential District and R-SF, Single-Family Residential District within UCD No 2, Areas A & D to Planned Development No. 372 for a mixed-use development. The Comprehensive Plan, Rountree Neighborhood Plan, and Rountree Urban Conservation District support the rezoning of the subject properties. This area is located within the Missouri State University and Vicinity (Major) Activity Center. Rountree Neighborhood Plan goal is to promote sustainable, mixed-use, pedestrian-oriented development opportunities. The Plan's vision for the National Avenue Corridor Sub-Area is to re-envision the corridor to function as a gateway and front door to the neighborhood from the Missouri State campus, with

improved utility infrastructure, pedestrian and bicycle safety and amenities, and a high-quality streetscape to support a vibrant, complete street, mixed-use nodes and civic development, with its own identity and image that enhances the unique character of Rountree and its neighbors. The applicant is proposing to develop a mixed-use development (multi-family residential, Baptist Student Union, offices and retail uses). The Major Thoroughfare Plan classifies National Avenue as a primary arterial and Page Street is classified as a local roadway. A Traffic Impact Study (TIS) is required as a part of this development (10 feet of additional right-of-way along National Avenue and 8 feet along Page Street). The property is located within the Fassnacht Creek drainage area; and is not in stream buffer. A fee in lieu of on-site stormwater detention will not be allowed, and detention will be required. The applicant is requesting a residential density up to 38 dwelling units per acre. The Multi-Family Development Location and Design Guidelines assessment resulted in a density of 32 dwelling units per acres. Staff supports an increase in density based on the project's proximity to the MSU campus, transit routes and the proposed micro-efficiency apartments. The applicant is proposing 65 micro-efficiency and 17 two-bedroom apartments which equates to approximately 37 dwelling units per acre. This rezoning request is consistent with a previously approved development along National Avenue to the north i.e. PD 356 (aka Boomertown). The PD will allow for 1,500 sf of restaurant space and 1,550 sf of retail space. Amenities will include an onsite volleyball court and park benches provide as shown on the site plan. The PD will also allow for 1 food truck space within the parking lot center (hours of operation 8 AM to 9 PM). A Bufferyard "Type D" at least fifteen (15) feet wide with a 6-foot solid wood fence, masonry/brick wall or evergreen hedge is required adjacent to RSF property. All structures will remain below a 45-degree bulk plane from adjacent R-SF property. The maximum structure height will be 5 stories or 60 feet. The site plan does allow for a possible bus turn out and possible pedestrian bridge across National Avenue, but these have yet to be finalized. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Billy Kimmons, 400 South Avenue, representing the owner. They have studied the Rountree Plan (UCD) and made sure it complimented the Plan and reached out to the neighborhood and has received support. During the neighborhood meeting there were noted traffic concerns and the developer made parking changes to receive the neighborhood support.

Mr. Chris Wilson, 906 S. National Avenue, representing Missouri Baptist Student Union and states that the neighborhood is excited and wants to provide walkability.

Mr. Doennig closed the public hearing.

Ms. Cox asked about the bus turnout and the in and out on Page Street.

Mr. Hosmer stated that it would be an extension back into the street.

Ms. Cox also asked about the current pedestrian crosswalk and who maintains it.

Ms. Dawne Gardner noted that it is Pedestrian signal only and maintained by the City.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** Planned Development 372 (852 & 906 South National Avenue and 1224 & 1234 East Page Street).

Mr. Rose seconded the motion. Ayes: Doennig, Coltrin, Shuler, Cox, Thomas, Rose, and Jobe. Nays: None. Abstain: None.

Absent: Ogilvy and Broekhoven.

Conditional Use Permit 439

2675 South Jefferson Avenue

Applicant: Miller Commerce Assets, LLC

SE Coryell Holdings, LLC

Stinnett Properties, LLC

Mr. Hosmer stated that this is a request to approve a reduction in the required front yard setback from 25 feet to 15 feet for the proposed structures associated with Tera Vera II located at 2675 South Jefferson Avenue. The Comprehensive Plan identifies this area as appropriate for Low-Density Housing and Medium Intensity Retail, Office or Housing uses. The Major Thoroughfare Plan classifies Jefferson Avenue as a secondary arterial roadway. This property is zoned R-LD, Low-density Multifamily Residential District. Structures within this district that front a street classified as collector or greater, require a minimum of 25-foot setback from the front property line; however, this setback can be reduced with the approval of a Conditional Use Permit. The CUP, if approved, would allow for the construction of a small portion of the clubhouse, associated outdoor paved area, and a duplex under the 25-foot

setback or to 15 feet. Staff has reviewed the applicant's request for a Conditional Use Permit and has determined that it satisfies the standards for Conditional Use Permits outlined in Section 36-363 of the Zoning Ordinance. Staff recommends approval.

Mr. Doennig asked about improvements on the ROW on Jefferson Avenue.

Mr. Hosmer stated that there would need to be improvements.

Mr. Doennig opened the public hearing.

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

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Conditional Use Permit 439 (2675 South Jefferson Avenue). Mr. Jobe seconded the motion. Ayes: Doennig, Coltrin, Shuler, Cox, Thomas, Rose, and Jobe. Nays: None. Abstain: None. Absent: Ogilvy and Broekhoven.

OTHER BUSINESS:

Galloway Recommendations
Along Lone Pine Avenue, south of Battlefield Road
Applicant: City of Springfield

Mr. Hosmer stated that there is no presentation provided since the public hearing has been closed and this case is being brought back due to the last Planning and Zoning Commission's meeting of a tied vote that requires it to come forward after being tabled.

COMMISSION ACTION:

Mr. Rose motioned to **approve** Galloway Recommendations (Along Lone Pine Avenue, south of Battlefield Road). Ms. Cox seconded the motion. Ayes: Doennig, Shuler, and Cox. Nays: Coltrin, Thomas, Rose, and Jobe. Abstain: None. Absent: Ogilvy and Broekhoven.

Mr. Doennig noted that it is a 3-yea/4-nay vote and per interpretation this case is tabled.

Mr. Jobe questioned the rules of procedures.

Mr. Nick Woodman noted in interpreting using statutory construction principles, the plain meaning in interpretation of the roles of procedure requires five (5) votes to approve or disapprove in order to move forward.

Additional comments on interpretation on the rules of procedure between Mr. Jobe and Mr. Woodman.

Mr. Doennig stated the Commission will move forward with the current vote and ask for City staff to make a final determination on the meaning of the vote and respond back to the Commission.

Additional questions on rules of procedures and the lack of five (5) votes.

Mr. Woodman noted that at the next meeting, if the Commission does not obtain five (5) votes to approve or disapprove it will go forward to Commission as a denial in recommendation.

Initiate Common Open Space and Common Improvement Regulations Amendments
Citywide
Applicant: City of Springfield

Mr. Hosmer stated that this request is for initiation of Amendment to Section 36-463, Common Open Space and Common Improvement Regulations. The Planning and Zoning Commission or the City Council has the authority to initiate text amendments per section 36-367. Section 36-463, Common Open Space and Common Improvement Regulations is land created by a subdivision which is held in common ownership. Currently, City Council must hold a hearing to allow the City to mow common areas that are in

violation of ordinances for the overgrowth of weeds and grass. Staff believes City Council review is unnecessary for this type of violation. Staff is proposing that an administrative hearing officer be assigned these responsibilities. City Council is also charged with the relinquishment of common open space/areas. Staff believes this type relinquishment can be handled administratively with a replat of a subdivision. 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 and schedule a public hearing for both the Commission and the City Council.

Ms. Cox asked about the ownership because it is considered common area.

Mr. Hosmer noted that a lot of common areas are owned by multiple ownerships and can be held responsible.

Ms. Cox asked how the relinquishment of common area property happens.

Mr. Hosmer noted that they may have to replat with all the owners and gave out examples on various property types to replat or cleanup properties without City Council approval.

Mr. Doennig noted that common areas are typically owned by the Homeowner Associations and mostly maintained, however there are a few that require the City to be able to do improvements on properties without City Council approval.

Mr. Doennig opened the public hearing.

No speakers.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** Initiate Common Open Space and Common Improvement Regulations Amendments (Citywide). Mr. Rose seconded the motion. Ayes: Doennig, Coltrin, Shuler, Cox, Thomas, Rose, and Jobe. Nays: None. Abstain: None. Absent: Ogilvy and Broekhoven.