

August 15, 2019
MINUTES OF THE PLANNING AND ZONING COMMISSION
Springfield, Missouri

The Planning and Zoning Commission met in regular session August 15, 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, Natalie Broekhoven, Joel Thomas, Dee Ogilvy, and Melissa Cox. Absent: David Shuler. Staff in attendance: Bob Hosmer, Principal Planner, Nicholas Woodman, Assistant City Attorney.

MINUTES: The minutes of July 11, 2019 were approved.

COMMUNICATIONS: Bob Hosmer reported on City Council meeting actions.

CONSENT ITEMS:

Relinquishment of Easement 886
1301 East Lark Street
Applicant: Siraff, Inc.

Relinquishment of Easement 887
2534 North Patterson Avenue
Applicant: Creative Investments Distribution Holdings, LLC

COMMISSION ACTION:

Mr. Rose motioned to **approve** consent items Relinquishment of Easement 886 (1301 East Lark Street), and Relinquishment of Easement 887 (2534 North Patterson Avenue). Ms. Cox seconded the motion. Ayes: Doennig, Coltrin, Ogilvy, Thomas, Cox, Broekhoven, Rose, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

UNFINISHED BUSINESS:

Vacation 807
700 blk North Benton Avenue
Applicant: Drury University
c/o Brandon Gammill

Request to vacate an alley right of way in the 700 block of North Benton Avenue and Drury Lane. The applicant, Drury University, is requesting to vacate the alley to facilitate the development and control traffic through the campus. Drury owns both sides of the alley. Easements for existing infrastructure were retained for City Utilities and Environmental Services. 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.

Approval Criteria:

- All property owners adjacent to the street, alley or public way have access to another street, alley or public way.
- 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.
- That the retention of the street, alley, public way or subdivision serves no useful purpose.
- That the vacation will not affect the ability to use utilities, public or private.

Staff recommends approval.

Mr. Doennig opened the public hearing.

Brandon Gammill, 900 N. Benton Avenue here on behalf of Drury University. We are continuing the greenspace project and wanting to stop the traffic to the alleyway, providing more greenspace.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Rose motioned to **approve** consent items Vacation 807 (700 blk North Benton Avenue). Mr. Jobe seconded the motion. Ayes: Doennig, Coltrin, Ogilvy, Thomas, Cox, Broekhoven, Rose, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

PUBLIC HEARINGS:

Z-18-2019 w/COD #177

1720 West Grand Street

Applicant: College of the Ozarks

King Coltrin recused himself.

Mr. Hosmer stated that this is a request to rezone approximately 1.8 acres of property located at 1720 West Grand Street from R-SF, Single-Family Residential District, to GR, General Retail District and establishing Conditional Overlay District No. 177. The Growth Management and Land Use Plan identifies this as an appropriate area for Low-Density Housing. However, the subject property is located along a major thoroughfare and a majority of the property in the area has been zoned office, commercial or manufacturing. The Transportation Plan classifies Kansas as an expressway and Grand as a primary arterial roadway. A Traffic Impact Study will be conducted at the time of development. The property is located within the Jordan Creek Lower Branch drainage area; and is not in stream buffer or sinkhole. A fee in lieu of on-site stormwater detention will be allowed. The proposed Conditional Overlay District will require a Traffic Impact Study at the time of development and a final plat matching the proposed zoning boundaries. Staff recommends approval.

Mr. Doennig opened the public hearing,

Mr. Dane Seiler, 5051 S. National Avenue, this is the former Price Cutter property and has a potential user to use this lot as well. At the neighborhood meeting, some were excited about the use of the property.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Z-18-2019 w/COD #177 (1720 West Grand Street). Mr. Jobe seconded the motion. Ayes: Doennig, Ogilvy, Thomas, Cox, Broekhoven, Rose, and Jobe. Nays: None. Abstain: None. Absent: Shuler. King Coltrin recused himself.

Z-19-2019 w/COD #178

1720 West Grand Street

Applicant: College of the Ozarks

King Coltrin recused himself.

Mr. Hosmer stated that this is a request to rezone approximately 1.37 acres of property located at 1720 West Grand Street from R-SF, Single-Family Residential District, to R-LD, Low-Density Multi-Family Residential District, and establishing Conditional Overlay District No. 178. The Growth Management and Land Use Plan identifies this as an appropriate area for Low-Density Housing and Medium to High Density Housing. However, the subject property is located between higher intensity uses to the north and low intensity uses to the south; R-MD would provide a transition between uses. The applicant is restricting the property to 11 dwelling units per acre for a total of 15 dwelling units which is comparable to densities in the R-TH, Residential Townhouse District. The Transportation Plan classifies Kansas as an expressway and Loren as a local roadway. A Traffic Impact Study was not required. The property is located within the Jordan Creek Lower Branch drainage area; and is not in stream buffer. A fee in lieu of on-site stormwater detention will be allowed. Loren Street is not constructed to Kansas Expressway. The Conditional Overlay District will require a turnaround/cul-de-sac to be constructed at the end of Loren and a final plat lines that match the proposed zoning boundaries. Staff recommends approval.

Ms. Cox asked about multi-family and if all can be general retail and multi-family and asked for an explanation about a shared opportunity.

Mr. Hosmer stated that staff looked at this and noted the transition/step-down from R-TH to R-SF is more appropriate and there will be no public street and it can have a cross access easement

Mr. Doennig opened the public hearing.

Mr. Dane Seiler, 5051 S. National Avenue, noted that step-down zoning is better for this lot and user of Price Cutter and the other lot will not have users crossing it. At the neighborhood meeting, some were excited about the use of the property and the owner Loren Street did not want to have it extended.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** Z-19-2019 w/COD #178 (1720 West Grand Street). Ms. Cox seconded the motion. Ayes: Doennig, Ogilvy, Thomas, Cox, Broekhoven, Rose, and Jobe. Nays: None. Abstain: None. Absent: Shuler. King Coltrin recused himself.

Planned Development 371

1700 South Enterprise Avenue

Applicant: Skinner Enterprises
dba Spring Valley Veterinary Clinic

Mr. Hosmer stated that this is a request to rezone approximately 0.49 acres generally located at 1700 South Enterprise Avenue from Planned Development No. 41, 2nd Amendment to Planned Development No. 371 to allow veterinary clinics, animal hospitals, pet daycare services, pet grooming facilities and kennels. The Growth Management and Land Use Plan identifies this as an appropriate area for Medium-Intensity Retail, Office or Housing and Low-Density Housing. However, the existing PD already allows for commercial and industrial uses such as office, retail, restaurant, self-service storage, automotive repair and light industrial uses. The applicant has an existing veterinary clinic and is proposing to allow veterinary clinics, animal hospitals, pet daycare services, pet grooming facilities and kennels with the PD. The Transportation Plan classifies South Enterprise as a collector roadway. A Traffic Impact Study was not required. The property is located within the Galloway Creek drainage area; and is not in stream buffer or sinkhole area. Stormwater detention is currently provided. The existing PD will be modified to include: veterinary clinics, animal hospitals, pet daycare services, pet grooming facilities and kennels uses are being added to the list of permitted uses. Staff recommends approval.

Mr. Doennig opened the public hearing,

Ms. Rebecca Skinner, 1700 S. Enterprise Avenue, requesting to rezone to continue current services as a veterinary hospital.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Planned Development 371 (1700 South Enterprise Avenue). Mr. Rose seconded the motion. Ayes: Doennig, Coltrin, Ogilvy, Thomas, Cox, Broekhoven, Rose, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

Conditional Use Permit 438

1454 E. Cherry Street

Applicant: Cherry Street United, LLC

Mr. Hosmer stated that this is a request to allow outdoor dining as an accessory use to a restaurant and to reduce the front yard setback along Cherry Street from twenty-five (25) feet to fifteen (15) feet within a LB, Limited Business District & Rountree Urban Conservation District (UCD) Number 2, Area F generally located at 1454 East Cherry Street. The CUP requires that outdoor dining is required to be limited to the hours of 11:00am to 11:00pm and all outdoor activity must cease at 11:00pm. The LB district requires structures be set back twenty-five (25) from Cherry Street. Request to reduce to fifteen (15) to match the existing structure on the subject property. The request meets the approval criteria. Conditional use permit shall be valid for a period 18 months from the date on which the city council grants the conditional use permit, unless within such 18-month period:

- A building permit is obtained, and the erection or alteration of a structure is started; or
- An occupancy permit is obtained, and the conditional use commenced.

Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Paden Chambers, 1643 E. Lombard Street, representing the applicant and here to answer any questions. The owners are wanting to provide outdoor dining.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Conditional Use Permit 438 (1454 E. Cherry Street). Mr. Jobe seconded the motion. Ayes: Doennig, Coltrin, Ogilvy, Thomas, Cox, Broekhoven, Rose, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

Preliminary Plat of Kansas and Grand
1720 West Grand Street

Applicant: College of the Ozarks

King Coltrin recused himself.

Mr. Hosmer stated that this is a request to approve a 12.9 acre three-lot subdivision to be phased, with Lots 1 & 2 to be part of Phase I and Lot 3 to be part of Phase II located at 1720 West Grand Street. The Comprehensive Plan identifies this as an appropriate area for Low-Density Housing. However, due to its location at a major intersection and abutting R-HD property, staff has determined that the proposed GR and R-LD are appropriate for this location. The existing driveway closest to Kansas/Grand intersection will be required to be closed. A sidewalk is required to be constructed along all remaining portions of the property frontage of Grand Street. There is an existing detached sign located on the proposed Lot 2. If an off-premise business wants to utilize the sign, a Master Sign Plan would be required. Property is not located in a floodplain, stream buffer or sinkhole. A fee in lieu of on-site stormwater detention will be allowed. Property subject to Conditional Overlay District zoning and subdivision regulations. An approved preliminary plat is active for two (2) years. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Dane Seiler, 5051 S. National Avenue, applicant representative and here to answer any questions

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Preliminary Plat of Kansas and Grand (1720 West Grand Street). Mr. Jobe seconded the motion. Ayes: Doennig, Ogilvy, Thomas, Cox, Broekhoven, Rose, and Jobe. Nays: None. Abstain: None. Absent: Shuler. King Coltrin recused himself.

Preliminary Plat of Troy Acres
3843 W. Mt. Vernon Street

Applicant: Shirley J. Duke

Mr. Hosmer stated that this is a request to approve a two-lot subdivision on approximately 1.65 acres of property located at 3843 West Mount Vernon Street. The Comprehensive Plan identifies this as an appropriate area for Low-Density Housing. Single-Family Residential is an appropriate district for this classification. The Major Thoroughfare Plan classifies Troy Avenue as a local street and Mount Vernon Street as a secondary arterial which support the proposed land use. No access to Mount Vernon Street. Sidewalk must be constructed along the remaining portion of the property frontage (on the west side of Troy), or a fee paid in-lieu-of sidewalk construction. May need 5 feet of additional right-of-way to be dedicated on Mount Vernon Street and 3 feet of ROW on Troy Avenue. An approved preliminary plat is active for two (2) years. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Will Mace, representing the current owner.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Preliminary Plat of Troy Acres (3843 W. Mt. Vernon Street). Mr. Rose seconded the motion. Ayes: Doennig, Coltrin, Ogilvy, Thomas, Cox, Broekhoven, Rose, and Jobe. Nays: None. Abstain: None. Absent: Shuler.

Galloway Recommendations

Along Lone Pine Avenue, south of Battlefield Road

Applicant: City of Springfield

Ms. Hough stated that this is a request from City Council for recommendations on the Galloway area.

Background:

Council Resolution No. 10408 put a 270-day administrative delay on rezoning's and lot combinations and charged staff with the following goals:

- Review development issues in the area.
- Take public input from area residents, property owners, design professionals, the business and development community, Ozark Greenways, and the City Departments of Parks and Recreation, Public Works, Environmental Services, and Planning and Development.
- Prepare for Council's consideration a report regarding any recommended actions.

Compatibility with Comprehensive Plan:

- Land use compatibility.
- Environmental resource protection.
- Physical image enhancement.
- Parks Open Space and Greenways Plan.

Future Process:

- Individual applicants will be required to submit evidence that their projects are in conformance with the recommendations in the policy.
- CODs will be used in conjunction with rezoning cases to protect the village character including limitations on incompatible uses, sign regulations, building façade design elements, parking lot placement, and retaining wall restrictions.

Stakeholder Committee's Vision Statement:

- The Lone Pine corridor will be welcoming for living and commerce. It will emphasize use of human-scale design components typically embodied in a village environment. This includes high-quality development with distinctive architectural features that respect the area's historic context, sensitive to the surrounding developments, in harmony with nature, built into the topography, beautifully landscaped, colorful and offering many common areas for recreation and socializing.
- The corridor will continue to be a pedestrian-friendly environment where people can easily walk, bicycle, and drive.
- Private development will emphasize diverse small retail and service businesses, while employing best practices to protect the area's natural resources and amenities, particularly Galloway Creek, Sequiota Park, and the tree canopy.

Future Priorities (number of votes at public meeting #1):

- Architectural Design Guidelines/Land Use Restrictions - 97
- Greenway Trail Enhancement & Maintenance - 90
- Preserve Open Space & Natural Areas - 77
- Preservation of Topography - 70
- Preservation of Tree Canopy - 66
- Intersection Improvements - 52

Development Solutions (public meeting #2):

- Limit height and density of multi-family housing.

- Some participants favored 2 or 3 story limits on height.
- Preserve the tree canopy.
- Limit new impervious surface and preserve greenspace.
- Require a minimum separation or install a barrier between the trail and street.
- Regulate height/spacing of retaining walls.
- Regulate signage to match existing signage in the area.
- Limit glazing to match existing window ratios.
- Encourage pedestrian walkways and alternative transportation.

Recommendations (public meeting #3):

- 100 estimated participants.
- 68 comment cards received.
- Support was mixed (22% Support; 32% Neutral; and 46% Negative)
- Opposition based on desire to restrict building heights and apartments.

Common Themes from Public Engagement:

- Address traffic concerns – *safety of pedestrians and cyclists*.
- Preserve & protect *Natural Amenities* – tree canopy, water quality, passive open space and wildlife habitat.
- Support *Greenway Trails* – expand and improve.
- *Sequoiota Park* – expand, enhance with picnic areas, restrooms, and improved connections and access.
- Protect the quaint, unique *village atmosphere*.
- Preserve natural *topography*.
- Consider *architectural design guidelines and land use restrictions*.
- Consider and *prioritize citizen/resident concerns* when evaluating development projects.

Public Safety – Transportation & Flooding:

- Improvements to promote pedestrian, cyclist, and vehicle safety.
- Install a physical barrier or fencing between the trail and roadway.
- Parking defined by visual barrier.
- Improvements to promote pedestrian, cyclist, and vehicle safety.
- Galloway Street Improvements.
- Intersection Improvements and crosswalks.
- Flooding – study needed.

Protection of Natural Resources & Environment:

- Water Quality.
 - Stormwater best management practices.
 - Stream buffer.
- Tree Canopy Protection.
 - Plantings on public property.
 - Explore a pilot tree preservation ordinance.

Image Enhancement – Parks and Greenways:

- Sequiota Park amenities – restroom facilities, drinking fountains, seating areas
- Greenway Trail maintenance and connections - tree planting
- Develop Pocket Parks

Image Enhancement – Enhance the “Village feel”:

Promote a high-quality streetscape experience:

- Decorative entrances – awnings/canopies, use of color, natural materials, and artistic details.
- Planters/window boxes.
- Public Art.
- Pedestrian scale lighting.

- Fountains.
- Site Furnishings/Seating.
- Pet drinking stations.
- Preservation of existing historical features.
- Trash and recycling cans.
- Bury public and private utilities.

Use Conditional Overlay Districts (COD's) in conjunction with rezoning cases to:

- Limit uses that are incompatible with the village character.
- Limit size, illumination, placement and number of signs. Prohibit digital signage.
- Encourage design elements compatible with historic development pattern and existing structures, including restrictions on glazing ratios.
- Limit building height through bulk plane regulations. Exceptions to bulk plane requirements are discouraged.
- Require parking lot placement behind buildings where feasible and require attractive landscaping.
- Limit retaining walls in height and require a minimum distance between tiers. Staff recommends no more than eight feet in wall height and a minimum of six feet between tiers.
- Encourage a mix of uses – retail, food and beverage, offices, services, and housing.
- Use the Multi-Family Matrix to determine appropriate density.

Image Enhancement – Protect Natural Features:

- Limit excessive grading, rock blasting, and limit retaining wall height to 8' and distance between tiers to 6'.
- Increase landscaping requirements and inspect projects for compliance.

General Recommendations:

- Relationship building and inclusive communication.
- Emphasize history and character.
- Beautification and landscaping – roundabouts.

Ms. Cox asked about the details on the recommendations and the flood-plain areas and if these stay as only recommendations. Do the Galloway Recommendations work with other departments/partnerships, i.e., City Utilities, etc.

Ms. Hough noted that discussions were detailed but report will remain broad until further recommendations by City Council and the recommendations have worked with other partnerships and have a guide.

Mr. Hosmer noted that any rezoning would require a Conditional Overlay District that would have elements of the recommendations.

Mr. Jobe asked about Conditional Overlay Districts and if all rezoning's would require them and standard of proof on referencing the recommendations.

Mr. Hosmer stated that it would be required on any rezoning.

Mr. Woodman noted that a COD is a legislative decision and should not have any issue on standard of proof and would like any other Conditional Overlay District.

Mr. Thomas asked about the delay and Mr. Hosmer stated that it has expired, and projects can go forward.

Mr. Rose asked what would prompt a COD.

Mr. Hosmer stated that it is the area that would recommend a COD.

Mr. Coltrin asked about water quality and the tree canopy and if they need to meet all recommendations on a COD.

Ms. Hough noted that it was brought forward as a concern for the water quality of the creek and needs to be protected forward and for pocket parks can happen on private property and is a broad term.

Mr. Hosmer noted that staff will look at all issues and recommendations on a case by case basis.

Ms. Cox asked again about recommendations because they are only suggestions and projects can still get approved without the required recommendations.

Staff noted that they will look at projects/development and it will also go forward to the Planning and Zoning Commission and see if they fit the recommendations and the City has used policy documents in the past.

Ms. Broekhoven committed that it is a tremendous exercise and hopes the process is vetted on many areas on the Comprehensive Process and great step forward for Galloway

Mr. Doennig opened the public hearing.

Mr. Alex Woodson, 202 S. John Q. Hammons Parkway, thanked the staff for their work, however would like to remove the Battlefield and Lone Pine area on the Southwest corner (parcel) and should tied to the commercial type of development on Battlefield. They also have concern about the policy document for the future by signaling to areas/neighborhood for patchwork development.

Mr. Geoff Butler, 319 N. Main, stated that this policy will stop development in the Galloway area due to costs and now with the COD they will have to have design-work, and this will drive costs up in order to meet the vague recommendations. Wants to focus on the Comprehensive Plan and not just people who have made a lot of noise. Questioned the Southwest corner (parcel) listed in the recommendations and would like it to be taken out.

Mr. Rose questioned why the development was stopped.

Mr. Butler noted that it was too restricted on uses and the prospective buyer could not make it work.

Ms. Betsy Johnson, 3728 S. Elmview, Vice-President of Galloway and welcomes this 1st step and would like to have restricted building heights, density and keep the natural environment.

Mr. John Griesemer, 3253 E. Chestnut, has issues about the policy and thinks it sets a precedence and would like to use the Master Plan versus pocket recommendations.

Mr. Duwane Johnson, 3766 S. Broadway, voiced his concerns on the word "recommendations" and feels that it is confusing.

Mr. Jim Carson, 2119 E. Division, has lived in the Galloway area and has preserved his property as a green space, but now wants to retire and wants to sell his property as a retirement plan.

Mr. Doennig closed the public hearing.

Mr. Thomas asked about the Overlay District (Urban Conservation District) like Rountree has.

Ms. Hough noted that the timing on an Overlay District would take considerable time but moving forward with an adopted policy and during the Comprehensive Plan process can look at future land use.

Ms. Cox asked about base requirements and that this policy document is on based recommendations and to be used during rezoning.

Mr. Hosmer noted that it is correct for rezoning that would require a COD.

Mr. Coltrin asked about removing the Southwest corner (parcel) from the recommendations.

Ms. Hough noted that City Council wanted that property in the recommendations and in the Administrative Delay area.

Mr. Doennig asked about allowed uses on the property by a restrictive COD, would the proposed policy apply to the current recommendations and would it be reviewed against the policy. Question on the Commercial Street policy document and what format was used.

Mr. Woodman noted that it would be reviewed against the policy and Ms. Hough noted that the Commercial Street policy process was in depth and the Galloway's policy process is similar but completely separate issues and gave examples.

Mr. Doennig asked about this policy documents and UCD's if this is a new concept.

Mr. Hosmer noted that most are codified and have plans that are referred to and also gave examples of UCD's throughout the city, noting that this is not a new concept.

Mr. Coltrin asked about Center City and Commercial Street zoning/development.

Ms. Hough noted that Center City zoning is to be compatible with the type of activity and development in a pedestrian friendly area giving out different examples and stated that Commercial Street was an area that needed incentives for development.

Mr. Rose asked if Commission is being asked to vote on the recommendations, noting that they are very vague and is concerned for potential developers or current owners who are in the development process required to do a COD. Would like to see something more specific on the recommendations or flexibility requiring the COD.

Mr. Doennig noted his difficulty by the prospective of the ambiguity in the recommendation, would have liked more quantifiable in the amount of time for the stakeholders and believes that the City is already using similar tools for other recommendations for other developments. Believes that this is a step in the right direction and would encourage more specifics that can be used and will be supporting the recommendations.

Mr. Coltrin noted his concern on the Southwest corner (parcel) and would like it to be removed from the recommendations. The other concerns are that these are not guidelines, but rules and this will be difficult for development since the ambiguities are so broad and does not believe counting trees in Galloway is productive and wants more concise lines in the recommendations.

Mr. Doennig noted that the Commission can remove the Southwest corner.

Mr. Hosmer noted that the Commission can make a recommendation to remove the corner.

Ms. Cox asked about the policy boundaries for the Galloway Grill and Ms. Hough noted that they want to be in the policy boundary, but not a Community Improvement District boundary, which they are not.

COMMISSION ACTION 1:

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

COMMISSION ACTION 2:

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