

## MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: February 23, 2012

TIME: 6:30 pm

The regular meeting and public hearing of the Planning and Zoning Commission was held on the above date and time in City Council Chambers, third floor of City Hall with the following members and staff in attendance: Shelby Lawhon, (Chair), Matt Edwards (Vice Chair), Jay McClelland, Jim Hansen, Gloria Roling, Thomas Baird, IV, Jason Ray, King Coltrin; Michael MacPherson, Principal Planner; Thomas Rykowski, City Attorney; Dawne Gardner, Engineer, Cody Marshall, Engineer; Sandy Goddard, Administrative Assistant. ABSENT: Phil Young.

### ROLL CALL:

### APPROVAL OF MINUTES:

The minutes of February 9, 2012 of the Planning and Zoning Commission were approved unanimously.

### COMMUNICATIONS:

Mr. MacPherson reported the applicant for item No. 2 on the consent agenda, Relinquish Easement 773, has been unable to provide the needed replacement easement to move the case forward, and has requested that the case be tabled until the March 8, 2012 meeting.

Mr. Edwards motioned to **table** Relinquish Easement 773. Mr. Coltrin **seconded**. The motion **carried** as follows: Ayes: Shelby Lawhon, Matt Edwards, Jay McClelland, Jim Hansen, Gloria Roling, Thomas Baird, IV, Jason Ray, King Coltrin; Nays: None. Abstain: None. Absent: Phil Young

### CONSENT ITEMS:

#### 1. Property Disposal 491

City of Springfield

(2100 block E Swallow, north side)

Mr. Hansen **motioned** to remove Property Disposal 491 from the consent agenda. Mr. Baird **seconded**. The motion **carried** as follows: Ayes: Shelby Lawhon, Jay McClelland, Jim Hansen, Gloria Roling, Thomas Baird, IV, Jason Ray, King Coltrin; Nays: Matt Edwards. Abstain: None. Absent: Phil Young.

Mr. MacPherson stated the purpose of the request is to allow City-owned property to be made available for private development. There are criteria that have to be met to do that. The property location is identified, inclusive of the legal description, The City also includes a response as to why the property is not needed for any public function. In this case, The City purchased the entire 5.67 acre property with the intention of utilizing only a portion of it for regional storm water detention (Detention Tract) and selling the unused remainder (Development Tract) for development. As stated in the Request for Proposals (RFP), the City may also consider selling the Detention Tract. However, it would be subject to restrictions that would ensure the basin continues to function in its original design capacity.

The City acquired the subject property using storm water acquisition funds in order to construct a regional

stormwater detention basin. The City's intent has always been to sell the unused portion of the property for development. The purchaser has not yet been identified. On January 17, 2012, City Council adopted Resolution #9925 authorizing City staff to issue a Request for Proposals (RFP) for the sale and development of the subject property. Prospective developers had until February 21, 2012 to submit their statements of qualifications and proposals for development. Following the February 21, 2012 deadline, City Council may select a purchaser using the criteria contained in the RFP and authorize sale of the subject property.

The subject property is currently zoned R-SF, Single-Family Residential District. The future property owner may request the subject property be rezoned in order to permit non-residential uses. Upon sale of the Detention Tract, the City will impose restrictions to ensure the regional storm water detention basin continues to function in its original design capacity. Such restrictions would prevent most development, except for an access drive from South Harvard Street to the Development Tract. The new owner would also be required to maintain the basin. Access to the Development Tract may be provided from South Harvard Avenue via an access drive across the Detention Tract or from the adjoining property to the north. Access from East Swallow Street and South Gentry Avenue will be prohibited.

The development tract itself contains 3.13 acres and the detention tract is 2.54 acres for a total of 5.67 acres. The sale and development of the subject property may generate additional tax revenue for the City. The City's intent has always been to sell the Development Tract for development. Upon sale of the Detention Tract, the City will impose restrictions to ensure the regional storm water detention basin continues to function in its original design capacity. The Planning and Zoning Commission is charged, whenever the City desires to acquire or dispose property, to make a determination on not whether the project is a valid project, but determine if the area could be developed consistent with the Comprehensive Development Plan. Staff recommends approval of the proposal.

Mr. Lawhon opened the public hearing.

Mr. Hansen asked staff about the detention area, if the development tract would use the existing detention basin, and where the proceeds from the sale would go. Mr. Hansen commented about the detention basin located to the immediate north of the tract asking what it is serving, and why it is there and where it drains to, adding it has a sizeable collection box.

Mr. MacPherson replied the development would use the existing detention basin, adding it is a large basin. The proceeds from the sale will go back to reimburse the funding source.

Mr. Marshall commented that he believes the north detention serves the other developments, and was not certain of where it drains to.

Mr. MacPherson stated the detention facility was constructed at the same time as the Hilton Garden Inn, adding there was a joint agreement where the Community Improvement District, the City of Springfield and Mo-DOT participated in the establishment and development of this regional detention basin and that occurred during the construction of the hotel and restaurant facility.

Mr. Hansen asked if the runoff from the hotel flows to the regional detention basin. He also asked about the entry to the development tract and if it would go across the berm between the upper and lower basins. He asked about developing the tract and access across the detention tract, would they be required to

purchase the detention tract as well.

Mr. MacPherson said yes, the runoff goes to the detention basin, adding that the Community Improvement District is currently maintaining the basin as part of the agreement. The two options for entry are Harvard Street or off the adjacent property to the north. He stated that instead of purchasing the detention tract, they would provide an access easement to get across the area.

Ms. Roling asked about the maintenance of the basin, if the new owner would maintain the basin by themselves.

Mr. MacPherson stated the James River Commons Community Improvement District built the hotel and built the Hoolihan's Restaurant with it, plus they own the adjoining land that remains to be developed which would be to the west of the area. As part of the participation in that, the Community Improvement District has agreed to maintain the basin and helped fund the construction of it as well. Upon sale of the detention tract, the City will impose restrictions to ensure the regional storm water detention basin continues to function in its original design capacity. That would be spelled out in the terms of the agreement. The City has requested proposals for the property and they have one that has been returned, but have not made any of the corresponding agreements yet. They are in the request for proposal stage and they have not selected a developer yet.

Mr. Hansen asked what the price of the tracts would be and if the detention tract has been priced, wondering why someone would want to purchase a detention tract.

Mr. MacPherson stated the asking price for the land, as a result of an appraisal, is in the neighborhood of four-hundred thousand dollars (\$400,000.00) for the development tract.

Mr. Coltrin asked Mr. Marshall if theoretically he was to take the detention lot, keeping the volume greater than or equal to, could he put an underground storage with a parking lot on top of the basin; could it be vertical wall with concrete walls as long as there is greater than or equal storage of the existing capacity of that; in other words could I reclaim and reuse part of that as long as volume is maintained, could there be underground storage and a parking lot on top of it.

Mr. Marshall stated theoretically, yes.

Mr. Coltrin continued by stating that is why you would think about purchasing a detention area; it could be converted and reused as long as it meets City requirements for storm water protection downstream and have several other uses as well.

Mr. Lawhon closed the public hearing.

Mr. Coltrin motioned to **approve** Property Disposal 491. Mr. Baird **seconded** the motion. The motion **carried** as follows: Ayes: Shelby Lawhon, Matt Edwards, Jay McClelland, Jim Hansen, Gloria Roling, Thomas Baird, IV, Jason Ray, King Coltrin; Nays: None. Abstain: None. Absent: Phil Young.

## HEARINGS:

### Zoning Text Amendments:

3. Economic & Housing Calamity  
(City-Wide)

Springfield City Council

Mr. MacPherson stated City Council approved a resolution (G.O. 9921) on December 12, 2011, to initiate amendments to the Zoning Ordinance regarding the operation and location of emergency shelters during a declared calamity. City Council originally adopted a resolution declaring an economic and housing access calamity on December 14, 2009. The declaration expired on May 1, 2010. Council has twice extended the declaration, which now expires on November 1, 2012. This declaration allowed individuals, agencies, or churches that are able to meet building, safety, and health codes for such a use, to establish facilities during the pendency of this calamity and to provide food and lodging to the unemployed and working poor who are without a permanent residence or dwelling and such shall not be considered "shelters" as that term is defined in *Section 2-1100* of the Land Development Code of the City of Springfield, Missouri. There is a multitude of shelter descriptions in there. We do not want this to be considered as a very temporary use and it addresses a specific issue and that is an economic and housing calamity where a large number of people are homeless and no longer have homes or occupations and the standard business of the shelters in the community was overflowing and there no place for people to go.

Since there has been little improvement in the economic situation or the demand for housing services since the original declaration, staff is proposing amendments to the Zoning Ordinance to define and establish standards for an economic and housing access calamity and economic and housing access calamity shelter as used in previous resolutions. This will allow individuals, agencies or churches that are able to meet building, safety, and health codes to be used as economic and housing access calamity shelters and add the calamity uses and requirements in the Zoning Ordinance rather than having City Council suspend the enforcement of the ordinance each year. The Continuum of Care (COC), Development Issues Input Group (DIIG), Environmental Advisory Board (EAB) and all registered Neighborhood Associations were notified of these amendments and the public hearing meetings. Staff has not received any questions or concerns from any of these organizations regarding these amendments to date.

The proposed spacing restriction that Springfield City Council jointly resolved in 2008 has been added to the economic and housing access calamity requirements except the prohibition from postsecondary schools (colleges, universities, trade schools, etc.), which would severely limit the locations of such shelters in the City. A map showing the location of existing economic and housing access calamity shelters and existing public and private schools has been created and will be available for review by the public and shown at the public meetings. The map shows that the existing calamity shelters will be unaffected by the spacing requirement. There are currently four (4) facilities that have opted to operate under the program and they are identified by the red stars on the map.

The amendments include a new subsection to be added in *Section 1-1300, General Provisions*, and two new definitions to be added in *Section 2-1100, Definitions*, of the Zoning Ordinance. The intent of the

amendments is to allow structures that are not usually intended, zoned or equipped for overnight stays of extended nature to be used during times of economic distress as declared by City Council. The amendments will require a Certificate of Occupancy to be issued for the operation of any economic and housing access calamity shelter after review of health and life safety codes has been conducted. It will also require any economic and housing access calamity shelter to be located at least one thousand (1,000) feet away from any elementary or secondary school property. The proposed one thousand (1,000) foot spacing requirement will only affect economic and housing access calamity shelters as defined in this amendment. There will not be spacing requirements between economic and housing access calamity shelters. It would not include any emergency or transitional service shelter or soup kitchen; however, staff is working on proposed new language and distance requirements for these other types of shelters.

Staff has researched Benchmark Cities and their codes and ordinances for spacing requirements and/or alternative methods in providing compatibility between shelter and school uses in their communities. While many Benchmark Cities required an emergency or transitional service shelter to be approved by a Conditional or Special Use Permit, many established few, if any, other standards such as spacing requirements or use limitations. The City of Waco, Texas, required five hundred (500) foot spacing between a shelter and any lot used for a school, day care center, or another shelter, community home, transitional service shelter, halfway house or property zoned R-1A (low-density single family residential) or R-1B (medium-density single-family residential). The City of Savannah, Georgia, does not allow a shelter adjacent to or across the street from any residential use. The City of Kansas City, Missouri, requires a shelter to be located and rezoned in a LBD, Limited Business District which is essentially a type of Planned Development. The City's (Springfield) Zoning Ordinance has a spacing requirement of five hundred (500) feet from any residential district as a threshold for a shelter to be permitted or require a conditional use permit in the GM, General Manufacturing and HM, Heavy Manufacturing zoning districts. Through research and analysis, staff would recommend a one thousand (1,000) foot spacing requirement between shelters and any public or private school uses.

The Continuum of Care (COC), Development Issues Input Group (DIIG), Environmental Advisory Board (EAB) and all registered Neighborhood Associations were notified of these amendments and the public hearing meetings. Staff has not received any questions or concerns from any of these organizations regarding these amendments to date.

Mr. MacPherson directed Commission attention to Attachment A to review the proposal item by item. He commented it contains the heart of what is being proposed and added Staff is recommending approval of the request.

Mr. Lawhon opened the public hearing.

Mr. Randy McCoy, 2172 N 14<sup>th</sup> Street, Ozark commented that he is the Grants Coordinator for the Kitchen and also Staff Support for the Continuum of Care. The Continuum of Care is charged by the Department of Housing and Urban Development to work with all local stake holders in a designated geographical region,

with the region covering Greene, Christian and Webster counties. He stated that in 2008 they began to notice an increase in the number of individuals that were homeless, more people were staying longer in the shelters rather than leaving, adding there weren't the vacancies available as in the past. The waiting list had over 400 individuals waiting for shelter. This proposal will help address the shortage of beds already in the system, and once you hit capacity, the additional organizations this proposal addresses will allow the overflow to be directed their way.

Mr. Lawhon closed the public hearing.

Mr. Baird asked Mr. McCoy about the facilities being operated near schools.

Mr. McCoy stated that the proposed 1000 foot requirement away from schools is a reasonable one. The facilities that are located near a school have not had any issues and adopting operating hours of 8:00 p.m. to 8:00 a.m. to avoid contact with the youth at the school, minimize any potential risk.

Mr. Edwards motioned to **approve** the Economic & Housing Calamity Text Amendment. Ms. Roling **seconded** the motion. Motion carried as follows: Shelby Lawhon, Matt Edwards, Jay McClelland, Jim Hansen, Gloria Roling, Thomas Baird, IV, Jason Ray, King Coltrin; Nays: None. Abstain: None. Absent: Phil Young.

#### **OTHER BUSINESS:**

##### **4. Ironbridge Phase XIII Final Plat**

##### **Martin Property Management**

(Southwest corner of E Lakewood and S National)

Mr. MacPherson stated the purpose of the request is to approve the final plat for Ironbridge Phase XIII Subdivision that could not be approved administratively due to its lack of conformity to the approved preliminary plat. The Preliminary Plat for Ironbridge Phase XII was approved by Commission on May 12, 2011 and accepted by City Council on June 13, 2011. The Preliminary Plat ordinance (Special Ordinance 25921) showed this lot as a 0.434 acre lot. The applicant has submitted a Final Plat that would create a 1.827 acre lot.

Subdivision regulations state in part that in the event the Director determines that the Final Plat does not substantially conform to Preliminary Plat, including the conditions of approval, the Director shall reject the plat. The applicant may appeal such decision to the Commission. The Commission shall review the Final Plat and supporting material, the recommendations of the Director of Planning and Development, recommendations from agencies or officials and testimony and exhibits submitted at the public hearing to determine if the Final Plat substantially conforms to the Preliminary Plat. The Final Plat could not be administratively approved because the final plat is not in conformance with the approved preliminary plat. The approved preliminary plat showed this lot as a 0.434 acre lot. The applicant has submitted a Final Plat that would create a lot that is 1.827 acres in size. The applicant has an office development propose which requires a larger lot than was shown on the approved Preliminary Plat. The Planning and Zoning Commission review is to determine if the proposed Final Plat merits approval despite its lack of conformity to the approved Preliminary Plat. If the Planning and Zoning Commission finds that the proposed Final Plat

merits approval, the Final Plat will complete the normal Final Plat review process. All conditions of the review of this proposed Final Plat, including any required public improvement plans, must be satisfied prior to the recording of the Final Plat.

Mr. MacPherson added that the final plat lacks substantial conformity to the Preliminary Plat because the proposed lot is larger than was shown on the approved Preliminary Plat. The proposed Final Plat is acceptable because if the proposed change does not have any impact over what was proposed on the Preliminary Plat. Staff recommends the request be approved as submitted.

Mr. Hansen asked what changes were made to the revised plat as he was not able to find it on the map.

Mr. MacPherson referred to the map on the overhead display, showing the lots that were presented on the preliminary plat and the lot on the final plat will be somewhat aligned and substantially larger than the original lot.

Mr. Lawhon opened the public hearing.

Mr. Bill Reed, 4906 South Ashford, Springfield, owner of Reed Properties which is taking title to the property, stating they are looking to build a 9000 square foot and 12,000 square foot office complex, which will be identical to two existing properties to the north.

Mr. Lawhon closed the public hearing.

Mr. Baird motioned to **approve** Ironbridge Phase XIII Final Plat. Mr. McClelland **seconded** the motion. Motion **carried** as follows: Shelby Lawhon, Matt Edwards, Jay McClelland, Jim Hansen, Gloria Roling, Thomas Baird, IV, Jason Ray, King Coltrin; Nays: None. Abstain: None. Absent: Phil Young.

#### **ANY OTHER MATTERS UNDER COMMISSION JURISDICTION**

There being no further business, the meeting was adjourned at approximately 7:40 p.m.

*Michael MacPherson*

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Michael MacPherson  
Principal Planner