

MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: April 5, 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: Matt Edwards (Vice Chair), Jay McClelland, Jim Hansen, Phil Young, Tom Baird, Jason Ray, King Coltrin; Ralph Rognstad, Director of Planning & Development, Mary Lilly Smith, Economic Development Director, Michael MacPherson, Principal City Planner; Thomas Rykowski, City Attorney; Dawn Gardner, Engineer, Public Works, Cody Marshall, Engineer, Public Works, Matt Schaefer, Senior Planner and Sandy Goddard, Administrative Assistant. ABSENT: Shelby Lawhon and Gloria Roling.

ROLL CALL:

APPROVAL OF MINUTES:

The minutes of March 8, 2012 of the Planning and Zoning Commission were approved unanimously.

COMMUNICATIONS:

Mr. MacPherson told Commission that the Planning and Zoning meeting for April 19, 2012 has been cancelled. There are no agenda items.

CONSENT ITEMS:

- | | |
|---|------------------------------------|
| 1. <u>Relinquish Easement 773</u>
(3030 S Campbell) | <u>National South, LLC</u> |
| 2. <u>Relinquish Easement 776</u>
(2805 N Kansas Expressway) | <u>Jack Pearce Revocable Trust</u> |
| 3. <u>Relinquish Easement 778</u>
(414 West Bryant Street) | <u>Griswald Enterprises, LLC</u> |
| 4. <u>Subdivision Variance 338</u>
(440 S Campbell) | <u>The Mark Craig Ward Trust</u> |

Mr. Baird motioned to **approve the Consent Agenda Items**. Mr. Coltrin **seconded the motion**. The motion **carried** as follows: Ayes: Edwards, McClelland, Hansen, Young, Baird, Ray, and Coltrin; **Nays:** None. **Abstain:** None. **Absent:** Lawhon, Roling

HEARINGS:

VACATIONS:

5. **Vacation 751**
(1520 East Atlantic)

Nattinger Block & Brick, LLC

Mr. MacPherson commented that the purpose of the proposal is to vacate a fifteen foot wide public alley generally located at 1520 East Atlantic Street. The alley was dedicated as part of the Prospect Place Addition in 1888. The proposed vacation will not adversely affect public or private utilities and serves no useful purpose to the public as the alley was never extended to the south any further and does not provide for access or circulation. The proposed vacation meets the approval criteria for vacating right-of-way, and staff recommends approval.

Mr. Edwards opened the public hearing.

Mr. Edwards closed the public hearing as there were no comments to the case.

Mr. Baird motioned to **approve Vacation 751**. Mr. Ray **seconded the motion**. The motion **carried** as follows: **Ayes:** Edwards, McClelland, Hansen, Young, Baird, Ray, and Coltrin; **Nays:** None. **Abstain:** None. **Absent:** Lawhon, Roling

ZONING:

6. **Z-4-2012**
(502, 518, & 520 West Walnut)

Keith Neal

Mr. MacPherson stated the purpose of the request is to rezone approximately 1.103 acres, generally located at 502, 518, and 520 West Walnut Street from CC, Center City District, to a CS, Commercial Services District. Dodson Williams Collision Center has been operating an automotive repair center with a Conditional Use Permit, and the owner is proposing an expansion to the business. An automotive repair service is no longer a permitted use with a Conditional Use Permit under the current zoning ordinance, which was adopted in 1995. The Administrative Review Committee has reviewed the issue and has recommended a rezoning to CS-Commercial Services, which allows the use as a permitted use. Approval will provide opportunities for this existing use to expand in its current location rather than having to relocate to expand the business. There were some requirements from Sanitary Services stated there are two public sewers on the property however no easements were found for either of them. If an easement is found through a title search for the sewer on the southwest corner of 518 W. Walnut, it has been requested that a copy of it be mailed to them. If none is found, they would like a new 10' easement dedicated for the public sewer, centered on the main. There is currently public sewer underneath the existing building and

Environmental Services would like to relinquish maintenance of that main to the property owner since it doesn't serve any other properties. Maintenance of that line will become the responsibility of the property owner.

Mr. MacPherson stated the second issue is that Traffic requested that they verify that a 15 foot by 15 foot sight triangle existed and a certification affidavit is in the file from the surveyor representing the applicant, which indicates that has been the case. Staff is recommending approval of this zoning request.

Mr. Edwards opened the public hearing.

Mr. Les Schultz, 1346 E Catalpa, Springfield, Missouri, architect for Dodson Williams commented that he is available to respond to questions or comments.

Mr. Edwards closed the public hearing.

Mr. Ray motioned to **approve** Z-4-2012. Mr. McClelland **seconded the motion**. The motion **carried** as follows: **Ayes:** Edwards, McClelland, Hansen, Young, Baird, Ray, and Coltrin; **Nays:** None. **Abstain:** None. **Absent:** Lawhon, Roling

7. **Z-5-2012**

Clairmont, Inc.

(1350 E Woodhurst)

Mr. MacPherson stated the purpose of the request is to rezone approximately 2.27 acres, generally located at 1350 E. Woodhurst Drive from PD-Planned Development 20, to a GR-General Retail District. The subject property has been vacant for several years and there is a potential buyer who wants to convert it into restaurant and retail space. The current PD does allow commercial use, but it limits the amount of restaurant and retail to only 15% of the building area on the lot. Traffic has recommended that no access to Fremont Avenue be allowed and all access be taken from Woodhurst Drive and the requested change in zoning would not cause a significant increase in the number of trips generated by this property, No traffic study will be required. The impervious surface will remain the same so there are no additional storm water issues that need to be addressed. Staff findings are that the proposed zoning would facilitate the redevelopment of an existing vacant building into uses that are compatible with adjacent properties.

Mr. Edwards opened the public hearing.

Mr. Geoff Butler, with Butler Rosenbury & Partners, 319 North Main representing the applicant. Mr. Butler commented that the property needs to be redeveloped. The property will have to be gutted for any use, which does not make the property cost effective for anyone to use, which is why it has been vacant for so long. It is a very good commercial location at the corner so the requested zoning would be appropriate for the location. Mr. Butler stated he is available to answer any questions.

Mr. Hansen asked about the entrance to the site.

Mr. Butler responded that the entry would have to remain on Woodhurst because of its proximity to Fremont, there is not a way to get an entrance on the side and the parking lot is laid out that way, and they will work with that. That is a limiting factor to its commercial use, but with the visibility and location of the

site, they believe it will not be a detriment.

Mr. Edwards closed the public hearing.

Mr. Baird asked what the reasoning is for not allowing an entrance from Fremont.

Ms. Gardner stated because of the proximity of the location to Montclair. There is not enough frontage to allow an entrance on Fremont with functional classification of Fremont with the current traffic that it carries, it would be a safety situation.

Mr. Rognstad referred to the map to elaborate, pointing out Erie on the South and Montclair on the north, adding you have a turn lane built in there, the one on the north going into Montclair and one going into Erie which takes up the space between the two streets. It would make it difficult to have traffic coming in and out.

Mr. Ray motioned to **approve** Z-5-2012. Mr. Coltrin **seconded the motion**. The motion **carried** as follows:

Ayes: Edwards, McClelland, Hansen, Young, Baird, Ray, and Coltrin; **Nays:** None. **Abstain:** None.

Absent: Lawhon, Roling

8. **Z-6-2012 w/Conditional Overlay District No. 50**

City of Springfield

(North east corner of East Swallow and South Harvard)

Mr. MacPherson stated that there are significant elements to the case and it would help in the decision process if Commission understood the whole picture. Mary Lilly Smith, Economic Development Director for the City will make a presentation to address those issues.

Ms. Smith stated she wanted to give background history on the property. The City purchased the property in 2006 to build a regional storm water detention basin. When it was purchased the City had to purchase a larger tract than what was needed for the basin. The intent has always been to dispose of at least part, if not all of the tract. Earlier in the year, the Commission reviewed a request to dispose of this property and took an action forward to City Council to authorize staff to request proposals for development of the property. One proposal was received from Republic Road, LLC and Green Circles Developments, LLC, is part of what Commission will see tonight. The development will incorporate the Shoppes at James River Development along Republic Road and while Mr. MacPherson will talk more about that, Commission as well as City Council will see other actions related to this in the future. There are a number of contingencies that were placed in the response to our request for proposals and we will be working our way through those in the next couple of months, commenting that she would be happy to answer any questions on the process issues, and adding Mr. MacPherson will specifically address the zoning issues.

Mr. MacPherson stated the purpose of the case, the particular part of this project is to rezone approximately 6.13 acres of land generally located at the northeast corner of Harvard Avenue and Swallow Street from an R-SF, Single Family Residential District to a GR, General Retail District, and establishing Conditional Overlay District Number 50. The larger portion of the subject property involved in this request is City-owned property. Also included in this request is an undeveloped residential lot to the east on the north side of Lark Street. City Council passed a Resolution on January 17, 2012 (Resolution 9925)

authorizing the solicitation of Requests for Proposal (RFP) for the sale and development of the City-owned property included in this request. The City acquired the land in 2006 for the purpose of providing regional stormwater detention. The City constructed the regional stormwater detention basin on the western 2.54 acres and it has been the City's intent to sell the remnant 3.13 acre tract or both the detention basin with restrictions and conditions and the remnant tract together. The City received one proposal and staff anticipates that a purchase agreement will be submitted to City Council later this month for consideration. In order to facilitate the timely development of the property, the City is processing this request concurrent with the purchase agreement. The rezoning of this property is contingent on the subject property being purchased by the proposed developer and being combined with the existing GR zoned property to the north. The Conditional Overlay District that accompanies this request requires that additional buffering be provided on the subject property adjacent to the existing residential development. The developer will provide a minimum one-hundred (150) foot wide bufferyard adjacent to the southern property line of the City-owned property on the north side of Swallow Street. A minimum sixty-five (65) foot wide bufferyard will be provided on the south property line of the residential lot on Lark Street. The existing regional stormwater detention basin will remain.

The only access permitted to the subject property will be through existing access points to Harvard, Nature Center Way and Reed through cross access easements on the existing GR-zoned property to the north. Therefore, traffic will not have to go through the residential area to gain access to this property. Additional non-residential development will be focused toward Republic Road and away from the existing residential development. Approval of this request will provide for additional development on the existing GR-zoned property. By rezoning and combining the subject property with the GR-zoned property to the north, the developer can increase the intensity of development on the property fronting on Republic while providing additional open space and increased bufferyards, and complying with the other development standards of the GR district (floor area ratio [FAR], bulk plane, etc.). This will allow for increased development where investment has already been made in infrastructure and public services. Republic is classified as a primary arterial roadway and the site is located near the intersection of Glenstone and James River Freeway which has been identified as an activity center. The additional buffering and internal circulation that will be provided along with the normal requirements of the GR district including height restrictions adjacent to the existing residential will help to minimize the impact additional development in this area could have on the adjacent residential property.

Approval of this rezoning is the first step in the sale and development of this City-owned property. Additional processes will be brought forward to combine the subject property with the existing GR zoned property and to separate the existing development to the north (Houlihan's and Hilton Garden Inn) from the undeveloped portion. It is anticipated that a preliminary plat will be submitted for approval by the Planning and Zoning Commission at an upcoming meeting. In addition, a Conditional Use Permit will be brought forward to permit the Hilton Garden Inn to exceed the normal floor area ratio limit within the GR, General Retail District which will be necessary on the resulting lot when the proposed subdivision is completed. The approval of this rezoning will require this property to be combined with the existing GR, General Retail zoned property to the north and will provide for further development of that property. This will allow for increased development where investment has already been made in infrastructure and public services. The requested Conditional Overlay District that accompanies this zoning case will provide for increased buffering adjacent to the adjacent residential properties. The additional buffering and internal circulation will minimize impacts additional development could have on the adjacent residential development. The only access permitted to the subject property will be through existing access points to Harvard, Nature Center Way and Reed through cross access easements on the existing GR-zoned property to the north.

Therefore, traffic will not have to go through the residential area to gain access to this property. Additional non-residential development will be focused toward Republic Road and away from the existing residential development. Thirty-four (34) people are within 185 feet of the subject property and were notified of this request. Staff has received several phone calls from surrounding property owners requesting more information about this request. The owner of property at 2131 E. Cardinal, Mr. and Mrs. Schouten, verbally provided the following comments: (1) They believe the proposed development will be detrimental to the value of adjacent properties and (2) Commercial development should be restricted to the existing GR, General Retail zoned property. The applicant held two neighborhood meetings. The first meeting was held on February 16, 2012. A follow-up neighborhood meeting was held on March 8, 2012. A summary of the meetings is attached (Attachment 2). At the February 16 neighborhood meeting, the proposed developer presented a site plan that depicts a typical office development on the subject property to provide a comparison to what is being proposed. It is important to note that a development such as that would be not be possible as a result of this rezoning with the proposed Conditional Overlay District that accompanies this application because of the bufferyard that is required along the south property line along Swallow Street. In addition, a development similar to what was shown on the site plan would not be permitted on the property under the existing zoning. Any development of the subject property, other than what would be permitted in the existing R-SF, Single Family Residential zoning district would require the property to be rezoned. It is likely that with any request to rezone the property, staff would require additional buffering or place other restrictions on the development of the property similar to what is being proposed in this application, which would prohibit or significantly alter development of the property from what is shown on the site plan. The approval of this rezoning will require this property to be combined with the existing GR, General Retail zoned property to the north and will provide for further development of that property. This will allow for increased development where investment has already been made in infrastructure and public services. The requested Conditional Overlay District that accompanies this zoning case will provide for increased buffering adjacent to the adjacent residential properties. The additional buffering and internal circulation will minimize impacts additional development could have on the adjacent residential development. The only access permitted to the subject property will be through existing access points to Harvard, Nature Center Way and Reed through cross access easements on the existing GR-zoned property to the north. Therefore, traffic will not have to go through the residential area to gain access to this property. Additional non-residential development will be focused toward Republic Road and away from the existing residential development. The applicant has proposed to build within the detention facility an internal trail system in lieu of building sidewalks along the perimeter as an amenity to the detention facility and propose it as a park-like arrangement. Staff is recommending approval of the zoning.

Derek Lee, Lee Engineering, 2101 W Chesterfield Blvd, representing the property owner. Mr. Lee presented exhibits which were used during the neighborhood meeting, to give a feel for the type of project they are proposing. He outlined the buildings, the roads surrounding the property and the existing entrance, and what they are proposing four (4) story buildings with the bottom floor being retail. They are 10,000 square foot buildings per floor. The upper floors will be offices in one of the buildings and retail in the other building and those will be Phase 1 of the project. Mr. Lee pointed to a structure on the exhibit stating it will be the farmer's market, pointing out the indoor facility to be used year round and pointed out an awning covered walkway for protection from the elements. Attention was directed to a future building on the exhibit that will be the next phase, when the Phase 1 buildings fill up. Mr. Lee pointed out the location of Houlihan's and Hilton Garden Inn on the map and presented another exhibit showing the project from a different view, and pointing out a future phase that is a conceptual design and reviewed the proposed trail system and how it was laid out. Mr. Lee stated that this is a unique project in that the City owns the land and the City prepared a request for proposal as Ms. Smith indicated. During the public meeting, one of the

most frequently expressed comments was that the neighborhood did not want any development on the land; they wanted it to remain undeveloped and made into a park. An alternative design was presented that would have met the requirements of the request for proposal, because it stated the highest and best use was an office, so they presented what could have been built in an area that would have met the City's comments, with access off of Harvard over the existing dam. When the two developments were presented, people wanted the development to be further away from them, and that was the goal of this, to show what could be build on the site, compared to what the developer was going to do. At a follow-up meeting, buffer zones were presented, with one buffer corresponding with the entrance off of Harvard, shown in the previous drawing, where if this were to be purchased by another developer and they used it, they would have to drive over the existing detention basin dam, that is how the 150' buffer zone line got there, just to show there would be no further driveways further down Harvard than what is being used right now for Houlihan's. The sixty-five foot buffer that came from working with an individual, asking to keep the trees in front of his fence and that line corresponds with his fence on his yard where all the trees in the front yard would be saved in the buffer. There are a lot of large old growth trees there and it is their intent to save all those within that buffer. Mr. Lee commented that Commission has been given a lot of information and he would be glad to answer any questions, and indicated the owner/developer, Matt O'Reilly is in attendance to answer any questions.

Mr. Edwards asked about the bufferyard; asking for a breakdown of the buffer, commenting there is a significant amount of property they are leaving in the bufferyard.

Mr. Lee commented approximately more than one-third.

Mr. Coltrin asked what is being done to buffer Gentry Street from the subdivision lands on Lark.

Mr. Lee said just the typical buffer that is required by the City of Springfield; it is a perimeter buffer that is fifteen (15) feet, that is not single-family residential in that section.

Mr. Rognstad commented that it is fifteen (15) feet, because it is less than seventy (70) feet of right-of-way. It is ten (10) feet if it is seventy (70) feet or more.

Mr. Coltrin asked about the overlay, commenting on the exhibit that was presented of the layout of the buildings, if that what is guaranteed by the overlay that that is what will be built.

Mr. Lee asked if the buildings were guaranteed by the overlay.

Mr. Coltrin said the conceptual rending of the buildings, is that guaranteed by the overlay of what the neighborhood will get.

Mr. Lee stated no.

Mr. Coltrin commented that what is being given the developer then is an approved zoning overlay that will allow you to build something in there, but not necessarily what has been presented this evening.

Mr. Lee stated that is exactly right.

Mr. McClelland said that according to the neighborhood letters, there seems to be a major concern about

dynamiting on the site. In order to build the buildings, is there going to be dynamiting as well as truck traffic and mud. His understanding is the entrances will not be off of Harvard, but off of the other streets which should deter the truck traffic into the residential area, asking if that is correct.

Mr. Lee commented they are not planning on there being any dynamiting. There are three (3) entrances; the only entrances allowed are the ones that are there now.

Mr. McClelland re-stated to clarify; one entrance is beside Houlihan's, and the other will be coming off Reed and Nature Center Way. There will be no need for truck traffic in the residential section of the area.

Mr. Lee said that is correct. He referred to a map showing the entrances. There is an existing entrance south of Houlihan's, an existing entrance off of Reed, and an existing entrance off of Nature Center Way, adding there will be no truck traffic there.

Mr. Hansen commented about the detention area and the 150' buffer, asking about the rest of the area up to the building. He asked about the space between the parking and the trail and the buffer zone and what will the buffer be like.

Mr. Lee said that they will be using half to one-third of that area for parking. The intent is to keep the buffer the way it is. The developer is proposing to build trails, picnic benches and keep it green, without any paving or building in the area. The developer's interest is to encroach on the land as little as possible and keep the trees rather than have more parking spaces. Green is the focus and the buffer is part of that.

Mr. Young referred to the RFQ, saying in the original plan with the three buildings they did a layout that satisfied the City's RFQ that had access to Harvard. Did the City's RFQ allow access to Harvard, because all the documentation states that it is not allowed.

Mr. Lee said that Mary Lilly Smith would speak to that, but continued by saying that you could have office development with access to Harvard or a GR development and keep the access where it is now that goes through the property to the north.

Ms. Smith clarified that staff commented they would support office development on the tract but access would only be allowed via Harvard, or they would support a higher intensity zoning if access to the retail zone tract was to the north, adding it is staff support on that.

Mr. Edwards opened the public hearing.

Mr. Ben Bader, 2147 East Swallow, commented that he is confused regarding the northwest corner at Harvard and Swallow. He was under the impression that nothing was going to be developed in the strip on that side between Houlihan's and Swallow. The other concern is the buffer zone. That hill is high and a four story building is going to need a pretty good buffer to cover all this up. An example is the Hilton. You have people looking in your back yard. Ten (10) feet is not going to do much of anything. There are a few trees in the field. It seems the City keeps making mistakes putting in apartment buildings in a residential area. It should be left as a park. It is trashing one more area that doesn't need that there, especially office building in the middle of the property. The buffer is a concern. Are you going to plant trees to block this, but when it is everybody's back yard it is getting old.

Mr. Schaefer asked for an explanation of the bulk plane to allay some of the fears on the bufferyard.

Mr. MacPherson stated the bulk plane requirement is, in this case, a general retail district adjacent to a residential district will require a 30 degree bulk plane, which means for every foot the building goes up, it has to be a foot away from the district boundary line; that is a basic requirement. The other protection in there is the additional bufferyard which as part of the Conditional Overlay District by far, exceeds what the typical bufferyard is.

Mr. Rognstad said the typical buffer of the GR across from the single-family residential is only 15 feet, if the right-of-way is less than 70 feet. There is fairly minimal planning required in the 15 feet they are putting in the additional width on the bufferyard. The bufferyard they are proposing does not require any additional landscaping to be put in, it only impacts the width, so they would need to put in the landscaping that is required in the 15 feet and they probably have that with the existing trees.

Mr. Robert Douglas, 2060 East Swallow Street, the second lot east of Harvard, stated he has several concerns. The first came up earlier this evening when the representative said he was not sure what they were going to build there. Between the 150 foot buffer and the back of the farmers market if it is rezoned it looks like no-man's land and there could be something else go in there in the future that no one would have anticipated. He does not want to look out his front window at apartment buildings. That is not the reason he purchased the house initially. He anticipated a strip mall being build between Houlihan's and the hotel, but this is a whole different issue. If you look at the map, your jutting a commercial property, apartment and retail, right in the middle of a residential area and that is not want any of them want. He asked if anyone had driven by and looked at the traffic situation addressing the proposed apartment buildings and the people and vehicles associated with the new development. Traffic will be a big issue because to avoid the heavy traffic, vehicles will come through the residential area and there is the concern of speeding vehicles, with children and pets in the residential area.

Ms. Linden Mueller, 2123 E Cardinal Street, stated that they own part of an easement that allows water to flow from the subject property through the drainage area. It was uncomfortable initially with the truck traffic, but the benefits out weight the initial discomfort, and they believe the new development will be good for the neighborhood and state they are supporting the development. She added that she is glad the developer supports green space while proposing to put in trail way access with future opportunity to walk to the nature center.

Mr. Robert Mueller, 2123 E Cardinal Street, said he wanted to add to his wife's comments. He spoke about neighborhood concerns that property values would go down, mentioning the current apartments and the mobile home community which he believes is an eye-sore. He believes a high end apartment complex isn't going to change any of that, but may increase the value. There is concern about the traffic, but overall, the whole project will bring value to the neighborhood. The farmers market and the retail stores are going to be a benefit and they are looking forward to the project.

Mr. Jeremy Bower, 2035 E Swallow, commented that he has three (3) children and when he bought the house, part of the appeal was the trees and the appearance that they lived out of town. He asked why the property could not be divided into two lots with the city maintaining ownership of the lower half. His driveway is across from the entry way of the subject property, and he is concerned about the traffic on Harvard and his children's safety. He believes the project is up in the air. He asked if the zoning is approved, who is to say it will not change in the future, and asking why they are being shown pictures if that

is not what is going to be constructed.

Mr. Edwards commented that he might be able to answer the question. What was trying to be demonstrated there, under the provisions the City has offered, that is one of the possibilities that could go in as opposed to what they are trying to do.

Mr. Bower said that is something he does not want. He asked why a part of the property could not be sold to O'Reilly, adding it could be rezoned with the lower portion of the property to remain the property of the City. He referred to the previous construction and how he believes it was misrepresented and doesn't understand why the development has to come down into the residential area and put large buildings in the center of the area.

Mr. Baird thanked Mr. Bowers for his comments, relaying that they want to hear from those who wish to speak to the case. He asked Mr. Bowers to show him where his home is located on the map.

Mr. Bowers pointed out the location stating it is on the corner of Harvard and Swallow, adding he looks out of his driveway to the drive way of the proposed site. He believes there will be more traffic and questions the safety of his children. He said that Harvard is already a busy street and even though there are speeds signs in the area, it does not seem to matter.

Mr. Rognstad commented that the proposal is that the drive access would be limited to the existing one on Harvard, if it is rezoned to the commercial. That will be done as part of the sale of the property to the developer. It is not covered in the overlay district, but that is the intent. Staff said they would only support the office; they would not support the commercial.

Mr. Baird asked staff, to ease Mr. Bowers's concerns, if there would not be another way for a drive to be placed further south on Harvard.

Mr. Rognstad said no. The developer would have to come back and get changes made by council as he could not make changes on his own.

Mr. Edwards added that the developer would have to come back and ask for something that they explicitly said they would not do which is a very difficult thing to do. He continued by saying there are some protections built in and when they vote on that they do consider those protections to be a very important part of what they will be voting on. As a body, they cannot vote on changing any of the submitted proposals, they only vote on the appropriateness of the zoning change. If the proposed zoning does go through, that is a question to be directed to City Council as a body that can actually do something about that.

Mr. Hansen asked staff if the bufferyard is part of the overlay district.

Mr. Rognstad said yes.

Mr. Hansen asked if Commission approves that, there would be 150 foot bufferyard which would exclude the use of the drive across from the burn.

Mr. Rognstad stated the drive will be limited when the plat is done. They will have to put the properties

together in the plat and they will put an access limitation in the plat, that is not an issue.

Matt O'Reilly, 4174 E. Canyon, stated he wishes to speak to some concerns and answer any questions of the proposal and how it related to the zoning. This is an interesting development, it is complicated and there are many steps to it and they are able to run several of them at the same time. The purchase of the property, the rezoning, the re-platting, and the conditional use overlay that is required is a lot of steps and it is confusing. The approach to the City and the neighborhood has been if that property is sold and rezoned, it would probably be rezoned as office. Any other user other than him or the property owners above that bought it would have no way of combining it with the development to the north which already exists. It would become office; they would probably grade it, blast it out as it is a big hill, cut down the trees and turn it into an office if it is sold. It could be made residential of course, but the land is far too valuable to buy and use for houses. The proposal has been to purchase the land and use it to increase the floor area ratio of the northern lots when they combine the two. The density needed on the north requires a certain amount of green space. The reason they can draw the line on the driveway is they have to have the green space to have the density that is needed. There is a FAR of .4 of the total area of the development lot. They see it as an opportunity to buy the property and preserve it as green space, improve it and make it more of a park space, whereas another developer might come in and build premium offices on the site.

Mr. O'Reilly discussed the occupancy of the offices and apartments, stating the office will not be used at night, so there isn't a site line with intrusive vision at night or an invasion of privacy. There are sixty (60) units and by requirement 1 ½ vehicle per unit. We believe one to two people will live in each unit; that is sixty (60) vehicles and there was the mention of traffic, but there is not a huge density of tenants and do not feel it will be a major concern. There is a middle area where people can circulate and gather together, a plaza type of area, where people can get coffee or go to the farmers market or stay and eat so it is definitely a community space. Some people feel that the use intended for their property has been diminished, and there is no question residential property values have dropped in the last four years, but there are studies that show that park space improvements with high end amenities do increase property values and that is true across the United States. Mr. O'Reilly went on to discuss the proposed trail system. He addressed the bufferyard area and the concern that something else could possibly be built, but when they complete the construction on the four buildings, they will have used almost all the floor area ratio of .4 and they would need to come back to ask for a conditional overlay to increase the FAR and doesn't believe they would be allowed to do that. He added he is available for comments and questions.

Mr. Young stated he has two questions; the first regarding the trail and the connection to the Y. How will that be done, will it go under or over Republic Road. Secondly, in the development phasing, building one (1) and two (2) are in Phase 1, is the farmers market in phase one and if there will be connectivity to Nature Center Way for Phase 1.

Mr. O'Reilly said people will still have to cross the street. There is an existing crosswalk, and suggested a possible flagging system for visibility. He pointed out on the map how access could be achieved through the future trail project. He pointed out on the map the two prime entrances, one being an access to Nature Center Way and they will use signage or a billboard to direct traffic because it is a good entrance to the property.

Mr. Coltrin said one of the concerns is the number of accesses and discussion on what will or won't be done in the future and that you could come back for more access. What we have before us now is a conditional overlay, which allows him to ask a question that becomes binding upon the project. As far as

your access to Harvard, are you willing to have that limited and tied to this property as that is the southern-most access to Harvard that will be allowed or done for this project.

Mr. O'Reilly said yes. If the zoning does not pass or if building plans are not approved, there could be an eventual use of office on that property.

Mr. Coltrin asked with what is being asked to be approved this evening, are you willing to put into the conditional overlay that that is the farthest connection south that you will go on Harvard for this project.

Mr. O'Reilly said yes, if that is general retail, they would not add any additional entrances to the property.

Mr. Edwards closed the public hearing.

Mr. Rognstad asked for clarification from Commission that they want to add to the conditional overlay district that all access would be through the property to the north.

Mr. Coltrin stated in order for him to be comfortable with the proposal that would be the addition to the zoning.

Mr. Rognstad said that they would need a motion to add a condition that all vehicular access would only be through the property to the north that would then allow the trail system with pedestrian access.

Mr. Young referred to the staff comments on page nine (9) where it states that Hilton Garden Inn will exceed the normal FAR. If all this happens, does anyone know how much this is going to exceed the ratio.

Mr. MacPherson said the current floor area ratio is .4 and believes this would raise it to .56.

Mr. Coltrin stated that it is difficult to mix zoning so close together and difficult to find a compromise that is fair to everyone. He appreciates Mr. O'Reilly's willingness to commit and back up what he is saying, in trying to provide some vehicular protection to the people in the residential area to the south. The conditional overlay gives Commission the ability to have this discussion at the meetings to get something put into it that will not set the project back as a compromise to everything else. He likes having the development there and the neighborhood market will be nice. It makes him more comfortable knowing as a Commissioner that as a resident of that neighborhood, he would not want traffic getting that far down on Harvard.

Mr. Edwards commented that accurately surmises the way he feels about the situation as well, being able to add some protection, especially with the traffic situation for those who live in that area.

Mr. Coltrin motioned to **approve** Z-6-2012 with the addition to the conditional overlay that restricts access farther south on Harvard Street. Mr. Young **seconded the motion**. The motion **carried** as follows: **Ayes:** Edwards, McClelland, Hansen, Young, Baird, Ray, and Coltrin; **Nays:** None. **Abstain:** None. **Absent:** Lawhon, Roling.

Mr. MacPherson said the purpose of this request is to rezone approximately 0.55 acres of property generally located at 637 West Tampa Street from a GM, General Manufacturing District, to a CS, Commercial Services District. The rezoning will facilitate the re-location of a Head Start program, which is not permitted in the General Manufacturing District. The subject property is situated along Tampa Street which is classified as a Downtown local commercial street. No additional right of way is required. The requested change in zoning would not cause a significant increase in number of trips generated by this property. No traffic study will be required. The subject property is adjacent to Heavy and General Manufacturing District uses to the south and east and Commercial Service District uses to the north and west. The proposed CS, Commercial Services District, is compatible with surrounding uses and districts.

This request is consistent with the recommendations of the Comprehensive Plan, which identifies this area as an appropriate location for greater downtown uses. The Plan recommends uses that promote high-intensity office. Since there are no other CC zoning districts in the immediate vicinity, staff believes the CS, Commercial Services District, will provide a more appropriate transition from the surrounding manufacturing districts and uses. The CS, Commercial Services District, is intended for business uses which provide essential commercial services and support activities but which do not necessarily require high visibility. This district is intended to function as a transition between industrial development and commercial development. Staff believes the subject property and proposed Head Start use fit the CS zoning districts' purpose. Staff findings for this request are that it is consistent with the recommendations of the Comprehensive Plan, which identifies this area as an appropriate location for high-intensity office uses. The proposed CS, Commercial Services District, is consistent and compatible with surrounding uses and districts. Staff is recommending approval.

Mr. MacPherson added that a neighborhood meeting with property owners within five hundred (500) feet of the subject property was held on March 12, 2012. There were no objections to the proposed rezoning. The applicant's summary of the meeting and sign-in sheet is attached (Attachment 2).

Mr. Edwards opened the public hearing.

Joe Costello, 4112 N Farm Road 189, Springfield, stated he is one of the managers of the property, adding he is available for questions.

Mr. Edwards closed the public hearing.

Mr. Hansen motioned to **approve** Z-7-2012. Mr. Ray **seconded the motion**. The motion **carried** as follows: **Ayes:** Edwards, McClelland, Hansen, Young, Baird, Ray, and Coltrin; **Nays:** None. **Abstain:** None. **Absent:** Lawhon, Roling

ZONING TEXT AMENDMENTS:

10. GR Outdoor Activities Amendments (City-Wide)

City of Springfield

Mr. MacPherson stated that staff has had on-going discussion with DIG about this and working to finalizing the amendments before bringing them before Commission and has requested the item be tabled till May 3, 2012.

Mr. Hansen motioned to **table** the GR Outdoor Activities Amendment to May 3, 2012. Mr. Baird **seconded the motion**. The motion **carried** as follows: **Ayes:** Edwards, McClelland, Hansen, Young, Baird, Ray, and Coltrin; **Nays:** None. **Abstain:** None. **Absent:** Lawhon, Roling

11. Temporary Uses Amendments
(City Wide)

City of Springfield

Mr. MacPherson commented that some significant code changes must occur consistent with the temporary uses amendments and because of that, staff is requesting the item be tabled indefinitely and it will need to be re-advertised when it is brought back before Commission.

Mr. Baird motioned to **table** the Temporary Uses Amendment indefinitely. Mr. Ray **seconded the motion**. The motion **carried** as follows: **Ayes:** Edwards, McClelland, Hansen, Young, Baird, Ray, and Coltrin; **Nays:** None. **Abstain:** None. **Absent:** Lawhon, Roling

CONDITIONAL USE PERMITS:

12. Conditional Use Permit 397
(3131 S Campbell)

AJMC, LLC

Mr. MacPherson said the purpose of the request is to approve a Conditional Use Permit to permit an auto body and fender repair and paint shop within an HC, Highway Commercial District. The applicant is requesting approval of a Conditional Use Permit to permit the expansion of an existing auto body and fender repair and paint shop within an HC, Highway Commercial District. City Council approved Conditional Use Permit 380 (Special Ordinance 25296) in November 2007 for the existing facility. The owner wishes to expand the facility which requires approval of a new Conditional Use Permit. Approval of this application will allow the existing facility to expand in its current location without the need to relocate. All requirements of the original Conditional Use Permit will be maintained including the requirement for the area west of the building to be green space. The outdoor storage of vehicles will not be permitted within the green space area. The applicant will provide a fire access lane to bring the site into compliance with the fire code and provide for fire coverage of the existing building and proposed addition. 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 3-3310 of the Zoning Ordinance. Staff findings are such that approval will provide opportunities for this existing use to expand in its current location rather than having to relocate to expand the business. This application meets the approval standards for a Conditional Use Permit and is in conformance with the Comprehensive Plan. Staff is recommending approval of the request.

Mr. Hansen asked about the gravel surface that is proposed. He asked if that is impervious gravel.

Mr. Marshall stated that the City drainage criteria allows for a partial credit, 50% credit, of gravel surfaces, recognizing them as impervious surfaces, but they do allow some storm water infiltration unlike concrete or asphalt or rooftop. Gravel surfaces would not be given a 100% credit, but a partial credit.

Mr. Hansen said that it does not make sense that gravel would be considered impervious, adding that he has never seen water pooling on a gravel surface.

Mr. Marshall stated that the applicant has proposed to remove the gravel surface and replace it with grass.

Mr. Edwards opened the public hearing.

Chris Ball with Jack Ball Architects, 444 S. Campbell, commented that the small addition will be in the rear on the asphalt. The rear portion is gravel and they will be returning it to green space. They have worked with the fire department and have reached an acceptable agreement for access. He added he is available to answer any questions.

Mr. Edwards closed the public hearing.

Mr. Ray motioned to **approve** Conditional Use Permit 397. Mr. Hansen **seconded the motion**. The motion **carried** as follows: **Ayes:** Edwards, McClelland, Hansen, Young, Baird, Ray, and Coltrin; **Nays:** None. **Abstain:** None. **Absent:** Lawhon, Roling.

OTHER PUBLIC HEARINGS:

13. Clair Corner Phase 1 Final Plat
Ward
(440 South Campbell)

Mark

Mr. MacPherson stated the purpose of this request is to approve the final plat for Clair Corner Phase 1 that could not be approved administratively due to the expiration of the approved preliminary plat. The Preliminary Plat for Clair Corner was approved by Commission on October 4, 2007 and accepted by City Council on June 1, 2009. The Preliminary Plat ordinance (Special Ordinance 25606) expired on June 1, 2011 when the property owners failed to file a Final Plat. The approved Preliminary Plat ordinance is attached. 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 approved Preliminary Plat has expired. The approved preliminary plat for Clair Corner included the subject property as well as the two lots to the north. The Preliminary Plat was approved by Commission on October 4, 2007 and was accepted by City Council on June 1, 2009. The applicant has two (2) years from the date of City Council's acceptance of the plat to submit a Final Plat. The applicant failed to submit a Final Plat within the two year timeframe and the Preliminary Plat for Clair Corner expired. A prospective buyer for the subject lot would like to move forward with a Final Plat at this time. All of the requirements contained in the approved Preliminary Plat for Clair Corner will be met, with the exception of the access limitation on Campbell Avenue. There is an existing driveway and the applicant has submitted a Subdivision Variance (Subdivision Variance 338) to permit the driveway to remain even though it does not meet the normal spacing requirements. The applicant does not intend to make any changes to the site and

the existing driveway on Campbell is needed for traffic circulation. All other requirements of the approved Preliminary Plat for the subject property will be met with the proposed Final Plat. Letters have been sent to the owners of the other two lots included in the expired Preliminary Plat of Clair Corner to notify them that the Preliminary Plat has expired and the City does not recognize the lots and certain improvements will be needed before they can redevelop or further develop their property. The Planning and Zoning Commission review is to determine if the proposed Final Plat merits approval despite the expiration of 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 must be satisfied prior to the recording of the Final Plat. The final plat cannot be approved administratively because the approved Preliminary Plat expired. Approval of this request would permit one of the proposed lots in the expired Preliminary Plat of Clair Corner to be Final Platted without the need to go through the Preliminary Plat process again. The proposed Final Plat is acceptable because all requirements of the expired Preliminary Plat will be met with the Final Plat. The other two proposed lots in the expired Preliminary Plat of Clair Corner will have to go through a similar process when they redevelop or further develop.

Mr. Edwards opened the public hearing.

Derek Lee, Lee Engineering, 2101 W Chesterfield Blvd, Springfield, representing the owner, commented he is available for questions.

Mr. Young motioned to **approve** Clair Corner Phase 1 Final Plat. Mr. Hansen **seconded the motion**. The motion **carried** as follows: **Ayes:** Edwards, McClelland, Hansen, Young, Baird, Ray, and Coltrin; **Nays:** None. **Abstain:** None. **Absent:** Lawhon, Roling.

1. **Springfield Tire Exchange Redevelopment Area**
(NW corner W McDaniel & S Market St)

Jason Murray

Mr. Schaefer stated that the purpose of the request is to approve the Redevelopment Plan for the Springfield Tire Exchange Redevelopment Area. The Redevelopment Plan for the Springfield Tire Exchange Redevelopment Area is in conformance with the Springfield-Greene County Comprehensive Plan. The Springfield Tire Exchange Redevelopment Corporation has filed an application requesting partial real property tax abatement pursuant to Chapter 353, Missouri Revised Statutes (RSMo) for a proposed redevelopment project located at the northwest corner of West McDaniel Street and South Market Avenue (*Exhibits 1 and 2*). The application includes a redevelopment plan, which the Springfield Planning and Zoning Commission shall review for conformance to the *Springfield-Greene County Comprehensive Plan (Exhibit 3)*.

The Springfield Tire Exchange Redevelopment Area consists of a single 0.61 acre parcel, which is occupied by a former warehouse and automotive repair garage. According to the Redevelopment Plan, the Developer proposes to rehabilitate and convert the existing structure into a residential and commercial mixed-use development that will feature three commercial spaces and 23 residential loft apartments with indoor parking. The commercial spaces and indoor parking will be located on the ground and mezzanine levels facing South Market Avenue, and the residential loft apartments will be located on the upper levels with the exception of six apartments, which will be located on the ground level facing the alley on the west side of the building. The Redevelopment Plan specifically states that no residential loft apartments will be on the ground level facing South Market Avenue, thus encouraging a more active streetscape. The existing

structure was constructed in 1899. According to Sanborn Fire Insurance Maps and a recent Phase I Environmental Site Assessment, the structure has been occupied by a tire company, automotive repair facilities, distribution companies, retail shops, beverage companies, farm supply stores, and a lumber planning mill. The structure is currently vacant. The Springfield Tire Exchange Redevelopment Area is zoned CC, Center City, and will contain multi-family residential and commercial uses. The proposed redevelopment will also have a strong pedestrian orientation due to its location in downtown Springfield and its close proximity to retail shops, parks, restaurants, entertainment venues, and other downtown amenities. The proposed redevelopment plan is one component of the applicant's request to obtain tax abatement pursuant to Chapter 353, RSMo (Chapter 353 Tax Abatement). Chapter 353 Tax Abatement is an economic development incentive used to encourage redevelopment of blighted areas providing up to 25 years of partial real property tax abatement. To be eligible for the abatement, the subject property must meet the definition of blight contained in the statute. Additionally, the applicant must demonstrate that the project will provide a measurable public benefit and that it would not occur but for the abatement.

Mr. Coltrin asked about the abatement of 25 years.

Mr. Schaefer stated that the standard abatement is 25 years.

Mr. Schaefer commented that the applicant is required to submit a highly detailed application, as well as undergo a lengthy review process, which includes notifying the taxing jurisdictions (i.e. school district, county, library district, etc.) and attending public hearings before the LCRA, Planning and Zoning Commission, and City Council. The Land Clearance for Redevelopment Authority (LCRA) will review this project on April 3, 2012 and make a recommendation as to whether the Area should be declared a blighted area. The Planning and Zoning Commission's responsibility is to review the redevelopment plan for conformance with the Comprehensive Plan and make a recommendation regarding the same to City Council. Staff recommends the Redevelopment Plan for the Springfield Tire Exchange Redevelopment Area be approved.

Mr. Hansen asked if the building is currently occupied and what is upstairs. He also asked what the tax impact is.

Mr. Schaefer said the Applicants representative could answer that question. The Tax impact over a 25 year period is \$181,519.00; that is the difference of tax revenue without any development with the property remaining blighted.

Mr. Coltrin asked about the abatement awards, if there are requirements of fully compliant lofts, that make it a fully ADA compliant unit.

Mr. Schaefer stated there is nothing in the redevelopment plans. That may be addressed at the building stage.

Mr. Edwards opened the public hearing.

Mr. Shawn Whitney, 901 St. Louis, Springfield. Attorney with Husch Blackwell representing the applicant, and commented he is available for comments.

Mr. McClelland asked if there are any EPA concerns regarding the building.

Mr. Whitney stated there are issues, and during the construction those issues will be taken care of.

Mr. Edwards closed the public hearing.

Mr. Hansen motioned to **approve** Springfield Tire Exchange Redevelopment Area. Mr. Ray **seconded the motion**. The motion **carried** as follows: **Ayes:** Edwards, McClelland, Hansen, Young, Baird, Ray, and Coltrin; **Nays:** None. **Abstain:** None. **Absent:** Lawhon, Roling.

Mr. MacPherson communicated with Commission that the May 3rd, 2012 Planning and Zoning meeting will be held at the Busch Building in the Fourth Floor Conference Room which has television capability. Secondly, he asked Commission to mark their calendars for June 14, 2012, as the Planning and Zoning meeting is cancelled that evening and the suite at the Cardinals Game is reserved for Commission that evening.

Mr. MacPherson commented on the new I-pads and the convenience of use and asked for feed-back regarding the new I-pads and how they worked for Commissioners during the meeting.

Mr. Coltrin remarked that he had an error issue, but up to that point, it worked great.

Mr. Baird said that with the new I-pad they will be using, they have access to a great mapping application. He would like to see a more current up to date mapping system in chambers, adding that Mr. Lee was frustrated when he was trying to show some property and it was an outdated picture. He also expressed concern for himself and Mr. Young that when items are being presented behind them it is difficult to turn around and review the information and engage the speaker at the same time. He asked if there could be a monitor placed on the counter in front of them so they could see what was being presented.

Mr. McClelland asked Mr. MacPherson if in the future he would reference the page numbers from the staff report when reviewing the cases, for convenience.

ANY OTHER MATTERS UNDER COMMISSION JURISDICTION:

There being no further business, the meeting was adjourned at approximately 8:40 p.m.

Michael MacPherson

Michael MacPherson
Principal Planner