

MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: March 7, 2013

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 (Chair); King Coltrin (Vice-Chair), Jay McClelland, Tom Baird, Jason Ray, Shelby Lawhon, Gabrielle White; Michael MacPherson, Principal Planner; Nancy Yendes, City Attorney; Dawne Gardner, Public Works, Todd Wagner, Public Works, Sandy Goddard Administrative Assistant. Absent: Phil Young and Jim Hansen

ROLL CALL:

APPROVAL OF MINUTES: The minutes of February 28, 2013, were approved unanimously.

COMMUNICATIONS:

Mr. MacPherson reported item number 3, Vacation 752 and item number 9, Pioneer School Addition are both cases that are focused on the same piece of property and part of the same project and staff would like to hear them jointly.

Mr. McClelland motioned to hear agenda items number 3 and number 9 together. Mr. Lawhon **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, McClelland, Ray, Lawhon, White, and Baird. Nays: None. Abstain: Coltrin. Absent: Young and Hansen.

CONSENT ITEMS:

1. Relinquish Easement 790
(2522 E. German Ivy Street)

Olde Ivy Development, LLC

2. Subdivision Variance 342
(2701 & 2705 E Galloway)

All Saints Anglican Church

Mr. Coltrin recused himself from the hearing.

Mr. Lawhon motioned to **approve** the consent agenda items. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, McClelland, Ray, Lawhon, White, and Baird. Nays: None. Abstain: Coltrin. Absent: Young and Hansen.

HEARINGS:

Vacations:

3. Vacation 752

Cherry Properties, LTD

(200 block N. Hayden Avenue & adjacent alleys)

Mr. MacPherson stated that he would begin with agenda item number 9, Pioneer School Addition. The purpose of the application is to approve a preliminary plat to subdivide 4.12 acres into a five (5) lot subdivision, including three (3) subdivision variances. The subdivision will facilitate the construction of the new City Utilities bus transfer facility. A vacation of a portion of Hayden Avenue and some adjacent alleys are also being requested to assemble the proposed subdivision, which will be forwarded to City Council for review and approval with conditions. If Planning and Zoning approves the Preliminary Plat then the Plat will be forwarded to City Council for acceptance of the public streets and easements. A Preliminary Plat is active for two (2) years after approval. One of the first variances the applicant is requesting is a right-of-way variance which establishes right-of-way widths and triangles at street intersections based on the classification of the streets. The applicant is requesting a variance to not dedicate the required right-of-way widths along Grant Avenue and College Street and right-of-way triangle at the intersection of Grant Ave. and College St. Based on the street classifications, fifty (50) feet of right-of-way along Grant Avenue, thirty-five (35) feet of right-of-way along College Street and a twenty (20) foot by twenty (20) foot right-of-way triangle is required to be dedicated at the intersection. This right-of-way and intersection is on the edge of the downtown street classification boundary which exempts properties within the downtown area from providing additional right-of-way because expansion would interfere with the existing public and private buildings and infrastructure along these corridors. The acquisition of properties for the CU Bus Transfer Station is not feasible if the remaining properties have existing buildings and infrastructure along College and Grant that would be adversely affected by the dedication of additional right-of-way. This area is expected to be a part of future College Street streetscape project, which is part of the old historical Route 66 study that is underway, where additional right-of-way, easements and driveway modifications will be addressed. Staff supports this variance from the Subdivision Regulations. The second variance is requesting a variance to allow existing driveways to remain "as is" along Grant Avenue and College Street and add an additional driveway along College Street that will not be shared for the CU Bus Transfer Facility. Grant Avenue is classified as a Primary Arterial and College Street is a Secondary Arterial. These streets and intersection are expected to be a part of a future College Street streetscape project where additional right-of-way, easements and driveway modifications will be addressed. Staff supports the request. The applicant is requesting a variance to allow Lot 2 of the Preliminary Plat of Pioneer School Addition to be created without public sewer access. Currently, the Superior Outdoor Advertising Co. tract does not have any public sewer access and by slightly expanding the tract to encompass the entire billboard, the public sewer situation does not change. Staff supports the request. Lot two will be a non-buildable tract of property. Staff findings are that the applicant's proposal, with the conditions listed below and approval of the subdivision variances, is consistent with the City's Subdivision Regulations. The proposed reconfiguration and assemblage of properties will facilitate the construction of the new City Utilities bus transfer facility. Mr. MacPherson stated that these two cases will be voted on separately, but to get the whole picture he will move on with the Vacation, which is item number three (3). The purpose of this request is to adopt an ordinance to vacate a portion of Hayden Avenue and adjacent alleys generally located at the 200 block North Hayden Avenue. The vacation will require replacement easements to be dedicated before the property can be vacated. The proposed vacation meets the approval criteria for

vacating right-of-way with the required conditions. Because the conditions will not be finalized at this point then it will move forward to City Council. The vacation of the north portion of Hayden and those alleyways is to facilitate the bus flow of the new City Utilities Bus Transfer Station. There is a representative from City Utilities who can elaborate on that process if you wish. Mr. MacPherson stated he is available for questions.

Mr. Edwards opened the public hearing.

Mr. Chris Haller, City Utilities, 301 E. Central stated he is available to answer any questions.

Mr. McClelland asked about the grade elevation and leveling the property.

Mr. Haller stated there would be some grading from Hayden to the brick home that was mentioned.

Mr. Edwards closed the public hearing.

Mr. Coltrin motioned to **approve** Vacation 752. Mr. McClelland **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Ray, Lawhon, White, and Baird. Nays: None. Abstain: None. Absent: Young and Hansen.

Mr. Lawhon motioned to **approve** Pioneer School Addition Preliminary Plat. Mr. Baird **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Ray, Lawhon, White, and Baird. Nays: None. Abstain: None. Absent: Young and Hansen.

Zoning:

4. Z-01-2013
(225 East Primrose Street)

Joni Mashburn

Mr. MacPherson stated the purpose of this request is rezone approximately 0.87 acres of property from an O-1 District to a GR, General Retail District. The Growth Management and Land Use Plan of the Comprehensive Plan designates this area at the northeast corner of South Avenue and Primrose as appropriate for medium-intensity retail, office and residential uses. General Retail (GR) is one of the zoning districts recommended in these areas. The subject property, located at the intersection of Primrose Street, a secondary roadway and South Avenue, a collector roadway, is an appropriate location for GR, General Retail zoning. The applicant held a neighborhood meeting for owners and residents within five hundred (500) feet of the subject property on February 19th, 2013, and from a summary of the meeting, no one showed up for the meeting. In addition to that, eight (8) property owners within one-hundred-eighty-five (185) feet of the subject property were notified by mail of this request and staff has had one call, but staff has had no objections to the zoning request. Staff is recommending approval.

Mr. Edwards opened the public hearing.

Ms. Joni Mashburn, 2921 S National Avenue, with the Bill Beal Company representing the owner Brad Beal stated they are rezoning to make the property more marketable.

Mr. Edwards closed the public hearing.

Mr. Baird motioned to **approve** Z-01-2013. Mr. Coltrin **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Ray, Lawhon, White, and Baird. Nays: None. Abstain: None. Absent: Young and Hansen.

5. Z-02-2013 w/Conditional Overlay District No. 55
(2833-35 East Battlefield Road)

Ridgeview Complex, LLC

Mr. MacPherson stated the purpose of this request is to rezone approximately 5.3 acres of property generally located at 2833-35 East Battlefield Road from Planned Development 140, 2nd Amendment to an O-1, Office District; and establishing Conditional Overlay District No. 55. The applicant is proposing to rezone the property from Planned Development 140, 2nd Amendment to an O-1, Office District. This will increase the number of permitted uses allowed on the property. This will also allow Soleus Spa to remain which is considered a personal service use and not permitted in the existing PD. The applicant's letter to the neighborhood gave the specific uses that would be allowed in the Office District compared to the existing PD. Currently, PD 140, 2nd Amendment only allows administrative and professional offices, finance, insurance and real estate services and medical offices and medical support activities. The applicant is also requesting a conditional overlay district that will apply any restrictive elements of existing PD to the O-1 District. Mr. MacPherson directed Commission attention to page 5, Exhibit C, of the staff report, and reviewed the conditional overlay district and the restrictions on the zoning. The Growth Management and Land Use Plan of the City's Comprehensive Plan designates this area as appropriate for medium-intensity retail, office and residential uses. These commercial areas should be sited in areas that are well served by transportation facilities; major roads, bicycle and pedestrian facilities, and transit. Where commercial areas are concentrated, development should be sited and designed to have a minimal effect on adjacent lower-intensity development and the environment. The Growth and Land Use Plan recommends LB, Limited Business, GR, General Retail or HC, Highway Commercial, Office, Medium- and High-Density Multi-Family Residential Districts in these areas. The applicant held a neighborhood meeting for owners and residents and sent approximately one hundred twenty-seven (127) invitations within five hundred (500) feet of the subject property on January 29th, 2013. The meeting was held at the Second Baptist Church at 3111 East Battlefield. No one attended the meeting that was held between 4:30 p.m and 6:00 p.m., and a summary of the meeting is attached. Seventeen (17) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request. Staff has received one phone call regarding the request and that was not in the form of an objection, merely what the restrictions are in the PD and compare those with the restrictions that are have been transferred from the Planned Development to the conditional overlay district. We sent that information and never received any further comment. Mr. MacPherson discussed the letter from Lee Engineering to the property owners discussing the potential uses they are asking for in this zoning change. The Comprehensive Plan designates this area as appropriate for medium-intensity retail, office and residential uses. The Office District is one of the recommended zoning districts. The proposed conditional overlay district will mitigate the potential impact between the commercial and residential uses by retaining the existing bulk, area, height, bufferyard and design requirements as exists in the PD 140, 2nd Amendment. The standard development requirements in the O-1 District are otherwise adequate for mitigating potential impacts of the office uses on the adjoining residential properties. Staff is recommended approval of this zoning request.

Mr. Coltrin asked about the why the applicant has a steeper bulk plane than the standard thirty (30) degree.

Mr. McPherson stated that he believes it was worded differently in the PD at that time. This is what was in the original PD.

Mr. Edwards opened the public hearing.

Mr. Derek Lee, Lee Engineering, 2101 W. Chesterfield Blvd, stated the owner has no intentions of building anything new or changing what is there. The purpose for the change is to allow more uses to go in the office buildings that have already been built. They are trying to lease the space and it has been a challenge. Mr. Lee said he is available for questions.

Mr. Robert Robwedder, 2816 E. Ridgeview commented that he is concerned about the noise and light pollution. Mr. Robwedder referred to the letter from Lee Engineering and line "H"; entertainment-oriented use group. He said that he called and was told it could be just about anything; a skating rink, a bowling alley...his concern is the traffic and noise and lights on weekends.

Mr. Melvin Humphries, 2826 E. Ridgeview Circle said they are concerned about the noise, traffic and small children and what items he sees listed there, he is not certain what that allows you to do. It is a nice neighborhood right now and there is nothing going on in the office buildings on the weekend so it makes it a nice family place.

Mr. Edwards asked about the distance requirements if a drinking establishment were here and if this would apply if there is not a church or school here.

Mr. MacPherson said that is not the type of entertainment use groups they are talking about here. These are like "jumpin' joey's". That would be in GR, not office. The entertainment uses are bound by FAR, floor area ratio, so when you talk about the larger uses in the entertainment use group, they are very much restricted.

Mr. Edwards closed the public hearing.

Mr. Coltrin motioned to **approve** Z-02-2013 w/Conditional Overlay District No. 55. Mr. Baird **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Ray, Lawhon, White, and Baird. Nays: None. Abstain: None. Absent: Young and Hansen.

Conditional Use Permit:

6. Conditional Use Permit 403
(2314 West Kingsley Street)

NGO Property

Mr. Coltrin and Ms. White recused themselves from the hearing.

Mr. MacPherson stated this particular case may look familiar as Commission has looked at it before. The purpose of this request is to adopt an ordinance to approve an automotive service garage at 2314 West Kingsley Street within a GR, General Retail District. The applicant is requesting approval of a Conditional Use Permit to allow an automotive service garage within the GR, General Retail District. This will facilitate the construction of a new Christian Brothers Automotive service garage along Republic Road. The applicant had received Planning and Zoning Commission approval in January, but made changes to the

site plan prior to the City Council public hearing which included moving the building to the west side and parking to the east side of the site. There was a substantial change and staff recommended they resubmit the project which they have done. The applicant held a neighborhood meeting on November 29, 2012, on the subject property from 4-6:30 p.m. Twenty-nine (29) property owners were notified. Five (5) neighboring property owners were in attendance and no verbal comments were made in opposition to the proposal. Eleven (11) property owners are located within one hundred eighty-five (185) feet of the subject property and were notified by mail of this request. No one has objected to this request to date. This application meets the approval standards for a Conditional Use Permit and is in conformance with the Comprehensive Plan. The proposed zoning is consistent with surrounding non-residential uses and zoning along Republic Road in this area. There will be no outdoor activity with this as all work to be done will be conducted inside an enclosed structure. Staff is recommending approval of the request.

Mr. Lawhon asked if all the conditions, other than flipping the facility and parking lot, are the same as what was entertained previously.

Mr. MacPherson stated they are the same.

Mr. Baird asked if the applicant had not submitted a drawing and building plan and come in with a blank slate, would they have had to go through this process.

Mr. MacPherson stated that with a conditional use permit application we require a sketch because it has to be measured against the twenty-one (21) standards or criteria, which is relevant.

Mr. Edwards opened the public hearing.

Mr. Jonathan Wakefield, 15995 N. Barkers Landing, Houston, Texas, 77079 commented he is the New Store Development Director for Christian Brothers Automotive. Mr. Wakefield gave a brief explanation of why they flipped the building; it came down to signage and in this case affected the site plan.

Mr. McClelland asked if it would be a drive in-back out bay.

Mr. Wakefield said yes.

Mr. Baird asked how access would be given to the property on the north side.

Mr. Wakefield said they are not certain as there has not been a sketch plan from the owners.

Mr. Edwards closed the public hearing.

Mr. McClelland motioned to **approve** Conditional Use Permit 403. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, McClelland, Ray, Lawhon, and Baird. Nays: None. Abstain: Coltrin and White. None. Absent: Young and Hansen.

Zoning Text Amendments:

7. Existing Residential Dwelling in Industrial District (City-Wide)

City of Springfield

Mr. MacPherson commented the purpose of this request is to adopt an ordinance to amend the permitted uses subsections of all industrial districts in the *Zoning Ordinance* to add existing residential dwellings as conforming uses. City Council approved a resolution (Res. 9998) on October 8, 2012, to initiate the Existing Residential Dwellings in Industrial Districts Amendments to the Zoning Ordinance. Staff is proposing to add language to all Industrial Districts to allow residential dwellings that existed prior to being rezoned to the RI, LI, GM, HM or IC Districts to be expanded or rebuilt within eighteen (18) months, if destroyed. This provision is currently permitted in most commercial districts, because many residential dwellings were rezoned to commercial districts during the city-wide rezoning in 1995. In the event the dwelling is converted, demolished or destroyed without being replaced within eighteen (18) months, then the residential use cannot be re-established and only permitted uses in that district can replace it. Staff has observed in the last few years that lending institutions have increasingly focused on conformity of land use relative to the Zoning Ordinance in their approval process, and do not lend to nonconforming uses, as they once did. In some cases it is more appropriate for the property owner to rezone; however, many times the rezoning to a residential district is incompatible with surrounding districts and uses. Staff believes that these amendments will provide property owners with the ability to expand or sell their homes. Mr. MacPherson stated that on several occasions we have been about to collect a neighborhood of properties and assemble them together and rezone those properties with some of these issues, but there are cases where someone has some type of industrial use and they don't want to give up that use or they just think the value of their property is more valuable as a manufacturing use than if zoned residential. Staff has prepared a map (Attachment B) that shows all lots in the City that contain a residential dwelling in an industrial district. Conversely, there could be conflicts with residential dwellings in the middle or immediately next to an industrial use. The noise, odor, bulk plane and bufferyard requirements cannot be used to protect these homes because the requirements are only applied between non-residential and residential zoning districts. Staff submits that this amendment allowing property owner the ability to expand or sell properties outweighs any negative consequence. Development Issues Input Group (DIIG), Urban Districts Alliance (UDA), Environmental Advisory Board (EAB) and Commercial Club and were notified of these amendments and have made no objections to date. Staff recommends approval of the request.

Mr. Edwards opened the public hearing. As there was no one to speak to the issue, the public hearing was closed.

Mr. Lawhon motioned to **approve** Existing Residential Dwelling in Industrial District Zoning Text Amendment. Mr. McClelland **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Ray, Lawhon, White, and Baird. Nays: None. Abstain: None. Absent: Young and Hansen.

8. Veterinary Clinics in CC and COM Districts (City-Wide)

City of Springfield

Mr. MacPherson said the purpose of this request is to amend *Sections 4-3400, Center City District and 4-3500, Commercial Street District*, in the *Springfield Zoning Ordinance*.

Planning and Zoning Commission initiated the discussion of the Veterinary Clinics in CC and COM Districts Amendments at their meeting on February 28, 2013. Planning and Development staff has recently received inquiries where veterinarians have expressed interest in locating in the Center City (CC) and Commercial Street (COM) Districts. Veterinary clinics are defined as an establishment where animals are admitted for examination and treatment by one or more veterinarians and where animals are not lodged overnight. Currently, veterinary clinics are permitted in the General Retail (GR), Highway Commercial (HC), Commercial Services (CS) with supervised outdoor activities, enclosed and screened spaces and located more than twenty-five (25) feet away from any residential use or district. Staff is proposing that this same use be permitted in the CC and COM Districts. Staff believes that these services are consistent with these districts and with the restrictions on outdoor use can be compatible with certain areas of the downtown and Historic Commercial Street. Development Issues Input Group (DIIG), Urban Districts Alliance (UDA), Environmental Advisory Board (EAB) and Commercial Club were notified of these amendments and have made no objections to date.

Mr. Edwards opened the public hearing. As there was no one to speak to the issue, the public hearing was closed.

Mr. McClelland motioned to **approve** Veterinary Clinics in CC and COM Districts Amendment. Ms. White **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Ray, Lawhon, White, and Baird. Nays: None. Abstain: None. Absent: Young and Hansen.

OTHER BUSINESS:

10. Initiate Zoning Text Amendment for Residential Uses in HC District

City of Springfield

Mr. MacPherson stated that currently the Office, Limited Business, General Retail, Center City and Commercial Street Districts allow for residential uses located above and behind non-residential uses. They permit residential uses provided that such uses are located above the first floor or behind non-residential uses so as to promote continuous non-residential uses on the first-floor level along all street frontages. This encourages mixed use development which reduces auto dependency, roadway congestion, and air pollution by co-locating multiple destinations while providing more housing opportunities. It is another method of working towards infill. Staff requests the Commission initiate amendments to the Zoning Ordinance to permit residential uses above the first floor and behind nonresidential uses in the Highway Commercial District. By approving this bill Commission does not change anything in the ordinance but initiate the discussion that would be followed up with further staff reports for continuing discussion. Staff is recommending approval.

Mr. Edwards opened the public hearing. As there was no one to speak to the issue, the public hearing was closed.

Mr. Ray motioned to **approve** to initiate Zoning Text Amendment for Residential Uses in HC District. Mr. Baird **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Ray, Lawhon, White, and Baird. Nays: None. Abstain: None. Absent: Young and Hansen.

Mr. MacPherson noted that there are no new cases for the March 21, 2013 meeting and the meeting will be cancelled. Mr. MacPherson thanked Commission for meeting two weeks in a row to catch up after the delays with weather.

Mr. MacPherson reminded Commission members about the joint Commission/City Council luncheon on March 12, 2013 at noon in the 4th floor Busch Building Conference room. There will be discussion about connectivity, but more importantly, we seem to have conflicts when there is development along primary arterial corridors where they are adjacent or abutting a residential neighborhoods. There will be some discussion about infill development using existing infrastructure and development along corridors and how we deal with the conflict with the neighborhoods.

Mr. Edwards asked if there will be a copy of the Growth Management and Land Use Plan available for Council members to review. They have not ratified the field guide yet, but this is addressed thoroughly in that under the Activities Centers and he feels it may be useful.

Mr. MacPherson said they can have that available adding that they have a power point presentation that has a map included that has the activities centers located along the corridors.

There being no further business, the meeting was adjourned at approximately 7:25 p.m.

Michael MacPherson

Michael MacPherson
Principal Planner