

MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: April 4, 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, Jim Hansen, Jason Ray, Shelby Lawhon, Gabrielle White; Michael MacPherson, Principal Planner; Bob Hosmer, Senior Planner; Nancy Yendes, City Attorney; Dawne Gardner, Public Works; Todd Wagner, Public Works; Matt Schaefer, Senior Planner; Sandy Goddard Administrative Assistant. Absent: Phil Young

ROLL CALL:

APPROVAL OF MINUTES: The minutes of March 7, 2013, were approved unanimously.

COMMUNICATIONS:

Mr. MacPherson introduced Mr. Bob Hosmer as the Principal Planner assigned to Planning and Zoning Commission as the staff representative effective April 19, 2013, adding Mr. Hosmer is familiar with city rules and the City is fortunate to have someone promoted from within. Mr. MacPherson stated he will be at the April 18th meeting and thereafter Mr. Hosmer will be representing the City. Secondly, on the agenda there are two items, item No. 3, Z-04-2013 and No. 4, Degraffenreid-Wood 3rd Addition Preliminary Plat that can be considered together with Commission approval, as they are related cases.

1. **Vacation 755**

MBH, LLC

(305 E. Walnut north of alley)

Mr. Baird recused himself from the case.

Mr. MacPherson stated the purpose of the case is to vacate a portion of a public alley width measuring nineteen feet, eight inches (19'8") wide in the alley to the north of what is known as the Vandivort Center. That facility is being converted into a Boutique Hotel and the reason for the vacation is to accommodate some additions to the building. The alley was deeded to the City in 1907. The proposed vacation will not adversely affect public or private utilities and serves no useful purpose to the public as the alley is wide enough to allow for this vacation and still have twenty (20) feet of public alley to maintain public access and fire protection. Twenty (20) feet of alley will remain as public right-of-way. The existing alley is thirty-nine and eight inches (39'8") wide. The proposed vacation meets the approval criteria for vacating right-of-way. Today, Commission was e-mailed agreements that had been reached between City Utilities and Media-Com with regard to easements and conditions had been met. If Commission approves the Vacation request, it will be final here and will not go to City Council. Staff is recommending approval of the request.

Mr. Edwards opened the Public Hearing.

Mr. Patrick Neuber with Bates & Associates Architects, 433 W. Walnut Avenue, stated he is representing MBH, LLC. The vacation will allow them to add additional rooms and increase the revenue from the hotel. This will provide another connecting pedestrian link as well. Mr. Neuber stated he is available for

questions.

Mr. Hansen questioned what would be at the rear of the building.

Mr. Neuber said there will be three (3) floors of guest rooms, a meeting room on the first floor that looks out over the alley and a small outdoor patio which is at street level and a rear entrance to the building.

Mr. Edwards closed the public hearing.

Mr. Lawhon motioned to **approve** Vacation 755. Mr. Coltrin **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Hansen, Ray, and White. Nays: None. Abstain: Baird. Absent: Young.

2. **Z-03-2013 w/Conditional Overlay District No. 56** **Roman Catholic Diocese of Springfield**
(424 E. Monastery)

Mr. MacPherson stated the purpose of the request is to rezone approximately 11.87 acres of property generally located at 424 East Monastery Street from an R-SF, Single Family Residential District to a HC, Highway Commercial District and establishing Conditional Overlay District No. 56. The Catholic Charities will use the vacant monastery building for administrative and corporate offices, classrooms, counseling offices and will continue to use the property for church related purposes. The Catholic Charities will also be using the facility for a transitional service shelter as a crises maternity home. The Conditional Overlay District will limit uses within the HC, Highway Commercial District to only three uses; church uses, commercial gardens, and transitional service shelters. Mr. MacPherson reviewed Exhibit C, the conditional overlay district provisions which clearly eliminate virtually every other use there is in the Highway Commercial District. The reason HC was chosen is because it is the lowest zoning district that allows for the transitional service shelter and the applicant has been willing to condition out all the other uses that might be offensive to the adjoining neighborhood. There were seventy (70) invitations sent to an open house meeting on February 6, 2013, during which Catholic Charities described the uses that would occur at the facility. One phone call was received from a person whose concern was the possibility of motels and other high retail uses at the location. Mr. MacPherson relayed to the caller that the applicant was proposing a conditional overlay district to prohibit those uses. At the meeting, there were no negative comments made about the proposed use while several expressed support of the project. The Growth Management and Land Use Plan of the Comprehensive Plan designates this area along the Kansas Expressway corridor as appropriate for medium-intensity retail, office and residential uses. The proposed project is within the James Freeway and Campbell Avenue activity center, which allows for development of community facilities such as churches. 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 Highway Commercial District as well as limiting the permitted uses to church uses, commercial gardens, and transitional service shelters. Staff is recommending approval of the request.

Mr. Hansen asked for the definition of the transitional service shelter.

Mr. MacPherson stated that the transitional service shelter is one that has occupancy for more than thirty

(30) days which it distinguishes it from the emergency shelters. In this particular case this shelter is designed specifically to accommodate unwed expectant mother that will be there for an extended period of time; counseling services will occur which are considered to be accessory uses to the primary use of the shelter itself.

Mr. Hansen asked if the transitional service shelter could shelter other types of clients as well as pregnant women; at present they plan on sheltering crisis pregnancies, but it could be homeless men in the future.

Mr. MacPherson stated the transitional service shelter could shelter other types of clients and it could possibly be that, but that is not the intent of this. That would be a question for the applicant.

Mr. Edwards opened the Public Hearing.

Mr. Mike Cherry, 1456 S Bright Oak, Springfield, stated he is the president of the Board of Directors of Catholic Charities and Executive Director Maura Taylor is in attendance as well. The intent is to only house homeless pregnant women for a period of time to receive proper care during pregnancy. There will be self-sufficiency classes and financial budgeting and healthy family lifestyles, so there is no intention of housing anyone other than pregnant women. There would not be a change of a male partner being there. Mr. Cherry said he is available for questions.

Mr. Edwards closed the public hearing.

Mr. Lawhon motioned to **approve** Z-03-2013 w/Conditional Overlay District No. 56. Mr. McClelland **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Hansen, Ray, Baird, and White. Nays: None. Abstain: None. Absent: Young.

3. Z-04-2013 &

4. Degraffenreid-Wood 3rd Addition
(2001 West Walnut Lawn)

Bobby Dean Wood

Mr. MacPherson stated he would start with the Plat which will lead into the zoning. This request is to approve a preliminary plat to subdivide 12.27 acres into a two (2) lot subdivision, including a subdivision variance. The applicant is proposing a two (2) lot commercial subdivision concurrently with a rezoning of Lot 1 to a GR, General Retail District. Lot 2 will remain within Planned Development 103. The applicant is requesting a subdivision variance to pay a fee-in-lieu of constructing sidewalks along a portion of Cox Road (approximately 115 linear feet). The sidewalk fees will go to a fund that will be used for future sidewalk projects benefiting elementary schools in the area. Staff supports the requested variance because the location along the northwest corner is a major drainage area, referred to as lot two (2), and in order to build sidewalks, the culvert would have to be extended that runs under the street. The City annexed this property from the county and in future there are road improvements planned to expand Cox and the City would propose at that time that once the culvert is expanded that the remainder of the sidewalk would be connected. There are utilities located in that particular section of the northwest corner which would have to be moved. It is not economically feasible to do that now and Public Works supports the variance request. With the exception of the subdivision variance which we are asking you to consider for approval, everything meet the requirements of the subdivision and staff is recommending approval of the plat.

Mr. MacPherson continued with Z-04-2013, stating the purpose of this request is to rezone approximately 4.49 acres of property at 21001 West Walnut Lawn Street from Planned Development 103 to a GR, General Retail District. The applicant is proposing to rezone the property from Planned Development 103 to a GR, General Retail District. This will increase the number of permitted uses allowed on the property. This will also allow a crematorium to be installed in the existing funeral home which was not permitted in the existing PD. The Growth Management and Land Use Plan of the Comprehensive Plan designates this area along the Kansas Expressway corridor as appropriate for medium-intensity retail, office and residential uses. General Retail is one of the zoning districts recommended in these areas. The GR District is intended for uses that provide community-wide personal and business services, shopping centers and specialty shops. Commercial uses permitted in this district are generally required to conduct business activities indoors. The need for community-wide accessibility dictates that this district be located along or at the intersection of two or more arterial or higher classification streets (Kansas Expressway & Walnut Lawn). Staff believes the subject site meets the recommendations of the City's Comprehensive Plan and intent of the GR District. The Zoning Ordinance requires a Bufferyard "F" between the General Retail District and adjacent R-SF, Single-Family Residential districts to the north. The Bufferyard "F" requires a minimum open space of twenty (20) feet wide with the following plantings per one hundred (100) linear feet: three (3) canopy trees, three (3) understory trees, four (4) evergreen trees and twenty (20) shrubs. A six-foot solid wood fence, masonry wall, solid evergreen hedge or earthen berm is required along the property boundary if a twenty (20) foot bufferyard is provided. If a twenty-five (25) foot bufferyard is provided then a fence, wall or hedge is not required. The bufferyard requirement between the GR and adjacent O-1, Office District to the north, is a Bufferyard "C". The Bufferyard "C" requires a minimum open space of fifteen (15) feet wide with the following plantings per one hundred (100) linear feet: one (1) canopy tree, two (2) understory trees, two (2) evergreen trees and ten (10) shrubs. There are no required structures (i.e. solid fence, wall or hedge) in the Bufferyard "C". The maximum floor area ratio of the GR District is a 0.4 (forty (40) percent of the lot area of the property can be utilized as buildings) and the maximum height of any structure is limited by the thirty (30) degree bulk plane as measured from the boundaries of any residential districts. The applicant held a neighborhood meeting for owners and residents (approximately 11 invitations) within five hundred (500) feet of the subject property on March 11, 2013 at Walnut Lawn Funeral Home (2001 W. Walnut Lawn St.). No one attended the meeting that was held at 5:30 p.m., and there have been no phone calls responding to the letters sent. Staff is recommending approval of the request.

Mr. Hansen inquired about the sidewalk.

Mr. Edwards opened the public hearing.

Ms. Teresa Davison, Heithaus Engineering, 535 W. Battlefield, Springfield, stated they are working with staff to comply with any easements and public works requirements. The owner is available to answer any questions regarding the crematorium and the building. A property owner from the north had a question in relation to noise or odor. Ms. Davison reviewed information regarding operation of the crematorium.

Mr. Edwards closed the public hearing.

Mr. Hansen motioned to **approve** Z-04-2013. Ms. White **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Hansen, Ray, Lawhon, Baird, and White. Nays: None. Abstain: None. Absent: Young.

Mr. McClelland motioned to **approve** Preliminary Plat Degraffenreid-Wood 3rd Addition. Mr. Baird **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Hansen, Ray, Lawhon, Baird, and White. Nays: None. Abstain: None. Absent: Young.

Preliminary Plat:

5. Springfield Plaza Renewal
(3800 West Sunshine Street)

Springfield Plaza, LLC

Mr. MacPherson stated the purpose of this request is to approve a preliminary plat to subdivide 96.31 acres into a ten (10) lot commercial subdivision. The Preliminary Plat for Springfield Plaza was accepted by City Council on August 13, 2007. The Preliminary Plat was renewed in September 2009. A Final Plat for Springfield Plaza Phase 1 was recorded on May 17, 2011, which extended the preliminary plat for an additional two years. This request is to renew the remainder of the property included in the Springfield Plaza subdivision. The applicant's request, with the conditions of approval listed in the staff report, is consistent with the City's Subdivision Regulations. If Planning and Zoning Commission approves the preliminary, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years. This is the renewal of a plat with the exception of one lot, Phase 1, which was developed during the process and they are asking to renew this. Staff is recommending approval of the request.

Mr. Edwards opened the public hearing.

Mr. Derek Lee, Lee Engineering, commented he is available to answer questions.

Mr. Hansen asked if there are any plans for this site in future.

Mr. Lee commented there are no contracts to develop it right now.

Mr. Edwards closed the public hearing.

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

6. In and Out Subdivision
(2233 N. Glenstone Avenue)

Glen Ray Atkinson

Mr. MacPherson commented that the purpose of this request is to approve a preliminary plat to subdivide 2.26 acres into a two (2) lot commercial subdivision, including a subdivision variance. The current regulations require right-of-way dedicated on streets based upon the classification of the street. Public Works has reviewed this request; this request would normally require fifty (50) feet of right-of-way and the Director of Public Works has determined that they will not need fifty (50) feet of right-of-way. The applicant has asked, and Public Works has agreed, to reduce the dedication of right-of-way which would require a subdivision variance. We are looking at ways to modify that in future so we can do these things administratively when it is obvious we will never use that right-of-way. The request is reduce the required

right-of-way from fifteen (15) feet to five (5) feet on Turner Street. Mr. MacPherson referred to an underground detention and difficult issues dealing with stormwater issues and the applicant has elected to build underwater detention to store the water. Some of that is under a parking lot and Public Works has agreed to that. The remainder of the plat meets all the conditions of the Subdivision Regulations and staff is recommending approval.

Mr. Edwards opened the public hearing.

Mr. Bart Collins, 1625 E. Primrose, representing the applicant, commented that he is available to answer any questions.

Mr. Hansen asked about the underground detention and the type of structure it is.

Mr. Collins referred to the display of how the property looks today and showed where the detention sets. The intention of this purchased lot with two (2) acres was to split this in to, so the detention can service both lots. It is already in place and there will not be any changes to it, the development of the north lot will meter into this and out so there won't be any new detention requirements.

Mr. Hansen asked about the coverage ratio and if it is a concrete tank.

Mr. Collins said when Anderson did the original design of this underground detention just to service the building of both of these lots so those impervious calculations come in there and size the underground detention accordingly.

Neil Brady, Anderson Engineering, explained the structure of the detention tank and how it operates. The intent was for maximum development on both lots.

Ms. Nan Holland, commented she is a Zone One resident, stating her address is on file with the City Clerk. Ms. Holland commented on the lack of development on the north side of Springfield, expressing her lack of understanding of why this is so. Ms. Holland said she is glad this is up for consideration to be developed, stating this is one step for redevelopment of the north side.

Mr. Hansen asked Ms. Holland if she is in favor of this issue.

Ms. Holland said she is.

Mr. Edwards closed the public hearing.

Mr. Edwards commented that everyone is concerned with development being evenly spaced across the city and feels there have been some step taken in recent years to make that happen and getting investors to be there.

Mr. Coltrin commented that there is a group called the North Springfield Betterment Association which meets on Thursdays at 11:45 at Cox North. If Ms. Holland is interested in helping the north side of Springfield improve and grow, it is a group of business people who get together every month to do that very thing and would welcome her participation.

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

OTHER BUSINESS:

7. Woodruff Redevelopment Plan
(331 & 333 E Park Central)

Woodruff Redevelopment Corporation

Mr. Matt Schaefer stated the purpose of this request is to approve the Redevelopment Plan for the Woodruff Redevelopment Area. The applicant has submitted an application requesting partial real property tax abatement pursuant to Chapter 353, Missouri Revised Statutes (RSMo) for a proposed redevelopment project located approximately two blocks east of Park Central East along the west side of North Jefferson Avenue between East Olive Street and Park Central East. The application includes a redevelopment plan, which the Springfield Planning and Zoning Commission shall review for conformance to the Springfield-Greene County Comprehensive Plan. The Woodruff Redevelopment Area consists of two parcels (0.42 acres), which encompass the site and an adjoining parking lot. The Building functioned as a multi-tenant commercial office building. Due to a decline in occupancy, it now sits vacant and in need of rehabilitation. The Redevelopment Plan proposes to rehabilitate and convert the Building into a residential and commercial mixed-use development that will feature three commercial units on the first floor and 96 market-rate residential apartment units on the upper floors (floors 2-10). The project will include several residential amenities including a theater room, outdoor pool, community gathering space, bellman/concierge, adjacent off-street parking, storage units, and a fitness area. Exterior renovations will include replacing windows, repairing/replacing the roof, repairing existing masonry, and restoring the exterior paneling in accordance with the Secretary of the Interior's Standards for Rehabilitation Historic Properties. Mr. Schaefer reviewed the applicant's request to obtain Chapter 353 Tax Abatement and explained the process; the Small Business Development Loan to the Developer, asbestos and lead-based paint removal and stated the project will utilize both federal and state historic tax credits. Mr. Schaefer reviewed the recommended uses of the site. This building will be a mixed use development located downtown near downtown amenities; retail shopping, restaurants, and schools. The Center City Plan Element notes that the Center City area suffers from physical deterioration and economic obsolescence. The Redevelopment Plan addresses those issues. The objective of the Center City Plan Element is to "Reestablish a unique position for Greater Downtown within the larger market place; one that is of value to the community and its residents." Mr. Schaefer reviewed the numerous benefits of the project, such as new investment in Center City, remove blight and expand and improve the housing inventory within Center City. 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 approval.

Mr. Hansen asked what market rate apartments were and if there is a market for ninety-six (96) apartments downtown.

Mr. Schaefer stated they are apartments that are leasing for whatever the market is; it is not rent controlled. Part of the application included a market study that supported the number of units and the estimated rents that are projected to be collected from those units.

Mr. Coltrin asked if the exterior will remain as it is only cleaned up and nicer.

Mr. Schaefer stated it would be cleaned up and be much nicer. The building will remain blue; that part of the historical character of the structure.

Mr. Coltrin asked with Commission acting on this, does that mean it will get done.

Mr. Schaefer stated with Commission acting on this, it would be forwarded to Council to determine blight and approve the redevelopment plan and authorize property tax abatement.

Mr. Edwards opened the public hearing.

Mr. Tim Roth, 2346 S. Catalina Avenue, stated he is one of the developers.

Mr. Hansen asked about the estimated rents will be on the units.

Mr. Roth stated \$585.00 to \$1300.00 per month; \$1300.00 for a three (3) bedroom. Studio will be \$585.00 and the three bedroom \$1300.00.

Mr. Coltrin asked before the building would receive occupants.

Mr. Roth stated approximately the fall of 2014.

Mr. Baird asked if the project would move forward without the tax abatement.

Mr. Roth said it won't, adding they are going through HUD for a loan as well and described the process.

Mr. Baird asked about parking for the structure.

Mr. Roth stated the parking is diagonal to the north and east, pointing out a vacant lot on the screen. They are in negotiations with the owner on that for purchase. They do not see that to be a problem. There is the ability to park in the parking lot to the south on McDaniel; Warren Davis Properties owns that currently and we have negotiated with him to have access to that as well.

Mr. Hansen asked what the market study says about the downtown area.

Mr. Roth commented they are very hot on downtown; the occupancies are very high downtown and there is demand for that area and in Springfield it mentioned a demand for five hundred (500) plus apartments.

Mr. Baird commented that the project will be a positive element for the area and plans to support it wholeheartedly.

Mr. Edwards closed the public hearing.

Mr. Edwards commented he believes this is a worthwhile project. It appears to have met the necessary requirements, adding he will be supporting the request as well.

Mr. Coltrin stated that he will support this request as well.

Mr. Lawhon commended Mr. Roth and Mr. Miller for taking on this project and noted that the tax abatements, while not within their purview, do facilitate projects such as this coming to fruition and the long term benefits are worthwhile; he is in support of this request.

Mr. Hansen stated that it has been frustrating that there have been many tax abated developments coming before them in the last couple of years. It seems we are getting development but we are not getting the revenue that could in better times. That said, this would seem to be the ideal project for this kind of funding and added he is in support of this request.

Mr. Lawhon motioned to **recommend approval** to City Council the **Woodruff Redevelopment Plan**. Mr. McClelland **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Hansen, Ray, Lawhon, Baird, and White. Nays: None. Abstain: None. Absent: Young.

Mr. Edwards welcomed Mr. Hosmer on behalf of Commission.

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

Michael MacPherson

Michael MacPherson
Principal Planner