MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: November 14, 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: Matt Edwards (Chair), King Coltrin (Vice-Chair), Jay McClelland, Shelby Lawhon, Tom Baird, Phil Young and Gabrielle White; Staff in attendance: Bob Hosmer, Principal Planner; Nancy Yendes, City Attorney; Dawne Gardner and Ron Colson, Public Works; Sandy Goddard, Administrative Assistant. Absent: Ray and Lawhon.

ROLL CALL:

APPROVAL OF MINUTES: The minutes of October 31, 2013 were approved unanimously.

COMMUNICATIONS:

Mr. Hosmer stated he has some information pertaining to parking for multi-family residences; Commissioner White had requested more information. Mr. Hosmer stated he would like to present the information at the end of the meeting.

CONSENT ITEMS:

1. Acquisition 502 — Springfield Public Schools
   (2945 East Pythian Street)

Mr. Lawhon motioned to approve the consent agenda item Acquisition 502. Mr. Young seconded the motion. The motion carried as follows: Ayes: Edwards, Coltrin, McClelland, Lawhon, Baird, Young and White. Nays: None. Abstain: None. Absent: Ray and Hansen.

V. UNFINISHED BUSINESS:

2. Conditional Use Permit 406 — Greg Jacobs
   (1543 West Republic Road)

Mr. Hosmer stated the applicant is requesting approval of a Conditional Use Permit to allow an automotive service garage, specifically tire service and repair, within a GR, General Retail District for property located at 1543 West Republic Road. The site is part of a larger tract of land that is developed with a commercial vehicle training center to the west. Staff recommends approval of this application for the following reasons: The subject property is surrounded by James River Freeway to the north and east and other non-residential development to the south and west. The proposed use is compatible with the existing non-residential development already existing nearby. The subject property is located along Republic Road which is classified as a primary arterial roadway, which is an appropriate location for the proposed use. 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. The Conditional

Use Permit will have three (3) conditions; an automotive service garage is permitted on the subject property as shown on Attachment 4. The driveway on Republic shall line up with the existing driveway to the south. Sanitary sewer shall be extended to the site. Staff recommends approval.

Mr. Edwards opened the public hearing.

Mr. Greg Jacobs, 433 W. Walnut, Springfield.

Mr. Curtis A. Jared, 2870 S. Ingram Mill Road, Ste A, Springfield, commented he is available for questions.

Mr. Edwards closed the public hearing.

Mr. Baird motioned to approve Conditional use Permit 406. Mr. Coltrin seconded the motion. The motion carried as follows: Ayes: Edwards, Coltrin, McClelland, Lawhon, Baird, Young and White. Nays: None. Abstain: None. Absent: Ray and Hansen.

VI. PUBLIC HEARINGS:

3. Z-17-2013 w/Conditional Overlay District No. 62 CSN Properties, LLC.
(1225 S. Ingram Mill & 3302 E. Catalpa)

Mr. Hosmer said the purpose of this request is to rezone 5.32 acres of land located at 3302 East Catalpa Street from an R-SF, Single-Family Residential District to an R-LD, Low-Density Multi-Family Residential District and establishing Conditional Overlay District Number 62. The request includes a Conditional Overlay District limiting the density of the site to 10 dwelling units per acre or to 53 units (only 49 units are being proposed). The Comprehensive Plan 2020 land use map shows the subject site as being developed as Low-Density Housing. The proposed Low Density Multi-Family Residential (R-LD) district zoning is a more consistent land use in proximity to an Expressway roadway (US Highway 65) and a secondary arterial roadway classification (Catalpa Street). Mr. Hosmer stated he has given Commission a handout with the revised conditions being attached to this property:

1. All building exteriors shall be constructed with a minimum of at least 80% masonry on all exterior elevations.
2. All buildings shall be one story or single story construction not to exceed 45 feet in height.
3. There shall be 20-feet wide Bufferyard “B”, with provided plantings, which shall run along the western side of the property, zoned R-SF per attached site plan. There shall be 25-feet wide Bufferyard “B” along the southern property boundary adjacent property zoned R-SF per attached site plan. A landscaping plan shall be submitted conforming to these requirements for building permits.
4. A six (6) feet high wooden fence shall be constructed adjacent to all residentially zoned R-SF property (west and south). These requirements shall be in accordance to the attached site plan.
5. Sidewalks are required along the property frontages of Ingram Mill Road and Catalpa Street.
6. Access on Ingram Mill Road shall be 100 feet from Catalpa Street intersection.
7. Catalpa Street access must be located across from Craig Ave.
8. The property shall be restricted to a fifty-five (55) and elder independent living apartments.
9. Maximum density (du/acre) shall not exceed maximum 10 units per acre.
10. There shall be a 26 feet joint access easement to the south property line from Ingram Mill Road per attached site plan.

Mr. Hosmer stated staff is recommending approval of the request.

Mr. Edwards clarified the 55 and older independent living was added from the previous application.

Mr. Hosmer stated yes, adding the applicant wanted to do that with a Covenant and added it as a condition of the zoning and would be enforceable under the zoning code.

Mr. Edwards opened the public hearing.

Ms. Stephanie Stenger Montgomery, 5051 S. National Avenue, Springfield, commented she is representing the developer, stating this is a completely different plan than was originally presented. They listened to the neighbors regarding the height and density, which were the two main objections, so they found an alternative which is the fifty-five (55) and older housing that are single level buildings that they believe will work on the site so they redesigned the plan which is what Commission is reviewing. Ms. Montgomery stated they met with the neighborhood a second time and had proposed putting a fence only on the west side and the neighbors asked for a fence on the south side so it is now included to have a six (6) foot privacy fence on both the west side and the south side and that the fifty-five (55) and older would be part of this conditional overlay. Ms. Montgomery said they feel this would be appropriate and good for the area, as it is really an eyesore currently. We feel we have addressed the neighbors' concerns and while it is not exactly what they want this is what we can do. This is a zoning case and not a preliminary plat case and in case Commission is wondering this will stay all one lot and will not be coming back subsequently with a preliminary plat to subdivide the property.

Mr. McClelland asked about the garages from the proposed plan.

Ms. Montgomery stated there are different unit sizes in each building, six, seven, and eight units and they will all have parking.

Mr. Rich Nichols, 1332 S. John, Springfield, commented that he bought his home in this neighborhood because it was zoned single family homes. None of his neighbors including him chose to buy or build a home next to an apartment complex. Mr. Nichols stated that they have paid their mortgage, paid taxes, mowed their yards, and maintained their property in a single family neighborhood. The developer wants to come in and create a profit center and build multi-family apartments which immediately adjoin their backyards. Mr. Nichols stated this is their neighborhood; they live there, and raise children there. This is fifty (50) rental apartments that will adjoin their single family development. When apartments are opened with transient movers, and their property values go down, who is responsible for the devaluation of their property. Mr. Nichols asked Commission not to change the zoning on the property.

Ms. Bonnie French, 1324 S. John Avenue, commented she agrees with everything Mr. Nichols discussed. They purchased their home in this neighborhood because of the income bracket they were in and the neighborhood aesthetics. It's a known fact that when you have any kind of development like this the traffic congestion increases, crime rates increase and diminishes and devalues the surrounding area. This is a lovely piece of property with many trees and Springfield is supposed to be a city of trees and we would hate to see the trees come down. Many people walk with their children and their pets on this property and it's a nice neighborhood area. A park or something else would be preferable rather than putting up buildings. The neighborhood did not agree to this second proposition.

Mr. Coltrin asked Ms. French if she wanted to see no development whatsoever unless it's a single family house.

Ms. French said yes or something a bit more refined than what they are presenting. These buildings are not going to be quality, or add to the aesthetics of the neighborhood. The property values will go down and the traffic congestion will go up. There is a bottleneck at Catalpa going onto the highway. Pittman cannot handle more students as they do not have room or money to expand their facilities.

Mr. Coltrin asked Ms. French if she is telling them that a single story development pattern is unacceptable.

Ms. French said single story is ok but not that many units, and asked that they build elsewhere.

Mr. Lawhon noted that Ms. French has said there would be residual effects from the development and asked her what those specific residual effects would be.

Ms. French the population, traffic, the aesthetics of the neighborhood and how it looks. A neighborhood is a part of your life; the interactions with one another which is not the case when you have multi-family. It is not a neighborhood kind of environment. Putting up a fence does not make the neighborhood happy it is a nice view. This property is a nice buffer between their property and the Highway 65 and who would maintain the fence.

Mr. Lawhon asked Ms. French about an e-mail she sent to the City Planning Department which was forwarded to Commission quoting from the e-mail, "It is a known fact that the crime rate rises considerably with these types of developments". Mr. Lawhon stated that since this is restricted to fifty-five (55) and over, what did she base her assertion on.

Ms. French asked who determines who checks that out and determines who lives there.

Mr. Lawhon commented that this is in the overlay, and enforced by the City, to fifty-five (55) and over, so given that age population you believe that would actually increase crime.

Ms. French commented not like other three (3) story buildings, no. It still increases the need for police and fire services; they just want to maintain the quality of life they currently have.

Mr. Lawhon clarified with Ms. French that she had said that their property values would go down asking if she had anything to base that on, any facts or figures.

Ms. French said she does not, it is a personal belief, but in speaking with with residents in other areas about this type of development they have said their property values have gone down. Ms. French said these are their heartfelt concerns.

Mr. Dan Chapman, 1051 South Craig, commented he was here years ago when a developer attempted to put apartments on this same piece of property. He stated there was a lot more in-depth discussion last time than there is this time and he is concerned about the stormwater runoff. North of Craig Street is a large sinkhole which has flooded and the City has had to bring out large industrial pumps to pump the water up Craig Street and send it down Catalpa to alleviate the flooding. The City has bought out two homes he is

aware of because they flooded from the sinkhole. They gave permits to build houses in that sinkhole but it flooded them out. Mr. Chapman stated that when you pave the site and put a driveway right into Craig Street that will not help the current flooding problem. This has not been addressed. The traffic is a big issue. Craig Street is a through street and people use it for a race track. Mr. Chapman said he wants to see his neighborhood upgraded, not go down further than it already has.

Mr. Baird asked Mr. Chapman about his comment regarding access to Sunshine through an alleyway.

Mr. Chapman said traffic wants to get out to 65; the way the intersection was designed, it is a sharp ninety (90) degree turn.

Mr. Baird commented that this property is currently zoned residential single family, but it looks like there could be between forty (40) or fifty (50) houses on this corner if you put in a street or two. Would that be more appealing to the neighborhood than what the developer is proposing.

Mr. Chapman commented it would be hard to imagine how they could get that many houses there and where are the streets to handle this.

Mr. Baird clarified that the developer is proposing to construct something that is less dense on this site and attempting to work with the neighborhood to provide some controls to where it would be more appealing than simply cutting it up into (40) or fifty (50) lots and selling them off and who knows who you end up with as a neighbor.

Mr. Chapman said this is the same thing here; it is a world of difference if you own the home or you rent month to month. That is what we have seen with a couple of houses; this is about a whole area that would become rentals.

Mr. Young asked staff how they will solve the stormwater issue that Mr. Chapman discussed and if it's even an issue.

Mr. Colson stated that the City has reviewed only the site plan on this proposal. They have not been given detailed engineering plans to review. Staff has given the developer initial comments telling them that there are downstream flooding issues with this site and the City will not allow buyout. So they will have to meet the code for detention water quality.

Mr. Edwards noted to the public that the staff report is available for review on the website that contains a comment section on stormwater that is pretty stringent to the developer. They do not get to cut any corners on this discharge.

Mr. Chapman asked if those same guidelines were in affect when they built the Walmart on South Campbell and it flooded South Ferguson Street.

Mr. Jason Pauly, Trustee for 3302 East Catalpa, commented this is his Grandparents home. Mr. Pauly commented the neighbors want to preserve this site as their personal park and as was mentioned, they use it to walk their dogs and walk with their children. It seems they want to keep it their own personal park even though he is paying the property taxes and in the last couple of years it has been on the market, no one has wanted to buy the property as a park. They had the opportunity to purchase the property when it was

for sale residential and no one came forward to do that. Mr. Pauly said that his grandparents are in a nursing facility and the sale of this property will go to provide for their care.

Ms. Rosemary Spencer, 1152 South Craig commented that she wants to see something that will increase her property value, not a park. She commented she thought it was zoned for single family homes and would be happy if they would build that. The traffic is miserable. She commented she would like to see the City of Springfield and Planning and Zoning keep their word; they zoned it for single family and when she purchased her home, that's what she thought it was going to be. She does not want to keep anyone from making a profit, but she wants to keep what she is working for in a profit area. As a taxpayer, she is concerned about the roads; it is not as easy and convenient to get out onto Sunshine as has been said. Will the streets be made wider, and who will maintain them, will they get sidewalks in the neighborhood. Ms. Spencer asked Commission to maintain the current zoning.

Mr. Michael Pauly, 1805 Sara Street, Mtn. Grove, Missouri, commented that the neighborhood is presuming this will be low income housing and it's not, it is senior housing. How many fifty-five (55) and older do you know that are causing problems.

Ms. Mary Barr, 1336 S. John Street commented that she would like to rebut Mr. Pauly's assertion that fifty-five plus will keep crime down and keep less children in the neighborhood. How many grandparents are now raising their grandchildren and having their children come back home and live with them. Who will police that once these facilities are rented? Pitman School is at capacity.

Mr. Coltrin asked to clarify the children issue.

Ms. Barr stated she is not against children, or children being on the property, she is against overcrowding of the grade school that is at capacity right now. Over sixty-five percent low income that have to have their lunches paid for. That can happen in a facility like this and who will monitor it.

Mr. Brent Stevens, H. Design Group, 5051 S. National commented he wanted to address a couple of points as he is working with the developer on this project and they have been looking at this neighborhood for some time. This is not an apartment complex. They had a second neighborhood meeting with a new proposal and felt they had made good progress, so they are perplexed at hearing some of the comments made, but understandable. This will be a high quality development maintained by property management. It will have security and the landscaping will be maintained. It is designed for fifty-five and older demographic. Mr. Stevens discussed the density relating it to where they are at and what they have available, reviewing the number of possible units and what they are proposing. This proposal will be developed within the required guidelines. Traffic is offsetting to the normal peak hours for the fifty-five and older demographic, in their opinion. Compared to a residential single family district, they believe it will be less and the same with the children. Mr. Stevens commented they feel this will enhance the neighborhood.

Mr. Edwards asked about the security for the facility.

Mr. Stevens stated there would be a security system with people that come through and monitor the system at night.

Mr. Coltrin asked if this overlay district will guarantee that this is what the neighborhood will get when they get to the end of this process; is that what you are telling Commission will happen at the end of this process.

Mr. Stevens stated absolutely.

Ms. White asked who will be responsible for the management of the property after leasing.

Mr. Stu Stenger, 5051 S. National commented he is representing the developer. The property management is contracted through Professional Property Management Companies that do the leasing and are in charge of the overall maintenance. It is more of a community feel. It adds value to the neighborhood.

Mr. McClelland asked Mr. Stevens to explain in layman's terms about the stormwater drainage so that everyone can understand.

Mr. Stevens explained that the rate of runoff that is currently coming off the property pre-developed cannot increase the rate at which the stormwater comes off after development.

Mr. Baird asked about the fence along the south and the west side of the property, asking what the developer is proposing for materials.

Mr. Stevens said a six (6) foot tall wood privacy fence.

Mr. Tyler Dobbins, 1352 S. Gelvan, asked about the rental prices of the property.

Mr. Edwards stated they do not have any jurisdiction on that and do not take into consideration regarding the zoning.

Mr. Dobbins asked if they are not able to fill the facility, will they look at possibly rezoning the property at a later date so it doesn't have to be fifty-five (55) and older.

Mr. Edwards stated they the owner would have the opportunity to request that, however, having come before the Planning and Zoning Commission and requesting this proposal based on their testimony that this is what they want to build; they would have an awfully hard time getting that through Commission and City Council.

Mr. Dobbins asked in regards to the rezoning of the area, why it couldn't be rezoned to RTH which would be more for eleven (11) units per acre because it would be more appropriate to the area and help the property values in the area.

Mr. Edwards stated that theoretically it could be, but that is not want the applicant is asking for.

Ms. Eva Hindman, 1201 S. John, asked about the maintenance of the privacy fence, between her fence and their fence.

Mr. Hosmer stated the developer would want to work with the property owners.

Mr. Stevens stated they build the fence back to back; if they want to take their fence down they are welcome to do that, but to make it uniform across the property, they build it as close as possible so there is no middle space.

Mr. Edwards closed the public hearing.

Mr. Lawhon commented they do not know what an outcome will be when something is passed, until several years down the road and whether it is a positive fit for this neighborhood. Mr. Lawhon commented he has listened to the neighbor's concerns about traffic, stormwater, crime, and schools, that have been voiced asking if this is going to help the area or make it worse; will the developer live up to the contract they have presented to Commission. Mr. Lawhon stated he would be willing to live next to this proposed development and supports the request.

Mr. McClelland stated he walked the area; the excess at the school is a problem. The developer is going to bring a good aesthetic to the neighborhood. The developer is making a contract with the City of Springfield to do what they have said, stating he will be supporting the request.

Mr. Coltrin stated the fifty-five (55) and older have been a good addition to the area near his office; the traffic is minimal and they have not been a problem, adding that he would be willing to live next to this proposed development given everything that could potentially go there. Mr. Coltrin stated he would support the request.

Mr. Edwards commented someone made the statement earlier about whether their feelings on this matter are important to Commission. Mr. Edwards stated that in his view, comments are important. Commission has seen many cases like this, neighbors concerned about what's going to happen to them when any development moves in. Many times it comes down to whether the applicant/developer has fulfilled their obligations under the law to execute their property decisions in the way that they want. Developers have rights as well. Property owners who own this property have rights. A gentleman earlier stated the property in question had been on the market for three (3) years and no one had approached him to develop it into single family homes or to buy it and create a park. Mr. Edwards commented it has been stated they will have security there and he has no reason to believe otherwise. He is comfortable with the site plan.

Mr. Baird motioned to approve Z-17-2013 w/Conditional Overlay District No. 62 . Mr. McClelland seconded the motion. The motion carried as follows: Ayes: Edwards, Coltrin, McClelland, Lawhon, Baird, Young and White. Nays: None. Abstain: None. Absent: Ray and Hansen.

There being no further business, the meeting was adjourned at approximately 7:45 p.m.

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Bob Hosmer, AICP
Principal Planner