

MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: February 6, 2014

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), Jim Hansen, Jay McClelland, Jason Ray, Tom Baird, Shelby Lawhon, Phil Young, and Gabrielle White; Staff in attendance: Ralph Rognstad, Director of Planning & Development, Bob Hosmer, Principal Planner; Nancy Yendes, City Attorney; Dawne Gardner and Ron Colson, Public Works; Sandy Goddard, Administrative Assistant. Absent: None.

ROLL CALL:

APPROVAL OF MINUTES: The minutes of January 9, 2014 were approved unanimously.

COMMUNICATIONS:

Mr. Hosmer asked that Agenda item 11 and 15 be heard together as they are both part of the same property. Agenda item 12 has been tabled to February 20, 2014 meeting.

CONSENT ITEMS:

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| 1. <u>Initiate Bufferyard & Open Space Amendments</u>
(City-Wide) | <u>City of Springfield</u> |
| 2. <u>Relinquish Easement 801</u>
(3800 West Sunshine Street) | <u>Springfield Plaza, LLC</u> |
| 3. <u>Relinquish Easement 802</u>
(4109 South National Avenue) | <u>Pasta Holding, LLC</u> |
| 4. <u>Relinquish Easement 803</u>
(906 South National Avenue) | <u>Executive Board of Missouri Baptist Convention</u> |

Mr. Baird motioned to **approve** the consent agenda items. Mr. Lawhon **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, Hansen, McClelland, Ray, Baird, Lawhon, Young, and White. Nays: None. Abstain: None. Absent: None. (9/0)

PUBLIC HEARINGS:

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| 5. <u>Vacation 767</u>
(1105 West Pacific Street) | <u>City of Springfield</u> |
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Mr. Hosmer noted the purpose of this request is to vacate a twenty (20) foot strip of land the City acquired

for street purposes and is not longer needed located at 1105 West Pacific Street. The City of Springfield is the applicant. Staff is recommending approval.

Mr. Edwards opened the public hearing. As there were no speakers to the issue, the public hearing was closed.

Mr. Hansen motioned to **approve** Vacation 767. Mr. Young **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, Hansen, McClelland, Ray, Baird, Lawhon, Young, and White. Nays: None. Abstain: None. Absent: None. (9/0)

6. Vacation 768
(2004 West Jefferson Avenue)

City of Springfield

Mr. Hosmer stated the purpose of this request is to vacate right of way adjacent to property located at 2004 North Jefferson Avenue which is no longer needed by the City. The City of Springfield is the applicant and staff recommends approval.

Mr. Edwards opened the public hearing. As there were no speakers to the issue, the public hearing was closed.

Mr. Young motioned to **approve** Vacation 768. Mr. McClelland **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, Hansen, McClelland, Ray, Baird, Lawhon, Young, and White. Nays: None. Abstain: None. Absent: None. (9/0)

7. Vacation 769
(1523 North Main Street)

City of Springfield

Mr. Hosmer commented the purpose of this request is to vacate an alley located on the west side of the 1500 block of North Main Avenue, north of 1523 North Main. The City of Springfield is the applicant and staff is recommending approval.

Mr. Edwards opened the public hearing. As there were no speakers to the issue, the public hearing was closed.

Mr. Ray motioned to **approve** Vacation 769. Mr. Baird **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, Hansen, McClelland, Ray, Baird, Lawhon, Young, and White. Nays: None. Abstain: None. Absent: None. (9/0)

8. Z-01-2014 w/Conditional Overlay District No. 66
(1800 West Republic Road)

Warner Groover Tract

Commissioner Edwards and Commissioner Coltrin recused themselves from the hearing.

Mr. Baird assumed Chair responsibility.

Mr. Hosmer stated this is a request to rezone approximately twenty (20) acres of property generally located at the 1800 block of West Republic Street form a GR, General Retail District and R-SF, Single Family

Residential District to a GR, General Retail District and establishing Condition Overlay District No. 66. The Conditional Overlay District will limit the uses for the southern tract and provide for access for both tracts to Republic Street as well as providing access to the future extension of Kansas Expressway. Nineteen (19) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request. There have been some comments submitted that are a part of the staff report packet with questions about flooding and traffic concerns. This request is intended to allow the property to be redeveloped for the one of the three potential sites for the Veterans Clinic. The accompanying Conditional Overlay District would require the developer to provide access locations to Republic Street and to the future extension of Kansas Expressway for both tracts since the southern tract does not currently have public access as well as limiting the GR uses on the southern tract. The Growth Management and Land Use comprehensive plan element designates this area as High intensity Retail, Office or Housing on the northern tract and Medium Intensity Retail, Office or Housing on the southern tract. The subject property is also located near the James River Freeway and Kansas Expressway Community Activity Center where the city encourages locations of significant business and high-density housing developments. Republic Street is classified as a primary arterial roadway and Kansas Expressway is classified as an expressway roadway. These roadways are appropriate locations for GR uses. This request will provide for the redevelopment of this site and is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure. When the property is developed it would have to meet the City's stormwater regulations at the time of development and a traffic study would be provided as well. The conditions attached to the property are contained in Exhibit C of the Staff Report which Commission has before them. Staff recommends approval.

Mr. Baird opened the public hearing.

Mr. Geoffery Butler, 319 N. Main, stated he is representing the applicant. This is a complex situation where there are two (2) ten (10) acre tracts that have not have been through the subdivision process. There is a future arterial that is going to be extended, but neither of these tracts have control over it. They can't extend it. The south tract is landlocked, but this provides for the development of that south tract; along with the north tract provides for the cooperation between the two tracts to provide access to the front tract to Kansas where it is constructed. This provides access to the south tract to Republic Road. This in one of three (3) sites national developers have proposed to the Veteran's Administration for this clinic. It takes both tracts for the proposed clinic. The clinic is approximately ninety thousand (90,000) square feet and it can be built on the front tract, but there is not enough parking or stormwater are so it takes the south tract for the additional parking and stormwater to make it work. Mr. Butler discussed the topography of the area in relation to the location of the stormwater detention for the entire development. This will create a huge buffer between the residential area and the development. The clinic will be on the north ten (10) acres so it will actually be far away from the residential areas. The parking will be on the south tract. Republic Road is an arterial and there will be full access on the far east end of the development and a secondary access will be west of that but still a fair distance away from the intersection of Kansas. A traffic study will be necessary and there may be improvements necessary on Republic Street. At this time there are no funds available to extend Kansas Expressway south. Mr. Butler stated they are trying to set this up so that the property can be developed, the clinic can go in and it would work fine and when Kansas is built, it will work better.

Mr. Hansen asked the direction the water would go from the detention asking if it goes south and east when it floods, wondering when this stormwater hits the next residential area.

Mr. Butler stated it would head due south as it does currently. Mr. Butler pointed out the county line stating all the tracts through there are large residential tracts indicating the back yards adding there were some flooding problems several years ago but the way the ordinances are written the goal is to mitigate any kind of stormwater. They will catch the current stormwater that's there and let it off at a regulated rate. It will be no worse than what it is now and hopefully better.

Mr. Hansen asked if this is one (1) tract asking if the south tract, the Warner tract, have cross access through the Groover tract.

Mr. Butler stated this is two (2) tracts and will remain two (2) tracts, adding yes it is part of the overlay district.

Mr. Paul McCune, 4615 South Kansas, stated that he lives on a small acreage downstream of the proposed twenty (20) acre development, west of Kansas Avenue and halfway between Republic Road and Weaver Avenue. Their home is accessed by a long drive which crosses the two (2) forks of Workman's Branch, those being the east branch, that being Quail Creek Subdivision and apartments of that surrounding area and the west branch which drains the Price Cutter development, Wendy's, Aldi's, and those neighboring properties. This also includes approximately half mile of James River Freeway. Both of these watersheds converge at the point of Mr. McCune's driveway where a bridge was constructed by Burke Bridge Company soon after they moved there in 1982. Over the last thirty-two years they have had two sewer lines constructed across their property at two different times; three fourths (3/4) of an acre has been condemned and purchased by the County for construction of Kansas Avenue extension. Urban runoff has been increased not just substantially but exponentially by the impervious surface of the freeway, the fast food developments, Remington's, the Price Cutter development and the various churches along Republic Road, the western part of Quail Creek Subdivision and those apartments and nursing home; the freeway and a multitude of other commercial properties with asphalt parking lots and mostly impervious surfaces. Their property lies just downstream one quarter (1/4) mile from the city limits which excludes them from those protections afforded property owners within the city limits. Yet since water flows downhill they still receive the effects of water runoff from development within the City. In April 2001 they had a startling awaking to what was happening as a result of these developments. Both branches of Workman's Branch flooded with water overflowing Kansas Avenue and rising to the level of their front yard and flowing against the foundation to a depth of several inches. Within the next year they spent approximately eighteen (18,000) thousand dollars to have a two foot levy construction along the waterway through their property for which they hoped would be protection from future flooding. The following year a similar rain event occurred, this time coming up on the new levy almost over the top, approximately eighteen (18) inches higher than the year before. At this point they realized it was imperative they do something radical. These developments had created a condition would ultimately be flooded and they could not attempt to sell their home under this condition. They decided to hire a house mover to raise the home, contracted with a construction company due to the accompanying work to construction a foundation and fill around the new construction costing some sixty (60,000) thousand dollars which incidentally was a bargain considering all the work that was involved. They had no choice but to pay these expenses themselves as neither the City nor the County was able to offer any help with the situation which had been created as a result of development. Mr. McCune stated all this history is needed to let the Commission realize what they are up against with any new development particularly one of this size; twenty acres. What the applicant is proposing is another twenty (20) acres of mostly impervious surface. We property owners have been assured time and time again in the past and still now that development is not allowed to occur without

detention facilities to prevent additional runoff. At the same time there apparently exists a buy-out policy by which the Price Cutter development was allowed to occur where a developer can simply put up funding to bypass the detention requirement. This may have been used in other instances in their watershed. Monitoring the construction within their watershed over the years indicates that some construction was done with very responsible detention engineering, but at the same time other modifications were done with deliberately increased runoff; for instance the opening up of the sinkhole just north of Republic Road to reduce detention. We as property owners are not civil engineers but as observers of the evolution of development within their watershed it is clear that quite a variety of watershed management techniques are utilized. Some appear to be responsible and others appear to be at the whim of political considerations or expediency. We realize it is inevitable that development will continue to take place and the establishment of a Veterans clinic is needed and will be a good thing for the veterans of the area, but in a broader context we question the wisdom of creating another twenty (20) acres of impervious surface that's already in an overdeveloped fan shaped watershed. This slow funnels all the runoff from us northward to the other side of James River Freeway through their property, with the width of three quarters (3/4) of a mile of mostly asphalt and buildings. If this does happen we would as the Planning and Zoning Commission authorities make absolutely sure there is adequate detention and that the developer is required to provide maximum detention requirements.

Mr. Hansen asked Mr. McCune to point out his property on the overhead display.

Mr. McCune pointed out his property and how everything is funneled down through his property and both branches go north of Republic Road so if there is a lot of impervious surface running through their yard so his concern is to make certain detention is done responsibly and reliably. Their home is the only home that is directly down from this watershed that is affected because this area is late in being developed. They are in a unique situation.

Mr. Alan Zablocki, 1753 W. Camino Lane, commented they live just south of the Warner tract of this property and have some concerns. When purchasing a home would anyone buy a home next to land that was zoned as General Retail? There is a difference between houses being put on that land verses a business. If the rezoning happens there is no guarantee that the VA facility is going to be built there; anything could be built there and as a home owner, does not want commercial property right at their backyard. As a property owner, we have to take into consideration the value of their properties as well. The flooding has become progressively worse since building ten (10) years ago and as homeowners, they are skeptical about what the engineers tell them about flood control basins effectively catching stormwater. For example the Christian Church at the corner of Kansas and Republic, they built a new parking lot and constructed a large catch basin and there is never any water in it. That water is going somewhere other than where the engineer said it would go. We are concerned that that volume of water pouring through there may lead to a creation of sinkholes, which totally destroys a home's value.

Mr. John Brown, 1669 W. Camino Lane commented that what Mr. Butler called a ravine runs through his back yard. That ravine was a shallow little ditch when he purchased the property seventeen (17) years ago. He created a waterway so he would not have any problems with the ditch, and that same little waterway is now down to bedrock. He had a concrete slab raised across his property and it's gone. Mr. Brown stated he has lost two trees and about to lose another. Mr. Butler described that little runoff as not a problem. On north Republic Road, after a quick survey, there are six (6) strip malls with no detention, there are five (5) stores with no detention and there is a large motel/apartment complex that has not detention. It drains off in a little grassy area which is flat. There is a bank to the east of there with no detention. When

Remington's was built they build a large detention basin and Wendy's is now sitting on top of it because it was filled in. Price Cutter did a buyout. They have added one and one third (1 1/3) miles of curb highway that has not detention. It runs down the road to drop-offs. Mr. Brown stated after talking with the City, they dug out a big sinkhole on the north side of Republic Road, adding that right now he has thirteen (13) holes in his yard where water bubbles up. Three are above the elevation of his home. One is thirty-six (36) inches across and seven foot deep; looks like an un-dug well. The last rain filled it in. It will blow out as soon as they get spring rains. The neighbor to south of him has a flooding problem; he put a concrete apron in his road, costing twelve hundred (1,200) dollars and this spring, it flooded again. He put another culvert underneath the road with the existing culvert and it's still flooding. The City tells them they will regulate this, but they don't do it. When he moved to his property, there was a three by three (3x3) foot culvert underneath Republic Road and now its six foot and you can drive a limousine in it. The culvert under his road on his property is 4x5 foot and it won't carry the water anymore. So if the runoff is not draining any quicker then why is the culvert so big. Mr. Brown discussed the easement on the west side of both properties and across the south side of the Warner property stating it is a twenty (20) foot easement, so that concerns the access to Kansas Expressway when it is developed. Mr. Brown asked Commission to deny the request.

Mr. Baird closed the public hearing.

Mr. Hansen asked staff what they know about the strip malls and parking lots that don't have detention. Were they all the result of buy-out or were they from a time before there was concern for such things.

Mr. Hosmer deferred the question to Stormwater engineering.

Mr. Colson stated after a research discussion there has only been one buy-out at that location and that was Price Cutter. James River Freeway and road widening did not include detention. All other development has gone through the City and met City Code for detention requirements.

Ms. White clarified that one of the conditions of this request is that no payout would be considered in lieu of construction of detention facilities; this would not occur here.

Mr. Hosmer stated at time of development they would have to meet stormwater regulations.

Mr. Colson said that is correct.

Ms. White noted it is obvious there had been a conversation with these people previously and staff is aware that this is an ongoing problem. She asked if there is any other conversation about stormwater that is looking at this particular area that might have some mitigation other than this particular development.

Mr. Colson stated no not right now.

Mr. Hansen asked if the Warner tract is on the city line; is everything south of that tract outside the city.

A member of the audience stated yes.

Mr. Hansen clarified that this is just one of three (3) potential development locations for the Veterans Clinic.

Mr. Hosmer stated that is correct. One of the sites is by Kickapoo High School and the other south of the library on Campbell.

Mr. Hansen stated that if this request is approved, it doesn't guarantee that it will be a VA facility, it could be anything allowed under the general retail.

Mr. Hosmer said that is correct.

Mr. McClelland asked Mr. Butler to readdress the stormwater flow in relation to City regulations.

Mr. Butler stated the way the ordinance is written is that at the completion of a development project, the stormwater retention provided will not allow more water to flow through the site than was flowing prior to development.

Mr. McClelland noted that the people who are currently downstream won't be affected adversely by the runoff.

Mr. Butler stated that is the intent, yes.

Mr. Rognstad asked to correct information; it's not that there won't be any more water, it's that it won't flow off at a greater rate is what they try to achieve. So if there is a certain rain event and there is a gallon per minute coming off undeveloped, then we are trying to achieve a gallon per minute coming off when it is developed. Now there will be more water coming off over a longer period of time.

Mr. McClelland clarified it won't be any worse than what is coming off now.

Mr. Rognstad stated that is correct.

Mr. Butler discussed low-impact development where you try to keep water on site and let it soak in; there are measures that can be done and there was discussion about finding incentives for the community to promote that type of development. In this case it should be relatively easy to provide stormwater detention because of the natural contours out there. It will not be very expensive to provide a significant amount of stormwater detention and a controlled flow rate from the site so he doesn't see that stormwater management is going to be real struggle for anyone here.

Mr. Baird closed the public hearing.

Mr. Hansen noted that with every new development we are assured and the people downstream are assured that there will be no greater velocity of water flowing across them, yet time after time and area after area, people realize in fact there is more velocity of water coming across their property for one reason or another. As the climate changes there are more intense storm events and that contributes to runoff and many detention basins, after a huge range are empty just as Mr. Brown mentioned. If we could in fact be assured that no more velocity of water would flow off this site than is flowing now, the effect of the development downstream would be neutral. From historical experience in this area, the flooding issue has become worse in this area according to several eye witnesses with every development that has come along in spite of the assurance that these detention areas will do their job. Mr. Hansen stated he is not assured that these people are going to get washed away by having a retail development on these tracts. From past

experience, this is going to cause grief downstream for a number of people and unless they can decrease the volume of water coming out of this property, he would have to be opposed to the development.

Mr. Lawhon stated he feels this is a matter of trust; he has qualified support for this request. Trust that the City has Ordinances in place that will mitigate runoff or guarantee that it's not going to be any worse. There has to be trust then that the developer is going to live up to their word that the runoff will be no worse than it is now. Historically he agrees that there are some places where assurances have been given and they just haven't worked, but he focus on this particular piece of property and what assurances have been made there. Mr. Lawhon stated he is supportative of this as long as the developer lives up to what they have promised to do and according to the Zoning Ordinances.

Mr. Hansen asked Mr. Hosmer what assurances do these people have, considering past experience, that this development is going to be any different from the ones that have caused them grief already. All the other developments had, except the highway, ordinances and rules to follow with prescribed procedures and yet the problem has gotten worse and worse for them.

Mr. Hosmer stated that the regulations and stormwater regulations will have to be abided by and more development of the roads and larger developments as well as widening of the roads have caused some of these issues; the stormwater regulations being met will give some assurance it will be complied with.

Mr. Lawhon motioned to **approve** Z-01-2014 w/Conditional Overlay District No. 66. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Ayes: McClelland, Ray, Baird, and Lawhon. Nays: White, Young, and Hansen. Abstain: Edwards and Coltrin. Absent: None. (4/3)

9. Z-02-2014
(3326 N. Farm Road 143)

Springfield-Greene County Park Board

Mr. Hosmer stated the purpose of this request is to rezone approximately 16 acres of property generally located at 3326 North Farm Road 143 from an R-SF, Single Family Residential District to GI, Government and Institutional Use District. The Springfield-Greene County Parks Board has acquired the property for the long-range plan for the Dickerson Park Zoo at this location. The subject property is also located within proximity to the I-44 and Kansas Expressway Community Activity Center. Kansas Avenue is classified as a collector roadway which is appropriate locations for GI, Government and Institutional uses. Staff recommends approval.

Mr. Edwards opened the public hearing.

Mr. Miles Park commented he is representing the Springfield-Greene County Parks Board. The Park Board purchased the sixteen (16) acre property to the immediate north of Dickerson Park Zoo. The Master Plan for the Dickerson Park Zoo references this particular property as a potential site for future expansion of the zoo. The plans for the expansion are not defined currently; it is simply referred to in the Master Plan as an area that the Zoo can expand into at some future date as there is no funding source available for said expansion. The zoning request is to have the property zoned the same way the Dickerson Park Zoo is zoned.

Mr. Edwards closed the public hearing.

Mr. Hansen motioned to **approve** Z-02-2014. Mr. Lawhon **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, Hansen, McClelland, Ray, Baird, Lawhon, Young, and White. Nays: None. Abstain: None. Absent: None. (9/0)

10. Z-3-2014
(4228 S. National Avenue)

AGI Acquisition IV, LLC

Mr. Hosmer commented the applicant is requesting to rezone approximately 7.627 acres of property generally located at 4228 South National Avenue from a Planned Development District No. 84, 2nd Amendment to a GR, General Retail District. The existing Planned Development permits a mix of office, retail and residential uses. The existing zoning is similar to the GR District with respect to the uses permitted and the requirements for development. The property is currently developed with a grocery store and related parking. The subject property is part of a larger tract of land that contains the existing detention basin at the southeast corner of National and Republic. However, an Administrative Re-Plat has been submitted to subdivide the detention basin area off from the subject property and combine it with the property to the east that is being redeveloped. Rezoning the subject property to GR will remove the specific requirements of the existing Planned Development on the property and allow the general requirements of the GR district to guide further development or redevelopment of the property. The intent at this time is to provide additional green space on the subject property to replace the green space that is being lost as part of the Re-plat. The requested GR zoning is appropriate on this tract. The property to the west is zoned GR, General Retail and the property to the north, east and south is all part of Planned Development 84, with retail uses to the north and east and office and clinic uses to the south. Approval of this request is consistent with City Council's recent approval of the rezoning of property at the northwest corner of Fremont Avenue and Lark Street from Planned Development 84 to GR, General Retail use. Staff recommends approval.

Mr. McClelland asked if this is a housekeeping situation.

Mr. Hosmer noted that rezoning to GR, General Retail, similar to what was done with the property on Lark and National.

Mr. McClelland stated there is no need to develop anything there, so it is a housekeeping issue.

Mr. Edwards opened the public hearing.

Mr. Tim Rosenbury, 319 North Main commented he represents the applicant. Mr. Rosenbury noted that last year Commission approved an amendment to the Planned Development to combine that stormwater detention basin with the Burger King Restaurant and make that green lot available for development. Once that materialized the piece of property that was contributed by the subject property represented more than half of the required open space in the Planned Development. By approving that site the Price Cutter site becomes non-conforming with the requirements of the PD. The most direct path to make that conforming would be the rezoning because then fewer parking spaces are required under a GR zoning than the PD requires, and that allow fewer parking spaces and therefore more green space provided on the site.

Mr. Baird asked if there would be more green space developed or plans to change the property.

Mr. Rosenbury said yes there will be parking spaces and drives removed on the Price Cutter property. It is

going to be required. The property has currently been developed with the minimum required open space provided and the maximum allowed parking spaces for the site when you include the piece that's been severed off on the northwest corner. Once you get rid of that piece, the site is down to the ten (10) percent open space on the remainder of the site, therefore they need to find an amount of paving and parking that is equal to ten (10) percent of the total space to bring it back up to twenty (20) percent open space which General Retail requires.

Mr. Baird asked if the owner of this property is making this change, or is it the City wanting the property owner to make this change; why this and why now.

Mr. Rosenbury stated it needed to be cleaned up. The action of Commission and Council last year, if it had gone through, would have created this property to be non-conforming with the Planned Development Ordinance.

Mr. Hosmer stated that it was talked about with the Final Development Plan for the CVS (Burger King site) that they would have to comply with the 20% open space for the lot to the south and the subdivision plat could not taken place until this was satisfied.

Mr. Edwards closed the public hearing.

Mr. McClelland motioned to **approve** Z-03-2014. Mr. Young **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, Hansen, McClelland, Ray, Baird, Lawhon, Young, and White. Nays: None. Abstain: None. Absent: None. (9/0)

11. Z-04-2014/UCD #2 Executive Board of Missouri Baptist Convention
(600 – 900 blocks South National Avenue)

15. Conditional Use Permit 410 Executive Board of Missouri Baptist Convention
(852 South National)

Mr. Hosmer stated this request is to amend the Rountree Urban Conservation District (UCD) No. 2, Area D which is approximately five (5) acres of property generally located on the east side of the 600 – 900 blocks of South National Avenue to allow retail sales uses in existing non-residential structures with a conditional use permit. The property is zoned R-HD, High-Density Multi-Family Residential District with Urban Conservation District No. 2. Sixty-six (66) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request. The applicant held a neighborhood meeting on December 30, 2013, at the Baptist Student Union (906 S. National) at 6 p.m. Two hundred ten (210) property owners, residents and neighborhood association members were notified. The Growth Management and Land Use Plan of the City's Comprehensive Plan show UCD No. 2, Area D adjacent to the Missouri State University Activity Center. The MSU campus is a significant location of employment, housing, business and entertainment. This area is considered a major activity center and is the reason that this area along the National Avenue corridor is desirable for housing, office and retail uses. National Avenue is classified as a primary arterial which is intended to provide for high-volume traffic between activity centers. The Rountree UCD No. 2 currently allows daycare centers, administrative, business, finance and professional offices, medical and dental offices, and studio's for art, dancing, drama, music and photography among other high-intensity uses with an approved conditional use permit. These uses are

considered transitional uses to provide a buffer between single-family areas and higher intensity uses. The applicant is proposing to allow retail sales uses in existing non-residential structures. This will allow structures like the former student textbook exchange store to be reused with an approved conditional use permit. A conditional use permit requires public notification and meetings including approval by City Council prior to any changes. Staff believes that this request is compatible with the other conditional uses currently listed in the Rountree UCD and by limiting the retail uses to existing non-residential structures will have minimal impacts to the adjacent neighborhood. The applicant is also requesting a conditional use permit (Use Permit 410) for a wireless phone sales and repair business (Retail Sales Use Group) if the rezoning amendment is approved. Staff has identified six (6) existing non-residential structures in Rountree UCD, Area D which are along the National Avenue corridor that will potentially be allowed to apply for the proposed Retail Sales Use Group with a conditional use permit (Christian Campus House, United Marine Manufacturer's Association, Potter's House, Lutheran Student Center, Baptist Student Union and the former student textbook exchange store). Any retail sales must be located within the existing structure and will be further limited by the off-street parking and open space requirements of the district. Most of the existing non-residential structures are located on properties owned by religious organizations with the only exception being the United Marine Manufacturers Association Headquarters. While owned by the Baptist Convention, the former student textbook exchange store is one of two non-residential buildings that are not occupied by a religious organization and will be the only property immediately utilizing the changes to the Rountree UCD. The proposed Retail Sales Use Group is compatible with other conditional uses allowed in the Rountree UCD along the National Avenue corridor.

The applicant is requesting approval of a Conditional Use Permit 410 to allow retail sales use at 852 S. National Avenue within the Rountree Urban Conservation District No. 2, Area D. This will facilitate reuse of the existing structure for a wireless phone sales and repair business. This is a companion bill to zoning case Z-4-2014 which proposes the addition of the retail sales use to the conditional uses in the Rountree UCD, Area D. Staff recommends approval.

Mr. Tim Leek, 4588 East Fox Run Drive, stated he is representing two entities here; by Power of Attorney he is representing the Executive Board of Missouri Baptist Convention and the potential leasee of the property which is Wireless Trends. Mr. Leek stated he is available for questions.

Mr. Edwards stated he noticed a sign up on the building already.

Mr. Leek stated it is already up. That is one of the reason they are before Commission. Upon getting the store ready to open, when attempting to get a business license and discovered the zoning had a problem. The past bookstore that was there operated there without a business license.

Mr. Edwards opened the public hearing. As there were no speakers to the issue, the public hearing was closed.

Mr. McClelland motioned to **approve** Z-04-2014 UCD No. 2. Mr. Baird **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, Hansen, McClelland, Ray, Baird, Lawhon, Young, and White. Nays: None. Abstain: None. Absent: None. (9/0)

Mr. Lawhon motioned to **approve** Conditional Use Permit 410. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, Hansen, McClelland, Ray, Baird, Lawhon, Young, and White. Nays: None. Abstain: None. Absent: None. (9/0)

12. Z-05-2014 w/Conditional Overlay District No. 67
(1306 North Eldon)

Aaron Noble & Eric Hambey

Mr. Hosmer noted the applicant has requested this request be tabled to the February 20, 2014 (note of clarification it should be March 6, 2014) Planning and Zoning Commission meeting.

13. Planned Development 344
(934 East Webster Street)

Timmons Temple Church of God

Mr. Hosmer stated the purpose of this request is to rezone approximately 1.61 acres of property generally located at 934 East Webster Street from R-SF, Single Family Residential District and Planned Development 38 District to a Planned Development District No. 344. The applicant is proposing to rezone the subject property to a Planned Development 344 to allow for 84 micro-efficiency studio apartments on property located at 934 East Webster Street. Nineteen (19) property owners are within 185 feet of the subject property and were notified by mail of this request. There have been several members of the public who have corresponded with the City with concerns about traffic and crime. Commission should have copies of all correspondence. The applicant held a neighborhood meeting on October 9, 2013 and a follow up meeting with the Mid-Town Neighborhood Association on November 12, 2013. A summary of the meetings are attached.

The Comprehensive Plan designates this area as Medium or High Density Housing. This area is also within proximity to the Center City (Downtown, Drury/ Evangel University) Activity Center which is a major mixed-use activity center. The Comprehensive plan states that Activity Centers will vary from one to another, but each should include, at a minimum, retail and office buildings and, ideally, multi-family housing, restaurants, and hotels, entertainment, and community facilities such as churches, public agencies, libraries, parks, etc. Activity Centers are the preferred development pattern to encourage infill growth by using existing infrastructure where the city has already constructed the necessary services and facilities to accommodate growth. The proposed planned development provides for the expansion of planned development zoning to the north (Park Place Apartment Complex) where multi-family uses currently exist. This property is part of the original Planned Development 38; however, it was not under the same ownership. Planned Development 38 used a portion of the Timmons Church property for their 20% open space requirement. If this property is zoned to a Planned Development 344 the original Planned Development 38 will be non-conforming as to the required open space. This would mean that if the Park Place Apartments were to redevelop they would have to meet the 20% open space requirements. The Timmons Temple Church is not on the historic register of historic places. A Traffic study was prepared for the proposed development. Webster is classified as a local roadway and requires 30' feet of right of way from the centerline. This project will dedicate 4.15' feet of right of way as noted on Exhibit 2 to bring Webster into compliance with the full 30 feet of right of way needed. The City of Springfield on January 13, 2014 passed ordinance # 6092 to modify the City's off-street parking requirements. This ordinance reduced off-street parking for micro-efficiency dwelling units to 1 space. It also defines a micro-efficiency dwelling as a unit 400 square feet or less. The current ordinance allows for up to a 10% off-street reduction for bicycle parking (one space per two bike spaces). The project is providing 28 bicycle parking spaces throughout the site for a 10% off-street parking reduction. The residential uses within the proposed planned development will not exceed more than 60 dwelling units per acre and require 76 off-street parking spaces and 28 bike parking spaces. The subject property is within walking and bicycling distance of the Drury and OTC campus, the downtown area and bus stops. In addition there is a good sidewalk system, greenway and marked bike routes in the

area. The reduction in space dedicated to parking allows more destinations to be built closer together and with a more active walking environment which further encourages walking and other modes of transportation such as transit and bicycling and reduces congestion on the roadways.

This proposal did require a Multi-Family Location and Design Guidelines assessment. The request is consistent with the Multi-Family Development Location and Design Guidelines as approved by the Planning and Zoning Commission and City Council (see attached assessment). The Planned Development will require a lot combination of the two existing lots. The proposed planned development will mitigate the potential impact between the apartment and existing residential uses by retaining a 15 foot bufferyard "D" requirement along adjacent property to the west, a street bufferyard along Webster Street and design requirements as outlined in Exhibit 1 and Exhibit 2. The proposed expansion will not have a significant impact on the surrounding neighborhood. There is one change to Exhibit 1 and point out that we are changing item D, on Exhibit 1, Uses permitted. We need to add micro-efficiency apartments and as well, on item F, Intensity of Development; we want to reword that to state that the maximum residential density shall be sixty (60) dwelling units per acres for micro-efficiency apartments and also item B; thirty (30) dwelling units per acre for multi-family, two bedrooms or more units. Staff is recommending approval.

Mr. Hansen asked about the proposed changes to the attachment and where it is located in the report.

Mr. Rognstad directed Commission to the overhead display showing Exhibit 1 and where they would add under Permitted Uses the micro-efficiency apartment and under item F we would put that the maximum residential density shall be sixty dwelling units per acre for the micro-efficiency apartments and thirty (30) units per acre with two bedrooms or more. The design guidelines supported thirty units per acre but you could be building a two bedroom apartment or three or four bedroom apartments with 30 units per acre.

Because he was doing the micro-efficiency we agreed that was like building half of a normal apartment and we would go up to the sixty (60), but just for the micro-efficiency apartments. The density is governed by the parking and they could really not go over thirty (30) units per acre with a two bedroom or more units because you have to provide two (2) parking spaces for each unit, rather than one. They could probably achieve the sixty (60) with two (2) bedrooms or more, but they would have to build a parking deck which would not be cost effective. The two (2) possibilities are they can develop sixty (60) units per acre but they have to build the micro-efficiency units and they provide one parking space for each unit. If they want to develop two bedroom or more units, then they can only do thirty (30) units per acre. They intend to build eighty-four (84) micro-efficiency units. It wasn't clear that that was the intent to go to the higher density only for the micro-efficiency, not for multi-family in general.

Mr. Edwards opened the public hearing.

Mr. Greg Whitlock, Whitlock Engineering, 9648 E. North View, Strafford, stated he is representing the developer, Green Bay Studios. Mr. Whitlock stated the property is currently owned by Timmons Temple Church and they have outgrown their facility and have moved to another facility. The building resides on the northwest corner and the property south of that is vacant and that's the portion that is zoned PD 38. In the early 1990's the previous owner of the apartments to the north deeded that part of the property that is PD 38 to the Church. The church wanted to utilize that property to expand and found it was designated as green space and therefore unable to use the space. The church decided to put the property up for sale. What the developer is asking for is micro-efficiency apartments. They would be limited to no more than four hundred (400) square feet; one room with a bathroom and a kitchenette. They are not intended to be lower income housing. The proximity to OTC, Drury, and the greenway is well suited to promote walking

and bicycling. There has been some issue regarding the parking count. It does meet the revised Zoning Ordinance. To the north are apartments, to the east is bordered by Silver Springs and single family residential homes. Between the single family residential there's a railroad right of way and Jordan Creek so there is approximately a two hundred (200) foot strip between the proposed development and the single family. To the west is single family; buffer with a bufferyard and a six (6) foot solid wood fence. Mr. Whitlock stated he is available for questions.

Mr. Hansen asked how the green space would be replaced since that was the green space for the North Park Development.

Mr. Whitlock stated as it sits now a portion of that green space has been paved so it is non-conforming now. The PD 38 is already non-conforming and will continue to be so; if they were to redevelop then they would need provide green space or amend the PD to reduce the green space.

Mr. Hansen asked if that is what he is proposing to do.

Mr. Whitlock stated no, what they are proposing to do is on the property site for PD 344. That would be a separate issue. They looked at doing an amendment to PD 38 and because the property also includes R-SF, single-family residential, we ended up having to do a separate Planned Development for this particular property.

Mr. Hansen asked when North Park was developed the ten (10) percent green space was on this property.

Mr. Whitlock said yes, a portion of their green space was on this property.

Mr. Hansen stated that North Park was allowed because there was this acreage, it became the dedicated green space for the North Park Development and then North Park deeded that green space to the church.

Mr. Whitlock said that is correct. The church was already built on the parcel that is zoned single family currently.

Mr. Hansen said that because that parcel is zoned single family, that is why the applicant couldn't modify PD 38.

Mr. Rognstad noted that typically when there is a mixed zoning like that we do create a new Planned Development. Part of it is because we have changed the standards in the Planned Development language and this is an extremely old Planned Development. As you can see to the north is the apartment development and they do have open space. We are not certain why they allowed the lower piece of property to count as part of the twenty (20) percent but because of the street there was a piece of property that was defined and they were able to transfer it to the church without any problem. Sometimes when we have what we would consider an illegal sale like this, we try to fix the issue and in a lot of cases we try to address what the current property owner wants to do and then we address the rest of it later when the other property owner wants to do something. If the property owner to the north wants to do something they will have to comply with what the requirements of the Planned Development are, which would be the twenty (20) percent open space or they would have to amend the Planned Development to reduce the amount of open space. One of the reasons why we felt like going forward was the open space doesn't really contribute to the environmental quality of the apartments.

Mr. Hansen noted he did not see much green space on the site.

Mr. Rognstad stated that there is green space in the back which you can't see from the road because of the shape of the lot due to the railroad.

Mr. McClelland clarified there will be eighty-four dwelling units, asking if it will be a two (2) story structure.

Mr. Whitlock said yes, it will be a three (3) story building. The Planned Development limits it to three (3) stories.

Mr. Edwards asked if the bulk plane requirement is met with this.

Mr. Whitlock stated that rather than the bulk plane they limited it to a maximum of three (3) stories.

Mr. Hansen noted the north buildings appear very close to the street.

Mr. Whitlock commented that part of the multi-family matrix is to place the building up by the street to encourage pedestrian activity. We have provided a five (5) foot buffer from the property line and there either needs to be shrubbery or a low fence to separate that from the right of way.

Mr. Edwards opened the public hearing.

Eight members of the public spoke in favor of the proposed development.

Reverend T. J. Appleby
Mr. Steven Sanon
Mr. Andy Beaugard
Mr. Troy Stegall
Ms. Ashley Reed
Ms. Javon Reeder
Ms. Martha Bogard
Deacon Trout

Eight members of the public spoke in opposition to the proposed development.

Mr. Jim Downing
Ms. Dee Ogelvy
Mr. Pete Radecki
Mr. Dave Ships
Ms. Flo North
Mr. Kent Brown
Ms. Mary Jo Greer
Mr. Mark Tendai

Reverend T. J. Appleby, 3443 Hestand St, stated he is the Pastor of Timmons Temple. Reverend Appleby gave a history of the Church. He described how the church has seriously outgrown their facility and now is

too small for the ministries they provide. They provide a Missions and Community Outreach program and are doing real ministry in the community now, especially as it relates to the youth. Reverend Appleby stated the youth population of the church has really grown. They needed space to provide activities for the youth and do the ministries they are conducting. They have moved to a larger facility on the north side of town and that is through a purchase agreement to sell their property in order to buy the facility they are now occupying currently. The church does not have the funds tear down Timmons and rebuild a bigger church, plus they are limited in the space they have there. They continue to do ministry in the neighborhood. It is important to the church that the rezoning is approved.

Mr. Edwards asked where the church was relocating, and if it is near where they are at now.

Reverend Appleby stated they are now located on north Glenstone, Highway H. The facility is large enough to accommodate the growth the church is experiencing. Reverend Appleby stated they continue to be a presence in the community where they were and especially the youth of the community.

Mr. Edwards questioned if the rezoning of this piece of property going to impact the sale; is the contingent rezoning a part of the need for the sale of the property and will that affect you if it did not go through.

Reverend Appleby said yes, if the rezoning does not go through the sale would not happen; they would be back to where they are, unable to do the ministry of the church. It would hamper their ability to continue as a vibrant church in the community.

Mr. Baird asked how long they had been in the building.

Reverend Appleby stated the building was constructed in 1932.

Mr. Hansen asked how much parking was available at the church.

Reverend Appleby stated approximately thirty (30) to thirty-five (35) vehicles.

Ms. Mary Jo Greer, 1520 N. Jefferson, commented she is currently a Board member for the Mid-Town Neighborhood Association. Ms. Green expressed her opposition to the proposed rezoning of the property. Ms. Greer feels this development will negatively impact the historic Mid-Town neighborhood by contributing to additional crime, criminal activity and significant parking problems. The existing Park Place Apartments at 1306 North Frisco average seventeen (17) police reports a month associated that complex. There are noise disturbances and parking issues related with Park Place Apartments and the surrounding area. The calls that come in to that area and most especially Park Place which include disturbances, arrest warrants, burglaries, stealing, harassment, domestic disturbances; the entire gamut is run by that area and this being in close proximity to a very massive development of very tiny units. Ms. Greer feels it is detrimental to the neighborhood as a whole. Speaking for the Mid-Town neighborhood, there is no economic benefit to this increase in population as there is hardly any commercial base nearby to recognize increased revenues. The size of the micro-efficiency apartments drawing an affluent population is questionable. It is inconsistent with the Mid-Town Neighborhood Association's plan for single family residents or establishing a long term family base in that area. The whole development is not intended to be low income, but there is the concern that that will be the people who can affordably live there and choose to live there based on the space requirements. This will be a transient group of renters; they will not move there to make Mid-Town their home which means they will not have a vested interest in the properties and the neighborhood.

Mr. Coltrin asked Ms. Greer to define the boundaries of the Mid-Towne Neighborhood.

Ms. Greer stated the Mid-Towne Neighborhood is bordered by Robberson on the west, extending up to Pacific and Commercial Street on the north, but does not include Commercial Street. It extends to National on the east and Chestnut Expressway on the south.

Mr. Coltrin asked Ms. Green if she had observed the cars parked along the street that the people for the church talked about when they hold services.

Ms. Greer stated she is not in that area, but contends that parking for a respectable church service is not the kind of problematic traffic that we are considering here; we are talking about people who have no vested interest in the community and the neighborhood and who are likely not to be respectful of property owners in that area.

Mr. McClelland asked Ms. Greer if she was in the Mid-Towne Association when North Park Place was built.

Ms. Greer said she personally was not. Park Place Apartments was constructed in the late 70's or early 80's, before Mid-Town.

Mr. Baird asked if the Mid-Town Neighborhood Association looked at purchasing this property from the Church.

Ms. Greer said she is not aware of any plan at this time to do that and would be unable to address that.

Mr. Edwards allowed a member of the audience, Mr. Shipps, to voice some information of the Park Place Apartment.

Mr. Ships stated previously he father voted against the proposed Park Place Apartments because the developer was taking short cuts that affected the green space and didn't live up the plans that were related to that development. This proposed development is not appropriate for the space that is there.

Mr. Kent Brown, 1423 N. Summit, commented that the Mid-Town Plan crafted with the help of the City through countless hours of meetings and adopted by Council in 1989. It was later made part of the City of Springfield's Master Plan. It is not just his opinion about this development that he wishes to share with Commission, the opposition is grounded in the Mid-Town Plan and the first stated goal of the plan was to protect and improve the single family character of the neighborhood. This development is inappropriate and he is opposed to the proposal.

Mr. Rob Rector, 3748 East Chattanooga, commented he is with OTC. They are in favor of the proposal because it will provide available housing in close proximity to OTC Springfield Campus. Transportation is an issue for students. There are requests from students for opportunities for housing that is closed to the campus. With the potential of having this project here and increasing opportunities for students in the area, they support the project. Mr. Rector stated he is speaking on behalf of OTC.

Mr. Hansen asked about the student population.

Mr. Rector stated the Springfield Campus is approximately 9500 students. Mr. Rector stated they have 2650 parking spaces and have parking that will accommodate well over 10,000 students in a day.

Mr. Pete Radecki, 900 N. Benton Avenue, commented he representing Drury University, and lives in the Mid-Town area. This proposal is calling for a fairly high density of grounds. Mr. Radecki discussed the size of the micro-efficiency apartments and compared it to housing at Drury. A bed is a student and almost always, a student equals a car. If there are eighty-four beds, then you have to plan on eighty-four parking spaces. If you look at the dormitories across Drury, four hundred (400) square feet would have two to three beds in it. If two (2) people bunked up together in four hundred (400) square feet, you are looking at two (2) cars; that turn into one hundred sixty (160) cars. The practicality of that is they are going to be parked all up and down the neighborhood street. Drury University has great concern about that parking and about how that is going to impact the neighborhood. If an issue arises about the parking with the neighbors with all that parking they will probably start spilling over into Drury's lots, which we are not interested in providing parking for that development on Drury property. That is the basic concern.

Mr. Edwards asked if Mr. Radecki was speaking on his behalf or on behalf of Drury University.

Mr. Radecki stated on behalf of Drury University.

Mr. McClelland asked Mr. Radecki as he is no longer employed by Drury University, how he can represent Drury.

Mr. Radecki stated that President Manual asked him to represent Drury at this meeting.

Mr. Coltrin asked about the apartments associated with Drury and if any built in the last three (3) to five (5) years and what density they are.

Mr. Radecki stated the complex is University Suites; there are approximately two thousand (2000) square feet per unit. There are eighteen (18) units in it, with four beds per unit, approximately five hundred (500) square feet per bed. The overall development is on approximately 2 ½ acres.

Mr. Coltrin stated that if you follow that math, one of these units would be one bed. Mr. Coltrin asked what the current housing capacity of Drury is.

Mr. Radecki stated about one thousand (1000) beds.

Mr. Coltrin asked if they are all occupied and the cost per bed at Drury verses what these are proposing.

Mr. Radecki said no. They are running at about eighty-five (85) percent occupancy. While University Suites has that density, that is far and away the high end of the range at Drury. The low end is about two (2) students for one hundred sixty (160) square feet to put it in perspective. Rent price at Drury at University Suites is approximately \$750.00 dollars per student, per bed.

Mr. Hansen asked Mr. Radecki's about his letter to City staff regarding the neighborhood meeting, stating that the representative from Whitlock indicated repeatedly that the developer did not intend that the target market for the development would be students.

Mr. Radecki emphasized that he attended the neighborhood meeting as a member of the Mid-Towne Neighborhood Association Board. Thus far, he is addressing Commission as a representative of Drury, but would address the question.

Mr. Hansen asked if the applicant addressed what demographic they were going for.

Mr. Radecki stated upscale, young professionals as he recalls.

Mr. Mark Tendai, 2019 E. Woodland, commented he is a member of the Park Place Properties North, LLC. These are the apartments north of this development. Mr. Tendai stated they purchased these apartments about eleven (11) years ago and were not aware that the previous owners had illegally sold land before that and didn't anticipate an issue like this would come up in the future. They did not know anything about green space. They are in agreement of the church being sold, however they are against the way the zoning is being proposed. They would ask that Park Place come out unharmed. If they want to develop or redevelop or the new owner of Park Place wants to develop in the future, this zoning issue should not affect them in the future. There is a crime issue in the area and on his directive twenty-four months ago Park Place went to a zero tolerance letter of enforcement with the Police Department. There were meetings with the Police Chief, Commanders and local officers. The reason there are so many calls in the area is because we demand that people get arrested for things that they do in the area. We started by issuing parking tickets and have systematically cleaning up the area. It is a challenge. Undoubtedly the number of calls from Park Place Apartments has been greater, but all the residents have been asked to call if they see something that needs a police officer. Yes, it will attract attention short term, but we have gone through the process and believe we are on the other side of it at this point. He disagrees with the parking changes to this development. One car per bed is generally the rule the demand for the market. It hasn't been for the City of Springfield.

Mr. Baird clarified that Park Place would support this proposal if the parking requirements that Park Place is under would fall under this as well.

Mr. Tendai stated no; the parking requirements for the City of Springfield for two bedroom apartments have changed over the years. The rule of thumb that he would think would be rational to apply would be one space per bed. He would like Park Place to remain unharmed based on the twenty (20) percent green space regulation.

Mr. Baird asked what he means by unharmed; not lose any business.

Mr. Tendai stated he would like the freedom to redevelop their property without encumbrances based on the sale of another property.

Mr. Hosmer addressed the open space issue; the apartment complex would have to abide by the open space requirement if it is redeveloped without the twenty (20) percent requirement.

Mr. Edwards clarified that that is the way it is period right now unless they were to say purchase that land back.

Mr. Rognstad stated it was not the rezoning that created the issue it was when they sold the land.

Mr. Coltrin asked Mr. Trout if the church van is still coming to this neighborhood and providing transportation to the new church location.

Mr. Trout said yes.

Mr. Baird asked Reverend Appleby why they are not building a new building on this site or remodeling this facility.

Reverend Appleby stated because of finances, they do not have the funds.

Mr. Edwards closed the public hearing.

Mr. Baird asked to hear from Mr. Whitlock about the demographic and how this development will be different than Park Place Apartments and the type of clientele they plan to attract.

Mr. Whitlock stated the developer didn't want to designate this as student housing because they don't want to limit their clientele. Mr. Whitlock stated the developers have stated in order for this to work they need to be in the \$450.00 to \$500.00 dollar a month range.

Mr. Baird asked if there are any pictures of the proposed development may look like, and how it will address the property directly to the west; what kind of barrier or buffer will be there.

Mr. Whitlock stated there will be a solid wood fence with the normal fifteen (15) foot landscape buffer along the western property line, along that alley, except for that portion that will be designated as fire lane. The developer is working with the Mid-Town to get their input about the façade and their concerns about it not fitting with the neighborhood.

Mr. Edwards asked if there was ever another plan for a lower density development.

Mr. Whitlock stated no, they had always looked at the studio apartment concept; the developer's father in law has a similar development in Joplin and its ninety-five percent occupancy on average, so it's a niche they are looking to fill. They have been looking for one year for a place to put this proposed development. Not knowing if the micro-efficiency parking ordinance was going to come about we were going to come in with a PD with reduced parking.

Mr. Edwards noted the arguments against this property that seem to be the most salient and maybe the one in his own opinion seem to have the most traction isn't necessarily the development itself but the high intensity of the development. If for some reason this body decided it would not approve the development as is, would the developer look at lowering the density or walking away.

Mr. Whitlock stated that what he could say was at the beginning of this project they told him he needed to fit ninety (90) units on that piece of property to make it work financially. It is not physically possible; the best they can do is eighty-four (84) and he knows they don't want to go much below that, if at all.

Mr. Rognstad stated that the developer could not limit the development to students under the Fair Housing Law.

Mr. Edwards asked how many people can be put in the micro-efficiency apartments legally.

Ms. Yendes stated they have an apartment code and it is a very low square footage; one hundred fifty (150) square feet per adult and kids are added on, approximately 2 ½.

Mr. Hosmer noted not more than three unrelated individuals.

Mr. Hansen expressed admiration for the church and its community outreach program. The subject at hand has more to do with the development itself and not what the church is trying to do. What the objection is that in the face of the historical Mid-Town Plan that the City adopted years ago, knowing that one hundred thirty (130) something cars on a Sunday morning are parked up and down every street in the neighborhood and knowing that with eighty-four apartments, that there is going to be a real possibility of that many cars around the clock and not just on Sunday morning and in spite of the fact that this area is appropriate to multi-family housing backing up to the railroad tracks as it is, it is not encroaching upon residential areas. Those facts don't support packing eighty-four units onto this tiny little piece of land. What would be more appropriate would be another multi-family development. If that could be worked out, he would be in support of that. As it is, he can only see cars stacked on every street in the neighborhood. Those streets are not built for parking on both sides of the street. Mr. Hansen applauds the church's efforts to develop this land but he can't support this particular plan of development.

Mr. Baird stated he supports this proposal because he believes we are going in the direction of more micro-efficiency apartments. Maybe we don't have it quite right, and the parking down to the littlest detail, but in bigger cities it's happening. People are moving into smaller spaces and with the area surrounding this with an apartment complex adjacent to it seems to be a good use of space.

Mr. Lawhon stated this is a zoning issue and not about Timmons Temple. As much as his sympathies lie with Timmons Temple, he has to disregard all of that and look at zoning issues. With that in mind, is this going to do harm to the neighborhood. Mr. Lawhon stated he does not believe it will do that. This is an opportunity that has been presented to rehabilitate and improve an area that's greatly in need of this, and said he intends to support the proposal.

Mr. Edwards stated they approved the parking changes with a nod towards, "it's an experiment," and we will let the market have some free reign and see what happens. Mr. Edwards stated that we as a Commission and the City may want to take a really hard look at where we are going with this, because we could have opened up a bit of a Pandora's box. With that said, we have done it, the box is open and it's legal and people do have rights at this point to develop under these guidelines and whether we have made a mistake or not, time will bear out. Mr. Edwards urged the City to keep a close eye on this after those members of Commission are gone and maybe develop some parameters to give them more latitude on how they deal with these things and how we see them. He stated he believes this is too dense for this area personally, but as Mr. Lawhon said, we have to back up and see this as a zoning case and it does meet the requirements. Mr. Edwards applauded the church's work in the community. Mr. Edwards stated, with misgivings, he will support the proposal.

Mr. Young stated micro-apartments have been around for a long time; the Midwest is behind the times, but this is what developers are doing on the west coast and overseas so this is nothing new, just new to us. In his opinion what makes a neighborhood is its diversity, especially this area. It is a place that has churches, grocery store, hair salons...to have single family homes only, at some point, becomes sterile and

diversification within an area creates a better neighborhood. There are different levels of income, different types of housing which creates great environments. Mr. Young stated he does not believe this development is a detriment to the community. What the church is doing is incredible. Mr. Young stated he is support of the proposal.

Mr. Coltrin noted that when you become a member of Commission it doesn't mean you have to like what you have to do, because this case here can go either way. There is a report the Comprehensive Plan says this is an appropriate use; we have Mid-Town Neighborhood telling us they have a document that states there is no way this should happen here. Somehow those documents need to be reconciled and turned in to something actually matches each other. Clearly there is some work to be done as far as what the City believes and what the neighborhood believes and how to make those two things they can all live with. This will be good for OTC and the people who have to drive in from surrounding communities and find housing they can afford. Mr. Coltrin stated they are not the east or west coast and hopes they stay behind the times for a long time. I like being Missouri. Mr. Coltrin noted that he doesn't want to rush into something where there are teeny tiny apartments with no parking space, but that can of worms is open now. It's the law. Given the fact that the use will be good and lot better than having that empty building setting there and that property sitting there dilapidating. Mr. Coltrin stated he will support the proposal.

Mr. Lawhon motioned to **approve** Planned Development 344. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Yeas: Lawhon, McClelland, Coltrin, Edwards, Baird, Young, & White. Nays: Ray & Hansen. Abstain: None. Absent: None. (7/2)

14. Conditional Use Permit 409
(2751 East Galloway Street)

All Saints Anglican Church

Mr. Hosmer stated this request is to adopt an ordinance to approve a columbarium accessory to a Church within an R-SF, Single Family Residential District at 2751 East Galloway Street. The columbarium is proposed to be located within a courtyard area on the northwest side of the new Church building. A columbarium is similar to a mausoleum but instead of spaces or caskets it has niches for spaces for urns which contain cremated remains. The attached site plan delineates the courtyard site plan showing the area of the columbarium which would accommodate a total of one hundred fifty (150) spaces. Staff recommends approval.

Mr. Edwards opened the public hearing.

Mr. Andrew Peters, 1736 East Sunshine, stated he is available for questions.

Mr. Edwards closed the public hearing.

Mr. McClelland motioned to **approve** Conditional Use Permit 409. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, Hansen, McClelland, Ray, Baird, Lawhon, Young, and White. Nays: None. Abstain: None. Absent: None. (9/0)

16. TerraGreen Condominiums
(2305 South Blackman Road)

Blackman Road Properties, LLC

Mr. Hosmer commented the purpose of this request is to subdivide approximately 5.9 acres into four (4) condominium units and common area located at 2305 S. Blackman Road. Right now the proposed use is office condominiums and staff recommends approval.

Mr. Edwards opened the public hearing.

Mr. Jared Rasmussen, 550 St. Louis Street, commented he is available for questions.

Mr. Edwards asked if this will look like the buildings already there.

Mr. Rasmussen stated the buildings will be similar in appearance and architecture.

Mr. Edwards closed the public hearing.

Mr. Lawhon motioned to **approve** the Preliminary Plat of TerraGreen Condominiums. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, Hansen, McClelland, Ray, Baird, Lawhon, Young, and White. Nays: None. Abstain: None. Absent: None. (9/0)

17. National Commons Condominiums
(4109 South National Avenue)

Pasta Holding, LLC

Mr. Hosmer noted the purpose of this request is to approve a preliminary plat to subdivide 2.54 acres into a two (2) unit condominium and common area at 4109 South National. The proposed uses are General Retail uses.

Mr. Hansen asked for clarification as there is already a restaurant there and what this will do for anyone.

Mr. Hosmer stated it puts it into two (2) condo lot plots with open space where they can share parking and will have to meet all requirements for the GR District, but they can have ownership of the condos or in other words a lot that floats on the property.

Mr. Edwards opened the public hearing.

Mr. Rick Wilson, 2012 S. Stewart, stated he is representing the applicant. This is condominium, not a subdivision. The parking lot is all common area to be held by the owners of the property. The common area can be held by the developer who may then sell the building to a partnership which he is a member of and provide for a future building that need not be built. There is no provision in the Subdivision Regulations that requires a major subdivision for a condominium because it is not a subdivision of the ground. However we have prepared a preliminary plat to take this thing forward and finalize it.

Mr. McClelland expressed some confusion and asked for clarification of how this would work.

The owner of the property wants the option at some in the future be able to build a second restaurant on the property. We have figured out how many square feet he can have for the number of parking places that he can have that were in excess of what the Cantina requires and that gives us an approximate 2500 to 3500 square foot footprint that we have positioned where we think it should be. If the owner decides to build then he would have that option and would have to come back to Commission for a modification of the plat and the modification of the declarations. In the interim, it is more financing than in anything else.

Mr. Rognstad pointed out to Commission on the display, the two units; Unit A is the Cantina Laredo and then there is Unit B and everything else around Unit A and Unit B is the common space which has the parking. Those two squares are each a unit in the condo and everything else is common area where the parking is so they have the Cantina Laredo built and they can build another restaurant in Unit B and meet the parking and open space requirements.

Mr. Hansen asked if the Cantina Laredo is one of the condos, so the lot how does it relate to the buildings.

Mr. Wilson said yes; under the declarations the common area is held in common with all the condo owners according to their percentage of ownership. If the second building is built and the title is transferred to that building to a different group or individual, then there is a redistribution of the ownership of the common area along with the redistribution of the obligations for the maintenance of the common area.

Mr. Hansen asked why they can't build the second building.

Mr. Wilson stated that with the lot they have, of which they did an administrative lot combination to merge some excess right of way back into this original lot we could build a second building on this and do nothing. We could not sell the building.

Mr. Edwards closed the public hearing.

Mr. Hansen motioned to **approve** the Preliminary Plat of National Commons Condominiums. Mr. McClelland **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, Hansen, McClelland, Ray, Baird, Lawhon, Young, and White. Nays: None. Abstain: None. Absent: None. (9/0)

18. Official Zoning Map
(City-Wide)

City of Springfield

Mr. Hosmer commented that City Council passed ordinance 6069 on August 12, 2013 to modify Section 1-1600 Official Zoning Map and Rules for Interpretation of the Zoning Ordinance. This changed the process for adopting the Official Zoning Map which is to be readopted annually. This process will keep this in the City Clerk's office and in the Zoning office as a digital copy and if there is any need for it to be certified, we can do that.

Mr. Young asked if this map is on the website that can be accessed every day.

Mr. Hosmer said yes. We do have an active zoning map on the City's webpage. This will be updated every two (2) months. This will be the official map on record for legal purposes or we get challenged, we have this certified by the City Clerk's office. This will be done every year in January at Commission.

Mr. Edwards opened the public hearing. As there were no speakers to the issue, the public hearing was closed.

Mr. Baird motioned to **approve** the Official Zoning Map. Mr. Lawhon **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, Hansen, McClelland, Ray, Baird, Lawhon, Young, and White. Nays: None. Abstain: None. Absent: None. (9/0)

ANY OTHER MATTERS UNDER COMMISSION JURISDICTION

19. Elections of Officers

Mr. Baird nominated Matt Edwards as Chairman for the Planning and Zoning Commission.

Mr. Coltrin seconded the motion.

Mr. McClelland moved to appoint Mr. Edwards Chairman by acclamation.

Mr. Edwards called for the vote.

The motion **carried** as follows: Ayes: Coltrin, Hansen, McClelland, Ray, Baird, Lawhon, Young, and White. Nays: None. Abstain: Edwards. Absent: None. (8/0)

Mr. Coltrin nominated Tom Baird as Vice-chair of the Planning and Zoning Commission.

Mr. Lawhon seconded the motion.

Mr. McClelland moved to appoint Mr. Baird Vice-Chairman by acclamation.

The motion **carried** as follows: Ayes: Edwards, Coltrin, Hansen, McClelland, Ray, Lawhon, Young, and White. Nays: None. Abstain: Baird. Absent: None. (8/0)

There being no further business, the meeting was adjourned at approximately 10:16 p.m.

A handwritten signature in black ink, appearing to read 'Bob Hosmer', with a horizontal line underneath it.

Bob Hosmer, AICP
Principal Planner