

MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: February 20, 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, Shelby Lawhon, 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: Ray, Baird and Young.

ROLL CALL:

APPROVAL OF MINUTES: The minutes of February 6, 2014 were approved unanimously.

COMMUNICATIONS:

Mr. Hosmer relayed that the Public Involvement Committee meeting will be Friday, February 21, 2014 and there are three (3) applicants they will be considering for (2) Planning and Zoning Commissioner positions which could be sworn in by the April 3rd meeting.

CONSENT ITEMS:

1. Initiate Beekeeping Amendments
(City Wide)

City of Springfield

Mr. Hosmer stated this is an initiation for amendment to modify the Zoning Code to allow people to keep bees under certain conditions. Staff will be doing research on other cities and coming back to Commission for recommendation.

Mr. Edwards noted Mr. Hansen's arrival for the record.

Mr. McClelland noted that he is in support of the beekeeping amendment, but requests that staff look at a minimum of acreage which should be put in the language.

Mr. Lawhon motioned to **approve** the Consent Agenda item, Initiation of the Beekeeping Amendments. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Lawhon, White, and Hansen. Nays: None. Abstain: None. Absent: Baird, Young, Ray.

2. Conditional Use Permit 407
(1108 East Walnut Street)

B & S Investments, LLC

Mr. Hosmer stated this conditional use permit application is for a restaurant at 1108 East Walnut Street. At the City Council public hearing on January 27, 2014, the applicant's representative expressed concerns

about the condition requiring improvements to the alley, widening it to twenty (20) feet from the subject property east to National Avenue. The applicant is willing to pave directly adjacent to the subject property and the lot to the east which is currently in common ownership with the subject property. Council requested that staff review the need for the condition for the entire length of National Avenue. Staff recommends changing the conditions to only require at this time to only expanding pavement to the twenty (20) feet of the alley way adjacent to the property and the property to the east. If the occupancy remains under fifteen (15) persons, then that would not kick in any additional changes or the recommendation for making improvements all the way from the property to National. This will go forward to Council on February 24, 2014 with recommendation from Planning and Zoning Commission.

Mr. Edwards opened the public hearing.

Mr. Matt McLaughlin, Jack Ball Architects, 444 S. Campbell Avenue; Mr. McLaughlin stated he is available for questions.

Mr. Edwards stated that when this requests first came before Commission, everyone was in agreement about the paving and there wasn't a question and then at Council it became an issue. Mr. Edwards asked Mr. McLaughlin what changed. In talking with the City about this project, was this something they put on at the beginning or end of their negotiations.

Mr. McLaughlin stated that when they reviewed the budget numbers and surveys they realized it would absolve over a quarter of their client's budget for the project, which would be detrimental for them moving forward. Mr. McLaughlin stated that to his knowledge, they were not aware of that at the beginning of the project.

Mr. Hansen noted there was a question of whether the driveway from Walnut had to be one way, in or out.

Mr. McLaughlin stated he believes at one time, yes.

Mr. Hansen stated that depended on whether the alleyway could be used as an ingress or egress.

Mr. McLaughlin stated he believes so. The intent now is that if the occupancy of this space, if he understands it correctly, is less than fifteen (15) persons, they could still use the access alleyway from Walnut Street to gain entrance and exit for the parking lot for this parcel.

Mr. Hansen stated as long as you do pave alley twenty (20) feet wide in the rear of both those lots; the lot your client is getting and the lot that is selling it to them.

Mr. McLaughlin stated correct, the lot directly to the east.

Mr. Edwards asked staff if they believe this to be such a fire hazard, why don't we make them pave the whole road.

Mr. Hosmer stated that the Fire Department has stated they can fight any fire from Walnut, so they have enough access to provide protection.

Mr. Edwards stated that it is an onerous thing that we are asking the developer to do to pay for so much

road considering they are just one part of a large community of people there. He would like to hope maybe in the future we might think about this case and the trouble it has caused when we ask private development to take on Public Works responsibilities like this. In his mind, if this something that is such a need that we require them to use half their budget to pave a road for other people in other businesses, that the City might be able to find it within their budget to actually take care of the priority.

Mr. Edwards closed the public hearing.

Mr. Hansen motioned to **approve** Conditional Use Permit 407. Mr. McClelland **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Lawhon, White, and Hansen. Nays: None. Abstain: None. Absent: Baird, Young, Ray.

3. Sunshine Crossing

Tillman Redevelopment, LLC

(3200 – 3300 block West Sunshine Street s/s)

Mr. Hosmer stated this is a request to approve a preliminary plat to subdivide 8.7 acres into a five (5) lot subdivision with common area and two (2) subdivision variances. The property is at the 3200 block of West Sunshine Street, which is currently vacant, undeveloped land and proposed uses are general retail uses with conditions. Staff is requiring access to Moore Road until it is widened to three (3) lanes from Sunshine Street to south of the southernmost driveway on Moore Road. Mr. Hosmer stated he found out this evening that MoDOT is not requiring or requesting sidewalks along Sunshine Street so we will strike that from the condition. Mr. Hosmer reviewed the conditions of the two subdivision variances from the regulations.

Mr. Hansen asked what the purpose is of the ordinance prohibiting anything but full frontage.

Mr. Hosmer stated this is to make certain the applicant will not cut themselves off where they have property that might be subdivided that cannot be utilized at a later date.

Mr. Rognstad commented that when lots are rectangular they have full frontage on the street. We don't want just by right that someone can come in and have a lot of little flag lots where the frontage is the width of the driveway. It should have an extra level of review. In this case there is one hundred thirty-three (133) feet of frontage along Moore Road which staff feels is more than adequate for frontage on the street.

Mr. Hansen asked about the right of way on the east side if it was in the city or county.

Mr. Hosmer stated it is in the county adding they will be annexing the right of way from Sunshine down to the southernmost property. Mr. Hosmer noted the county will petition the City to go through the annexation process and the County has asked for the annexation.

Mr. Edwards opened the public hearing.

Mr. Rick Wilson, Wilson Surveying, 2012 S. Stuart, commented he is representing the applicant. This property was annexed in 2000, and the county requested that the city also annex the road. At that time they choose not to do that. The County has always been in favor of the City annexing Moore Road. The variances do provide a safeguard and a second look at these lots. There are two (2) existing MoDOT permitted points of access on Sunshine; these will be a right-in, right-out only. They are far enough away from the West Bypass Intersection that it will not create a problem.

Mr. Edwards closed the public hearing.

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

4. Bufferyard and Open Space Amendments
(City-Wide)

City of Springfield

Mr. Ralph Rognstad stated the purpose of this request is to amend Section 6-1200, Landscaping and Bufferyards in the Springfield Zoning Ordinance. In July of 2013, City staff proposed several Zoning Ordinance amendments to the Chamber of Commerce's Development Issues Input Group (DIIG). The amendments that staff proposed were based primarily on development issues that had occurred in the recent past and in response to a proposed major goal in the Field Guide 2030. There are basically three (3) areas which Mr. Rognstad reviewed:

- A. Reduce or eliminate bufferyard requirements between some non-residential zoning districts.
- B. Allow alternatives for perimeter landscaping and addresses impacts of right-of-way dedication.
- C. Allow a reduction in the required open space for alternative green building practices.

Mr. Hansen asked why we would do away with bufferyards if there is a cross access easement.

Mr. Rognstad stated that if you are required to have the bufferyard, you can't put in a driveway between the two (2) properties. We are trying to encourage driveways between properties so that if someone wants to get from one property to the other, they don't have to go out on the street. If we have a plat, we can require the cross access easements between the lots but in cases where there is no plat, the property owner doesn't have to provide the cross access easement if it's an existing lot and they are going to develop the lot. Mr. Rognstad detailed how that process is done.

Mr. Hansen commented that allowing the perimeter landscaping that flexibility will allow free reign to put the open space elsewhere, it is going to be somewhere it's not useful to us. This seems like this would be a good opportunity to put some grass out by the alley.

Mr. Rognstad commented they can only put twenty-five (25) percent of it somewhere else. You cannot move all of it. Mr. Rognstad reviewed how the calculations would work for that, giving an example.

Mr. Hansen asked how the properties around town which are nothing but pavement.

Mr. Rognstad commented that when a developer comes in to redevelop, they require the open space. They would require the developer to take up pavement and put in green space to meet that requirement.

Ms. White asked if at some point a developer they put in the green works, they reduce their green space requirements, and they subsequently sell the building to someone who finds this is a nightmare I want to dig it up, do they become nonconforming if they don't have the green space.

Mr. Rognstad stated they would have to keep it or provide the open space to meet the requirement.

Ms. White stated this is a great idea and then there is a problem where it's costly and then they are unable to sell the property. Will that encourage people to do that.

Mr. Rognstad stated they would need to take that into consideration.

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

Mr. Edwards commented he believes these are fairly reasonable and glad to see some accommodations made to do some innovative things and to open a beginning for green practices.

Mr. Coltrin thanked staff for taking the time to make a beginning to start these things; those easy pieces of property in Springfield to develop do not exist so if staff would like to infill this city there needs to be more flexibility. The one issue that is concerning is if the city comes through and widens the roadway and takes my land that was in conformance, minding my own business, and then be told you can be conforming till you want to do something else with now do less your land than you could before City built the improvement through the area. The other item is it's great to hear people talk about sustainability, but sustainable also starts out with affordable. There is a lot of work that goes into the design of these sustainable green building practices and stormwater can attest that it is all ran under a microscope before you have an opportunity to do anything with it.

Ms. Yendes stated that staff would recommend that Commission approve this with an amendment to Section 6-1208 B and that would be the green roof and pervious pavement systems would have added behind them "as defined by Public Works standards", so that we tie those in tightly to what we really mean by green roof and what we mean by pervious surface.

Mr. Edwards stated he would like to know how Public Works defines those.

Ms. Yendes stated it would be a public process for them to go through to develop on all their standards that posted and people have an opportunity comment as well.

Mr. Colson stated that currently those things are not in the standards, but they are looking at trying to add a new batch of new green detention and water quality facilities that would meet City code, but we are still trying to figure out what is the best design for pervious concrete, the best mix, so we want to add those things to our standards but they are not in there right now.

Mr. Edwards stated that is very fair and he understands that; but questions staff if are we doing something we shouldn't to add an amendment to tie something to a standard that doesn't exist yet.

Mr. Rognstad stated the way they would do that now is look at what people propose and develop the standard that way. We can look at what other communities require and say yes, this looks like this will work. The standard will be a minimum standard and developers will slowly be able to do more. In some cases you have alternatives and the designer will look at what the best alternative is and then other standards are minimum standards. Public Works has to review it and determine if this is something we can approve.

Mr. McClelland motioned to **approve** the additions and retractions in amending Section 6-1200 and 6-1208B to the Bufferyard and Open Space Amendments.

Ms. Yendes asked if that includes the suggestions we made orally here that they would meet Public Works Standards. It is not in the written materials given to Commission. This will be that the green roof and pervious pavement surfaces as defined by Public Works Standards, and then to the folks that were concerned by what those standards are and can people meet them, the very next paragraph that is in the written material says that alternatives can come to the Administrative Review Committee and also be approved.

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

5. Initiate Changes of Procedure for Planning & Zoning Commission
(City-Wide)

City of Springfield

Mr. Hosmer stated that staff is proposing to modify the Rules of Procedure for the Planning and Zoning Commission to allow for the rescheduling of public meeting due to cancelations because of inclement weather or of an emergency situation. We will review these changes tonight and take action at the March 6th meeting as required by the Rules of Procedure. This would require at least five (5) affirmative votes to pass. If the meeting were cancelled, the meeting would be rolled over to the next Thursday unless there was a holiday. There are provisions for emergency situations that are declared and also the location of when we repost these for meetings.

Mr. Edwards asked if they were going to set a procedure for how we cancel a meeting as well, because there was some question of how the meeting was going to get cancelled, who had the authority, who made the call.

Ms. Yendes stated this defines who has the authority, under what circumstances, it also ties into our emergency operations plans for the City of Springfield so this is consistent. If the Emergency Management Director declares an emergency and people are not to come, then you meeting is automatically continued to the following Thursday, because you are dealing with State mandated due process and hearing notices,

so the fact that this is a written, adopted rule puts people on notice that this is what's going to happen and how it will happen.

Mr. Hansen asked if there is a defined procedure for announcing the cancellation.

Ms. Yendes commented that when we post a case it tells where it will be posted; there will be at least two (2) notices on the doors and we issue press releases along with our emergency management announcement which will tell you where and when the meeting will be continued to.

Mr. Edwards suggested there might be some way to call the applicants or their representatives, maybe putting it on Twitter or Facebook.

Ms. Yendes stated that last time the meeting was cancelled, the staff called applicants and there was a press release.

Mr. Rognstad stated staff has always contacted the applicants directly, but if it is a controversial case, we have difficulty getting to all the potential people interested in the case. Mr. Rognstad stated that the City does press releases and the press releases go out on Facebook and Twitter.

Ms. Yendes asked Commission if they would like to see language added stating the Executive Secretary of the Planning and Zoning Commission will take all reasonable available steps to notify members of the public and applicants of the continuation of the meeting. You can tell us that as your discussing this and can bring it forward to you at the next meeting to vote.

Mr. Edwards stated he would like to see that done.

There being no further business, the meeting was adjourned at approximately 7:30 p.m.

A handwritten signature in black ink, appearing to read 'Bob Hosmer', with a long horizontal line extending to the right.

Bob Hosmer, AICP
Principal Planner