

MINUTES OF THE PLANNING AND ZONING COMMISSION

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

ROLL CALL:

APPROVAL OF MINUTES: The minutes of February 20, 2014 were approved unanimously.

COMMUNICATIONS:

Mr. Hosmer communicated that the Planning and Zoning meeting scheduled for March 20, 2014 has been cancelled.

CONSENT ITEMS:

1. Acquire 504 City Utilities
(McDaniel Lake Bridge)
2. Initiate (COM) Commercial Street District Amendments City of Springfield
(City-Wide)

Mr. McClelland asked the applicant if they would be restricting public access at the farm roads.

Mr. Jon Campbell, City Utilities, stated it is his understanding that they are going to place bollards, posts, to keep vehicular traffic from some points to be determined.

Mr. McClelland asked if they would be terminating the citizens of Springfield from fishing from the bridge.

Mr. Campbell stated no, nor used as a trail.

Mr. Young motioned to **approve** the consent agenda items. Mr. Lawhon **seconded** the motion. The motion **carried** as follows: AYES: Edwards, Baird, McClelland, Ray, Young, Lawhon, and White. NAYS: None. ABSTAIN: None. ABSENT: Coltrin and Hansen.

3. Vacation 770
(1700 block East Olive Street)

Livin the Dream, LLC

Mr. Hosmer stated this is a request to vacate a portion of the 1700 block of East Olive Street. Staff has recommended approval with conditions. Mr. Hosmer reviewed the four (4) conditions.

Mr. Edwards opened the public hearing.

Mr. Ivan Eftink, 311 N. Waverly, stated he is representing Livin' the Dream, LLC and is the owner of 305 and 311 North Waverly. Mr. Eftink stated he wasn't aware of the easement condition.

Mr. Hosmer reviewed the easement condition and pointed it out on the overhead display map.

Mr. Karl Keller, 1722 East Olive Street, stated he owns the property on the south side of 1722 East St. Louis Street, and there was a comment to close a street as a condition.

Mr. Hosmer stated that the existing gravel driveway accessing Olive Street from 1722 Olive Street shall be closed.

Mr. Keller stated that gravel driveway leads up to the loading dock on that building so that cannot be closed.

Mr. Edwards commented that normally they don't work these things out at this level, so what we might do is if you request it, this item can be tabled tonight and this issue can be worked out with staff.

Ms. Yendes stated that the public hearing is open and what could be done is continue the public hearing to the first meeting in April, and that would take a motion and a second.

Mr. Lawhon motioned to continue the Public Hearing for Vacation 770 to the April 3, 2014. Mr. McClelland seconded the motion. The motion carried as follows: AYES: Edwards, Baird, McClelland, Ray, Young, Lawhon, and White. NAYS: None. ABSTAIN: None. ABSENT: Coltrin and Hansen.

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

Aaron Noble

Mr. Hosmer commented the applicant is proposing to rezone approximately 0.96 acres of property generally located at 1306 North Eldon Avenue from an R-SF, Single Family Residential District to an HM, Heavy Manufacturing District and establishing Conditional Overlay District No. 67. Approval of this rezoning will permit this property to be used as a construction equipment storage yard and the accompanying Conditional Overlay District will limit the uses on the property to non-occupied structures, require a greater bufferyard along the north property line than is required by ordinance and prohibits some of the more intense uses permitted in the HM district. Staff is recommending approval and there are conditions to this proposal.

Mr. Edwards opened the public hearing.

Mr. Aaron Noble, 300 East Sunshine St., Suite G, commented he is the property owner of 1306 N. Eldon.

Mr. Noble stated he would like to reemphasize is that currently this property is zoned residential, however it can never have a residence rebuilt on it per City of Springfield given that there is not sewer access, therefore if a building was to be built a sewer extension would be required. Mr. Noble noted the financial cost for that commenting that no one will invest in a residential property in that area. Mr. Noble stated it appears their intended use would be the highest and best use for the property. One issue he would like to bring to the table is in the requirements the City has requested, they are recommending a bufferyard of twenty (20) feet along the north property line and the bufferyard requirement in Section 6-1216 states that only a ten (10) yard buffer is required due to the property being narrow and less than one hundred-fifty (150) feet wide, regardless of any requirement previously stated in Subsection 6.1211. Mr. Nobel stated they feel that for the city to require twenty (20) feet would be double what City Ordinance requires and further more he wanted to bring up that this twenty (20) foot wide bufferyard would be in access, especially given the current state of the adjoining property, which currently contains dilapidated agricultural buildings, scrap materials, trailers, and livestock. We would be installing a string fence around the perimeter to conceal the view of any construction equipment; but requiring the additional bufferyard would be an excess and would result in a total of over thirty (30) percent of our lot being unusable due to bufferyards. Likewise, with that in mind, their one acre is subdivided out of that five (5) acre tract and the north property line is bordering the same as the east property line, however on the east property line they are requiring a forty (40) feet buffer. Given that it is the same piece of property and nothing is different about it, we would ask that the bufferyard be the same along the east side as is required on the north side.

Mr. Edwards stated that there is a bit of discrepancy on what the applicant is asking for and what we have in the document, do we need to have another repeat or can Commission handle this here.

Mr. Hosmer stated this is staff required bufferyard because there are residential properties to the north and staff felt more of a bufferyard would protect future property owners on that side. Mr. Hosmer stated that to his understanding it was discussed with the property owner.

Mr. Nobel stated the point he is bringing up is that they are requiring more bufferyard on the east end which has nothing but pasture behind than they are requiring on the north end which would be adjoining a property. Mr. Nobel stated he is asking that no more bufferyard be required on the east end than is on the north end and the ordinance states that given the width of the property, he is not required to have more than a ten (10) foot bufferyard on the north side.

Mr. Hosmer noted that normally we have a forty (40) foot wide bufferyard for HM; it is correct, the zoning ordinance does permit the reduction with the size of the lot to a ten (10) foot wide bufferyard due to the narrow lot size.

Mr. Edwards commented these are pretty substantial changes from the document that Commission has in front of them and he doesn't feel like this is really good place to negotiate that, so he would suggest that we continue the public hearing to the next meeting. That way this can be worked out and the applicant can have the conversation he needs to have with staff. Mr. Edwards told Mr. Nobel that Commission cannot make the changes he is wanting at this point.

Mr. Nobel stated he understands that, but he is asking that it be held to what the City Ordinance states.

Mr. Edwards commented that Commission can vote on this tonight and it will be what is in the staff report document.

Mr. Nobel commented he asks that the request be tabled.

Mr. Baird motioned to **continue the Public Hearing** for Z-05-2013 w/Conditional Overlay District No. 67 to the April 3, 2014. Mr. McClelland **seconded** the motion. The motion **carried** as follows: AYES: Edwards, Baird, McClelland, Ray, Young, Lawhon, and White. NAYS: None. ABSTAIN: None. ABSENT: Coltrin and Hansen.

5. Walnut Creek Phase III
(5100 South Main)

Gardner Properties

Mr. Hosmer said this is a request to approve a preliminary plat to subdivide approximately twelve (12) acres into a three (3) lot subdivision. Mr. Hosmer said there are some discrepancies with the stormwater comments; they are not the appropriate comments, which he was informed of tonight. Staff has the comments and Mr. Colson will review the comments with Commission.

Mr. Colson stated that all the lots have to meet current detention and water quality requirements because of future development. There is an existing detention water quality basin for the northern two (2) lots, lots one (1) and two (2). Lot three (3) is required to provide detention and water quality on site. There will be no buy out, and that is the main difference here.

Mr. Baird asked Mr. Hosmer if the staff report information is up to date; does that have the correct information or not.

Mr. Hosmer stated no; he just found out prior to the meeting tonight about the stormwater comments and the changes to the comments.

Mr. Edwards opened the public hearing.

Mr. David Bodeen, 304-B West Erie Street, commented he is with Pinnacle Design Consultants and representing the applicant. This preliminary plat was submitted by a separate consultant in September 2009 and approved at that time, but due to the economic downturn, it was allowed to expire, so they are bringing it back to Commission. The development is proposed to be split into three (3) separate lots. The allowable PD 271 allows for the land uses for lot one (1) as a low density residential with a maximum of eleven (11) dwelling units per acre of townhouses, duplexes, or patio homes. Lots two (2) and three (3) are multi-family residential with a maximum density of twenty-nine units per acre. They are connecting three (3) dead end roads. Mr. Bodeen commented that Lot three (3) will be served with a future stormwater detention, pointing out the location on the display, and will be designed and constructed with the building permit for lot three (3). It is not part of the subdivision.

Mr. Colson confirmed that information is correct.

Mr. Bodeen noted erosion control will be established on site at the time of construction and all requirements for City and State land disturbances will be met. All proposed infrastructure will be designed to meet the City of Springfield's design standards for public improvements.

Mr. Edwards closed the public hearing.

Mr. McClelland motioned to **approve** Walnut Creek Phase III with the additions of the stormwater corrections as was discussed. Mr. Baird **seconded** the motion. The motion **carried** as follows: AYES: Edwards, Baird, McClelland, Ray, Young, Lawhon, and White. NAYS: None. ABSTAIN: None. ABSENT: Coltrin and Hansen.

6. Galloway Redevelopment Area Plan
(3400 – 4100 blocks South Lone Pine)

City of Springfield

Mr. Baird stated that due to land ownership issues, he will recuse himself from the hearing.

Mr. Schaefer stated the applicant has submitted a redevelopment plan and blight study for the Galloway Redevelopment Area. This is a redevelopment plan pursuant to the Land Clearance for Redevelopment Authority Law and to review, the LCRA law basically provides incentives to encourage redevelopment of blighted areas. Projects consistent with a redevelopment plan are entitled to receive one hundred (100) percent abatement on the increase in assessed value of the property for ten (10) years. Commission will review the redevelopment plan for conformance with the City's overall plan for development of the city. The Galloway Redevelopment Area comprises approximately 74.26 acres generally located along the 3400 – 4100 blocks of South Lone Pine Avenue. It included the former village of Galloway and was its own incorporated village at one time and was settled in the 1800's. The area has many issues which are blighting factors that have impeded development in that area. The plan is to redevelop the area with a mixture of commercial and residential uses that will complement the look, style, scale and intensity of the neighboring uses in that area. There are design guideline standards included in the plan with the intention of helping ensure the quality of the development is of a higher level. The primary item that would be used as an incentive for redevelopment would be partial real property tax abatements and is available to all projects that conform to the redevelopment plan and all applicable regulations at the time of development. Staff has reviewed the plan and has determined it does conform with the City of Springfield's Comprehensive Plan in particular the Growth Management and Land Use Element and identifies the area as an appropriate location for medium intensity retail, office, or housing. The Redevelopment Plan is consistent with one of the Comprehensive Plan's overall policies to increase density and encourage infill development where public investments have already been made.

Mr. Young asked about the design standards for this area and if these have been implemented yet.

Mr. Schaefer stated the design guidelines are outlined in the Redevelopment Plan and any project that would come forward and request abatement would have to comply with those guidelines. The guidelines that are specific to the multi-family residential project are described in the multi-family location guidelines which have been adopted by City Council.

Mr. Young stated that it is not so much an overlay for this district that there are certain criteria, its just the blighted document that's already been approved; he was thinking there were going to be more design guidelines for this area that were independent of other blighted standards.

Mr. Schaefer stated that as far as multi-family is concerned any new zoning that would request multi-family residential would have to go through the guidelines. If the project wants to take advantage of tax abatement they are going to have to meet a higher threshold. Currently, if a project were to occur on its own that is not multi-family residential there are no specific design guidelines that are in place other than what is prescribed in the zoning ordinance.

Mr. Edwards opened the public hearing.

Mr. Shawn Whitney, 901 East St. Louis Street, commented he is representing the applicant. Mr. Whitney referred Mr. Young to page two (2), Section C of the redevelopment plan it actually sets forth specific design guidelines. They tried to be as loose as possible in the design guidelines because what they want to do is have a conforming use and want everything to look uniform to a degree and consistent with the neighborhood has right now but we also want it loose enough that we don't want to discourage development. We want people to know they can go in there and design it to their standards so long as they fit here and then they have a choice. If they want to go in and develop a project whether it be multi-family, commercial or retail that doesn't comply with these guidelines, they can do it. They still have to comply with the City's zoning requirements, but they would not be eligible for tax abatement. There is a lot of economic demand for that area; it's almost impossible to develop any commercial, retail, residential although there are some shining examples, there are parking issues. The streets are narrow and there are flooding issues. Anyone that goes in to develop has to work with the City to work on infrastructure improvements, whether it is road widening, or putting in sidewalks; utility infrastructure is necessary and what that does is create an issue with the cost of the overall development. It's much like downtown, it's a high demand area but it's really expensive to develop there so it discourages development. This incentive, if approved, will allow for these developers to go forward and they can go ahead and pay the cost of widening the road, burying utility lines and whatever else they need to do to comply with the City's infrastructure requirements.

Mr. Edwards asked for the story of how that tract was put together.

Mr. Whitney stated it was difficult, but the first thing they did was meet city staff and discuss generally what areas we could all get on board with. They then reached out to all the land owners in that area. Right now, they have forty-one (41) parcels; it was larger than that when they started. They sent out notices to land owners and had public hearings, two neighborhood meetings and through those meeting people either opted in or opted out and as that went on. The boundary line was redrawn five (5) or six (6) times by the surveyor.

Mr. Billy Jalili, 490 N. Pearson Creek, commented he is in favor of the proposed redevelopment plan. They are looking at the Galloway area to put a new restaurant and possibly next to it, a small shopping strip. It will be costly for them to develop the land because the City requires them to widen the street next to their property asking for sidewalks and utilities and they are in a flood zone area and that has to be addressed as well. He asks the request be approved.

Mr. Edwards closed the public hearing.

Mr. Lawhon stated he looks at the Galloway area as a diamond in the rough that was extracted from the quarry that on the west side of Galloway Street. He is glad to see something like this come forward. It is an area that is very ripe; it's waiting for something positive to happen to serve the local residents and bring other people to what he thinks is one of the hidden gems in Springfield. He is very supportive of this plan.

Mr. Edwards commented he is in agreement with Mr. Lawhon. It is nice to see how this process was put together; this is quite a bit of work and difficult to get something like this to move through and have not only the majority of people on board, but there doesn't seem to be a lot of opposition to it as well. Mr. Edwards commented he is in support of the proposal.

Mr. Lawhon motioned to **approve** Galloway Redevelopment Area Plan. Ms. White **seconded** the motion. The motion **carried** as follows: AYES: Edwards, McClelland, Ray, Young, Lawhon, and White. NAYS: None. ABSTAIN: Baird. ABSENT: Coltrin and Hansen.

ANY OTHER MATTERS UNDER COMMISSION JURISDICTION

7. Z-04-2014/UCD #2

Executive Board of Missouri Baptist Convention

(600 – 900 blocks South National Avenue)

Mr. Hosmer stated this is a case that went before Planning and Zoning Commission and City Council in February and has already had a public hearing at Council. At the City Council luncheon there was further discussion about this case. They believe the area affected by the proposed amendment is too large to allow retail uses and they have recommended getting the Planning and Zoning Commission's thoughts on scaling this back to the area from Page Street to Belmont Street and only allow the retail sales in that location. That is also part of the area where the conditional use permit for the retail sales is located. Staff is in support of this. This will go to Council at the March 10th meeting.

Mr. Lawhon stated he watched City Council's meeting when what they had passed was presented before them, and he found it really interesting, Commission heard this proposal, there was little if any opposition about this. There was opposition to it that was brought up at the City Council meeting, asking if that is why they are discussing this tonight because of the objections that were raised. Mr. Lawhon stated he is curious why those folks weren't present when they originally considered this.

Mr. Hosmer noted there were hearings and public meetings, letters and public postings as well as posted to Google Group and Facebook.

Mr. McClelland asked about the map and if those in the orange area would have to come back before Planning and Zoning to get a zoning change.

Mr. Hosmer stated yes. It will be handled as a conditional use permit with a public meeting before Commission. Mr. Hosmer noted that staff is looking at getting a recommendation about having the UCD area scaled back to allow retail use groups in a non-residential structure would only be south of Page Street and north of Belmont.

Ms. White asked if the neighborhood was unhappy with this plan, why they weren't present at the Commission meeting asking if it is not a proper use of National Avenue there for retail uses.

Mr. Hosmer stated staff felt retail would be an appropriate use there. The underlining zoning in this area is HD, Residential High Density, so there are apartments that could be put in this area, so is it more appropriate for apartments, office or retail. We felt retail would be better served in this area.

Mr. Edwards commented it is odd to get something referred back at Commission when no one spoke against it. We already approved this to be a high density situation though it is within Council's prerogative to do as they wish, but he does not see how this body's opinion is going to change much on this issue.

Mr. Lawhon stated his opinion remains the same in support of the plan as was presented to Commission.

Ms. Yendes noted that Commission could have a motion that indicates you continue to believe that between Belmont and Harrison should have the same conditions on it; that non-residential buildings could be used for retail with the use permit. Your recommendation remains the same that the area should remain the same.

Mr. Ray commented that after serving last year on the Visioning Committee for Rountree Neighborhood, everyone is aware that this is a sensitive area. Both the neighborhood and University are very sensitive to what happens in this area. A mixed use was more preferred along this area by all sides. Mr. Ray commented that it does time for people to form their decisions so maybe that is the reason people didn't speak up when they had an opportunity. Mr. Ray believes this is a good compromise in keeping all sides happy and it's a step in the right direction for future development or future retail development. The point at hand they looking at to solve this issue immediately so this would be a good step in satisfying all parties.

Mr. Hosmer noted that this should have been handled as a text amendment initially. It's changing the text of the overlay district. As Mr. Ray pointed out, this could be a testing ground to see how things go.

Mr. Ray stated he feels it is appropriate to scale back, it will not harm anything.

Mr. Edwards stated that is a very reasoned response and makes sense.

Mr. Ray moved to approve the revised Z-04-2014 UCD #2, Conditional Use Permit 410. Mr. Baird seconded the motion. The motion carried as follows: AYES: Edwards, Baird, McClelland, Ray, Young, Lawhon, and White. NAYS: None. ABSTAIN: None. ABSENT: Coltrin and Hansen.

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 horizontal line underneath.

Bob Hosmer, AICP
Principal Planner