

MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: June 5, 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 present: Tom Baird (Vice-Chair), Jason Ray, Phil Young, Gabrielle White, and David Shuler. Staff in attendance: Ralph Rognstad, Director of Planning, Bob Hosmer, Principal Planner; Nancy Yendes, City Attorney; Ron Colson, Public Works, Sandy Goddard, Administrative Assistant. Absent: Lawhon, Hansen, and Cox.

ROLL CALL:

APPROVAL OF MINUTES: The minutes of April 3, 2014, May 1, 2014 and May 15, 2014 were approved unanimously.

COMMUNICATIONS:

Mr. Hosmer noted the applicant has requested to table item No. 6, the So-El District Lofts Redevelopment Plan.

IV. FINALIZATION AND APPROVAL OF CONSENT ITEMS:

1. Relinquish Easement 808
(2420 W. Grand Street) Burrell, Inc.

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

Mr. Baird **motioned** to suspend the agenda to allow the Applicant for the So-El District Lofts Redevelopment Plan to leave the meeting. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Baird, Ray, Young, White, and Schuler. Nays: None. Abstain: None. Absent: Lawhon, Hansen, and Cox.

V. PUBLIC HEARINGS:

2. Z-09-2014 w/Conditional Overlay District No. 72
(2420 West Grand Street) James Place Apartments L.P. O'Reilly

Mr. Hosmer noted the purpose of this request is to rezone approximately 4.9 acres of property generally located at 2420 West Grand Ave. from a GM, General Manufacturing district and a R-LD, Low-Density Multi-Family Residential District with Conditional Overlay District Number 38 to an R-LD, Low-Density Multi-Family Residential District; and establishing Conditional Overlay District No. 72. City Council approved the rezoning of this property from R-SF to an R-LD Conditional Overlay District #38 by Ordinance #5917

limiting the site to 18 dwelling units per acre with an approved site plan in accordance to the Multi-Family Development and Location Guidelines. This request did not include property to the west zoned GM. Approval of 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. The request is consistent with the Multi-Family Development Location and Design Guidelines as approved by the Planning and Zoning Commission and City Council. The request will have to meet the Conditional Overlay District No. 72 requirements by limiting the density to 11 dwelling units per acre. As part of the conditions of the Conditional Overlay District No. 72, Off-site Improvements relating to the intensity of development at Grand Avenue requires 50 feet of right of way from the centerline. It appears that an additional 20 feet of right of way will need to be dedicated to the city. A sidewalk is required to be constructed along the property frontage along Grand Avenue. One access will be allowed to Grand Avenue and must meet city standard ST-9. Staff recommends approval.

Mr. Edwards opened the public hearing.

Ms. Jane Earnhart, Olsson Associates, 550 St. Louis Street, Springfield stated they are in agreement with staff comments and conditions asking for questions if any,

Mr. Edwards closed the public hearing.

Mr. Baird motioned to **approve** Z-09-2014 w/Conditional Overlay District No. 72. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Baird, Ray, Young, White, and Schuler. Nays: None. Abstain: None. Absent: Lawhon, Hansen, and Cox.

3. Z-10-2014 w/Conditional Overlay District No. 73
(900 N. National Avenue)

Christopher Valez

Mr. Hosmer stated the applicant is requesting to rezone property located at 900 N. National Avenue from an LB, Limited Business District to a GR, General Retail District with Conditional Overlay District #73. The intended use of the property is a coffee house with outdoor seating and a drive-thru facility. The accompanying Conditional Overlay District will prohibit some of the uses normally permitted in the GR District including funeral homes, mortuaries and crematoriums, household recovery centers, public service and utility uses, taxidermists, automobile service stations and service garages and self-service storage facilities. The Conditional Overlay District will also require the dedication of a right-of-way triangle at the corner of National and Central, improvement of the alley along the property frontage and closure of the existing driveway on National Avenue. The Board of Adjustment approved a Zoning Variance request to allow an increase in the bulk plane requirement from a maximum thirty (30) degree bulk plane to a maximum forty-five (45) degree bulk plane adjacent to the residential property to the north. In addition, the approved Variance reduces the perimeter landscaping required along the south property line from ten (10) feet to five (5) feet. The Variance will go along with the rezoning if it is approved this evening. In addition to restricting some of the uses normally permitted in the GR district, the Conditional Overlay District will require the dedication of a ten (10) foot by ten (10) foot right-of-way triangle at the corner of National and Central. The existing driveway on National Avenue will be closed and the alley east of the property will be improved adjacent to the subject property. Staff recommends approval.

Mr. Edwards opened the public hearing.

Ms. Stephanie Ireland, 1908 E. Sunshine, Springfield commented she is representing the owner and at the neighborhood meeting they had a lot of positive comments on seeing the property developed. They are trying to save as much of the building as they can that is structurally sound.

Mr. Milton Rafferty, 1429 S. Ranch Drive, Springfield, commented he and his wife own the property to the north. Mr. Rafferty stated they are in favor of the project, but have concerns with drainage and fencing. A solid wall fence will not allow the water to drain through if built. They have had a persistent problem of poorly controlled drainage out of the ditch to the east of the subject property. They have lost three (3) furnaces and two (2) hot water heaters in the basement there and the City of Springfield paid for one of them and they went in and put in a swallow hole in the ditch near the south end of their property at 906 National. They also own the property at 910 and the water gets backed up in there and comes over the side and goes into the basement and you can't control it. Mr. Rafferty stated he has two (2) sump pumps that can't keep up with it. After they built the swallow hole and directed the subsurface drainage out to the street it improved the situation but didn't correct it because branches would get caught in that swallow hole and back up the water and it gets deep. It gets up to eye level height in the basement which means the water heater and furnace are doomed, they can't be repaired. Mr. Rafferty stated that what he has been told by Amberly Larkins who is in charge of the project is that they intend to build a solid masonry wall, adding he is not sure that is finalized, but he feels that they would be in trouble with that. They currently have a wood privacy fence of treated lumber stating the left enough room at the bottom to let the water through; it naturally flows from the northeast to the southwest across their property and then on across 900 N. National. If the water is stopped there he doesn't know how it would ever be controlled. In general, Mr. Rafferty stated they support the request, but they would like object to having a fence in there that will not allow water to leave their property asking the petition to change the zoning be approved provided that the fence at 900 N. National not obstruct the natural drainage.

Ms. White asked Mr. Rafferty where his property is located.

Mr. Rafferty stated to it is the property to the north; it is a duplex.

Ms. White clarified that it is north of the property proposed for rezoning.

Mr. Rafferty said that is right and it faces on National. Mr. Rafferty clarified this is rental property he owns.

Mr. Edwards asked Ms. Ireland if they have discussed this with the neighbors there.

Ms. Ireland stated they discussed it with Rick Garner about drainage and a couple of staff people in that department adding they were told that they need to be sure and follow all rules and regulations for drainage which they agree with, whatever that may be. They don't know yet how it will be designed so she cannot say specifically what they will do.

Ms. Amberley Larkins, 900 N. National Avenue, stated she is co-owner of the property. They thought to separate with a permanent fence the residential from commercial structures and since that's where their drive through would be going, up against the fence, they would like to have something permanent. They have since found out the table water flow and all the technicalities they are now considering a metal type of fence or something elevated. They are concerned about that and will make sure that there is nothing that would be causing water to pool on either property and then fixing up the alleyway as well. The Rafferty's

have been very supportative and we want to make certain they are taken care of.

Mr. Baird asked Ms. Larkins to tell him how the driveway will flow for the project.

Ms. Larkins stated that Ms. Ireland is still working out the details, and pointed out on the display that the City has approved an entry and exit way, noting they would be utilizing the alleyway.

Mr. Baird asked Ms. Larkins if they have any current drainage issues on their property.

Ms. Larkins stated she is not sure; none that she has actually seen or dealt with, adding she has only owned the property since December. They have done a lot of demolition which has changed the water flow and they don't know at this stage without consultation from the engineers. She commented they do want to build something to separate the properties and they were thinking of possibly a metal gate with brick pillars. They have moved away from the solid brick structure because of cost issues. She pointed out that she believes the water flow downgrade toward National and will try to do what is best for all possibilities of flash floods because it is a very critical corner.

Mr. Edwards closed the public hearing.

Mr. Edwards commented that he is satisfied with the applicant trying their best to remediate any stormwater issues. We have encouraged, in the past, for older buildings to be repurposed adding he would support the request.

Mr. Young motioned to **approve** Z-10-2014 w/Conditional Overlay District No. 73. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Baird, Ray, Young, White, and Schuler. Nays: None. Abstain: None. Absent: Lawhon, Hansen, and Cox.

4. Z-11-2014
(3315 S. Campbell Avenue)

Wal-Mart Stores

Mr. Hosmer said this is a request to rezone approximately 1.12 acres of property generally located on the west side of the 3200-3300 block of South Campbell Avenue from Planned Development 14, 4th Amendment to an HC, Highway Commercial District with conditions. City Council approved General Ordinance 4019 on April 24, 1989 to amend the Planned Development 14, 3rd Amendment on the west side of the 3200-3300 blocks South Campbell Avenue to allow a drive-thru restaurant on an out lot. The applicant, Wal-Mart Stores, is proposing to rezone to a HC, Highway Commercial zoning district and subdivide the subject property to allow for a new Murphy Oil USA convenience store and fueling station. The current PD does not permit fueling stations. The Growth Management and Land Use Element of the Comprehensive Plan designates this area as appropriate for HC uses. The Highway Commercial zoning district is consistent with other HC and GR properties along the Campbell Avenue corridor. It will also 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. The following condition would apply, that an administrative replat subdividing the subject property from the existing lot is recorded following the Subdivision Regulations. Staff supports the request with the condition that the applicant must subdivide the subject property within two (2) years of City Council approval for the zoning to be effective.

Mr. Edwards opened the public hearing.

Mr. Kofi Addo, 3030 LBJ Freeway, Ste 100, Dallas, Texas, 75234 commented he is the applicant. There was a neighborhood meeting on May 15, 2014 at the Library Center and no one showed up. This will be a Murphy Oil fueling station with a convenience store.

Mr. Edwards closed the public hearing.

Mr. Baird motioned to **approve** Z-11-2014. Mr. Young **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Baird, Ray, Young, White, and Schuler. Nays: None. Abstain: None. Absent: Lawhon, Hansen, and Cox.

5. Perimeter Landscaping Amendments
(City-Wide)

City of Springfield

Mr. Hosmer noted this is a request by the City to amend *Subsection 6-1209.B., Perimeter Landscaping*, in the *Springfield Zoning Ordinance* to exclude perimeter landscaping requirements along public alleys. Planning and Zoning Commission initiated amendments to exclude perimeter landscaping requirements along public alleys at their meeting on April 3, 2014. Perimeter landscaping is required when parking lots or vehicle use areas are within 50 feet of a public street. Staff has determined that the perimeter landscaping requirements need clarification when adjacent to alleys. Staff has not been requiring perimeter landscaping adjacent to public alleys. The current language is not clear and the proposed amendment will clarify the implementation of this section. The Development Issues Input Group (DIIG), Urban Districts Alliance (UDA), Environmental Advisory Board (EAB), Commercial Club and all registered neighborhood associations were notified of these amendments and have made no objections to date. Mr. Hosmer stated staff recommends approval.

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** Perimeter Landscaping Amendments. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Baird, Ray, Young, White, and Schuler. Nays: None. Abstain: None. Absent: Lawhon, Hansen, and Cox.

There being no further business, the meeting was adjourned at approximately 7:00 p.m.



Bob Hosmer, AICP
Principal Planner