

MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: Sept. 4, 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: Matt Edwards (Chairman), Tom Baird, (Vice-chair), David Shuler, Jim Hansen, Shelby Lawhon, Phil Young, Gabrielle White and Melissa Cox. Staff in attendance: Ralph Rognstad, Director of Planning, Bob Hosmer, Principal Planner; Sarah Kerner, Assistant City Attorney, Rodney Colson, Public Works, Dawne Gardner, Public Works, Sandy Goddard, Administrative Assistant. Absent: Jason Ray.

ROLL CALL:

APPROVAL OF MINUTES: July 31, 2014

COMMUNICATIONS:

Mr. Hosmer reviewed City Council action from the meetings of August 4, and August 18th meetings.

FINALIZATION AND APPROVAL OF CONSENT ITEMS:

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| 1. Relinquish Easement 810
(248 E. Monastery Street) | Dave Coryell |
| 2. Relinquish Easement 811
(2000 block Chesterfield Boulevard) | Chesterfield Square Prop Owner's Assoc. |

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

V. PUBLIC HEARINGS:

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| 3. Z-17-2014 w/ Conditional Overlay District No. 80
(430 – 444 East Elm) | So El District, LLC |
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Mr. Hosmer stated this is a request to rezone approximately 0.62 acres of property generally located at 430, 438 and 444 East Elm Street from an R-HD, High Density Multi-Family Residential District to a CC, Center City District and establishing Conditional Overlay District No. 80. The applicant intends a mixed-use development with businesses and residential uses. The accompanying Conditional Overlay District will provide for parking requirements for the residential uses, however the number of off-street parking spaces can be reduced up to 20% of the required parking by providing bicycle parking spaces at a rate of two (2) bicycle spaces for each required off-street automobile space. This proposal did not require a Multi-Family Location and Design Guidelines assessment per CC, Center City District regulations. The adjacent alley will have to be constructed to 20 feet of pavement where 20 feet does not currently exist along the property frontage east to Kimbrough and a Traffic Study will have to be completed and approved by Public Works

Traffic Division prior to any development on the subject property. Adjacent property owners were notified and a neighborhood meeting was held on August 7, 2014 with no objections. Staff recommends approval.

Mr. Edwards opened the public hearing.

Mr. Derek Lee, Lee Engineering, 2101 W. Chesterfield Blvd., commented he is representing the owner. Mr. Lee stated at the neighborhood meeting one of the comments that came up is the parking issue. The intent is for this to be a residential development and staff has approved in the past the 80% parking adjacent to Center City areas and they provided that in response in working with the neighborhood and staff.

Mr. Edwards closed the public hearing.

Mr. Lawhon motioned to **approve** Z-17-2014 w/ Conditional Overlay District No. 80. Mr. Young **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Baird, Hansen, Young, Lawhon, White, Cox, and Shuler. Nays: None. Abstain: None. Absent: Ray.

- 4. Z-18-2014 w/ Conditional Overlay District No. 77
(3040 East Cherry)
- 8. Preliminary Plat Cherry Street East
(3040 E. Cherry Street)

Gary Burks

Gary Burks

Mr. Edwards noted both cases would be heard together.

Mr. Baird motioned to amend the agenda to hear the two cases together. Mr. Hansen seconded the motion.

Mr. Hosmer stated the purpose of this request is to rezone approximately 36.22 acres of property generally located at 3040 E. Cherry Street from an R-LD, Low-Density Multi-Family Residential District with Conditional Overlay District No. 20 and GM, General Manufacturing District to an R-LD, Low-Density Multi-Family District, GM, General Manufacturing District and HC, Highway Commercial District; and establishing Conditional Overlay District No. 77. The applicant is proposing self-storage facilities in the GM District, a convenience store with fuel pumps in the HC District and multi-family residential uses in the RLD District. The preliminary plat of Cherry Street East has been submitted to be processed simultaneously with this request. The applicant is requesting a conditional overlay district that will restrict the maximum density to eleven (11) dwelling units per acre on Lot 1. The proposed conditional overlay district will also require Cherry Street to be widened with a turn lane and record the Cherry Street East final plat. The southern half of the subject property is covered by sinkholes and is within a no-build zone as shown on the Preliminary Plat of Cherry Street East. The subject property was zoned GM, General Manufacturing until 2008 when all but two (2) acres were rezoned to R-LD with a Conditional Overlay District No. 20 to restrict the residential intensity to less than seven (7) dwelling units per acre and allow for an apartment complex. The new developer is proposing to leave majority of the property zoned R-LD as shown on Lot 1 of the preliminary plat for Cherry Street East, but increase the residential intensity to eleven (11) dwelling units per acre. They are also requesting to expand the GM zoning an additional acre to the south as shown on Lot 2 to build a self storage facility. The existing telecommunications tower will remain. Lot 3 will be rezoned to HC to allow for a new convenience store with fuel pumps. The proposed rezoning with the conditional overlay district meets the recommendations and intent of the Comprehensive Plan, GM, HC and R-LD Districts. The requirements of the Springfield Zoning Ordinance shall be as modified herein for development within this

district with the following conditions. The maximum residential density for Lot 1 is eleven (11) dwelling units per acre. A traffic study will be required for all lots and any required improvements shall be constructed unless the developer agrees to widen Cherry Street and construct a center left turn lane as approved by the Director of Public Works. A final plat subdividing the subject property into lots as described shall be recorded per the Zoning Ordinance and Subdivision Regulations. The Preliminary Plat is to subdivide approximately 36.22 acres into a three (3) lot subdivision and requesting a subdivision variance for a lot without full frontage on a public street. The Subdivision Regulations requires all lots to abut by their full frontage on a publicly dedicated street. Staff supports the request because Lot 1 will have safe public access onto Cherry Street that will meet City standards despite the configuration.

Mr. Hosmer outlined the three lots for Commission showing the proposed zoning and the location of the sinkhole.

Mr. Edwards opened the public hearing.

Mr. Jim Scott, P. O. Box 35, Ozark, Mo stated he is representing the developer. Mr. Scott stated the project would include a transition zone between all the property on the south and west and between the GM to the North and will be a plus to the City and surrounding property owners. The existing TV Station structure will be demolished. The existing building to the east of the station will be renovated and adapted as a club house as well as rental office for the apartment project. The density will be slightly less than eleven (11) units per acre.

Mr. Hansen clarified that they are including the entire acreage of Lot 1 in the eleven (11) units per acre.

Mr. Scott said yes.

Mr. Edwards closed the public hearing.

Mr. Lawhon motioned to **approve** Z-18-2014 w/ Conditional Overlay District No. 77. Mr. Baird **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Baird, Hansen, Young, Lawhon, White, Cox, and Shuler. Nays: None. Abstain: None. Absent: Ray.

Mr. Baird motioned to **approve** Preliminary Plat Cherry Street East. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Baird, Hansen, Young, Lawhon, White, Cox, and Shuler. Nays: None. Abstain: None. Absent: Ray.

5. Z-19-2014 w/ Conditional Overlay District No. 78
(4833 S. Campbell Avenue)

Ward Branch ETAL TR

Mr. Young recused himself from the hearing.

Mr. Hosmer commented that this is a request to rezone approximately 92.74 acres of property generally located at 4833 South Campbell Avenue from an R-SF, Single-Family Residential District to an O-1, Office District and a GR, General Retail District; and establishing Conditional Overlay District No. 78. This is a request to rezone approximately 40.63 acres to an O-1, Office District on the west side and approximately 52.11 acres to a GR, General Retail District on the east side near Campbell Avenue. This application includes a Conditional Overlay District to prohibit crematoriums as a permitted use within the GR district, to

increase buffering along the west property line of the proposed GR zoned area and to require certain public improvements. The subject property is located in the northwest quadrant of Campbell Avenue, which is classified as an expressway at this location, and Weaver Road, a secondary arterial. The subject property is in close proximity to the Campbell Avenue/James River area which has been identified as an Activity Center. Activity Centers are locations of significant business, institutional and higher density housing development. Upon development of the subject property for retail and office uses, bufferyards will be provided adjacent to the residential development. The applicant had originally proposed a minimum one-hundred (100) foot wide bufferyard adjacent to the residential development within both the proposed O-1 and GR zoned areas. The applicant has modified their application and is now proposing a minimum fifty (50) foot wide bufferyard along the west property line on Wellington Hills Subdivision adjacent to the proposed GR zoned area. The applicant proposes to provide a minimum fifteen (15) foot wide bufferyard with plantings with no fence as required in the O-1 District along the west and south property lines adjacent to the proposed O-1 zoned areas which is Wellington Hills and Quail Creek Subdivisions. Any building constructed within the proposed O-1 zoned area must remain below a forty-five (45) degree bulk plane from any residential district. There is a maximum height of thirty-five (35) feet for all buildings on the office area. Off-street parking lots must be screened from residential uses as well as trash facilities or any mechanical or equipment shall be shielded. A lighting plan shall be designed to reflect light away from adjacent residential uses. There must be a minimum of twenty (20) percent open space. Several public improvements are needed to accommodate of the subject property. The property will need to be subdivided with a major subdivision with a platted street system in accordance to the Major Thoroughfare Plan as adopted in 2001. The subdivision and development of this property will require development of a street system through the subject property and street connections to existing streets to the north, west and south to provide for internal circulation within the development and interconnectivity of the street system. The extension of Lakewood Street and El Camino Alto are required as well as a connection to Buena Vista and either Buckingham Lane or Wellington Drive. When Buena Vista Street was platted as part of Quail Creek subdivision it was designed as a collector street with additional right-of-way width (sixty feet as opposed to fifty feet) and was extended to both the east and west edges of the subdivision with the intent to allow for future connection. In addition, individual driveways are not permitted on Buena Vista Street and all of the homes along the street take access from the local streets that connect to Buena Vista. Street connectivity provides for improved safety, reduces gas consumption, air pollution and traffic volumes (congestion) on major streets and encourages alternative transportation modes such as walking and cycling. The proposed street connections will provide the opportunity for residents in the adjacent neighborhoods to easily access the facilities and services within the proposed development and those already existing to the north without having to access the major street system.

Mr. Hosmer noted that currently Quail Creek Subdivision has only one way in and one way out and that is only through Republic Road. The Parks, Open Space and Greenways Plan Element of the Comprehensive Plan shows the corridor of the Ward Branch Greenway extension through the subject property. Upon subdivision and development of the property, a connection will need to be made from the existing Ward Branch Greenway Trail to The Library Center to accommodate bicycles and pedestrians. There was a neighborhood meeting held on August 8, 2014 and there are sixty-five property owners within 185 feet of the property. Staff has received several phone calls from nearby property owners and has received many letters that are attached in the packet tonight. The Conditional Overlay District will modify the GR District to prohibit crematoriums and require a Type F Bufferyard at least fifty (50) feet wide along the west side of the proposed GR zoned area adjacent to the east side of Wellington Hills subdivision. The Conditional Overlay District will also modify the O-1 and GR District to require the property be subdivided as a major subdivision.

As part of the subdivision, the extension of Lakewood and El Camino Alto are required as well as a connection to Buena Vista Street and either Buckingham Lane or Wellington Drive. The design of the public streets within this development shall utilize bends, round-a-bouts, tee intersections or other design features to discourage cut-through traffic through the residential neighborhoods. Development within this district may be phased as long as the necessary public improvements to support each phase are provided in accordance with an approved phasing plan approved by the Administrative Review Committee. A Traffic Study shall be approved at the time of development by the City Traffic Division and Missouri Department of Transportation (MoDOT) which may require additional public improvements. A bike/pedestrian connection shall be made through the development to connect the existing Ward Branch Greenway Trail to The Library Center. The connection can be by a separate bike path or on-street accommodations. The specific location of the connection shall be approved by the City Traffic Engineer.

Mr. Hansen commented that the report noted that since the Ward Branch is a blue line stream that they must obtain a jurisdictional determination from the US Army Corp of Engineers asking if that has been filed yet.

Mr. Hosmer said he would refer to the Stormwater Engineer, Todd Wagner.

Mr. Wagner stated that would be a question for the developer, however, he doubts that at this point they have. Plans have to be developed far enough along so that they would know if they are going to be encroaching into the stream and whether they do need a permit.

Mr. Edwards asked for clarification on the bufferyard requirement in the zoning and what the applicant has requested.

Mr. Hosmer said the zoning requires a fifteen (15) foot bufferyard around the proposed Office District. The applicant is proposing a (50) foot wide bufferyard along the west property line on Wellington Hills Subdivision adjacent to the proposed GR zoned area.

Mr. Edwards opened the public hearing.

Mr. Jay Wynn, 5051 S. National Avenue, commented he is representing the developer, Curtis Jared. Mr. Wynn stated that at the public meeting he tried to show at the public meeting how and the road system would be laid out within the development to deter the traffic from cutting through Quail Creek; noting that many people at the meeting had issues with that connectivity adding he attempted to show them the Major Thoroughfare Plan requirements of showing the connection. The neighborhood was not happy with the traffic in Quail Creek.

Mr. Baird asked Mr. Wynn to explain the traffic calming measures to cut down on traffic going through Quail Creek.

Mr. Wynn stated that would be by round-a-bouts, turning, and off-setting intersections to prohibit people from having a straight shot into Quail Creek but again, that was an issue for many of the people.

Mr. Hansen asked Mr. Wynn to describe in general terms what they plan to put on this land.

Mr. Wynn stated that at this time they have no idea; they can't get a tenant because they want the zoning. There is interest in the property due to the location of the property, but there is no tenant designated at this time for that property.

Mr. Baird asked about the time line for Buena Vista to be extended to the west to connect with Farm Road 145.

Mr. Hosmer stated no, he is not aware of any timeline.

Fifteen members of the public spoke against the proposed rezoning.

The concerns of the neighborhood were the increased traffic through the neighborhood; devaluation of property; transparency and cooperation; the bufferyard reduction; cut through traffic; flooding issues and erosion; lost of peace and quiet and the safety of the neighborhood with only one way in and one way out; safety of children in neighborhood; increase in crime; disregard for speed limits in the neighborhood; concern for increase in potential traffic accidents and vehicle/pedestrian accidents; narrow streets with lawn mowing companies, service companies, and trash trucks each Monday and Thursday; the intensity of the proposed development; question of using a step-down zoning in this area; extension of Lakewood Street to Buena Vista Street and internal street connections of Buckingham Lane or Wellington Drive;

Mr. Jim Rock, 4610 S. Quail Creek
Mr. Bill Nicholson, 4697 S. Woodpoint Avenue
Ms. Sara Brodersen, 4637 S. Turnberry
Dr. Willis Hoyt, 4624 S. Quail Creek
Mr. Charles Dischinger, 702 W. Farm Road 178
Mr. David Cobb, 4651 S. Quail Creek
Mr. Jeff Gilbert, 786 W. Kingsway
Dr. Tim Cederblum, 4991 S. Buckingham
Mr. Tom Rykowski, 4612 S. Woodpoint
Mr. Tim Bertholdi, 1110 W. Rockhill
Ms. Aleta Dyer, 4926 S. Wellington Drive
Mr. Gary Crain, 4320 S. Quail Creek
Mr. Michael Dailey, 4660 S. Quail Creek
Mr. David Inman, 4694 S. Quail Creek Avenue
Mr. Elijah Harr, 4740 S. Woodpoint

Ms. Stephanie Stenger Montgomery spoke in favor of the proposed rezoning on behalf of the property owners to the north; the rezoning is consistent with the adopted land use plans and the City's policies; it compatible and consistent with the character of the nearby property. The existing R-SF is not consistent for the area and the rezoning would not be detrimental to the surrounding properties.

Mr. Hosmer commented the map is the Major Thoroughfare Plan, the generic general layout of what they proposed back in 2001 as far as the connectivity. It was not included it in the packet because it is not part of the rezoning case.

Mr. Hansen asked which direction the water was flowing.

Mr. Hosmer noted that the water is heading south, toward the Ward Branch area.

Mr. Hansen asked about the northern branch of Ward Branch that goes to the north border of the proposed property, going under academy sports and do we have any idea how big a watershed drains through that.

Mr. Wagner asked if Mr. Hansen was speaking of the tributary coming under Sam's Club and under the freeway; estimating around two hundred acres maybe, commercial on Republic and residential north of that; it drains through there.

Mr. Baird asked Mr. Cobb if when he purchased his home if he was aware that Buena Vista was labeled as a collector street and would be connected to areas to the east and west of the neighborhood.

Mr. Cobb said yes.

Mr. Hansen asked Mr. Cobb if the road doesn't go through if the development would be a big objection to him.

Mr. Cobb stated he thought it would stay residential homes and expected the connection to be to residential.

Mr. Hosmer clarified that Quail Creek was platted 1995 and 1996 Phase 5 and Phase 6; the road was platted with a sixty (60) foot right of way for a collector street and the collector street did not matter if it was zoned R-SF or GR, or O-1; it does not matter about the use of the property, it was planned on the Major Thoroughfare Plan and was classified as a collector street for connectivity. This has been in place since 1995. Whether the zoning takes place or not, the street is planned as a collector going through the property.

Mr. Baird asked if it is the City's requirement or the developers desire that this plat of land be connected to Buena Vista.

Mr. Hosmer said yes; they would require it from the subdivision process that it have streets in all directions; in this case Buena Vista having an east and west connection and also having a connection to the north going to Republic Road.

Mr. Baird clarified even though that area has changed significantly in the past twenty five years.

Mr. Hosmer stated the connectivity would still be required. There is only one entrance and should there be an emergency, it is not well served for the public have one access entry into a subdivision.

Mr. Edwards noted to follow up, that is the City's policy on any development that space two roads, and the City requires connectivity on that issue.

Mr. Hosmer said that is correct.

Mr. Edwards noted that the City has not done that in the past, from time to time, is that correct.

Mr. Rognstad stated that there have been roads that have not been connected; mostly they were local

streets. The Major Thoroughfare Plan shows the collector connecting from Farm Road which is Kansas Avenue through Buena Vista and divides and goes over to Campbell. The Major Thoroughfare Plan is a guide of where the streets should be. The exact alignments are determined during the subdivision process. Based on City Policy, the collector street should be continued from one arterial to the other.

Mr. Wagner noted that in the cases Mr. Edwards has referred to in the past where that requirement was waived; those areas had multiple ways in and out already existing. In this case there is not that option.

Mr. Baird asked what would have to happen for Buena Vista to connect to Farm Road 145 to the west; is it this development that would push that connectivity or is it a development to the West of Quail Creek or what has to happen for that requirement to be met.

Mr. Rognstad stated that at this time the City would wait for a development to occur on the west side. There are very few occasions that that the City would go out and purchase the right of way and extend the road.

Mr. Hansen clarified with staff that the extension from Quail Creek to Kansas across what is vacant land now would not happen until that is developed because presumably the developer would be responsible for that.

Mr. Hosmer said the City would require them to build that and plat that when that came through; if that was developed as a single family development we would require that collector to be generally located in that location with a sixty (60) foot right of way.

Mr. Hansen noted that as it is today until some unspecified date in the future the Buena Vista extension would end up being to Quail Creek Street and not on through to whatever. So what we would be doing is connecting Buena Vista to Quail Creek, correct.

Mr. Hosmer said that is correct.

Mr. Hansen stated that would have a negative effect upon Quail Creek until some unspecified day in the future when that other property is developed, then Buena Vista would go straight through.

Mr. Hosmer said yes.

Mr. Rognstad stated it would rearrange the traffic patterns, the questions is how will it rearrange the patterns and how much traffic will you get from outside going through. We believe this will be serving the Quail Creek neighborhood for people accessing the commercial office development to the east that it would not significantly increase the number of people from outside the neighborhood through the area. There is no way to quantify that.

Mr. Baird asked if this is a requirement of the City or the desire of the developer to connect Wellington and or Buckingham since this neighborhood is already connected. This neighborhood has multiple points of access and connectivity.

Mr. Hosmer noted it is a requirement of the City. They don't have connection to the north only to Weaver so that would be up to traffic division.

Mr. Gugel stated from the stand point of not only local traffic but emergency vehicles the idea is to have that connectivity to allow that type of traffic or flow of traffic. They look at each development to tie in all directions and they have options in the design to limit or reduce the amount of cut through traffic. It will never be eliminated completely, but things can be done to discourage it.

Ms. Stephanie Stenger Montgomery spoke in favor of the propose rezoning on behalf of the property owners to the north, adding the rezoning is consistent with the adopted land use plans and is compatible and consistent with the character of the nearby property. The existing R-SF is not consistent for the area. Springfield is not a Community that embraces multi-family housing which is a reality of the market place. The rezoning will not be detrimental to the surrounding properties.

Curtis Jared, 2870 S. Ingram Mill Road, commented he is the developer of the property. Mr. Jared discussed they have to create an onsite water detention so there will be no water dumped into the water ways which is not allowed by the City. Concerning the connector to the neighborhood, they would rather not build them. If it is a requirement they have to build them in order to move the project forward, that's a part of doing business. The topography of the back property is not conducive to residential building; it will be an expensive proposition.

Mr. Baird asked why the change in the bufferyard.

Mr. Jared said to accommodate future parking and tenants' needs. The roads will be wider than what the bufferyard will be and they don't want to limit themselves.

Ms. Cox asked Mr. Jared if he had to get any kind of jurisdictional ruling from the Corp of Engineers on the Ward Branch that moves through the area.

Mr. Jared stated if they alter the property in any way, yes they will have to. Most people they deal with don't want to come into a site not knowing if they can get the zoning and build, so most of them want things prepared and ready to go. This is a first step in determining what can be put on this site.

Mr. Hansen noted that if the neighborhood as well as Commission knew what of kind of development was going to go on the site would make it easier to make a determination and the neighbors are thinking the worse case, what is the most intense use of that land that is possible.

Mr. Jared commented that any tenants they will be negotiating with will be similar to Academy Sports or Freddy's and Sam's Club; the reality of this property is, if you speak with any engineer, if this was a flat piece of ground this would have been developed years ago. It is all over the board and with the Army Corp of Engineers to deal with along with any sort of change of the streams that come through; there is a lot of money in site cost. There are too many unknowns and you won't develop plans for a piece of property till you have it zoned on just an assumption.

Mr. Edwards closed the public hearing.

Mr. Baird commented he can see both sides of the fence in this issue and has serious concerns over dumping office through a residential neighborhood. Mr. Baird asked about the intersection of Bedford, Bowman and Cherokee asking if the City considered that to be connected because Blackman Woods has

only one entrance.

Mr. Rognstad stated the City does not consider that connected. The reason that was put in was there was a large call center and there was a lot of traffic that was using this as a cut through. It's not a collector; it's a smaller local street.

Mr. Gugel commented that was done several years ago for the reason given; one of the reasons why that was used as a cut through had to do with what the situation was on Sunshine as far as signals and ingress/egress off Sunshine. That was put in as a response to that particular activity going on. Since then there have been improvements that have occurred on Sunshine and that goes back to how we look at the traffic study and things that we handle now through design to provide connectivity but discourage the cut through traffic. There is a traffic calming program in place when the neighborhoods contact us about an issue and the City enters into a discussion with them to figure out ways that we can address their traffic concerns with an acceptable amount of inconvenience to the residents.

Mr. Baird asked for examples of traffic calming measures.

Mr. Gugel said traffic calming is a way to lengthen the distance and time it takes to get through an area so as to make it a disadvantage to do so, adding they try not to do that because they are a maintenance issue; the City tries not to go vertical so we look at the use of medians and roundabouts. If you have a neighborhood that has multiple ways in and out, it makes sense to do that, and in this case this would be called a diverter. It would make sense to close off a particular area so that you still have access through the entire development and have multiple ways in and out; you are just taking out the shortest and direct route. The idea is if you lengthen the distance and do things in design through horizontal curvature, narrow the lanes to slow traffic through medians; if you make it a longer route and a slower route people will tend to avoid that.

Mr. Bird asked if Quail Creek and Buena Vista are the same classification of street.

Mr. Gugel stated Buena Vista is a collector and Quail Creek is a local street (correction Quail Creek is a collector too). They are built to different design standards; one thing as far as classification, there is a standard they look at as far as width goes. Unless there is a physical reason to vary from that we usually hold to that. The classification is based on the width; the width is more the result of a classification. The main idea for a collector is it is a street that has no or very limited access so drive ways coming in or out of it to allow traffic to move through different subdivisions whether they are residential or commercial.

Mr. Baird stated that what is being done is taking Quail Creek and putting more traffic on it than what it was designed for, for a given period of time till it develops to the west, is that correct.

Mr. Gugel said he is not sure that is a totally fair statement because classification isn't dependent upon the volumes. Locals don't go very far and that makes them a local. It depends on what is around it.

Mr. Edwards commented that Commission sees a lot of cases like this where they attempt to step down and do what can be done on a piece of property to insulate it and for the most part, he agrees with Mr. Rykowski, that an office development is a good step down overall when you consider what the alternatives could be for such a piece of property that does have commercial viability. It is important to consider balance at this juncture; balance and fairness. Mr. Edwards stated he is a believer of in the broad policy of

connectivity that the City has and there is a good reason for it. From looking at the map and knowing the development of this particular parcel that these neighborhoods were allowed to develop in a manner that did not foresee the connectivity issue, otherwise there would not have been that many densely built houses on there. There are a couple of competing issues here and he would like to find a way to marry these where and work together. Mr. Edwards said the development on a whole merits going forward, but cannot vote for it with the connectivity issues. The neighborhood has made a very compelling case about not wanting commercial traffic to be dumped in and given the uncertainty of the westward connection all they are doing is opening that up. Mr. Edwards stated he believes that there is some life safety issues with the fire and ambulance and the police, however they have developed this way and what Commission hears is that they have a safe neighborhood adding he bets a fire truck could get in there. Mr. Edwards stated he could not support it as it is, but he has support for the development for the office and the general retail and the space they want to put it.

Mr. Lawhon stated he is in favor of the zoning request; it is appropriate for this piece of property. As we often times deal with competing or different interests, the interest of the developer to do something of value with the property; the interest of the adjacent property owners to maintain as much as they can the quality of life that attracted them to where they live right now. Fifteen people spoke in opposition to this and traffic is the number one concern he heard. Mr. Lawhon stated he is in favor of what they want to do. He did not hear the residents of Quail Creek or Wellington say that they don't want this at all. What he did hear is the neighbors realize something is going to happen and they would like to be involved in that process to come up with something that as residents they can live with and will be acceptable to the developer. There was a lot of talk about the Master Plan and connectivity; it is important for a city to have plans about what they want to do. Those are documents, but they are living documents. Mr. Lawhon stated he has big problems with the connectivity issue. He appreciates the City's concern about connectivity and public safety. However, how many times during the last twenty-five years have there been occurrences where public safety was compromised because Quail Creek Avenue is essentially a cul-de-sac, one way in and one way out. If it had really been that big of a public safety issue it would have been solved by now. The fact that there is obviously no public safety issue begs the question of is the connectivity on Buena Vista really that important; does it really need it. Mr. Lawhon stated that for him that's a roadblock on the whole issue. It is naive to assume there will not be cut through traffic. Mr. Lawhon commented that he believes there is a way for all these interests to come together to come up with a solution that can be mutually satisfactory and a consensus that everyone can live with, adding he does not see it on this particular proposal and therefore would not support the rezoning request.

Mr. Hansen said to add to Mr. Lawhon's statement, there is a lot of dissatisfaction in the room with how this proposal was communicated; probably on both sides adding he hopes in the future that the owners and neighbors could have more discussion and come closer together on how this should be developed on the west boundary. Connectivity is a bedrock principal, but in this case Mr. Hansen said he agrees this would go counter to what we are here for, adding he cannot support the request as it is.

Mr. Baird stated that he is not certain the developer should be put on the hot seat for this connectivity issue, because it seems like it is a City Policies and Procedures issue. It doesn't appear the developer is trying to shimmy something through the system or that the neighborhood is trying to stifle development, it seems like they are stuck on a bureaucracy issue and that's not to put down staff because they have to work within the boundaries they have been given.

Mr. Edwards asked staff if they could take out the connectivity of the streets from Commission.

Mr. Rognstad stated the role of Commission is to hear public input and also look at whether the proposal is in conformance with the Comprehensive Plan. The Comprehensive Plan clearly shows there is a connector that goes through the area and supposed to be connectivity. In essence what you are saying is you believe the plan is wrong the plan should be amended to change that.

Mr. Edwards commented for the sake of argument, they don't want to amend the entire plan, but perhaps in this instance Commission doesn't find this to be in conformance with the notion. Mr. Edwards asked if Commission has the option to amend the proposal with approval from the applicant to eliminate the connectivity of those roads or be more appropriate to table the issue with the thought of will that go anywhere.

Mr. Rognstad stated they could make a recommendation to Council or table it to look at the plan and come back with a recommendation on whether or not the plan should be changed. Mr. Rognstad stated staff will not recommend that the zoning go forward without the street connection. Commission can make recommendation for approval of the zoning without the connection and it goes to Council and Council then makes the decision.

Mr. Jared commented he is perfectly fine with not having to connect, if he is not required to.

Ms. Cox asked about the Greenway Connection in conjunction with the Ward Branch. Is there a potential way to think about connectivity in a different way if there has to be connectivity at some level on the Master Plan by utilizing the Greenway to come in.

Mr. Rognstad stated that is connectivity for pedestrians and cyclists for people on the Ward Branch, it's not connectivity for people in Quail Creek. From staff's perspective if the connectivity is not there it is not in conformance with the Master Plan. If staff felt there was a good reason for there not to be connectivity, then they would make that recommendation. The issue to a large degree is revolved around safety and whether or not fire trucks can get in the neighborhood. The staff has to look at all the issues related to connectivity and it's not just safety, its access and benefits of the neighborhood with the greater public good.

Mr. Baird motioned to **approve** Z-19-2014 w/Conditional Overlay District No. 78 with the **recommendation** to City Council to strike the connectivity to Quail Creek and Wellington Hills Subdivisions. Mr. Lawhon **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Baird, Lawhon, White, Cox, and Shuler. Nays: Hansen. Abstain: Young. Absent: Ray.

6. Z-20-2014 w/ Conditional Overlay District No. 79
(2759 East Pythian)

Presbyterian Children's Homes

Mr. Hosmer stated this is a request to rezone approximately 5.86 acres of property generally located at 2737 and 2759 East Pythian Street from a R-SF, Single-Family Residential District and a R-MD, Medium Density Multi-Family District to a R-MD, Medium -Density Multi-Family Residential District; and establishing Conditional Overlay District No. 79. City Council approved the rezoning of the property at 2759 East Pythian Street from an R-1, Single-Family Residential District to an R-3, Multi-Family District on February 16, 1988 by Ordinance #3892. In 1995, the City amended the entire zoning code changing all R-3 Districts to an R-MD, Residential Medium Density Multi-Family District. The Comprehensive plan supports High

Density housing at the intersection of Cedarbrook Ave (a secondary arterial) and Pythian (a collector street). Staff is aware of the Glenwood Village neighborhood concerns which currently have problems with flooding and traffic problems generated from adjacent uses such as athletic functions at Cooper Park and school buses from R-12 transportation facility. This request contains 3.0 acres of property already zoned R-MD. Under current city regulations there could be approximately 87 units built on this property. The requested Conditional Overlay District limits the density of the property at 2737 East Pythian Street and a single-family lot along North Cedarbrook Ave to 11 dwelling units per acre. The property at 2759 East Pythian Street, which is currently zoned R-MD, will have an overlay district requiring a lot combination for all tracts to be combined into one lot. The proposed request did not have to complete a Multi-Family Development Location and Design Guidelines assessment since the density will not exceed 11 dwelling units per acre. The required design standards within the R-MD district regulations will mitigate any potential impact of multi-family development on the surrounding properties. There will be 45 degree bulk plane or a 1:1 ratio building setback when adjacent to an R-SF District and a 15 foot bufferyard is required, however there is no fence. The density will be limited to eleven (11) dwelling units per acre for Lot 6 of Shady Dell Hills Subdivision (Tract 2) and (Tract 1) as described in the property description. There will be Off-site Improvements relating to the intensity of development: Sidewalks will be required to be constructed prior to development along the property frontage of Cedarbrook Ave and a lot combination to combine all tracts into one lot of ownership. Thirteen (13) property owners are within 185 feet of this site and have been notified of this action. There have been a number of calls related to the rezoning of this property. There was a neighborhood meeting held on August 12, 2014. The applicant's meeting summary is attached (Attachment 2). There was a second informal meeting held at the request of City Councilperson Rushefsky on August 19, 2014 which was held at the Cooper Complex. Staff is recommending approval.

Mr. Edwards opened the public hearing.

Mr. King Coltrin, 2826 S. Ingram Mill, commented during the public meeting, two items of concern were traffic and stormwater. The stormwater issues in this area are definitely an issue and the City is aware of this and working at doing future improvements to increase the stormwater retention and try and aid the downstream flooding. The developer contacted Mr. Coltrin after the public meetings with the concerns of the neighborhood relaying to them that whatever the City does in the future, if the City does a regional detention like they are planning, can this site handle its own stormwater, have plenty of green space and not add to the downstream flooding. The benefit to this site is the developer is limiting themselves to fifty-five (55) units. It reduces the stormwater generated, the traffic, and reduces everything that could happen on the property. The stormwater isn't an issue and if or when the City can do the bigger regional detention site, part of that would take off a corner of this property and the developer is willing to donate that to the City. In the immediate future, this project stands alone on its own stormwater and takes care of itself and in the future it works with the larger group to help take care of the larger process. Because of the way the properties are currently zoned today, they can generate altogether combined seventy-two (72) trips in the am peak and ninety (90) trips in the p.m peak. When you switch that zoning and put the limited overlay on here with only fifty-five (55) units in there, that seventy-two (72) drops down to thirty (30) in the morning and the ninety (90) in the evening drops down to thirty-five (35). The overall traffic impact verses what could happen today if those properties develop on their own, verses what would happen with this development if approved is greatly reduced. Pythian is already a three lane road and set to handle the capacity. There are the green spaces and parks to the north and west of us so the facilities are already there in place. It is part of an infill system to build inside the City and not extend out and those issues are also a great concern to the developer and he has spent time and money to make sure that those can be addressed and taken care of with this project. It is a good project and a good use.

Mr. Edwards asked how many units could be put on this site with the Residential Medium Density it is already zoned.

Mr. Coltrin stated it is twenty-eight (28) units per acre so approximately ninety (90) units.

Mr. Edwards clarified that without the change of zoning, the developer could put more units on this site if they wished.

Mr. Coltrin said yes. That is where the larger traffic numbers come. It could develop a lot bigger; this is a smaller development proposed.

There were fourteen (14) members of the public who spoke against the proposed rezoning.

Mr. John Shaw, 841 N. Oak Grove Avenue commented the detention area for Cooper Soccer Fields turns into a lake when it rains because it cannot drain fast enough; seven or more hours after the rain has quit before it drains. Where the bus barn will be, the detention is useless. The retention pond where the Cedarbrook Apartments are is a failure; it doesn't work. Mr. Shaw said the neighbors who live behind there have yards that flood when it rains. The park is a retention area for runoff which drains into Rockhurst and when it rains, there is a river on both sides of the road.

Ms. Michelle Renfro, 803 N. Fairfax commented Glenwood Village is a nice, clean safe neighborhood. Due to developments upstream from the neighborhood, the neighborhood has become the crosshair of all the water runoff. Ms. Renfro provided pictures of her home showing the flooding issues. Ms. Renfro stated that at one point they had fourteen (14) inches of water in their garage. The City has made some decisions or poor choices in the way they have allowed developments to happen which has put the neighborhood in this situation. With the water situation and the low income housing, it is making their homes of no value.

Mr. Baird asked about the comment that the water issues, flooding, have come about in recent years asking if that statement could be qualified of when that started taking place.

Ms. Renfro said she could not speak to that.

Mr. Baird asked staff how the water flows from this property or the topography of the area and will this add to the problem. It is the hope of the City that the developer develops this to the standards at which it will not put more water into the system than what is currently in it.

Mr. Wagner stated the proposal is going to result in a detention area at the northwest corner of the applicants property so low point. That will then drain out of the property there at the northwest corner, pointing out a stream on the display, stating it is dry most of the time, but it is a waterway that is flowing southwesterly. It drains about two hundred (200) acres back toward Division and Highway 65. That will drain southwesterly into the regional basin there in Cooper. The Cooper Basin has a pipe connected, a four (4) foot diameter pipe or three and one half (3 ½) foot diameter pipe connected to that outlet structure that runs west on Pythian and then over to Patterson and then south to the creek at the blue line on the display. When that system is overwhelmed, when the pond is full, and that pipe can no longer carry more water, then that is when they start to see water coming over Pythian down to the neighborhood.

Mr. Baird asked how often that happens.

Mr. Wagner stated they are going by reports of what they are told from the neighborhood; we know that it has happened several times in the last ten (10) years. It is hard to say for certain, on average every two (2) to five (5) years. Some years it won't happen, and other years when it may happen two (2) or more times a year when you get repeated rain. It is on a fairly regular basis.

Mr. Baird asked about the stormwater requirements and when they are updated.

Mr. Wager stated they have had several updates to the ordinances. The original ordinance was 1983, a major in 1994, and added water quality or retention requirements which helps even more; that has gone City wide in approximately 2005 when they began implementing that. They have refined some of the numbers to protect downstream over the years also, but those are the major revisions.

Mr. Edwards asked where this neighborhood and this problem fall.

Mr. Wagner stated this is a priority; they have done a few things, which are not as much as they would like to do. For a brief history on this subdivision, it was platted into the county in 1962; there are two hundred (200) acres coming in from the north and four hundred (400) acres coming in from the east. There were no storm water controls. There were existing flooding problems from the time this was built with a total of six hundred (600) acres draining through it. In response to that the Cooper Park Basin and the Glenwood Park Basin were both built in the mid to late 1980's. Those were built in response to flooding problems that they were experiencing. The City built a few regional basins with some sales tax money in the mid 1980's and two were built in this area. Obviously it was problem that was being addressed at the time or trying to. They had limited space. They built what they could at the time with the space they had. Those basins will perform up to about a two (2) to five (5) year level; that is they will over top probably every two (2) to five (5) years on average and maybe a little more depending on the year. In 1992 Rockhurst improvements were done. That was another attempt to lessen the flooding. Again they had limited right of way. They didn't buy out houses they just built the ditches on the side of the road to carry the most water they could with the space they had. Again it did better than it did before, but it still floods on occasion. It was mentioned that the pipe down Pythian and Patterson that diverts water around the neighborhood up to a certain level and then it can no longer take water. In more recent years we have been doing some ditching improvements along Fairfax, down the middle of the subdivision and they are still working on one side of the street. At the request of the neighborhood to give them some relief so it doesn't fix everything but it helps. They also made a modification to the outlet structure on Cooper Park Basin which helps make it run a little bit more efficiently. In the present, the Corp of Engineers study which you may have heard about for Jordan Creek includes five (5) regional detention basins in the upper parts of the Jordan Creek watershed. One of those was identified to be just upstream of the Cooper Park Basin. That is the one you may have seen on the handout where it shows a regional detention basin clipping the northwest corner of this property. That is a project they would like to build, and hoping to get federal funding. They are approved by the Corp of Engineers and by Congress in a recent bill but not the funding, only the project itself. We are still a couple of years away because it takes awhile for that to happen. We don't know if that will happen and they have met with the airport and they are not excited about a detention basin off the end of their runway. That may or may not happen; we feel like it would really improve the flooding coming in from the north tremendously, but it simply may not happen because of cooperation with the property owner and the likelihood of getting federal funding. Mr. Wagner stated they continue to look at other options and even now looking at options with a small amount of money that they have with some things they can do along Pythian to try and help.

We do not have the funding right now available to say we can fix this subdivision up to a hundred year level. It is a priority and will the City will continue to put money into this problem as it becomes available.

Ms. Lisa Goetz, 828 N. Fairfax commented they did not have flooding problems years ago or they would not have considered purchasing a home and living in the area. It doesn't require a large rain to flood the area and it's getting worse. Ms. Goetz stated she has been working with the City and with Mr. Wagner on getting their ditches done and working to address the problem. Ms. Goetz presented letters from the neighbors asking that the area not be rezoned due to flooding issues and traffic.

Mr. Tonny Wolfe, 511 N. Burton, commented he has lived at that address for the last five (5) years. The last changes that were made to the three sided culvert and the retention wall off Cedarbrook helped, but there is still flooding issues. It appears there is not enough outflow off Patterson to get into Jordan Creek. The traffic will be an issue. Mr. Wolfe provided pictures for Commission.

Mr. David Goetz, 828 N. Fairfax, commented last year he spent more than ten thousand (\$10,000) dollars repairing wood damage to the floor joists on one end of his home; the floor caved in and he still has another section of the house to repair. Mr. Goetz said they did not flood when they moved into their home; the flooding began seven (7) years ago starting with only heavy rains and as time has gone on it has become worse with just a lighter rain. Mr. Goetz commented he has a two thousand (2000) gallon pump under his home that he can't run until the water stops so the house fills up completely underneath, sits that way for ten (10) or twelve (12) hours till the water recedes and then he can turn the pump on and pump it out and that is when he is getting the wood damage. Building at the top of the hill will push more water into the area. Mr. Goetz stated if you build a detention basin inside a detention basin, it will not do any good. If the city would address and fix the flooding problems, then build the apartments. The school district is putting in the bus barn at the top of the hill; the school told the neighborhood association that the buses won't come toward their neighborhood; they will be taking everything straight out to Chestnut down Belcrest. Mr. Goetz provided an e-mail from the Director of Transportation for the Springfield Public Schools that states they will go the other directions. Mr. Goetz stated he appreciates the help Mr. Wagner has provided, but their problem is not solved and will not be solved by adding more water.

Mr. Jim Lemaire, 702 N. Oak Grove asked how many more red flags will there be before someone says this is not a good idea. The soccer fields and the tennis courts are good exposure for Springfield and they didn't mind them coming in; good income, good for the children and all around. It did create traffic problems within the neighborhood that need to be addressed and will now create more traffic problems on the other side. Cedarbrook is narrow and dangerous and the traffic issue will be exacerbated by adding more traffic by putting apartments there.

Ms. Mildred Nicholson, 515 N. Burton in Glenwood Village, commented she has been in Glenwood Village since 1968. As the surrounding property developed, the flooding became an issue. Ms. Nicholson stated they were disappointed that they were not made aware of the proposal and feels they did not have adequate time to prepare. Ms. Nicholson commented that since Glenwood Village will be adversely affected by this project, why were they not informed? Is this a subsidized housing project? Were other locations considered that would not adversely affect Glenwood Village? Ms. Nicholson said she wanted Commission to have some idea what having an old timer speak about these things.

Ms. Marilyn Wolfe, 511 N. Burton asked if there would be and adverse affects to school system and the

students in the area.

Mr. Goetz asked if Commission had reviewed the comment information that the airport provided.

Mr. Hosmer said that information was in the staff report.

Ms. Joan Coover, 2626 Pythian, expressed concerns about the flooding under her home and in the area. The detention basin does not help. This development will add to the problem. Ms. Coover asked why consider a project that will dump more water on a neighborhood that has flooding issues.

Mr. Jim Holden, 3582 N. Kossen Lane, commented he owns property on north Cedarbrook. His concern is safety with school buses. They will put an exit from the complex onto Cedarbrook which will be approximately at the top of the hill with which will create an issue of visibility. Mr. Holden stated that during the neighborhood meeting all he heard were idle threats about if you don't approve this zoning they will go ahead and build 120 units on the piece that is already zoned. There is a flooding issue. The airport expressed concern about the detention attracting water fowl.

Ms. Vera Johnson, 2616 E. Pythian expressed concern about flooding and the cleanup of mold after a flood, adding they have resorted to sandbags.

Mr. Joe Carmichael, 2959 E. Normandy, commented he is affiliated with the developer, speaking in favor of the rezoning. Mr. Carmichael stated that of the 5.8 acres, 3.8 are already zoned to provide for eighty-seven (87) units. If Commission approves this proposal, this will reduce what is going to work for this property. They will put on a fifty-five (55) unit apartment complex. The overlay assures the developer and the City that that is what will be there. Mr. Carmichael stated that what they were trying to convince the folks at the public meeting was that this is a step in the right direction in terms of reducing the use of this property; eleven (11) units per acre. You can do seven (7) single family houses on an acre and still be within the City code. The zoning they are proposing here and proposing for this site works for the benefit of the neighborhood. The neighbors have a very real issue when it comes to water, adding he can't argue that they have legitimate concerns and issues with concern to water. Mr. Carmichael stated that the engineers tell them that the detention basin will not add to their problems; that is not the way they do their developments. The neighbors don't believe it's going to work, but assured Commission that it will work adding they will not just do the minimum in terms of detention, but will do the detention that is necessary so their issues are not increased by their developing on this piece of property.

Mr. Hansen asked Mr. Carmichael if he had drawings of the proposed construction.

Mr. Carmichael stated it is a two-story apartment complex similar to Westport.

Mr. Hansen expressed concern about adequate detention asking Mr. Carmichael if he could do more in the detention that would assure the neighborhood that this won't add to the ongoing water problem.

Mr. Carmichael said that is their intention adding they had looked at different ways to approach the detention. The least expensive way to do that is to do it on the shallowest piece of the property. They have looked at doing it on another location so it would drain, so it would drain in a different fashion. That would be a much more expensive option for them; they will approach this from the standpoint that it is not going to add to the neighbors' problems and it won't be simply the minimum that is required.

Mr. Baird noted there was a letter from an adjacent property owner; the organization that operates the downtown airport asking Mr. Carmichael to speak to their concerns as far as putting a detention basin on that property and it attracting water fowl wildlife.

Mr. Carmichael stated he feels they are more focused on this regional detention that the City is proposing and as was said earlier, that is up in the air in terms of funding. That detention would involve part of their land and create a larger area. The way detention is designed, it does not hold water for an extended period of time and so you will not really attract water fowl, but that is their concern. Mr. Carmichael stated that they have indicated to him that they would object to participating in the regional detention. We on the other hand would donate an acre of this land to regional detention basin. We are not counting on that regional detention basin to do what needs to be done on this property.

Mr. Hansen asked if the donated acre is the same corner where they intend to put their detention asking if he had an idea of how much of the property is covered by the impervious surface.

Mr. Carmichael stated initially that is what they thought but they may in fact move it to the north east corner. That has not been sorted out yet. Mr. Carmichael stated he does not have that information; estimating the building itself would cover approximately thirty thousand (30,000) square feet of land, but the parking lot would be in addition to that so he is not certain what you would add to that.

Ms. Kathryn Holden, 3582 N. Kossen Lane, commented they purchased a piece of property at 1109 East Cedarbrook, and stating the water detention would be right in their back yard and they can't image the flooding that will definitely happen there. Ms. Holden asked Commission to think about the people that don't have the income to repair their homes that have flooded and adding they are depending on Commission to make a wise decision.

Chris Bailey, 808 N. Burton Avenue, commented on the flooding, noting he has seen a manhole cover blasted off with water coming out straight into the neighborhood. Detention will not keep water from coming into the area. Mr. Bailey commented he is concerned about the bus barn being moved to that area and the traffic; there are more than thirty (30) buses for the school system and the traffic will be an issue.

Mr. Harold Garrett, 749 N. Fairfax, commented there is one hundred twenty-five school buses the district uses; figure that with all the other traffic going on and that is a major issue, not counting the water problem.

Mr. Paul Mark, 514 North Burton expressed his concerns about the water problem stating that way back when, the engineers assured him that the water issue would be addressed and taken care of.

Mr. Edwards closed the public hearing.

Ms. Cox commented that under the Stormwater Comments it states that full on-site detention and water quality will be required for this. What does full on-site detention mean for this property?

Mr. Wagner stated that there are times when there is a buyout done on part of the detention. This would be full flood control detention; you look at the one (1), ten (10), and one hundred (100) year storms and match pre-existing peaks for those three flood events and then for water quality you look at a one inch rain fall, and you retain that for twenty-four (24) to forty-eight (48) hours and release it very slowly. That is how a

detention basin would function at a minimum and that is the minimum requirement. If they choose to do something more than that, staff will work with them on low impact developments or other things that can be done to reduce runoff even more.

Ms. Cox stated it doesn't appear that since the drainage or the regional detention potentially happening at the northern area, since that is not in the immediate future, is the buyout still an option.

Mr. Wagner said no. The buyout was in coordination with building the regional basin, but if that can't happen then they will have to go on their own and build it on site.

Ms. Cox clarified that they are one hundred (100) percent responsible for the stormwater runoff.

Mr. Wagner stated that is the way it stands at this point unless something changes with the regional.

Mr. Baird asked Mr. Wagner if the City has any recourse if a developer does not build to the standards that are set or above those.

Mr. Wagner stated they will review the calculations and then inspections are done after it is constructed so we would expect it will be built accordingly.

Mr. Baird clarified that the City has the latitude if they determine if it is not built to standards to have them fix it.

Mr. Wagner said yes.

Mr. Hansen asked where the detention would drain to.

Mr. Wagner stated that what they talked about earlier was them building the detention in the northwest corner of the site and draining out the northwest corner; they mentioned moving that to the northeast corner, but it still will flow downhill to the northwest corner. That's the low point. Mr. Wagner stated he has not seen their plans but he assumes it will drain out the northwest corner.

Mr. Hansen stated that either way it will drain into the waterway that goes into the regional.

Mr. Lawhon, said trust; this has a lot to do with trust. Mr. Lawhon stated he believes what the neighbors have said about how bad the water problem is and he has seen the pictures of it. Mr. Lawhon stated he believes what the developer said about what they are going to do, stating he has looked at two (2) other developments that Mr. Carmichael has done and both, in his opinion, are really top notch developments. They haven't been in areas like this and this presents its own peculiar problems. But it comes down to trust and two (2) issues; can this be separated from the already existing problems in the area and he believes that it can. This developer has said it will be no worse than what it is now and that is the best we can ask for. We can't ask that it will improve it, but that it's not going to make it any worse. Mr. Lawhon stated for those reason, he would support the request.

Mr. Edwards stated he is a neighbor to the south and he has literally paddled in his back yard in a canoe, over a fence adding he has a little familiarity with water problems around here and his office has been flooded twice in the last ten (10) years adding he understands how traumatic that can be. Mr. Edwards

commented that we have to separate the existing conditions which are valid, with the photos and the testimony and Commission's general knowledge of the general situation with the stormwater in Springfield it's all very valid. Mr. Carmichael has a proposal here on the table that if Commission turns down, tomorrow he could build a larger facility with a bigger footprint and less water detention. That is the existing law; he doesn't need Commission to tell him yes or no. He can walk out of here tonight if Commission says no and go build that. Mr. Edwards said that in his mind, what he is voting on is Mr. Carmichael's proposal to do something less and he is asking to be allowed to make a smaller development and to put in the proper mitigation restraints for this one development which is by law his only task. Mr. Carmichael doesn't have to solve the flood water problems in Springfield just to build his building. Mr. Edwards said he believes the engineer's that he has working for him understand what the problem is and they will work to do no harm; and Mr. Edwards stated he believes this will not increase the flood water issues or it would get a lot worse if nothing is done adding he will support the request.

Mr. Baird motioned to **approve** Z-20-2014 with Conditional Overlay District No. 79. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Baird, Hansen, Young, Lawhon, White, Cox, and Shuler. Nays: None. Abstain: None. Absent: Ray.

7. Z-21-2014
(4000 South Campbell)

Primrose Campbell Property Imp Assoc.

Mr. Young recused himself.

Mr. Hosmer said this is a request to rezone approximately 1.19 acres of property generally located at 4000 South Campbell Avenue from a Planned Development District No. 21 and Planned Development District No. 21 Amended to a GR, General Retail District. The applicant intends to construct a restaurant at this location if the GR zoning is approved. The applicant intends to construct a restaurant at this location if the GR zoning is approved. There are several requirements that will have to be met before the subject property can be developed. This rezoning shall not become effective until the following condition is met: An administrative replat subdividing the subject property from the existing lot is recorded following the Subdivision Regulations. If this condition is not met within two (2) years of City Council's approval, then the rezoning approval is null and void and the subject property will remain zoned Planned Development District No. 21 and Planned Development District No. 21 Amended. Eleven (11) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request. No one has objected to date.

Mr. Baird commented this is close to a sinkhole; how can they build there.

Mr. Hosmer stated they will have to have geotechnical report and a sinkhole study and whether they can fill it in and level it out. That will be part of the subdivision process.

Mr. Wagner commented they have met with the developer and discussed this and thinks there is a plan moving forward on how this will be feasible.

Mr. Jay Wynn, 5051 S. National Avenue, commented they have worked with the City's departments both traffic and public works engineering department to address most issues. They are looking to obtain one access to Campbell Avenue with this development. Mr. Wynn stated they have worked with O'Reilly's to get a cross access easement to use their drive so there is not an additional access on Campbell. Mr. Wynn

said they do understand that at a future date Campbell will be widened and that their access will become right in and right out at that time. Mr. Wynn stated they are only required to take the dirt out of the detention, but are taking out more above the one hundred year flood plain to assure that it is a win/win situation for the City, the client and the detention area. They have done a geotechnical report and will be treating the dirt with lime because it dries it up.

Mr. Edwards closed the public hearing.

Mr. Lawhon motioned to **approve** Z-21-2014. Mr. Baird **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Baird, Lawhon, Hansen, White, Cox, and Shuler. Nays: None. Abstain: Young. Absent: Ray.

9. Preliminary Plat Briarcliff Subdivision
(2720 E. Battlefield Road)

Chester Carson

Mr. Edwards and Ms. White recused themselves.

Mr. Hosmer stated this proposal is to accept the dedication of the public streets and easements as shown on the Preliminary Plat of BRIARCLIFF SUBDIVISION generally located at 2720 East Battlefield Road. The applicant is proposing to subdivide approximately 20.76 acres into a two (2) lot residential subdivision named "BRIARCLIFF SUBDIVISION". The property is currently zoned R-SF, Single-Family Residential District. The applicant is proposing to create Lot 1 which contains their house and five acres and create Lot 2 for potential future development. The applicant is also requesting a subdivision variance for a lot without full frontage on a public street (Lone Pine Ave.)

Mr. Baird opened the public hearing.

Mr. Chester Carson, 2720 East Battlefield, commented that essentially this is a lot split for his home and five (5) acres separated from the 20 acres, which as soon as they make these into tracts of record will become property of his brothers and sisters.

Mr. Baird closed the public hearing.

Mr. Hansen motioned to **approve** Preliminary Plat Briarcliff Subdivision. Mr. Lawhon **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Lawhon, Hansen, Cox, Young, and Shuler. Nays: None. Abstain: Edwards and White. Absent: Ray.

10. East Cherry Flats Redevelopment Plan
(1235 East Cherry Street)

RJK Properties, LLC

Mr. Matt Schaefer commented this is a request made by RJK Properties, LLC to approve the Redevelopment Plan for the East Cherry Flats Redevelopment Area. RJK Properties, LLC has filed an application requesting approval of a redevelopment plan pursuant to Sections 99.300-99.715, RSMo, and the Land Clearance for Redevelopment Authority Law, for a redevelopment project generally located along the north side of East Cherry Street between South National Avenue and South Kickapoo Avenue (Exhibits I&II). Chapter 99 tax abatement is an economic development incentive used to encourage redevelopment

within blighted areas through partial real property tax abatement. Real Property tax abatement is based on 100% of the assessed value of qualified new construction or rehabilitation for 10 years. The Planning and Zoning Commission is required by Statute to review the proposed Redevelopment Plan (Exhibit III) for conformance with the Springfield-Greene County Comprehensive Plan.

The purpose of the Redevelopment Plan for the East Cherry Flats Redevelopment Area is to remove blight and redevelop the area into a multi-family residential apartment building that will be marketed primarily to Missouri State University students. The Redevelopment Area consists of three parcels, which comprise approximately 0.832 acres. The Redevelopment Area is currently zoned R-HD, High-Density Multi-Family Residential District. It is also located inside the Rountree Urban Conservation District (UCD No. 2, Area E). It is currently occupied by one commercial structure and three single-family residential structures that were built between 1909 and 1931. These structures have since fallen into disrepair and have become a contributing source of blight in the Area. The Plan proposes to demolish the existing structures within the Redevelopment Area and construct a new four story, 24-unit, multi-family residential development that will accommodate up to 96 residents. Mr. Schaefer pointed out that the project could occur without approval of the redevelopment plan. The zoning currently allows the project to occur; if this plan were not to be approved what the developer would be missing out on is the ability to utilize tax abatement. The developer is proposing to reduce the front yard setback to fifteen (15) feet. Doing so would require that there be a conditional use permit in order to do that.

A Conditional Use Permit application has been filed and will be forwarded to Commission at a later meeting. Because it is located in the UCD District there are additional requirements that are imposed on developments that occur within the boundaries. For this particular property, multi-family residential is allowed, however it is required before building permits can be issued that a site plan be reviewed by the Administrative Review Committee (ARC). That would be done at a later date, closer to when the developer is ready to start breaking ground. The proposed redevelopment is consistent with City policy and conforms to the Comprehensive Plan. The *Growth Management and Land Use Element* of the *Springfield-Greene County Comprehensive Plan* designates the land within and surrounding the Redevelopment Area for Medium- or High-Density Residential Housing. The *Growth Management and Land Use Element* of the *Springfield-Greene County Comprehensive Plan* also targets the Missouri State University Campus and surrounding area as a Major Activity Center. One of the Plan's objectives relating to Activity Centers is to promote additional or new employment, intensified retail business, higher density housing and convenient transit service.

Mr. Schafer stated that according to the *Rountree Neighborhood Plan*, the Redevelopment Area is located within the East Cherry Street Corridor, which extends along East Cherry Street from South National Avenue to South Fremont Avenue. The Plan recognizes this area contains a significant amount of multi-family residential development due to its location near Missouri State University and that it is currently zoned for high-density residential development. The Plan suggests multi-family residential as an appropriate use provided that it is developed in a manner that is sensitive to the Neighborhood.

Mr. Edwards clarified that Commission is not voting on a zoning change or anything else; we are simply approving the blight plan.

Mr. Schaefer stated that Commission is simply reviewing the redevelopment plan and making a determination as to whether it conforms to the City's Comprehensive Plan.

Mr. Hansen clarified that the developer is the owner of the property and has owned this property for ten (10) years.

Mr. Schafer stated he has owned it for several years and wishes to redevelop the property.

Mr. Hansen commented that the owner has presided over the blight of this property.

Mr. Schafer stated that is a question to ask the developer or the developer's representative. If you look at the level of deterioration of the structures and what it would take to bring the structures back up to an acceptable level the economics of it become infeasible.

Mr. Young asked for an explanation of the setback request.

Mr. Schaefer stated that currently the R-HD District requires a twenty-five foot front yard setback and the developer is proposing to develop this with a reduced setback of fifteen (15) feet. The Zoning Ordinance does allow for the front yard setback to be reduced provided there is a conditional use permit. A Conditional Use Permit application has been filed and will be forwarded to Commission at a later date. If the conditional use permit is not approved the developer could still develop it's just that the developer would have to adhere to the twenty-five foot front yard setback as opposed to the fifteen (15) feet.

Mr. Baird asked if there is a map overlay of blighted areas.

Mr. Schaefer said he does not have an actual map for display.

Mr. Baird stated that he wondered if the City had an internal city display that showed an overlay. Mr. Baird asked if there are other areas or properties close to this subject property that have been determined to be blighted.

Mr. Schaefer said yes, there have been. They are not immediately adjacent to this area but there are some areas that have been blighted to the west of National Avenue. There are a couple of projects that have developed over on Florence Avenue and Elm Street. There are some larger redevelopment areas to the west as you get closer to downtown. There is also the Jordan Valley Park Tiff that is located just west of this redevelopment area. It encompasses a large portion of University Plaza and Jordan Valley Park, National Avenue, both sides of the street extending from Cherry Street all the way up to Chestnut Expressway. It's blighted pursuant to the Tiff Act. It's a similar definition of blight but it is a different incentive and it operates completely differently. There has been some action taken in the adjacent areas to encourage redevelopment.

Mr. Young asked about the plan with stormwater; it has existing and new stuff on there. Is that a new stormwater retention or detention?

Mr. Schaefer said yes; currently the site does not have any stormwater detention on there and as he understands it if you are increasing the impervious surface on the site it will require some measures be taken to minimize the effects.

Mr. Hansen asked if this would be an opportunity for a buyout on the detention.

Mr. Schaefer said that would be a question for Mr. Wagner.

Mr. Wagner stated he hasn't looked at it that close so he could not say. When you are considering a buyout you look at downstream conditions and see if there are any problems and this is in a part of town that is going to drain back to the alley; could be some conditions where we wouldn't want to see a buyout. Mr. Wagner said that is yet to be determined.

Mr. Edwards noted they are dealing with the legal definition of blight and not the daily definition of blight.

Mr. Schaefer stated deteriorated improvements is one factor that can be used when considering blight; there are really five factors dealing with inadequate street layouts, deterioration of improvements, obsolete platting, conditions that endanger life or property by fire. The applicant has provided a blight report along with this redevelopment plan and it was actually vetted by the Land Clearance for Redevelopment Authority earlier this week. They made a recommendation that will be forwarded to City Council on September 22, 2014 to recommend blighting the property. The Commission's recommendation tonight would also be forwarded as well to City Council.

Mr. Shawn Whitney, 3259 E. Ridgeview, commented he is representing RKJ Properties and feels it is in conformance. Mr. Whitney reviewed the statutory definition of blight to Commission; the predominance of defected or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting or the existence of conditions which endanger life or property by fire which any combination of such factors hinders the provision of housing accommodations, constitutes an economic or social liability or constitutes a menace to public health. LCRA has already recommended blight. Mr. Whitney said they have made their case and have to convince City Council of that. Mr. Whitney stated his client has owned the property since 2004. The goal when he acquired the properties was to immediately redevelop them. That didn't happen for one reason or another and the owner is here and he can explain why, but it didn't get financed at that time. The recession hit so basically the tap was turned off for five (5) years so he is back now. The owner has a really good track record with 324 units, Southwood Properties. They are all campus housing and all very nice. Mr. Whitney stated the owner has repainted the buildings, reroofed the buildings, electrical and structural work and everything to keep these properties habitable and since 2004 has been attempting to get this property repaired and without the abatement the owner will not be able to get this done.

Mr. Jeff Barber, 746 S. Weller, commented he is a current member at large on the Rountree Neighborhood Association Board. Mr. Barber stated there are several issues adding he understands they are looking at a redevelopment plan but the only way to do that is to look at the central issues. Mr. Barber discussed the conceptual aspect of blight. In Rountree we do have an aging housing stock; our demographic does not qualify them for certain programs as owners in that area. Relative to blight Mr. Barber suggested Commission look at Exhibit C and he would ask about precedent here and remind Commission that recently there have been cases that have gone before City Council where the question was asked if we are reaching beyond what is really considered a blight concept and at the blight declaration of long owned properties along Kimbrough which were held and allowed to degrade and then turn around and reward that situation by offering blight to the same owner. Mr. Barber stated he could understand why it might be a good idea to incentivize a new developers, but to reward an existing owner as new developer he finds to be ridiculous. When is a blight designation a good thing? Parking has become an issue and in this redevelopment plan we are talking about twenty-four units; but let's be specific that's ninety six (96) beds. When we start to determine parking based on bedrooms, four bedroom apartments in a multi-family

housing development has a very different connotation than four bedroom communal dwelling units. The planning and design departments on these campuses or the administration are planning for one car, one student. Parking is a big issue in Rountree; we have to have parking permits issued by the City or the people will get ticketed in this zone. A substantial amount of parking is being pushed out on the street. The Kickapoo cut through is a huge issue. Preserving neighborhood character is a concern. A front yard setback is outside of the lines of what they do in Rountree. In terms of bulk, this really points out the need for the Zoning Code to be amended. Where is the regional basin going to be; Rountree is substantially flooded and this will add to that. There is the issue of the train and congestion on Cherry Street, which this new development will add more vehicles to that congestion.

Ms. Diana Day, 637 S. Fremont, commented the neighborhood is concerned about this proposed development with the issue of traffic and noise and the scale of the development.

Ms. Katie Claxton, 1625 E. Belmont Street, commented the neighborhood was blatantly disregarded in the notification of this proposal. Ms. Claxton discussed potential pedestrian issues, traffic issues as well as the size of the development while giving tax abatement when the owner has let the property deteriorate.

Mr. Baird asked about getting notices to the neighborhood and what triggers the property owners getting a letter that live within 185 feet of a project.

Mr. Schaefer stated the project has been properly notified according to State law, which means there has to be two notices published in the newspaper for two consecutive weeks, the last notice to be published no later than ten (10) day prior to the public hearing before City Council. There are no legal requirements for notification for Planning and Zoning Commission other than the twenty-four (24) hour notice under the Sunshine Law. The Residents are correct that there was no formal notice of this project, but there was a notice that ran today for the Public Hearing to be held on September 22, 2014. Mr. Schaefer stated there is no requirement for notification or letters to be sent to property owners or residents within a radius of the area. Mr. Schaefer stated if it is a zoning case, it would trigger the notification.

Mr. Rognstad stated there are requirement of the Zoning Ordinance for zoning cases, use permits, but there is not one for the determination of whether a redevelopment project conforms to the plan. Mr. Rognstad stated Commission is not looking at the blight; that is made by LCRA. Mr. Rognstad stated the property is already zoned and the applicant can develop the site the way they have shown it except for the fifteen (15) foot setback. Otherwise it conforms to the Zoning Ordinance. What Commission is looking at is whether or not it conforms to the Comprehensive Plan and it's basically the Rountree Neighborhood Plan which shows this as an area for apartments.

Mr. Hansen asked about the bulk plane in relation to a four story building.

Mr. Hosmer stated there is no bulk plane because the property around it is already zoned R-HD.

Mr. Baird asked if there was any consideration given to contacting the Rountree Neighborhood Association.

Mr. Schaefer said no, however staff has required the developer to give notice to his tenants.

Mr. Russ Mack, 5425 Southwood Road, stated he is one of the principals of RKJ Properties. They will be asking for a different setback and there will be a meeting on that on the 15th of September at 4:00 to 6:30 at

Panera Bread and letters were sent out today. Mr. Mack said one of the issues discussed was that he bought the property and let it deteriorate. Mr. Mack said he bought the property that way. The original intent was to put a building there similar to this proposal. At the time the property was bought in one section. They have spent years making the property habitable and safe and comfortable for students and elderly people. The problem with this particular piece of property was you couldn't spend enough money to make that property buyable. They did tear one house down because the condition was so bad that you couldn't get insurance on it and was afraid someone would get hurt. Money was spent to make the others habitable and try to recoup their investment. The original plan was to do this when the property was purchased but there were no funds. Mr. Mack said he worked to bring the properties up and the rents up to build enough value in the property to clear that particular piece of mortgages and the intent was to use that as a down payment to improve the property. That took a good four years to do that. The rents weren't conducive for any type of project. The bank wouldn't provide backing at that time and he didn't have investors to do it so he waited and in the process a recession hit. Mr. Mack said he has a good business and takes care of his residents and a responsible citizen of the Rountree area for fourteen (14) years. Mr. Mack stated he needs some tax help to make this happen.

Mr. Hansen asked why they need the variance on the setback on this project.

Mr. Mack stated to make this project viable; they have to have the twenty-four units. Staff stated they need the extra room for emergency access which would take two of the parking spaces away so they need that to get the two parking spaces back so there are not parking issues. A large portion of his tenants are international students and they don't have cars.

Mr. Matt Stevens, 901 S. Pickwick, commented he is head of the Rountree Neighborhood Association. Since blight seems to be what we are dealing with here, he feels they are setting an ugly precedent by blighting this area. Mr. Stevens noted that if you look at this property all along Cherry you will find that on the east side of this set of property all the way down near Pickwick, all of these are also zoned at the moment for high-density residential and they are warming up in the bull pits to see what you do right here tonight. Mr. Stevens stated they are not opposed to this development per se, but it needs to be something that matches the neighborhood and not a four story tall building and sticks out in the middle of nowhere. Parking is an issue in this area.

Ms. Nancy Evans, 1307 E. Delmar, expressed concern about the blighting request and why he needs the tax abatement if he is building a four story building. Ms. Evans commented she does not feel that this is one of those situations where blight is necessary.

Mr. Edwards closed the public hearing.

Mr. Rognstad stated that Council is the one who will determine whether abatement is appropriate; Commission is not determining that. The LCRA is the body that determines whether or not it is blighted and they already made the determination that it is blighted. Commission is to look at whether or not the redevelopment plan is consistent with the Comprehensive Plan. The issues that have been brought up are issues of the plan and zoning and staff is recommending approval because it is consistent with the Rountree Plan which is part of the Comprehensive Plan. It does identify this area for apartments. It is also zoned for high density residential and other than the setback which he will come forward with a use permit; his site plan is in conformance with the Zoning Ordinance.

Mr. Baird asked to be shown the Rountree Association boundaries.

Mr. Young commented they are supposed to be deciding on the development plan; his idea of plan is more than an outline of a footprint of where a building sits, especially for the Rountree area and this doesn't signify what the plan is. This is one of the greatest areas in the community. Mr. Young said there is not enough information to say that it does comply, adding it may but he does not see it especially for this area. Mr. Young said he needs more information to approve this to move forward.

Mr. Edwards said they are not voting on a final plat or the development or the setback, but voting on whether the applicant has done his legal diligence to apply for the tax abatement. Commission is saying we are going to pass it on to Council.

Mr. Schaefer stated that with Commission's recommendation and LCRA recommendation, it will go to City Council for a public hearing on September 22, 2014 and a second and final reading on October 6th. If the plan is approved, it is just approved. In order for the developer to develop the property and get tax abatement he would go back and submit an application to the LCRA requesting abatement. Basically he is submitting a project that is within the redevelopment area and has to demonstrate that the project conforms to the approved plan.

Mr. Hansen stated he wanted to make it clear to everyone down the line that we as a panel are constrained to vote whether this particular plan conforms substantially to the Comprehensive Plan. It moves on in the form of a recommendation so we are constrained to vote for this because it conforms in form and substance, but there is no way we can vote for this without seeming to approve the plan. Mr. Hansen is reticent about voting that it conforms because it will be construed that it is his recommendation that this go forward. Mr. Hansen said he can't support this until he has more information.

Mr. Baird said he believes this should move forward because he is a firm believer of development and if a property owner has a piece of property that he ought to be able to develop it in a way that he sees fit also taking in the surrounding area. A developer that has been a part of the neighborhood for so many years is not going to build something that will be inappropriate. Mr. Baird said he would be supporting the request.

Ms. White said this area has always had parking issues, always had housing issues and student tension but as Mr. Baird pointed out, we have an obligation to be responsible land use folks but we can't stand in the way of a developer who wants to do something; the zoning allows it and the plan allows it, we don't know necessarily that it's going to be a negative. Commission has a limited choice to make and is that whether or not it conforms to the zoning and the Comprehensive Plan. Ms. White said we don't have enough knowledge here to know what this is ultimately going to look like but that is outside of Commission's judgment at this point adding she will be supporting this moving forward based on the fact that it does conform.

Mr. Lawhon **motioned** that Commission finds that the East Cherry Flats Redevelopment Area is in **conformance** with the Springfield Greene County Comprehensive Plan and be forwarded to City Council for their consideration. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Baird, Lawhon White, Cox, and Shuler. Nays: Hansen and Young. Abstain: None. Absent: Ray.

There being no further business, the meeting was adjourned at approximately 1:10 a.m. Friday, September 5, 2014.

A handwritten signature in dark ink, appearing to read 'Bob Hosmer', written over a horizontal line.

Bob Hosmer, AICP
Principal Planner