MINUTES OF THE PLANNING AND ZONING COMMISSION
Springfield, Missouri \

The Planning and Zoning Commission met in regular session January 8, 2015 in City Council Chambers at Historic City Hall. The meeting was called to order by Chairman Tom Baird.

Roll Call: Present: Tom Baird (Chairman), Gabrielle White, (Vice-chair), Shelby Lawhon, Matt Edwards, Melissa Cox, and David Shuler.
Absent: Jim Hansen, Jason Ray and Phil Young.

Staff in attendance: Mary Lilly Smith, Director Economic Development**,** Bob Hosmer, Principal Planner, Sarah Kerner, Assistant City Attorney, Matt Schaefer, Senior City Planner, Dawne Gardner, Public Works, Rodney Colson, Public Works, and Sandy Goddard, Administrative Assistant.

Minutes: The minutes of December 4, 2014 meeting were approved as presented.

Communications: Mr. Hosmer reviewed City Council's actions from the meeting of December 15, 2014. Mr. Hosmer stated the regularly scheduled meeting of the Planning and Zoning Commission for January 22, 2015 is cancelled. Mr. Hosmer communicated that two citizens have been appointed by City Council to the Planning and Zoning Commission; Dr. Andrew Cline and Mr. Randall Doennig. Mr. Hosmer stated they are still waiting on the Committee to appoint one more member to the Commission to replace Mr. Young, expressing his appreciation to Mr. Lawhon, Mr. Hansen and Mr. Young for their continuation on Commission till the positions are filled. Mr. Hosmer noted the dates of the scheduled activities for the retirement of Mr. Ralph Rognstad, Director of Planning and Development, adding information will be sent out for those activities shortly.

Mr. Hosmer requested item number 7, Initiation of an Amendment to Correct Inconsistent Language in the Zoning Ordinance for Churches and Church Accessory Uses be removed from the Consent Agenda for discussion to amend the memo.

The Consent Agenda items were approved as presented.

Mr. Hosmer commented that staff initially looked at this because there are inconsistencies in the language in the Zoning Ordinance in relation to churches and church accessory uses. Staff has also found inconsistent language in our all of our Residential Districts-SF, R-TH, R-LD, R-MD, R-HD, R-MHC church accessory uses and in our O-1, Office District, GI, Governmental and Institutional, CS, Commercial Services, CC, Center City, COM Commercial Street, RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, IC, Industrial Commercial Districts in relation to defining emergency shelters. City Council passed General Ordinance 6058 on June 17, 2013, to refine the definition of Emergency Shelters and Overnight Shelters in various Districts. This ordinance, however, did not rename emergency shelters to overnight shelters in these districts as intended.

Staff is proposing amendments to all of our Residential Districts for Church accessory uses and the O-1, GI, CS, CC, COM, RI, LI, GM, and IC Districts to change Emergency Shelters to Overnight Shelters in the permitted sections.

Staff requests that Commission initiate amendments to the Zoning Ordinance to consider modifying of these Districts as specified.

Mr. Baird observed he is aware that staff frequently reviews items such as this; was this initiated by staff or someone within the community.

Mr. Hosmer stated this came about as a request from a church asking to relocate to Commercial Street; staff found the inconsistent language and will be modifying that language. Mr. Hosmer remarked staff will be coming back to Commission with wording that will clean up the ordinance.

Ms. Cox asked if staff is looking to change Emergency Shelters to Overnight Shelters or if a church has the ability to actually be an Emergency Shelter in the case of an event; will that still allow that use to be permitted.

Mr. Hosmer stated that is part of this initiation; a previous ordinance changed the definition of an emergency shelter and overnight shelters which was left off in some of the districts and this will clean up this situation.

Mr. Edwards **motioned to accept** the Initiation Amendment to Correct Inconsistent Language in the Zoning Ordinance for Churches and Church Accessory Uses. Mr. Lawhon **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Edwards, Lawhon, Cox, and Shuler. Nays: None. Abstain: None. Absent: Hansen, Ray, and Young.

PUBLIC HEARINGS:

Community Garden Annual Fundraising Sale Text Amendment City of Springfield

Mr. Hosmer stated this is a request to amend Section 5-3000, Community Gardens, in the Springfield Zoning Ordinance to allow a two consecutive day fundraising sale twice a calendar year in legally established community gardens. City Council initiated amendments to allow an annual fundraising sale in legally established community gardens at their meeting on November 24, 2014. Planning and Zoning Commission also reviewed this on November 4, 2014 and tabled the item till staff could clarify the language. Currently, community gardens in the residential, office, government and institutional and some commercial districts (R-SF, R-TH, R-LD, R-MD, R-HD, R-MHC, O, GI, UN, LB, and GR) prohibit retail and wholesale sales on-site. Staff is proposing to add an exception to the current community garden performance standards to allow an on-site two consecutive day fundraising sale twice a calendar year for legally established community gardens in districts where retail and wholesale sales were previously prohibited. These sales will allow community gardens to promote the benefits of gardening, sell unused produce, and to generate funds for the next growing season. Staff is also proposing to remove the word “minimal” from the inspection fee process. This will require all fees associated with legally established community gardens to be of no cost to the applicant(s). Since locally grown foods are a benefit to the community, staff supports this request.

Mr. Baird opened the public hearing.

Mr. Richard Napieralski, 800 W. Calhoun Street, commented he is happy with the revisions from the last meeting and asks Commission to recommend approval.

Mr. Baird closed the public hearing.

Mr. Lawhon **motioned to approve** Community Garden Annual Fundraising Sale Text Amendment. Ms. White **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Edwards, Lawhon, Cox, and Shuler. Nays: None. Abstain: None. Absent: Hansen, Ray, and Young.

Z-01-2015 w/Conditional Overlay District No. 83 Great Southern

Mr. Hosmer commented this is a request to rezone approximately 0.20 acres of property generally located at 1841 East Walnut Street from an R-TH, Residential Townhouse District to an HC, Highway Commercial District; and establishing Conditional Overlay District No. 83. The applicant is proposing a Conditional Overlay District that would restrict the use of the property to a commercial off-street parking lot or uses permitted under the General Office Use Group. Approval of this application is consistent with City Council’s approval of the rezoning of property east and north of the subject property. The Conditional Overlay District will mitigate the potential impact between the commercial and residential uses by retaining the existing bulk, area, height and bufferyard requirements as exists in the HC, Highway Commercial District as well as limiting the permitted uses to commercial off-street parking lots and general office uses. Additional Design Requirements are sidewalks are required along the Walnut Street frontage of the subject property and the subject property shall be combined with the existing HC, Highway Commercial zoned property to the east or a cross access easement shall be provided between the two lots.

Mr. Baird opened the public hearing.

Mr. Tyler Peck, Rio Contracting; 1968 E. Chestnut Expressway, commented he is representing Great Southern and available for questions.

Mr. Baird closed the public hearing.

Mr. Edwards **motioned to approve** Z-01-2015 w/Conditional Overlay District No. 83. Ms. Cox **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Edwards, Lawhon, Cox, and Shuler. Nays: None. Abstain: None. Absent: Hansen, Ray, and Young.

Z-02-2015 *LowerDeck94, LLC*

Mr. Hosmer commented this is a request to rezone approximately 0.67 acres of property generally located at 4058 South Lone Pine Avenue from a LB, Limited Business to a GR, General Retail District. The subject property is located on the eastside of South Lone Pine Ave, a secondary arterial roadway. This request for GR zoning will provide for the redevelopment of this site and is consistent with the City's policies to promote infill development where investments have already been made in public services and infrastructure. The development requirements in the proposed GR district are adequate for mitigating potential impacts of the proposed development on the adjoining properties such as a thirty (30) degree bulk plane; Bufferyard "F" between the GR district and adjacent R-SF, Single Family Residential zoning and n addition, there is a 15 feet S2 street Bufferyard requirement adjacent to the street across from any residential district.

Mr. Baird opened the public hearing.

Mr. Tim Rosenbury, Butler Rosenbury Partners, stated he is representing the applicant and is available for questions.

Mr. Baird closed the public hearing.

Mr. Lawhon **motioned to approve** Z-02-2015. Ms. Cox **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Edwards, Lawhon, Cox, and Shuler. Nays: None. Abstain: None. Absent: Hansen, Ray, and Young.

Z-03-2015 w/Conditional Overlay District No. 84 *Gillenwaters Developers, Inc.*

Mr. Hosmer commented this is a request to rezone approximately 5 acres of property generally located on the west side of the 3700 block South Jefferson Avenue from an O-1, Office District to an O-2, Office District; and establishing Conditional Overlay District No. 84. The applicant is proposing to rezone the property from an O-1, Office District to an O-2, Office District with a Conditional Overlay to construct a 3 or 4 story building for a Senior Independent Living Center that exceeds 35 feet. The O-1, Office District has a building height restriction of 35 feet while the O-2, Office District has none. The Conditional Overlay District will restrict access to Jefferson Avenue unless a traffic study is provided. The traffic impact study, if needed, will determine whether public improvements are necessary to prevent any safety or traffic flow problems related to the new development.

Mr. Baird opened the public hearing.

Mr. Derek Lee, Lee Engineering, 2101 W. Chesterfield Blvd, stated he represents the owner. Mr. Lee stated the structure will be a Senior Citizen, Skilled Nursing and Care Center; one of the buildings because of the medical nature, need the floors to be bigger. They may go with four (4) floors; they are not sure. Right now it is designed at three (3) floors but bigger than thirty-five (35) feet.

Mr. Baird asked about the traffic and the restriction of it being directed out on Jefferson and what the size of the parking is or the amount of cars this site will have.

Mr. Lee stated some of the tenants will have vehicles and some won't. The traffic counts for nursing care centers are much lower, but you also have staff, so there will be some. The intent is to access Jefferson so in the morning when Kickapoo opens up, that is when the problems occur with traffic. In the afternoon, as well as the rest of the day, it is not bad. The traffic will be less than what would be allowed right now in a typical O-1 District because if we filled this with offices we would actually have less traffic than the Senior Care Center being proposed. The language is entirely staff's.

Ms. Cox asked about the offsite flows that come across this area quoting from the stormwater staff report comments, item four (4). Ms. Cox stated she realizes this is not the developer's responsibility, but it does say there will need to be some improvement plans; is there any idea of what might be able to come in on this from a stormwater standpoint.

Mr. Lee stated there is an existing channel that conveys the stormwater through this site; it is an existing concrete channel. Mr. Lee stated they will provide detention for their site and then connect to that channel. But as far as the large stormwater flows that run through that existing channel they will not be diverting the channel or put it in a box or put anything over it. It will exist as it is currently.

Mr. Hosmer stated the stormwater requirements will have to be met and deferred the question to Mr. Colson.

Mr. Colson said there is a standard comment in the staff report; staff was not sure if the applicant is going to build a parking lot over the channel or not; if they do they would have to do public improvements plans. The requirement though is they will have to provide detention and water quality on site because there are some downstream flooding problems. Where this development drains across Primrose to the south and continues south we have some drainage issues. The City will not allow a buy-out on detention; it will have to be provided on site.

Mr. Baird closed the public hearing.

Mr. Baird asked staff about traffic; asking what the trigger is that requires this development to provide a traffic study should they choose to dump their traffic on Jefferson.

Ms. Gardner said the traffic generation change from O-1 to O-2 triggered over one hundred (100) cars during the am peak period which triggers an automatic traffic study. That was the only one that triggered; they were very close in the daily traffic which is one thousand (1000) cars per day, but that did not trigger it. It was only the am peak period.

Mr. Edwards **motioned to approve** Z-03-2015 w/Conditional Overlay District No. 84. Mr. Lawhon **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Edwards, Lawhon, Cox, and Shuler. Nays: None. Abstain: None. Absent: Hansen, Ray, and Young.

Walmart Master Sign Plan *Walmart Corporation*

Mr. Hosmer explained this is a request to approve a Master Sign Plan for Walmart Neighborhood Market and the Sam's Club property located at 3720 East Sunshine Street. A Master Sign Plan application may be approved for the purpose of establishing consistent, logical and equitable signage for: Multiple uses on a single lot; a building group of a single use or multiple uses that may involve multiple properties; or a large tract that contains a single use with multiple services. The main intent of a Master Sign Plan is to provide clarity of communications regarding tenants and services to users of the premise or building group. A Master Sign Plan is not intended to provide special or additional signage allowance in terms of total effective area than would otherwise be permitted by Section 5-1400 of the Zoning Ordinance.

There are two existing signs advertising the Sam's Club. This proposal is to modify one of the existing signs to include advertisement for the Walmart Neighborhood Market and to permit an additional detached sign for the Walmart Neighborhood Market. The applicant is requesting to modify the existing freestanding sign (Exhibit B) on Bedford Avenue to include signage for the Walmart Neighborhood Market. The height and size of the existing sign will remain the same. The only change to the sign will be the sign face to share advertising for the Sam's Club and Walmart Neighborhood Market. The existing sign for Sam's Club on Sunshine will remain unchanged and an additional sign for the Walmart Neighborhood Market will be added on Sunshine. The proposed sign for the Walmart Neighborhood Market will be a monument type sign as shown on Exhibit D with a maximum height of six (6) feet above grade and a maximum effective area of 99.50 square feet. Approval of this Master Sign Plan does not constitute approval of a sign permit. Prior to the placement and/or modification of the signs, a sign permit must be obtained and all other applicable codes and ordinances met.

Mr. Baird opened the public hearing.

Mr. Mark Wessel with Springfield Sign and Neon stated he is representing the applicant, adding they are simply asking to change the face on the high rise pylon sign to be shared by both the Neighborhood Market and Sam's Club. The applicant is not looking to alter the physical structure, change any physical issues with the sign other than the face, and the face requires the Master Sign Plan to bring that development together as a campus to jointly share the resource across the two (2) properties.

Mr. Baird closed the public hearing.

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

Woodruff Redevelopment Plan Amendment *Woodruff Redevelopment Corp.*

Mr. Baird recused himself from the public hearing.

Ms. White introduced the next case.

Mr. Matt Schaefer, Senior Planner, stated the Woodruff Redevelopment Corporation has filed an Amended Redevelopment Plan for the Woodruff Redevelopment Area (Exhibit 3) to address certain nonconformities
resulting from changes made to the proposed redevelopment project. The original Redevelopment Plan, which was adopted by City Council on May 6, 2013 (Special Ordinance No. 26233), proposed to rehabilitate and convert the Woodruff Building into a residential and commercial mixed-use development featuring three commercial units on the first floor and 96 market-rate residential apartments on the upper floors, which would have been rented by the unit.

However, following the adoption of the Plan, the number of proposed residential apartments was reduced to 90 units, which will be rented by the bed, as opposed to by the unit. Additionally, the developer has acquired a small, 0.06 acre parcel of land located along North Jefferson Avenue between the Woodruff Building and the adjoining parking lot (the "Pool Tract"). The developer proposes to incorporate this parcel into the Redevelopment Area (Exhibits 1 & 2) and construct an outdoor pool for the residential tenants. The Amended Redevelopment Plan for the Woodruff Redevelopment Area will reduce the number of residential apartments from 96 dwelling units that are rented by the unit to 90 dwelling units that are rented by the bed.

The Amended Plan will also expand the Redevelopment Area boundaries to include the Pool Tract. These changes will bring the Redevelopment Plan into conformance with the redevelopment project as it is being constructed and enable the project to receive partial real property tax abatement pursuant to Chapter 353, RSMo. Comprehensive Plan:

According to the Springfield Area Land Use Plan, the area in and around the Woodruff Redevelopment Area is classified as “Greater Downtown.” This land use category allows and promotes high-intensity office, retail, housing, academic, and public land uses, preferably in mixed-use buildings with a strong pedestrian orientation. The Plan identifies the Center City District as the most appropriate zoning district. The Woodruff Redevelopment Area is zoned CC, Center City, and will contain a mix of high-density multi-family residential and commercial uses. The proposed redevelopment will also have a strong pedestrian orientation due to its location in downtown Springfield and its close proximity to public transit, retail shops, parks, restaurants, entertainment venues, and other downtown amenities.

Approval of the Amended Redevelopment Plan will enable the developer to complete the redevelopment project and qualify for partial real property tax abatement pursuant to Chapter 353, RSMo. Besides modifying the number and type of residential apartment units that will be constructed and expanding the Redevelopment Area boundaries to include the Pool Tract, all other elements of the Amended Redevelopment will remain substantially similar to the original Redevelopment Plan.

Mr. Edwards asked for an explanation of the change from renting by the unit to renting by the bed.

Mr. Schaefer stated these will be one (1) and two (2) bedroom apartments rented by the bed as opposed to rented by the unit.

Ms. Cox asked if the applicant was not eligible for tax abatement prior to acquiring the “pool tract”.

Mr. Schaefer commented when the redevelopment plan was originally approved, the pool tract was not included in the redevelopment area. The plan always included a proposal to have an outdoor pool, but it was not included in the redevelopment plan because the developer was not certain that that parcel would be acquired.

Ms. White opened the public hearing.

Mr. Tim Roth, 2808 S. Ingram Mill, commented he is the developer of the project.

Mr. Edwards asked Mr. Roth to elaborate what the difference is between renting by the unit and by the bed.

Mr. Roth explained that by the bed rental is typically associated with student housing in which you pay per bedroom for the rent. Each bedroom has its own bathroom with a shared common area in the middle. The units are furnished and include utilities, internet, and cable in the price of the rental. There will be individual leases from each student or renter so that if one moves out the other is not responsible for the whole rent. The reason for the change is the financing structure changed dramatically. HUD was financing the project; through their financing structure it was a forty (40) year fully amortized loan; they did not receive the loan and so now they are down to a twenty five (25) year loan verses a forty (40) year loan and the interest rate is not fixed so it changed the financing. They had to change their income and that is the way they did it.

Ms. White closed the public hearing.

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

Mr. Baird resumed Chair position.

Mr. Lawhon, whose tenure on Commission is complete, requested to address Commission and Staff. Mr. Lawhon commented that during his seven (7) years on the Planning and Zoning Commission, Commission has addressed the Hwy 60/65 Project, the Matrix, front yard setbacks, blight, tax abatements, WalMart, Heers, gardens, chickens and bees and many other things not remembered. Mr. Lawhon remarked that his guiding principle during all that time, which he believes is shared by fellow Commission members, is to vote what he believes and believe what he votes, adding that he hopes he has been conscientious and responsible in the execution of his duties as a Commissioner. Mr. Lawhon expressed his appreciation to staff for their dedicated work and guidance through the meetings. Mr. Lawhon observed that this has been a truly profound and great experience of his life and thanked everyone for allowing him this opportunity and wishing everyone the best.

Mr. Baird affirmed his appreciation of Mr. Lawhon for his service to Commission and to the community as well.

Mr. Edwards expressed his appreciation to Mr. Lawhon for his time on Commission adding Mr. Lawhon has been an excellent example to all.

Mr. Hosmer interjected his appreciation of Mr. Lawhon’s words as well and wanted to remind him that there are other Boards and Commissions that need him.

ANY OTHER MATTERS UNDER COMMISSION JURISDICTION

There being no further business, the meeting was adjourned at approximately 7:20 p.m.

Bob Hosmer, AICP
Principal Planner