

MINUTES OF THE PLANNING AND ZONING COMMISSION

Springfield, Missouri

The Planning and Zoning Commission met in regular session May 7, 2015, in Busch Building fourth floor . The meeting was called to order by Chairman Tom Baird.

Roll Call: Present: Tom Baird (Chairman), Gabrielle White (Vice-chair), Jason Ray, Randall Doennig, Andrew Cline and Cameron Rose.
Absent: Matt Edwards and Melissa Cox.

Staff in attendance: Mary Lilly Smith, Director of Planning, Bob Hosmer, Principal Planner, Sarah Kerner, Assistant City Attorney, Dawne Gardner, Public Works, Rodney Colson, Public Works and Sandy Goddard, Administrative Assistant.

Minutes: The minutes of April 9, 2015 were approved unanimously.

Communications :

Mr. Hosmer requested items number 15, Street Name Change No. 76 and number 18, Robberson Avenue Panhellenic Redevelopment Plan be tabled to the June 4, 2015 Planning and Zoning meeting. Mr. Hosmer mentioned that Planning and Zoning will be holding a training workshop on May 21, 2015 in the fourth floor conference room of the Busch Building at 5:30.

Ms. White **motioned to table** items number 15, Street Name Change No. 76 and number 18, Robberson Avenue Panhellenic Redevelopment Plan to the June 4, 2015 Planning and Zoning meeting. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Shuler, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent: Edwards and Cox.

The Consent Agenda items were *approved* as presented.

Public Hearings :

Z-15-2015

Mexican Villa, Inc.

Mr. Hosmer commented this is a request to rezone approximately 0.24 acres of property generally located at 1216 East Bennett Street from an R-SF, Residential Single Family District to a LB, Limited Business District. The applicant is proposing to rezone this property from a Residential Single-Family District to a LB, Limited District for a parking lot at the existing Mexican Villa Restaurant at Bennett Street and National Avenue. The Comprehensive plan designates this area as low-density housing. The subject property is adjacent to a primary arterial classified roadway (National Ave) and a collector classified roadway (Bennett Street) which supports commercial businesses at intersections of major arterials and collectors. The applicant is requesting to rezone this tract for restaurant parking lot. The restaurant property is currently zoned LB. The

existing residential structure will be removed and combined with the adjacent restaurant property. The Limited Business zoning limits any use to a gross floor area of 5,000 square feet. If approved, any use permitted in the LB district will be permitted which includes restaurants, personal services and office uses. The Limited Business zoning district is intended for uses that provide convenience goods or personal services primarily to people residing in adjacent residential areas. This district should be located along or at the intersections of collector or higher classification streets. The LB, Limited Business zoning district requires a maximum building height of 25 feet and requires a 30 degree bulk plane as measured from the property line of any R-SF, Single Family Residential district. A traffic study was not required. Staff recommends approval.

Mr. Baird opened the public hearing.

Mr. King Coltrin, Great River Engineers, 2826 S. Ingram Mill stated he represents the owner Mexican Villa; this is a fifty (50) foot wide strip with an old house on it. LB is set up to be next to R-SF and they plan on buffering with fence to limit impact. Mr. Coltrin stated they met with the neighbors and they are happy.

Mr. Baird asked about a neighbor who attended the neighborhood meeting with concerns about access to a gate.

Mr. Coltrin said a pair of sisters live adjacent to the property and have an existing gate they use for gardening; using this access to bring in dirt and gardening supplies. Mr. Coltrin explained the sisters requested a gate in the wood fence so they will be putting the gate opening on their side so they can control the access.

Mr. Doennig asked if there is need to make an exception for the gate as it is not designated in the staff report.

Mr. Coltrin affirmed they have spoken with City staff and there is not a problem with that access being at that point.

Mr. Hosmer clarified that City Code allows access through a bufferyard area so the applicant can provide that.

Mr. Baird closed the public hearing.

Mr. Ray asked staff if it is correct for potential future use of this tract that it is limited to restaurants, personal services and offices uses.

Mr. Hosmer said no and reviewed all the uses allowable in an LB, Limited Business District.

Mr. Cline motioned to **approve** Z-15-2015. Mr. Doennig **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Shuler, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent: Edwards and Cox.

Z-16-2015

Jean Gwin

Mr. Hosmer remarked the applicant is proposing to rezone this property located at 837 South Glenstone Avenue from an R-SF, Single Family Residential District to an HC, Highway Commercial District. The subject property is part of a split-zoned tract of land with the eastern portion of the property along Glenstone Avenue zoned HC. The applicant is requesting to rezone the subject property to provide for consistent zoning on this tract of land. The portion of the larger tract of land, which the subject property is a part, is zoned HC and is developed with a commercial strip center. Approval of this application will allow the subject property to be used to support and/or expand the existing commercial use on the property. Approval of this request will allow for the productive use of the subject property. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for medium intensity, retail, office or housing. Mr. Hosmer reviewed the thirty (30) degree bulk plane requirement and at least a twenty (20) foot bufferyard with fence and landscaping plantings from the residential area. The HC, Highway Commercial District is one of the identified zoning districts appropriate for this location. In addition, the subject property is located along Glenstone Avenue, a primary arterial roadway, which is an appropriate location for higher intensity commercial uses. Staff recommends approval.

Mr. Baird opened the public hearing.

Ms. Jean Gwinn, owner of 837 S. Glenstone stated they are trying to tie those two (2) tracts together to get a cleaner use of the land there.

Mr. Baird closed the public hearing.

Mr. Ray motioned to **approve** Z-16-2015. Mr. Doennig **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Shuler, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent: Edwards and Cox.

Z-18-2015

Consulting, LLC

Burning Tree

Mr. Hosmer stated this is a request to rezone approximately 1.47 acres of property generally located at 814, 816, 820, 824, 832, 838, 842, 846 and 850 South Robberson Avenue from an R-HD, High Density Multi-Family Residential District to an R-HD, High Density Multi-Family Residential District with a UN, University Combining Overlay District. The UN district is an overlay district intended to be used in combination with any one of the multifamily residential districts. The principal function of the district is to permit in multifamily residential districts abutting colleges and universities the establishment of the types of uses which cluster about a university, but which are not located on university property. The overlay district provides for increased densities for student housing in multi-family districts without disturbing density in those multi-family

residential districts when they are located elsewhere. In addition, the UN overlay district allows a greater reduction in off-street parking spaces with the provision of bicycle parking. Developments within the UN overlay district can reduce their required off-street parking by twenty (20) percent with the provision of additional bicycle parking instead of ten (10) percent which is permitted in other districts. The applicant intends to develop the property with housing to serve Missouri State University students which may include fraternity and/or sorority housing. No traffic study is required and staff recommends approval.

Mr. Baird opened the public hearing.

Mr. Kevin Hoffmeyer, 2144 E. Republic Road, Suite E300, explained the UC District allows uses that traditionally about a University, but are not allowed in traditional multi-family housing. The current plan calls for 108 beds and approximately 83 parking spaces. The University supports the project. There are several fraternity houses along National Avenue that would like to relocate to this redevelopment area. The University has communicated with the owner that Sororities have approached them about expanding to this area because currently there is not enough Sorority housing on campus.

Mr. Cline asked if this was affiliated with the University of Missouri.

Mr. Hoffmeyer said no.

Mr. Baird clarified that the owner of the property owns only this section of property and does not own any property on the other side of it; stating that is why the zoning would be contained to just this area only.

Mr. Hoffmeyer said yes.

Mr. Walt Carnahan, 2655 E. Madison expressed he is the owner of 900 S. Robberson and believes adjoins the proposed parcel. Mr. Carnahan stated no one has contacted him and does not know what the project entails adding he feels it should include the whole block.

Mr. Baird remarked the property can only be rezoned at the request of the owner. Mr. Baird disclosed that notices were sent out for the public meeting and the property has to be posted.

Mr. Carnahan stated he could have missed that because he has been out of town. Mr. Carnahan stated that he felt that anyone on the Commission would want that extended and the whole block cleaned up.

Mr. Baird clarified that the developer has requested to rezone the property that he has control of and that is what Commission is reviewing this evening.

Mr. Steve Stinnett with Miller Commerce, 431 S. Jefferson representing Burning Tree Development Company; Titus Williams is the owner of the property. Mr. Stinnett mentioned there was a neighborhood meeting two (2) weeks ago explaining the whole development at that meeting. Mr. Stinnett stated a couple of things came out of the neighborhood meeting and the owner has agreed to a privacy fence on the east side and in regard to stormwater, they had a meeting with the City; they do not qualify for a buyout, but they will go ahead and design the detention facility.

Mr. Baird closed the public hearing.

Mr. Doennig **motioned** to approve Z-18-2015. Ms. White **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Shuler, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent: Edwards and Cox.

Z-19-2015
Investments, LLC

Diversity Commercial

Mr. Hosmer remarked this is a request to rezone to rezone approximately 0.32 acres of property generally located at 1911 South National Avenue from an GR, General Retail District to an O-2, Office District. This is considered a down zoning since the GR District allows more intense uses than the O-2 District. This will facilitate an administrative replat to combine the subject property and the office building property at 1911 South National Avenue to allow for an expansion of off-street parking for the office building. The applicant has cited a shortage of parking for the office building. The proposed off-street parking lot will be required to provide a bufferyard along three of its four sides. The off-street parking and bufferyard will require a six foot solid board fence and landscaping adjacent to the R-SF, Single-Family Residential District. Staff recommends approval. Mr. Hosmer noted that on the agenda there is a Subdivision Variance for this site because they do not have full frontage along a public street with the combine of the lots.

Mr. Baird opened the public hearing.

Mr. Chris Slayden, 2107 E. Rockhurst commented he is with Diversity Commercial Investments, the owner of the property. They are attempting to rezone the property to add additional parking to the existing office building so the zoning will be the same.

Mr. Baird closed the public hearing.

Mr. Cline asked if they can combine this case with the Subdivision Variance as its a related item.

Subdivision Variance 351
Investments, LLC

Diversity Commercial

Mr. Hosmer stated the applicant is requesting a variance from Section 407(2) of the

Subdivision Regulations, which requires all lots to abut by their full frontage on a publicly dedicated street. The applicant is proposing a subdivision variance that will allow a portion of a lot at 1923 S. National Ave. (AS5489) to be replatted with the office use at 1911 S. National Ave. Planning staff supports the request for a lot without full frontage on a public street because the proposed administrative re-plat will increase the street frontage that will serve this property. The proposed area is also more conducive to being developed with the property to the east due to its shortage of off-street parking. Mr. Hosmer mentioned that staff is looking at amending the subdivision regulations so there would not have to be all these subdivision variances when there is not full frontage on the street.

Mr. Baird asked if this is part of the plat that was zoned GR.

Mr. Hosmer remarked he believed it was a part of two (2) tracts and the reason it came forward was it was an illegal lot split. It was not done through the City's process but it is being cleaned up with a subdivision that would allow the irregular shape.

Mr. Baird opened the public hearing.

Mr. Chris Slayden, 2107 E. Rockhurst commented he is available for questions.

Mr. Baird closed the public hearing.

Mr. Cline **motioned** to approve Z-19-2015. Mr. Doennig **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Shuler, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent: Edwards and Cox.

Ms. White **motioned** to approve Subdivision Variance 351. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Shuler, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent: Edwards and Cox.

Planned Development 347

City of
Springfield

Mr. Hosmer stated this is a request to rezone approximately 52 acres of property generally located on the north and south sides of Chase Street between Broadway Avenue and Robberson Avenue, and those properties located on the east and west sides of Washington Avenue between Chase Street and Atlantic Street and properties located at the intersection of Lyon Street and Atlantic Avenue from an HM, Heavy Manufacturing, Light Industrial, Commercial Services, LB, Limited Business, and R-SF, Residential Single Family District to a Planned Development District No. 347. On December 15, 2014, City Council adopted Resolution #10187 which accepted the Moon City Creative District Strategic Plan and initiated the proposed Planned Development District rezoning, in addition to a proposed Live/Work Overlay District rezoning for the residential properties in the Moon City Creative District. The Planning and Zoning Commission, after the public hearing and discussion, recommended amending the

proposed zoning by including construction equipment storage yards as a permitted use in both Area A and B of the proposed Planned Development. Additionally, staff made changes to the use limitations section E, item number 6, after further discussions with the property owners. The initial language prohibited outdoor storage within 100 feet of adjacent residential properties. There are properties along Chase Street that are adjacent to residential properties but they are only about 100 feet wide. Restricting outdoor storage within 100 feet of residential properties would not allow these properties to have outdoor storage. Staff believes that allowing outdoor storage with a six feet privacy fence and not allowing storage of materials to be any higher than the fence height would help mitigate any adverse affects associated with outside storage of materials. After the public meeting, staff met with a property owner and their attorney who requested their property be removed from the District; that was Moore's Trash Service. Staff recommends approval. Mr. Baird reviewed the revised map of the PD with Commission members.

Mr. Cline noted that Commission made those changes primarily for Moore's Trash service, asking what happened.

Mr. Hosmer remarked he did not know.

Mr. Baird asked about properties to the north and far east that are included in this plan asking why it is not a more uniform area asking if people had the option to opt in or out of this asking how they got a few property to the north and east.

Mr. Hosmer stated he believes they were existing commercial properties and they wanted to allow them more flexibility and uses so it was looking at the land uses there and they left the residential area as the live work area. Mr. Hosmer stated looking at the big picture it does become a complete package.

Mr. Baird asked if a developer were to come in and purchase a couple of properties on Atlantic Street that are currently not part of this planned development, could they add those in.

Mr. Hosmer said rezone to this Planned Development; that is an option but at their own expense. This is a City initiated rezoning

Mr. Doennig clarified that since Moore's Trash Service opted out, the map is not correct any longer because the boundary is now Washington Avenue.

Mr. Hosmer said no they are still in the Creative District as far as the plan; the grey area is part of that planning area. They are no longer in the Live/Work District or the Planned Development.

Mr. Baird asked if the grey line indicates the Live/Work District.

Mr. Hosmer stated that is the planning area adding the other areas which has the zoning

change have the uses they have previously plus commercial and residential uses allowing them more uses that they did not have before.

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

Mr. Cline **motioned** to approve Planned Development 347. Mr. Doennig **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Shuler, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent: Edwards and Cox.

Planned Development 349
Owner's Association

Chesterfield Square Property

Mr. Hosmer explained this is a request to rezone approximately 19.31 acres of property generally located at 2005, 2101 to 2218 West Chesterfield Blvd and 3804 to 3859 South Cox Avenue from Planned Development District No. 141 2nd, 141 4th, 329 and 334 to a Planned Development District No. 349. The applicant is proposing to rezone the subject property to a Planned Development District No. 349 to clarify language within four (4) existing planned developments. The original Planned Development 141 was approved by City Council March 23, 1992. There have since been multiple amendments, Planned Development 141 2nd amendment was approved in 1999, Planned Development 141 4th amendment was approved by City Council in 1994. There have been two new Planned Development Districts; Planned Development 329 which was approved in 2009 and Planned Development 334 was approved in 2010. Staff was contacted by the owner of several vacant tracts within each of these Planned Developments about future development. The owner wishes to develop future vacant tracts with 100% lot coverage in several locations throughout these Planned Developments while providing parking and open space within the common areas. This was the original concept for Chesterfield Village. However, the current zoning ordinance requires that each individual lot must have at least 20% open space and provide onsite parking. The existing Planned Developments does not allow for this to occur. This new Planned Development will contain all the same permitted uses and development standards as all the current Planned Developments. The intent of this rezoning is to clarify the language to allow future platting to occur with open space and parking being allowed within the common area so that future projects within this development can be in conformance with the Planned Development requirements. This request also involves property not owned by the applicant of which staff initiated a rezoning change at the February 5, 2015 Planning and Zoning Commission meeting. Staff recommends approval.

Mr. Baird opened the public hearing.

Mr. Hosmer noted that Mr. Lee had another meeting to attend and Mr. Hosmer is representing Mr. Lee and would answer any questions.

Mr. Baird stated that there was a concern about the drive through window being able to be part of this development.

Mr. Hosmer stated that Schultz and Dooley"s wanted to have a drive through facility added to this; from discussions with the developer the intent was to meet what was existing and keep that in the same development standards. The stacking lanes would go back to the new residential and office development and it would block buildings and staff did not think it was appropriate at this time as they were trying to meet the existing PD. Mr. Hosmer stated it is not part of this proposal.

Mr. Baird closed the public hearing.

Mr. Ray **motioned** to approve Planned Development 349. Ms. White **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Shuler, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent: Edwards and Cox.

Street Name Change No. 76

City of Springfield Public Works

Mr. Hosmer requested Street Name Change No. 76 be tabled to the June 4, 2015 Planning and Zoning Meeting.

Ms. White **motioned** to table Street Name Change No. 76 be tabled to the June 4, 2015 Planning and Zoning Meeting. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Shuler, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent: Edwards and Cox.

Preliminary Plat Republic Kansas Subdivision (1545 West Republic Street)

Curtis Jared

Mr. Hosmer stated this is a request to subdivide approximately 5.18 acres into a two (2) lot commercial subdivision named "REPUBLIC KANSAS SUBDIVISION". The property is currently zoned GR, General Retail and has a cellular tower and tire shop on it. There is also a billboard located on the site. No new roads are being proposed and there will be no access to James River Freeway. If Planning and Zoning Commission approves the preliminary, then the plat will be forwarded to City Council for acceptance of public streets and easements. Mr. Hosmer reviewed the access that are currently allowed. Staff recommends approval.

Mr. Baird opened the public hearing.

Mr. Casper Winn, 5051 S. National commented he is representing the owner. Mr. Winn stated their goal is to plat the property to get a legal tract of record for the properties.

Mr. Baird closed the public hearing.

Mr. Ray **motioned** to approve Preliminary Plat Republic Kansas Subdivision. Mr. Doennig **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Shuler, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent:

Edwards and Cox.

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

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

Bob Hosmer, AICP
Principal Planner