

MINUTES OF THE PLANNING AND ZONING COMMISSION Springfield, Missouri

The Planning and Zoning Commission met in regular session July 9, 2015, in the City Council Chambers. Chairman Tom Baird called the meeting to order.

Roll Call: Present: Tom Baird (Chairman), Gabrielle White (Vice-chair), Jason Ray, Matt Edwards, David Shuler, Randy Doennig, Melissa Cox, Cameron Rose and Andy Cline.

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

Minutes: The minutes of June 4, 2015 were approved unanimously.

Mr. Edwards motioned to approve the minutes of June 4, 2015. Mr. Cline seconded the motion. The motion carried as follows: Ayes: Baird, White, Edwards, Ray, Shuler, Doennig, Cline, Cox, and Rose. Nays: None. Abstain: None.

Communications :

Mr. Hosmer requested that two items be tabled to an unspecified Planning and Zoning Commission meeting; item number 13, Group Home Text Amendments and item number 14, Reasonable Accommodation Text Amendments.

Ms. Cox **motioned to table** two items, Group Home Text Amendments, and Reasonable Accommodations Text Amendment. Mr. Edwards **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Edwards, Ray, Shuler, Doennig, Cline, Cox, and Rose. Nays: None. Abstain: None.

The Consent Agenda items were *approved* as presented.

Public Hearings:

Z-20-2015 w/Conditional Overlay District No. 95 Springfield Tool & Die (505 East Trafficway)

Mr. Hosmer stated that this is a request to rezone 1.26 acres of property owned by the Springfield Tool & Die. The Growth Management Land Use plan element of the Comprehensive Plan designates this area within the Greater Downtown land use district. The plan states this is the most appropriate zoning district for the location of the Center City district. The Conditional Overlay District attached to this rezoning would require additional Right-of-way to be dedicated for Trafficway for a total of 35' from the center line of the street. The driveway access points are required to be 150' apart as required by City Code and the existing driveways and approaches would have to meet this spacing requirement. A traffic study would also be required to be completed at the

time of development or when the use changes on the property. City Council will have a public hearing on this item on July 27, 2015. Staff recommends approval.

Mr. Baird opened the public hearing.

Mr. Rick Wilson. Wilson Surveying, 2012 South Stewart representing the Springfield Tool & Die ownership. It is their desire to upgrade the property. It has been there for a long time. It is old and tired. They would like to go in and dress it up. Possibly reassign the uses for a portion of it, maybe for an event center, they are not really sure what they would like to do with it. Heavy manufacturing is no longer seems to appropriate for downtown and they felt this was and their neighbor properties were City Center, that this would them the most flexibility. The conditional use overlay district is asked for because it makes sense to do the work at that time of the their improvements are going on with the building, rather than going in and building new sidewalks only to drive heavy concrete trucks over them and break them up and then have to do them again.

Mr. Baird asked for any questions. No questions.

Mr. Baird closed the public hearing.

Mr. Cline moved to pass Z-20-2015. Mr. Ray seconded the motion. The motion carried as follows: Ayes: Baird, White, Edwards, Ray, Shuler, Doennig, Cline, Cox, and Rose.

**Z-21-2015
(3005 South Lakeside Avenue)**

In-Out, LLC

Mr. Hosmer stated that this is a request to rezone 1.03 acres of property at South Lakeside Avenue. Property is undeveloped and owned by the applicant, Battlefield Station, LLC. The proposed O-1 Zoning is consistent with the recommendations of the Comprehensive Plan. The property is located along east Battlefield Road, which is primary arterial, which is appropriate location for an Office development. There are Offices to the east, GR to the west, and Offices across the street from this property. The City Council back in 2007 approved an Office, O-1 zoning with the conditions. They had to meet certain requirements as far as access limitations and required a lot combination. That condition was never completed, so therefore the zoning was never completed. If reverted back to the residential zoning. What we have before is the same rezoning that was submitted in 2007 with the same conditions. Once again they have 3 years to get these items completed. These conditions are for access limitations along Battlefield, a lot combination for all lots to be combined into one lot. There is a require a buffer yard along the south property line, along the residential area, and along the portion of the residential that is across the street from the residential neighborhood, since the road is less than 70' wide. City Council will have a public hearing on July 27, 2015. Staff recommends approval.

Mr. Baird asked for any questions. No questions.

Mr. Baird opened the public hearing.

Mr. Rick Wilson. Wilson Surveying, 2012 South Stewart, representing this property. We can complete the Administrative Subdivisions, combining the lots together. This survey has been initiated, we can complete it shortly after the zoning approved. This is highly under utilized piece of property. It was platted in 1960's for residential use. There has never been a house on any of three lots. It is somewhat challenged with a fairly large drainage channel to the northern lot. There is some floodplain associated with it. There is some flood plan on the adjoining properties to the west. So something greater than residential needs to be done there in order to be able to afford the improvements to the ground that needs to be done. I think this is least intrusive to the residential neighborhood.

Mr. Baird asked what will have to do to the property since some of it is in flood plain. Will you have to raise the elevation of the property? Or how will you handle that?

Mr. Wilson replied that the portion of the property in the flood plain will be maintained. We will maintain this channel that runs diagonally across the northern lot. We may try to channelize for parking purposes. I am not really certain. Don't have a plan for it yet. But that would be the only thing we might do with it.

Mr. Baird asked for further questions. No questions.

Mr. Baird closed the public hearing.

Mr. Doening moved to pass Z-21-2015. Mr. Ray seconded the motion. The motion carried as follows: Ayes: Baird, White, Edwards, Ray, Shuler, Doennig, Cline, Cox, and Rose.

**Z-25-2015
(1929 East Dale Street)**

Loren Cook Company

Mr. Edwards rescued himself for this case.

Mr. Hosmer stated that this a request to rezone 0.86 acres of property on Dale Street. The applicant is proposing to rezone a property from a R-SF district to a HM (Heavy Manufacturing District) for parking lot use. The parking lot is for an expansion of the building. There is a parking lot already existing, that was approved back sometime ago and they are extending the parking lot to this location. The Growth Management Land Use Plan recommends that this area is appropriate for general industry, transportation and utility land uses. The City Council approved Z-23-1999 which rezoned the existing parking lot in that location. Once again there will be buffer yard requirements along all the property where it is adjacent to the RSF on the north side and on the west side, a 40' buffer yard between the properties. There will be a public hearing at City Council on July 27, 2015. Staff recommends approval.

Mr. Baird asked for any questions.

Ms. Cox asked if there was any thought to a lesser intensity due to be being adjacent to RSF. Mr. Hosmer stated that staff did consider this but the problem would be that the applicant would have to buffer between the manufactured and lesser intense zone as well a buffer yard in the middle of the parking lot. While we are looking at this area long term is to be manufacturing district. That is what the long range plan recommends for this area. We have situations where we have residential uses that are adjacent to manufacturing uses and we try alleviate that situation with buffer yards. There would be a 40' landscaped buffer yard required. If you have been out to that site, the last time they had a substantial size berm that was put in and it buffered that area considerably. I think they are planning on doing the same thing here. They had a neighborhood meeting and no one really complained about any issues since they did a great job with working with the residents in that location. There is an unfortunate situation where you have residential and heavy intensity uses.

Ms. Cox acknowledges those issues and wondered in general.
Mr. Baird asked for any other questions.

Mr. Baird opened the public hearing.

Neil Brady, Anderson Engineering, representing Loren Cook who is the applicant. Our address is 2445 West Woodland; Springfield, MO. Loren Cook is going to relocate the berm to west side, which basically takes up almost the entire western lot. It is self buffering because of the requirement of the landscape. They are doing this, since they are going to build a building addition in the parking lot right below and further down and to the east. That is where the building is going to be. Right now they are using space across Dale Street for offices and they are wanting to consolidate back on their site. They are going to build that plus extra space for future growth as well. They have submitted building plans for the addition.

Mr. Baird asked for any questions.

Mr. Baird closed the public hearing.

Mr. Ray moved to **pass** Z-25-2015. Ms. Cox **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Shuler, Doennig, Cline, Cox, and Rose. Edwards rescued

**Vacation 780
(1100 North Hampton Avenue)**

Springfield-Greene County Park Board

Mr. Hosmer stated that this is a request for Vacation 780 to vacate a Right-of-way in Silver Springs Park. The applicant is the Springfield-Greene County Park Board. The request to vacate portions of unused, but they were platted streets and ROW within Silver Springs Park. This came about to get the Timmons Temple relocated in the park and to place the structure on parkland, however it was found that the structure was placed in the ROW. The City is proposing to vacate the existing ROW within the Park

so we won't have this problem again when if the park is redeveloped. All existing utilities will remain with replacement easements or under a license agreement. The request meets the vacation criteria. Staff recommends approval.

Mr. Baird asked for any questions. No questions.

Mr. Baird opened the public hearing.

Mr. Baird closed the public hearing.

Ms. White moved to **approve** Vacation 780. Mr. Edwards **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Edwards, Shuler, Doennig, Cline, Cox, and Rose.

**Planned Development 350
(2645 West Delmar Street)**

The Vecino Group

Mr. Hosmer stated that this is a request to rezone approximately 1.78 acres located at 1042 South Scenic Avenue from Planned Development 269 to a new Planned Development 350. The approval of this application is consistent with the Planned Development 269, which allows mixture of uses such as retail office and Multi-family Development. The Planned Development will limit the permit uses to 26 units per acres for an affordable multi-family use that provides supported service housing for targeted populations, such as domestic violence victims, veterans, seniors, or inter-generational housing for youth that are aging out of the foster care system. The growth management land use designates this area as light industrial office and office warehouse, this is a down zoning to a mixture of uses with multi-family. According to the site plan the applicant has submitted, the proposed property will be to construct ten (1) bedroom affordable apartments and 36 affordable 2-3 bedroom apartments. The applicant is required to dedicate ROW along Scenic to allow for a sidewalk that was constructed on private property. They will either have an easement of license agreement or have a dedicated public ROW to put the sidewalk into the ROW. The rezoning required the Multi-Family Location and Design guidelines assessment and we assess that. There were additional dwelling units awarded since the applicant is providing affordable housing and green building construction. The applicant is proposing to provide amenities under the design guidelines for multi-family, such as a fitness center, garden and playground area. There will also be on-street angled parking along Delmar Street. This is similar to what was developed with the original PD, there are angled parking with the multi-family development in that location. The reason why there wasn't angled parking here was this area was designated as a convenience store from the PD. If the rezoning is approved it would have to comply with PD exhibit 1 and 2. City Council will have a public hearing on July 27, 2015. Staff recommends approval.

Mr. Baird asked for any questions. No questions.

Mr. Baird opened the public hearing.

Lisa Farmer, Executive Director of Harmony House, 519 E. Cherry Street. Harmony House is the only domestic violence shelter for Springfield/Greene County. Our mission is to provide shelter, advocacy and education to domestic violence survivors'. We routinely shelter 110 women and children every night of the year and have been doing that for many years. Springfield has a significant domestic violence problem. We have the unfortunate distinction of having more domestic violence per capita than any other place in Missouri. Harmony House has seen the demand for services increase over the last four years. In 2010 we turned away 491 women and children because we did not have enough beds. In 2014 we turned 2,326 women and children. The Angelou apartment project is significant part of the solution to us and our ability to transition women and children out of shelters and into stable, permanent, safe secure housing. It is a huge part of the permanent solution in helping families break the cycle of violence. The lack of affordable housing is one of the primary reasons women return to their abuser or become homeless or choose another abusive partner. This is a significant opportunity for Springfield to help break the cycle of violence. The Angelou apartments would provide about 46 units, this would be high quality project fully furnished and something that these families can establish a permanent home. Harmony House will be responsible for screening and approving residents and providing on-site case management and other supportive services.

Mr. Baird closed the public hearing.

Mr. Ray moved to **approve** Planned Development 350. Mr. Edwards **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Edwards, Shuler, Doennig, Cline, Cox, and Rose.

**Conditional Use Permit 415
(934 South Kimbrough Avenue)**

Springfield R-12 School District

Mr. Hosmer stated that this is a request to allow electronic message center sign in a non-business area generally located at 934 South Kimbrough Avenue in an RHD High Density Multifamily District and University Combining District. The sign code was amended in 2014 to require any electronic message center signs in a business area to be reviewed by the Planning and Zoning Commission and by City Council with an conditional use permit. The applicant is Springfield R-12 School District and the property is located at the Phelps Center for gifted children at Kimbrough and Holland. The proposed sign would be located along Holland which is adjacent MSU and Church property. It is across from non-residential uses and will have no adverse affect on the residential properties. The sign will be on school property. The proposed center sign must be located in and constructed in substantial conformance to the attached site plan and elevations that are attached. The application meets the approval standards for the conditional use permit as addressed in City code and conforms with the Comprehensive Plan. City Council will have a public hearing July 27, 2015. Staff recommends approval.

Mr. Baird asked for any questions. No questions.

Mr. Baird opened the public hearing.

Tim Harris, Pennical Sign Company, we are representing Springfield R-12 School District. They are applying for the conditional use permit with an ENC unit, which is a lower section of the sign. Technically the Springfield sign code requires that ENC units in the residential area will be limited to static messages, so there will be no animation, no flashing lights, it just serves specially any residential area that are to the south. The funds raised for this does not necessarily come straight through the school budget, but was raised by the parents of Phelps Center. The primary reason was a youth message center to allow to display messages to parents as they are picking kids up. The sign location will be in the middle of the circle drive. The idea is to display messages for parents that are leaving and/or picking kids up and display messages for the school and educational purpose.

Mr. Baird closed the public hearing.

Mr. Edwards **moved** to accept Conditional Use Permit 415. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Edwards, Shuler, Doennig, Cline, Cox, and Rose.

**Preliminary Plat Roberts Industrial Park Renewal Javalina, LLC & Forerunner,
LLC
(1000-1200 North Farm Road 123)**

Mr. Hosmer stated that this is a property located south of Division Street along Farm Road 123. Our subdivision code requires that preliminary plats would be affective for a

period of 2 years until that time they have to get renewed. This is the 5th renewal of the Roberts Industrial Park. The applicant is aware that if we have any changes to our standards in the future, they will have to meet those requirements. If we change our street or storm water requirements, they will have to meet those requirements. Luckily nothing has sustainably changed as far as our codes, but the applicants are aware of that so they have another 2 years to get the completion of the project or come back or get another renewal. All improvements will have to be constructed prior to final platting or escrowed. All improvements will be constructed in accordance to the design standards. This will go to City Council on July 27, 2015.
Staff recommends approval.

Mr. Baird asked for any questions. No questions.

Mr. Baird opened the public hearing.

Eric Roberts, 1300 W. Popular, Suite 200, representing the owners and I am one of the owners. I am asking for approval of this renewal of the primary plat.

Mr. Baird closed the public hearing.

Mr. Ray moved to **approve** Preliminary Plat Roberts Industrial Park Renewal. Ms. Cox **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Edwards, Shuler, Doennig, Cline, Cox, and Rose.

Amend Rules of Procedure for Term Limits of the Planning and Zoning Commission.

Mr. Hosmer, stated that staff is proposing to modify the rules of procedures for the Planning and Zoning Commissioner terms from 3 years to 4 years. It was brought to our attention that state law requires 4 year terms and our City code only requires 3 years for all boards and commissions. Staff is recommending the state statutes 4 year term. We will review amendments with the commission tonight and will have a vote at the August 6, 2015 meeting. The rules of procedure state that we have to have 5 affirmative votes after discussion and debate. The section that we are amending is the member services section changing 3 to 4 year terms. Staff has prepared an ordinance that will extend all existing planning commissioners terms an additional year that be going forward to City Council to make these changes.

Mr. Baird asked for any questions. No questions.

Mr. Rose asked if this is something in the charter? Mr. Hosmer replies that this is in our City Charter and it would take a election to change it. Ms. Kerner replied that the City Charter provision states that 3 years is related to all City boards and commissions and the state statute is specifically regarding the Planning and Zoning Commission for each individual city. We feel that our charter is superseded in this case and next time we take charter amendments to the vote of the people, which is how that can be changed, will include this in the package. But until then, we feel that a vote of this body to amend rules of procedure and that actually is your rules and charter are the only two places that

say 3 years. So we are going to have council reappoint you all for an extra year and this will clean it up.

There being no further business, the meeting was adjourned.

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

Bob Hosmer, AICP
Principal Planner