MINUTES OF THE PLANNING AND ZONING COMMISSION
Springfield, Missouri

The Planning and Zoning Commission met in regular session September 10, 2015, in the City Council Chambers. Chairman Tom Baird called the meeting to order.

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

Staff in attendance: Mary Lilly Smith, Director of Planning, Bob Hosmer, Principal Planner, Dan Wichmer, City Attorney, Matt Schaefer, Senior Planner, Dawne Gardner, Public Works Traffic Division, and Rodney Colson, Public Works Stormwater.

Mayor Robert Stephens addressed Commission.

Minutes: The minutes of August 6, 2015 were approved unanimously.

Communications:

Mr. Hosmer reviewed City Council action from August 10, 2015 and August 24, 2015. Mr. Hosmer stated the applicant for agenda item number seven (7), Vacation 781, has requested the case be tabled to the October 8, 2015 meeting.

Mr. Ray motioned to **table** Vacation 781**.** Mr. Doennig **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Ray, Cox, Shuler, Cline, Doennig, and Rose. Nays: None. Abstain: None. Absent: Edwards and White.

Public Hearings:

Z-30-2015 *Fortmeyer Real Estate Company*
(840 East Primrose Street)

Mr. Hosmer noted this is a request to rezone approximately 0.77 acres of property generally located at
840 East Primrose Street. The applicant is requesting to rezone the subject property from a Planned Development District No. 21, 3rd Amendment to an O-1, Office District with the intent to expand the off-street parking for the existing law office on the property. The existing Planned Development requires a minimum thirty (30) foot parking lot setback adjacent to all rights-of-way. The applicant intends to expand the existing off-street parking lot to the north toward Primrose Street, which necessitates this request to eliminate the parking lot setback. Approval of O-1 zoning on the subject property will allow for further development or redevelopment of the subject property similar to what could be achieved under the existing Planned Development, while allowing for the existing business to expand at its present location. If the rezoning is approved, it would have to comply with Section 4-2000, Office Districts, the Zoning Ordinance, and any other applicable city codes. Upon development of the additional parking area, a

minimum ten (10) foot wide perimeter landscaped area will be required along Primrose Street because the parking lot is located within fifty (50) feet of the public right-of-way.

Mr. Baird opened the pubic hearing.
Mr. Derek Lee, 1200 E. Woodhurst, commented they want to put the same stacked parking up against the building and push it out closer to the road. They want to go straight zoning to get more parking in the front.

Mr. Baird closed the public hearing.

Mr. Ray motioned to **approve** Z-30-2015. Ms. Cox **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Ray, Cox, Shuler, Cline, Doennig, and Rose. Nays: None. Abstain: None. Absent: Edwards and White.

Z-31-2015 w/Conditional Overlay District No. 97 *Curbow Inc.*

(1255 East Chestnut Expressway)

Mr. Hosmer stated the applicant is proposing to rezone the subject property from an O-1, Office District to a GR, General Retail District with Conditional Overlay District No. 97. The Conditional Overlay District provisions will require a traffic study at the time of development, a cross access easement when the property develops and limit access onto Battlefield Road. The property to the north of the subject property is zoned R-SF, Single Family Residential. The minimum bufferyard required between GR zoning and the adjacent R-SF zoned property is a 20 foot wide landscaped bufferyard with a fence, wall, hedge, or earthen berm. The property to the east and west of the subject property is zoned R-HD, High-Density Multi-Family Residential District and O-1, Office District. The minimum bufferyard required between the GR zoning and R-HD and O-1 zoned properties is a 15 foot wide landscaped bufferyard required adjacent to the property to the east and west, however, this can be waived if there is an cross access easement that is granted and that's part of the provisions for this request. Staff recommends approval with the following requirements:
A traffic study shall be submitted at the time of development/redevelopment based on the actual use of the property. If the results of the traffic study determine that improvements are required, then they must be constructed prior to building permits being issued. Two driveways on to Battlefield Road will be allowed. The two driveways shall be located a minimum of 200 feet apart and shall not be located within five feet of the east or west property lines. A 26 foot cross access easement (to be located at the time of
development/redevelopment) shall extend east/west across the property connecting the two allowable driveways to both the east and west property lines.

Mr. Baird opened the public hearing.

Mr. Ron Mersch, Olsson & Associates, 550 St. Louis Street, stated there was no opposition raised to the proposal.

Mr. Baird closed the public hearing.

Mr. Ray motioned to **approve** Z-31-2015 w/Conditional Overlay District No. 97. Mr. Doennig **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Ray, Cox, Shuler, Cline, Doennig, and Rose. Nays: None. Abstain: None. Absent: Edwards and White.

Z-32-2015 w/Conditional Overlay District No. 98 BluCurrent Credit Union
(1983 East Seminole Street)

Mr. Hosmer explained this is a request to rezone approximately 1.63 acres of property generally located at
1983 East Seminole Street from Planned Development No. 11 Amended to O-1, Office District and establishing Conditional Overlay District No. 98. The subject property is located along Seminole Street, a secondary arterial roadway, which is an appropriate location for office development. The proposed O-1 zoning is consistent with the recommendations of the Comprehensive Plan to locate low volume office developments along arterial roadways and as transitions and buffers between higher intensity uses and
residential developments. The requested O-1 zoning is consistent and compatible with the existing O-1 and
GR, General Retail zoning to the west and is consistent with the previous approval from City Council for the subject property as a Planned Development with office uses. The proposed conditional overlay district will mitigate the potential impact between the office and residential uses by limiting uses, limiting access and
requiring bufferyards. The proposed conditional overlay district and conditions as well as the development requirements in the Office District are adequate for mitigating any potential impacts of the proposed development on the adjoining properties. City Council approved General Ordinance 3247 on September 21, 1981 to rezone the southern 186 feet of the subject property to Planned Development 11. On July 8, 1996, City Council approved General Ordinance 4615 to rezone the subject property and an additional 85 feet behind the adjacent residential property from Planned Development 11 to Planned Development 11 Amended. The improvements proposed in Planned Development 11 Amended have not been built. In 1955, the subject property was annexed into the City with R-1 (R-SF) zoning as a nonconforming use. At that time, the property was being used as a motel and was allowed to continue as a nonconforming use. The motel was discontinued and converted to a child daycare facility, which continued the nonconforming use.

The permitted uses that were allowed are similar to what is currently there with the PD 11 Amended allowing financial, insurance, and real estate uses. During this time there was a landscape hedge planted along Prairie Lane that was in the public right of way. The hedge will remain and there are no intentions of removing it. The property owner will be required to maintain and keep it in good condition so there are no problems with visibility, however, this will not be part of the conditional overlay district nor will be a condition since this is in public right of way. The PD limited the total building area to 12,

713 feet and did not allow any kind of development to occur in the 85 feet of the property behind the residential house. It did allow for a four-lane drive aisle for future expansion of the bank. It restricted access to Prairie Lane and required a bufferyard C, adjacent to the residential property and along Prairie Lane. The proposed improvements of this site plan of PD 11 Amended have not been built; a permit has not been issued for the expansion of the building and structure as laid out with the approved site plan. The proposed Conditional Overlay District would expand the permitted uses to General Office Use Group but would not allow medical, dental labs or blood collection facilities or any of the other permitted uses in the O-1, Office District. The O-1, Office District does not allow outside storage of merchandise, retail sales, warehousing of stock or storage of equipment outside. Staff has received some calls on this proposed rezoning and talked with some of the residents in the area. Some of the concerns they have are the hedge being part of the rezoning case and want to restrict any kind of construction in the 85 feet area behind the house and some of the permitted uses that they think are more than should be required.

The property will not be rezoned until the following conditions are completed. If these are not completed within one (1) year after City Council approval, the rezoning will revert back to Planned Development 11 Amended. The conditions require a Type C Bufferyard is required along Prairie Lane and adjacent to the property zoned R-SF, Single Family Residential District on the north side of the property. The existing refuse storage area located on the east side of the property shall be relocated to the west side of the property. The applicant shall apply for a vacation of the right-of-way at Prairie Lane and Seminole Street in order for the existing parking spaces to be located outside of the public right-of-way. The rezoning, if approved, will have to comply with Section 4-2000, Office Districts, the Zoning Ordinance, and any other applicable city codes. Staff recommends approval.

Mr. Baird opened the public hearing.

Mr. Neil Guion, Attorney, stated he is representing the applicant, who wishes to sell the property. What they are looking for is a modest expansion of the permitted uses. The existing PD zoning limits the use to essentially financial institutions and that sort of thing. Mr. Guion stated they are asking to expand to other uses that are permitted under the general office use category of the zoning ordinance and mainstream this property which has been a Planned Development District to change it to the O-1 category which will be severely limited in terms of the overlay.

Mr. Tim Havens, 2156 S. Prairie Lane provided pictures and handouts to Commission members. Mr. Havens expressed concern about changing the PD to O-1. The PD was granted to protect the neighborhood and he would like it to remain the same. Mr. Havens also expressed concern about the hedge and the potential expansion into the back yard for uses as well as the size of a future structure.

Mr. Baird clarified that Mr. Havens is concerned about the size of the building if they were to expand and how it fits into the neighborhood.

Mr. Havens responded it is an intrusion into the neighborhood. City Council previously planned that the owner could not expand the property line with a structure; only the driving lanes and they did that because of the intrusion into the neighborhood.

Mr. Baird asked Mr. Havens if the owner were to chop up the building now and rent it out as is...

Mr. Havens stated he would have no problem with that because it is all one building. The way this is stated he can add footage and have one or two separate buildings. Mr. Havens stated the hedge was part of the original agreement and have been there for 34 years.

Mr. Steve Baron, 2147 S. Prairie Lane spoke in favor of the proposed rezoning stating it will be more beneficial than the current Planned Development.

Ms. Julie Vanvig Burnell, 2126 S. Prairie Lane commented the neighborhood is all owner occupied in the area. Ms. Burnell commented they welcome Mr. Jones and Mr. Parks to the neighborhood. The primary concern is should their immediate plans not work, how does this change things for the neighborhood down the road. The potential that a future structure could be a two-story building would be a big incursion. There are water retention issues in the area. The idea of potentially expanding into the green space is a concern because currently there is a good buffer between the site and the houses. Vacating the hedge to the property owners will allow them to maintain the hedge better than the City has been able to. The neighborhood would like to see the commercial area stay clearly defined, not increase the height of the building, or vastly increase the size so the neighborhood can be maintained.
Mr. Baird asked staff if a two-story building is being proposed on the addition.

Mr. Hosmer stated there is no proposal; the original PD had the expansion abilities and that would only be a one-story expansion from the original PD 11.

Mr. Baird asked staff if they could speak to the history of the property as it relates to any previous agreements or rulings as far as this building not going beyond the property line.

Mr. Hosmer stated this is a Planned Development with an approved site plan. When they apply for a building permit, they would have to submit a site plan that was consistent and stay out of the eighty-five (85) feet area behind the house. There would be no structures. The eighty-five (85) feet is the original lot that was part of the second PD so they took the single-family lot, carved it off into a smaller tract, and sold it but left a remnant piece in the rear where the drive isles will be located.

Mr. James Frater, 2123 S. Prairie Lane, added his voice to Ms. Burnell's points that were made. Mr. Frater stated he would like to see the hedges maintained as a barrier to the neighborhood and maintained all the way to the edge of the street.

Mr. Rose asked about the hedge location; the part that will be vacated does not include the hedge that is just the parking lot.

Mr. Hosmer stated it could and that is in the process of being worked out with the surveyor. The right of way will probably be vacated back to the property owner, pointing out the area on the display. The hedges will still be in the right of way. The City will make certain the site triangle for visibility will be safe for the public. The property owner will have to maintain the area and keep it in good shape.

Mr. Havens stated the hedge is in the verbiage of the Planned Development; it was damaged and replanted in the right of way, not on the owners land. It was a requirement as a bufferyard.

Mr. Hosmer said there was a landscape bufferyard requirement along Prairie Lane; this Conditional Overlay District will now have a bufferyard "C" planted in this location on the private property so the property owner will maintain that and keep that. This will act as a secondary barrier when you have the hedge in the public right of way as well as new plantings of landscaping on the private property.

Mr. Baird clarified that the hedge stays and another buffer will be added.

Mr. Baird closed the public hearing.

Mr. Wichmer noted that Commission needs to be aware and understand the concern about the hedge, but since it is on City right of way, the City is responsible for site triangles. If the hedge is in the way, it will be dealt with.

Mr. Ray noted to validate the man's comments, in Planned Development 11 back in 1981, it does specify a six-foot high edge so yes it was included in the original so yes, it was included in the original Planned Development and does not anticipate that the existing vegetation will be removed as suggested but will be a double buffer. If there are safety issues, then that will be dealt with, but to address the other concerns that were voiced, the building height and the forty-five degree bulk plane will limit the height of the building substantially enough that it will not be imposing on the neighborhood. Mr. Ray stated that he does not believe it is reasonable to ask that a property owner not develop past a certain line if they own the whole property and they are within that setback in the bulk plane requirements. Mr. Ray stated he plans to vote in favor of the proposed rezoning.

Ms. Cox motioned to **accept** Z-32-2015 w/Conditional Overlay District No. 98 per staff recommendations. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Ray, Cox, Shuler, Cline, Doennig, and Rose. Nays: None. Abstain: None. Absent: White and Edwards.

Escrow of Public Improvements in a Subdivision Text Amendment City of Springfield
(City-wide)

Mr. Hosmer stated this is a request to modify Section 303 of the Subdivision Regulations to clarify the public improvement plan escrow process. Mr. Hosmer noted Ms. Dawn Gardner from the Public Works Traffic Division has a PowerPoint presentation of the amendments to the Subdivision Regulations.

Ms. Gardner stated this is to update Section 303 of the Subdivision Regulation to comply with state law regarding the amount of security to be posted and when a security must be released. The revisions also clarify the standard the Director of Public Works must apply to refuse to accept security for a public improvement in a subdivision.

Mr. Ray asked for clarification on the five (5) percent retainer.

Ms. Gardner noted it is five (5) percent of what they have completed. If they complete the stormwater improvements, the City has to release what they escrowed for the stormwater, what that cost was minus five (5) percent. The City keeps five (5) percent until they are completely done.

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

Mr. Cline expressed that having the full new version of the amendment to read along side of the changes was helpful and easy.

Mr. Ray agreed with Mr. Cline that this presentation was an improvement from the previous presentation.

Mr. Ray motioned to **approve** Escrow of Public Improvements in a Subdivision Text Amendment. Mr. Doennig **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Ray, Cox, Shuler, Cline, Doennig, and Rose. Nays: None. Abstain: None. Absent: White and Edwards.

Planning & Zoning Commissioner Term Limits Amendments *City of Springfield* (City-wide)

Mr. Hosmer explained this request is to amend Subsection 3-2001, Composition of the Commission, of the Zoning Ordinance to extend the Planning and Zoning Commissioners term limit to four to be consistent with state law. Planning and Zoning Commission initiated amendments to the Planning and Zoning Commission term limits at their meeting on August 6, 2015. The Missouri State Law, City Charter, and Zoning Ordinance are in conflict as to the term limits of Planning and Zoning Commissioners. Currently our City Charter and Zoning Ordinance state that the terms of a Planning and Zoning Commissioner are three years, while the state requires four years. Staff is proposing a zoning text amendment to change the zoning ordinance language for term limits of Planning and Zoning Commissioners from three years to four years. Staff recommends approval.

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

Ms. Cox motioned to **approve** Planning & Zoning Commissioner Term Limits Amendments. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Ray, Cox, Shuler, Cline, Doennig, and Rose. Nays: None. Abstain: None. Absent: White and Edwards.

Cooperative Parking Amendments *City of Springfield*
(City-wide)

Mr. Hosmer remarked this is to amend Subsection 5-1504, Cooperative Parking Facilities, of the Off-Street Parking Requirements in the Zoning Ordinance to allow for more shared parking arrangements. City Council initiated amendments to Cooperative Parking at their meeting on August 24, 2015. Staff has received multiple inquiries from businesses over the past few years wanting to share parking on adjacent lots. Shared parking may be appropriate when land uses have different parking demand patterns and are able to use the same parking spaces throughout the day. Shared parking is most effective when these land uses have significantly different peak parking demands that vary by time of day, day of week, and/or season of the year. In these situations, shared parking strategies will result in fewer total parking spaces needed when compared to the total number of spaces needed for each land use or business separately. One example of this is an office building sharing parking with a restaurant or movie theater, since most of the office workers (and their cars) will be gone in the evenings when there is the most demand for parking from the restaurant or theater. Currently, the Zoning Ordinance only permits a shared parking arrangement (also known as cooperative) when not more than 50% of the off-street parking spaces required for the use or structure are located on another site. Staff believes that this threshold is too restrictive and recommends the following alternatives: The property must have at least the minimum off-street parking for a retail use (one parking space for each 250 square feet of total building floor area or one space per 200 square feet which every is less). Shared parking spaces must be within 500 feet of a main entrance to the business. The cooperative parking agreement must be signed by the property owner and not just a tenant. Staff also proposes changing the review process for these agreements. Staff recommends review and approval be part of the building permit process rather than Administrative Review Committee (ARC) approval since cooperative parking arrangements are an objective decision process. The cooperative parking plan will either meet the standards or not. Staff also recommends removing the Board of Adjustment appeal prohibition. All applications should be allowed a proper appeal process through the BOA.

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

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

Madison & Holland Redevelopment Plan *Bryan Properties, LLC*
(500 block East Madison Street and 800 block South Holland Avenue)

Mr. Schaefer explained this is a request to approve the Redevelopment Plan for the Madison and Holland
Redevelopment Area generally located along the north and south sides of the 600 block of East Madison Street and along the west side of the 800 block of South Holland Avenue. The proposed Redevelopment Plan is one component of the applicant's request to obtain partial real property tax abatement pursuant to the Land Clearance for Redevelopment Law. Chapter 99 tax abatement is an economic development incentive used to encourage redevelopment within blighted areas through partial real property tax abatement. Within Council approved redevelopment areas, the Land Clearance for Redevelopment Authority may authorize partial real property tax abatement for projects that conform to an approved redevelopment plan. Real property tax abatement is based on 100% of the assessed value of qualified new construction or rehabilitation for 10 years. The applicant is required to submit an application that includes a redevelopment plan, as well as a blight report if the redevelopment area is not currently declared a blighted area. The Planning and Zoning Commission's responsibility is to review the redevelopment plan for conformance with the City's general plan for the development of the City as a whole and make a recommendation regarding the same to City Council. The Redevelopment Area is located in both the South Central "A" Urban Renewal Area and the former Southwest Missouri State College Urban Renewal Area. City Council declared the South Central "A" Urban Renewal Area a blighted Area in 1964. This designation remains in effect. The former Southwest Missouri State College Urban Renewal Area was subsequently declared a blighted area in 1965. In 2015, City Council, declared a portion of the former Urban Renewal Area located east\ of South Holland Avenue to be free of blight. However, the portion located west of South Holland Avenue, which includes the Madison and Holland Redevelopment Area, remains blighted. The Redevelopment Plan is consistent with City policy, which encourages off campus student housing be constructed near college and university campuses. This may help reduce vehicular traffic by allowing more students to walk and bike to class, as opposed to driving. The City of Springfield and Missouri State University have worked collaboratively on plans to direct university and university-related growth to the northwest towards downtown. The Redevelopment Plan is consistent with those efforts. The location of the proposed multi-family residential development will offer its tenants convenient access to transit and designated pedestrian and bicycle routes.

Mr. Baird opened the public hearing.

Mr. Kevin Hoffmeyer, 2144 E. Republic Road, Ste. B300 remarked he is available for questions.

Mr. Baird closed the public hearing.

Mr. Ray motioned to **approve** Madison & Holland Redevelopment Plan. Mr. Doennig **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Ray, Cox, Shuler, Cline, Doennig, and Rose. Nays: None. Abstain: None. Absent: White and Edwards.

Request to Extend Security Agreement *Coryell Commons*
(248 East Monastery Street)

Mr. Baird recused himself.

Mr. Hosmer said this is a request to extend the security agreement for C&R Phase II Subdivision recorded February 7, 2005 for an additional year located at 248 East Monastery Street. Before the final plat of any subdivided area shall be recorded, the sub divider shall provide for the improvements to be extended to all lots in the area to be included in the final plat at no cost to the City. In lieu of the final completion of said improvements, before the plat is recorded, the sub divider may post a surety bond, an escrow agreement, letter of credit or other appropriate security agreement, approved by the City of Springfield, which surety, escrow agreement or other appropriate security agreement will insure to the City that the improvements will be completed by the sub divider. The Commission may, upon proof of hardship, extend the completion date set forth in said bond or agreements for a maximum period of one additional year; provided a request
for said extension is made prior to the end of the one year following recordation and provided the amount of said security is revised pursuant to a revised estimate by the Department of Public Works. Staff recommends the extension be approved for another year (to October 3, 2016), in the same amount as
the original letter of credit.

Ms. Cox clarified that if Commission extends this security agreement, that in the event that another security would need to be extended; is that allowable if done within the next year.

Mr. Hosmer noted that there is one extension and this is it.

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

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

There being no further business, the meeting was adjourned at approximately 8:10 p.m.

Bob Hosmer, AICP
Principal Planner