

OCTOBER 8, 2015 MINUTES OF THE PLANNING AND ZONING COMMISSION
Springfield, Missouri

The Planning and Zoning Commission met in regular session October 8, 2015, in the City Council Chambers. Chairman Tom Baird called the meeting to order.

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

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

Minutes: The minutes of September 10, 2015 were approved unanimously.

Communications:

Mr. Hosmer stated that the October 22, 2015 commission meeting has been canceled.

Mr. Hosmer stated that the City Council is amending the proposal regarding the term limits for the Planning and Zoning Commissioners and the appointments will be after the October 12, 2015 eligible for four (4) years.

Mr. Hosmer stated a protest petition on the Seminole case is reaching 70% of the people within 35'. An amending regarding the height of structure to 22' which is the maximum height for a structure on the property.

Mr. Ray asked for clarification on the City Council amendment to the Planning and Zoning Commission term limits.

Ms. Smith explained that a request from a member of Council asking for an amendment extension for the terms to four years be effective October 12 after this amendment would pass. When Council appointed Commission and Commission members accepted that appointment it was with the understanding that it was would be a three year term. Council voted unanimously to accept that amendment.

Public Hearings:

Vacation 781
(200 block East Swan Place)

Primrose Senior Living, LLC

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

Mr. Hosmer noted this was presented to City Council for Z-3-2015 on February 9 to rezone the property to a Office (O2) with Conditional Overlay District #84. The

applicant, Primrose Senior Living, LLC, has acquired and combined all but one of the lots adjacent to the public street and cul-de-sac. They will vacate the right-of-way of Swan Place, east of South Avenue. The approval of this request will facilitate the development of the surrounding property into a senior living development. No comments have been received for the proposal. All necessary easements have been retained including access easement for the parking lot. This meets all criteria and City standards and Staff recommends approval.

Mr. Baird opened the public hearing.

Mr. Derek Lee, Lee Engineering representative the owner, the intent is to have a senior citizen center. This is an O2 instead of O1 so one large development instead on several small ones.

Mr. Baird asked Mr. Lee what is the proposed plan for the northwest lot.

Mr. Lee responded that it will not be combined that lot at this time. It will be a separate lot with a portion of the right-of-way added to it. There will be an access easement if needed in the future. The physical road will stay there but it will become an access easement instead of a public right-of-way.

Mr. Baird closed the public hearing.

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

Z-33-2015 w/Conditional Overlay District No. 97 9
Real Estate, LLC

Sunshine & National

(1251, 1309, 1315, and 1319 East Sunshine Street & 1764 and 1770 South National Avenue)

Mr. Hosmer stated the applicant is proposing to rezone the subject property from an R-SF, Single Family Residential District and a GR, General Retail District with Conditional Overlay District No. 6 to a GR District with Conditional Overlay District No. 99. The intent of this request is to add the property at 1764 and 1770 South National and to revise the existing Conditional Overlay District to facilitate development of the property. If approved, this request will modify the requirements of the existing Conditional Overlay District by allowing some uses that are normally permitted within the GR District but were prohibited with Conditional Overlay District No. 6 and change the hours of operation that were established in Conditional Overlay District No. 6. The applicant is request to allow drive-in, pick-up and drive-through restaurants, package liquor sales and taverns and cocktail lounges. In addition to the uses being requested, the applicant is requesting to modify the hours of operation that were established with Conditional Overlay District No. 6. currently, the hours of operation retail uses is limited to 6:00 a.m. to 10:00 p.m. As part of this application, the hours of operation for retail uses would be modified to the hours of 6:00 a.m. to 12:00 p.m. The uses requested are normally permitted in the GR district and are appropriate given the requirements established in

the Zoning Ordinance for GR zoning. The subject property is located at the corner of National Avenue and Sunshine Streets, both primary arterial roadways. This is an appropriate location for the types of uses permitted in GR and will provide goods and services to serve and complement the existing medical and office uses to the south as well as provide services for the residential development to the north and west. Traffic study will be required at the time of development based on the actual use of the property. A bufferyard is required along the north property line adjacent to the R-SF, Single Family Residential zoned property of a minimum fifteen (15) foot wide with plantings.

Mr. Ray inquired to the extending hours of operation to midnight, is it due to the property being adjacent to family residential that midnight closing is required or is that a request of the applicant.

Mr. Hosmer responded that the original proposal had the 10:00 p.m. closing and the applicant wanted to extend to midnight is a self imposed restriction on the property. There is no requirement from the City's standpoint.

Mr. Baird opened the public hearing.

Mr. Jared Rasmussen, Olsson & Associates, 550 St. Louis Street, explained that if you have over 50% of sales in food that it classifies the business as a tavern. Also, the bufferyards will be 15' but the plantings will be 6' high and a fence to reduce noise. Stormwater was discussed and the City requirements will be met and no stormwater will be allow to go north. Access has to align with the Mercy access across the street with no other access for the property.

Ms. White inquired about the lighting on the property.

Mr. Rasmussen responded that the lighting has to be cut off fixtures or foot candles which is basically holding a candle above the ground it can't be above a 1' candle at the property line. Light cannot shine across the property line.

Mr. Doennig inquired about the length of ownership on the property.

Mr. Rasmussen responded that it was 1 or 2 years, not sure.

Mr. Ray inquired about the utility building that exist on the property.

Mr. Rasmussen responded that it is used for storage, no utilities in the structure. Utilities are on the property between the pond and the structure that AT&T has.

Mr. Ray inquired if the detention basin would remain in the same location or move.

Mr. Rasmussen responded that it would likely remain in the same location but will increase in size.

Mr. Edwards inquired about the egress/ingress access, is it right in, right out only.

Mr. Rasmussen responded that full access point at the point where Mercy's driveway is and a second access point to the east but only two access points within 200'.

Mr. Ray inquired about the expansion of the right-of-way for the turn lane, turning on National Avenue. Are there any plans?

Mr. Rasmussen responded that they with provided what is required by the Thoroughfare Plan. They will be required to provide some right-of-way on both National Avenue and Sunshine Street.

Mr. Baird opened the public hearing.

Mr. Jim Doran stated he was speaking on behalf of Lois Doran, 1234 E. University, spoke in opposition of the proposed rezoning stating concern about the proposed uses of the property as they were turned down previously in 2007. Increase traffic, noise levels and the extended hours to midnight would be an issue and against the comprise previously agreed to.

Mr. Travis Marler, 1240 E. University, stated he supported Mr. Doran and was opposed to lifting the restriction. He also stated concern about property values in the area if they were lifted.

Ms. Linda Binder, 1205 E. University, stated agreement with the previous speakers with an additional concern of increase traffic and increase foot traffic that could come with the proposed uses. Also, litter could increase with restaurants.

Ms. Karen Burmood, 1224 E. Stanford St., stated opposition due to increase noise levels and the amount of litter in the area. Not opposed to development but opposed to this type of development.

Ms. Emily Bowen-Marler, 1240 E. University, stated that she purchased her property with the knowledge of the restriction in place from 2007 and dismayed upon learning that they could be lifted. Expressed support of keeping the restrictions as they are.

Mr. Kim Hancock, representing his son at 1200 E. University, stated receiving a nice letter from Mr. Rasmussen where it mentioned property values, and wanted a guarantee from the developer that the property values would not be effected. Also, he felt this could be an invasion of privacy due to height of the building. He stated that he had strong opposition to the proposed rezoning.

Mr. Baird asked Mr. Hosmer to clarify what the height of the building could be based on the bulk plain requirements on the property.

Mr. Hosmer responded the bufferyard adjacent to residential area would be 15' to 20'. There is 30 degree bulk plain and if a building were to be built at 15' that would have to be 87' back from the property line.

Mr. Baird asked for the depth of the property.

Mr. Hosmer responded that the property is 200'. An estimate is that the building would be built on the street with parking behind.

Ms. Karen Chandler, 1300 E. University, stated opposition based on the previous stated concerns. Also, expressed concern regarding stormwater.

Mr. Baird asked for comments from Stormwater and how it will impact that area.

Mr. Coulson explained that there are historical drainage problems in the area and the development to the east is the cause of the runoff. There is no drainage system on E. University and water pools in their backyards. The development being proposed will not be allowed to drain to the north and they have to have their runoff run into the detention on National Avenue.

Mr. Jason Elmore , 1256 E. University stated he was opposed to the rezoning due to the effects on property values.

Mr. Baird closed the public hearing.

Mr. Rose inquired about the use of the current detention basin on the property.

Mr. Coulson responded that it was to serve the development on the property.

Mr. Edwards noted that he grew up in the area and understands the concerns of the area. Also, stated that he was on the committee that rezoned it to office and comfortable with that due to the restrictions associated with that zoning. The hours of operations are a concern in going to GR that is being asked with this proposal. The hours of operations will be the reason for voting against this proposal as presented.

Mr. Doennig stated that he agreed with Mr. Edwards comments and it is important to have that step down in intensity of the zoning occurring there. Our predecessors looked that this location several years ago and there has been no compelling evidence to change the current conditions on the hours of operations. He plans to vote against the rezoning.

Mr. Baird stated that this is a tough case and plans to support the case. He stated that this property is going to be developed and the neighborhood should realize that and this development would clean up the area with the fence and plantings can contain the litter. He expressed concern regarding maintaining property values but the barrier would provide more privacy. He plans to vote in favor the rezoning.

Mr. Ray asked Traffic if the City currently has the right-of-way to extend the turning lane or would we only acquire the right-of-way if the rezoning took effect.

Ms. Dawned Gardner stated that the City would need the right-of-way on National Avenue to be able to reconfigure the intersection for Sunshine Street. At this time we do not have the right-of-way needed but they are giving the right-of-way required.

Mr. Ray stated that as a planner sees this as an opportunity for urban infill development and the resident see this opportunity for retail and tavern near my neighborhood The noise issue is a concern but it goes back to the hours of operations as the major issue for the rezoning.

Mr. Baird inquired of Mr. Hosmer about current zoning is the residential single family for one lot and general retail with conditional overlay and that currently conditional overlay has the restricted hours of service from 6:00 a.m. to 10:00 p.m., is that correct.

Mr. Hosmer confirmed Mr. Baird's statement and it is zoned GR.

Mr. Rose stated that interface areas between residential and commercial uses seems to attract the most interest and believes the property will be developed by something other than single family residential. The only issue is with the hours of operations and he cannot support the rezoning.

Ms. Cox stated that she was not worried about taverns or lounges because midnight because they are opened much later throughout the city. The need for extending the hours of operation is not clear and she will not support the rezoning at this time unless a proposed change of hours than she would support the rezoning.

Mr. Baird stated that the current zoning restricts the hours of operations and a motion would need to be made to change them from the current to what is proposed.

Mr. Edwards recommends that renegotiating not be a practice of the commission. General practice in the past is that we do not want to change the applicants application for them as that is not our job. The applicant may do so but not up to us.

Ms. White stated that in general restaurants do exceed hours of operations and storm water will be handle according to what is required but there is an impact on the enjoyment of a neighborhood and this is an important part to be looked at. With the hours of operations to midnight she would not be able to support the rezoning.

Mr. Edwards stated that the property will be developed and everyone will need to be prepared for this and to consider what the worst scenario could be for a empty lot near a neighborhood.

Mr. Ray asked for comments from staff and/or the applicants representative.

Mr. Hosmer stated that the applicants representative would like to table this issue until the November 5, 2015 meeting to work out a compromise.

Mr. Edwards motioned to **table** Z-33-2015 w/Conditional Overlay District No. 99 until November 5, 2015. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Edwards, Ray, Cox, Doennig, and Rose. Nays: None. Abstain: None. Absent: Shuler, Cline.

Z-34-2015 w/Conditional Overlay District No. 100
Construction, Inc.
(624)

Luke Warmwater

Mr. Hosmer explained that the applicant is proposing to rezone the subject property from an R-TH, Residential Townhouse District to an R-LD, Low-Density Multi-Family Residential District with Conditional Overlay District No. 100. The proposed rezoning will facilitate the development of this property for a gated multi-family apartment complex. The Conditional Overlay District Provisions will require street improvements along Kimbrough Avenue including sidewalks, a lot combinations, and the development must conform to the site plan and elevations. The R-LD District intends to accommodate multi-family development at a densities up to approximately eighteen (18) units per acre and intends to serve a transition between lower density and higher density residential districts. The applicant is requesting a maximum of 17 units per acre. The Growth Management and Land Use Plan of the Comprehensive Plan identifies this as an appropriate area for low-density housing. The R-LD District intends to service as a transition between lower density and higher density residential districts. The request is consistent with the adjacent non-residential, duplex and multi-family uses, densities and zoning to the west along Walnut Lawn and Arrowhead Street. The Transportation Plan classifies Walnut Lawn and Kimbrough as collector roadways which supports the proposed land use. Staff recommends approval of this request.

Mr. Baird opened the public hearing.

Mr. Brett Stevens, 5051 S. National, stated he is with H Design Group representing the applicant, This would be considered an infill development which are important for the City as they capitalize on existing infrastructure, i.e., sewer, water and gas, and street and in turn reduces the City's urban sprawl. This property has been processed through the multi-family design matrix that was created by a task force in 2007. Density is supported by the matrix and is in harmony with the surrounding properties. There were 162 mailers sent out to the neighborhood and the response indicated two major concerns: storm water and traffic. Regarding the issue with storm water is that flooding occurs on Kimbrough down Jewett Street, so with this development Kimbrough will be completely redesign and will help the flooding situation. There will be two on-site detention basin that will take care of additional issues. The second concern is traffic , we originally had two access points that directed all access onto Kimbrough but we changed that to one access on Kimbrough and a back access onto Arrowhead. The neighborhood meeting were beneficial and impacted the final design/construction. To address concern for increase crime is development will be an upscale, gated community

and no low income or government funded housing.

Mr. Baird inquired about the gated aspect of the development.

Mr. Stevens responded that they will be recessed gate accessed with a key fob. At the back access onto Arrowhead there will be a turnaround without going into someone driveway if they could not access the gate.

Mr. Mr. Nathan Thomas, 716 E. Jewett, lived in the neighborhood for 11 years and wanted to express a concern into the entry onto Kimbrough because there is a lot of foot traffic from Kickapoo High School to and from and the close proximately to the intersection at Walnut Lawn. If there is a bottleneck that could present traffic going through the neighborhood especially down Jewett. An access point onto Walnut Lawn would be a better solution.

Mr. Baird asked Traffic if a proposal was brought forth for traffic would go onto Walnut Lawn.

Ms. Gardner responded that Traffic prefers access to be on Kimbrough as Walnut Lawn has a higher traffic count. The access on Kimbrough does meet City's spacing standards of distance from Walnut Lawn.

Mr. Baird inquired about the alignment of the access to Jewett.

Ms. Gardner responded that it was north of Jewett. Per the neighborhood meeting the understanding is that the southern most access on Kimbrough be eliminated and if the access was on Kimbrough the north location was preferred.

Mr. Doennig inquired of Traffic regarding the improvement on Kimbrough allow for a dedicated left turn lane or no.

Ms. Gardner responded it did not as the rezoning did not generate enough traffic to warrant a traffic study or any additional improvements on Kimbrough.

Mr. David Ward, 710 E. Powell expressed concern for stormwater drainage on Kimbrough, the access of traffic on Kimbrough and the height of the proposed second storey.

Mr. Wayne Gale, 704 E. Jewett, purchased his home with the knowledge of this property was zoned for duplexes but does not support the proposed development. Also, the two storey give concerns for safety.

The set back of 15' versus 50' for the single family homes also poses a concern. Access onto Kimbrough is a major concern and should be redirected.

Mr. Eric Groves, 724 E. Jewett, expressed concern for property values and they previously lived near a similar situation. Traffic is a concern with the exit onto Kimbrough and will give increase traffic on his street and safety for Kickapoo High

School.

Mr. Shannon McMurdo, one of the partners in the development, this is a great property that in the past no one has been able to invest in the required improvements but we are willing to that and want this to be a great additional to the subdivision and that part of town. This will be a high-end, gated community for upper scale clients, not looking for the college students or the family clientele but we are looking for the professional that would benefit due to the medical mile, commercial development in the area. Investing \$8.5M in the project and with the sidewalk, addition of the detentions will be a benefit to the everyone in the subdivision.

Ms. White inquired if they were going to manage the project or develop for resale.

Mr. McMurdo's responded that he and his partners have developed between 800-1,000 units and his a resort developer and have done a lot of condos. We want this to be a very welcoming, pleasing place to call home with a clubhouse and workout facility. They will be managing the property.

Mr. Russell Hagler, 626 E. Deerfield Street, north of the development. In the materials received it was mentioned that 624 Walnut and 634 Walnut to convert to the new type of housing. There are two older homes now, are they being removed.

Mr. Hosmer responded that yes they will be removed as part of the development and the lots combined.

Mr. Hagler inquired about the distance of the development from Walnut Lawn.

Mr. Hosmer responded that the set back would be 25'.

Mr. Hagler expressed concern about the increase of traffic with the development.

Mr. Baird closed the public hearing.

Mr. Edwards stated that the development has the step down next to the parcel and in line with the matrix and with general guidelines presented before. He stated that he would support the rezoning.

Mr. Ray stated that he agreed with the comments from Mr. Edwards and it appears that the developer has taken a lot of consideration into the surrounding zoning and sensitivity to the low density residential abutting the property. Also, it appears they are working with the neighbors and making an effort to be a good neighbor and this is the type of development for infill that the City is looking for. He will be voting for the rezoning.

Ms. Ray motioned to **approve** Z-34-2015 w/Conditional Overlay District No. 100 per staff recommendations. Mr. Edwards **seconded** the motion. The motion **carried** as follows:
Ayes: Baird, White, Edwards, Ray, Cox, Doennig, and Rose. Nays: None. Abstain: None. Absent: Shuler, Cline

*Master Sign Plan BMW
Management, LLC
(3500 East Sunshine Street)*

Vincel Capital

Mr. Hosmer stated the applicant is seeking to create a Master Sign Plan for the Audi and BMW dealerships on the subject property. There is currently one sign on Sunshine Street advertising the Audi dealership and the applicant is proposing a second sign on Sunshine to advertise the BMW dealership. There are two other existing signs along US Highway 65 on the subject property. The request for an additional free-standing sign to advertise the BMW dealership. The BMW sign will be a maximum height of 25' and 1 1/8" and a maximum effective area of one-hundred-fifty (150) square feet. The existing Audi sign is twenty (20) feet in height and has approximately one-hundred-thirty (130) square feet of effective area. There will be three-hundred (300) feet between the existing Audi sign and the proposed BMW sign. Both the existing sign and proposed sign are significantly under the maximum size and height allowed for one sign on the site. The subject property is located within an Interstate Highway Commercial Sign District which would permit a sign on the property to have up to six-hundred (600) square feet of effective area and be up to seventy (70) feet in height. 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. Staff recommends approval of this request.

Mr. Mike Scott, Missouri Neon Company, 3160 W. Kearney, represents the property owner.

Mr. Baird opened the public hearing. No questions were asked and no additional speakers to the issue, the public hearing was closed.

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

*Lantz 1124, LLC Redevelopment Plan
(1124 & 1130 East Elm Street)*

Lantz 1124, LLC

Mr. Matt Schaefer explained that this is an application request for approval of a redevelopment plan pursuant to Sections 99.300-99.660, RSMo, the Land Clearance for Redevelopment Authority Law, for a redevelopment project location at the southwest corner of East Elm Street and South Florence Avenue. The Planning and Zoning commission is required by Statute to review the proposed Redevelopment Plan for conformance with the City's general plan for the development of the City as a whole. The purpose of the Redevelopment Plan for the Lantz 1124, LLC Redevelopment Area is to clear blight and redevelop the area to accommodate a new house for a Missouri State University fraternity. The Redevelopment Area consists of two parcels of land

(0.38 acres) that are currently occupied by two vacant residential structures. The Redevelopment Plan proposes to demolish the existing structures and construct a new three-story fraternity house that will serve as the residence for approximately 30 students, as well a location for chapter meetings and activities. Staff has review the Plan and conforms the City's Comprehensive Plan and the Growth Management and Land Use Element of the Comprehensive Plan indicates the area designated for medium and high density residential. The area is located within the Missouri State University Activity Center and an objectives of the Activity Center is to promote and intensified residential and commercial uses. The area is also located within the Greater Downtown District in the Center City element of the Comprehensive Plan and is in keeping with that vision.

Mr. Roger Lantz, 723 S. Bellflower, Lantz 1124, LLC, applicant for the application.

Mr. Baird opened the public hearing. No questions were asked and no additional speakers to the issue, the public hearing was closed.

Mr. Doennig motioned to **approve** Lantz 1124, LLC Redevelopment Plan. Ms. White **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Edwards, Ray, Cox, Doennig, and Rose. Nays: None. Abstain: None. Absent: Shuler, Cline

There being no further business, the meeting was adjourned at approximately 8:30 p.m.



Bob Hosmer, AICP
Principal Planner