

NOVEMBER 5, 2015
MINUTES OF THE PLANNING AND ZONING COMMISSION
Springfield, Missouri

The Planning and Zoning Commission met in regular session November 5, 2015, in the City Council Chambers. Chairman Tom Baird called the meeting to order.

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

Staff in attendance: Bob Hosmer, Principal Planner, Tom Rykowski, Asst. City Attorney, Nicholas Woodman, Asst. City Attorney, Dawne Gardner, Public Works Traffic Division, and Rodney Colson, Public Works Stormwater.

Minutes: The minutes of October 8, 2015 were approved unanimously.

Communications:

Mr. Hosmer announced new staff, Amy Werland Administrative Assistant, Tom Rykowski and Nicholas Woodman, Asst City Attorney's. Mr. Hosmer state that elections for the Planning and Zoning Commission officers will be held in January 2016. Commissioner White is up for reappointment and Commission Baird is going off the commission in 2016 so we will be looking for a new member to the commission. Staff will be submitting the 2016 PZ meeting schedule for commission approval in December. Staff is requesting that item 11 on the agenda, Z-35-2015 COD No. 101 (6000 Block of South Southwood Avenue) be tabled until December 10, 2015 PZ meeting due to procedural information that we need to put into our report.

Mr. Baird made a recommendation to table item 11, Z-35-2015 COD No. 101 (6000 Block of South Southwood Avenue) at the request of the applicant. Mr. Cline made first motion and Mr. Doennig seconded the motion. The motion carried as follows: Ayes: Unanimously. Absent: Ray, Cox, and Edwards.

Mr. Hosmer stated that the November 19, 2015, second P&Z meeting is cancelled.

Consent Items:

Request to Dispose 514
5400 East Farm Road 112

Applicant: City Utilities

COMMISSION ACTION:

Mr. Baird taking requests to accept the consent agenda. Mr. Rose motioned to approve Request to Dispose 514. Mr. Cline seconded the motion. The motion carried as follows: Ayes: Unanimously. Absent: Ray, Cox, and Edwards.

Unfinished Business

Z-33-2015 COD No. 99

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

Applicant: Sunshine & National Real Estate, LLC

Mr. Hosmer stated that commission tabled this request at the October 8, 2015 P&Z meeting and to continue the public hearing tonight. This is a request to rezone approximately 3.65 acres of property generally located at 1764 and 1770 South National Avenue and 1251, 1309, 1315 and 1319 East Sunshine Street from an R-SF, Single Family Residential District and GR, General Retail District with Conditional Overlay District No. 6 to a GR, General Retail District with Conditional Overlay District No. 99. The growth management land use plan recommends this area on National and Sunshine as major activity center and this is primarily focus on Mercy Hospital and hospital related business located in this area. Sunshine and National are both classified as a primarily arterial roadway which shows appropriate locations for commercial activity. The existing Conditional Overlay District COD No. 6 restricted uses that are normally permitted within the GR District and limited established hours of operation for retail uses and required construction sidewalks and dedication ROW on Sunshine. Residential property on the corner of this intersection was previously owned by the City of Springfield and has been sold to the applicant and was one of the reasons for consideration of rezoning this property. The applicant initially requested a drive-in and pick-up drive-through restaurant with a tavern and cocktail lounge, but has not requested to remove the package liquor store sells as a permitted use on this property. The applicant has also removed the request to modify the hours of operations and the hours of operation will remain as the original COD from 6:00am to 10:00pm. All the other requirements of the COD and the Conditional Overlay District are the same. A traffic study will be submitted at the time of development, there will be a buffer yard requirement along all the areas adjacent to the single family residents. There are also a 30 degree bulk plain that will be required along every boundary of the RS-F district. There will be a public hearing at the City Council on November 23, 2015. Staff recommends approval of the COD provisions as outlined with the limited uses in the GR with the dedication of the ROW, access limitations along Sunshine with 50' ROWs measured from the centerline of National Avenue and Sunshine Ave, provide cross access between all the lots that would be existing and provide internal egress easement within the area. They would have to construct sidewalks along Sunshine, providing a total pedestrian system and providing existing driveways on National will be closed. There will be maximum floor ratio of 0.38 and a traffic study will be completed and a buffer yard required along with the bulk plane of 30 degrees.

Mr. Doennig summarized the only changes are the hours of operation issued from the first COD to the new COD and the removal of the taverns and cocktail lounge.

Mr. Hosmer confirmed that the applicant requested the time change of drive-in and pick-up window and the removal of the packaged liquor sales. That are the changes.

Mr. Baird opened the public hearing.

Mr. Jared Rasmussen, Olsson & Associates, 550 St. Louis Street, stated that they have pulled two items off of the request. They have heard a lot of concern on the hours of operations and having a package liquor store so close to the residential area. The owners felt it appropriate to remove those both.

Jim Doran, 1234 E. University speaking on behalf of Lois Doran, stated opposition based on the tavern still be proposed and the parking. As discussed before, this property is across from Mercy parking lots and impaired drivers potentially coming from the location with ER vehicles going through the intersection. Concerns also on the drive-through restaurant noise. Would prefer GR for this location and also commented on the property values, this rezoning can only deflate values and living conditions along University and other parts of that area.

Karen Burmood, 1224 E. Stanford Street, stated opposition. Concerned with the possible noise of the large trucks and would like to see a stone fence to help alleviate the noise.

Linda Binder, 1205 E. University, stated opposition. Concerned with the students walking to and from the tavern and the possibility of them getting hit with the traffic. Not opposed to development, but opposed to the tavern and has concerns of the traffic.

Chris Brown, 1314 E. University, stated opposition. Concerns regarding the traffic and the sloping of the property from south to north and states that he has a water problem due to the Mercy Hospital parking lot. The water from the parking lot flows to the north and backs up to his property.

Mr. Tim Havens, 2156 South Prairie Lane, stated opposition. Concerns of the zoning that are not addressed. Zoning is a promise, if something changes, something significant, such as job creation, safety or some important issue, then that promise can be broken, but other than, I believe it is immoral to not honor the promise you already made. These people offer very good points, that it is not an appropriate place for a tavern or a drive-in. There should be some kind of a buffer area, like an office use that goes in between where the residences are. The specifications I don't are complete, I think the stone fence idea is excellent. I was going to suggest about the height on the fence it either needs specify an 8' wood fence, maybe a 6'. The are using buffer yard F, which is a solid hedge, which the City says for their heaviest industrial use. They need to match it or be taller or be a stone fence. Would to have someone define what zoning means to the average citizen and his home and his place in this town.

Mr. Baird closed the public hearing.

Mr. Baird states that the commission's intentions and how to deliberate cases is certainly not meant to be inflammatory to anyone in the community. The commission needs to figure out whether this is an appropriate use for this piece of land and that occasionally off-handed comments are made and it is certainly isn't meant to offend anyone. Specifically to this one, this is one is a tough one because it is a green space within close proximity to the center of the city. When it is possible to use existing city services and there is a green space located on two arterials, it seems to make sense to development it, rather than going out to the outskirts of town and developing there. However these homes have been there for a long time and there is a certain expectation of quality of life. It would be great if it stayed green space forever, but you would have to think it would have been developed at some point. What has been presented tonight is reasonable and therefore I will be supporting it.

Mr. Doennig stated that we have already zoned this property for development and have

given it a zoning classification. We are now being asked to changed the conditions within the classification. What justification has been presented to this commission? I believe we do have an obligation to weigh the viability of the neighborhood and also the positions next to these major thoroughfares. Eight years ago we were offered the ability to development the property within certain guidelines and now are being asked to change those. I believe we are setting a precedence for future cases when we have a situation like this, where we have existing zoning that is reasonable, but we are being asked to expand the allowable uses. I don't think that the developer has presented a compelling reason to make a change to this property. I will be voting against the proposal.

Mr. Rose stated this primary concern and stated that he didn't support it last time because the time change to allow businesses to be open until midnight. He appreciated the developer willing to compromise and work with the neighbors. I will be supporting the proposal.

Ms. White stated that she agrees with Mr. Rose. She was very concerned about the hours of operation. It is difficult when we have to put together residential and development, we always have these struggles. We take this seriously and do understand that. We have to be constrained by this fit within the comprehensive plan for the City of Springfield. Those are our rules. This proposal does fit within the comprehensive plan, so I will be supporting it.

COMMISSION ACTION:

Ms. White motioned to approve Z-33-2015 w/COD No. 99 (1764 and 1770 South National Avenue and 1251, 1309, 1315, and 1319 East Sunshine Street). Mr. Cline seconded the motion. The motion carried as follows: Ayes: Baird, Rose, White, Shuler, Cline. Nays: Doennig. Absent: Ray, Cox, and Edwards.

Public Hearing :

Vacation 782
1983 East Seminole Street

Applicant: BluCurrent Credit Union

Mr. Hosmer stated that City Council approved the rezoning of the subject property (General Ordinance 6237) at their meeting on October 26, 2015 from a Planned Development District No. 11, 1st Amendment to an O-1, Office District. One of the conditions of rezoning was that the applicant 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 property was posted by the applicant on October 21, 2015 at least 10 days prior to the public hearing. The public notice was advertised in the News Leader at least 30 days prior to the public hearing. Public notices were sent out at least 10 days prior to the public hearing to all property owners within 300 feet. Thirty (30) property owners are within three hundred (300) feet of the subject area and have been notified of this action. Staff has received two calls from property owners. Mr. Havens across the street and one person on Wayland who was asking about property.

The process for vacations is that we accept ROWs two ways, either by a dedication through a subdivision or we purchase or fee simple payment for the property. This property was platted, the ROW was dedicated to the City of Springfield in 1923 by National Boulevard Farms and again in 1953 with the Prairie Village Subdivision. At that time, the radius dedicated as shown was not our standard radius of today. We have vacated the ROW on Link Avenue that is located down the street, which had the similar swooping curves and radius and we have put that back to our current standards. Two-thirds of the property owners have given consent and in this case we only have one property owner, which is BluCurrent Credit Union and they have given consent. This area that has been vacated will be retained as an utility easement. AT&T and City Utilities has services in this area. There will also be a 10x10 site triangle at the intersection and this make sure site distances when vehicles come to the intersection. Staff recommends approval.

Mr. Baird asked Mr. Hosmer the other examples vacating the ROW to square up boundaries. Is this simply on Seminole or is this through out the city?.

Mr. Hosmer stated that is this simply cleaning up old right of way radius to get them up to the current standards.

Mr. Baird reaffirmed that the City has received two calls and that the commission also has received a letter from Mr. Havens.

Mr. Baird opened the public hearing.

Mr. Jon Williams of CJW, 5051 S. National representing BluCurrent and the law firm Cameron Jones who are the new owners of the property. We have been coordinating with City Utilities and AT&T about leaving the space as a permanent utility easement.

Mr. Baird requested information about the row of bushes (hedgerow). Do they stay or does that depend on the new owners moving in?.

Mr. Williams states that will depend on the new owners and the coordination on any improvements that would make with the property and/or how the City wants to regulate it. The hedgerow is very close to or if not on the ROW.

Mr. Tim Havens, 2156 S. Prairie Lane, stated opposition.

Mr. Havens, stated that the protocol is for people that speak for this (not opposing) should speak and then I (who opposes) after that. Mr. Havens states that the commission has not always followed this protocol.

Mr. Baird commented that typically they allow people to come up in the order they want.

Mr. Havens states that this is not what the Points of Order states.

Mr. Baird verbally acknowledge his comment.

Mr. Havens opposes this on moral grounds. The City, when they represent something they don't take morality into the equation. They are representing the property owner and they run it through and the morality issue isn't in there. This property has been built on. The

credit union illegally built on this property, in the ROW, they put their entry way and their parking lot in the ROW. They planted the hedgerow in the wrong spot, they planted it in the ROW instead on their property. Mr. Haven's stated that BDS is in the process of possibly giving BluCurrent a citation for building within the ROW.

Mr. Baird requested from Mr. Rykowski on any current litigation at this time on the ROW and entry/exist point.

Mr. Rykowski replied that he was not aware of any issues, other than Mr. Havens complaint to BDS. If there would be a violation issued, it would have to be addressed. At this time Mr. Rykowski does not see any reason for not being able to vote on this issue.

Mr. Baird asked what would happen if they voted no to grant this vacation, what might happen at that point.

Mr. Rykowski stated they would have to look at the conditional overlay district and see what the affect would be if the vacation is rejected.

Mr. Cline asked that when the parking lot was built, did anyone say anything about it? Did it concern anybody? Was it an issue at all?

Mr. Hosmer states that the City, at that point, did not have any problems or didn't recognize it or inspect it properly around 1995 when it was built. If this is denied tonight, the applicant does have the ability to appeal to the City Council and take it forward to have them rule on this. Approval stops at P&Z.

Ms. White stated that this ROW is significantly larger than any other in the City. Is this what you would require from a new developer and is this how it possibly may have happened? Mr. Rose stated as someone who has been involved in building a number of items including parking lots, he recognizes how this may have happened.

COMMISSION ACTION:

Mr. Doennig motioned to approve Vacation 782 1983 East Seminole Street). Mr. Cline seconded the motion. The motion carried as follows: Ayes: Unanimously. Absent: Ray, Cox, and Edwards

Z-29-2015
5904 South Southwood Avenue

Applicant: City of Springfield

Mr. Hosmer stated that this is to rezone approximately 5 acres of property generally located in the 6000 block of South Southwood Avenue from a Greene County R-1, Suburban Residence District to a City R-SF, Single Family Residential District.

The City Council on July 13, 2015 approved the annexation of the subject property into the City limits of Springfield. The City's policy is to match City zoning as closely as possible to the current Greene County zoning district. The rezoning of the subject property is consistent with City policy.

The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for High-Intensity Retail, Office or Housing. This mixed category indicates that a variety of office, commercial and/or mid-or high-density housing may be appropriate at major intersections or along certain roadway corridors.

The subject property is located along Southwood Avenue, a collector roadway, and is "sandwiched" between an undeveloped mixed use planned development to the east and County R-1 Suburban Residential zoning to the west. Approval of R-SF zoning at this location is consistent and compatible with the existing zoning and development along Southwood to the north and west and provides a transition between the high traffic roadway, Highway 65 and higher intensity uses on the east side of Southwood and the residential development to the north

Mr. Baird opened the public hearing.

Mr. Baird closed the public hearing.

Mr. Baird stated that it doesn't make sense to rezone this to a City R-SF because of the location of the property and the elevation changes on the property. This property will never be developed as residential.

Mr. Hosmer stated that Mercy does not have any plans to develop because it is in a ravine and possibly a flood plain area. It is undevelopable, so anything happening there is very remote.

Mr. Baird asks if this is basically a bookkeeping clean up? Mr. Hosmer stated that the City wanted to have some kind of zoning to protect the property owners to the west.

COMMISSION ACTION:

Mr. Cline motioned to approve Z-29-2015 (5904 South Southwood Avenue). Mr. Rose seconded the motion. The motion carried as follows: Ayes: Unanimously. Absent: Ray, Cox, and Edwards

Z-35-2015 COD No. 101
6000 Block of South Southwood Avenue

Applicant: City of Springfield

(TABLED UNTIL December 10, 2015)

Z-36-201
2340 North Fort Avenue

Applicant: Barrett Fisk Inv. LLC

Mr. Hosmer stated the request to rezone approximately 0.22 acres of property generally located at 2340

North Fort Avenue from an R-SF, Single Family Residential District to an HC, Highway Commercial District with conditions.

The Growth Management and Land Use Plan of the Comprehensive Plan identifies this as an appropriate area for medium-intensity retail, office or housing. The requested HC, Highway Commercial zoning is consistent with the recommendation. Supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use Major Goal 4: Develop the community in a sustainable manner. Objective 4a, Increase density in activity centers and transit corridor.

Approval of this application will facilitate redevelopment of this property and promote infill development and increased intensity where investments have already been made in public services and infrastructure.

When combined with adjacent lots the request will be consistent with the depth of adjacent commercial zoning and uses that front along Kearney Street. Kearney Street is classified as a primary arterial roadway which is appropriate location of HC, Highway Commercial uses.

The standard development requirements in the HC, Highway Commercial District with the condition to combine lots, are adequate to mitigate any potential impacts of development of this property on adjacent residential properties.

Staff recommends approval of this request with the following conditions:

The subject property shall be combined into one tract of land for development with lots to the north (2346 and 2352 N. Fort Ave.) and if the above conditions are not met within one (1) year after City Council's approval, that approval is null and void and the zoning will remain R-SF, Single Family Residential District.

A traffic study was not warranted by Public Works Traffic Division since the rezoning from R-SF to HC on such a small lot will not generate a significant amount of additional traffic.

Mr. Baird opened the public hearing.

Mr. Jared Rasmussen, Olsson & Associates, 550 St. Louis Street, stated that the overall goal of this property is bring in conformity with properties to the east and west. Currently there is one property to the east that is still zoned residential. It fits will within the City's Comprehensive Plan. He doesn't anticipate anymore traffic to the overall area. Most traffic will probably go north towards Kearney Street and should not affect the neighborhood to the south.

Sharline Sutherland, 2326 N. Fort stated opposition due to the traffic. The Wendy's Restaurant on the corner already generates a lot of traffic due to customers coming in the back way from Kansas Expressway through High Street to Fort and also from Grant Street to High back way to Fort to access the Wendy's which is open until 1:00am in the morning and does cause extra noise.

Ms. Sutherland asked if they are planning on building something just along Fort Street or will that property also be combined with the property on East Kearney Street? There was a building, but they torn it down. If they do add more shopping or businesses, there will only be 6 houses left on that street between Turner and Kearney, which may hamper our property values, plus add more traffic, unless they agree not to have an access off of Fort to the new businesses being built.

Mr. Baird requests from Traffic if there is anything that would restrict them from combining these properties and accessing Fort given the width/length of Fort?

Ms. Gardner stated that when they combine the properties, Traffic can take a look at access then. But as far as zoning, since they are only rezoning this lot at this time, we cannot deny them access on just this lot.

Mr. Baird asks if this property cannot be developed separately from the other two properties.

Mr. Hosmer states that it is correct, they would want them all combined.

Mr. Fisk, current owner of the property, 2340 N. Fort, stated in favor of rezoning. He stated that most of the fast food restaurants go about 200' in depth/length. To the west of the property, there is a Wendy's, the east, there is a McDonald's and a lot of them have formats that they follow which require a 200' depth, in order to attract a national retailer to this property and to get someone who will have jobs and to use this property, they will need the 200'. They are going to buy it for the Kearney frontage, no one is going to build a business that faces Fort Street. I don't see an adverse traffic impact to this other than people who may visit the restaurant and then go back throughout the neighborhood.

Mr. Tim Havens, 2156 S. Prairie Lane. Stated again that the Commission does not follow the protocol and it is listed in the rules. It is supposed to be the staff presentation, then that fella should have gone next, then the lady should have been last person to speak. It says in that order, so I'm objecting to the fact that you don't follow the rules.

Mr. Baird stated, "Objection Noted"

Mr. Baird closed the public hearing.

COMMISSION ACTION:

Mr. Doennig motioned to approve Z-26-2015 (2340 North Fort Avenue). Mr. Shuler seconded the motion. The motion carried as follows: Ayes: Unanimously. Absent: Ray, Cox, and Edwards.

There being no further business, the meeting was adjourned at approximately 7:51pm.