

May 12, 2016
MINUTES OF THE PLANNING AND ZONING COMMISSION
Springfield, Missouri

The Planning and Zoning Commission met in regular session May 12, 2016 in the City Council Chambers. Chairman Jason Ray called the meeting to order.

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

Staff in attendance: Mary Lilly Smith, Director of Planning and Development, Bob Hosmer, Principal Planner, Tom Rykowski, Asst. City Attorney, Nicholas Woodman, Asst. City Attorney, Dawne Gardner, Public Works Traffic Engineer and Chris Dunnaway, Public Works Principal Engineer.

Minutes: The minutes of April 14, 2016 were approved unanimously.

COMMUNICATIONS :

Mr. Hosmer requested that Change of Use 516 (3100 South Kauffman Road) be removed off consent items and combined with Z-4-2016 w/COD #108 (3100 South Kauffman Road) under public hearings, however each will be voted on separately.

COMMISSION ACTION:

Mr. Doennig motions that we approve to combine Change of Use 516 (3100 South Kauffman Road) and Z-4-2016 w/COD #108 (3100 South Kauffman Road) but each to be voted on separately. Mr. Cline seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Shuler, Cline, and Rose. Nays: None. Abstain: None. Absent: Cox, Baird, and Matthews.

NEW BUSINESS :

CONSENT ITEMS: None

PUBLIC HEARINGS:

Z-4-2016 w/COD #108

3100 South Kauffman Road

Applicant: City of Springfield

Mr. Hosmer states that is a request to rezone 22.84 acres of property at 3100 South Kauffman Road from Greene Co R-1 Suburban Residence District to a City GM, General Manufacturing District. The property is being annexed into the City of Springfield: May 31, 2016. The property was acquired by the City of Springfield in 2003 as a buffer area for the Southwest Treatment Plant and the Public Works salt facility. The City is proposing a new animal shelter and adoption facility at this location. The GM, General Manufacturing District is the least intense district to allow the salt facility and proposed use. A conditional overlay district is being proposed to remove uses. The Growth Management and Land Use Plan element of the Comprehensive Plan designates this area as appropriate for medium intensity retail, office or housing uses; however, the City owns a majority of the property in the area. The area is also within the James River Freeway and State Highway FF Activity Center. The Plan recommends these areas be developed with greater intensity. Battlefield Road is planned to extend west to connect with Sunshine Street. A buffer yard is required along the south and north property line adjacent to the County R-1. A Buffer yard "Type H" at least thirty-five (35) feet wide with a five-foot tall earthen berm or six foot solid wood fence, masonry/brick wall or evergreen hedge. Animal shelters outdoor activities not closer than a 300-foot radius from a building used for a church, school, hotel or motel or from a property zoned residential or a building used for residential purposes or closer than a 100-foot radius from a building used for a restaurant (conditional use permit). Outside storage must be screened and 100 feet from residential

district. A traffic study was not required by Public Works Traffic Division because Kauffman Road is adequate based on existing access and the proposed development. Staff recommends approval.

Mr. Ray opened the public hearing.

Mr. Billy Kimmons, 940 E. Stanford, consultant for the City of Springfield, feels that this site holds a lot of potential and advantages over other sites that were considered. There is a 300 foot set back from any zoning district that is residential and the building plans are set to keep any outdoor dog activities within the 300 feet. The public entrance and parking does face south and takes advantage of the views that come from the West By-Pass.

Ms. Lisa Lee Fogle, 6452 N. Crystal Valley Lane who is on the board of the Unity Spiritual Center Church has had concerns about an animal shelter/adoption facility as well as the general manufacturing rezoning. The church has had a lot of good discussions with the designers, health department, and architects and has found that any concerns we had has been satisfied. The concern regarding the general manufacturing rezoning has been resolved by working with the City and we came up with a compromise which is the conditional overlay district and we would welcome the animal shelter as neighbors.

Mr. Ray closed the public hearing.

COMMISSION ACTION:

Mr. Cline motions that we approve Z-4-2016 w/COD #108 (3100 South Kauffman Road). Mr. Rose seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Shuler, Cline, and Rose. Nays: None. Abstain: None. Absent: Cox, Baird, and Matthews.

Change of Use

3100 South Kauffman Road

Applicant: City of Springfield

Mr. Hosmer states that this is a request to approve a change of use for property owned by the City of Springfield to allow for an animal shelter and adoption facility on property at 3100 South Kauffman Road. The Springfield-Greene County Health Department is proposing to construct a new animal shelter and adoption facility at this location. The property is being annexed and was acquired by the City of Springfield in 2003 as a buffer area for the Southwest Treatment Plant and the Public Works salt facility. The Planning and Zoning Commission reviews changes of use for City-owned properties to determine whether they are consistent with the City's Comprehensive Plan. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this area as appropriate for medium intensity retail, office or housing. Staff recommends approval

Mr. Ray opened the public hearing.

Mr. Ray closed the public hearing.

COMMISSION ACTION:

Mr. Doennig motions that we approve Change of Use 516 (3100 South Kauffman Road). Mr. Rose seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Shuler, Cline, and Rose. Nays: None. Abstain: None. Absent: Cox, Baird, and Matthews.

Z-7-2016 w/COD #107

1850 West Republic Road

Applicant: Judith Groover

Mr. Hosmer states that this is a request to rezone approximately 20 acres of property generally located at 1800 West Republic Street from a GR, General Retail District with a Conditional Overlay District No. 66 to

a GR, General Retail District and establishing Conditional Overlay District No. 107 to modify the driveway locations. The Planning and Zoning Commission approved Z-1-2014 on February 6, 2014 and the City Council approved General Ordinance No. 6111 for a GR, General Retail District zoning establishing Conditional Overlay District No. 66 on March 24, 2014. This request is to modify the driveway locations along Republic Street for the proposed development of the Veterans Affairs Clinic. The requested changes from the original COD is to modify the two access locations on Republic Road. The westernmost access is required to be right in/right out and the easternmost access will allow full access. The location of each access must be approved by the Director of Public Works. The permitted uses will remain the same as the original COD. GR uses on the northern tract and limited GR uses on the southern tract. Buffer yards will be required adjacent to the R-SF and County R-1 property. The development will have to meet the standards of the General Retail District regulations. The northern tract will have to dedicate 50 feet of right-of-way for the future extension of Kansas Expressway. The Growth Management and Land Use Plan designate this area as High intensity Retail, Office or Housing on the northern tract and Medium Intensity Retail, Office or Housing on the southern tract. Staff recommends approval.

Mr. Ray opened the public hearing.

Mr. George Papandreas, 27500 Detroit Road; Suite 300, Westlake, OH requesting language modifications for the curb locations. The site plan had certain criteria that needed to be met and that is the reason for the minor change to the formally approved conditional overlay district asking for the curb cuts to be slightly moved to the east because the Veteran Administration has a concern for onsite way-finding.

Mr. Ray closed the public hearing.

COMMISSION ACTION:

Mr. Doennig motions that we approve Z-7-2016 w/COD #107 (1850 West Republic Road). Mr. Cline seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Shuler, Cline, and Rose. Nays: None. Abstain: None. Absent: Cox, Baird, and Matthews.

Conditional Use Permit 422
1755 South National Avenue

Applicant: Grandpa's Hospitality House, Inc.

Mr. Hosmer states that this is a request to allow a bed and breakfast in an R-SF, Residential Single-family District generally located at 1755 South National Avenue. This is not a rezoning of the property. The request is to allow a use permitted only by a conditional use permit for a bed and breakfast. The R-SF District will remain as well as the option to use the property as a single family use. The purpose of the Conditional Use Permit requirement is to minimize any possible adverse effects of a bed and breakfast on the surrounding neighborhood while providing opportunities to make better use of existing housing, particularly larger, older houses located on major streets. The subject property would fit within these criteria. An application for a conditional use permit shall be granted only if evidence is presented which answers the 21 CUP standard questions as well as the 14 questions for a bed and breakfast. These 14 questions are as follows:

1. The use shall front on a primary arterial street, if the property is zoned R-SF, or a street with a higher functional classification as designated by the major thoroughfare plan.
2. There shall be a maximum of five guest rooms in the bed and breakfast.
3. The bed and breakfast shall be located in an existing structure, i.e. additions shall not be built to provide bed and breakfast rooms nor shall a new structure be built expressly for a bed and breakfast.
4. No exterior alterations that would change the single-family character of the bed and breakfast, other than those necessary to ensure the safety of the structure, shall be made.
5. No residential structure shall be removed for parking or to expand the bed and breakfast.
6. Only short-term lodging shall be permitted, no monthly rentals.
7. There shall be no individual cooking facilities.
8. The facilities shall not be rented for receptions, parties, weddings or similar activities.

9. One additional paved parking space per guest room shall be provided in the rear yard. Parking shall be screened in accordance with section 36-480, screening and fencing.
10. The operator shall live at the bed and breakfast.
11. Only resident guests shall be served meals.
12. Only one non-illuminated sign no larger than 25 square feet shall be permitted.
13. A business license shall be obtained annually and the owner shall verify that the conditions of the conditional use permit are still being met.
14. No bed and breakfast shall be located within 500 feet of another bed and breakfast as measured along continuous public street rights-of-way from all streets abutting the bed and breakfast property, nor shall a bed and breakfast be located on property that abuts property on which another bed and breakfast is located.

A buffer yard is requirement when a permitted nonresidential use locates adjacent to a residential use. Buffer yard "Type (D)" at least fifteen (15) feet wide with a six (6) foot solid wood fence, masonry/brick wall or evergreen hedge and required plantings. The Growth Management and Land Use Plan Element of the Comprehensive Plan identify this area as Low-Density Housing. The Plan identifies the National Avenue and Sunshine Street area as an Activity Center. The approval of this request will provide for the productive use of the existing residential structure and will maintain the single-family character in the area while allowing for a viable use of the property. Staff has reviewed the applicant's request for a Conditional Use Permit and has determined that it satisfies the standards for Conditional Use Permits outlined in Section 36-363 (10). If the a permit is not pulled for the Conditional Use then the CUP will expire within 18 months. Staff recommends approval.

Mr. Ray opened the public hearing.

Ms. Kathy Penrod, PO Box 402, Spokane, MO started the idea of having a location for people who have relatives staying in the hospital and found that there are hundred's of houses throughout the country like Grandpa's Hospitality House. This gives family members a place to stay where they can afford and close to the hospital and will part of the hospitality network for at least 400 houses across the country were we can draw assistance and ideas for it to run properly and smoothly. We will the owner/operator on site at all times as well.

Mr. Doennig asked if they are only purchasing the parcel adjacent as well and what are the plans for building modification and what will be occupancy limit.

Ms. Penrod stated that they are purchasing it all as long as the conditional overlay is approved and the occupancy limit will be 12 people which will include the owner/operator of the house.

Ms. Lindsay Reichert, 430 S. Glenstone Avenue is the architect and the house will be remodeled with 5 suites/guest rooms and 4 bathrooms.

Mr. Ray asked about the exterior changes that include a handicapped accessible entrance and the brick patio.

Ms. Reichert stated that there are three exterior changes, one is the brick paver court-yard, second would be a small extension of the existing block wall on the south that will align with edge of the existing sun-room, and then providing accessibility to the front of the building and handicapped parking will be on the northwest side and will conform to ADA requirements.

Mr. Tim Muetzel, 1745 S. National has lived in the neighborhood for many years. One of the attractions is the housing values and that there are no businesses in this neighborhood and asked if there is really a need for this permit. He stated that there are 18 facilities within a five mile radius of Mercy Hospital with similar pricing based on the hospitality house rate of \$42.00. The neighborhoods of University Heights and Phelps Grove Park for this type of permitted use. He also noted the possible parking and traffic issues.

Ms. Kit Creemer, 919 E. Stanford stated that raising volunteers and donations are extremely difficult and have the concerns regarding the funds to start this venture. She believes that Grandpa's Hospitality House could start and suddenly stop due to the lack of funds and volunteers in a short time and wants the neighborhood to stay residential and not have the encroachment of businesses in the neighborhood.

Mr. Cline asked if for clarification on the "destroy the neighborhood" feeling with areas to the north, south and east having businesses proposed or currently doing business.

Ms. Creemer stated that she was not in favor of the proposed businesses on the opposite corner of Sunshine and National, but is concerned for the boundaries between National and Jefferson and that section of the neighborhood which are homes and are not businesses. She also states that Mercy currently has an entire floor of hospitality rooms available for current families with people in the hospital.

Ms. Sara Lampe, 702 E. Stanford Street and has lived in the neighborhood for 44 years and states that the conditional use permit is a violation of the neighborhood and believes that it inadvertently affects the character of the neighborhood which is walking your dog and visiting with the neighbors. She cited traffic concerns and wants to preserve University Heights and Phelps Grove as historical neighborhoods and noted that there are restrictions on monthly stays in Bed and Breakfasts, however Grandpa's Hospitality House web site states that they would allow weekly stays and could be extended as needed.

Mr. John Stinson, 1110 E. Stanford Street has concerns regarding encroachment of a business into the neighborhood.

Mr. Tim Havens, 2156 S. Prairie Lane has concerns of having a business in the neighborhood due to the single family use since the formation of the neighborhood 100 years ago. The area is vibrant and real estate values are robust with very few vacant houses. The covenants in the deeds of these homes are to be single family use.

Ms. Gayla Cary 1653 S. National has concerns regarding pan-handling and has had problems in the past with theft of items from her home and states that they are a family neighborhood and has concerns of the type of changes that could happen to the neighborhood community when commercial units come in.

Mr. Cline asked if Ms. Cary's concerns were the type of people who would be renting rooms could be the type that could victimize her. Ms. Cary indicated that those are her concerns and cited several instances.

Mr. Doennig asked the applicant on her length of fund-raising for Grandpa's Hospitality House.

Ms. Penrod stated that she has been working on setting up the support since the birth of the concept two years ago and has been working with various organizations to help with donations and has support from Mercy, however she has just received her 501(c) (3) in the last 6 months which is when she started fund-raising and applying for grants.

Mr. Ray closed the public hearing.

Mr. Doennig stated that his concerns with the traffic and the obstructed views of vehicles on the corner and the driveway layout off of Sunshine and the comments from the neighbors regarding the viability of the neighborhood. He stated that this is not a bed and breakfast in the traditional sense and is something else, more of a service organization like a hostel and spoke of his concerns regarding the changes in the character of the house. He also spoke of the lack of funds at this point in order to purchase the property and the possibility of funds for the future and plans on voting no on the proposal.

Mr. Shuler commended the applicant, however have concerns if this is inappropriate place and had an earlier experience staying at a Ronald McDonald house where they had safety concerns and feels that the proposal may be more than anticipated. I plan on voting no.

Mr. Cline stated that he has similar concerns as stated by Mr. Doennig, however would like it to be on record that it does not have anything to do with sympathizing with fear of poor people. He stated that was offended on what he has read in the letters and some of the comments at the podium. He states his concerns are with the traffic and will be voting no.

Mr. Rose sympathizes with neighbors and states that he lives in the neighborhood. Believes that this will be a long road to go if they can make this a successful project, however is just looking at the conditional use permit and don't have a problem with what they want to do. His one issue would be the traffic.

Mr. Ray states that the commission is considering the use of the property and not the business plan viability commission and it is not in the prevue to take into account whether or not the plan of the business, organization, plan, or fund-raising is viable. I believe that this is a solid neighborhood but with the traffic issues there are significant concerns about the proposed use of this property. I believe I will be voting to not recommend as well.

COMMISSION ACTION:

Mr. Doennig motions that we approve Conditional Use Permit 422 (1755 South National Avenue). Mr. Cline seconded the motion. The motion **did not carry** as follows: Ayes: Rose. Nays: Ray, Doennig, Shuler, and Cline. Abstain: None. Absent: Cox, Baird, and Matthews.

Planned Development 348 Amendment 1

1215 & 1225 North Benton Avenue

Applicant: Historic Patterson House, LLC

Mr. Hosmer requested that Planned Development 348 Amendment 1 (1215 & 1225 North Benton Avenue) be tabled to the June 9, 2016 meeting.

COMMISSION ACTION:

Mr. Doennig motions that we approve to table Planned Development 348 Amendment 1 (1215 & 1225 North Benton Avenue) to the June 9, 2016 meeting. Mr. Shuler seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Shuler, Cline, and Rose. Nays: None. Abstain: None. Absent: Cox, Baird, and Matthews

Preliminary Plat Highland Gardens Lot 13 Block 8

3248 West State Street

Applicant: RNB Properties, LLC

Mr. Hosmer states that this is a request to approve a preliminary plat to subdivide approximately 0.48 acres into a 3 lot, residential subdivision. The Growth Management and Land Use Plan of the Comprehensive Plan identify this as an appropriate area for Low-Density Housing uses. (R-SF, Single-Family Residential uses). The applicant's proposal is consistent with the City's Subdivision Regulations. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years. Sidewalk is required to be constructed along the property frontage of State Street. Buyout in lieu of on-site stormwater detention is an option.

All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. Staff recommends approval.

Mr. Ray opened the public hearing.

Mr. Randy Propst, 5906 S. Castlebay owner of RNB Properties, LLC and will be developing the property and want to split it up into 3 lots so we can build single family homes that will be handicapped accessible and through the City of Springfield's Affordable Home program.

Mr. Ray closed the public hearing.

COMMISSION ACTION:

Mr. Cline motions that we approve Preliminary Plat Highland Gardens Lot 13 Block 8 (3248 West State Street). Mr. Rose seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Shuler, Cline, and Rose. Nays: None. Abstain: None. Absent: Cox, Baird, and Matthews.

Retaining Wall Amendments

Citywide

Applicant: City of Springfield

Mr. Hosmer states that this is a request to amend Subsection 36-453(5) Supplemental open space and yard regulations (retaining walls).

Planning and Zoning Commission initiated amendments regarding retaining walls at their meeting on April 18, 2016.

The current requirements do not permit any retaining or solid masonry wall in all required yards above two and one half feet (30 inches) in height. Staff is proposing to modify the Permitted projections and structures in required yards section of the ordinance to permit retaining walls in any required yard regardless of height. This will allow for more flexibility and eliminate the need for a zoning variance when new or existing lots are created on steep or sloping terrain. Any wall that is constructed in a front yard that does not retain soil will be considered a fence and shall be 50% open/screened and four feet in height above yard grade or it will be considered a visual obstruction In the side and rear yards, a fence or wall cannot exceed seven feet in height. The current fencing/wall requirements for yards are sufficient to regulate solid masonry walls.

Sec. 36-453. - Supplemental open space and yard regulations.

(5) Permitted projections and structures in required yards. The following shall not be considered to be obstructions when located in a required yard:

(a) In all yards.

5. Any retaining wall ~~or solid masonry wall up to two and one half (2-1/2) feet high~~ shall be permitted in any required yard.

Mr. Ray opened the public hearing.

Mr. Ray closed the public hearing.

COMMISSION ACTION:

Mr. Rose motions that we approve Retaining Wall Amendments (Citywide). Mr. Cline seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Shuler, Cline, and Rose. Nays: None. Abstain: None. Absent: Cox, Baird, and Matthews.

Conditional Use Permit Amendments

Citywide

Applicant: City of Springfield

Mr. Hosmer states that this is a request to Amend Conditional Use Permit Subsection 36-363 (3) and (5). Planning and Zoning Commission initiated amendments regarding conditional use permits at their meeting

on April 18, 2016. Staff has found two subsections, 36-363(3) and (5), conditional use permits that reference the wrong subsection of the Zoning Ordinance.

In subsection 36-363(3) (g), the subsection should reference site plan review, but uses the incorrect subsection number. This should be subsection 36-360 and not subsection 36-363. In subsection 36-363 (3) the subsection referenced should not be (6) but rather subsection (10) which is the standards subsection in the Zoning Ordinance.

Sec. 36-363. - Conditional Use permits.

(3) Contents of application. An application for a conditional use permit shall be filed with the department of planning and development. The application shall contain the following information as well as such additional information as may be prescribed by rule of the planning and zoning commission or the director of planning and development.

(g) A site plan, pursuant to section 36-360~~3~~, site plan review, of this article.

(5) Conditions and restrictions. In granting a conditional use, the planning and zoning commission may recommend, and the city council may impose such conditions, safeguards and restrictions upon the premises benefitted by the conditional use as may be necessary to comply with the standards set out in subsection (10~~6~~) of this article to avoid, or minimize, or mitigate any potentially adverse or injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of this article. Such conditions shall be set out in the ordinance approving the conditional use permit.

Mr. Ray opened the public hearing.

Mr. Ray closed the public hearing.

COMMISSION ACTION:

Mr. Rose motions that we approve Conditional Use Permit Amendments (Citywide). Mr. Doennig seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Shuler, Cline, and Rose. Nays: None. Abstain: None. Absent: Cox, Baird, and Matthews.