

April 6, 2017
MINUTES OF THE PLANNING AND ZONING COMMISSION
Springfield, Missouri

The Planning and Zoning Commission met in regular session April 6, 2017 in the City Council Chambers. Chairman Randall Doennig called the meeting to order.

Roll Call - Present: Randall Doennig (Chairman), King Coltrin (Vice-Chair), Natalie Broekhoven, Dee Ogilvy, and David Shuler. Absent: Andrew Cline, Cameron Rose, Melissa Cox, and Joel Thomas.

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

Minutes: The minutes of March 9, 2017 were approved.

COMMUNICATIONS :

Bob Hosmer reported on City Council meeting actions.

UNFINISHED BUSINESS:

NEW BUSINESS:

CONSENT ITEMS :

Relinquishment Easement 840
455 South Patterson Avenue

Applicant: O'Reilly Automotive Stores, Inc.

Relinquishment East 840 was approved as part of the consent agenda.

COMMISSION ACTION:

Mr. Coltrin motioned to **approve** Consent Agenda item - Relinquishment Easement 840 (455 South Patterson Avenue). Ms. Ogilvy seconded the motion. Ayes: Coltrin, Doennig, Ogilvy, Shuler, and Broekhoven. Nays: None. Abstain: None. Absent: Cline, Rose, Cox, and Thomas.

PUBLIC HEARINGS:

Vacation 787

1801 East Seminole Street

Applicant: Tower Grove Center, LLC

Mr. Hosmer stated that this is a request to vacate right of way located at 1801 East Seminole Street. This is a request to vacate a portion of the public right-of-way of the northeast corner of East Seminole Street and South Brentwood Boulevard (1801 East Seminole Street). A portion of an existing monument sign is in the public right-of-way. Approval of this request will allow for the sign to remain but on private property. Eight (8) property owners are within 300 feet. All necessary easements to accommodate existing facilities within the subject rights-of-way will be retained. Staff recommends approval.

Mr. Doennig opened the public meeting.

Mr. Tim Harris, Pinnacle Sign Group, 505 N. Glenstone, representing the owner. The sign in the current location is overhanging three (3') feet into the right-of-way (ROW). No conflict with utilities or anything else.

Mr. Doennig closed the public meeting.

COMMISSION ACTION:

Mr. King motioned to **approve** Vacation 787 (1801 East Seminole Street). Ms. Ogilvy seconded the motion. Ayes: Coltrin, Doennig, Ogilvy, Shuler, and Broekhoven. Nays: None. Abstain: None. Absent: Cline, Rose, Cox, and Thomas.

Vacation 790

3300 East Galloway Street

Applicant: Hawkins Spousal Trust and Childress Family Partnership, Eric O. Muzart and Quincy P. Ashlock

Mr. Hosmer stated that the applicant requests that this be tabled and presented at the Planning and Zoning meeting on May 4, 2017.

COMMISSION ACTION:

Mr. Coltrin motioned to **TABLE** Vacation 790 (3300 East Galloway Street) to May 4, 2017. Mr. Shuler seconded the motion. Ayes: Coltrin, Doennig, Ogilvy, Shuler, and Broekhoven. Nays: None. Abstain: None. Absent: Cline, Rose, Cox, and Thomas.

Vacation 792

1900-1200 blks East Central Street, also parts of Florence, Hampton, Bob Barker, Clay, and Chestnut Streets

Applicant: Ozarks Technical Community College

Mr. Hosmer stated that the applicant requests that this be TABLED and presented at the Planning and Zoning meeting on May 4, 2017.

COMMISSION ACTION:

Ms. Ogilvy motioned to **TABLE** Vacation 792 (1900-1200 blks East Central Street, also parts of Florence, Hampton, Bob Barker, Clay, and Chestnut Streets). Ms. Broekhoven seconded the motion. Ayes: Coltrin, Doennig, Ogilvy, Shuler, and Broekhoven. Nays: None. Abstain: None. Absent: Cline, Rose, Cox, and Thomas.

Z-12-2017 w/COD #126

2885 West Battlefield Road

Applicant: Burrell, Inc.

Mr. Hosmer stated that this is a request to rezone approximately 53 acres of property generally located at 2885 West Battlefield Road from a Planned Development No. 189, 2nd Amendment to a GI, Government and Institutional Use District and establishing Conditional Overlay District No. 126.

The Growth Management and Land Use Plan designates this area as appropriate for business park and greenway uses.

The COD will require a 100 foot bufferyard from adjacent R-TH property. The COD will restrict the density to no more than sixteen (16) dwelling units per acre and no portion of a multi-family shall be higher than a thirty (30) degree bulk plane where the property adjoins a R-SF District. The COD will limit non-residential intensity to a floor area ratio of 0.25 which is similar to requirements in the existing PD. A public turnaround at Greenwood Street and a private driveway connection between Greenwood and Forest Village Drive will be required for any new development. Off-street parking requirements would be required for any new use requiring a building occupancy permit. No access is required to Edgewood Street and any internal street system will be private.

Staff recommends approval.

Mr. Doennig opened the public meeting.

Mr. Geoff Butler, 2885 W. Battlefield representing the owner and felt that General and Institutional Use (GI) would be the best for the use. The apartment complex is 24 units in three buildings and will be used for transitional/educational housing. The Conditional Overlay District (COD) is established to alleviate any concerns for the neighborhood to the west.

Mr. Doennig closed the public meeting.

COMMISSION ACTION:

Mr. Coltrin motioned to **approve** Z-12-2017 w/COD #126 (2885 West Battlefield Road). Mr. Shuler seconded the motion. Ayes: Coltrin, Doennig, Ogilvy, Shuler, and Broekhoven. Nays: None. Abstain: None. Absent: Cline, Rose, Cox, and Thomas.

Z-13-2017

4406 South Reed Avenue and 4219 South Nature Center Way

Applicant: Luxury Rental Homes, Inc., and Timbercreek RV Park, LLC

Mr. Coltrin recused himself from the current item.

Due to lack of quorum, this item is automatically TABLED to the May 4, 2017 Planning and Zoning Commission meeting.

Z-14-2017

1743 South Oak Grove Avenue

Applicant: Barrett Fisk Investments, LLC

Mr. Hosmer stated that this is a request to rezone approximately 0.18 acres of property generally located at 1743 South Oak Grove Avenue from a R-SF, Residential Single-Family District to a GR, General Retail District.

The Growth Management and Land Use Plan of the Comprehensive Plan designates this area as appropriate for Low Density Housing. Property is required to be combined with the property fronting along Sunshine Street. The property along Sunshine Street is designated as appropriate for medium-intensity retail, office and residential uses. The proposed GR, General Retail zoning is consistent with adjacent commercial zoning and uses and the depth of proposed zoning which is much less than adjacent GR zoned property. The intent of this application is to facilitate the redevelopment of the site for the expansion of the existing restaurant. A 20 foot bufferyard is required between R-SF and GR. There is a maximum structure height adjacent to any property zoned R-SF or R-TH which requires all structures to remain below a 30-degree bulk plane as measured from the property line. Commercial uses permitted in this district are generally required to conduct business activities indoors. No outdoor storage is allowed. City's Transportation Plan classifies Oak Gove Avenue as a Secondary Arterial roadway. A traffic study was not warranted. An administrative lot combination of the property and the property located at 2565 East Sunshine is required. Staff recommends approval.

Mr. Doennig opened the public meeting.

Mr. Greg Whitlock, 9648 E. North View representing the applicant. The purpose of the rezoning would be to allow a building addition and remodel of the existing Domino's Pizza. This will include a pick-up window and additional in-door seating/dining. At the neighborhood meeting, one resident was in favor because it would remove the rental home that is currently there.

Mr. Doennig closed the public meeting.

COMMISSION ACTION:

Ms. Broekhoven motioned to **approve** Z-14-2017 (1743 South Oak Grove Avenue). Mr. Shuler seconded the motion. Ayes: Coltrin, Doennig, Ogilvy, Shuler, and Broekhoven. Nays: None. Abstain: None. Absent: Cline, Rose, Cox, and Thomas.

Z-10-2017 w/COD #125

4349 South Kansas Avenue

Applicant: Jeffrey Young and Glossip Family Trust

Conditional Use Permit 428

4349 South Kansas Avenue

Applicant: Jeffrey Young and Glossip Family Trust

Z-10-2017 w/COD #125 and Conditional Use Permit 428 have been combined, however will be voted on individually.

Scheduled ten (10) speakers. Mr. Doennig asked the commission to use the 5-minute speaker rule or use the 3-minute speaker rule.

COMMISSION ACTION:

Ms. Broekhoven motioned to **use the five-minute speaker rule** for Z-10-2017 w/COD #125 and Conditional Use Permit 428 (4349 South Kansas Avenue). Ms. Ogilvy seconded the motion. Ayes: Coltrin, Doennig, Ogilvy, Shuler, and Broekhoven. Nays: None. Abstain: None. Absent: Cline, Rose, Cox, and Thomas.

Z-10-2017 w/COD #125

Mr. Hosmer stated that this is a request to rezone approximately 7.23 acre of property generally located at 4349 and 4413 South Kansas Avenue from a R-SF, Single-Family Residential District and a Greene County R-1, Suburban Residence District to a R-MD, Medium-Density Multi-Family Residential District and establishing Conditional Overlay District No. 125.

The Growth Management and Land Use Plan of the Comprehensive Plan identifies this area as appropriate for Medium or High Density Housing for the northern tract and Low Density Housing for the southern tract. The southern tract will be combined with the northern tract once annexed into the City of Springfield. The COD will restrict the maximum density to eleven (11) dwelling units per acre. This is the same density as an R-TH, Residential Townhouse District. The intent of this application is to facilitate the development of the site for a multi-family development and for an assisted living retirement/ nursing home. Retirement and nursing homes are only allowed in the R-MD District with an approved conditional use permit. The maximum height of any multi-family dwelling will be restricted to a forty-five (45) degree bulk plane as measured from the boundaries of any R-SF districts and a 15 feet wide Type C Bufferyard is required between R-SF and R-MD property (no fence is required). Kansas Avenue is classified as a collector which requires 30 feet of right of way from the centerline of the street. A sidewalk is required to be constructed along Kansas Avenue at the time of development. The two tracts will have to be combined into one tract of property. Staff recommends approval.

Conditional Use Permit 428

Mr. Hosmer stated that this is a request to allow a nursing and retirement home within a R-MD, Medium-density Multi-Family Residential District generally located at 4349 and 4413 South Kansas Avenue.

The Growth Management and Land Use Plan of the Comprehensive Plan identifies this area as appropriate for Medium or High Density Housing for the northern tract and Low Density Housing for the southern tract. Retirement and nursing homes are allowed in the R-MD, Medium-density Multi-Family Residential District with an approved conditional use permit. Parking spaces provided on the site plan will be buffered from adjacent residential properties across from Kansas Avenue by a Type S1 bufferyard (15 feet wide) and an off-street parking screening which requires a fence of not less than 4 feet high between the off-street parking areas and R-SF zoning. The maximum structure height for nursing and retirement home is thirty-

five feet plus one additional foot for each additional two feet of setback provided on each side of the structure up to 75 feet. Per site plan there is a two-story assisted living center setback 78 feet from the northern property line. Stormwater detention is provide onsite. Per site plan a 6 feet wooden fence will be provided around the perimeter of the property as well as a type C bufferyard (15 feet). No portion of a multi-family structure shall be higher than a forty-five (45) degree bulk plane where the property adjoins a R-SF District. Staff recommends approval.

Mr. Doennig opened the public meeting.

Mr. Tim Rosenbury, 319 N. Main, representing the owner and developer. The proposal does represent change and will hear from the neighbors being impacted by the change. All effort has been made to mitigate the changes as possible within the commercial construction of this project which is an independent living center and an assisted living center, marketed at a market rate towards veterans. The development of the Veteran's Clinic adjacent to this property makes this especially appropriate and may be the least impacting of development that could be built there.

Mr. Steve Stinnett, 431 S. Jefferson, developer of this project. We feel that this plan is appropriate for this particular location within the proximity of the new Veteran's Clinic. We did receive the Certificate of Need from the State of Missouri to provide a 60 bed assisted living facility along with the independent living for seniors and veterans. We have designed this project to have the lowest impact for this area due to neighbors and trying to provide affordable housing to veterans and seniors within a 100 miles radius.

Ms. Ogilvy asked about the development.

Mr. Stinnett noted that it will also include 42 units of independent living, similar to senior apartments with kitchens, but will also offer full service dining. A full kitchen will be available to both facilities.

Mr. King asked about if this was restricted to only veterans.

Mr. Stinnett noted that it is open to anyone.

Ms. Deatrice Kellogg, 4457 S. Farm Road 145, just south of the proposed parking lot. Noted that it is not veterans exclusive and if there will be Medicaid funding to price match the resident's income. My home, out-building and yard, that we just finished remodeling is directly south and moved to this address with the understanding that this is a residential area with a small street and concerned about the extra traffic.

Ms. Diane Wakeem, 1625 W. Swallow, has concerns regarding the streets, speeding and wondered if a traffic or environmental study has been completed due to the current active developments in the area.

Mr. Robert Baker, 1638 W. Swallow, has parking and wildlife concerns. Currently there is an abundant amount of turkey and deer in the area and is also worried about the amount of new traffic. This area is quiet and this development will be disruptive and states that it is being misrepresented by saying it is for veterans, however it is for anyone and is worried about attracting homeless people.

Mr. John Brown, 1669 W. Camino, has concerns regarding traffic, sewer, stormwater, and the 170-space proposed parking lot and worried that this is a residential area. There are several other locations that would be better for this type of development.

Mr. Paul McCune, 4615 South Farm Road 145, has concerns regarding stormwater and the drainage from the proposed parking lot and development. With the increase of development in the area, they have had to raise their home 7' to protect from present and future flooding.

Mr. Steve Kellogg, 4457 S. Farm Road 145, has concerns regarding traffic, congestion, wildlife. Lives directly south from the proposed parking lot and does not want this 3-story development to be in the middle of single family residences and feels that it should be located to another area.

Mr. Doennig closed the public meeting.

Ms. Broekhoven confirmed that these will be current market rate units.

Mr. Steve Stinnett noted that this is an assisted care, not skilled or long term. Assisted care is all private pay and will be market rate, however veterans may qualify for VA grants. It will not be a Medicaid or Medicare reimbursable program, it is not allowed under assisted living.

Mr. Doennig asked about the proposed expansion of the retirement home (Quail Creek) just across from Kansas Avenue and about the stormwater and the engineering for the detention basin.

Mr. Hosmer confirmed the proposed expansion.

Mr. Rosenbury stated that the plan is to grade the parking area so that it drains to the northwest corner of the parking lot and have an underground conduit that goes to the detention pond. This may require a berm along the west side of the parking lot to force the water to go in that direction and may also be area drains and underground drainage in other areas of the parking lot. Mr. Rosenbury notes that the site plan detention pond is not to scale or the exact configuration, but the parking lot should be raised enough to drain to the west and it would be incorporated into the sloped area and the bottom land would also be incorporated into some sort of an amenity rather than an ugly/dry pond. No engineer has been hired, but believe it is possible and feasible to engineer a stormwater detention that manages this development.

Mr. Doennig asked about adding buildings based on the presented site plan and if they must remain in conformance without additional approval.

Mr. Hosmer stated that the site plan is as presented, but not an engineering plan, but basically set and they must get additional approval through a public hearing if there are any significant revisions.

COMMISSION ACTION:

Ms. Broekhoven motioned to **approve** Z-10-2017 w/COD #125 (4349 South Kansas Avenue). Ms. Ogilvy seconded the motion. Ayes: Coltrin. Nays: Doennig, Ogilvy, Shuler, and Broekhoven. Abstain: None. Absent: Cline, Rose, Cox, and Thomas.

COMMISSION ACTION:

Ms. Broekhoven motioned to **approve** Conditional Use Permit 428 (4349 South Kansas Avenue). Mr. Coltrin seconded the motion. Ayes: Coltrin and Broekhoven. Nays: Doennig, Ogilvy, and Shuler. Abstain: None. Absent: Cline, Rose, Cox, and Thomas.

Conditional Use Permit 430

3048 South Kauffman Road

Applicant: Battlefield Mini Storage, LLC

Mr. Hosmer stated that this is a request to allow a self-service storage facility within a GR, General Retail District generally located at 3048 South Kauffman Road.

The Growth Management and Land Use Plan of the Comprehensive Plan identifies this area as appropriate for Medium Intensity Retail, Office or Housing uses. This mixed-use category indicates that a variety of commercial and/or mid-or-high density housing. In 2004, City Council approved both a rezoning and a conditional use permit to allow the existing self-service storage facility on the south half of the subject property. The applicant intends on expanding an existing self-service storage facility. The existing self-service storage facility built on the south half of the subject property was approved with conditions. This application will have the same conditions, and are as follows: The eastern elevation of the easternmost buildings and enclosed RV parking shall be broken into lengths of about 100 feet to avoid the appearance

of a monolithic blank wall along the highway and to keep from overpowering the site. Vehicular gates which restrict access to the site shall comply with Section 36-468 of the Zoning Ordinance and all other applicable City ordinance. Staff recommends approval.

Mr. Doennig opened the public meeting.

Mr. Rick Muenks, 3041 S. Kimbrough representing the developer. This will be an expansion on the current mini-storage and at the neighborhood meeting, no one attended.

Mr. Doennig closed the public meeting.

COMMISSION ACTION:

Mr. Coltrin motioned to **approve** Conditional Use Permit 430 (3048 South Kauffman Road). Ms. Ogilvy seconded the motion. Ayes: Coltrin, Doennig, Ogilvy, Shuler, and Broekhoven. Nays: None. Abstain: None. Absent: Cline, Rose, Cox, and Thomas.

Planned Development 357

5251 South Main Avenue

Applicant: Gardner Properties of Springfield, LLC

Request to rezone approximately 4.12 acres of property generally located at 5251 South Main Avenue from Planned Development No. 271 Amended to a Planned Development District No. 357.

The Growth Management and Land Use Plan identifies this area as appropriate for Medium or High Density Housing. The existing Planned Development limits the maximum structure height to three (3) stories. This application would set the maximum structure height to four (4) stories. All other requirements of the existing Planned Development that affect the subject property will be retained with this application. A final development plan meeting on the requirements within the PD will have to be submitted to the City's Administrative Review Committee for (ARC) for approval. Staff recommends approval.

Mr. Doennig opened the public meeting.

Mr. Brent Stevens, 1059 S. National, architect for the project and representing the client. Providing a 55+ community atmosphere and living environment that is connected. A proposed three-story building allows us to centralize the amenities and connect them to the living units which promotes the community and enhances the atmosphere. The proposed development will have plenty of green space, larger pool area, exterior gathering and gardening areas with walking paths and fish ponds. The three-story limitation was to protect against the western boundary and help complete the Planned Development. No one attended the neighborhood meeting.

Ms. Broekhoven asked for documentation for the foot-print.

Mr. Stevens stated that they do not have a document and that they are early in the process, but have sketches that can be previewed.

Mr. Doennig closed the public meeting.

COMMISSION ACTION:

Ms. Broekhoven motioned to **approve** Planned Development 357 (5251 South Main Avenue). Mr. Shuler seconded the motion. Ayes: Coltrin, Doennig, Ogilvy, and Shuler. Nays: Broekhoven. Abstain: None. Absent: Cline, Rose, Cox, and Thomas.

Preliminary Plat Berkeley Place Subdivision

815 West Broadmoor Street

Applicant: Clint Sartin

Mr. Hosmer state that this is a request to approve the Preliminary Plat of Berkeley Place Subdivision on approximately 1.44 acres of property generally located 815 West Broadmoor Street.

The Growth Management and Land Use Plan identifies this area as Low-Density Housing uses. The applicant is proposing a five-lot single-family residential subdivision. The property is zoned R-SF Single Family. An approved preliminary plat is active for two (2) years. A sidewalk is required to be constructed along the south side of the property frontage on Berkeley Street. No additional access is allowed to Broadmoor Street. Broadmoor is classified as a collector, which requires 30 feet of right-of-way from the centerline. Berkeley Street is classified as a local residential, which requires 25 feet of right-of-way from the centerline. Staff recommends approval.

Mr. Doennig opened the public meeting.

Mr. Rick Wilson, 1835 S. Stewart, representing the client. This preliminary plat is appropriate for the current zoning and meets the subdivision requirements.

Ms. Ogilvy asked about an existing house.

Mr. Wilson noted that one house fronts on Broadmoor and it will remain and will be rehabilitated.

Mr. Doennig closed the public meeting.

COMMISSION ACTION:

Ms. Broekhoven motioned to **approve** Preliminary Plat Berkeley Place Subdivision (815 West Broadmoor Street). Mr. Shuler seconded the motion. Ayes: Coltrin, Doennig, Ogilvy, Shuler, and Broekhoven. Nays: None. Abstain: None. Absent: Cline, Rose, Cox, and Thomas.

OTHER BUSINESS:

Zoning Text Amendment Screening and Fencing Amendments

Citywide

Applicant: City of Springfield

Planning and Zoning Commission initiated amendments on February 23, 2017. The current standards require a four-foot solid headlight screen between off-street parking and vehicular use areas that are adjacent to residential districts or uses. There is also a fence requirement between residential and non-residential uses if a bufferyard that requires a solid screening structure (i.e. fence, wall, hedge or berm). Staff is proposing to modify the location and height of required screening standards to eliminate the two screening structures (i.e. fence, wall, hedge or berm) from being constructed to address the same issue.

Note: Language to be deleted is stricken. Language to be added is underlined.

Sec. 36-480. - Screening and fencing.

(1) Purpose. To encourage the most appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses, regulations are prescribed herein for the location and type of various screening devices to be used when required by this article.

(2) Location and height of required screening. The following shall be required in addition to any bufferyard required by section 36-482, landscaping and bufferyards, unless a screening structure is provided as a part of the bufferyard design.

(a) Off-street parking and vehicular use areas.

1. Where an open off-street parking or vehicular use area for a residential use contains four or more off-street parking spaces and is in or adjacent to an R-SF, R-TH, or R-MHC district, screening of not less than four feet in height and meeting the requirements of subsection 36-453(6), shall be erected separating the use from the adjacent residential district or residential use. Screening is also required for open off-street parking or vehicular use areas adjacent to a street or alley if the right-of-way width is 70 feet or less.
2. Where an open off-street parking or vehicular use area for a nonresidential use is in or adjacent to any residential district or residential use, screening of not less than four feet in height and meeting the requirements of subsection 36-453(6) shall be erected separating the use from the adjacent residential district or residential use. Screening is required for open off-street parking or vehicular use areas adjacent to a street or alley if the right-of-way width is 70 feet or less.

Mr. Doennig asked if the amendments to the text, which one of the screens will be deleted.

Mr. Hosmer stated that it would be the 4' fence.

Mr. Doennig opened the public meeting.

No speakers.

Mr. Doennig closed the public meeting.

COMMISSION ACTION:

Mr. Coltrin motioned to **approve** Zoning Text Amendment Screening Amendments (Citywide). Ms. Broekhoven seconded the motion. Ayes: Coltrin, Doennig, Ogilvy, Shuler, and Broekhoven. Nays: None. Abstain: None. Absent: Cline, Rose, Cox, and Thomas.