

February 15 , 2018
MINUTES OF THE PLANNING AND ZONING COMMISSION
Springfield, Missouri

The Planning and Zoning Commission met in regular session February 15, 2018 in the City Council Chambers. Chairman Randall Doennig called the meeting to order.

Roll Call - Present: Randall Doennig (Chairman), Dee Ogilvy, Melissa Cox, Natalie Broekhoven and King Coltrin. Absent: David Shuler, Joel Thomas, and Cameron Rose. Staff in attendance: Bob Hosmer, Principal Planner, Mary Lilly Smith, Planning Development Director, Tom Rykowski, Asst. City Attorney, Derrick Estell, Public Works Traffic Engineer, Julie Hawkins, Public Works Project Engineer.

MINUTES: The minutes of January 11, 2018 were approved.

COMMUNICATIONS:

Bob Hosmer reported on City Council meeting actions.

CONSENT ITEMS:

Relinquishment of Easement 858
2240 North Alliance Avenue
Applicant: KUMAC, LLC

Relinquishment of Easement 859
3623 East Sunshine Street
Applicant: Kum & Go, L.C.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Consent Agenda items - Relinquishment of Easement 858 (2240 North Alliance Avenue) and Relinquishment of Easement 859 (3623 East Sunshine Street). Ms. Broekhoven seconded the motion. Ayes: Doennig, Broekhoven, Coltrin, Cox and Ogilvy. Nays: None. Abstain: None. Absent: Shuler, Thomas, and Rose.

UNFINISHED BUSINESS:

Stream Buffer Zoning Flexibility Amendments
Citywide
Applicant: City of Springfield - Public Works & Environmental Services

Mr. Hosmer stated that this will be presented by Chris Dunnaway, Public Works and Carrie Lamb, Environmental Services.

Stream buffers were adopted into the City standards in December 2016. Stream buffers improve water quality and reserve the natural flood plain. This bill will require stream buffers to be shown on plats during the subdivision process and will amend the zoning ordinance to allow an increase in building height or a reduction in parking if approved by the administrative review committee (ARC) to provide a means of preserving the stream buffer and maximizing the development of the property.

The language to be added is underlined, language to be deleted is ~~stricken~~.

Chapter 36, Article II., Subdivision Regulations
Sec. 36-253. - Stream Buffers.

(1) A Stream Buffer Area shall be designated on any replat, preliminary plat or final plat in accordance with Chapter 96, Article 1, Division 4.

Chapter 36, Article III., Zoning Ordinance
Sec. 36-472. - Stream Buffers.

(1) In the event the minimum requirements of the Chapter 96 stream buffer or water quality standards are infeasible on a proposed site plan without reducing parking below the minimum requirement or increasing maximum building height, the lot will be considered conforming if approved by the Administrative Review Committee (ARC) using the following design requirements. Stream buffers may be used or substituted for open space and/or bufferyards when they exist in the same location as approved by ARC and in conformity with Chapter 96 stream buffer standards.

(a) Design requirements.

1. The height of buildings may be increased above maximum height restrictions for the district provided it does not exceed any required bulk plane restriction. The height may be increased in direct proportion to the area that is being used for the stream buffer.

2. An off-street parking requirement reduction may be allowed up to 20 percent. The off-street parking can be decreased in direct proportion to the area that is being used for the stream buffer.

Examples:

Area equivalent used to increase floor area (building height) or reduce parking up to 20% or

Used as bufferyards, open space etc., if in the right areas.

Ms. Cox asked about the parking lot and what this may entail.

Mr. Hosmer noted that if a site plan has a parking lot or building that is encroaching on a stream buffer then it would be allowed to use the equivalent area to either build up or eliminate the parking spaces in the bufferyard, allowing them flexibility.

COMMISSION ACTION:

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

PUBLIC HEARINGS:

Z-4-2018

1211 East Cherry Street

Applicant: A&M Pizza Real Estate, LLC

Planned Development 361 & UCD No. 2

1215-1223 East Cherry Street

Applicant: A&M Pizza Real Estate, LLC and Kirk A. Heyle Trust

Mr. Hosmer asked that these two cases be TABLED and presented at the Planning and Zoning Commission meeting on March 15, 2018

COMMISSION ACTION:

Ms. Cox motioned to **TABLE** Z-4-2018 (1211 East Cherry Street) and Planned Development 361 & UCD No. 2 (1215-1223 East Cherry Street). Ms. Ogilvy seconded the motion. Ayes: Doennig, Broekhoven, Coltrin, Cox and Ogilvy. Nays: None. Abstain: None. Absent: Shuler, Thomas, and Rose.

Z-5-2018 w/COD #145

3411 South Kansas Avenue

Applicant: RED 81, LLC

Mr. Hosmer stated that this is a to rezone approximately 2.27 acres of property generally located at 3411 South Kansas Avenue from a R-SF, Residential Single Family to a R-LD, Medium-density Multi-Family Residential District and establishing Conditional Overlay District No. 145. The Growth Management and Land Use Plan identifies this as an appropriate area for Low-Density Housing. The Plan encourages a variety of housing types that would enable developers to compete more effectively and provide a greater housing choice for residents. This application meets the intent of the R-LD district which serves to

accommodate multifamily developments at densities up to 18 units per acre and is intended to serve as a transition between lower density and higher density residential districts. The adjacent property to the west has already been rezoned R-LD and developed. The Major Thoroughfare Plan classifies Walnut Lawn Street as a Secondary Arterial roadway and Kansas Avenue as a Collector roadway which supports the proposed land use. A request to rezone the subject property to R-MD, Medium-Density was approved by PZ on February 23, 2017 and denied by City Council on April 11, 2017. Reason for denial: Access to Kansas Ave and the density (R-MD) requested.

The new proposal has no access to Kansas Ave and limits density to R-LD (18 dwelling units per acre). The maximum height two stories (45 feet), 20% open space, 45-degree bulk plane from R-SF and R-TH, Type "C" 15 feet bufferyard adjacent to R-SF.

The Conditional Overlay District:

- Limits the density to 18 dwelling units per acre
- Requires the development to conform to the approved site plan and the Revised Multi-Family Development Location and Design Guidelines.
- Restricts access to Kansas Avenue (access allowed only onto Walnut Lawn).

Staff recommends approval.

Mr. Coltrin asked about the driveway that is marked in a sinkhole and asked if allowed.

Mr. Hosmer stated that it is not allowed, however he referred to Julie Hawkins, Public Works.

Ms. Hawkins stated that the applicant noted it was not a sinkhole and they could prove it with a geotechnical report. If it is determined that is a sinkhole, then they will not be able to build within the sinkhole rim area.

Mr. Hosmer stated that if it is a sinkhole then the driveway will be relocated west of current location and may need to get approval through a change in the site plan if it is a substantial issue.

Mr. Doennig open the public hearing.

Mr. Chris Ball, 444 S. Campbell Avenue, representing the owner. The estimated sinkhole rim is not documented and we will do a sinkhole study and if it is a sinkhole, then we would be happy to reconfigure the location of the driveway. This is a similar plan that was presented last time and approved through the Planning and Zoning Commission and removed the access to Kansas Avenue based on the City Council comments about traffic. There was a good neighborhood meeting and just general concerns regarding the pool, trash, and fence for the property owner to the south and dedicated the existing land as requested by the City.

Mr. Doennig asked what the total number of units being proposed.

Mr. Ball stated that there will be 40 units.

Ms. Broekhoven asked how many acres.

Mr. Ball stated that it is 2.27 acres.

Ms. Carol McCarthy, 1249 W. LaSalle Street, president of the Greater Parkcrest Neighborhood Association and will be speaking on behalf of individuals who have expressed their concerns. She stated that they are not opposed to low density housing, but wanted to know what guarantee that it would remain low density. She also asked what was the City's vision for zoning in Single-Family Residential neighborhoods due to more zoning cases being presented and went over the Land Use Plan stating her concerns. She noted the lack of left turn lights on Kansas Avenue and the busy traffic and the addition of a private school in the neighborhood.

Mr. Adam Graddy, 2925 E. Battlefield Road, noted that he is limited to the site plan upon passage and any additional changes will be brought back in front the Planning and Zoning Commission. He also noted that he is aware of the traffic concerns and the private school.

Mr. Doennig closed the public hearing.

Mr. Doennig asked about the length from the corner to the proposed driveway and what is the length of the left turn lane for east bound Walnut Lawn onto north bound Kansas Avenue.

Mr. Estell stated the standard for ingress/egress on intersections of the current classification is a minimum of 150 feet and noted comments on the spacing in the traffic report and the daily trips into and out of the driveway will be an increase of 16.32 vehicles in the AM and the PM.

Ms. Cox asked about the location of the dashed-line (site-plan) for the sinkhole since it is not known and how it was determined to be placed at the location.

Mr. Ball stated that they copied the approximate location from the City's land development maps and this will require further study.

Ms. Cox requested information for possible revision if the sink hole is located as marked on the site plan and if it needed to meet the minimum spacing requirements of 150 feet.

Mr. Hosmer stated that the site plan must meet the approximate driveway location and if they move the driveway around then it would probably not be a significant change, but he deferred to Derek Estell, Public Works.

Mr. Estell stated that they driveway approach would have to meet the minimum spacing requirements of 150 feet and would likely need to be moved to the west, however every property is permitted at least one access to public right-of-way.

Mr. Coltrin clarified that it would be unfair for the developer to do a sinkhole study before they can get approval for the rezoning. The control is that everything stops if there is a sinkhole at that location and then they would have to come back to the City. He also stated that City staff must enforce the requirements for required spacing and driveway placement.

Ms. Cox stated that she agrees with the density and the access off Walnut Lawn, however she is not hearing why the site plan shows the driveway less than 150 feet from the intersection.

Mr. Doennig asked if commission is approving the site plan as well as the zoning and voiced his concern of the site plan's egress/ingress from Walnut Lawn being too close to the corner. If the sink hole is in the location as currently indicated on the site plan, is there a guarantee that the driveway will move to the west and not to the east. He also asked if the detention basin is a sinkhole and it was stated that it is not a sinkhole and if they must move their driveway to that location then they would have to move their detention basin.

Mr. Hosmer noted that the commission is approving both the site plan and the zoning and noted that if they must move the buildings due to the driveway location or place the driveway in the detention basin location then it is considered substantial and would need to come back in front of the commission.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Z-5-2018 w/COD #145 (3411 South Kansas Avenue). Ms. Ogilvy seconded the motion. Ayes: Doennig, Broekhoven, Coltrin, Cox and Ogilvy. Nays: None. Abstain: None. Absent: Shuler, Thomas, and Rose.

Z-6-2018

1001 East Chestnut Expressway

Applicant: Community College District of Central Southwest Missouri

Mr. Hosmer stated that this is a request to rezone approximately 16 acres of property located at 1001 E. Chestnut Expressway from R-TH, Residential Townhouse District, LB, Limited Business District, CS, Commercial Services District and GM, General Manufacturing District to GI, Government Institutional District. The Growth Management and Land Use Plan identifies this as an appropriate area for Medium-Intensity Retail, Office or Housing. There is also a portion of Low-Density Housing; however, this area has been developed as a part of the main OTC campus and no longer serves a residential purpose. The Major Thoroughfare Plan classifies National Avenue as a primary arterial roadway and Chestnut Expressway as an expressway which supports the proposed land use. The rezoning will consolidate the majority of OTC campus south of the recently vacated Central Street into one zoning district which will allow for the continued development of the campus. The proposed rezoning is recommended by OTC's 2010 Springfield Campus Master Plan as part of the Zoning and Land Use element. A traffic study is required at the time of completion of OTC's new Master Plan or if they rezone any additional large undeveloped or low-density areas. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Jonathan Staats, 5051 S. National Avenue, representing the college. The college wants to add a minor improvement to one of the buildings at Central and National and the City wants to consolidate the zoning to GI, Government and Institutional. At the neighborhood meeting only two individuals showed and no concerns.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Z-6-2018 (1001 East Chestnut Expressway). Ms. Broekhoven seconded the motion. Ayes: Doennig, Broekhoven, Cox and Ogilvy. Nays: None. Abstain: Coltrin. Absent: Shuler, Thomas, and Rose.

Planned Development 363

3811 South Weller Avenue

Applicant: Weller Development, LLC

Mr. Hosmer stated that this is a request to rezone 8.44 acres of property generally located at 3811 South Weller & 3800 block South Fremont, east-side from Planned Development No. 117 4th and 5th Amendment to Planned Development No. 363. The Growth Management and Land Use Plan identifies this area as appropriate area for High Intensity Retail, Office or Housing. The Transportation Plan classifies Fremont Ave as a Secondary arterial roadway and Weller as a local roadway. The request is consistent with the recommendations of the Revised Multi-Family Development Location and Design Guidelines which limits the development to 15 dwelling units per acre. The proposed PD takes the uses of the existing two PD's and combines them to allow for a mixed-use development. The property is split between PD 117 4th and 5th amendment. The proposed rezoning will allow a mixed-use development with multi-family (micro/studio/2 bedroom uses), office (no banks or financial institution) uses and personal service uses. Density will be set at 15 dwellings per acre for Multi-family and a maximum of 10,000 square feet for Office and Personal Services uses located on the 1st floor. Development will conform to the Multi-Family Design Guidelines and site plan as submitted with the Planned Development. Staff recommends approval.

Ms. Cox asked if it is being called regional detention because it is undeveloped land or is this a real detention area and taking away from detention.

Ms. Hawkins stated that there is regional detention, but it is not shown on the plans, but in the northwest corner, above building b and extending further to the west and remain regional detention and this development will not impede on it.

Mr. Doennig opened the public hearing.

Mr. Robb Preston, 1 W. Brentwood #100, St. Louis, MO, attorney for the applicant. We are combining the uses and bringing down the density to accommodate this development. The development includes two garden style 4 story apartment buildings with 9300 square feet of commercial space on the first floor with standard amenities. There will be minimum disturbance of existing drainage ways and detention area.

Ms. Broekhoven asked why not rezone within the typical set of classifications that the City has.

Mr. Hosmer noted that with this type of development they wanted mixed use so Planned Development allows more flexibility for mixed uses.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Planned Development 363 (3811 South Weller Avenue). Ms. Ogilvy seconded the motion. Ayes: Doennig, Broekhoven, Coltrin, Cox and Ogilvy. Nays: None. Abstain: None. Absent: Shuler, Thomas, and Rose.

Planned Development 364
1701 South Fort Avenue & 1401 West Elfindale Street
Applicant: Vetter Senior Living

Mr. Hosmer stated that this is a request to rezone property 4.74 acres of property generally located at 1701 South Fort Avenue & 1401 West Elfindale Street from Planned Development No. 46, 2nd Amendment to Planned Development No. 364. The Growth Management and Land Use Plan identifies the west portion of this property as appropriate for "Community-Public" since the Elfindale Mansion property prior use was church but now is being used as a Bed and Breakfast. The east portion of the subject property is identified as being appropriate for low-density housing, however, the current zoning has established commercial uses as being appropriate in this location. The subject property is also adjacent to areas identified as appropriate for medium-intensity retail, office or housing uses. The applicant has removed retail uses from the existing Planned Development making this application less intense than what is currently allowed. The intent is to construct an assisted living facility on the vacant property. The Elfindale Mansion and the surrounding property is registered as a Local Historic Site. The PD will protect the historic gatehouse and carriage house that are located on the north side of the subject property. The Landmarks Board approved the proposed building site plan on December 13, 2017. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. John Sohl, 20220 Harney Street, Elkhorn, NE from Vetter Senior Living stating that this has been a long project and are now in a time constraint due to the Certificate of Need (CON) from the State of Missouri to add beds approved September 2017 (their one year of statute of limitations).

Mr. Rick Wilson, 1835 South Stewart, representing the owner. The reason for a Planned Development is because staff would not accept office zoning with a conditional overlay and have met with the Landmarks Board eliminating eating and drinking establishments, convenience stores and gas stations.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Planned Development 364 (1701 South Fort Avenue & 1401 West Elfindale Street). Ms. Broekhoven seconded the motion. Ayes: Doennig, Broekhoven, Coltrin, Cox and Ogilvy. Nays: None. Abstain: None. Absent: Shuler, Thomas, and Rose.

Initiate GI District Amendments

Citywide

Applicant: City of Springfield

Mr. Hosmer stated that staff is requesting amendments to the Zoning Ordinance to modify the Government and Institutional District permitted uses section to clarify that certain permitted uses in this district are only allowed when accessory to college or university uses. GI District Purpose. The government and institutional use district is established to apply to those lands where federal, state or local government activities are conducted, where governments hold title to such lands, and to major public and private educational and medical facilities.... Certain non-governmental and non-institutional uses are permitted to provide necessary services to governmental and institutional uses. Permitted uses that may need to be clarified are; General office use group, Major event entertainment use group, Medical office use group, Multifamily dwellings, Retail sales, personal services and eating and drinking establishments use groups. Staff requests that Commission initiate amendments to the Zoning Ordinance to consider modifications as specified. If approved, staff will prepare and draft changes to the Zoning Ordinance and schedule a public hearing at the next available date for both the Commission and the City Council. this is a request.

Mr. Doennig opened the public hearing.

No Speakers.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Initiate GI District Amendments (Citywide). Ms. Ogilvy seconded the motion. Ayes: Doennig, Broekhoven, Coltrin, Cox and Ogilvy. Nays: None. Abstain: None. Absent: Shuler, Thomas, and Rose.

Initiate Traffic Study Amendments

Citywide

Applicant: City of Springfield - Public Works

Mr. Hosmer stated that the Department of Public Works requests to initiate a change to Section 36-360 - Site Plan review.

The intent of this change is to clarify language regarding Traffic Study requirements at the time of a site plan review by adding language to Section 36-360(5).

A Traffic Study if required in accordance with Section 9 of the Public Works Design Standards and Specifications. Staff requests that Commission initiate amendments to the Zoning Ordinance to consider modifications as specified.

If approved, staff will prepare and draft changes to the Zoning Ordinance and schedule a public hearing at the next available date for both the Commission and the City Council.

Mr. Doennig opened the public hearing.

No Speakers.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Initiate Traffic Study Amendments (Citywide). Ms. Ogilvy seconded the motion. Ayes: Doennig, Broekhoven, Coltrin, Cox and Ogilvy. Nays: None. Abstain: None. Absent: Shuler, Thomas, and Rose.

Initiate Council Action Amendments
Citywide

Applicant: City of Springfield

Mr. Hosmer stated that staff is requesting amendments to the Zoning Ordinance to clarify when a zoning map amendment is remanded back to planning and zoning commission. The Zoning Ordinance is unclear about when the City Council can remand a rezoning back to the planning and zoning commission.

36-367 (11) Action of City Council. (a) When the planning and zoning commission has recommended a change in the zoning district classification or the text of this article together with recommendations for additional requirements pursuant to subsection 36-367(6)(c), the city council shall have discretion to either accept, reject, or make other or additional requirements. Any such requirements shall become a part of the ordinance changing the zoning classification of such property. Such requirements shall be considered as an amendment to this article insofar as it is applicable to such property....

Staff requests that Commission initiate amendments to the Zoning Ordinance to consider modifications as specified. If approved, staff will prepare and draft changes to the Zoning Ordinance and schedule a public hearing at the next available date for both the Commission and the City Council.

Mr. Doennig opened the public hearing.

No Speakers.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Initiate Council Action Amendments (Citywide). Ms. Ogilvy seconded the motion. Ayes: Doennig, Broekhoven, Coltrin, Cox and Ogilvy. Nays: None. Abstain: None. Absent: Shuler, Thomas, and Rose.