

December 12 , 2019
MINUTES OF THE PLANNING AND ZONING COMMISSION
Springfield, Missouri

The Planning and Zoning Commission met in regular session December 12, 2019 in the City Council Chambers. Chairman Randall Doennig called the meeting to order.

Roll Call - Present: King Coltrin (Vice-Chairman), Cameron Rose, Britton Jobe, Melissa Cox, Dee Ogilvy, David Shuler, and Natalie Broekhoven. Absent: Randall Doennig (Chairman) and Joel Thomas. Staff in attendance: Bob Hosmer, Principal Planner, Nicholas Woodman, Assistant City Attorney.

MINUTES: The minutes of November 7, 2019 were approved.

COMMUNICATIONS: Bob Hosmer reported on City Council meeting actions.

CONSENT ITEMS:

Request to Acquire 533
2136 East Turner Street

Applicant: City of Springfield

Request to Dispose 525
2136 East Turner Street

Applicant: City of Springfield

COMMISSION ACTION:

Ms. Cox motioned to **approve** Request to Acquire 533 (2136 East Turner Street) and Request to Dispose 525 (2136 East Turner Street). Ms. Broekhoven seconded the motion. Ayes: Coltrin, Ogilvy, Shuler, Broekhoven, Cox, Rose, and Jobe. Nays: None. Abstain: None. Absent: Doennig and Thomas.

UNFINISHED BUSINESS:

PUBLIC HEARINGS:

Vacation 811

1500 blk North Sherman Avenue

Applicant: Springfield R-12 School District

Staff is requesting that the vacation request be tabled to the next Planning and Zoning Commission meeting on January 9th, 2020.

COMMISSION ACTION:

Ms. Cox motioned to **TABLE** Vacation 811 (1500 blk North Sherman Avenue). Ms. Broekhoven seconded the motion. Ayes: Coltrin, Ogilvy, Shuler, Broekhoven, Cox, Rose, and Jobe. Nays: None. Abstain: None. Absent: Doennig and Thomas.

Z-21-2019 w/COD #179

3411 South Kansas Avenue

Applicant: Project Collective, LLC

Mr. Hosmer stated that this is a request to rezone approximately 2.27 acres of property generally located at 3411 South Kansas Avenue from a R-LD, Low Density Multi-Family District COD No 162 to a R-MD, Medium Density Multi-Family Residential District and establishing Conditional Overlay District No. 179. The Comprehensive Plan identifies this as an appropriate for Low-Density Housing. The Plan also states that "the land use plan map should not be taken too literally but should be used in conjunction with...policies of this plan and good judgement." The Transportation Plan classifies Walnut Lawn as a secondary arterial roadway and Kansas Avenue is classified as collector roadway. Both support the proposed land use. The proposed R-MD district (20 du/ac) meets the criteria of a transition between major streets to the north and lower density housing to the south and east of the subject property. Multi-Family Location and Design

Guidelines, allowed for 17 du/ac. However, City Council restricted access to Kansas Avenue causing the loss of 3 additional du/ac). Staff believes that the additional point should be awarded which allows the 20 du/ac as originally assigned prior to the driveway to Kansas Avenue being prohibited. A Traffic Impact Study was not required. A fee in lieu of on-site stormwater detention will not be allowed. The proposed rezoning will provide for a Bufferyard Type C (15') adjacent to R-SF to the south. The development must be in substantial conformance to the site plan. Staff recommends approval.

Mr. Coltrin opened the public hearing.

Jason Finley, 2082 Terrell Valley, Republic stated that there is no change on the site-plan and will be breaking ground in 2 months and would like to add additional units for a total of 20 du/ac.

Mr. Coltrin closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Z-21-2019 w/COD #179 (3411 South Kansas Avenue). Ms. Ogilvy seconded the motion. Ayes: Coltrin, Ogilvy, Shuler, Broekhoven, Cox, Rose, and Jobe. Nays: None. Abstain: None. Absent: Doennig and Thomas.

Z-22-2019 w/COD #182

3615 & 3697 North State Highway H/Glenstone Avenue

Applicant: James Peacock

Mr. Hosmer stated that this is a request to rezone approximately 6.30 acres of property generally located at 3615 & 3697 North State Highway H/Glenstone Avenue from County R-1, Suburban Residence District and C-2, General Commercial District to GR, General Retail with Conditional Overlay District 182. The Comprehensive Plan identifies the south portion of the subject property as appropriate for Medium-Intensity Retail, Office or Housing and the northern portion of the subject property as appropriate for Low-Density housing. GR is consistent with the Plan which encourages commercial development to be located at the intersection of major streets. The Major Thoroughfare Plan classifies Glenstone Avenue as a primary arterial and Valley Water Mill as a secondary arterial. The subject property is in Greene Co. and will be considered for annexation at the January 13, 2020 City Council meeting.

A Traffic Impact Study will be required. A fee in lieu of on-site stormwater detention will not be allowed, and detention will be required. Staff is requesting to amend the request to include a Conditional Overlay District to include the following language:

A traffic impact study shall be prepared at the time of development if the proposed development generates more than one thousand (1,000) daily trip ends or more than 100 trip ends in the AM or PM peak hours. The traffic impact study, if required, must be submitted prior to the issuance of a building permit and any improvements to the public street must be designed and either built or escrowed prior to the issuance of the building permit. Motion to amend. Staff recommends approval.

Mr. Coltrin opened the public hearing.

Michael White, 222 Old Town Road, Billings, representative for the owner and is aware of the need for a Conditional Overlay District (COD). Nine people attended the neighborhood meeting ask for us to plant evergreens along the west side and we are not opposed to that.

Mr. Coltrin closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Z-22-2019 w/COD #182 as amended to add a Conditional Overlay District (COD) for traffic study (3615 & 3697 North State Highway H/Glenstone Avenue). Mr. Rose seconded the motion. Ayes: Coltrin, Ogilvy, Shuler, Broekhoven, Cox, Rose, and Jobe. Nays: None. Abstain: None. Absent: Doennig and Thomas.

Z-23-2019 w/COD #180
3525 East Battlefield Road
Applicant: McLean Enterprises

Mr. Hosmer stated that this is a request to rezone approximately 17.07 acres of property generally located at 3525 East Battlefield Road from Planned Development No. 226 to a GR, General Retail District and establishing Conditional Overlay District No. 180. The Comprehensive Plan identifies this area as an appropriate for Medium Intensity Retail, Offices or Housing. The Planned Development permitted a variety of uses, many of which would remain permitted with the approval of this request, including, but not limited to: general office uses; medical office uses; personal service uses; and retail sale uses. The Major Thoroughfare Plan classifies Battlefield Road as a primary arterial, and U.S. Highway 65, as a freeway, and Woodstock Avenue as a collector roadway.

A Traffic Impact Study will be required at the time of development to determine if additional improvements are required. A fee in lieu of on-site stormwater detention will not be allowed.

The proposed COD 180 will:

- Prohibited 24-hour automobile service stations with convenience stores.
- Require a Traffic Impact Study shall be prepared at the time of development for proposed Lots 1, 2, 3 and 4 of Magers Crossroads at 65 Subdivision. Any improvements required as part of the Traffic Impact Study must be constructed and approved, or funds escrowed, prior to the issuance of a building permit.
- Require a final plat of proposed Lots 1, 2, 3, and 4 or Magers Crossroads at 65 Subdivision, or tract certification, in full compliance with the Subdivision Regulations shall be approved and recorded before this rezoning shall become effective.

Staff recommends approval.

Mr. Coltrin commented about removing convenience stores from the COD.

Mr. Coltrin opened the public hearing.

Derek Lee, 1200 E. Woodhurst, representing the owner, stating that during the neighborhood meeting that no gas stations or 24-hour conveniences stores be added and a Conditional Overlay District (COD) will be incorporated that limits gas stations.

Mr. Coltrin closed the public hearing.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** Z-23-2019 w/COD #180 (3525 East Battlefield Road). Ms. Cox seconded the motion. Ayes: Coltrin, Ogilvy, Shuler, Broekhoven, Cox, Rose, and Jobe. Nays: None. Abstain: None. Absent: Doennig and Thomas.

Z-24-2019 w/COD #181
2521 South Holland Avenue
Applicant: Jefferey L. Ballard

Mr. Hosmer stated that this is a request to rezone approximately 3.58 acres of property generally located at 2521 South Holland Avenue from R-SF, Single-family Residential to R-LD, Low-Density Multi-family District and establish Conditional Overlay District No. 181. The Comprehensive Plan identifies this as an appropriate for Low-Density Housing and Greenway. The greenway is actually located to the south of this property and the LU map is not sufficiently detailed to determine the land use category. However, the Plan encourages each neighborhood to contain a range of housing types. The applicant intends to build a multi-family development with a maximum density of eleven (11) dwelling units per acre. R-TH. The Major Thoroughfare Plan classifies Holland Avenue, as a Collector roadway and Downing Street, as a local street. A Traffic Impact Study was not required.

A fee in lieu of on-site stormwater detention will be allowed, and onsite detention is not required. The COD will require:

- The maximum density for the development within the district shall not exceed 11 dwelling units per acre.

- A turnaround shall be constructed at the end of Downing Street, per Sec. 36-243(6) and the Public Works Design Standards. Public right-of-way or a public access easement shall be dedicated for the area of the turnaround.
- Documentation shall be provided demonstrating, to the satisfaction of the Director of Public Works, that flood elevations shall not increase above the base flood elevations, set by FEMA and in effect on the date of passage of this Ordinance, as a result of this development.

Staff recommends approval.

Mr. Coltrin opened the public hearing.

Teresa Davison, 535 W. Battlefield, representing the owner and noted that this was presented last year and was denied due to some confusion regarding the park property next door and believes that those concerns have been resolved. At the neighborhood meeting the main issue was the flooding concerns. She noted that the homes are up-stream and this development will not cause additional problems, other concerns were school, traffic, and height of building issues.

Michael Zarifis, 624 E. Glenwood, lives on the property just behind the proposed development and stated that area has major flooding issues, i.e., street already floods, many of homes in the area have sump-pumps in their crawl spaces and currently has standing water issues.

Paul Neidy, 532 E. Glenwood Street, stated that he is a 32-year resident and voiced his concerns on the flooding and drainage issues and has to have a sump-pump as well as his neighbors and would like to see developers rethink on how to develop this piece of land.

Jina Zarifis, 624 E. Glenwood, noted serious foundation issues and said that their house is settling. She also stated that the property that is proposed to be developed is extremely wet and that FEMA has updated their maps to show that half of their back yard is in the 100-year FEMA floodplain and said it is getting worse and not better and believes that drainage needs to be addressed before building.

Jeff Ballard, 2521 S. Holland, current property owner and noted that it is next to the Greenway trail and he has not seen the creek overflow its banks and that most of the homes in the area should have been built on a slab verses a crawl space.

Mr. Coltrin closed the public hearing.

Ms. Cox noted her concerns regarding the flooding in this area, however it is already zoned for Single-Family Residential (R-SF) and will support this case, stating that even if R-SF is built, it would still flood.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Z-24-2019 w/COD #181 (2521 South Holland Avenue). Mr. Job seconded the motion. Ayes: Coltrin, Ogilvy, Shuler, Broekhoven, Cox, Rose, and Jobe. Nays: None. Abstain: None. Absent: Doennig and Thomas.

Conditional Use Permit 440
4349 South Kansas Avenue

Applicant: Veterans for Senior Living, LLC

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 South Kansas Avenue. The Comprehensive Plan identifies this area as appropriate for Medium or High-Density Housing uses. The Major Thoroughfare Plan classifies Kansas Avenue as a collector roadway.

A fee in lieu of on-site stormwater detention will not be allowed, and detention is required. This property is zoned R-MD, Medium-Density Multifamily Residential District which allows for nursing homes with a Conditional Use Permit. A bufferyard "Type (C)" at least fifteen (15) feet wide with required plantings is required adjacent to the RSF property. 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. 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 of the Zoning Ordinance. The CUP, if approved, would allow for the construction of a nursing home in a R-MD District per the attached site plan. Staff recommends approval.

Mr. Coltrin opened the public hearing.

Tim Rosenbury, 319 N. Main, representative owner and agrees with the staff report. There was a storm water report done by Lee Engineering.

John Brown, 1669 El Camino Lane, just west of this project and does not want a 4-story building outside of kitchen window. Major concerns are flooding, and this area has flooded twice in the last few years and believes water detention will not help. Gave examples of what some of the neighbors and businesses have done to elevate flooding. He also noted that 37 area businesses, north of his property have no water detention and believes this is mess and asked the City has not done more to fix this problem.

Derek Lee, 1200 E. Woodhurst, representing the owner. Storm water issues have been previously addressed in original zoning and the current developer will provide detention that is larger than the City has recommended and gave out stormwater specifics and will see ½ of the stormwater runoff from the site. He also noted that there is an existing stream buffer that will not be touched and will not get into the flow.

Mr. Coltrin closed the public hearing.

COMMISSION ACTION:

Mr. Jobe motioned to **approve** Conditional Use Permit 440 (4349 South Kansas Avenue). Mr. Rose seconded the motion. Ayes: Coltrin, Ogilvy, Shuler, Cox, Rose, and Jobe. Nays: Broekhoven. Abstain: None. Absent: Doennig and Thomas.

Preliminary Plat of Kay Pointe Place
3652 West Kay Pointe Boulevard and 901 South West Bypass
Applicant: Hoppy LLC and D. Denton

Mr. Hosmer stated that this is a request to approve a 29.7 acre 48-lot subdivision Single-Family/High Commercial subdivision located at 3652 West Kay Point Boulevard. The Comprehensive Plan identifies this area as appropriate for Low-Density Housing uses and Greenway. The Major Thoroughfare Plan classifies West Bypass as an Expressway. The Major Thoroughfare Plan shows Grand Street being extended to the west of West Bypass. Public Works has determined that the extension of Grand Street is not feasible. This will be removed from the Major Thoroughfare Plan. The extension of Grand Street is not a requirement of this plat. This plat does not meet the requirements of Conditional Overlay District #2. The COD will need to be rezoned in order to remove requirements that no longer apply to the site (Grand connections). Several proposed residential lots are located in the Highway Commercial zoning district. These properties must be rezoned to Single-Family Residential before the Final Plat can be recorded. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department. If Planning and Zoning Commission approves the preliminary plat, 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. Staff recommends approval.

Mr. Coltrin opened the public hearing.

Mr. Rick Wilson, Wilson Survey representing the LLC, property has been waiting to be developed and has been renewed a couple of times. He stated that at this time they are not sure what will be developed on the east side of the land.

Mr. Coltrin closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Preliminary Plat of Kay Pointe Place (3652 West Kay Pointe Boulevard and 901 South West Bypass). Mr. Rose seconded the motion. Ayes: Coltrin, Ogilvy, Shuler, Cox, Rose, Broekhoven, and Jobe. Nays: None. Abstain: None. Absent: Doennig and Thomas.

OTHER BUSINESS: