

April 6, 2023
MINUTES OF THE PLANNING AND ZONING COMMISSION
Springfield, Missouri

The Planning and Zoning Commission met in regular session in the City Council Chambers.

Roll Call - Present: Britton Jobe (Chairman), Natalie Broekhoven (Vice-Chairman), Bruce Colony, Bill Knuckles, Christopher Lebeck, Eric Pauly, Betty Ridge, Dan Scott, and Helen Gunther. Absent: None. Staff in attendance: Brendan Griesemer, Assistant Planning Director, Susan Istenes, Planning Director, Jill Burris, Assistant City Attorney, Kyle McGinnis, Senior Planner, Michael Sparlin, Senior Planner, and Jared Follin, Associate Planner

Mr. Jobe discussed meeting procedures and instructions.

COMMISSION ACTION:

Chairperson Jobe noted that a request had been made to take three items (Z-10-2023, Z-11-2023, and Planned Development 379 FDP) out of order on the agenda.

Mr. Knuckles motioned to **change the dates** for Z-10-2023, Z-11-2023, and Planned Development 379 FDP. Ms. Broekhoven seconded the motion. Chairperson Jobe and the Commission treated this motion as a motion to take the items “out of order” on the agenda despite the inaccurate wording. Ayes: Jobe, Broekhoven, Colony, Lebeck, Knuckles, Pauly, Ridge, Scott, and Gunther. Nays: None. Abstain: None. Absent: None.

Z-10-2023

718 West Grant Street

Applicant: Lakeland Hospital Acquisition

Applicant has requested this project be postponed to the April 20, 2023, Planning and Zoning meeting.

COMMISSION ACTION:

Mr. Colony motioned to **postpone** for Z-10-2023 (718 West Grant Street) to April 20, 2023. Mr. Nichols seconded the motion. Ayes: Jobe, Broekhoven, Colony, Lebeck, Knuckles, Pauly, Ridge, Scott, and Gunther. Nays: None. Abstain: None. Absent: None.

Z-11-2023

National Avenue on the west; Grand Street on the south; Glenstone Avenue on the east and Elm Street on the north (Rountree UCD)

Applicant: City of Springfield

Applicant has requested this project be postponed to the May 11, 2023, Planning and Zoning meeting.

COMMISSION ACTION:

Ms. Broekhoven motioned to **postpone** Z-11-2023 (National Avenue on the west; Grand Street on the south; Glenstone Avenue on the east and Elm Street on the north -Rountree UCD) to May 11, 2023. Mr. Lebeck seconded the motion. Ayes: Jobe, Broekhoven, Colony, Lebeck, Knuckles, Pauly, Ridge, Scott, and Gunther. Nays: None. Abstain: None. Absent: None.

Planned Development 379 FDP

1616 East Bradford Parkway

Applicant: EWR Springfield Cambium, LLC

Applicant has requested this project be moved to the April 20, 2023, Planning and Zoning meeting.

COMMISSION ACTION:

Ms. Broekhoven motioned to **postpone** Planned Development 379 FDP (1616 East Bradford Parkway) to April 20, 2023. Mr. Nichols seconded the motion. Ayes: Jobe, Broekhoven, Colony, Lebeck, Knuckles, Pauly, Ridge, Scott, and Gunther. Nays: None. Abstain: None. Absent: None.

MINUTES: The minutes of March 23, 2023, were approved.

COMMUNICATIONS: None

COMMISSION ACTION:

Mr. Colony motioned to **suspend the rules to reduce speaking time to 3 minutes** for tonight's meeting. Mr. Knuckles seconded. Ayes: Jobe, Broekhoven, Colony, Knuckles, Pauly, Ridge, Scott, and Gunther. Nays: None. Abstain: Lebeck. Absent: None.

CONSENT ITEMS:

Relinquishment of Easement 935
600 South Glenstone, LLC

Applicant: Boing US Holdco, Inc

Relinquishment of Easement 936
2900 North Barnes Avenue

Applicant: Crossway Baptist Church

Change of Use 536
1559 South Scenic Avenue

Applicant: City Utilities

COMMISSION ACTION:

Mr. Knuckles requested to **remove from consent agenda** Relinquishment of Easement 935 (600 South Glenstone, LLC).

Relinquishment of Easement 935
600 South Glenstone Avenue

Applicant: 600 S. Glenstone, LLC

Postponed to the April 20, 2023, Planning and Zoning meeting, received 48 hours in advance of the public hearing.

COMMISSION ACTION:

No action taken.

COMMISSION ACTION:

Mr. Colony motioned to **approve** consent items Relinquishment of Easement 936 (2900 North Barnes Avenue) and Change of Use 536 (1559 South Scenic Avenue). Ms. Broekhoven seconded the motion. Ayes: Jobe, Broekhoven, Colony, Lebeck, Knuckles, Pauly, Ridge, Scott, and Gunther. Nays: None. Abstain: None. Absent: None.

UNFINISHED BUSINESS:

Z-3-2023 w/COD #223
2238, 2250, & 2316 East Catalpa Street

Applicant: NGA Holdings, LLC

Remanded back by City Council.

Mr. Sparlin stated that this is a request to rezone approximately 14.8 acres of property generally located at 2238, 2250, 2316 East Catalpa Street from R-TH, Residential townhouse district to R-LD, Low-density Multi-family Residential District and establishing Conditional Overlay District No. 223. Staff recommends approval.

Mr. Sparlin noted the original staff report had omitted additional off-site stormwater requirements and was remanded back from City Council.

Mr. Colony asked about existing flooding problems to be corrected by the developer.

Mr. Sparlin says the COD storm water conditions are addressed.

Mr. Codichini, Public Works, the developer must alleviate flooding in the vicinity and require water detention quality.

Mr. Jobe opened the public hearing.

Mr. Jared Davis, 3213 S. West Bypass, here to answer any questions and no changes from last time.

Ms. Leslie Vandenberg, 1162 S. Marlan Avenue and representing the Enchanted Woodlands neighborhood and her concerns remain the same as last time which is more people and traffic on the existing land that will cause more traffic and stormwater and wants a clear plan for the development.

Ms. Sherry Lincoln, 1163 S. Maple Grove has noticed large trucks coming and going and questions how much infill this property will require. She also noted that money is to be escrowed for maintenance and any other maintenance will be maintained by the city per promises at the last Planning and Zoning meeting. Wants all pledges kept before any occupancy permits are allowed.

Mr. Colony stated that they (Planning Commission and City Council) seem to have agreed to the concerns regarding the storm water and the traffic issues.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Mr. Knuckles motioned to **approve** Z-3-2023 w/COD #223 (2238, 2250, & 2316 East Catalpa Street). Mr. Colony seconded the motion. Ayes: Jobe, Broekhoven, Colony, Lebeck, Knuckles, Pauly, Ridge, Scott, and Gunther. Nays: None. Abstain: None. Absent: None.

Z-5-2023 w/COD #226

2202 North Belcrest Avenue

Applicant: SFC Real Estate, LLC

Remanded back by City Council.

Mr. McGinnis stated that this is a request to rezone approximately 9.45 acres of property generally located within the 2200 block of N. Belcrest Avenue from HM, Heavy manufacturing district with Conditional Overlay District No. 163 to HC, Highway commercial district and establishing Conditional Overlay District No. 226.

Mr. McGinnis noted the original COD language that was struck, and the resulting COD language being presented. All other aspects of the proposed remain unchanged. Staff recommends approval.

Mr. Jobe opened the public hearing.

Mr. Ricky Haase, 550 E. St. Louis and here to answer any questions.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Z-5-2023 w/COD #226 (2202 North Belcrest Avenue). Mr. Pauly seconded the motion. Ayes: Jobe, Broekhoven, Colony, Lebeck, Knuckles, Pauly, Ridge, Scott, and Gunther. Nays: None. Abstain: None. Absent: None.

Z-27-2022 w/COD #220

1739, 1745 & 1755 South National Avenue and 1111, 1119, 1133 & 1141 East Sunshine Street and 1138 East University Street

Applicant: BK&M, LLC

Mr. Lebeck recused himself.

Mr. Daniel Neal stated that this is a request to rezone approximately 2.6 acres of the subject property generally located at 1739, 1745 and 1755 S. National Avenue, 1138 E. University Street and 1111, 1119, 1133 and 1141 E. Sunshine Street from R-SF, Single-Family Residential District to GR, General Retail District and establishing a new Conditional Overlay District No. 220. Staff recommends approval.

Mr. Brett Foster, Traffic Engineer gave out information regarding the transportation system and how decisions are based on the majority of drivers and how they will react to a given change. A traffic study identifies traffic control measures, safety concerns, etc., and are based on nationally adopted standards for public safety. CJW was selected to provide the traffic study and noted that they have exceptional level of knowledge of the community and traffic engineering.

Mr. Dane Siler, CJW, professional engineer and has completed over 500 traffic studies and went over their process of what a traffic study entails and possible restrictions. Spoke about the access points and lane movement management from National Avenue, Sunshine Street, and University Street and what other city streets may be used.

Mr. Scott asked for clarification about staff's preference for a Planned Development while still recommending approval.

Mr. Neal noted the Comprehensive Plan and is recommended as part of the plan and the applicant has addressed these items with their Conditional Overlay District (COD).

Ms. Istenes noted that a Planned Development is preferred, however a rezoning to General Retail with a Conditional Overlay District (COD) and they took as many of the elements of a Planned Development, including a site plan that would establish design criteria and staff conditions.

Mr. Scott asked about qualifiers for a vape shop that it is "stand alone."

Mr. Neal said it would be as a primary use of a store or shop and not allowed.

Mr. Scott asked about storm water being directed to the east side.

Mr. Codichini said they will have to provide water detention quality and the best route would be across National Avenue to the east side.

Mr. Colony asked again about staff preference for a Planned Development.

Mr. Neal noted that they would prefer a Planned Development.

Mr. Colony asked about roof lines recommendations and why it was not addressed.

Ms. Istenes noted that the developer can say why it why not addressed.

Commission members asked about traffic calming measures and access control with Mr. Foster, Traffic Engineer and what the city could accommodate and traffic standards, i.e., adding left turn lane, additional lanes, street widening etc., and a traffic chart was presented.

Mr. Knuckles asked about the traffic study and the access and Mr. Foster noted that it is very comparable to what the traffic chart (shown on screen) is rendered and what needs to be completed.

Mr. Jobe asked about the bulk plane and R-SF, Residential Single-Family District and building height (45-foot limitation on building height).

Mr. Neal noted that there is no bulk plane between single family lots.

Mr. Jobe asked about a motion for approving/denying the application and/or motion to approve with conditions with staff approval and if this is an option.

Ms. Burris, Assistant Attorney stated that those are the options available.

Mr. Knuckles asked about the buffer yard and if a fence will be proposed.

Mr. Neal noted that they are proposing a fence following along the west and north.

Mr. Jobe opened the public hearing.

Mr. Bryan Fisher 2144 E. Republic representative for the applicant and went over the history (developed over 100 years ago) and what they vision for the area what they believe would be the highest and best appropriate use of the property. He also noted that the houses along the corner of Sunshine Street and National Avenue are no longer owner occupied and many of the lots have been subdivided and feel that General Retail with a Condition Overlay District (COD) is the best and appropriate use of the property.

Mr. Colony asked about highest and best use comment and who determines that?

Mr. Fisher noted that the Planning and Zoning have given the 8 factors that are used in the city staff report, and it is the Commissions job to determine the highest and best use.

Mr. Colony asked about them purchasing the property before attempting to rezone to General Retail from a Single-Family Residential District and now they want to have it redeveloped and have the Commission determine the highest and best use.

Mr. Fisher believes that they have put together an application that shows the best and highest use.

Mr. Colony also noted that Mr. Fisher stated that no one would want to live there as owner occupied and are not blighted.

Mr. Fisher noted that almost all were rentals and partially occupied, but one was a halfway house and does not occupy it currently.

Ms. Ridge asked about the large white house and its condition and if occupied.

Mr. Fisher said that the property was occupied, however was deteriorating and required a new heating/air conditioning unit as well as new windows and would not been cost worthy.

Ms. Gunther agreed that the properties along Sunshine/National would have problems with occupancy but wonders why 1138 E. University Street is part of the development.

Mr. Fisher noted that it may be for an appropriate buffer yard, and they do not want any shallow lots and this will allow for more open space.

Ms. Gunther asked it would be a parking lot.

Mr. Fisher is not sure what it will be but will depend on a plan approved by the city.

Ms. Broekhoven asked about a site plan and noted it is a great tool for entitlements when rezoning and why the applicant chose General Retail with a Conditional Overlay District (COD) versus a Planned Development as recommended.

Mr. Fisher said they at this time do not know what specific tenants/businesses will be leasing and if they had to change development (building structure) they would have to go back to the Commission for any changes and believes this is the best way forward (economic concerns).

Ms. Broekhoven asked about the applicant's position to move forward with additional documents as required by staff as presented to City Council.

Mr. Fisher said that they are supportive of the request with the staff recommendations.

Mr. Pauly noted the comment about living on that corner and would not personally presume to anyone where they would want to live but looking at multi-use (apartments) and that would put how many more people on the corner.

Mr. Fisher believes it is not a location for owner-occupied single-family residences (not built for current level of noise, etc.) but apartments can effectively address the sound issues created by traffic and being close to the hospital/helipad and are part of a regular commercial development.

Mr. Scott asked about the site plan renderings seen in the press and asking if these are what is being proposed or not.

Mr. Fisher noted that he is only aware of the renderings shown at one of the neighborhood meetings and the overwhelming feedback was the scale (height) was not something they liked and so they have limited in the COD the height of the buildings. He also stated that the developer has met dozens of times with the neighbors over the past months.

Mr. Scott asked what else was being discounted.

Mr. Fisher stated that they are recognizing what the developer could do and is incorporated into the Conditional Overlay District (COD) and what is before this commission is the application.

Mr. Knuckles asked if the occupancy of the buildings were considered in the traffic study.

Mr. Fisher said that staff noted a new traffic study is required if any changes in the factors and based on a certain number of square feet for general retail, office space and residential.

Ms. Ridge asked what is under consideration for the development.

Mr. Fisher noted that the prior rendering (presented at one of neighborhood meeting) would not work and an application for rezoning is not for considering the end use and stating that the law is very clear of an application for rezoning, that the consideration of the ultimate end use is inappropriate

Mr. Scott asked the City Attorney if that last statement was correct and if the eight points/items that are set forth in city code are only allowed and if they can insert implicit points of their own.

Ms. Burris, City Attorney said the Commission's decision is not governed by general law but factors on rezoning amendments pursuant to 36367 and quoted zoning district classification and noted the explicit points are set forth in city code and are exclusive.

Mr. Knuckles noted for clarification that establishing conditions is for the use of the property, not what the actual building is going to be, and it is up to the developer.

Mr. Bo Hagerman, 304 N. College and here as the designing architect and noted the developer has been very engaged with the community for the highest and best use and said the Conditional Overlay District (COD) has been rewritten five times based on staff recommendations. Stated that there is a strong attempt to get it right and believes the previous renderings will not work because of the reduced scale of the development and noting that University Heights is a wonderful neighborhood,

but there is Mercy Hospital and now Cox on the other corners and other things that are around that are equally important to address.

Mr. Jordan Odom, 1722 Catalpa, certified arborist and owner operator of a local tree company and presented a poster showing current trees (type) in the development area and to talk about tree preservation and noted that there are approximately six trees that can be protected.

Mr. Colony asked if he was brought in by the applicant to do a study of the existing trees.

Mr. Odom noted that he had made the recommendation of which trees would be a good idea to keep and the developer is 100 percent in line.

Ms. Donna Hemann, 1039 E. University, president of University Heights went over a copy of the crime and property value analysis and went through a group of slides from around the proposed development area and where large buildings can be seen behind single family residential houses. She asked for additional time from three minutes to five minutes since she is representing more than 1000 people.

Discussion and consultation with the City attorney, the Rules of Procedure, and Robert's Rules for the request.

COMMISSION ACTION: (allowing additional speaker time)

Mr. Colony motioned to **allow 5 minutes for the speaker**. Mr. Pauly seconded the motion. Ayes: Jobe, Broekhoven, Colony, Knuckles, Pauly, Ridge, Scott, and Gunther. Nays: None. Abstain: None. Absent: None.

Continued to exhibit the slides and commenting what the homeowners stand to lose if the rezoning is substantial as their home may be their largest investment.

Mr. Pauly asked about the breakdown of crime in the area.

Ms. Hemann noted that University Heights has a low crime rate and believes it is attributed to the residential boundaries that are currently at risk and mentioned the empty retail and commercial across from National Avenue.

Mr. Scott asked about one of the pictures showing a four-story apartment on the other side of a privacy fence and the lack of a bulk plane requirements.

Ms. Hemann believes it does show the lack of bulk plane requirements and stated it has a larger buffer zone than what the developer is currently is proposing.

Mr. Lee Viorel, 901 E. St. Louis Street and would like the commission to table the application until the purposed corridor study can be completed. He also noted that the Springfield Comprehensive Plan says the area is residential single family and believes that there should be a commitment to conserve existing viable neighborhoods and that General Retail zoning is intended to be at least five acres in size and the proposed development is not five acres.

Mr. Courtney Fletcher, 1011 E. University, and believes that the law is clear, and it is unlawful to rezone due to the history of deed restrictions and each deed has building restrictions, however the city does not consider enforcing such matters as they must determined by a court. She also asked for this matter to be tabled until the lawsuit is finished.

Mr. Don Dunbar, 932 E. Kingsbury Street stated his daughter would have been happy to live in the house that was demolished, and his concerns are stormwater and drainage. He gave out examples of when there a lot of rainfall that most of the houses in the area do backup into their basements and does not want this development.

Mr. Ashton Lewis, 1032 E. University voiced his concerns for the various proposals by the developer and noted that a home was recently purchased (1721 S. National Avenue) for approximately \$700,000 and the properties are not uninhabitable by property owners. He also stated that environmental concerns are noise, odor (garbage bins and grease traps), light pollution and increased traffic and also mentioned the deed restrictions.

Mr. Mark Fletcher, 1011 E. University stated that the city (staff) is incompetent, deceitful, and duplicitous and that his property rights should be respected, and this should be tabled.

Mr. John Stinson, 1110 E. Stanford voiced his support for the University Heights Neighborhood Association and noted his concerns were for traffic and safety of the residents who are walkers and believes that the project will cause more traffic safety issues.

Ms. Holly Acharya, 972 E. Linwood Drive said she is opposed to the rezoning and how it would impact pedestrians and cyclists and noted that the neighborhood is full of children, walkers, joggers, and bike riders and believes their safety would be impaired and stated that the increase in traffic would put everyone at risk.

Ms. Margaret Castrey, 1006 E. Linwood Drive stated that she is opposed to the rezoning.

Ms. Dixie Sleight, 1124 E. University is concerned about the quality of life and University Heights has a large open space with wonderful trees and noted one behind her house is a large crab tree that she hopes can be saved. She also commented that she is concerned that behind her house will be a parking lot and that the construction (noise and dust) will last approximately three years.

Ms. Shelia Dunbar, 932 E. Kingsbury and would like to yield her time to Mr. Don Dunbar.

Discussion with City attorney and Commission if this is allowed and it was determined that rights regarding debate are not transferable unless the organization has a specific rule on a subject and a member cannot yield any unexpired portion of their time to another member or reserve and reserve any portion of time for later.

Ms. Shelia Dunbar voiced her opposition to the development and the statements made by the other homeowners.

Mr. Jeff Carney, 920 E. Kingsbury, said he was a 31-year resident and noted that his friends feel that this is an existential issue for the neighborhood, houses, and well-being. He voiced his concerns for possible additional cars in the area and lack of sidewalks and people using the neighborhood streets to get to Sunshine and National and requests that the development be postponed.

Ms. Norma Capeci, 900 E. Kingsbury Street stated that the staff report notes that the plan would fulfill the desire for higher density development, however, does not believe it conforms to the scale of the other three corners of the adjacent neighborhood. She also voiced her concern that the development could be six stories and too large in scope and that the developer has listed the property with a broker advertising for lease for sale or built to suit. She also stated that there is 83 percent of owner occupied in University Heights.

Ms. Susan Robinson, 1010 E. University Street stated that the deed restrictions indicate that only private residents or single-family homes can be built on the land and commented about a traffic division report from October that Sunshine and National are one of the busiest intersections with the highest number of accidents in Springfield. Gave an example of what has happened when motorists use alternative streets to get by the traffic and believes this would happen more because of the development.

Ms. Barbara Rae Hughes, 951 E. Portland asks how the developer/representative could swear that the corner is not suitable for residences since he going to be putting in more residences (apartments) and how can everything be compatible to the neighborhood?

Ms. Evelyn Mangan, 818 E. Portland and has lived here for approximately 54 years and would like this to be tabled until the proposed moratorium asked by Councilman Hosmer is completed. She also stated that it looks like another house is ready to be demolished and is concerned that all the houses will be taken out before a moratorium is in place and believes that the proposal can be rejected based on the eight items/points.

Mr. Britton Jobe closed the public hearing.

Mr. Colony stated that they have been given a large amount of information to review and he has not heard of any reasonable justification for the highest and best use and would like to postpone any action until the Commission has time to review the detailed information and allow for time the other issues to be resolved. He also said that the quality of neighborhoods is the biggest asset of a city but cannot make the best assessment at this time and request a postponement to have time to review.

COMMISSION ACTION: (postponing)

Mr. Colony motioned to postpone Z-27-2022 w/COD #220 (1739, 1745 & 1755 South National Avenue and 1111, 1119, 1133 & 1141 East Sunshine Street and 1138 East University Street) to a date to be determined to review the information. (No second). No Vote.

Ms. Broekhoven believes that applicant has brought forth their information and the city has provided the requirements for the Commission.

Mr. Scott stated that he would like more information and does not agree that this is just a check box of eight items that is to be discussed only and ignore what has been presented by the neighborhood but does not believe it should be an open-ended time frame. Also, would like the opportunity for staff clarification on General Retail zoning and the minimum of five acres.

Mr. Knuckles would like to go forward and take a vote.

Mr. Pauley believes that the Commission needs to make the right decision and requests that Commissioner Colony amend his proposal and add an actual date for a postponement.

Mr. Jobe would like to go forward and take a vote and gave his reasoning.

Further Commission discussion on postponement and information/clarification received from the neighborhood.

Ms. Ridge stated that she is concerned how our community looks and possible preservation of some of the historic structures and would like to take this into consideration before the final decision.

Ms. Gunther says she is struggling about the house (1138 East University Street) and believes that its development is encroaching on the neighborhood.

More discussion on possible postponement to allow more time and/or taking a vote now.

COMMISSION ACTION: (postponement)

Mr. Colony motioned to postpone the vote on this matter to allow more time for deliberation by the Commissions to the April 20, 2023, meeting (debate and vote). Mr. Scott seconded the motion. Ayes: Colony, Pauly, Ridge, and Scott. Nays: Jobe, Broekhoven, Knuckles, and Gunther. Abstain: None. Absent: None. **Tied vote – MOTION Denied**

Mr. Jobe asked for advice on how to proceed.

Ms. Burris, City Attorney stated that the Commission can continue to debate until a further motion can be agreed upon and voted on when there is a tie vote.

COMMISSION ACTION: (approval)

Mr. Knuckles motioned to **approve** with conditions in the staff report for Z-27-2022 w/COD #220 (1739, 1745 & 1755 South National Avenue and 1111, 1119, 1133 & 1141 East Sunshine Street and 1138 East University Street). (No second). No Vote.

COMMISSION ACTION: (postponement)

Ms. Broekhoven motioned to **postpone the debate and vote to April 20, 2023**, for Z-27-2022 w/COD #220 (1739, 1745 & 1755 South National Avenue and 1111, 1119, 1133 & 1141 East Sunshine Street and 1138 East University Street). Mr. Pauly

seconded. Ayes: Broekhoven, Colony, Pauly, Ridge, and Scott. Nays: Jobe, Knuckles, and Gunther. Abstain: None. Absent: None.

Mr. Jobe requests advice regarding using the same motion again.

Ms. Burris noted that since it was a tie vote previously that it was not decided upon.

PUBLIC HEARINGS:

Z-9-2023 w/COD #227

718 West Division Street

Applicant: Teyie Miychelle, LLC

Mr. McGinnis stated that this is a request to rezone approximately 0.20 acres of property generally located at 718 W. Division Street from R-SF, Single-family residential district to R-TH, Residential townhouse district and establishing Conditional Overlay District No. 227. Staff recommends approval.

Mr. Knuckles asked about facing Division Street and if the lot is wide enough to face Division.

Mr. McGinnis noted that the lot does meet that requirement.

Mr. Knuckles asked about the alleyway access and will it be a requirement to improve.

Mr. Zickefoose stated that the alley is not required to be improved, however the developer may improve it.

Discussion on improvement of the alleyway went on for a time.

Mr. Colony asked if both entrances must face Division and had questions about maintenance for the alley.

Mr. McGinnis noted that there is no regulation required for both dwelling units to face Division.

Mr. Zickefoose noted that the city owns and maintains the alley.

Mr. Jobe opened the public hearing.

Mr. John Watson, 311 South Suburban Avenue, came forward to answer any questions.

Mr. Colony asked about the condition of the alley and if he will still develop despite its current state.

Mr. Watson acknowledged the state of the alleyway and will still develop.

Mr. Brett Foster noted that alleys are gray areas, and the city does not have the resources and people to maintain them.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Z-9-2023 w/COD #227 (718 West Division Street). Mr. Lebeck seconded the motion. Ayes: Jobe, Broekhoven, Colony, Lebeck, Knuckles, Pauly, Ridge, Scott, and Gunther. Nays: None. Abstain: None. Absent: None.

OTHER BUSINESS:

Preliminary Plat of Perimeter Health Subdivision
2828 North National Avenue

Applicant: Perimeter Springfield Realty, LLC

Mr. Jobe recused himself.

Mr. Jared Follin stated that this is a request to approve a preliminary plat for a 2-lot subdivision located at 2828 North National Avenue. Staff recommends approval.

Ms. Broekhoven opened the public hearing.

Mr. Jared Davis, 3213 South West Bypass here to answer any questions and the sidewalk is to be constructed at the time of development.

Mr. Knuckles asked about the sewer laterals.

Mr. Davis said it has a weird lot line and the lateral is going down to the sewer main.

Mr. Colony asked about its proposed uses.

Mr. Davis said they are planning on splitting the lot and Burrell Behavioral Health will possibly develop it.

Ms. Broekhoven closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Preliminary Plat of Perimeter Health Subdivision (2828 North National Avenue). Mr. Knuckles seconded the motion. Ayes: Broekhoven, Colony, Lebeck, Knuckles, Pauly, Ridge, Scott, and Gunther. Nays: None. Abstain: None. Absent: None. Mr. Jobe recused himself.

ADJOURN: 10:10pm