

PLANNING AND ZONING COMMISSION

November 1, 2011  
7:30 pm  
Council Chambers

**ROLL CALL**

Commissioners Present: Best, Burney, Davis, Huddleston, McDowell, Wescott, Woolery, and Chairperson Harris  
Commissioners Absent: Loyd and Vice-Chairperson Romine  
Staff Present: Jim Lawson Director of Planning and Development  
Joel Hornickel Senior Planner  
David Miller City Engineer  
Kendall Powell Utilities Plans Reviewer  
William Duston City Attorney  
Sonja Paden Office Assistant II

1. **Approve Agenda.**  
Recommended Action: Approve the format of the November 1, 2011 agenda.

**MOTION:**  
Motion by Commissioner Wescott and seconded by Commissioner Best, and unanimously carried to approve the format of the November 1, 2011 agenda.

**PUBLIC COMMENTS**

None.

**REGULAR AGENDA ITEMS**

2. **Approve Minutes.**  
Recommended Action: A) Approve the minutes of the September 6, 2011 study session;  
B) Approve the minutes of the September 6, 2011 regular meeting.

**MOTION:**  
Motion by Commissioner Woolery and seconded by Commissioner Best, and unanimously carried to approve the minutes of the September 6, 2011 Planning and Zoning Commission study session as presented and the September 6, 2011 Planning and Zoning Commission regular meeting, as amended by Commissioner Davis on page 6, paragraph 6, line 9 clarifying the speaker.

OLD BUSINESS

None.

PUBLIC HEARING AGENDA ITEMS

3. Request for a Street Vacation of Courtney Street.  
Project No. 11-11.1 (11-01100001)  
Applicant: Gregg-Wise Properties, LLC

Mr. Hornickel presented the staff report as filed with the Planning Department.

Chairperson Harris asked what the difference was between closing Sixth Street and vacating it.

Mr. Miller approached and stated the closure was a requirement of MoDOT for the project to not allow cars to enter Highway 76 from Sixth Street. He added if Sixth Street had been required to be vacated then the right-of-way property and road would be divided up between the adjacent properties.

Chairperson Harris clarified that Sixth Street would be maintained up to the dead-end point just north of Highway 76.

Mr. Miller stated it would.

Chairperson Harris asked what type of storm water regulations would be required during the potential construction within this area.

Mr. Miller stated because the city's population went above ten thousand, it would now be required to have a plan in place to address storm water quality within a year of the population change and within five years before it needed to start its implementation. He added additional requirements for developments, including siltation control and filtered basins, would also be required. He stated detention requirements were already in place, but since this site was east of US Highway 65, they would not be required to provide any detention. He stated approximately fifteen years ago the city determined the properties in that area were so close to Lake Taneycomo that it was better to let the water release quickly so it did not contribute to the storm surge coming from the other areas of town down Roark Creek.

Commissioner Davis expressed his concern that natural methods and strategies be used to clean the storm water within the areas adjacent to Roark Creek. He added there was no need to wait five years for making plans on how to address the issue. He asked for more information regarding the crash rate at Sixth Street and how the changes would help to improve the intersection.

Mr. Miller stated he met with the Police Chief to get the information. He stated there had been two accidents centered in the intersection, one on the north side and three that were more towards the south side. He added when he has approached the intersection and there were no cars to the north, his mind had to deal with only two conflicts. He stated when there was a car to the north, it added a whole other layer of complexity. He stated it would make the intersection safer because your brain would not have to work as hard. He added the traffic volume coming into the intersection from the south was much heavier.

Commissioner Davis asked if MoDOT would be making modifications to the center lane on Main Street as well.

Mr. Miller stated they would and they would not. He stated they would be adding a right turn deceleration lane, thus making the road wider for the westbound traffic, and a center left turn lane for the eastbound traffic.

Commissioner Davis asked if the center area for drivers pulling left out from Sixth Street would be lengthened.

Mr. Miller stated he believed it would remain the same, but the representative engineer may be able to provide an updated response.

Commissioner Davis stated it was a tight area and one that needed to be improved in order to fully improve the safety of the intersection. He asked how the pedestrian ways were going to be handled and reconnected within the area.

Mr. Miller stated the signal itself would have a pedestrian indicator for people to cross Loyd Road. He added MoDOT was in the design phase of extending the existing sidewalk from Sixth Street to Empire's offices and should be going to bid late spring. He stated he just had a meeting with MoDOT about the crosswalk at Sixth Street as well, and they determined there would be no safe way to relocate it within the new intersection to the west.

Commissioner Davis asked for clarification that there would be no north-south crosswalk within the new intersection.

Mr. Miller stated there would not be one.

Commissioner Davis asked if there would be room for street trees along Main Street.

Mr. Miller stated there would not be any room within MoDOT's right-of-way. He stated there could be room along the new properties though, but it depended on who the final builder would be.

Commissioner Huddleston asked how close this area was to the existing trail system.

Mr. Miller stated they had kicked around some harebrained ideas of adding a trail from the north side of Roark Creek, across the floodplain, attached to the bottom of the US Highway 65 bridge and then up to Main Street. He added their ideas were not that good. He stated if the project did get expanded to the future phases, the trail could be extended over Roark Creek with the bridge thus tying it right into the existing section. He stated there were a lot of issues to deal with in order to get a trail across the floodplain in that area.

Commissioner Huddleston stated we should be planning today to extend the trail to Skaggs if the bridge was ever built so a connection could most certainly be made. He asked if there was an opportunity for a trail down the perimeter of the properties to the west.

Mr. Miller stated they directly abutted the state right-of-way and there was also a bluff area.

Chairperson Harris asked if there would be sidewalks on both sides of Loyd Road.

Mr. Miller and Mr. Hornickel stated they believed they were proposing to have sidewalks on only one side of Loyd Road, but the project's representative could answer the question more certainly.

Commissioner McDowell asked if the real estate office would also have to provide signed acknowledgment of the project.

Mr. Hornickel stated staff had been told the property was under contract. He added they would either need to provide a signed acknowledgement or something showing it was in fact under contract.

Commissioner Burney asked if the nearby homeowners had also been notified about the project.

Mr. Hornickel stated they received the typical neighbor notices from the city, but the neighbors were not required to provide any sort of acknowledgment through the applicant unless they had direct access via Courtney Street.

Chairperson Harris asked if the city needed to send out notifications once Sixth Street was closed to those nearby homeowners.

Mr. Hornickel stated they were not planning to.

Chairperson Harris asked how the completion of phase one would be determined.

Mr. Hornickel stated the city would inspect the road several times during construction and then sign off on it once finished and to the city's specifications. He added the signature could mark the road's completion.

Chairperson Harris asked if the applicant or its representative was present.

Mr. Neil Brady with Anderson Engineering in Springfield approached and stated their preliminary plat would show the boundaries for each phase.

Chairperson Harris asked Mr. Brady if he wanted to comment on the time schedule for condition number four.

Mr. Brady stated the intent of the owners was to do the project immediately, as they had a lot of money tied up in it. He added that was also the reason for their tight timeline. He stated if the time frame could be anything of a reasonable nature, they would be fine with it. He added as soon as they got all of their permits in place, they would be going forward.

Mr. Hornickel stated staff had talked with the applicant earlier about the conditions and they had requested a ninety-day time period with the ability to request a single ninety-day extension.

Chairperson Harris restated the applicant would have ninety days to install the requested landscaping if a certain parcel was not yet developed.

Mr. Hornickel stated a building permit submitted to the Planning Department would show good intent for development of a parcel and would stop the clock on the recommended landscaping being required.

Mr. Lawson stated he was not comfortable with ninety days.

Mr. Hornickel added the landscaping code allowed for flexibility with property owners up to six months so plantings were not forced to be installed during the least desirable times of the year.

Mr. Brady stated he was going to mention the same statement about desirable times.

Chairperson Harris asked if there would be any problems with getting the area vegetated as quickly as possible after construction.

Mr. Brady stated the applicant had talked with staff and was willing to get something installed as soon as possible, if needed.

Chairperson Harris stated he wanted to echo Mr. Lawson's comments that the landscaping should be installed sooner than later within reason.

Mr. Brady stated they would not be opposed to that at all.

Commissioner Davis asked if the project was a land speculation deal or a real development project.

Mr. Brady stated it was a very real development project from his understanding. He stated they had some potential contracts under way and both sides were spending significant amounts of money to make it happen. He added there were active tenants involved with whom he had personally dealt. He stated he saw it as something that would happen.

Mr. Lawson stated staff felt it would be developed and would be a good addition to Branson. He added having worked with a lot of developments had made them realize they do not always happen as quickly as intended. He stated the applicant had provided a site preparation plan and staff was concerned with the possibility of a completely undeveloped site being the result. He stated they were not uncomfortable working with the applicant, but just wanted to have a backup plan in case the development did not occur according to plan.

Commissioner Davis asked if there was any opportunity to help with heading in the direction of innovative storm water solutions.

Mr. Brady stated his company worked in thirty-eight different states and the east coast had been way ahead of the game on the topic. He stated they had learned a great deal in the past eight to ten years. He stated a lot of opportunities existed and they were in fact looking at some of them for this development in later phases.

Commissioner Davis requested that proper tree pits be planned during construction, as it was harder to remove large rocks after construction to plant a tree.

Mr. Brady stated the project would have significant fill making it easier to plant trees in the future.

Commissioner Davis asked where the sidewalks were proposed to be located.

Mr. Brady stated there would be a single sidewalk located along the east side of Loyd Road.

Chairperson Harris asked if he had any experience with permeable surfaces and how they worked.

Mr. Brady stated he had and they provided a way to improve water quality. He stated they now had asphalt and concrete applications both allowing the storm water to travel down through it into a pit where it was slowly released. He stated the area soils were not good at infiltrating. He added they have used the application several times in Springfield, but have yet to determine its effectiveness. He continued to state Greene County and the City of Springfield now added the requirement of a bond or cash payment as a stipulation to their grading permit prior to the start of a development so the work could be finished, if it was not properly or fully completed.

Chairperson Harris thanked Mr. Brady for his advice. He asked if there were any further comments by the Commissioners; there was no response. He asked if there was anyone else present who wished to make a comment in regards to the item.

Mr. Mark Weisz approached and stated he was speaking in favor of the project. He stated he had worked with the developer for some time and knew his intent was to build a first-class project. He added the decision between ninety days and thirty days would be a big decision and that a time should be determined that would work for both the developer and the city.

Chairperson Harris asked if there was anyone else who wished to make a comment.

Dr. Wesley Allai approached and stated he occupied the office that had been referred to adjacent to the project area. He asked what would happen to the portion of Courtney Street along his property. He stated he heard he would receive half of the right-of-way along his property and wondered what environmental impact that would have on him.

Mr. Brady approached and stated, since his property had already been developed, there would be no storm water implications. He added his access would be provided from Loyd Road by a driveway and shared with the radio station. He stated his only responsibility would be to maintain the drive after it's built.

Mr. Lawson asked how long and how wide the driveway was proposed to be.

Mr. Brady stated both were still yet to be determined.

Dr. Allai asked what amount of land he would receive from the vacation and what landscaping requirements he would need to meet.

Mr. Brady stated he would receive half of the portion of Courtney Street along his property. He added there would be no landscaping requirements for him to meet.

Dr. Allai asked how the land would be left after Courtney Street was vacated.

Mr. Brady stated the portion of Courtney Street along his property would not be physically removed and would be left as asphalt. He added it would be up to him if he wanted to remove the asphalt, but it would remain part of his access.

Mr. Lawson stated all issues would need to be resolved prior to the approval of the plat.

Chairperson Harris asked when they would be expecting the preliminary plat for approval.

Mr. Hornickel stated the P&Z Commission would hear the item at the December meeting.

Commissioner Davis encouraged Dr. Allai to inquire of the developer about the elevations surrounding his property, as they could have a substantial effect on his property.

Chairperson Harris asked if there was anyone else who wished to make a comment; there was no response. He then asked if there were any further comments or questions by the Commissioners; there was no response. He entertained a motion.

**MOTION:**

Motion by Commissioner Davis and seconded by Commissioner Huddleston to approve Resolution 11-11.1.

AYES: Best, Burney, Davis, Huddleston, McDowell, Wescott, Woolery  
and Chairperson Harris  
NOES: None  
ABSTAIN: None  
ABSENT: Loyd and Vice-Chairperson Romine

Motion to approve Resolution 11-11.1 carried with an 8-0 vote.

4. Request for a Street Vacation of Pine Street.  
Project No. 11-11.2 (11-01100002)  
Applicant: Gregg-Wise Properties, LLC

Mr. Hornickel presented the staff report as filed with the Planning Department.

Chairperson Harris asked if any of the Commissioners had any comments or questions of staff in regards to the item.

Commissioner Davis asked what amount of public right-of-way square footage the project was creating and what amount of square footage they were requesting through the two vacations to develop.

Mr. Hornickel stated he did not have the exact numbers, but it was close. He stated those numbers would definitely be provided to the Board of Aldermen during their review of the items.

Chairperson Harris asked if any of the Commissioners had any other comments or questions of staff in regards to the item; there was no response. He then asked if applicant or their representative was present.

Mr. Brady approached and stated Pine Street had never been constructed and it was a right-of-way that was being unused. He added the right-of-way had been owned by the adjacent landowners at one point, but had been given to the city to utilize.

Chairperson Harris asked if any of the Commissioners had any other comments or questions for the representative; there was no response. He then asked if anyone else was present who wished to comment on the item; there was no response. He asked again if there were any further comments or questions by the Commissioners; there was no response. He entertained a motion.

**MOTION:**

Motion by Commissioner Woolery and seconded by Commissioner McDowell to approve Resolution 11-11.2.

AYES: Best, Burney, Davis, Huddleston, McDowell, Wescott, Woolery  
and Chairperson Harris

NOES: None

ABSTAIN: None

ABSENT: Loyd and Vice-Chairperson Romine

Motion to approve Resolution 11-11.2 passed with an 8-0 vote.

**COMMISSIONER & STAFF REPORTS**

Mr. Hornickel presented an update of the American Institute of Architect's Sustainable Design Assessment Team Grant received earlier in the year for assistance with the exploration of the old school property's future use. He stated the team would be making their visit on December 5 through December 8, 2011 and asked the Commissioners to help with the process if possible.

Mr. Lawson stated there would be three options for the old school property. He stated it could either be entirely re-used for a different use, used partially for a new use and remove the other portion, or completely start over with a new use and new structure.

Chairperson Harris asked the Commissioners to think about the property and email suggestions to Mr. Hornickel. He also asked for their participation during the charrette in December.

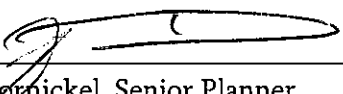
Mr. Hornickel thanked Commissioners Burney, Davis and Chairperson Harris for their participation during the recent Highway 76 walks. He stated that they have had two, and they plan to have three more prior to the end of the year. He asked the Commissioners to look for the upcoming notifications.

**ADJOURNMENT**

Motion by Commissioner Best and seconded by Commissioner Wescott, and unanimously carried to adjourn the meeting at 8:48 pm.

  
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Clark Harris, Chairperson

12-13-11  
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Date

  
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Joel Hornickel, Senior Planner

12/7/11  
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Date