MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: January 12, 2012
TIME: 6:30 pm

The regular meeting and public hearing of the Planning and Zoning Commission was held on the above date and time in City Council Chambers, third floor of City Hall with the following members and personnel in attendance: Shelby Lawhon (Chair), Matt Edwards (Vice Chair), Jay McClelland, Jim Hansen, Thomas Baird, IV, Jason Ray, Gloria Roling, King Coltrin; Ralph Rognstad, Director of Planning & Development, Michael MacPherson, Principal Planner; Thomas Rykowski, City Attorney; Paula Brookshire, Engineer, Cody Marshall Engineer; Sandy Goddard, Administrative Assistant. ABSENT: Phil Young.

ROLL CALL:

ELECTIONS:

Mr. Lawhon opened the nominations for Planning and Zoning Chairman. Mr. Edwards nominated Shelby Lawhon as Chairman. Mr. Ray seconded the nomination.

Mr. Baird motioned to **approve** Mr. Lawhon as Planning and Zoning Commission Chairman. Ms. Roling **seconded** the motion. Motion **carried** as follows: Ayes: Matt Edwards, Jay McClelland, Jim Hansen, Thomas Baird, IV, Jason Ray, Gloria Roling; Nays: None. Abstain: Lawhon. Absent: Coltrin and Young.

Mr. McClelland nominated Matt Edwards as Vice-Chair of the Planning and Zoning Commission. Mr. Baird seconded the nomination.

Mr. Lawhon opened the nominations for Planning and Zoning Vice-Chairman. Mr. Hansen motioned to **approve** Mr. Edwards as Planning and Zoning Commission Vice-Chairman. Mr. Ray **seconded** the motion. Motion **carried** as follows: Ayes: Shelby Lawhon, Jay McClelland, Jim Hansen, Thomas Baird, IV, Jason Ray, Gloria Roling; Nays: None. Abstain: Edwards. Absent: Coltrin and Young.

APPROVAL OF MINUTES:

The minutes of January 12, 2012 Planning and Zoning Commission were approved unanimously.

COMMUNICATIONS:

Mr. MacPherson stated that there were two communications. The first is a request by the applicant to hear two agenda items together as follows:

Agenda item Vacation 750, and agenda item Relinquish Easement 770. Both items deal with the 200 block of South Dysart Avenue and the Applicant has requested both items be heard together.

The second announcement is that a series of public meeting for the College Street Corridor Redevelopment Plan will begin Wednesday, January 18, 2012 at the Butler Rosenbury Community Room, starting at 6:30 p.m. through 8:00 p.m. Vern Morgan, Principal Planner with the City of Springfield is doing a redevelopment study to determine the best and appropriate use for the historic area. The meetings will occur every two weeks through the month of April, 2012, and will follow the model set up under the Vision 20/20 plan with a lot of public participation in the process. Mr. MacPherson suggested that Commission might find the process interesting and encouraged Commission to attend if possible.

Mr. Coltrin arrived after the election process and prior to the Consent Items on the Agenda.

FINALIZATION AND APPROVAL OF CONSENT ITEMS:
(These consent cases will be approved by Commission unless a Commissioner or someone else wishes to speak to them. If so, those cases will be moved to the appropriate place on the agenda and they may be spoken to, and voted on, at that time.)

CONSENT ITEMS:

1. **Relinquish Easement 771** — **One Hundred Two Glenstone, Inc.**
   (2000 block South National, west side)

2. **Relinquish Easement 772** — **Springfield Teachers Credit Union**
   (1726 West Elfindale)

Mr. McClelland motioned to **approve** Consent Items, Relinquish Easement 771 and Relinquish Easement 772. Mr. Edwards **seconded** the motion. Motion **carried** as follows: Ayes: Shelby Lawhon, Matt Edwards, Jay McClelland, Jim Hansen, Thomas Baird, IV, Jason Ray, Gloria Roling and King Coltrin; Nays: None. Abstain: None. Absent: Phil Young.

VACATIONS:

3. **Vacation 750** — **Babylon Investments, LLC**
   (200 block South Dysart Avenue, Alley, west side)
   Relinquish Easement 770 — **Great Southern Bank**
   (200 block South Dysart Avenue, west side)

Mr. MacPherson stated one presentation will address the issues necessary to make a decision on both of the cases, however, separate motions and voting on the issues would be required. This request involves a proposed new structure at the Great Southern Banking Center. There is a building on the lot to the south of where the existing alley is located that is in the process of being demolished. A utility easement to the south of the current building serves only that building. The proposal is to build where the alley is vacated and over where the easement is. There is no need to retain the easement. The alley has been vetted through the process where letters were sent to everyone within 300 feet of the alley. It was hard to identify as an alley any longer as it had fences in it and was not used as such. There were no negative comments received with regard to the relinquishment or the vacation. Staff is recommending approval of both. There are no conditions with either of the items and no replacement easements are required so the vacation, if approved, would be final at Planning and Zoning Commission.

Mr. Lawhon opened the public hearing; as there was no one to speak to Vacation 750 and Relinquish Easement 770, the public hearing was closed.

Mr. Baird motioned to **approve** Vacation 750. Mr. Coltrin **seconded** the motion. Motion **carried** as follows: Ayes: Shelby Lawhon, Matt Edwards, Jay McClelland, Jim Hansen, Thomas Baird, IV, Jason Ray, Gloria Roling and King Coltrin; Nays: None. Abstain: None. Absent: Phil Young.

Mr. Ray motioned to **approve** Relinquish Easement 770. Mr. Baird **seconded** the motion. Motion **carried** as follows: Ayes: Shelby Lawhon, Matt Edwards,Jay McClelland, Jim Hansen, Thomas Baird, IV, Jason Ray, Gloria Roling and King Coltrin; Nays: None. Abstain: None. Absent: Phil Young.

4. **Vacation 743** — **South Oaks Centre, Inc.**
   (1800 block South Bedford)

Mr. MacPherson stated the purpose of the request is to vacate a street remnant right-of-way of Old Bedford Avenue and develop the property for additional parking as part of the existing development. Existing easement will be retained and/or replaced. The City of Springfield, Missouri Department of Transportation and Wal-Mart entered into a joint agreement to re-align Bedford Avenue in a joint project with Eastgate Avenue in a Capital Improvement Project that has been completed. That left a small 7500 square foot piece of property located adjacent to Buckingham's BBQ, a Cleaner's and a Strip Mall Shopping Center in that area. The applicant is requesting that portion be vacated. There are a number of easements located within that and all the necessary signed replacement easements have been provided to accommodate the vacation and they are in hand. Consequently, there is limited use of that parcel of property because a structure could not be built over the easements. The applicant is proposing additional parking to serve the strip mall center. Staff is recommending approval.

Mr. Derek Lee with Lee Engineering commented he is available to answer questions.

Mr. Ray motioned to **approve** Vacation 743. Ms. Roling **seconded** the motion. Motion **carried** as follows: Ayes: Shelby Lawhon, Jay McClelland, Jim Hansen, Thomas Baird, IV, Jason Ray, Gloria Roling and King Coltrin; Nays: None. Abstain: None. Absent: Phil Young.

ZONING:

5. **Z-1-2012 with Conditional Overlay District #47** — **Bass Pro Outdoor World, LLC**
   (1925 South South Avenue)

Mr. MacPherson reported that the applicant is proposing to rezone approximately 0.18 acres of land from a R-SF, Single-Family Residential District to a HC, Highway Commercial District with a Conditional Overlay District No. 47 to restrict uses, restrict access, require a secondary access to the site, require additional buffering, require a lot combination with the surrounding properties within the proposed rezoning and require all stormwater runoff to be directed into the existing north – south drainage system traversing the property or a new drainage facility. This rezoning will have the same relevant conditions as the previous rezoning of the surrounding properties owned by Bass Pro in 2009.

The Comprehensive Plan designates this area as an Activity Center and appropriate for high intensity retail, office and residential uses. The Highway Commercial District is one of the recommended zoning districts within an Activity Center. The proposed conditional overlay district will mitigate the potential impact between the commercial and residential uses by restricting access to local residential streets, prohibiting potentially intrusive uses, and requiring additional buffering between uses. The proposed conditional overlay district will also restrict any additional stormwater runoff to the adjacent streets and neighborhood from these properties. The screening, fencing, bufferyard and lighting requirements of the Zoning Ordinance have been adopted to mitigate potential impacts between properties with differentiating uses. The Bulk and Intensity of Use Restrictions have been adopted within each zoning district to dictate appropriate intensity, height and setbacks adjacent to properties and uses. The proposed zoning is consistent with the approved rezoning of surrounding properties owned by Bass Pro in 2009.

Mr. MacPherson reported on the use limitations. No building permits shall be issued for development within this district until the property is combined with surrounding properties following the City's Subdivision Regulations. All of the site stormwater runoff shall be directed into the existing north - south drainage system traversing the property or a new drainage facility as part of the redevelopment. Stormwater discharge (either above or below grade) to South Avenue or Washita Street shall not be permitted. Any development of the property shall satisfy the City's applicable stormwater design requirements at the time of development. No vehicular ingress or egress from South Avenue shall be permitted. The bufferyard requirements along South Avenue shall utilize fencing and/or solid screening within Five (5) feet of the interior portion of the bufferyard area and required plantings in the bufferyard area adjacent to South Avenue. The bufferyard requirements along South Avenue shall be Bufferyard F. The following uses shall be prohibited within this district: Ambulance services; Cemeteries; Bus stations; Fairgrounds; Household resource recovery collection centers; Taxi dispatch yards and offices; and Transitional Service Shelters. Staff recommends approval of this request with the requirements of Conditional Overlay district No. 47.

Mr. Lawhon opened the public hearing.

Sarah Wilson, 901 St. Louis Street, Attorney with Husch Blackwell representing the applicant. Ms. Wilson commented that this is a continuation of the 2009 rezoning. The property would have been included in the rezoning, but the applicant did not own the property at the time and acquired it after the rezoning was approved.

Mr. Edwards motioned to **approve** Z-01-2012 with Conditional Overlay District No. 47. Mr. Baird **seconded** the motion. Motion **carried** as follows: Ayes: Shelby Lawhon, Matt Edwards, Jay McClelland, Jim Hansen, Thomas Baird, IV, Jason Ray, Gloria Roling and King Coltrin; Nays: None. Abstain: None. Absent: Phil Young.

ZONING TEXT AMENDMENTS:

6. **Business Text Amendments** — **City of Springfield**
   (City-Wide)

Mr. MacPherson stated the purpose of the proposal is to amend Paragraph B. Public Areas in Subsections 5-1404, of the General Sign Provisions in the Springfield Zoning Ordinance. This is to allow signs to project over FAU-designated streets consistent with the signs that are allowed over streets that are not designated FAU in the rest of downtown and the City. This will only allow on-premise signs to project over the rights-of-way because the requirements for off-premise signs require the signs to be setback at least ten feet from the right-of-way. City Council approved a resolution (G.O. 9922) on December 12, 2011, to initiate amendments to the Zoning Ordinance regarding signs on the Federal Urban Aid roadway system. The City's requirements are more restrictive than the federal government's requirement because both on-and-off premise signs are prohibited. It is difficult for businesses to have signage that people are unable to locate in the downtown area. The existing ordinance allowed for only one sign on the building projecting over the right-of-way for an on-premise sign and this will allow for multi on-premise signs if there are multi-tenants, which is very common in center city uses and buildings. This will not conflict with the Federal Urban Aid roadway system and will facilitate people being able to find business they are looking for downtown more easily. Staff is recommending approve of the request.

Mr. Lawhon asked if this would encompass only the center city district.

Mr. MacPherson stated yes, adding that there are a number of downtown city streets located in the center city area. They are easily identifiable because the buildings are built right up to the sidewalks and the property lines which create the issue of signs hanging over the right-of-way. We are not talking about off premise signs, if I did not distinguish that, these people will have to be owners or tenants of the existing buildings. These would not include billboard signs but would be signs hanging over the right-of-way (side-walk) and the effective area would be relatively small.

Mr. Rognstad commented that in the zoning ordinance these are called off-premise signs, bill boards, and have to be set back at least ten feet from the property line.

Mr. Coltrin asked if this would not apply to all businesses in Springfield, only in the center city area, if there is another business outside of that area that has a similar condition.

Mr. MacPherson stated they already allow that in all the other districts. This would correct that and keep it uniform.

Mr. Lawhon opened the public hearing.

Mr. Jason McIntosh, 2531 N. Patterson, from Springfield Sign and Neon, stating he is representing the owner of a specific business in the FUA. He commented that what they are trying to address in a particular instance is a projecting sign which is going over the right of way. There are certain documents that need to be in place regarding insurance and then approval through City Council for these types of signs, outside the typical sign permit that must be obtained through the City of Springfield; the effective area that is in question is a maximum of 21 square feet and is still within the city code; billboards and signs over would be negated by the 21 square foot. He added that he would be happy to answer any questions Commission might have.

Mr. Baird asked Mr. McIntosh if he supported the proposal and if this would put in place the proper documentation needed for insurance purposes.

Mr. McIntosh stated he is in favor of the proposal and it is in his best interest to have the text added to or changed.

Mr. Rognstad commented that he would like to explain the insurance issue. Whenever someone is allowed to encroach in the right-of-way we require them to indemnify the city in case something happens as a result of them putting something in or above the right-of-way.

Mr. Hansen asked if they had reviewed multiple signs on buildings downtown; adding that the sign amendment was discussed at a previous Planning and Zoning Meeting.

Mr. MacPherson stated there were some sign code amendments that were presented; nothing that dealt with the FAU was included in those amendments. Mr. Chris Straw, Director of Building Development Services commented at the meeting that the changes would be on going and that it was a starting point, and commented that they would be putting together a task force to continue the discussion regarding neon signs in 2012. This is an effort to correct that.

Mr. Lawhon closed the public hearing.

Mr. Edwards motioned to **approve** Z-01-2012 with Conditional Overlay District No. 47. Mr. Baird **seconded** the motion. Motion **carried** as follows: Ayes: Shelby Lawhon, Jay McClelland, Jim Hansen, Thomas Baird, IV, Jason Ray, Gloria Roling and King Coltrin; Nays: None. Abstain: None. Absent: Phil Young.

ANY OTHER MATTERS UNDER THE COMMISSION JURISDICTION:

There being no further business, the meeting was adjourned at approximately 7:35 p.m.

Michael KMacpherson

Michael MacPherson
Principal Planner