

MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: March 8, 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 staff in attendance: Shelby Lawhon, (Chair), Matt Edwards (Vice Chair), Jay McClelland, Jim Hansen, Gloria Roling, Phil Young, Jason Ray, King Coltrin; Ralph Rognstad, Director Planning & Development, Michael MacPherson, Principal Planner; Thomas Rykowski, City Attorney; Mandy Buettgen, Senior Engineering Tech Public Works, Cody Marshall, Engineer Public Works, and Sandy Goddard, Administrative Assistant. ABSENT: Tom Baird.

ROLL CALL:

APPROVAL OF MINUTES:

The minutes of February 23, 2012 of the Planning and Zoning Commission were approved unanimously.

COMMUNICATIONS:

Mr. MacPherson reported the applicant for item No. 2 on the consent agenda, Relinquish Easement 773, has been unable to provide the needed replacement easement to move the case forward, and has requested that the case be tabled until the April 5, 2012 meeting. Staff is requesting that item No. 4, under Zoning Text Amendments, which is Temporary Uses Amendments, be tabled to April 5, 2012; there is a meeting schedule for March 22, 2012, however, there are no agenda items and we will not hold a Planning and Zoning meeting on March 22, 2012.

Mr. MacPherson continued by stating that the City is now in a position to move forward with electrifying the Planning and Zoning Commission. Possibly as early as the next monthly meeting we will be able to supply Commission with I-pads so there will not be the process of the extensive paperwork; Commission will be able to access the agenda and all cases from the website. Michael Sparlin, Assistant Planner will be scheduling a training session half an hour early before the April 5th meeting to give a rundown on the operation of the I-pad and we will send you a paper copy along with that next month and as everyone gets comfortable with the new I-pads, we will cease the paper reports. The paper saved will be a huge improvement in processing the work, and we wanted the Commission an opportunity to comment on this before moving forward.

CONSENT ITEMS:

1. Acquire 490
(US Highway 60 East, 4400 block North side)

City Utilities of Springfield

Mr. Edwards motioned to **approve** Acquire 490. Ms. Roling **seconded**. The motion **carried** as follows:
Ayes: Shelby Lawhon, Matt Edwards, Jay McClelland, Jim Hansen, Gloria Roling, Phil Young, Jason Ray, King Coltrin; Nays: None. Abstain: None. Absent: Tom Baird

2. **Relinquish Easement 773**

National South, LLC

(3030 S. Campbell)

Ms. Roling motioned to **table** Temporary Uses Amendments. Mr. Ray **seconded**. The motion **carried** as follows: Ayes: Shelby Lawhon, Matt Edwards, Jay McClelland, Jim Hansen, Gloria Roling, Phil Young, Jason Ray, King Coltrin; Nays: None. Abstain: None. Absent: Tom Baird

HEARINGS:

ZONING:

3. **Z-3-2012**

Patterson-Thomas, LLC

(1900 Block East Republic, South side)

Mr. MacPherson stated the purpose of the request is to rezone approximately 4.74 acres of property located on the south side of the 1900 block of Republic Street from a GR, General Retail District, and Conditional Overlay District No. 7, to a GR, General Retail District, and establishing a new Conditional Overlay District No. 49. The history is as follows:

A rezoning case (Z-10-2011) was submitted and recommended for approval by Planning Commission (7-0) on August 18, 2011, and later denied by City Council (7-1) on October 3, 2011. This proposal included a conditional overlay district (COD #43) that required the development to connect sidewalks along the Republic Road frontage, provide a cross access easement between the westernmost permitted driveway to Republic Road on the subject property and the western property line in a location acceptable to the Director of Public Works, provide a pedestrian access from the development on the subject property to the existing sidewalk on Raven Avenue, and provide a ninety (90) foot long right-turn lane to serve the westernmost driveway. (This driveway shall be located directly across from the driveway serving the YMCA.). It did not limit height and did not limit the floor area ratio (although the FAR is limited to 0.40 in the GR District unless accompanied by a conditional use permit to increase it further). Since that time, a resolution (Res. 9928) was approved by City Council to allow a new rezoning application to be submitted prior to the expiration of six (6) months from the previous denial, although, the six month expiration would have been up and any new applications accepted after April 3, 2012. In the presentation this evening there are considerable discussions with regard to traffic and storm water and when we reach those elements in the staff report, I will ask Mr. Cody Marshall to report on the storm water issues and concerns and Mandy Buettgen to respond to concerns related to traffic as part of the staff report and not subsequent to questions, because it helps bring the whole presentation together.

The existing Conditional Overlay District No. 7 had a restrictive floor area ratio (FAR) of 0.233. The applicant, in that case, was unwilling to conduct a traffic study to justify a larger floor area ratio (FAR.) The typical floor area ratio for a GR District is 0.40, and a traffic study to support a FAR of 0.40 was approved by Public Works. The requirement in the overlay district for a right-turn lane was generated from the traffic study.

As explained in the History section of this report, the proposed rezoning was initiated by City Council earlier this year and changes to the conditional overlay district have been made to restrict height and the floor area ratio to reduce neighborhood concerns (see Attachment 2: Zoning Case Requirement Comparisons Table). The maximum height of any structure has been restricted to a maximum of forty-six (46) feet from ground

floor elevation to highest point of the structure or below a thirty (30) degree bulk plane as measured from the boundary of any residential district, whichever is less. Also, the applicant has elected to remove the option for a conditional use permit to increase the floor area ratio above 0.40 in the future. As mentioned in the applicant's summary of the neighborhood meeting, the maximum structure height was proposed to be restricted to fifty-eight (58) feet. The applicant has reduced the maximum height since that meeting to forty-six (46) feet which would allow for a maximum of a three- or four-story structure depending on the type of roof and location of the structure in relationship to the residential district. The attached neighborhood correspondence shows multiple property owners oppose the rezoning request specifically the height of the structure above 35-38 feet. It is important to note that the existing GR zoning and COD #7 do not place a maximum structure height, rather limits the FAR to 0.233. A Bufferyard E is required between GR and R-TH districts which ranges from a minimum of twenty (20) feet to a maximum of thirty-five (35) feet of width with more density of plantings in the narrower width, and also requires a fence six (6) foot in height. Acceptable material choices for fencing include a solid wood fence, solid masonry or brick wall, or solid evergreen hedge. Mechanical and electrical equipment and refuse storage containers shall be screened from the adjacent residential district. Perimeter landscaping shall also be required along Republic Avenue with a width of at least 10 feet. Mr. MacPherson then directed Commission attention to Cody Marshall who is a Storm Water Engineer with Public Works to talk about the storm water issues as they relate to this case.

Mr. Marshall commented that the subject property is about 4.74 acres and has a rather large 28 acre drainage area that drains to it coming from the west and south. Previous comments from the neighborhood meeting as well as the previous zoning case the drainage area has been a concern. The drainage area empties on the south end of the subject property on Raven Avenue. Two-thirds of the 28 acres was developed prior to the detention requirement within the city, so there is no storm water detention provided for roughly nineteen to twenty acres of that area. The subject property would be responsible for constructing public improvements with sufficient capacity to convey these flows across subject property and to the public storm drain system along Republic Street. The existing spring on the property would be the responsibility of the subject property to convey the flows as well as the responsibility for storm water detention and water quality requirements meeting the City of Springfield's requirements for any impervious surfaces added to the property itself. Some comparison has been made between this property and the Hilton and Hoolihan's development further to the east; there are a couple of large differences there, one being the size of the off-site drain area for the Hoolihans and Hiltons Developments, which is 300 acres approximately which drains to that detention basin as well the hotel site sits upstream of the residential area because it is considerably higher those residential properties whereas in this case the subject property is considerably lower and is downstream of the residential area of concern. Mr. Marshall said he is available for questions.

Mr. Hansen asked how the water from Raven Street be conveyed across the property down to Republic Street, what are the possible ways to do that, and how many acres drain down Lark Street.

Mr. Marshall stated possibly a channel improvement or underground storm piping, and added that approximately 28 acres; to the west of Charleston is Weller and it starts at that point and then drains toward the subject property.

Mr. MacPherson then directed Commission attention to Mandy Buettgen to address the traffic requirements that are included in the conditional overlay district and how they arrived at the requirements relative to this case.

Ms. Buettgen commented on recent improvements completed on Republic Road and while doing so, sidewalks were constructed toward the subject property. There is a small gap of sidewalk, approximately 130 feet that would need to be closed to achieve connectivity. On the lot to the corner between Harvard and Republic Road is not allowed to have access to Republic Road, and staff would like to see an easement which would connect from the adjacent property line all the way to the westernmost driveway. Pedestrian access will need to be provided from the development on the subject property to the existing side walk on Raven Avenue, all the way to Republic Road which is something City Council requested. Again, the idea here is connectivity and people from the neighborhood could walk to the Y that way, and for safety purposes, to avoid left turn conflicts out of the driveways, they would need to be lined up so the driveway from the Y would be directly across from the driveway of the subject property. Based on the traffic study provided, a ninety (90) foot long right-turn lane will be required along Republic Road to serve the westernmost driveway. A signal could be warranted for the Y along their traffic, however, staff feels it would be dangerous and cause significant congestion because there is a signal just a few hundred feet down the street.

Mr. Lawhon asked Mr. MacPherson to explain the FAR, Floor Area Ratio, in non technical terms.

Mr. MacPherson said the floor area ratio is actually the floor space as it uses the portion of the available land. For example, if you take 4 acres and make it a 100,000 square feet, and if it was a 0.4 then you would be able to use forty (40) percent of that lot and the remainder would be relegated to open space and all the other things associated with the development. That forty (40) percent could be represented in one flat space on one floor or it could be relegated into four (4) floors of 10,000 square feet each or in each subdivision thereof. That is what describes the floor area ratio.

Mr. MacPherson referenced a document from the staff report he wished to discuss, which he placed on the overhead display, showing the zoning case requirement comparisons for 1900 E Republic Road, commenting that a matrix was prepared to compare what is in the current zoning, what was denied in the recent request and what is proposed in the current case so that Commission will have a comparison to what is occurring. Commission attention was then directed to attachment Exhibit C, which describes the conditions that the applicant has proposed or agreed to with regard to the proposed zoning and keep in mind the explanations from Mr. Marshall and Ms. Buettgen in how these conditions were defined. Prior to issuance of a Certificate of Occupancy, sidewalk is required along the Republic Road frontage connecting the two sections of existing sidewalk or may be escrowed following the process as outlined by the City's Subdivision Regulations. Prior to issuance of a Certificate of Occupancy, a cross access easement shall be provided between the westernmost permitted driveway to Republic Road on the subject property and the western property line in a location acceptable to the Director of Public Works. Prior to issuance of a Certificate of Occupancy, a pedestrian access shall be provided from the development on the subject property to the existing sidewalk on Raven Avenue or may be escrowed following the process as outlined by the City's Subdivision Regulations. Prior to issuance of a Certificate of Occupancy and based on the traffic study provided, a right-turn lane at least ninety (90) feet long is required along Republic Road or may be escrowed following the process as outlined by the City's Subdivision Regulations to serve the westernmost driveway. (This driveway shall be located directly across from the driveway serving the Y.) The maximum height of any structure shall be set at or below forty-six (46) feet from ground floor elevation to highest point of the structure or below a thirty (30) degree bulk plane as measured from the boundary of any residential district, whichever is less.

Mr. MacPherson commented that it is important to contrast this, because this is a substantial difference,

and believes that this is part, if not the reason why City Council was willing initiate a re-discussion of this proposal, and that is the initial proposal relied on the bulk-plane. In using the bulk plane the building could have been as high as ninety (90) feet. The applicant in that case had proposed that the building would be no more than fifty-nine (59) feet, but it was never listed as a requirement in the conditional overlay district, so that range using the bulk plane restrictions could have gone between fifty-nine (59) and eighty-nine (89) feet in that particular case. In this case, it can no more than forty-six (46) feet, so at the bare minimum, there is thirteen (13) foot height difference and that is a key element in the difference between this application and the application that was denied last summer. The floor area ratio shall be restricted to 0.4 and shall not have the option for a conditional use permit to increase the floor area ratio. The Growth Management and Land Use map of the Comprehensive Plan shows the subject site as being developed as medium intensity retail, office, or housing. The Plan recommends the GR, R-TH, R-MD and O-1 zoning districts are appropriate for this location, due to its location on Republic Road, which is classified as a primary arterial. A traffic study has been provided to justify an appropriate floor area ratio for the site development. The Conditional Overlay District No. 49 requires sidewalks along the development frontage, a cross access easement from the westernmost permitted driveway and the neighboring property to the west, pedestrian access to Raven Avenue, a right-turn lane to serve the westernmost driveway. It, also, restricts the maximum floor area ratio (FAR) to a 0.4 and the maximum height of any structure at or below forty-six (46) feet from ground floor elevation to highest point of the structure or below a thirty (30) degree bulk plane as measured from the boundary of any residential district, whichever is less.

Mr. MacPherson stated that staff has been diligent in providing all the communications that have taken place with regard to opposition in this case. It includes a variety of letters and e-mails which have been made available to Commission and each and everyone is in the packet for consideration. Much of the discussion centers around the height of the structure and consequently we have dwelled on that particular point in the staff report. Some information has referenced storm water issues and staff gave a detailed description between the Hilton and the current proposal and how the water flows and what would happen with it as this site is developed. Staff findings are that this proposal follows the tenants of the Comprehensive Development Plan and meets the requirements of the zoning ordinance, subject to the requirements in the conditional overlay district and to accommodate the special needs that would be required, staff recommends approval of the request.

Mr. Lawhon asked if there was any provision in the request that states that whatever is developed there storm water runoff or any sort of water runoff can be no worse than what it is right now, today.

Mr. Marshall said that would be in line with the current storm water detention requirements.

Mr. Lawhon asked from what base is the height going to be measured.

Mr. MacPherson said the height is measured from the existing ground elevation, from a known point such as the location of the street where there is a known ground elevation. In this particular case, there will be grading downward from the west to the east.

Mr. Young commented that as the grade slopes the street slopes, so do you pick the bottom, an average or from the middle or the high point as far as where you set your grade.

Mr. Hansen asked if there was an illustration on the slope of the property adding there is a pretty good grade going from the back property toward the road.

Mr. MacPherson provided a map showing the grades indicating direction from the southwest corner to the northeast corner and the grades, adding it has a significant slope downward; there is a drop of approximately thirty (30) feet so the water flows away from the north to the east. He added there is not a channel on the property so once the water enters the property goes the way it wants to go and in addition there is a spring located on the property, but generally speaking the water will go from the southwest to the north east.

Mr. Hansen commented that the bulk plane, the forty-six foot height limit relative to the bulk plane would be considerably lower the thirty degree bulk plane.

Mr. MacPherson said that was correct, forty six feet is much lower than what the bulk plane would allow. The bulk plane from the district boundary line would allow up to eighty (80) to ninety (90) feet.

Mr. Hansen stated that depending on where the building is situated on the property, it could start ten (10) feet lower than the adjacent property to the south.

Mr. MacPherson deferred the question to Mr. Burns about how that would be dealt with. They would have to do significant grading to make the site work.

Mr. McClelland commented that looking at the base of where you are right now can only be forty-six feet from the peak of the roof, but if the contractor puts in six (6) foot of dirt fill, then there would only be forty feet.

Mr. MacPherson stated Mr. Burns would elaborate on that further during his discussion, but there will be a base elevation would be established so it cannot be stacked, in layman's terms.

Mr. Lawhon opened the public hearing.

Mr. Larry Burns with Burns Architecture, 3060 S. Fremont in Springfield here representing the actual owner of the property, Dick Patterson and has owned the property since July 2007. Mr. Burns stated that Mr. MacPherson and staff have really detailed exactly what he will be discussing, and wants to tell the board how they arrived at coming back before the Commission with the zoning request. Mr. Burns said that he and his partner were looking to develop a shopping center on the site, adding he is quite familiar with the site and knows about the current zoning on the site and has been on the site with Palmerton & Parrish Contractors and knows what they have recommended to be done with the spring water and what to do with the water coming off Raven Avenue. They were contemplating piping the water around as pass through water to the storm drain in the corner of the lot. They had worked on a balance cut and fill on the site where the floor would be situated, they were going to cut on the west end of the site and fill on the other side adding they were looking at a stepped building. There is not a buyer for the property currently, no developer or contractor, but they want to get the zoning changed to make it a more appealing site to purchase. The owner does not want to develop the property he simply wants to sell it.

Mr. Burns stated that they followed the rezoning application that the Hampton has, simply because it appeared that the neighbors were shocked that there could possibly be a fifty-nine (59) foot, five story motel there. Some of the neighbors think that the original applicant, Kevin Carlton, had proposed to show an illustrative exhibit as far as a two story office retail residential building that had a body of the roof at

approximately thirty-five (35) feet and tall French county roofs that were up at forty-five (45) feet with a spire on top going to fifty-four (54). When the Hampton decided to go on to another site, they recommended that the owner reach out to the neighborhood and proposed to limit the height of a building to take the possibility of a five (5) story, ninety (90) foot building off the table and limit it.

Mr. Burns commented that he had talked with Mrs. Judy Wilson on November 16th, at her home for a few hours discussing current zoning, what's there, what Mr. Carlton had proposed, what the owner would propose and Mrs. Wilson had sent him an e-mail just to make certain that what was being proposed was right. She thought the proposal was a thirty-five (35) foot to thirty-eight (38) foot building. Mr. Burns added that he returned an e-mail stating they would propose a forty-six (46) foot height, which they felt would accommodate a possible three (3) story medical building, higher floors and a pitched roof, and thought that would be a good compromise. Some people feel it should be just a two (2) story building, thirty-five (35) or thirty-eight (38) foot height, but current zoning, GR, allows for the height to be set by the bulk plane. If we took the height of a fifty-nine foot Hampton that was proposed and added either a thirty-five (35) or thirty-eight (38) foot building and took the average between it, the average would be forty-seven (47) or forty-eight (48) feet as far of a compromise on that, so we are proposing forty-seven foot height and would ask Commission to consider increasing the FAR, Floor Area Ratio to four (.4)

Mr. McClelland commented that to his understanding the ground level is 1270 feet above sea level. If you build a building forty-six (46) feet tall, that leaves you 1316 feet above sea level, but if you put a six foot layer of dirt or rocks above the spring and build your tunnel over the spring, you are not going to have a forty-six (46) foot building because it has to go from the 1270.

Mr. Burns commented that the property has a cross slope from west to east, adding that the forty-six feet would go from the ground floor slab of the first floor to the top of any structure whether it be a parapet, top of a slope roof, anything would be forty-six (46) feet. The bulk plane would still be in play on the set back requirement so it could not be moved any closer to the residential other than a bulk plane. We are not certain we will be the architecture firm on the project.

Mr. McClelland commented that you will not be able to have the top of the roof over 1316 feet above sea level, adding he is trying to figure where you measure the forty-six (46) feet from.

Mr. Burns said it depends on where the floor is. If the floor is on the high side of the property on the west side, forty-six (46) feet would be measured from that floor. The floor ground level dictates.

Mr. Hansen asked Mr. Burns if he and the owner were going to provide the storm water detention now or will it be up to the new property owner.

Mr. Burns stated the owner has the property for sale and if sold for the asking price, he will put up to \$350,000.00 worth of site improvements on the property. That would handle the buyout of storm water, the water quality basin, the transference of water from Raven Avenue underground around; it would take care of the spring and the cut and fill on site. That price does not include the ninety (90) foot right turn lane. If he sells it for less, the future developer can put their own cost into the property. Mr. Burns added that he understood that you can do a buyout of the storm water detention. The pipe down on Republic Road has been sized large enough to take all the offsite water and water from the site. They will still do a water quality basin in the corner.

Mr. Lawhon asked for clarification in that the current owner wants to sell the property and has no intention of developing the property, so what you are requesting is a zoning change with an overlay district that would make the property attractive to a potential buyer and they would then be bound by the conditions of the overlay district.

Mr. Burns confirmed that is correct.

Mr. Lawhon opened the public hearing.

Ms. Judy Wilson, 1904 East Lark, stated that Commission questions and most recent comments made by Mr. Burns's shows why the neighborhood opposes this open ended rezoning. The complexities of this property require that either city personnel or Planning and Zoning explain to the neighbors what is proposed to go there. If we allow this to be rezoned in this manner we have no recourse with anything left to come before the Commission to announce objections. Her home sits at the top of a slope in addition the single family homes sit on a slope, so even if the property is stepped down, her home will still look into second or third, maybe fourth story floor windows, if windows do appear on the south side of the building. The complexity of the water flow creates such a problem for the property owners that it makes no sense to give an open ended rezoning to this piece of property without knowing what a potential developer wants to put there and how he is going to deal with all these issues that directly affect privacy, our ability to sell their homes and the property values of their homes. The word compromise was used by some of the City Council members so when Mr. Burns approached her, they were willing and able to listen to him. He did first mention a thirty-six (36) foot property and since then, he and the property owner changed it to forty-eight (48) feet and now from the report, it is forty-six (46) feet; at one time they wanted to do fifty-eight (59=8) feet. As property owners, we want it to be a two story building, perhaps three; that gives them the potential of having fencing, burning, and plantings that could afford the neighbors some privacy. A four (4) story building will not allow any possibility of privacy with the slope of her home and the neighbors into the property. Another part of the proposal that the neighborhood absolutely does not want is the side walk from their street into the property, even though City Council see connectivity, it makes no sense with this property. Ms. Wilson stated they oppose the proposal as it is too open ended and gives the neighborhood no opportunity to oppose what might be built on the site.

Mr. Hansen asked Ms. Hansen asked how the storm water will create a problem.

Ms. Wilson stated that because the City has allowed up stream water to come down Lark Street, it cuts into one of the other property owners who has had damage to his property as a result. The main concern is the water flowing down Raven Place Avenue, if it is not channeled property, it could cut out the back side of the duplexes along the south east corner of the property. It is too opened for something that could create real destruction for private property.

Ms. Judith James, 1916 East Lark stated she owns the duplex across from her residence at 1916 and 1919 East Lark. She opposes the rezoning based on the decline of their property values, the rain water runoff and the wet spring that is located on the property. If this proposal is approved, it would be akin to writing a blank check to any future developer that would purchase the site. It initially was a two (2) story building and now it has become a four (4) story building which is a concern, but the main concern is their duplex abuts the subject property. The open channel discussion is of concern because of the potential erosion that might happen which may affect their property. Without permanent plans in place for the property, it leaves it wide open which is also a concern. If you look at the pictures of the rain water runoff that were submitted

previously, you would see the impact this water has.

Morgan Ash, 1843 East Lark Street, stated she is representing the property owner at 1841 and 1843 East Lark. She is also a part time resident at 1843 East Lark, so she does have a personal connection with the neighborhood. She would like to reiterate the previous arguments made, but also stressing the ideas of negotiation and compromise. In her line of work, she addresses this daily to her clients. She is a licensed mediator. When you talk about those terms, you generally think of meeting people half way or working out a mutually acceptable agreement. With the miscommunications that have occurred with the different height limitations and promises and the history of this plot, it has caused some animosity. It is hard to use term compromise or negotiation when height values are presented at different heights. We have heard forty-six (46) feet, forty-seven (47) we have hear thirties as some point and then an application is filed later limiting to fifty-eight (58). That is not generally her experience for compromise or negotiation. This neighborhood is not irrational, they are not unreasonable. Previously, the neighborhood has been very cooperative with zoning and the anticipation and the purchasing of properties in the area with the understanding that it would be developed for businesses and retail usage office, it wasn't opposed. This neighborhood does not have the unrealistic expatiation that nothing will go in and they are going to enjoy the wildlife forever. But usage is a huge concern. It is a good environment and has a long history with the neighborhood watch program.

Mr. Jim Hayes 1847 East Lark Street commented about the duplexes stating that they are more than just that, it is the people. He named several neighbors by name stating that when he and his brother moved here not long ago, they bought a home, a duplex that they thought they would travel in and out of which was suitable for them. They bought it in the summer time and were not aware that they had a river in front of their home on a given day. What he is asking for is consistency. When purchasing the property, he asked what would be going behind it, and was assured it would be two story building, possibly retail like they have up the street. Now he finds they want to put a five (5) story hotel. He lives in a valley. He commented about the bulk plane and if a building would be built in a valley or on top the hill, where is it actually going to be. What would a building look like if he is in a valley and look up to it or on a hill and look at it. Mr. Hays continued asking that Commission be considerate of them as people who live there. The developer is asking for a blank check, asking for an increase in the square footage signs, and is asking them to believe he will take care of the water retention. He believes the City will require him to do all that, but our concern is what is going to be behind this and asked Commission to take a look at their own neighborhood, all the people they know, asking what they would like to see behind them. In order to build a school or a community in Springfield, consistency has to be reigning. So be consistent with this, what you do today you do tomorrow.

Mr. Lawhon closed the public hearing.

Mr. Rognstad stated he would like to make it clear there is no actual point that the ground floor is established at now. The developer could include that in the conditional overlay district but he could excavate it or fill it. From where the bulk plane is measured it is measured from the boundary of the residential district, so the bulk plane will vary based on where the elevation is along the boundary. The height of the building would be consistent in relation to the property boundary, so if you are at 1280 feet slope you could measure 30 degree bulk from there. As you go to the east where the property is lower although the bulk plane remains the same, the actual height of the building would end up being lower because the property is lower in relation to the property on the west end.

Mr. Coltrin asked Mr. Marshall about the subdivision to the south where the citizens that have addressed

Commission come from, if they have a detention area. Mr. Marshall said they do not. They are part the nineteen (19) acres roughly within the offsite drainage area that has no detention.

Mr. Coltrin asked if there is a water quality basin. Mr. Marshall said no.

Mr. Coltrin asked which way the water flows, from the subject property onto them or from them onto the subject property. Mr. Marshall stated from Ravenwood properties onto the subject property.

Mr. Coltrin commented that the storm water from the subdivision would cause the subject property damage and not the reverse. Mr. Marshall said that was correct.

Mr. Coltrin asked Mr. Rognstad about Raven Street, it is a valley low point, so when you are measuring the bulk plane would that bulk plane then come down into the valley where the street is and then go back up so any buildings in the area would have to get lower in the mid-point and then come back up. Mr. Rognstad said that is correct, they have to stay below the bulk plane over the full extent of the covering or forty-six (46) feet whichever is less.

Mr. Young commented about the last case that Commission heard on this property was more open than this case and Commission approved it unanimously. He feels the architect and the owner have gone through and made some revisions to help the neighbors, made some concessions in height and other restrictions which are a good compromise. It might not be the compromise that the neighborhood was looking for but it is a compromise compared to what was approved several months ago. The term consistency was used and Commission represents the City as well as the public. As a developer coming into this community wanting to develop land and provide jobs they also anticipate and want consistency from Commission. Developers and builders have to go by what the City already has in place. They have a certain zoning requirement. If you look in a book and it states you can only build to fifty (50) feet, you build it fifty (50) feet. There are storm water management regulations that have to be followed and when a developer comes in wanting to spend money on traffic studies and the time it takes to go through the zoning process, there is a consistency that is required and expected. Mr. Young commented that he feels that during the time he has been on Commission they have done a good job at that and this case is not a about a hotel. That has nothing to do with this zoning case.

Ms. Roling asked for clarification regarding the current zoning, there is no structure height restrictions right now, other than bulk plane. The new zoning would have the forty-six (46) foot restriction. Mr. MacPherson stated that is correct and the bulk plane whichever is the lesser of the two.

Mr. Edwards stated he wanted to add his voice to what Mr. Young's said that consistency is important. There are two considerations of property rights that need to be looked at and we want to protect the rights of everyone, but the owner also has certain protections that he is offered and he does have the right to develop his property under the law and under the prescription that the code says. He believes that the current owner has tried to make some modifications, they obviously don't go far enough to make everyone happy, but sometimes that is not possible. When you look at this piece of property, what he sees and what he hopes others and buyers see is that it is sitting on a major thoroughfare that has similar developments up and down the street. He believes there is a level of expectancy of what is going to be there, that you have to come into any real estate deal understanding that. He wants everyone to know that he believes that Commission takes very seriously the neighborhood's concerns. He stated that what brought him to commission was having a development in his back yard that he did not like. The developer did a very good

job and his concerns did not pan out to be as bad as what he had feared. There are a lot of protections in the code that will keep things from being as bad as perhaps what you might expect. It is almost impossible for Commission to try to put a prescriptive barrier on what can be on this property and if you were on the other side of the fence you wouldn't want that and you might find that to be an infringement of your freedoms so we try and balance those issues, and he added that he will be supporting the proposal to be consistent based on the previous voting record.

Mr. McClelland commented that he read all the e-mails and letters that the neighbors submitted which are enclosed in the packet. He has listened to what has been said and wants to add his thoughts. One of the issues discussed was the sidewalk. In reviewing the zoning ordinance, sidewalks are a given, it is in the ordinance, it is the law. This group is a volunteer group, none are elected, and they cannot change the ordinance unless someone presents it to Commission requesting a change. The water flow issue that comes down Lark from the twenty-eight (28) acres to the west there is nothing that can be done to make it more. It has to be the same or less when it is done and finished, and he believes that the person who purchases the property will have to comply with the regulations. It cannot be more. The height of the building has already been prescribed; it cannot be more than forty-six (46) feet tall. We are trying to be consistent by doing what is right for both parties involved.

Mr. Ray asked if it is typical to put a pedestrian pathway through the middle of a person's property, or explain why that is feasible for the developer to accommodate. Mr. MacPherson said that the connectivity is through Raven Street to the parking lot and that would prevent people from having to go around the development up to the next street to get through especially off a public access way.

Mr. Rognstad stated the reason for the sidewalk on Raven in the connection is to provide access to this property. It can develop a lot of different uses and potentially services that the neighborhood would access and the concern is that they would have to go all the way around verses being able to come in the back. The intent is not to cross the property to get to the Y.

Mr. Lawhon commented that his focus and what Commission's decision is based on is that this is a zoning case. Is this an appropriate zoning for this particular plot of land in this area. With the comprehensive plan, looking where it is located with some of the accommodations that have made by the applicant, he believes it is appropriate and supports the proposal.

Mr. Edwards motioned to **approve** Z-3-2012 with Conditional Overlay District # 49. Mr. Young **seconded**. The motion **carried** as follows: Ayes: Shelby Lawhon, Matt Edwards, Jay McClelland, Jim Hansen, Gloria Roling, Phil Young, Jason Ray, King Coltrin; Nays: None. Abstain: None. Absent: Tom Baird

Mr. Lawhon directed some remarks to the audience, stating that sometimes there is the perception that Commission does not pay attention to what the public has to say. He added that he heard everything that was said that was important for him to hear. It was important for them to say it. Also it is important for him to state this will be heard by City Council on March 26th, 2012. That will be a public hearing and an opportunity for public comment. They will not vote on that date, the vote will held on April 9th, 2012.

Zoning Text Amendments:

4. **Temporary Uses Amendments**
(City-Wide)

City of Springfield

Ms. Roling motioned to **table** Temporary Uses Amendments. Mr. Ray **seconded**. The motion **carried** as follows: Ayes: Shelby Lawhon, Matt Edwards, Jay McClelland, Jim Hansen, Gloria Roling, Phil Young, Jason Ray, King Coltrin; Nays: None. Abstain: None. Absent: Tom Baird

OTHER PUBLIC HEARINGS:

5. **Master Sign Plan – MCOC**
(3014 E. Sunshine)

Southern Hills Investment Trust, LLC

Mr. MacPherson stated the purpose of this request is to approve a master sign plan for Missouri College of cosmetology that will allow the sign to be raised and located on the roof to increase customer visibility. The location of the college is in a courtyard and a traditional wall sign is difficult to see from the road. The college sits lower than the grade of Sunshine Street making it further difficult to view from street level. The proposed roof sign would be more visible to the public than a wall sign. The main intent of a Master Sign Plan is to provide clarity of communications regarding tenants and services to users of the premise or building group. A Master Sign Plan is not intended to provide special or additional signage allowance in terms of total effective area than would otherwise be permitted by Section 5-1400 of the Zoning Ordinance. The subject property is divided into two (2) properties and is designated as a premise because of the similar functionality, shared circulation, and light spillover between properties. It should be noted that because the two properties are a premise, this Master Sign Plan and any future Master Sign Plans for this premise have an effect on each adjacent property. The detached signs are also in compliance with the premise that requires three hundred foot of spacing between those and the actual space between them is four hundred fifty-eight feet. The location subject property is in the courtyard is hidden partially by buildings that further jut out than subject's building and they are in a lower grade, so if they do not have the master sign plan they don't have any clarity of communication and they cannot be seen, and staff is recommending approval of the request.

Mr. Hansen asked if the Master Plan Sign will establish what the sign will look like and if the sign will be lit and how it will be lit. He is concerned that the light might shine into the homes in the area.

Mr. MacPherson stated that what it does is to establish the height of the sign from the parapet wall, which will be fifty-nine (59) inches; the effective area will be seventy-nine (79) square feet, which are the parameters. This does not automatically permit that; they will have to submit a permit application with the Department of Building and Development Services and acquire a permit. This authorizes them to proceed forward with that process. The signage that will be allowed will be similar and consistent with the other wall signs located in the area, other than it will be fifty-nine (59) inches higher to provide visibility. Whether that can be lit or not would be another matter, but it would be consistent with what the other signage is within the premise. Building Development Services are the issuers of the permits and if the application meets the standards in terms of effective area and whatever the restrictions are, whether they are lit or not, it may be approved and they have to limit the lighting in an area to restrict it to the property line. If not they will have to take it back till it meets the standards.

Mr. Lawhon opened the public hearing.

Mr. Mark Frees, 1675 E Seminole, representing Southern Hills Investment Trust. He asked Commission to

look at the staff report which contains a picture of what the sign will look like. The sign is already on a current location for College of Cosmetology and they have relocated to the Southern Hills Shopping Center. The sign is internally lit with neon and it's already been approved a long time ago. It is going to be relocated to the building. It is consistent with all the other signs there. The light from the sign will be shining out over the parking lot, not over any residential areas. If the sign sat on the parapet there would be no way anyone could see it coming down because of the slope of the building as it slopes away from Sunshine Street. It is a cosmetology school that relies on advertising to allow new people to come in who are enrollees; this school depends on walk in traffic. The sign height is really important so it can be seen and also find the location of the school. Mr. Frees stated he is available for questions.

Mr. Lawhon closed the public hearing.

Mr. Hansen motioned to **approve** Master Sign Plan-Missouri College of Cosmetology. Mr. Coltrin **seconded** the motion. The motion **carried** as follows: Ayes: Shelby Lawhon, Matt Edwards, Jay McClelland, Jim Hansen, Gloria Roling, Phil Young, Jason Ray, King Coltrin; Nays: None. Abstain: None. Absent: Tom Baird

SUBDIVISIONS:

6. New Prime Subdivision

Wolverine Land Holding, LLC

(2900 block N Neergard, east side)

Mr. MacPherson stated the purpose of the request is to approve a preliminary plat to subdivide 102.92 acres into a six (6) lot manufacturing subdivision with common area. Commission was e-mailed an updated preliminary plat this afternoon. The proposal is to sell proposed Lot 1, and in doing so you will see on the preliminary plat that the remainder of the property has been divided into lots. Diamond Street will be constructed to the east side of Oak Grove Avenue as part of phase one, as part of future phases is shown extended to Mayfair. The applicant has a plat note that you may have noticed that proposes that at some point in the future they may elect to extend Jean Street across to connect to Mayfair. The extension of Jean Street is not shown because that property is not included on this plat. The revised plat that was provided to Commission earlier in the day shows the detention and common area directly adjacent to proposed Lot 1. The previous version showed the detention and common area further to the east. The proposed plat meets all the subdivision requirements and staff is recommending approval.

Mr. Lawhon opened the public hearing.

Mr. Tim Rosenbury, 319 N Main, commented he was there on behalf of the applicants and is available to answer any questions.

Mr. Edwards motioned to **approve** New Prime Subdivision. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Ayes: Shelby Lawhon, Matt Edwards, Jay McClelland, Jim Hansen, Gloria Roling, Phil Young, Jason Ray, King Coltrin; Nays: None. Abstain: None. Absent: Tom Baird

OTHER BUSINESS:

7. 1200 Walnut Redevelopment Area (1200 block West Walnut, south side)

Gary Fenton

Mr. MacPherson introduced Mr. Matt Schaefer, Senior Planner on the Economic team, stating he will be making the presentation for this case.

Mr. Schaefer stated the primary purpose of the proposal is to remove blight and redevelop the area. 1200 Walnut, LLC has filed an application requesting approval of the plan pursuant to the Land Clearance for redevelopment Authority. Mr. Schaefer touched on what the Land Clearance for Redevelopment Authority Law does. It provides incentives to encourage redevelopment of blighted areas, and a primary incentive that is offered through the program is property tax abatement. The applicant is required to submit an application that includes a detailed blight report and redevelopment plan. They have to demonstrate the property is blighted and the redevelopment must comply or conform to the City's Comprehensive Plan. Projects that are consistent with the redevelopment plan after it has been approved and the properties have been blighted may be certified for real property tax abatement for ten (10) years. The abatement applies to new improvements and the increase in the assessed value of the land as well. Mr. Schaefer stated the area consists of five parcels of land (2.33 acres) which are currently occupied by dilapidated single-family residential structures that have over the years been converted and partitioned into apartments. One of the structures has recently been leased; the other four are vacant due to disrepair. The area will be developed into a multi-family residential apartment complex in order to construct a new 36-unit apartment complex that will consist of four, two-story buildings oriented around a central green space. Planning and Zoning Commission's responsibility is to review the redevelopment plan for conformance with the Comprehensive Plan and make a recommendation regarding the same to City Council. The proposed Redevelopment Plan for the 1200 Walnut Redevelopment Area is in conformance with the Springfield-Greene County Comprehensive Plan based on the following:

The Growth Management and Land Use Plan Element recommend this area be used for Medium or High Density housing. It suggests such uses be located near high-amenity locations with good traffic access. This request was deemed consistent with the Multi-Family Development Location Guidelines based on its location along a collector street and its proximity to public transit, bicycle/pedestrian facilities, and complementary land uses. According to the Assessment Matrix, the site scored 14 points, which allows up to 30-40 units per acre. Conditional Overlay District #25 will limit the site to a maximum density of 18 units per acre. The West Central Neighborhood Strategic Plan recommends that any new use of parcels for townhouse or low-density multi-family development should be permitted only through the site plan review process. The Multi-Family Development Location guidelines and the Conditional Overlay District #25 will impose specific site requirements on the proposed multi-family residential development. The Neighborhoods Element identifies redevelopment and infill as ways to strengthen older areas. It also recommends the City encourage continuous reinvestment by removing blighting influences. Approval of this request will enable the developer to remove blight within the Redevelopment Area, which will have a positive impact on the West Central neighborhood. Staff recommends approval.

Mr. Lawhon opened the public hearing.

Mr. Gary Fenton, 3026 W. Canterbury, stated he is the developer of the property. He purchased the property in 2008 and rezoned the property in 2009 and then the economy bottomed out. During that time the Banks were not lending for a redevelopment project, but they now have a couple of banks willing to take a look at the project. The objective is to remove the blight and redevelop the area into something nicer. Mr. Fenton mentioned the College Street corridor and two blocks is the West Meadows Park that will be completed someday, and believes the Walnut area is a prime area for redevelopment and hopes it will spur other development. He added he was available for questions or comments.

Mr. McClelland asked if the resident who currently lives on one of the properties will be helped to relocate. Mr. Fenton stated yes.

Ms. Roling asked if Mr. Fenton anticipated potential residents to be students.

Mr. Fenton stated that anyone who wished to rent would be welcome, but their target market is young professionals, graduates from College here in Springfield, who choose to make this area their home.

Rusty Worley, 807 West Walnut, commented he is the current President of West Central Neighborhood. Based on the criteria of the City's outline, he believes Mr. Fenton has met the criteria for the redevelopment. He voiced concerns about the design of the structure. The architecture, if you look at how that will address Walnut Street, is inconsistent with the housing stock around the structure. That is a personal preference and it is unfortunate that in an older historic neighborhood this development will stand out. The investment is great, the clientele he is looking to bring in is good, but the preference would be for housing stock that is more representative of it neighbors. The other concern is in this area, they have the lowest owner occupancy of any neighborhood in the city, only thirty-six (36) percent of properties are owner occupied, and that number has dwindled during the last three years since the redevelopment was passed. If the units facing Walnut could be owner occupied that would help to maintain a high level of density, because the neighborhood recognizes there is great value in having density with some row homes or ground stone homes. We would suggest putting the apartment units for lease off the street and toward the back. The neighborhood would be willing to work with the developer, if he is willing, to reopen the discussions regarding this and do everything they could to help market the properties. Mr. Worley commented that he appreciates the investment that is being made in the neighborhood; it will be an improvement over the blight that is there.

Mr. Jack Pugh commented that he once lived in the neighborhood for fifteen (15) years at 731 West Walnut, across the street from Mr. Worley. He has several properties that he owns in the west central neighborhood and is thrilled about the development of the area. It is an investment that is badly needed in the neighborhood. He stated he too would like to see the new proposed structure have a gabled roof, a few fake Victorian Turrets and some ginger bread on the structure to make it more compatible with the rest of the neighborhood. Mr. Pugh stated that over the last fifty (50) to sixty (60) years has had three large projects like this, The New Elm, The Windemere and The Butterfield Trail. All those projects, despite the best of intentions, have become seats of a great deal of crime, prostitution, drug dealing and other types of problems. When you have a mortgage to meet each month and the multiplexes across the street and on the back side of the lot are filled with the kinds of people you do not want to rent for, live next to, or have your children live close to, you either let them stand empty or you lower standards and rent to something you don't want to rent to. It will take a lot of effort by City staff that law enforcement efforts to control bad landlords and encourage them to do better, to make Mr. Fenton's project a success here. He has not seen

that kind of consistent support from City staff during the years he has lived there. There are constant problems with the larger complexes.

Mr. Lawhon closed the public hearing.

Mr. Edwards stated he hopes that the staff from the city here will relay those comments to Building Development Services so they can understand the frustrations and complaints presented here.

Mr. Lawhon stated he can appreciate the desire to have continuity amount what the looks of the building are, but an eclectic architecture can certain bring a synergistic vibrancy to an urban area and believes there is a benefit in that way also.

Mr. Coltrin stated he was glad to see the project come back. He is more of a traditionalist and would like to see with the boxed shape of the buildings it would not be hard to put a façade on the front that faces Walnut Street to give it more of a historic look. You can go art deco in the back of it all you want with the Scandinavian units, but if it is possible it would be great to have it fit more historically into the situation, but understands that something is better than nothing, and would rather see this than let it sit and deteriorate.

Ms. Roling motioned to **approve** Redevelopment Plan for the 1200 Walnut Redevelopment Area. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Shelby Lawhon, Matt Edwards, Jay McClelland, Jim Hansen, Gloria Roling, Phil Young, Jason Ray, King Coltrin; Nays: None. Abstain: None. Absent: Tom Baird.

ANY OTHER MATTERS UNDER COMMISSION JURISDICTION

There being no further business, the meeting was adjourned at approximately 8:40 p.m.

Michael MacPherson

Michael MacPherson
Principal Planner