

1. Meeting Agenda (PDF)

Documents: [08-23-2012 AGENDA \(PDF\).PDF](#)

2. August 9, 2012 Minutes (PDF)

Documents: [AUGUST 9, 2012 \(PDF\).PDF](#)

3. Relinquish Easement 783 (PDF)

Documents: [RELINQUISH EASEMENT NO. 783 \(PDF\).PDF](#)

4. Hickory Hills Market Place PH 1 FP, Conformity Review (PDF)

Documents: [HICKORY HILLS MKT PLACE PH 1 FP, CONFORMITY REVIEW \(PDF\).PDF](#)

5. Emergency Shelters Revised Amendment (PDF)

Documents: [08-23-2012 MINUTES \(PDF\).PDF](#)

6. Lantz Housing Redevelopment Plan (PDF)

Documents: [08-23-2012 AGENDA \(PDF\).PDF](#)

Planning & Zoning Commission Agenda

August 23, 2012 - 6:30 p.m.

Members

Shelby Lawhon (Chair), Matt Edwards (Vice-Chair), Jay McClelland, Jim Hansen, Jason Ray, Gloria Roling, King Coltrin, Phil Young, Tom Baird, IV

Roll Call

Approval of Minutes: August 9, 2012

Communications

Finalization and Approval of Consent Items

(These consent cases will be approved by Commission unless a Commissioner or someone else wished 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 783
(2640 West Republic Road) | Jeknie, LLC |
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Hearings

- | | |
|--|------------------------|
| 1. Hickory Hills Mkt Place PH 1 FP, Conformity Review
(NE Corner Us Hwy 65 & Chestnut Expressway) | Larino Properties, LLC |
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Zoning text amendments

- | | |
|--|---------------------|
| 1. Emergency Shelters Revised Amendment
(City-Wide) | City of Springfield |
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Other business

- | | |
|---|-------------------|
| 1. Lantz Housing Redevelopment Plan
(1137 & 1141 East Elm) | Lantz Housing Inc |
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Any Other Matters Under Commission Jurisdiction

For items for which the public may speak, the Commission Chairperson will invite anyone who wishes to speak to an item after staff makes its presentation. When you address Commission, please step to the microphone at the podium and state you name and address. All meetings are televised live and tape recorded. Please limit your remarks to five (5) minutes unless Commission allows a longer time. In accordance with ADA guidelines, if you need special accommodations when attending any City meeting, please notify the city Clerk's Office at 417-864-1443 at least three (3) days prior to the scheduled meeting.

MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: August 9, 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: Matt Edwards, (Vice-Chair); Jay McClelland, Jim Hansen, Phil Young, Tom Baird, King Coltrin, Gloria Roling; Michael MacPherson, Principal City Planner; Mary Lilly Smith, Economic Development Director, Thomas Rykowski, City Attorney; Errin Kemper, Public Works, Dawn Gardner, Traffic Division; Judy White, Executive Secretary. Absent: Lawhon and Ray.

ROLL CALL:

APPROVAL OF MINUTES:

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

COMMUNICATIONS:

Mr. MacPherson stated that the applicant for Relinquish Easement 783, Consent Item Number 1 on the agenda, has requested the item be tabled until August 23, 2012. They have several issues they are working out and they are not ready to proceed.

CONSENT ITEMS

1. **Relinquish Easement 783** **Jeknie, LLC**
(2640 West Republic Road)

OTHER PUBLIC HEARINGS:

Preliminary Plats:

2. **Cottages at All Saints** **All Saints Anglican Church**
(2701 and 2751 East Galloway)

Mr. Baird recused himself from the hearing.

Mr. MacPherson stated the purpose of the application is to approve a preliminary plat to subdivide 17.05 acres into a fourteen (14) lot subdivision with common area.

The applicant is proposing a fourteen (14) lot subdivision with private streets, common area and a gate at the end of the Inman Street turnaround. The applicant will dedicate and construct two (2) new public hammerhead turnarounds at Inman and Sequiota Streets. The applicant intends use the property for a church, private school and residential subdivision, which are all permitted uses in the R-SF, Single-Family Residential District. The applicant has already begun construction of a new church on Lot 1 along Galloway Street which is considered a lot of record. Currently there is a house on Lot 2 that is being used and that particular lot will eventually be used as a school for the church and the remaining twelve (12) lots, which are residential lots, will be part marketed toward parishioners of the Parish.

The applicant is proposing a large common area (approximately 8.26 acres) that will encompass the private street, stormwater detention area, which Mr. MacPherson pointed out on the map, and an area that does not have access to sanitary sewer and will be designated as a "no build" area. The subdivision will be served by private streets (All Saints Lane and Inman Street) that will be dedicated within common area. All common areas will be maintained by the established property owners association.

The applicant is proposing a phasing plan that will allow Lots 2-14 to be platted, first, and Lot 1, second.

If Planning and Zoning Commission approves the preliminary plat, the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.

As mentioned in Stormwater comments, a complaint has been received from the downstream property regarding the detention basin outlet structure location. The plans were approved since the site demonstrated that the basin would outlet into an existing natural watercourse with a watershed of approximately seventy-five (75) acres. A meeting will be held onsite between the downstream property owner, the City, and the designer to review the design and to determine what course of action shall be followed.

The applicant has submitted two letters (Exhibit B) that were exchanged between the church and the neighborhood to explain their reasoning behind providing a gated entrance/exit at the end of the Inman turnaround. The proposed gate must meet all requirements of the Zoning Ordinance including a knox box for emergency access.

Mr. MacPherson stated that staff findings are that the applicant's proposal is consistent with the City's Subdivision Regulations. The applicant is proposing a private street system and will have the connection to Inman Street gated. The applicant is proposing to final plat Lots 2-14 in the beginning and later Lot 1 as described on their phasing plan. The applicant is proposing a large common area (approximately 8.26 acres) that will encompass the private street, stormwater detention area, and an area that does not have access to sanitary sewer. These common areas will be maintained by the established property owners association. With those conditions, staff is recommending approval of the preliminary plat.

Mr. Edwards opened the public hearing.

Mr. Rick Wilson, Wilson Surveying, 2002 S Stewart, Springfield, stated he is representing All Saints Anglican Church who is the applicant. Mr. Wilson stated that the preliminary plat meets all the requirements of the subdivision regulations and commented he would answer any questions.

Mr. Hansen asked Mr. Wilson if the gate on Inman Street would be permanently closed except for the knox

box.

Mr. Wilson stated it would have a Knox box or a key pad acceptable to the fire department for emergency services only. It is there in response to the neighbors living on Inman, who have been complaining about the amount of traffic they had on Sunday mornings, stating they don't need it as they can service it all by a private street. The ownership of the street will be retained by the Church and they will be the administrator.

Mr. Bart Huscher, 3417 South Lone Pine, Springfield stated that he is the neighbor to the east of this property and he has some concerns. His main concern is what they are doing with the stormwater, and stated he has met with Mr. Wilson as well as the City Engineer twice who state they are willing to do something but so far there has not been anything specific forthcoming. Mr. Huscher stated there is a two (2) foot pipe that dumps directly onto his property and is twenty (20) feet from his property line, adding he has consulted with an engineer who has done stormwater work for Wal-Mart, who told Mr. Huscher there is no way that the City would allow that if his property was city property. Mr. Huscher is concerned about it meeting the City code or requirements because the City Engineer told him that the pipe that is there is supposed to be eighteen (18) inches and is currently two (2) feet. The end of the outlet is less than twenty (20) feet from his property line and believes they would need to have more room than that to reduce the velocity of a two foot diameter pipe coming right at him. They have also changed the natural waterway that comes down along the back of his property so they have forced all the water from their property onto his property. You cannot see it from the map, but there was a pond back there where now they have built stormwater detention so they now have a big berm that is forcing all the water onto his property. Mr. Huscher said he is not against the church or the development of the property but his concern is that the change of the water flow will create problems on his property and would like the issue addressed before this is allowed to continue. They are also taking water that is downstream from him that is beyond his property line that is being brought back to him and dumped in the middle of his property. He referred to the map showing where their stormwater is located, pointing out where his property line is located and stated you can see at the end of their berm where they are taking water from back there and dumping it back on to him. Mr. Huscher believes that it will cause flooding on his property. He expressed concern about the buildable size of the lot and the size of the proposed homes.

Mr. Hansen asked Mr. Huscher if his lot is fairly steep.

Mr. Huscher said no it is flat, the steepness is on their side, pointing out his commercial building and his residence on the map. Mr. Huscher said he is trying to be cooperative as he let Mr. Wilson's surveying crew on his property to look at what is going on and Mr. Wilson has said that the church is willing to do something and Mr. Huscher will take him at his word, but feels that if the request is approved, he will have no leverage other than to take legal action and he does not want to do that, so his request is to table the proposal till there is some resolution to the stormwater.

Mr. Wilson commented that this is a preliminary plat and they have done more design at this stage than he has done in a subdivision before. Ordinarily it is bare ground and they would be starting after Commission approval and would be starting to do the engineering design. They have done a lot of engineering design on the site. The large pipe that Mr. Huscher referred to is there. It is aimed at his property which the channel runs across his property. It is also necked down controlling structures on the inside of the detention pond to where it will run only about half full. The principal behind using the larger than required pipe is that it allows the water to decelerate rather than being compressed and pushed out which allows it to flow more naturally by gravity. They have done the survey's and are analyzing them and the engineer, as soon as he

competes the project he is on now which will be in a couple of days, will be doing a new analysis of the channel on the Huscher property. The church has made a commitment that if they need to make a change to mitigate any situation on the Huscher property they will do so. They will be doing some plantings on the backside of the detention pond to help the visibility issue that he has because they have removed some trees. They are not through, this is just the first step, this is preliminary, this is not a construction document, they cannot sell any lots off of it, but it does allow them to move forward with the design of the subdivision and to work on the Huscher issue.

Mr. Hansen asked Mr. Wilson what the elevation difference is between the proposed detention area and the Huscher property.

Mr. Wilson stated that at Mr. Huscher's property line, the top of the berm may be six (6) feet higher than at the property line.

Mr. Hansen asked about the flow line, the flood line where ever the water is coming from.

Mr. Wilson stated that where they are discharging is eight (8) to ten (10) feet from the flow line of the channel that runs through his property.

Mr. Hansen asked what the head is on the basin, how far it would fall from the floor of the detention basin to his property or even at the end of the property.

Mr. Wilson stated there is about a two (2) percent grade from the where the intake puts it into the pipe to where the channel is and it is approximately forty (40) feet, less than a foot of difference from where the water would begin to where the water would end. The big challenge on this existing channel is that there is almost seventy-five (75) acres of developed land upstream that comes down that needs to be conveyed through the property. They are willing to work with Mr. Huscher to find a solution, they have dialog now and hopes that they can work together. The church representatives have expressed a desire to help resolve the issue and they do understand his concern and believe a cooperative solution can be attained.

Mr. Hansen commented that the seventy-five acres of developed land flows across the applicant's property.

Mr. Wilson stated that it starts collecting at Battlefield and comes down through all the subdivisions. There are a couple of detention ponds above them, but they are designed to an older standard, not as effective, so there is a lot of water to convey through our property. Where it comes on to our property is a 4 x 6 box culvert and it does run full, so there is a lot of water that comes down through the area. What they have tried to do to mitigate this with the detention pond is that we analyzed and calculated that there was roughly seventy-six (76) cubic feet per second that would come off the property undeveloped. We will discharge at about thirty-eight (38) cubic feet per second, so we have a big pipe and there will be some larger flows in big heavy events, but we have tried to throttle it down to where we are actually giving him less water per second than he would get if we weren't there.

Mr. Hansen asked where the water is flowing now.

Mr. Wilson stated through the channel.

Mr. Hansen asked if there was a reason they couldn't discharge the detention into the original channel.

Mr. Wilson stated that they are attempting to, now that they have dialog with Mr. Huscher and they can get on his property, they plan to do some modifications and help the situation.

Mr. Young asked why it was redirected from the original flow path if it was going more toward the south then it looks like you directed it more toward the east, is that correct.

Mr. Wilson stated they directed it at the existing channel which is to the east of them at this point. With the way we evaluated the contours and the flows in the existing conditions we felt this was the best opportunity to have the water leave their site at the same location or near the same location as it leaves it now.

Mr. Edwards closed the public hearing.

Mr. Hansen asked Mr. MacPherson what assurance Mr. Huscher can have that the stormwater issue in relation to his property will be resolved to his satisfaction.

Mr. MacPherson deferred the question to Mr. Kemper, but stated that the issues of stormwater detention have to be addressed prior to building permits being issued and at the final platting stage. This is a plan, and the plan will be amended; water cannot be discharged to any more than the historical rate.

Mr. Kemper stated he is at somewhat of a disadvantage because he is not the review engineer that reviewed the project, but said they did sit down and discuss the project to some length a couple of days ago. As Mr. MacPherson stated, anything that gets constructed and approved here in the City of Springfield has to meet the current detention ordinance so they are not allowed to release any flow rates larger than is what is being released on the current site and secondly, they have to provide water quality benefits and so it is his understanding from Mr. Wilson that they have reduced peak flow rates over what you see on the site as it stands. So based on their review and the engineering plans the applicant has submitted they appear to meet the minimum requirements for a public improvement.

Mr. Hansen commented that the amount of the flow has reduced, but they have redirected it, so Mr. Huscher is concerned that no matter how much or how little their discharging it is discharging onto him now where it did not before.

Mr. Kemper stated that it is his understanding that it has always discharged onto Mr. Huscher's property; it sounds like that they have tried to discharge it in the lowest spot closest to where it was originally discharging to. What the City requires them to do is bring all the discharges at the same or smaller rate into the nearest easement or certified waterway so they have taken the water off of their property and brought it into the adjacent channel that runs from north to south as the certified waterway. That is where the other seventy-five acres drains through and to some extent this drains into the side of that. Mr. Kemper stated he believes there is possibly some leeway to discharge at different locations and maybe spread out the flow, but stated he is not familiar with the technicalities of the design.

Mr. Young motioned to **approve** the Preliminary Plat, Cottages at All Saints. Mr. Coltrin **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, McClelland, Hansen, Roling, Coltrin and Young. Nays: None. Abstain: Baird. Absent: Lawhon and Ray.

ZONING TEXT AMENDMENTS:

3. Temporary Vendor Amendments (City-Wide)

City of Springfield

Mr. MacPherson commented that several years ago the then chair-man of the Commission asked and assigned a committee to look into potential areas where, in lieu of the economic situation, we might be able to expand the Zoning Ordinance to create business opportunities. Some of the things that were discussed in those planning sessions outside the Commission meetings included internet sales, expansion of home occupations, and of course what might be done with temporary vendors and temporary uses. This particular ordinance under consideration is the result of those meetings and discussions with Planning and Business Development Services and with members of the Commission several years ago. City Council approved a resolution on August 22, 2011, to initiate amendments to the Zoning Ordinance regarding the locations and standards for temporary vendors. Staff proposed amendments to the Temporary Vendor subsection of the Zoning Ordinance (Attachment A) to Planning and Zoning Commission on May 3, 2012. While there were some members of the public that opposed parts of the proposed language, the Planning and Zoning Commission voted unanimously (8-0) to recommend approval of the amendments to City Council. City Council held a public hearing on the proposed Temporary Vendor Amendments on May 21st, in which, one member of the public spoke in favor of the amendments and the public hearing was closed. Prior to the final action, Councilman Bieker requested the ordinance be removed from the agenda and has added and removed language from the original amendments. Councilman Bieker is requesting Planning and Zoning Commission and City Council to review the substitute language (Attachment B). The substitute Temporary Vendor amendments allows vendors in additional commercial and industrial districts; however, excludes an area bounded by Mill Street on the north, Elm Street on the south, Market Street on the west and Kimbrough Street on the east. This area is majority of the downtown area (see Attachment C). Another difference proposed in the substitute amendments gives clarification to the requirement for restroom facilities within five hundred (500) feet of a vendor site. The language has been clarified to reflect that the required restroom facilities are for vendor employees only and not for the general public's use. Lastly, the substitute amendments add a requirement for the vendor to provide a trash container and empty it daily. Otherwise, all text from the amendments proposed originally have been retained.

Mr. MacPherson stated that tonight we are not asking you to revisit section A; it is merely there as a refresher, but rather to rule on the amendments that have been highlighted and, whether you want to change any or all those and add those to the proposed bill.

Mr. Hansen stated just for clarification, what Commission is voting on here is the amendment to the amendment.

Mr. MacPherson stated yes. It was sent back to Commission because the City Attorney felt the exclusion amendment was a substantial change in what was proposed and when there is a substantial change, it has to be remanded back to the Planning and Zoning Commission.

Mr. Edwards asked Mr. MacPherson to review the three items just to be clear on what the amendments are and added that Commission can choose to accept all of them, part of them or none of them, asking if that is correct.

Mr. MacPherson stated he will highlight them so Commission will understand what they are considering.

#1. A trash receptacle must be on the vendor site.

#2. There is a clarification in the ordinance that says that the restroom facility that must be provided is for the vendor, not the customer, for sanitary reasons.

#3. A request to exclude that part of Center City that is highlighted on the site map. (Excludes an area bounded by Mill Street on the north, Elm Street on the south, Market Street on the west and Kimbrough Street on the east. This area is majority of the downtown area)

Mr. Jeff Bear, 700 E Walnut, Springfield, stated he has some concerns about this. He owns the Street Vending Company downtown, the Hotdog Carts and there are some differences between them and temporary vendors. We do not have a fair playing field against some of these people; there are no distance requirements between them and other vendors at this point because of the private property and sidewalks. They are allowed to come downtown now, but he is not allowed to come up town as a sidewalk street vendor. The appearance of the vehicles if they are in the inner city some of the ways they can look when Walnut Street is held to a higher standard under some of the requirements they are allowed to have. These vendors can show up and set up anything on any private property. Mr. Bear expressed concerns about law enforcement at the art walks people already set up out in other places and law enforcement is not informed on what to enforce or not to enforce or if it is even breaking the rules. Commissary needs; he is held to a different standard and other requirements he has to meet being down town that these people do not. He has to have an off-site kitchen that they pay a lease for and pay to sustain business where these people take their vehicles home and clean their dishes there. Mr. Bear asked that these issues be reviewed and make it an even playing field between vendors that are going to be downtown, especially existing vendors.

Ms. Roling asked Mr. Bear if he is selling on public property or private property.

Mr. Bear said public right-of-way.

Ms. Roling asked if that is the reason he has different regulations, because he is public and they are private.

Mr. Bear stated that he is on public right-of-way but he still has to clean dishes and do things off-site as well.

Mr. Rykowski stated the temporary vendors will be regulated by the Health Department and they will deal with the issues of where the vendor will prepare and wash and what they can prepare if they do not have a proper kitchen in their truck; obviously a sidewalk vendor cannot have a three bay sink walking around the sidewalk, they are required to go to some place that does. If one of the trucks does not meet the Health Department requirements they will be required to make other arrangements, so that is not an issue that is going to affect the zoning ordinance, that is going to be for the Health Department to regulate and determine if you have a properly equipped mobile vendor. It will be a case by case basis for the particular use where it is located.

Mr. MacPherson stated that the temporary vendor amendment that Commission is being asked to consider deals with private property ownership and a vendor could only be there at the invitation of the private

property owner while meeting the standards that Mr. Rykowski spoke of and that is a significant difference than someone who has access up and down the public right-of-way.

Mr. Bear commented that another concern would be taxes. CID, UDA taxes that he is required to pay to downtown.

Mr. MacPherson stated that the downtown CID Board voted to recommend the approval of temporary vendor's downtown.

Mr. Tom Bieker, 1515 E Monroe, Springfield stated he wanted to express his thoughts about the amendment, commenting that he is a firm believer in the free market will do what it will and let that play out. There has been an investment of time and money into the downtown which you see from the parking garages to the new downtown Square revitalization to the actual independent businesses that are there. There are strict regulations regarding historical standards while maintaining a high aesthetic standard for these businesses. At the point that we allow mobile vending in this specific area here that we have called special in our city and devoted time and money to, that we allow that decent of aesthetic concern in the area to fall. These brick and mortar that have an extremely high cost of entrance into their business and maintenance, many of them have barely weathered the recession in the years past. We make them meet certain regulations, but we could have a trailer come in or any mobile vending cart to come in at that point and set up shop that the cost of service goes down dramatically and more importantly for him, what has been carved out as that special area in our downtown that certain aesthetic standard has the potential to be lowered. Mr. Bieker commented that overall, this concept is a great idea, but would like to move forward with caution in downtown, just because we have devoted so much time and energy to it.

Mr. Hansen asked Mr. Bieker about the number of designated vendor areas are there in the area that is proposed.

Mr. Bieker stated he believes there are six (6) parking lots open to it and four of those are owned by the same person. They would be designated vendor sites without this amendment. Mr. Bieker discussed the locations of the vendor areas.

Mr. Edwards closed the public hearing.

Mr. Hansen stated that he agrees that there should be a trash receptacle on site and the reasoning of the restroom facility is for clarification for the vendors and believes they are reasonable. The whole idea is to free up an area for these entrepreneurs and is in agreement of sending those two on to Council, but not for restricting that within this area.

Mr. Coltrin commented we are speaking of people who have an investment down there verses people that are rolling in to take advantage of the development that has worked there. It seems that what we are being asked to do is to alter or modify what has been put forward in the past. We need to determine how we are going to protect the people that already have investments down there when this has already moved beyond us and these are three amendments that require the temporary vendors to have more amenities before they come down there. How can we approach this to protect the investors of the restaurants and other businesses?

Mr. Edwards stated this proposal was heard several months ago and Commission voted unanimously to send the proposal forward as is and at that time, the same arguments were heard. Mr. Edwards agreed with Mr. Bieker when he said he was a firm believer in free markets, however he respectfully disagrees with the interpretation of a free market because what he sees here is a very protectionist district when looking at the overlay. For example, if it was decided to say let's protect the investments of the restaurants that are already in downtown and not issue any future permits for restaurants within a six block area because we already have people who have invested, we would think that is crazy and we would not do that. Mr. Edwards stated he believes this is a very similar issue. We are talking about a handful of parking lots that may or may not choose to be open to private business and it would seem counterproductive to limit the things a private business would be able to choose to do with their land as long as those things comply with the law. Given how Commission unanimously voted the last time we should reject the third proposal here and let the free market decide and if someone comes in with a better product then those people downtown will simply have to step up their game. The first two proposals are good amendments and something he read in the report from the DIGG Committee which said "let's start trying to address problems and not create road blocks to business development". I believe if we go with the first two points and reject the third, we will be close to doing that.

Mr. Baird stated his only issue is the change that has to do with the restroom facility. One of the comments from DIGG was the additional requirement which puts a burden on the vendor or the vendor's owner. If you go to work at one of the temporary sites, while it would be nice to have a bathroom, it is understood that occasionally you don't and would like everyone to consider the extra burden.

Mr. Hansen commented that the restroom facility requirement is part of the designated vendor site, so it would be up to the owner of the vacant lot to provide the bathroom. Whatever arrangements are made between the vendor and the owner would take that into account.

Mr. Rykowski stated that the some of the owners own just the lot. If you want to get a vendor approved site in a situation like that, you are going to have to get an agreement from the lot owner to set up your temporary vendor facility and then find someone who will allow them access to the bathroom. This came up in one of the earlier discussions regarding where the employees are going to go and that is a public health issue; where are these employees going to go to the bathroom if they are working a six hour shift. From a public health standpoint these people need access to a bathroom, so there might be a lot where the surrounding businesses will not allow the vendor employees access to their bathroom, thereby taking one of those lots out as a potential vendor site. No sites have been approved yet and it would be one of those points that if you had a lot and a business adjoining that you owned, you could work out a deal. That may have been in the original text amendment and it was tweaked because there was some confusion about whether that was going to be limited to the employee's. It may be note worthy at this time that the first text amendments Commission approved sit tabled at Council. If you were to approve this one in its entirety, as an example, there would be two bills for the Council to discuss and make a decision on. You can send this one forward with whatever recommendations as to the exclusion. The prior bill that sits before Council had no exclusion zone but it was felt that the change was substantive enough to warrant a change. You can send this on forward with complete approval, or no approval or modified approval and then the Council will ultimately decided whether they want the prior version or this version or take the two and amend one that was consistent with whatever Commission recommendations are.

Mr. McClelland quoted from page five of the staff report, "it is impossible for a temporary vendor to make provisions for an accessible toilet within five hundred (500) feet of the site". Referring to the taco wagon

that he passed earlier in the day, Sunshine and Fremont, no HC Toilet is possible unless they get a fancy HC portapotty. That is a burden. Temporary vendors are running on a shoestring, this will kill them. Drop it. That is what he is in favor of.

Mr. McClelland motioned to **approve** two of the proposals of the Temporary Vendors Amendment, but exclude the 500 foot toilet facility item. Mr. Baird **seconded** the motion.

Mr. Edwards commented that there is a motion on the floor to recommend the proposal to Council excluding the toilet amendment and recommending the exclusion zone for downtown and the trash receptacle.

The motion **carried** as follows: Ayes: Baird, Roling, McClelland, and Roling. Nays: Young, Hansen, and Edwards. Abstain: None. Absent: Lawhon and Ray.

Mr. Rykowski commented that Commission does not have final authority on this because it will go on to Council. This will be sent forward as a recommendation. It will probably be called Substitute #1 and it will state Planning and Zoning Commission has approved the exclusion zone and the trash receptacle and the explanation sheet will likely indicate your disapproval for the toilet amendment. Council will then review the action and they then have the ability to choose from two bills or if they were to take one from column A and one from column B they could make a final bill out of it in that regard.

OTHER BUSINESS:

4. UMHE Campus Housing Redevelopment Plan (SE corner East Cherry & South Florence)

UMHE Campus Housing Inc.

Mary Lilly Smith, Economic Development Director introduced the redevelopment plan pursuant to Chapter 99 of the Revised Statutes of Missouri. This is called the Land Clearance for Redevelopment Authority Law and it provides incentives to encourage investment and removal of blight and blighting conditions within designated redevelopment areas. It requires that a redevelopment plan be adopted and then projects that are consistent with that plan may receive property tax abatement equal to 100% on the new improvements for a period of ten (10) years. Commission role is to review the plan to determine if it is consistent with the Springfield-Greene County Comprehensive Plan. This area is located at the southeast corner of Cherry and Florence Street just immediately north of Missouri State University. It is one parcel, approximately one-quarter acre, currently zoned Government Institutional and it is occupied by a vacant residential structure. It is included in an area that was blighted in 1966 and you may recall, we have had some other redevelopment plans before you where we have build on blight designations that occurred in the 1960's and 1970's. We discovered last year that once blighted, always blighted unless Council takes affirmative action to declare an area remediated of blight so back in the 1960's this area was blighted as part of an urban renewal project associated with then, Southwest Missouri State College. The redevelopment project for the College resulted in the acquisition and demolition of several structures in order to expand the College. The area remains blighted pursuant to LCRA Law. The plan before you is to remove the blight and redevelop the area. Removal of the blight will consist of demolishing the existing structure and then constructing a new house for Theta Chi Fraternity. Our findings are that the plan is in conformance with the Comprehensive Plan and the Growth Management and Land Use Element designates this area for community and public use including schools and colleges. It also targets Missouri State University as an activity center and talks about having higher density housing in the area. This fraternity house will

accommodate forty (40) students and it also supports the vision for the Greater Downtown District that's included in the Center City Plan element. Benefits to be derived from this are new investments adjacent to Missouri State and it will build on the Greek Row that already exists along Cherry and Elm Streets, just north of Missouri State. The location itself will encourage pedestrian activity. It is located on the Bear Line Shuttle and it is consistent with the City's policy that encourages off-campus housing to be constructed near the University.

Mr. Hansen asked if there was a photo available of the existing structure on the site.

Ms. Smith commented that she does not have one.

Mr. Edwards opened the public hearing.

Mr. Shawn Whitney, 901 St. Louis, Springfield stated he represents the applicant and believes the redevelopment plan that has been submitted complies with not only Missouri Law, but Springfield-Greene County Comprehensive Plan and Mary did a nice job of presenting their application and addressed almost all the points.

Mr. Coltrin asked if there was no thought to making this project look a little more appropriate for the area in where it is going in. If you drive through the area, this is a stark monument to itself.

Mr. Whitney commented that he does not feel comfortable discussing the architectural rendering.

Mr. Coltrin stated that he does not have a problem with the look of the building in a completely modern area, but we fight and strive to keep downtown an older, historic looking place and then we turn right around and blight out an old house.

Mr. Whitney commented that Mr. Coltrin makes a perfectly valid point and conformity within an area is always something to strive for, but some of the newer projects on Missouri State Campus would fit in well with this and maybe this is one way campus housing is moving.

Ms. Roling asked about the taxes for the blighted property.

Ms. Smith stated that just because it was blighted tax abatement did not occur by virtue of being blighted. The process is you blight an area, a redevelopment plan is adopted and then you do a project that is consistent with the redevelopment plan and the LCRA authorizes property tax abatement. This property has not received abatement in the past.

Mr. Baird motioned to **approve** UMHE Campus Housing Redevelopment Plan. Ms. Roling **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Hansen, McClelland, Roling Coltrin, Young, and Baird. Nays: None. Abstain: None. Absent: Lawhon and Ray.

5. College Street Corridor Plan

City of Springfield

King Coltrin recused himself from the hearing.

Mr. MacPherson acknowledged the people who participated in the College Street Plan and in many

instances when working on zoning cases and redevelopment plans, there are many times when there is resistance from the area, but during the open house there was wide-spread support for this and the reason is it is citizen driven plan. They have worked through the process themselves and developed the uses in the plan and the intensity of the redevelopment area and it has a large amount of support. The biggest concern is that the City won't do something there, because it has been neglected for so many years. There is a tour with the Leadership Team on Friday to review the area because the City Manager wants to establish this as a priority and wants the leadership members to understand that we have to find ways to start making improvements and clean up our own house and he is committed to doing this. We are looking for a recommendation from Commission tonight to approve the plan as an adopted plan because it will have money attached to it and then it will be taken to Council at the end of the month. Mr. Vern Morgan knew how to engage the public with this project and he should be congratulated for what he did and the visible results and wanted Commission to be aware of that effort.

Mr. MacPherson commented that the primary purpose of the plan is to define actions to inspire investor confidence in the College Street Corridor area. The hopes are that if the public sector articulates a preferred future, and programs appropriate improvements, the private sector will set up with the confidence to invest and redevelop the corridor. This plan provides actions steps to provide defined improvements in an effort to encourage commitments from the private sector. Even though the public improvements are programmed for the future, in accordance with established City policy, the public improvements may occur in an accelerated time frame if private commitments are made. The sooner private redevelopment plans are brought forward, the sooner public commitments may occur which is a good public/private partnership.

The vision for the area for area is to serve as the western gateway to downtown, seamlessly integrated with West Meadows, and be a key component of center city revitalization. The vision includes a safe environment, with a special identity of an eclectic mix of businesses, artists, residents, and architecture while providing a pocket of quirky, traditional, modern, old timers, and young transplants to represent a true melting pot of Springfield. When this redevelopment occurs, this area will become a unique area in Springfield and it will have zoning and uses that are unique to that area and nowhere else in the city. The primary difference is the live/work, where people will be able to live in the house and be able to work in the home.

While this lofty vision can eventually be attained, much work and dedication is necessary to see it to fruition. The area has been neglected for decades by both private parties and the city. There is evidence of blight and poor public facility provision and maintenance. However, revitalization of the College Street Corridor is crucial for Springfield's Center City to flourish. It is within the West Central Neighborhood, the front porch to the future West Meadows, is the western gateway to downtown, and adjacent to the high traffic volume of Kansas Expressway. This segment of College Street is the thread that binds these areas together within Springfield's Center City. The blighting conditions and poor public facilities must be addressed for the College Street Corridor to attract private investment. Investors need to see steps taken to correct the existing conditions and provide the confidence that the area is on the rise. This is going to require dedicated, concentrated public resources in the beginning to correct the deficiencies. Code enforcement, economic development incentives, and capital improvements are identified in this document designed to begin the process of creating investor confidence and turning back the decades old tide of neglect. The good news is that Springfield has risen to the occasion in other instances and been able to create vital urban centers where blight and decay were dominant and this should be no exception.

Mr. MacPherson commented that this is the original mother road, the original location in Springfield Missouri of Route 66 as part of this redevelopment area and one of the highly citizen driven areas was to create a public park that will have features that envision the past in terms of things that existed along Route 66 in the City of Springfield. We get a lot of European people visiting and right now they are surprised because there is not a whole lot to see of Route 66. It will be a unique area for the city in the future. Staff is asking approval of this plan to City Council.

Mr. Bruce Adibyzdi, 1946 S Holland, Springfield, stated that it was a highly engaged group of people from the neighborhood that helped develop this plan. There are a few specific points that Commission needs to be aware of and commend the city for having the foresight to look forward to look into a neighborhood like this, specifically Vern with his help and Mike's help at the meetings. They were very good at what they did. This is adjacent and part of the West Central Neighborhood which some people may look at and say it is a bad neighborhood. But if you go through it and look at it and look at the people who live there and the people who came to the meetings, I think what you will find is that West Central is going to be the next cool neighborhood to live in. It may take a few years and some work on behalf of private developers and the City to make that happen, but said he sees that coming forward. Mr. Adibyzdi stated that he is an architect has worked downtown and drives the area all the time and many years ago he looked at some property and the person who owned it wanted a fortune for it, and he knew back then something was going to happen. I ended up buying the property early this year, and am now an investor and owner on that strip on that section of College Street, 1047 West College. It is a small lot, but knowing that potentially the planning process was going to happen, having a stake in it helped me to understand what could be. As was noted, it has been significantly in decay for many years, private and public side. To improve investor confidence is the right goal for the City to look at, and in order to do that infrastructure is necessary.

Mr. Rusty Worley, 807 West Walnut, commented that he would like to echo the comments previously made. The City has done a great job of facilitating the process and engaging the neighborhood and it has been exciting to see the number of people coming out. This is an area where there has been private investment on Walnut Street for several including his home. We have seen the efforts of the City and Federal Government on the West Meadows cleanup and the planning for that, but this corridor has been neglected and needs this kind of attention. Many people participated and Vern Morgan did a great job and the city staff really helped the neighborhood. He commended Mr. Adibyzdi and his firm for hosting during the sessions adding they were leading by example and we are excited about the live/work concept that is outlined for the south side of the street. We do need to stimulate investor confidence, that's been something that has been lacking and we feel like this plan sets out a course of infrastructure investments that the City can make. We will need to have incentives to prime the pump on the private investment and overall it would create a sense of higher expectations. We have already seen owners going on their own and improving some properties and getting them prepared and ready for their next life and just the excitement. We have seen this process work on Commercial Street and it is already starting to bear fruit on College. We are very much in support of this project and look forward to working with the City over the next several years to make these things come to life.

Ms. Amy Waldrop, 1024 West College, commented that she has lived at that location for twelve years and loves it, however the area is blighted and at times it has been hard and difficult, but the process that we went through with Vern and the City was incredible. It was a creative process that brought the neighborhood together and gave them a feeling that this could actually be possible. The history there with the Fulbright and the first settlement and Route 66, the brewery; everything that is there needs to be recognized and celebrated. Mr. Waldrop stated she is fortunate that she lives in a section where she can

live and work. She has an historic home, she is an artist and she is waiting to open the front doors and let it flow out. She is aware of a lot of people who are ready to do that, a lot of artists and people that want this to happen, so she is hoping they have the support of the Commission and Council to let that happen because for the first time she is seeing real interest from the City and if the City backs it, it is going to happen.

Mr. Edwards closed the public hearing.

Mr. Edwards stated that he thinks the project is great, and commented that he felt this sort of thing was coming when the brewery moved in that would be the bridge to jump Grant Street and get things going. Jordan Valley has been such a big success despite all the issues that surrounded it. No one can deny how that has transformed downtown and the way we look at center city. He thanked everyone for their participation in the process and for making the neighborhood so much nicer than it was. He is excited to see the transformation and has always seen College Street as being like a second Galloway and the area has so much potential, and commented he will cast his vote in support of the project.

Ms. Roling motioned to approve College Street Corridor Plan. Mr. Baird seconded the motion. The motion carried as follows: Ayes: Edwards, McClelland, Baird, Young, Roling, and Hansen. Nays: None. Abstain: King Coltrin. Absent: Lawhon and Ray.

ANY OTHER MATTERS UNDER COMMISSION JURISDICTION:

There being no further business, the meeting was adjourned at approximately 7:58 p.m.

Michael MacPherson

Michael MacPherson
Principal Planner

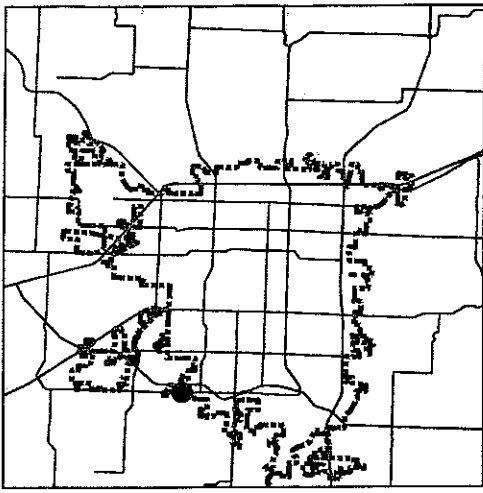
Zoning & Subdivision Report

Planning & Development - 417/864-1031
840 Boonville - Springfield, Missouri 65802

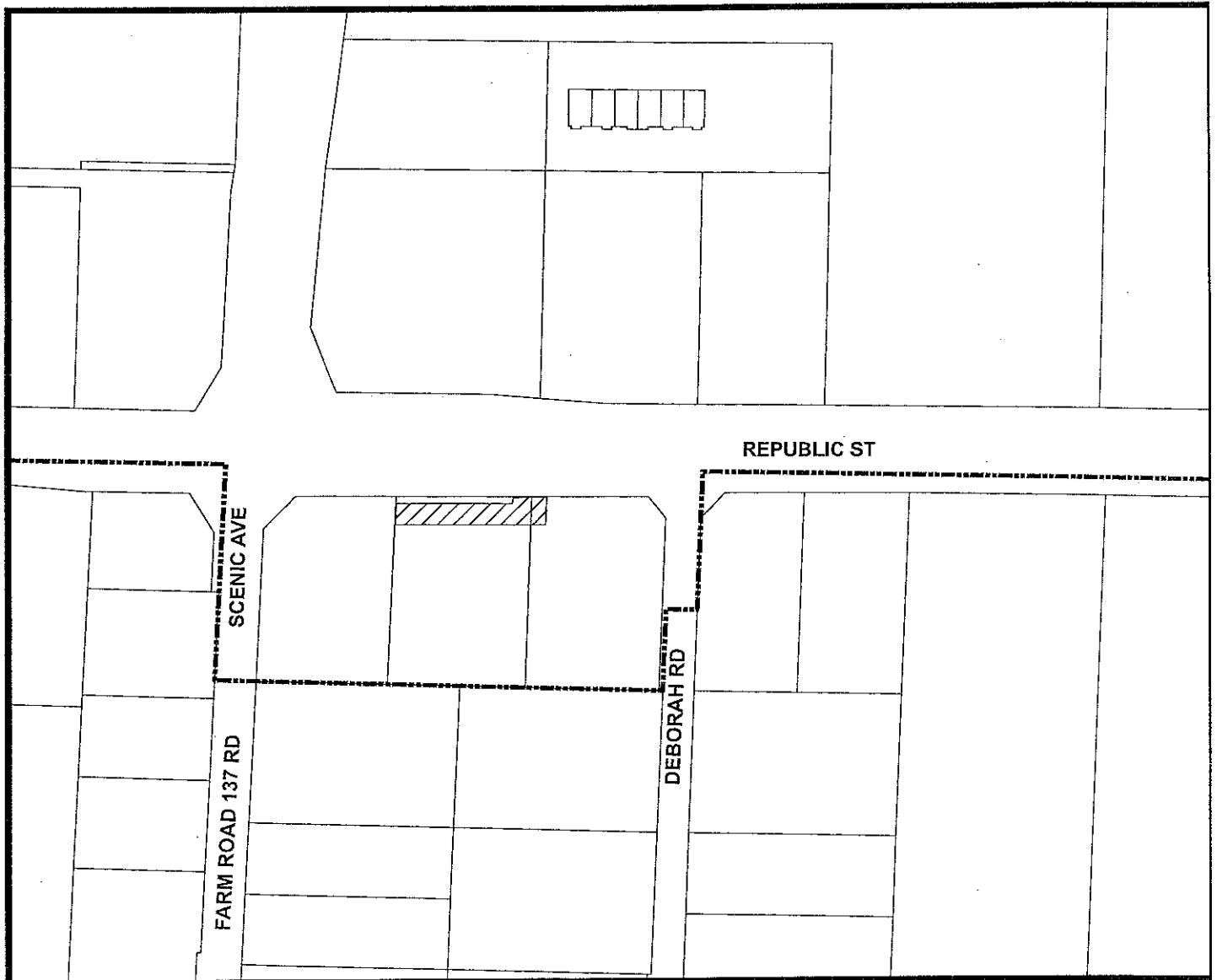
Relinquish Easement Number 783

Location: 2640 West Republic

Current Zoning: GR, General Retail District



LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

Zoning & Subdivision Report
Planning & Development Department ~ 417/864-1611
840 Boonville Avenue ~ Springfield, Missouri 65801

REQUEST TO RELINQUISH EASEMENT NUMBER 783

DATE: July 31, 2012

PURPOSE: To relinquish a cross access easement

BACKGROUND:

LOCATION: 2640 West Republic

APPLICANT: Jeknie LLC

RECOMMENDATION:

The request be **approved**.

FINDINGS:

1. The request meets the approval criteria listed in Attachment B.

STAFF CONTACT PERSON:

Alana D. Owen, AICP
Senior Planner

Attachment A: Background Report

Attachment B: Approval Criteria

Exhibit 1. Legal description

Exhibit 2. Site Plan

ATTACHMENT A
APPLICANTS PROPOSAL
RELINQUISH EASEMENT NUMBER 783

APPLICANT'S PROPOSAL:

The applicant is requesting the Planning and Zoning Commission relinquish a cross access easement.

PUBLIC WORKS CLEAN WATER SERVICES:

No comments regarding this request.

PUBLIC WORKS TRAFFIC OPERATIONS COMMENTS:

Public Works Traffic Operations does not have any issues with relinquishing the access easement. A replacement easement over the shared driveway is being provided as part of the Administrative Re-Plat of the property.

PUBLIC WORKS STORM WATER SERVICES DIVISION:

No Stormwater issues with the proposed access easement relinquishment.

CITY UTILITIES:

City Utilities does not have any objections to this request.

STAFF ANALYSIS:

1. The applicant is requesting to relinquish a cross access easement. The access easement was dedicated when the property was rezoned and the lots were combined. The applicant is in the process of doing an Administrative Re-Plat to subdivide the subject property and the property to the east. The applicant is requesting to relinquish the existing cross access easement and provide a replacement easement over the shared driveway between the subject property and the property to the east.
2. There have been no objections to this request.

ATTACHMENT B
RELINQUISH EASEMENT NO. 783
APPROVAL CRITERIA

In order to approve a relinquishment of a public easement, the Planning and Zoning Commission must make the following findings:

1. No one has objected to the relinquishment of these easements.

STAFF RESPONSE:

No one has objected the relinquishment of this easement.

2. The appropriate City agency has filed with the Planning and Development Department a statement that the easement is no longer needed to provide access to the adjacent street system.

STAFF RESPONSE:

Public Works Traffic Engineering agrees with the relinquishment of the existing access easement provided the replacement easement for the shared driveway is dedicated as part of the Administrative Re-plat of the subject property and the property to the east.

3. That the retention of the easement no longer serves any useful public purpose.

STAFF RESPONSE:

The cross access easement is no longer necessary as long as the shared driveway easement is provided.

RELINQUISH EASEMENT 783
EXHIBIT 1

Description of Easement to be Relinquished:

A tract of land located in Section 15, Township 28 North, Range 22 West, all being in Springfield, Greene County, Missouri and being more particularly described as follows:

COMMENCING at an existing aluminum monument at the northwest corner of said Section 15;

THENCE along the North line of said Section 15, South 89 degrees 03 minutes 17 seconds East a distance of 187.94 feet to a point for corner;

THENCE South 02 degrees 11 minutes 04 seconds West a distance of 77.71 feet to the POINT OF BEGINNING;

THENCE South 89 degrees 19 minutes 12 seconds East a distance of 142.91 feet to a point for corner;

THENCE North 02 degrees 08 minutes 48 seconds East a distance of 10.00 feet to a point for corner on the existing south right of way of Republic Road;

THENCE along said south right of way, South 89 degrees 19 minutes 12 seconds East a distance of 40.01 feet to a point for corner;

THENCE leaving said south right of way, South 02 degrees 08 minutes 14 seconds West a distance of 36.01 feet to a point for corner;

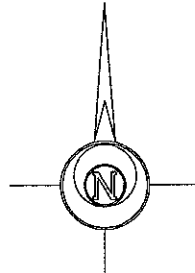
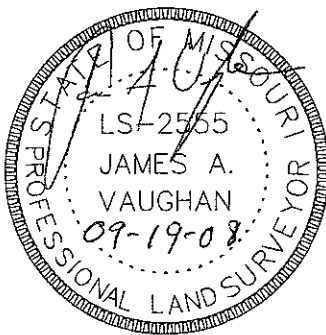
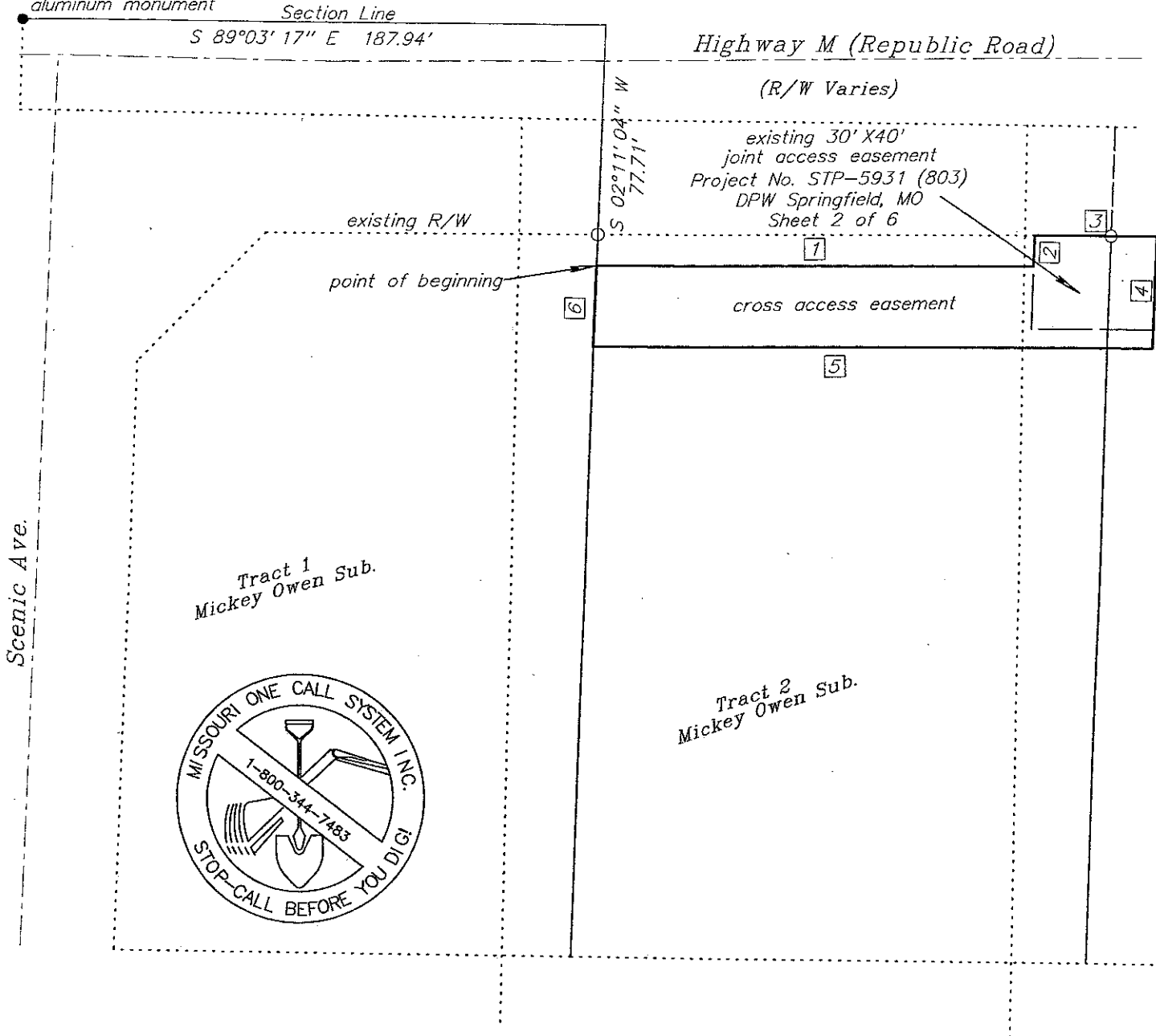
THENCE North 89 degrees 19 minutes 12 seconds West a distance of 182.94 feet to a point for corner;

THENCE North 02 degrees 11 minutes 04 seconds East a distance of 26.01 feet to the POINT OF BEGINNING, and containing 5,156.18 square feet or 0.1184 acre(s) of land.

Exhibit 2 RE 783

Easement Exhibit

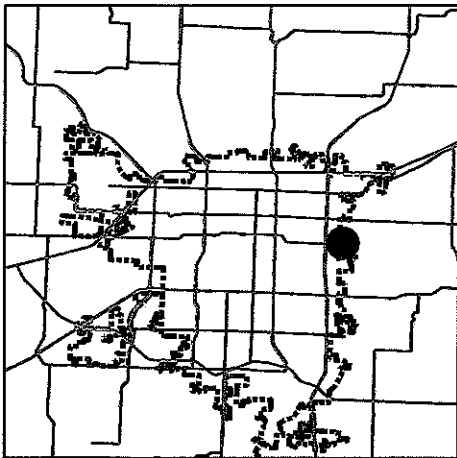
point of commencing
northwest corner of
Sec. 15, T28N, R22W
aluminum monument



1" = 50'

Course Table

COURSE	BEARING	DISTANCE
1	S 89°19' 12" E	142.91'
2	N 02°08' 48" E	10.00'
3	S 89°19' 12" E	40.01'
4	S 02°08' 14" W	36.01'
5	N 89°19' 12" W	182.94'
6	N 02°11' 04" E	26.01'



Zoning & Subdivision Report

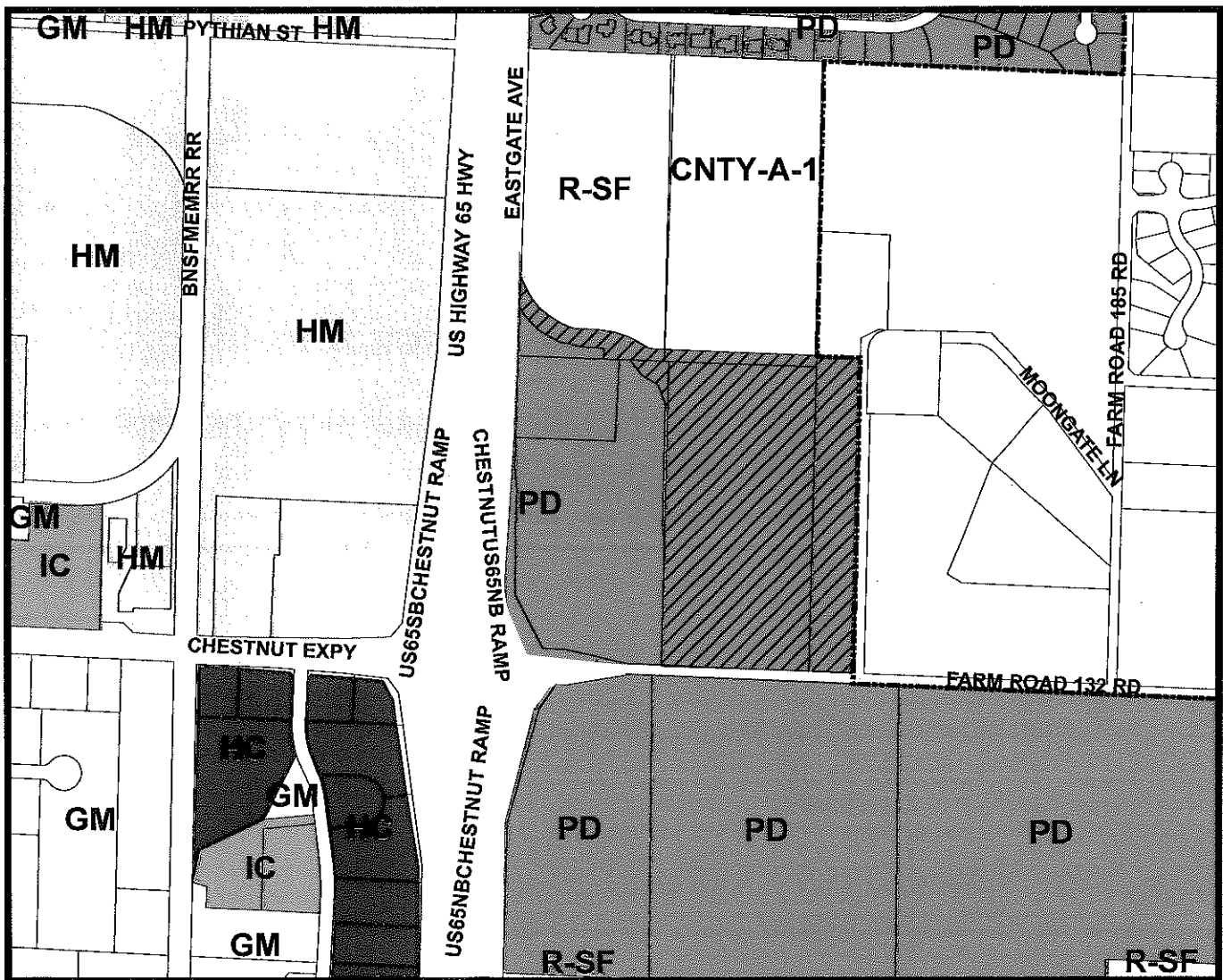
Planning & Development - 417/864-1031
840 Boonville - Springfield, Missouri 65802

Hickory Hills Marketplace Ph. 1 Final Plat

Location: NE corner of U.S. 65 and Chestnut Expressway

Current Zoning: Planned Development 336

LOCATION SKETCH



- Area of Proposal



1 inch = 700 feet

Zoning & Subdivision Report

*Planning & Development Department ~ 417/864-1611
840 Boonville Avenue ~ Springfield, Missouri 65802*

FINAL PLAT – HICKORY HILLS MARKETPLACE PHASE 1

DATE: August 15, 2012

PURPOSE: To approve the final plat for Hickory Hills Marketplace Phase 1 that could not be approved administratively due to its lack of conformity to the approved preliminary plat.

BACKGROUND

LOCATION: Northeast corner of U.S. Hwy 65 and Eastgate Avenue

APPLICANT: Larino Properties, LLC

RECOMMENDATION:

The request be **approved** as submitted.

CONDITIONS:

All conditions that result from the staff review of the Final Plat, including any required public improvement plans, must be met before the final plat can be recorded.

FINDINGS FOR STAFF RECOMMENDATION:

1. The final plat lacks substantial conformity to the Preliminary Plat because the proposed common area/detention basin is located off-site and the excess area is being added to Lot 1 on the approved Preliminary Plat.
2. The proposed Final Plat is acceptable because the proposed change does not have any impacts over what was proposed on the Preliminary Plat.

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner

ATTACHMENT A
BACKGROUND REPORT
FINAL PLAT -
HICKORY HILLS MARKETPLACE PH. 1

HISTORY:

The Preliminary Plat for Hickory Hills Marketplace (Exhibit B) was approved by Commission on December 2, 2010, and accepted by City Council on January 24, 2011. The Preliminary Plat ordinance (Special Ordinance 25862) showed Lot 1 as sixteen (16) acres in size and the common area/detention basin as 1.98 acres in size. The applicant has submitted a Final Plat (Exhibit A) that would create Lot 1 that is approximately 17.98 acres in size.

SUBDIVISION REGULATIONS:

Section 206.(4) (d) and (e) state in part:

In the event the Director determines that the Final Plat does not substantially conform to Preliminary Plat, including the conditions of approval, the Director shall reject the plat. The applicant may appeal such decision to the Commission. The Commission shall review the Final Plat and supporting material, the recommendations of the Director of Planning and Development, recommendations from agencies or officials and testimony and exhibits submitted at the public hearing to determine if the Final Plat substantially conforms to the Preliminary Plat.

STAFF COMMENTS:

1. The Final Plat could not be administratively approved because the final plat is not in substantial conformance with the approved preliminary plat. The approved preliminary plat showed a common area/detention basin (approximately 2 acres in size) on the northeast corner of the subdivision. The approved preliminary plat, also, showed a Lot 1 that was only 16 acres in size. The applicant has submitted a Final Plat (Exhibit A) that would create a Lot 1 that encompasses the common area/detention basin which increases its lot area to approximately 17.98 acres. The applicant is proposing an off-site regional detention basin that will satisfy the stormwater requirements for the entire subdivision. This allows the common area/detention basin that was shown on the approved Preliminary Plat to be combined with Lot 1 to form a larger lot.
2. The Planning and Zoning Commission review is to determine if the proposed Final Plat (Exhibit A) merits approval despite its lack of conformity to the approved Preliminary Plat (Exhibit B). If the Planning and Zoning Commission finds that the proposed Final Plat merits approval, the Final Plat will complete the normal Final Plat review process. All conditions of the review of this proposed Final Plat, including any required public improvement plans, must be satisfied prior to the recording of the Final Plat.
3. The Preliminary Plat for Hickory Hills Marketplace will expire on January 24, 2013.

PROPERTY DESCRIPTION: TRACT 1 (LOHMEYER PROPERTY)

A TRACT OF LAND BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 29 NORTH, RANGE 21 WEST, GREENE COUNTY, MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT AN EXISTING 2" ALUMINUM MONUMENT AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 15; THENCE N87°21'04"W, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, 1138.05 FEET FOR A POINT OF BEGINNING, THENCE CONTINUING N87°21'04"W, ALONG SAID SOUTH LINE, 179.03 FEET TO AN EXISTING NAIL AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15; THENCE N01°21'41"E, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, 1385.60 FEET; THENCE S87°31'03"E, 197.29 FEET; THENCE S02°07'00"W, 1385.88 FEET TO THE POINT OF BEGINNING, CONTAINING 5.99 ACRES (260,708.29 SQUARE FEET) SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS, AGREEMENTS AND COVENANTS OF RECORD.

PROPERTY DESCRIPTION: TRACT 2 (CHURCH TRACT)

A TRACT OF LAND BEING A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 29 NORTH, RANGE 21 WEST, GREENE COUNTY, MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT AN EXISTING 2" ALUMINUM MONUMENT AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 15; THENCE N87°21'04"W, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER, 1317.08 FEET TO AN EXISTING NAIL AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER FOR A POINT OF BEGINNING, THENCE N87°41'47"W, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, 1385.60 FEET TO THE POINT OF BEGINNING, CONTAINING 22.43 ACRES (977,113.08 SQUARE FEET). SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS, AGREEMENTS AND COVENANTS OF RECORD.

PROPERTY DESCRIPTION: TRACT 3 (SCHOOL TRACT)

A TRACT OF LAND BEING A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 29 NORTH, RANGE 21 WEST, GREENE COUNTY, MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT AN EXISTING 2" ALUMINUM MONUMENT AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 15; THENCE N87°21'04"W, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER, 1317.08 FEET TO AN EXISTING NAIL AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE N87°41'47"W, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, 640.55 FEET; THENCE N01°22'04"E, 26.89 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF MILL STREET FOR A POINT OF BEGINNING, THENCE NORTHWESTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING COURSES: N88°07'51"W, 161.32 FEET; N76°35'18"W, 259.17 FEET; N87°28'25"W, 96.63 FEET TO THE EAST RIGHT-OF-WAY LINE OF EASTGATE AVENUE, THENCE NORTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING COURSES: N26°40'44"W, 271.54 FEET; N00°20'04"E, 222.18 FEET; N00°24'19"E, 118.71 FEET; N00°46'46"E, 110.96 FEET; N03°27'56"W, 100.12 FEET; N00°55'05"E, 473.37 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 15; THENCE S87°20'14"E, LEAVING SAID EAST RIGHT-OF-WAY LINE AND ALONG SAID NORTH LINE, 658.53 FEET TO AN EXISTING 5/8" IRON PIN (LS-1640); THENCE S01°22'04"W, 1307.13 FEET TO THE POINT OF BEGINNING, CONTAINING 18.72 ACRES (815,088.24 SQUARE FEET). SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS, AGREEMENTS AND COVENANTS OF RECORD.

PROPERTY DESCRIPTION: TRACTS 1, 2 & 3 COMBINED

A TRACT OF LAND BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 29 NORTH, RANGE 21 WEST, GREENE COUNTY, MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT AN EXISTING 2" ALUMINUM MONUMENT AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 15; THENCE N87°21'04"W, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER, 1138.05 FEET FOR A POINT OF BEGINNING, THENCE CONTINUING N87°21'04"W, ALONG SAID SOUTH LINE, 179.03 FEET TO AN EXISTING NAIL AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE N87°41'47"W, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, 640.55 FEET; THENCE N01°22'04"E, 26.89 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF MILL STREET; THENCE NORTHWESTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING COURSES: N88°07'51"W, 161.32 FEET; N76°35'18"W, 259.17 FEET; N87°28'25"W, 96.63 FEET TO THE EAST RIGHT-OF-WAY LINE OF EASTGATE AVENUE; THENCE NORTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING COURSES: N26°40'44"W, 271.54 FEET; N00°20'04"E, 222.18 FEET; N00°24'19"E, 118.71 FEET; N00°46'46"E, 110.96 FEET; N03°27'56"W, 100.12 FEET; N00°55'05"E, 473.37 FEET; THENCE SOUTHEASTERLY, LEAVING SAID EAST RIGHT-OF-WAY LINE, ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 88°22'42", A RADIUS OF 315.00 FEET, AN ARC LENGTH OF 485.88 FEET, AND A CHORD BEARING AND LENGTH OF S42°53'59"E, 439.13 FEET; THENCE S87°05'20"E, 35.59 FEET; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 35°19'37", A RADIUS OF 375.00 FEET, AN ARC LENGTH OF 231.22 FEET, AND A CHORD BEARING AND LENGTH OF S69°25'31"E, 227.57 FEET; THENCE S87°32'18"E, 742.41 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE S87°31'03"E, 197.29 FEET; THENCE S02°07'00"W, 1385.88 FEET TO THE POINT OF BEGINNING, CONTAINING 47.14 ACRES (2,053,519.62 SQUARE FEET). SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS, AGREEMENTS AND COVENANTS OF RECORD.

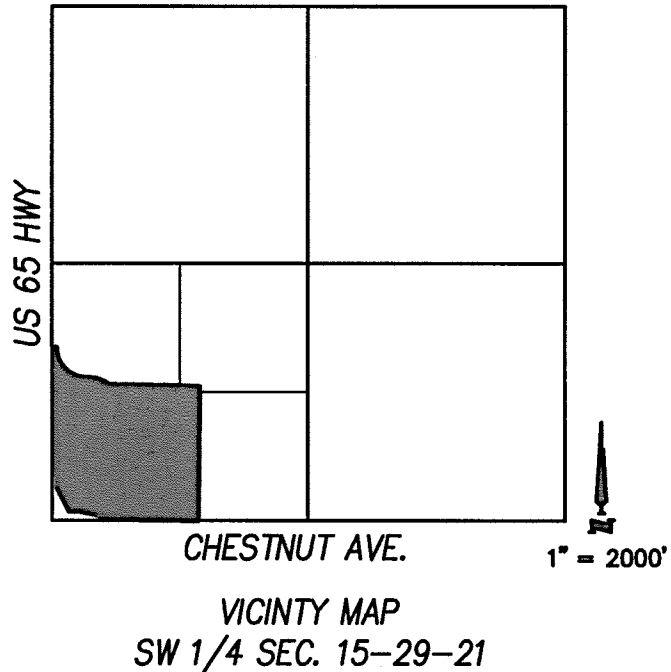
THE SURVEY INFORMATION SHOWN ON THIS DRAWING WAS TAKEN FROM A BOUNDARY & TOPOGRAPHIC SURVEY PREPARED BY CJW TRANSPORTATION CONSULTANTS, L.L.C. ON NOVEMBER 22, 2010.

DEVELOPER:
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Nixa, MO 65714
c/o PAUL LARINO
(417)-459-1415
LARINOPROPERTIES@GMAIL.COM

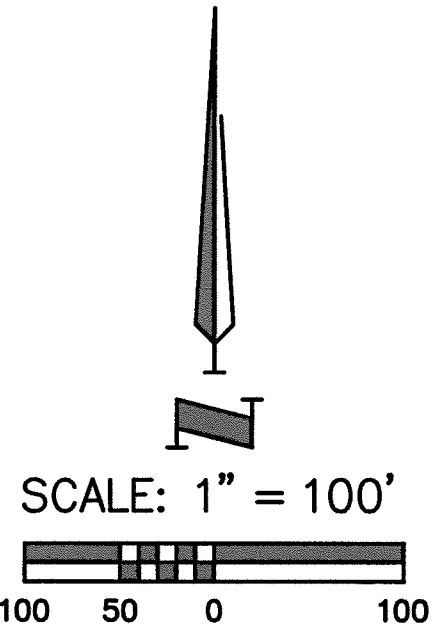
GENERAL NOTES:

- THE ZONING DISTRICT CLASSIFICATION = GR (GENERAL RETAIL)
- PRESENT USE OF THE PROPERTY IS A SCHOOL AND UNDEVELOPED LAND.
- THE SITE IS MOSTLY OPEN PASTURE LAND WITH A HEDGE ROW ON THE EAST SIDE.
- APPROXIMATE PROPOSED BUILDING FLOOR AREA = 270,160 S.F.
- APPROXIMATE PROPOSED OFF STREET PARKING SPACES = 1,264
- THE TOTAL LAND AREA IS 48.7 ACRES MORE OR LESS.
- THE SITE SHALL BE DEVELOPED IN TWO PHASES; THE AREA EAST OF PROPOSED EASTGATE IS PHASE 1, THE AREA WEST OF PROPOSED EASTGATE IS PHASE 2.
- THE APPROXIMATE OVERALL INTENSITY OF NON-RESIDENTIAL USES = 12.73%

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD LENGTH
C1	64.56	115.00	32°09'58"	N17°25'45"E	63.72
C2	485.88	315.00	88°22'42"	S42°53'59"E	439.13
C3	231.22	375.00	35°19'37"	S69°25'31"E	227.57



By: *Patrick K. Kline* DATE 11/23/10



SHAFER, KLINE & WARREN, INC.
11250 Corporate Avenue, Lenexa, KS 66219-1392
913/888-7500 FAX: 913/888-7868



HICKORY HILLS MARKETPLACE
SPRINGFIELD, MISSOURI

PRELIMINARY DEVELOPMENT PLAN

Designed By: CAT	4	3	2	1	NO.	DATE	PER CITY COMMENTS	CMP	CAT
Drawn By: CJP									
Checked By: CAT									
Issue Date: 10-25-10									
COPYRIGHT © 2010 -SHAFER, KLINE & WARREN INC.									

Office Locations: Iola, KS Kansas City, MO Columbia, MO Houston, TX Macomb, MO North Kansas City, MO Tulsa, OK	PROJECT MANAGERS STRUCTURAL ENGINEERS MECHANICAL ENGINEERS ELECTRICAL ENGINEERS LAND SURVEYORS LAND ENGINEERS
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MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: August 23, 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); Jay McClelland, Jim Hansen, Tom Baird; Jason Ray; Michael MacPherson, Principal City Planner; Matt Schaefer, Planner; Thomas Rykowski, City Attorney; Cody Marshall, Public Works, Dawn Gardner, Traffic Division; Judy White, Executive Secretary. Absent: Matt Edwards, Gloria Roling, King Coltrin, and Phil Young.

ROLL CALL:

APPROVAL OF MINUTES:

The minutes of August 8, 2012, of the Planning and Zoning Commission were approved with a correction.

COMMUNICATIONS:

Mr. MacPherson stated that the applicant for Relinquish Easement 783, Consent Item Number 1 on the agenda, has requested the item be tabled indefinitely. There was an e-mail sent to Commission with regard to the American Planning Association Bi-State Conference which will be held on October 10th through the 12th at the Marriott Country Club Plaza in Kansas City, Missouri. It has been quite some time since anyone has attended but those who have attended in the past have said it is a very worthwhile experience and educational and an enjoyable experience seeing what other communities do. The City is prepared to send all members of Commission for those who are interested and the cost of registration and lodging would be provided and all members are invited to attend. Mr. MacPherson encouraged all members to attend.

CONSENT ITEMS

1. **Relinquish Easement 783**
(2640 West Republic Road)

Jeknie, LLC

Mr. Baird **motioned to table** Relinquish Easement 783 indefinitely. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Ayes: Lawhon, Baird, Ray, McClelland and Hansen. Nays: None. Abstain: None. Absent: Edwards, Roling, Coltrin, and Young.

HEARINGS:

2. **Hickory Hills Market Place Phase 1, FP Conformity Review**
(NE Corner US Hwy 65 and Chestnut Expressway)

Larino Properties, LLC

Mr. MacPherson stated the purpose of the case is to approve the final plat for Hickory Hills Marketplace Phase 1 that could not be approved administratively due to its lack of conformity to the approved preliminary plat. The Final Plat could not be administratively approved because the final plat is not in substantial conformance with the approved preliminary plat. The approved preliminary plat showed a common area/detention basin (approximately 2 acres in size) on the northeast corner of the subdivision. The approved preliminary plat, also, showed a Lot 1 that was only 16 acres in size. The applicant has submitted a Final Plat (Exhibit A) that would create a Lot 1 that

encompasses the common area/detention basin which increases its lot area to approximately 17.98 acres. The applicant is proposing an off-site regional detention basin that will satisfy the stormwater requirements for the entire subdivision. This allows the common area/detention basin that was shown on the approved Preliminary Plat to be combined with Lot 1 to form a larger lot. The Planning and Zoning Commission review is to determine if the proposed Final Plat (Exhibit A) merits approval despite its lack of conformity to the approved Preliminary Plat (Exhibit B). If the Planning and Zoning Commission finds that the proposed Final Plat merits approval, the Final Plat will complete the normal Final Plat review process. All conditions of the review of this proposed Final Plat, including any required public improvement plans, must be satisfied prior to the recording of the Final Plat. Mr. MacPherson pointed out the previous detention area on the overhead display map and the proposed 1.98 acres that would be added to the Lot 1. The detention basin would be located off-site and would be a regional detention and would use a certified drainage channel as a conveyance to get the water to it. Mr. MacPherson pointed out the difference in the original preliminary plat that was filed and the current proposal. Findings for staff recommendations are the final plat lacks substantial conformity to the Preliminary Plat because the proposed common area/detention basin is located off-site and the excess area is being added to Lot 1 on the approved Preliminary Plat. The proposed Final Plat is acceptable because the proposed change does not have any impacts over what was proposed on the Preliminary Plat. All conditions that result from the staff review of the Final Plat, including any required public improvement plans, must be met before the final plat can be recorded. Staff is recommending approval.

Mr. Baird asked for an arial map display so Commission could get a good overhead view of the site and asked to be shown where the proposed detention would be.

Mr. MacPherson pointed out the detention area.

Mr. Lawhon commented that you are calling this a regional detention basin so will it serve properties in addition to this one site and the previous detention basin that was on the north side of the property, where was that elevation wise from Chestnut Expressway.

Mr. Marshall stated that yes it will, it will serve approximately 94 acres total. It was elevated considerably from the site so they were going to have to excavate twenty (20) foot or better to be able to provide the volume.

Mr. Lawhon opened the public hearing.

Mr. Paul Larino, 1508 Melton, Ozark, Missouri.

Mr. Hansen asked Mr. Larino asked if he owned the property the detention is located on owned by someone else.

Mr. Larino stated that would be done through a public easement through public works so it will be owned by another property owner who will also be a beneficiary of the runoff water.

Mr. Hansen commented that if the final plat is approved, then you will get an easement from the owner of this property.

Mr. Larino said yes, they are working through Public Works and the Law Department to get all the necessary easements to make it a regional detention that qualifies under Public Works.

Mr. Hansen asked about the certified channel stating that there is none that exists there except the one that is going directly north and south, the certified channel that conveys the water from your property to the detention.

Mr. Marshall corrected that this is the easement that Mr. Larino will be obtaining and you can see it, it is very faint on the picture, that area where the arrow is right now is where the drainage easement will be obtained from the third party.

Mr. Hansen asked how it would be conveyed.

Mr. Marshall stated underground.

Mr. Hansen asked if this will detain 90 plus acres of area to the north.

Mr. Marshall stated that is correct; Hickory Hills Marketplace has approximately forty-eight (48) acres and this will collect some area from the freeway, also some area to the north, and slightly to the north east. The basin would be designed for a fully developed ninety-four (94) acre watershed.

Mr. Hansen asked where the water flows to from the detention.

Mr. Marshall said it flows south under Chestnut, that's Farm Road 132, through a box culvert and then continues down to the south to Pearson Creek.

Mr. Larino stated that as opposed to having multiple detentions in the area and doing multiple holes to collect the water from the region it worked good for them economically and worked good for the neighbors and through this process we are collecting water from several locations and many will benefit from this regional detention. It is also designed in a way to make certain there are no flooding issues downstairs. They are held to a higher restrictive standard because they worked with the county in releasing water and the detention size is a little bit bigger because of that because they have to pay special attention and make certain they release water at a slower rate than what normally would be accepted under the City of Springfield standards.

Mr. Marshall stated the County felt that based on rainfall observations and looking at the downstream condition that there was very little runoff on a normal one to two inch rain so essentially it held the development to one cubic foot per second discharge rate on those size storms. It exceeds the ordinary requirements but it was based on the observations of actual rain events.

Mr. Lawhon closed the public hearing.

Mr. Hansen motioned to **approve** Hickory Hills Marketplace Phase 1 Final Plat, Conformity Review. Mr. Baird **seconded** the motion. The motioned **carried** as follows: Ayes: Lawhon, Baird, Ray, McClelland and Hansen. Nays: None. Abstain: None. Absent: Edwards, Roling, Coltrin, and Young

ZONING TEXT AMENDMENTS:

3. Emergency Shelters Revised Amendment (City-Wide)

City of Springfield

Mr. MacPherson stated the purpose of this is a Text Amendment to amend certain portions of the Emergency and Transitional Service Shelter ordinances through varying chapters from the various zoning districts. The City Council approved a resolution (G.O. 9921) on December 12, 2011, initiating amendments to the Zoning Ordinance regarding the operation and location of emergency shelters. A primary concern was what happened in Joplin, Missouri with regard to the tornado that occurred. It was determined that we were not prepared to be able to respond to that type of need quickly so one of the items that is mentioned in this amendment to Replace the term "emergency" shelter with "overnight" shelter to distinguish a shelter used in time of natural disaster or fire emergency shelter (which Red Cross or Greene County Emergency Management would respond to) and a short-

term cold weather shelter. The term "overnight" is a standard term used by other entities for a shelter that provides meals and lodging for less than thirty (30) days. It also adds and requires a minimum distance of one thousand (1,000) feet between any new emergency and transitional service shelter or soup kitchen and an elementary or secondary school as measured from property which will be discussed in greater detail. It would also remove the existing requirement for fifty (50) or less residents at an emergency/overnight and transitional service shelter and allow City Council the ability to review and set the number of residents allowed based on the characteristics of the site and surrounding neighborhood; the availability of services and infrastructure; and a review, by the appropriate departments, to determine the application of the various City codes including, but not limited to, fire, health, zoning and building codes. The Planning and Zoning Commission will review and make a recommendation to the City Council regarding the maximum number of residents permitted which would make it specific to the site being proposed as opposed to some arbitrary figure that was chosen. In the staff report information, there is a graph that shows the sites of the six Service and Transitional Shelters. Each shelter has a two-thousand foot distance requirement between them and the reason for that is that when you have too many of those particular services in the same areas causes stress and other issues in that area. That was one of the issues that occurred with establishing the Commercial Street Zoning District to get that distance established and also dispersal and this is also an effort to move those throughout the city. This would expand the Emergency Overnight Shelters that are allowed by right with a maximum occupancy of the fifty (50) beds in the general manufacturing, HM Districts. With this amendment the new emergency shelters would also be allowed by Conditional Use Permit in the HC, Highway Commercial, CS, Commercial Services, RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial, Districts if applicable spacing requirements are met. Staff is not requesting to expand these uses to any other districts. A key element of this was a Joint Resolution (Res. 9574) was made and adopted by the Board of Education of the School District of Springfield R-12, the City Council for the City of Springfield and Greene County Commission in April of 2008, and resolved, in part, that the McKinney-Vento Homeless Assistance Act and the applicable regulations set forth pursuant to federal law being amended to prohibit the location of a homeless program or homeless shelter at a location within one thousand (1000) feet of a secondary, postsecondary or elementary school and the local governing bodies enact legislation to place into effect such restrictions. There was considerable research done with benchmark cities throughout the country to and found there are these types of restrictions in some form as evidenced in the staff report. You can see from the map attached to the staff report in light blue the distance from the schools and you can also see all the areas throughout the city where these types of services can occur. There are orange areas on the map where a conditional use permit would be required because of the less intensity of the zoning district, meaning that it's one of the commercial districts that require a conditional use permit. It expands the ability to create a rapid response recognizing that if there was a situation similar to Joplin, to have that ability to react in such an emergency and that the Red Cross and the Greene County Emergency Management teams would be able to respond to that immediately without having to go through conditional use permits. They would be able to use the fast regulations they have to implement that. Instead of having a fifty (50) bed rule the actual limitation on the facility would be based upon the ability and infrastructure of the site to determine the number of people that can be served. This particular amendment has been run through the Continuum of Care (COC), Development Issues Input Group (DIIG), Environmental Advisory Board (EAB) and all registered Neighborhood Associations were notified of these amendments. Staff has not received any concerns from any of these organizations regarding these amendments to date and Staff is recommending approval.

Mr. McClelland asked to clarify that the portion of the map in orange is where there could be possible places these people could go in case of emergency, is that correct. Will there be some kind of a standing order in place that states this is now in effect.

Mr. MacPherson stated yes, but in order to establish those there it would require going through the conditional use permit process. The Continuum of Care and another group has been working on that and they have established a lot of this already in churches and the Salvation Army and Greene County Emergency Management would be able to respond to those. They have churches and other places that have already been pre-approved for this type of thing.

Mr. Hansen asked what the background is for increasing the maximum occupancy at these sites. Have they had problems of there not being enough capacity with the fifty bed maximum limit.

Mr. MacPherson stated that several months ago representatives from the Kitchen and the Continuum of Care spoke that because of the economy that they had significant shortages of places available. This is a proactive venture to try and make sure that there are ways to deal with those issues in a much more rapid fashion than there is currently available.

Mr. Hansen stated that increasing the maximum to whatever the situation will bear, would seem to have the effect of centralizing instead of dispersing like we have been doing so far. If you can increase the amount to any great degree in one spot then that is what is going to happen.

Mr. MacPherson stated that what potentially would happen is by disbursement throughout the city that a more open opportunity is created because there are churches throughout the city and other places of assembly that could be used and the Greene County Emergency Management Center as well as the Red Cross is much better suited to handle these things and they have the rules and restrictions to be able to handle those issues and move forward. It is important to note that what the capacity might be is unknown. This hopefully will help speed that time up.

Mr. Hansen commented that what we are talking about now then is not the established overnight facilities, but the emergency facilities, like in case of weather emergency.

Mr. MacPherson stated in part, yes. We are talking about adding to the Emergency and Natural Disaster issue. There is already an amendment for the Economic Calamity where they can allow that. There is one geared toward temperature and there are those that are transitional service shelters that are available for over thirty (30) days. The restrictions on that are as they develop these new facilities they have to be 2000 thousand feet from one another and 1000 feet from a school. The map was created to show you what that would look like and how much area of the city would be available for that and it's a significant amount.

Mr. Hansen said this is talking about at least two or three sorts of different facilities.

Mr. MacPherson commented is it confusing with all the different facilities available, and reviewed the types of facilities and the types of service provided at each.

Mr. Hansen asked if all these different facilities fit into this amendment and if this would apply to permanent places and emergency places.

Mr. MacPherson said yes; 1000 feet from the school and 2000 feet from each other.

Mr. Baird commented that this would be better served to separate out the emergency natural disaster and such places as the Victory Mission, Missouri Hotel, and the Kitchen for Commission and the Community to have them as two separate items, because a natural disaster is something completely different than someone who is having a difficult time in a transitional stage. Was there any thought given to making these two separate ordinances.

Mr. MacPherson said it is the ease of establishing a facility of this nature if an emergency occurs, that we are able to move very quickly if it is in any of these zoning districts. It can be set up through the management of the Red Cross, Greene County Emergency Management, and they are specifically mentioned. The codes are somewhat relaxed but under the inspections by the appropriate people, they can determine occupancy numbers and move more rapidly than a zoning case than you would have with the transitional shelters like you are talking about. That would take seventy (70) to ninety (90) days. That is where the distinction lays.

Mr. Baird asked in a natural disaster fire situation where you need to open up shelters, would those have the same distance restrictions; could you have two facilities within 1000 feet of each other.

Mr. MacPherson said no, there is 1000 feet between schools and asked Mr. Rykowski if the 2000 feet apply for these also.

Mr. Rykowski stated that when they went through this they found that over the years they had defined a lot of shelters and there were conflicting definitions. One of the reasons this was done was because of the Missouri Hotel fire when faced with fifty (50) or sixty (60) displaced families. The director of Building Development Services asked what they were going to do with them and Red Cross said they have two-hundred (200) shelters in the City, which surprised them because they are not zoned to have that many shelters. What the City discovered was they had been doing this on their own, and they had a list of approximately two-hundred (200) locations in the City that could be available at times of disaster, so that is where sub-section eight (8) for the emergency natural disaster came from. It was not put at thirty (30) days because they learned from the Joplin experience that sometimes it takes a lot longer than thirty (30) days to relocate. The emergency shelter could operate within the 1000 feet if it was deemed appropriate in the measure. This is the one you are asking about how do we respond and we are not getting involved in it and not going to have to worry about the zoning as Building Services would get out quickly. One of the listings for example was Parkview High School, and how many people could be put there. It would have to be inspected, get there quickly with an emergency team and say yes, you can put six-hundred (600) people there or whatever is appropriate in the location. It would be flexible and responsive to a disaster and could be used to house people who come up from a natural disaster. In that regard there is some flexibility in that because it is short term and we have separated those out. That is why we have all the definitions. The definitions we have for overnight soup kitchens are not topped down. Mr. Neal with the Planning Department met with the Red Cross and several shelter operators to find out what they do. We found that some of them, by their own plans, expect for these people to move on within thirty (30) days. That is why there is the thirty (30) day cut off. The definitions are based upon what was found existing in the community after working with the Continuum of Care and their various participants. There is some flexibility in the Emergency Natural Disaster as a general rule they will follow the limits, but if there is a situation for example, there is a private school and facility that would allow a temporary shelter, an exception has been built in which would allow the shelter to come in even though they are technically within the 1000 feet, a private school would not be prohibited from participating, but we do allow with the consent of the governing body that exception to protect the schools. That is very limited only in the short term emergency shelter type deal. We have tried to clean it up which is why you see so many sections of the ordinance being dealt with because there are these shelters available in many zoning districts. It is designed to be very responsive, short term and well monitored by Building Development Services and the Health Department will be involved in getting the temporary certificates of occupancy. The American Red Cross which will give us that first list, they have one-hundred sixty-seven (16) criteria points that these facilities have to satisfy to get on their list, that far exceed according to the Building Development Services Director what the City requires and are comfortable working with them hand in hand in the event of these disasters and maximum flexibility is built into this in several sub-sections.

Mr. Lawhon asked what steps would need to be taken to get approval or a permit to become a registered facility to be prepared in such an event.

Mr. MacPherson stated they would have to meet the standards set out in the zoning ordinance.

Mr. Lawhon asked if this is a disaster that has to be declared by City Council; what is the trigger that makes these overnight shelters available.

Mr. Rykowski said the emergency shelter you are talking about would vary considerably. This ordinance right now would automatically allow the City to start working in conjunction with the American Red Cross Disaster Services to place people. These are basically limited short term shelters so there is discretion there as to how to use it. If

you want to be a host facility for a short term disaster and you call the City, we will tell you to get in touch with the American Red Cross Disaster team. They are the ones to approve you to be on the short term list. Some churches are already on the list and are also calamity shelters. Once you have made their list essentially, the City is letting the Red Cross handle that because that is what they do and we learned in our meetings they do it very well.

Mr. Lawhon commented that it can be a rapid, quick response, because it is already set in place.

Mr. Rykowski said yes.

Mr. Hansen said his concern would be that this includes the permanent facilities like the Salvation Army, Missouri Hotel, and Victory Mission. The tension between these facilities and the surrounding neighborhoods is to keep that centralization from happening. If this amendment includes the permanent facilities they would be tempted to increase their capacity and it becomes the same argument they have had in the past, and I think that would be a step backwards. Mr. Hansen commented that he wants to confirm what particular facilities and what type of facilities these refer to; not to transitional shelters but to emergency facilities.

Mr. MacPherson stated what the amendment actually proposes is removing the requirement for fifty or less residents at an emergency overnight and transitional service shelter and allow the City Council the ability to review and set the number of residents allowed based upon the characteristics of the site and surrounding neighborhood, the availability of the services and infrastructure and a review by an appropriate departments to determine the application of the various city codes including but not limited to fire and health. What you are talking about, Mr. Hansen is a conditional use permit and that is exactly what was done on Commercial Street. If one of the existing facilities wanted to expand they would have to go through a conditional use permit process and pass all the criteria.

Mr. Hansen said the emergency shelters make perfect sense, and would encourage that, but would not vote on this amendment the way it is stated because it has the opposite affect that we are seeking.

Mr. Rykowski said the fifty (50) bed number when away in some of the discussions because it was a little arbitrary. You could put fifty-five (55) or in other places forty-five (45). The control mechanism is the conditional use permit. Someone might come forward and say we have been approved for fifty (50) and we want to have seventy-five (75), but if it does not fit it would come before proper review boards to get approval of the conditional use permit. The arbitrary number of fifty (50) was replaced with a more flexible standard. It gives us more control to set standards as appropriate based on the character of the neighborhood.

Mr. Hansen said that if this is passed the scenario he sees is that someone with a transitional facility would come before us and say we need one hundred (100) beds because the demand is so great and we end up compromising at seventy-five (75) beds and then the next year we get that again. There is the real possibility of one facility growing over time into something that none of us wanted us to see. What is called the arbitrary number of fifty (50) would just as easily be described as the compromise number of fifty (50) coming out of all the past discussions with the transitional facilities that have come before Commission and Council; the endless battling over the centralization that the facilities want because it is economical and the dispersion that the City and the community want because it is more aesthetic.

Mr. Rykowski said where this leads is the opportunity for someone to ask, and it would be up to Commission and Council to say no. It will not happen unless there is an approval. It allows us the ability to look at a situation two or three years from now and say yes, fifty-five works here. If the facts change or the environment changes maybe it is appropriate in the future that that facility be at one hundred, or not at all.

Mr. Lawhon said they are not given carte-blanche to anyone because there is an established process that has to

be followed and Commission and Council will have to give approval as well as other interested parties before any of that could happen.

Mr. MacPherson read through the standard requirements from the report.

Mr. Lawhon opened the public hearing.

There being no further discussion, Mr. Lawhon closed the public hearing.

Mr. Hansen commented that he feels like he understands the amendment and what it applies to, and to include the transitional facilities in this would not make sense in keeping with the rest of the purpose of this amendment in keeping the facilities dispersed throughout the community. If the transitional facilities are included in this that there is the real possibility they will want to increase their capacity and there have been many heated discussions, and community discussions in the newspaper about these facilities and it seems it was settled by having this fifty (50) bed maximum. To do away with that would open this issue up again. Mr. Hansen stated he would not vote for this amendment as written. If it excludes the permanent transitional facilities, then he would vote his approval.

Mr. Lawhon asked if the transitional shelters are included in this.

Mr. MacPherson stated the transitional shelters have more than fifty (50) beds. The words that are deleted are on the emergency shelters and a lot of the emergency shelters in addition to the transitional service shelters, which is what is confusing, are the ones with the limitations. The emergency shelters, not to be confused with the transitional shelters, in this proposal, have been expanded to include not just the cold weather, not just the economic calamity, but include a natural disaster or fire. That is why the definitions were reviewed to distinguish the difference.

Mr. Baird referred to section 3-3310, line 127 and 128, appears to be a distinction and asked where the transitional does not have to adhere to the fifty (50) beds, is that correct.

Mr. MacPherson said that is correct.

Mr. Rykowski said when reviewing this they found that just about everything was called an emergency shelter because everyone brought their own emergency so that's why even though this is in the conditional use permit for overnight and transitional, which used to be called emergency, we had to distinguish and redefine that. That is why it reads fifty (50) beds for emergency shelters in all districts, but if you look at the title of 3-3310, emergency has been crossed through and replaced with overnight. Emergency should be short term, restrictive thing. This would be for the conditional use permit to be issued. Previously, everything was called emergency but the fifty bed requirement that was previously there as a condition of the conditional use permit has been removed for overnight and transitional service shelters. That limitation has been removed but there is no carte-blanche as to what will be given.

Mr. Baird stated he is not certain he is prepared to vote to approve this at this time. It seems like we are trying to put too many things under one ordinance. Several people have said this is confusing and it has muddied the waters somewhat so he is not prepared to pass this.

Mr. Lawhon said that there are two things that he is comfortable with which is a positive move of trying to establish a mechanism so an immediate response can happen without having to go through the bureaucracy. The other issue is the safety net, because if an existing facility wants to increase their capacity they have to go through the process.

Mr. MacPherson commented that since there are a couple of Commission who are not comfortable with what they

are seeing in the amendment, to table the issue till the next meeting and staff can provide clarification in a memorandum and build a matrix of what is allowed and list each option and define it more clearly.

Mr. McClelland commented that he is quite impressed with the amount of thought that has gone into this through the American Red Cross and the criteria that is required to meet Red Cross standards. The five locations of the Kitchen, Harbor House and the others in his opinion have nothing to do with this amendment to the ordinance and commented that they should vote it in, but there are others who are against it, so it should be tabled till there is a larger quorum on hand.

Mr. Ray stated that if there will not be enough votes to pass the case this evening, it should be tabled and get more clarification in the process.

Mr. Hansen motioned to table the Emergency Shelters Revised Amendment until September 6, 2012, for further clarification. Mr. Baird seconded the motion. The motion carried as follows: Ayes: Lawhon, Baird, Hansen, McClelland, and Ray. Nays: None. Abstain: None. Absent: Young, Roling, Edwards, and Coltrin.

Mr. Lawhon asked Commissioners what kind of direction they can give to staff so they can come back with clarifications that will be helpful because he does not want Commission caught in an impasse when the case comes back to them again.

Mr. Baird stated he wants to know how the existing transitional shelters would be impacted by the changing of the ordinance, and an explanation of what their current capacity allowances are.

Mr. Lawhon asked for a more precise explanation of exactly what this refers to.

Mr. Hansen asked what the requirements would be after this amendment for the expansion of the transitional facilities and what would keep them from increasing the capacity standards.

Mr. McClelland commented that you cannot keep out the Kitchen, Harbor House, Missouri Hotel, Lifehouse, The Salvation Army, and Victory Mission in the amendment as an exemption to the adjustment.

OTHER BUSINESS:

4. **Lantz Housing Redevelopment Plan**
(1137 and 1141 East Elm)

Lantz Housing, LLC

Mr. Schaefer stated that Lantz Housing, LLC has filed an application for approval of a redevelopment plan pursuant to Sections 99, RSMo, of the Land Clearance for Redevelopment Authority Law located at 1136 and 1141 East Elm Street. To give you a refresher, Chapter 99 provides incentives for redevelopment of blighted areas and the incentive it offers is 100% abatement on new improvement for ten years; that would be property taxes. It required the area be blighted and a redevelopment plan be approved. The purpose of the Redevelopment Plan for the Lantz Housing Redevelopment Area is to clear blight and redevelop the area to accommodate a new house for a Missouri State University sorority. The Redevelopment Area consists of two parcels of land (0.46 acres) that are currently occupied by three vacant residential structures. The Redevelopment Area currently consists of two (2) two-story houses and one (1) one-bedroom studio. Mr. Schaefer referenced a photograph which was taken in April 2012, showing the houses he is discussing. The Redevelopment Plan proposes to demolish the existing structures and construct a new three-story sorority house that will serve as the residence for approximately 42 students, as well a location for chapter meetings and activities. Mr. Schaefer showed the proposed site layout and discussed the access of the site. Staff findings for recommendation are that the Growth Management and Land Use Element of the comprehensive plan designates this area for medium and high density housing which is consistent with the plan, and also identified Missouri State

University and the vicinity as a Major Activity Center. Mr. Schaefer discussed the benefits of the redevelopment plan. Staff is recommending approval of the plan.

Mr. Hansen asked if there is a rendering of the proposed sorority house.

Mr. Schaefer said no. What was provided in the redevelopment plan was a preliminary site sketch and if approved, when they go to redevelop they would have to redevelop in a manner that is consistent with that site plan as well as the use.

Mr. Lawhon opened the public hearing.

Ms. Sarah Wilson, 901 St. Louis commented she is representing the developer, and stated she has not seen an actual picture of the building, or actual plans. That is something the client is working on with the architect. More detailed plans will have to be submitted to the LCRA for review and approval before they can go forward.

Mr. Lawhon closed the public hearing.

Mr. Hansen motioned to **approve** Lantz Housing Redevelopment Plan. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Lawhon, Baird, Hansen, McClelland, and Ray. Nays: None. Abstain: None. Absent: Young, Roling, Edwards, and Coltrin.

Mr. Baird asked if there could be a separate meeting, since several Commission members are absent, maybe a luncheon to discuss the emergency shelter meeting and get everyone on the same page.

Mr. MacPherson commented that would be a good idea to have an informal discussion and will instruct staff to develop a matrix to distinguish the differences between the different shelters and the distance requirements, because we want to make certain that everyone is clear on what is being sent forward. Mr. MacPherson said he wants the information to more precise before sending it on to Council as there were more questions than staff had answers for.

ANY OTHER MATTERS UNDER COMMISSION JURISDICTION:

There being no further business, the meeting was adjourned at approximately 8:12 p.m.

Michael MacPherson
Principal Planner

Planning & Zoning Commission Agenda

August 23, 2012 - 6:30 p.m.

Members

Shelby Lawhon (Chair), Matt Edwards (Vice-Chair), Jay McClelland, Jim Hansen, Jason Ray, Gloria Roling, King Coltrin, Phil Young, Tom Baird, IV

Roll Call

Approval of Minutes: August 9, 2012

Communications

Finalization and Approval of Consent Items

(These consent cases will be approved by Commission unless a Commissioner or someone else wished 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 783
(2640 West Republic Road) | Jeknie, LLC |
|---|-------------|

Hearings

- | | |
|--|------------------------|
| 1. Hickory Hills Mkt Place PH 1 FP, Conformity Review
(NE Corner Us Hwy 65 & Chestnut Expressway) | Larino Properties, LLC |
|--|------------------------|

Zoning text amendments

- | | |
|--|---------------------|
| 1. Emergency Shelters Revised Amendment
(City-Wide) | City of Springfield |
|--|---------------------|

Other business

- | | |
|---|-------------------|
| 1. Lantz Housing Redevelopment Plan
(1137 & 1141 East Elm) | Lantz Housing Inc |
|---|-------------------|

Any Other Matters Under Commission Jurisdiction

For items for which the public may speak, the Commission Chairperson will invite anyone who wishes to speak to an item after staff makes its presentation. When you address Commission, please step to the microphone at the podium and state you name and address. All meetings are televised live and tape recorded. Please limit your remarks to five (5) minutes unless Commission allows a longer time. In accordance with ADA guidelines, if you need special accommodations when attending any City meeting, please notify the city Clerk's Office at 417-864-1443 at least three (3) days prior to the scheduled meeting.