

MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: September 6, 2012

TIME: 6:30 pm

The regular meeting and public hearing of the Planning and Zoning Commission was held on the above date and time in City Council Chambers, third floor of City Hall with the following members and staff in attendance: Shelby Lawhon (Chair); Matt Edwards (Vice-Chair), Tom Baird, Phil Young, King Coltrin, Gloria Roling, and Jim Hansen; Alana Owen, Senior Planner; Matt Schaefer, Planner; Thomas Rykowski, City Attorney; Paula Brookshire, Public Works; Cody Marshall, Public Works; Sandy Goddard, Administrative Assistant, Planning; Absent: Jay McClelland, Jason Ray.

ROLL CALL:

APPROVAL OF MINUTES:

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

COMMUNICATIONS:

Ms. Owen stated that item #7 on the agenda, the Major Thoroughfare Plan Amendment, staff is recommending that the public hearing be held this evening, but following the public hearing, recommend tabling the item to the November 1st meeting, and that is to allow for some addition discussion with property owners.

CONSENT ITEMS:

1. **Relinquish Easement 782** **Republic Road, LLC**
(2144 E Republic Road)
2. **Planned Development 271 Amended FDP Battery Outfit** **Lane Shumaker**
(414 West Bryant)

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

HEARINGS:

3. **Z-11-2012** **Harvey Flacks Trust**
(4800 West Kearney)

Ms. Owen stated that the purpose of the case is a request to rezone approximately 2.07 acres of property generally located at 4800 West Kearney Street from an IC, Industrial Commercial District, to a HM, Heavy Manufacturing District. The rezoning will allow a towing business with temporary outdoor storage, which is not permitted in the Industrial Commercial District. The proposed Heavy Manufacturing zoning is consistent with the adjacent zoning and it is also in line with the recommendations of the Comprehensive Plan. Staff is recommending approval of the application.

Ms. Owen pointed out that on the first page of the staff report, it does mistakenly say 0.55 acres; the actual acreage is 2.07 acres, adding staff wanted to clarify that.

Mr. Lawhon opened the public hearing.

Mr. Richard Gozia, 4009 N Briarcliffe Road, Kansas City, Mo.; Mr. Gozia commented that he owns a company called Premier Towing, Inc., and his two sons who are long term residents, run the company here Springfield and added he would answer any questions regarding the rezoning.

Mr. Lawhon closed the public hearing.

Mr. Hansen motioned to **approve** the Z-11-2012. Mr. Coltrin **seconded** the motion. The motioned **carried** as follows: Ayes: Lawhon, Edwards, Coltrin, Baird, Young, Roling, and Hansen. Nays: None. Abstain: None. Absent: Ray, McClelland.

CONDITIONAL USE PERMITS:

4. Conditional Use Permit 399 (661 South New)

Robert Ross

Ms. Owen commented that the purpose of this request is to adopt an ordinance to approve a use permit to permit a non-profit community center within an R-SF, Single-Family Residential District at 661 South New Avenue. City Council approved an ordinance back in August 2010, for a conditional use permit for the adaptive use of a non-residential structure within the Single-Family District and that was for a semi-precious gem retailer at this site along with some residential use. The gem retailer is no longer operating at the location and the structure is being used for a church at this time. The Church is a legal non-conforming, because the site does not have the adequate parking to support the church use and staff became aware of the current use of the property after a complaint was received by a near-by property owner. The property owner is seeking a conditional use permit for the community center and a community center is defined as a place, structure, area, or other facility for social, educational, and recreational activities of a neighborhood or community or sub-division, provided any such use is not operated for commercial gain. Therefore, community centers are not required to provide off street parking because the intent is that they would provide services for the immediate neighborhood so people would be walking or biking to the site and parking would not be needed. With the approval of the Use Permit for the community center the center could offer meeting space for neighborhood events, or other services that would serve the neighborhood, however it is not required that those activities occur on site. Religious services would also be permitted to be held in the community center, so the existing church or any other church for that matter could continue to hold religious services there on a continuing basis or regular basis without providing the necessary parking that is needed to support this specific use. Staff is not supportive of this request because it does not ensure the facility would be used to serve the immediate neighborhood and to provide those services

for the neighborhood. It would provide a means for the existing use to continue to operate without providing the required parking for the use. We do not believe the necessary use safeguards are in place to ensure that the use does not have any negative impact upon the neighborhood. There are twenty-one standards that must be met for approval of a conditional use permit and you will find those in your packet in exhibit 2, and there are several of those standards that we do feel are met with this application including the potential impact on the neighborhood from noise, traffic and also parking. Around the same time the previous use permit was approved on this site there was an amendment made by City Council to allow non-profit community centers to locate in residential zoning districts. At the time the amendment was made to accommodate a proposed youth facility near a school and we are recommending City Council initiate a zoning text amendment basically to further clarify, or clearly define what a non-profit community center should be and also look at parking standards, should there be required parking with that type of use. Ms. Owen commented that she wanted to present a little background because as she mentioned before, there was a previous use permit that was approved on this property. Following the gem retailer use on the property, the property owner did contact planning staff following the retailer leaving and expressed concern that that use was no longer there and the use permit was very restrictive, it was very specific to that use and the concern was that every time a new use would locate there they would need to come back through the process, which as you know is time consuming and expensive. At that time, Planning Staff told the owner that if he can come back with a use that is very similar in intensity to a gem retailer, it can be taken to the Administrative Review Committee and look at the use and possibly go ahead and approve that if it can be shown that it is no more intense. Following that, Planning Staff was not contacted again with any specific use and then the City became aware of the church that is operating at the site. It is Ms. Owen understanding that the property owner met with Building Development Services and tried to come up with a way that use could continue. A church is a permitted use within a Single-Family District, again the parking is not there for that use, so the solution that BDS staff came up with was to look at the community center use because again, the parking is not required and it does allow the religious services. That is how we have arrived at where we are tonight, but staff will point out that after looking at the request, we are not supportive of this request.

Mr. Young asked if the parking requirement is the only issue that the City has with this request. BDS did not come up with any kind of sprinkler system or means of egress issues with the building.

Ms. Owen stated she is uncertain if a full review has been done of the building code requirements so she cannot speak to that or if all those requirements are being met at this time.

Mr. Young said that parking is the biggest issue at this time.

Ms. Owen said that is the zoning issue that is in question currently.

Mr. Hansen asked if Council's waiving of the fee for this project is for the present owner or future owners.

Ms. Owen said yes, at the time the applicant met with BDS, one of the council members was contacted and a bill was brought forward to waive the application fee for this conditional use permit that Commission has in front of them this evening.

Mr. Lawhon asked if all twenty-one criteria that staff reviews before a conditional use permit is granted have to be met, and asked if this applicant meets all the requirements.

Ms. Owen said all criteria has to be met and staff does not believe the applicant has met the criteria and the staff report points out those that we believe are not met, with the application. It does look at the impact on the neighborhood and there has been complaints about noise and parking so those not standards are not being met.

Mr. Coltrin asked if historically has the conditional use permit been a conditional use issued for a particular use on a property or have they been issued with a wide range of uses possible on the property.

Mr. Owen stated that typically it is for a specific use because with the conditional use permit it is site specific. Staff questions if that site supports that use so in that case we have to know what the specific use is. With the adaptive use of a non-residential structure which is what was approved before, there is some leeway to possibly list a couple of uses that was not done in the previous case, but there is potential for that, but generally it is very specific so that staff is comfortable that use is appropriate for that location.

Mr. Coltrin asked if that was why the previous use was approved because it was reviewed for this site and deemed to be an appropriate and non-intrusive use.

Ms. Owen said that is correct.

Mr. Lawhon opened the public hearing.

Mr. John Ross said he is representing his brother Robert Ross, adding that he doesn't have much to say, as Ms. Owen spelled it all out, and that's the situation.

Mr. Perry Elkins, 701 S New Avenue, Springfield, stated his home is south across State Street from the site in question. Mr. Elkins stated that his wife is the owner of record and she wrote a letter to Commission with her concerns about the site. This site has been tremendously noisy. Parking has not been an issue it is the noise that is the issue. The church services have been loud enough that you can hear it throughout their entire house on Sunday mornings. Mr. Elkins said they do not object to the idea of a church or community center being on this site, but they are concerned that the appropriate safeguards be put in place, conditions, sound-proofing, parking conditions. They have a rental property behind the site and their tenants have complained about noise and parking. Mr. Elkins expressed his belief that the owner of the property is clearly aware of the process and the people from the church were not made aware that owners proposed use was going to be in violation and cause problems. He commented the current landlord is an absentee landlord who is not particularly concerned with many of the code issues and have had continuous problems with the tenants they rent to.

Mr. Coltrin asked if being in the proximity of the site, other than the noise, have the members of the church caused any concern or issues.

Mr. Elkins said the noise and is more interested in the rules going forward. If operating hours were established; the church is advertising for music lessons. Mr. Elkins tenants asked how late the music lessons would go and that church members have been blocking an alley that runs across south of the park and they may be remedied by parking signs being placed there. Mr. Elkins expressed concern about sound proofing being put in, some hours of service being established, and added the parking doesn't worry him as much as there is plenty of parking in the neighborhood.

Mr. Young asked Mr. Elkins about the noise. If the doors were closed would that reduce the noise.

Mr. Elkins said doors standing open, shouting, music... the structure has added air conditioning and started closing the doors and it has been better. But this facility is not designed for church services. There is no sound proofing at all in the facility.

Mr. Baird asked Mr. Elkins to clarify the parking issue and asked if there are other times, other than Sunday they are holding services or other times that are disturbing the neighborhood.

Mr. Elkins said it has not been an issue for him and does not see it as an issue as there is a lot of on-street parking in this neighborhood and the number of people coming to the services is, which may be an issue going forward, depending on what kind of a crowd, but a dozen cars up and down the street is manageable. The tenants have complained because they live behind this site on State Street and the alley runs in behind McGregor School and it sees a lot of traffic. Their children cross the street to go to the park and they are concerned about lines of sight and the number of cars that park there. It is because that street is almost empty except for Sunday mornings when the church service is going on. Friday evenings and Wednesday evenings sometimes and the concern this potential could have that they could hold services or music lessons anytime they choose. Mr. Elkins said he is not opposed to the use, but he wants conditions put on timing.

Mr. Edwards asked staff the occupancy of the building and if it is being exceeded or do you know.

Ms. Owen said staff does not know that information at this time. Building Development Services would have to provide that information based on the size and added she can get that information for Commission. Mr. Lawhon closed the public hearing.

Mr. Baird asked if Mr. Ross could come back to the podium to explain the noise and how they fit in the neighborhood.

Mr. Ross commented that he is not certain he can answer a lot of these questions, but he will try.

Mr. Baird commented that some of the concerns are the noise and the doors being opened, loud music.

Mr. Ross said it is a church and they do sing and play music and Sunday's mornings they have services.

Mr. Ross asked if they are primarily service people from outside the neighborhood or inside.

Mr. Ross said he believes it is a mix. The Pastor is not from the neighborhood.

Mr. Baird asked how people attend the service.

Mr. Ross said there are approximately fifteen people in the congregation. They are just getting started.

Ms. Roling asked if it is a church or a community center.

Mr. Ross said it is set up as a church. They are now considering turning it into a community center if it suits the ordinances better.

Mr. Edwards asked for clarification in that the gem store vacated, the church moved in, there was a complaint, the City came in and issued a warning. Who came up with the idea of the conditional use for the community center? Was that initiated by the City as a way around this or did you or your brother come up with this and brought it to the City.

Mr. Ross said that in the discussions, when the City came to them, they found out there was only fifteen people in the church and realized it probably wasn't as big a parking problem as the ordinance would require for a church and in talking with them, it came out that that would be a possibility of changing this over to community center and it would suit the parking regulations. The parking seems to be the only real problem.

Mr. Edwards asked what the maximum occupancy of the building is and asked if there was anyone from the church at the meeting.

Mr. Ross said he did not know adding the building is 1900 square feet and said there is not. Mr. Ross said they would probably be more than willing to cooperate with some kind of a time frame that Mr. Elkins discussed.

Mr. Edwards asked if anyone from the church been contacted to try and work out these problems.

Mr. Ross said all the original discussions took place in the church with the Pastor and everybody has been involved in it right up to the point of this meeting.

Mr. Young asked the type of seating that is in the church and asked if the dimensions of the building.

Mr. Ross said it is moveable chairs and there is a room in the back that is used as an office which is approximately 15 x 12, otherwise it is all open.

Mr. Lawhon closed the public hearing.

Mr. Young estimated the size and seating capacity of the building, with moveable chairs, which would hold approximately 126 people in the building. Right now they only have fifteen people, but it can grow.

Mr. Edwards asked at what point a fire suppression system would kick in.

Mr. Young said it would depend on the age of the building and a possible remodel situation if they begin using it and putting money into it, then BDS would have to become involved. In any commercial building right now, they want you to put one in.

Mr. Coltrin asked staff if this was a use permit for a church specifically, they have defined that and put limits on that instead of a community building, would that help the staff's concerns.

Ms. Owen said a church is a permitted use in a single-family district, but it basically has to meet all the other requirements of the zoning ordinance, which is parking, so a church is not a permitted conditional use, however a the use permit for a community center could be approved with conditions so there could be some conditions added on for hours of operations and add certain requirements like that on to the approval

if you choose to do that that would further restrict the use or add conditions.

Mr. Hansen said he doesn't feel like they have enough information to vote the issue up or down, adding that he would like to see the owner and the neighbors to come together and agree on some conditions and then come back to Commission. There is not time here to hammer those out but would like to see some set conditions before approval or denial.

Mr. Edwards said he would like to second that, saying that is a good idea and does not believe this is the place to work those issues out and they are not the people to do that, but would be in favor of tabling the issue. If staff generated the idea of turning it into a community center then we certainly owe that to the owner to at least help see it through and would hold that Mr. Elkins could voice his concerns at that point and maybe the community could get together. Mr. Edwards said he does not have a problem with the general idea of what they are doing here, but believes there are some conditional issues that need to be worked out and if everyone would be agreeable to that, then the issue should be tabled.

Mr. Coltrin said that tabling and sending back would be a good idea, but what he doesn't like is the way it is presented to them now is open to interpretation. The conditional use allows the opportunity to look as see if this is the right use for that location and throwing out an open invitation to interpretation to be all these things is not a good thing and he would be happy to table the issue.

Mr. Young expressed his concerns on what conditions could be there, with parking being number one and knowing the occupant load that could be there and he does not see it getting any better so something needs to happen.

Mr. Lawhon stated he could certainly see staff and the applicant and the neighbors reaching some kind of consensus of what a proper use would be on this and establish some kind of parameters.

Mr. Edwards asked staff if they should set a specific date so they will not to re-advertise.

Ms. Owen said they could do that. The next meeting will be October 4th, that does for allow several weeks to have discussions and come back with another report.

Mr. Edwards asked it that is enough time or should they go for the following meeting, just to be fair to everyone especially if the property owner doesn't live here.

Ms. Owen said that as far as staff is concerned that is plenty of time but you may want to ask the property owner and see if they feel like that is enough time.

Mr. Lawhon asked Mr. Ross if that would give him adequate time to talk with staff and neighbors and try to work some of these issues out. Mr. Lawhon asked when the next meeting would be.

Ms. Goddard notated October 18th would be the next meeting.

Mr. Edwards motioned to **table** Conditional Use Permit 399 to October 18. Mr. Hansen **seconded** the motion. The motioned **carried** as follows: Ayes: Lawhon, Edwards, Coltrin, Baird, Young, Roling, and Hansen. Nays: None. Abstain: None. Absent: Ray, McClelland.

OTHER PUBLIC HEARINGS:

Zoning Text Amendment:

5. Emergency Shelters Revised Amendment (City-Wide)

City of Springfield

Mr. Lawhon stated that amendments were presented to Commission at the last Planning and Zoning meeting and was discussed at length and was a good discussion. At the end of the discussion, there was more confusion when they began, so there was a luncheon on August 29th that lasted for an hour and half. Planning staff was there, as well as Commission; Red Cross, Continuum of Care, Springfield-Greene County Emergency Management was there and again had a very robust, constructive discussion that seemed to focus in on definitions of what we are talking about first of all; also about distances between these facilities and finally, the fifty bed limit that was included in some of them. Those seemed to be the three notable issues to try and clarify and so with that, what staff has done is they have revised what was originally presented to Commission at the last meeting after the discussions they had then as well as what they had a week ago yesterday, so next on the agenda is the Emergency Shelters Revised Amendment.

Mr. Daniel Neal, Senior Planner, reviewed briefly the changes that were discussed previously to establish some history. Staff is proposing these amendments to change the requirement distance of 1000 feet between any new emergency and transitional service shelter or soup kitchen and an elementary or secondary school as measured from property lines. That is one of the first changes. One of the other significant changes is to replace the term emergency shelter with overnight shelter to distinguish a shelter used in time of a natural disaster or fire or 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 days. As part of the discussion from the luncheon, we removed emergency shelters as an excluded use in the residential and commercial districts. The one item of focus was to remove the requirement for fifty or less residents at an emergency or overnight and transitional service shelter and allow City Council and Commission the ability to review and set the number of residents allowed based on 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. Planning and Zoning Commission will review and make a recommendation to City Council regarding those maximum number of residents in those shelters. Mr. Neal added that staff has, as part of the response here, added the term emergency to describe a shelter that is coordinated by Red Cross and have added that specifically in the language this time and clearly stated that these shelters are unaffected by the distance requirements or the maximum residents or occupancies. We have added a similar bed-limit for permitted overnight transitional service shelters in the HC, Highway Commercial, and CS, Commercial Service Districts and these will mimic the language that we have in the GM, General Manufacturing and HM, Heavy Manufacturing Districts. Any requests for overnight or transitional service shelters over fifty beds would require a Conditional Use Permit and you have all the other amendments in front of you.

Mr. Edwards asked as things stand now, can these shelters not apply for a Conditional Use Permit from over fifty beds.

Mr. Neal commented that in some districts they can apply for the Conditional Use Permit, but there is that

fifty bed limit or cap on all those except for HC and CS Districts.

Mr. Edwards asked if simply because of that cap being in place there is no application possible.

Mr. Neal said correct.

Ms. Roling asked if that is why the City is requesting the fifty bed limit be removed from the amendment and what are some of the characteristics of the site upon which the decision is based.

Mr. Neal said yes, there is not the ability to review anything higher, and the decision is something that would have to be determined according to the conditions, the surrounding neighborhood, the infrastructure, city codes, parking; those types of things.

Ms. Roling asked if some of the benchmark communities that were reviewed have examples of the characteristics they are using as a guideline.

Mr. Neal commented that staff did not review this as part of that review with the other communities; the fifty bed limit was not part of that review.

Mr. Lawhon said that at the luncheon, the fifty bed limit was discussed that is in the current text; where did that come from; is it based on facts, investigation, looking at similar communities or was it more arbitrary than that and not tied in with any specific criteria. That is one issue that was discussed at the last Planning and Zoning meeting and that is one of the reasons why the fifty bed limit is being removed from some of these categories if that helps with some background information about the fifty bed limit.

Mr. Hansen stated that City Council approved the ordinance in March this year, adding the definitions of economic housing, access and calamity and economic and housing access calamity shelter so that is what Council has requested that Commission review, is that correct.

Mr. Neal said yes.

Mr. Hansen asked if that includes removing the fifty resident's limit, so Council did not ask Commission to look at that.

Mr. Neal said not specifically, but in broad terms is how we look at those initiations.

Mr. Hansen asked why Commission is looking at it.

Mr. Neal commented that from staff's level they were looking at whether Planning and Zoning Commission and Council was interested in removing that section so they could provide more flexibility for these types of uses in the Zoning Ordinance.

Mr. Hansen clarified that was generated from staff and not Council.

Mr. Neal said correct.

Mr. Hansen commented that to him other parts of these proposed amendments would add flexibility to short

term emergency needs, weather calamities, and fire calamities and those make perfect sense. But removing the fifty bed limit on the permanent shelters where there are residents year around, it would seem that is not really flexibility that opening it up to expansion.

Mr. Neal said that one of the examples discussed during the luncheon was the Salvation Army and how they had to go through the Planned Development to be able to go beyond that fifty bed limit and that is why staff saw that the fifty bed limit could go through some review at that time. We did that with the Planned Development for the Salvation Army. Staff determined if that could be done at the Conditional Use Permit level that that would have a similar review process.

Mr. Hansen stated that as it was the Planned Development requires a final development plan prior to permitting plus a public hearing.

Mr. Neal said that is correct, it goes through a similar process.

Mr. Hansen said he sat through that process at that time and he thought from the start, this proposal by the Salvation Army was a great idea and thought at the time it would be a slam dunk and was surprised to find the reaction of the neighborhood to that proposal. Mr. Hansen commented that to soften the restrictions on this issue, one that has such a profound impact on neighborhoods and the surrounding area, is a step backwards. He has tried to find out what the reasoning was behind the fifty bed limit that is such an arbitrary term and it must have come from considerable discussion in this regard and has yet to come up with a record of what was said in way at arriving at that fifty. Mr. Hansen commented that if he could review the reasoning behind that, good or not, for changing this restriction, then maybe he would change his mind because it makes no sense to drop this restriction on these permanent shelters. These are two separate issues that should not be tied together in this one request for amendments.

Mr. Edwards asked if there is project for the impetus for the fifty bed limit being dropped that is being proposed or requested, or is this just the idea that there is a big demand for homeless shelters and we know we have a problem and have to fix it and maybe this is a way to do it. What is the approach staff is considering.

Mr. Neal commented that it comes from the example used earlier of the Salvation Army; going through the Planned Development process and when it came to the other changes including the 1000 foot set-back from schools, staff felt this was something that could go along with that amendment for discussion. Staff would entertain any changes to the amendment if you feel those two should be split so staff can get those other two amendments on.

Mr. Young commented he believes that removing the fifty bed limit is a good thing. It provides more flexibility to the organizations, to developers coming in, and does not want to stop any type of development that would help the community in need. The City has in one section of the staff report which states this will be on a use by use basis, case by case basis so when someone comes in and requests sixty beds, six-hundred beds, staff will look at the request and determine if it meets all the requirements of the ordinance. It is not just an open door that allows people to do what they want. There are safeguards here in the ordinance, and by removing the fifty bed limit it will allow someone else other than the Salvation Army to come in and develop something. Mr. Young said he does not want to restrict any organization that is trying to provide assistance to the community and as long as the need is there we should provide the means for them to do it for fifty or one-hundred people.

Mr. Lawhon asked Mr. Neal for a short synopsis explaining the process for opening an overnight shelter, if this amendment was passed.

Mr. Neal said the first step is meeting with staff, Building Development Services, ascertaining the proposal is sound in the form of a pre-application review meeting. From there, it would go to a sketch plan with the Administrative Review Committee to determine what the merits of the particular application were and if the applicant decided to go forward after the comments from the Committee, they would submit a formal application and take that to Planning and Zoning Commission where staff would generate a staff report for Commission review and approval and on to City Council and during that period of time, there are reviews by various departments, neighborhood meetings, postings, and advertising as part of the process.

Mr. Lawhon clarified that the applicant would be asking for a Conditional Use Permit and there are twenty-one (21) criteria that have to be considered before the application could move forward.

Mr. Neal said correct.

Mr. Paul Parker, 1539 N Washington commented he lives in the Mid-Town Neighborhood and has been president of Commercial Club for five years, the City's oldest civic organization and commented that he might be able to give some background stating that he was there in 1997 when the shelters ordinance was hammered out. The fifty bed limit is somewhat arbitrary. The Federal Government with the Housing and Urban Development recommended twenty-four beds as a limit. The Benchmark cities were discovered to have a forty bed limit, so how the fifty was determined is not known. When you have that level of social services in your neighborhood, it is devastating and takes some time to recover. Mr. Parker commented that he lives in Zone 1, where all the shelters are located. Why are the shelters not spread out? The Continuum of Care to his understanding is you spread people in need thorough out the city and from what he has seen, neighborhoods do not benefit from this concentration and people who are looking for services, two hundred people down and out all in one place, they don't benefit from these services. It is the providers, the people who at the end of a day cash a check. The two citizen organizations who were involved in the 1997 ordinance were Commercial Club of Springfield and Mid-Town Neighborhood. Mr. Parker stated that he was told that City Staff contacted neighborhood organizations and granted, maybe Commercial Club is not considered a neighborhood organization but he just learned about this meeting today and in speaking with his neighbors that serve on the Mid-Town Neighborhood Association just hear about this today as well. He spoke with Rusty Worley from the Urban District Alliance, President of West Central Neighborhood Association and he received an e-mail, but did not bring it up at the last neighborhood meeting. Mr. Parker said he would hate to see a one-hundred bed shelter in southwest Springfield, it won't happen, and would hate to see it happen to any neighborhood. He would encourage Commission to think about this amendment and suggested that City Staff go to Benchmark Cities once again and see if they have limits and ask who are you trying to help, the neighborhoods or the people in need or Social Service providers.

Mr. Hansen asked Mr. Parker how this amendment benefits the providers to expand these shelters.

Mr. Parker stated that from a business point of view if he is opening a business; let it all be right here instead of having it dispersed; consolidate, concentrate by having all the services in one place and whether that helps the people you are trying to provide services to as much as spreading it out as the Continuum of Care recommends. As a City, if we have that big of a heart, let's spread the joy around and if we don't, quit hammering Zone 1 which is the poorest district in the City with importing more poverty.

Mr. Kent Brown, 1423 North Summit , commenting this is in the Mid-Town Neighborhood and he is a member of the Mid-Town Neighborhood Association and currently on the Board. He has lived in Mid-Town since 1988 when basically Mid-Town was created and Mr. Parker covered many points that he wanted to discuss. Mr. Brown commented that you cannot understand what Mid-Town and Commercial Street looked like in 1988 unless you really saw it and lived there. These neighborhoods have been brought back from the brink of slums; that is what they were and it has been the hard work of a lot of people that invested their blood, sweat, and tears and their life savings into these homes and these businesses. Older neighborhoods like these have unique problems which you don't find in more affluent neighborhoods. The property is cheap and there are old buildings that are easy to acquire and as Mr. Parker pointed out, the City's mission of taking care of the homeless, which is a City-wide mission, disproportionately falls on District One; these two old working class neighborhoods. That is where the services are concentrated and that is where the City of Springfield is taking care of its homeless people. That is fundamentally unfair but that is the way it is. In 1997 when this ordinance was drafted to address this problem it was a very contentious issue. Mr. Brown discussed excerpts from a letter from Mr. Ralph Plank who is also on the Mid-Town Neighborhood Board, and he was actively involved in the negotiations in 1997, stating that Mr. Plank stated they met once a month for two years to work out the solutions to minimize the impact of the shelters on the neighborhoods. This is not some arbitrary something that was just kind of carelessly cobbled together, this was impassioned people who spent a lot of time, research and discussion and ultimately they hammered out an acceptable compromise and that is what government is about, it's about hammering out compromise. Mr. Brown said the fifty bed limit is the lynchpin of this whole issue. We have already got all of it in our district and all they are asking for is limit them to size. As Mr. Parker pointed out, the United States Federal Government does not believe these shelters should be any bigger than twenty-four and doubts that they have changed it. That is not just to protect neighborhoods, that because studies have shown that homeless people, eighty-five (85) percent of them have substance abuse or mental illness. The studies have shown that they recover better, are better able to integrate into society better when they are in small shelter when services are dispersed. They do not respond as well when herding them all together in large facilities so the policy here protects the investment of the neighbors and it also the best situation for the population of people they are trying to help. Mr. Brown asked Commission to keep the fifty bed limit.

Mr. Hansen asked Mr. Brown if the clients of the facilities are local people or neighbors.

Mr. Brown said he does not know, but stated he has heard statics that many people come from out of town. He has spoken with people who are not in government but are in the private sector who have worked with helping the homeless in other cities where these cities do not have the facilities that Springfield has, offer bus tickets to people to come to Springfield, and that is not an issue he is trying to get into. This is Springfield's mission to take care of the homeless, and maybe we are doing a better job of it than a lot of other communities, but the issue is that it is not the responsibility of Zone 1 and they is all they are asking for.

Ms. Roling asked Mr. Brown if he had received notification.

Mr. Brown said yes they received a letter, and had a busy agenda at their last meeting and it was missed.

Ms. Michelle Garand with the Community Partnership of the Ozarks and staff to the Continuum of Care as well as the housing collaborative and for exactly the reasons why there is an argument to keep person limit, that is exactly why they would like it lifted and kept with the proposed amendment. At this point by lifting

the fifty person limit it expands the housing provider's opportunities for site selection. This does not in any way lower the standards to which a provider organization should be held. We have full faith in the City Staff and the Planning and Zoning Commission as well as City Council to fully scrutinize any agency that wanted to move into any neighborhood. By keeping this fifty person cap, it limits where a shelter can relocate. Right now there is no one looking to relocate only strategic planning is in place. We know that by keeping five different shelters in one location is not good for the people they are serving, the neighborhood and the businesses, so for a long time we have been looking at where they can go and expand. There are only so many places they can go with a fifty person limit. Right now the Missouri Hotel serves approximately a ninety (90) bed facility. Separating that into two facilities around town doubles the staff, doubles building maintenance, and doubles operation. We do not have the funding to do that and funding is shrinking at an exponential rate. Ms. Garand said she respectfully disagrees that it would profoundly impact communities because it actually levels the playing field. No other population is excluded from neighborhoods based on bed sizes. No apartments to her knowledge are excluded based on the population they will be housing, so removing the cap lifts that air of exclusion of an already marginalized population and really sets the playing field level for them to look at where the best place would be to sight a shelter and get them out of Zone 1, and disperse them throughout the community where they can more easily seek social services or jobs.

Mr. Lawhon said that if this amendment were passed this evening as written, it would eliminate the fifty bed limit and Ms. Garand is aware of the process this would have to go through to before it could be approved and asked Ms. Garand if she sees this as a burdensome process or an impediment; to initiate the approval process that Mr. Neal discussed.

Ms. Garand said that she fully supports that process. Right now the main shelter providers are very reputable and they do care and they want to serve in the best way possible. That won't always be the case as the City continues to grow so from the Continuum's perspective and as an advocate for not only the homeless but of the neighborhoods, we want the level to be raised and questions to be asked and we do not want the bar to be lowered in any way. We just want them to be able to be called to the table and allowed to make application and right now there is not a reason they shouldn't be allowed to make application. We would go to the neighborhoods to ask how this would negatively affect the community and neighborhood. Fifty beds may be the minimum that we set for Mid-Town or Rountree or wherever it may be, but we should have the ability to ask.

Mr. Edwards asked about security for the people in the shelter, adding that he has heard the statistic that the majority of homeless people are women and children and his concern is what kind of rates of violence against women and children do you see in homeless shelters and if the ban is lifted what kind of safeguards are in place for them to place them in large communities like this where they might be open to such problems.

Ms. Garand said that is absolutely the case adding that what their shelter system has done is focus on that particular area to protect the women and children and families that are being served. That is why Commercial Street was really involved in discussions and looked at Victory Mission is located here and we also have single males being served within the Missouri Hotel population and it does put people in danger, therefore we as a community came together through the Continuum of Care and asked how this can be fixed. We can protect women and children in their own facility and we can move the men's shelter further away. The options are limited because of a myriad of issues but security for that population is why you would not want to keep everyone in the same neighborhood. That is why they would look to expand to other areas of the city to be able to further separate populations. The individuals that come into shelter into

program, they have background checks, no sexual predators can be served there. The individuals mentioned earlier are primarily individuals who would be with mental health, substance abuse disorder and that type of issue that we find that population more so in the chronic homeless population than the individuals living outside, so those are not individuals that are in the shelter system and they do not have direct access to and pull them in. That would be a population they would not want in a high rise hotel situation. By being able to focus all the financial and social supportative services in one building, which n brings services to families who suffer from the barriers of transportation, education and the like and by keeping one location those services can be distributed a lot easier. Ms. Garand expressed a concern they had as a Continuum and the Housing Collaborative about the 100 hundred feet between an emergency transitional services shelter, soup kitchen, and an elementary or secondary school. We are fully in support of that to protect the children and schools, however, we would ask that thoughtful consideration be given to exempting those family serving shelters. There is a lot being done within the schools to provide after school programs and neighborhood enrichment programs and family enrichment programs and that would exclude or further marginalize families and children from taking part in that. As was mentioned previously, the individuals that are within that family serving shelter site are scrutinized with background checks and would not, in her opinion, provide a direct harm in that capacity. The benefits of allowing a family shelter to be within one thousand feet certainly there for the children and families. We want the children to feel community and neighborhood and would like to be able to offer that to them without exclusion.

Mr. Hansen asked what sort of shelters Ms. Garand was referring to just now.

Ms. Garand said the family serving shelters, those shelters that serve only women or men who have children with them. Being within walking distance of the school allows opportunity for that civic engagement and if we keep pushing families out that don't have transportation back to a school for a PTA meetings, GED classes, limits the access to those enrichment programs.

Mr. Hansen asked if those types of shelters be covered by these amendments.

Mr. Neal said they are covered in the required minimum distance of 1000 feet between any new emergency and transitional service shelter or soup kitchen and an elementary or secondary school as measured from the property lines. It would be considered a transitional service shelter.

Ms. Garand stated that she believes these would be shelters that would be serving children as a primary population which would be different from a shelter that served men or single adults and you could not make it just transitional service agencies, it would be too broad in that capacity. It would have to be narrowed to those family serving sites that have children as a majority of their residents perhaps.

Mr. Hansen commented he understands the reasoning behind that, but they would have to further amend the amendment to do that. The point is well taken and seems like an issue that needs to be addressed in the future.

Mr. Baird stated Ms. Garand brought up a very valid point and while staff and Commission has spent a tremendous amount of time on this issue, this particular issue has not come up and he would like to see it come up in the future to make that distinction between the family serving shelters and others.

Mr. Young said the 1000 foot distance is a change in the amendment asking what the change was.

Mr. Neal said there is not a setback between schools and emergency transitional and overnight shelters, but it does mimic the economic and housing access calamity amendments that Commission approved previously.

Ms. Garand stated that she would like to be clear that they are in support of that boundary area accept for the babies.

Mr. Young stated he did not want to marginalize the 1000 feet, but that is approximately a block so it is not really that far.

Mr. Lawhon closed the public hearing.

Mr. Hansen commented that he appreciated all the speakers addressing this amendment and its complexities. A matter of a few words in a sea of thousands makes all the difference and there are a number of things that he is uncertain of particularly since each revision they have received over the last week or two has been substantially different and cited some examples and the interpretation. Mr. Hansen commented that he does not understand every bit of the amendment as he feels he should to vote on such a profound issue and said he would like to have further discussion on it and would, if he felt there was support, offer a motion to table the issue till another meeting, otherwise he cannot vote on it in good conscience.

Mr. Young commented that he felt that he had enough information to vote on the amendment and most of it is because he has faith in what has been written and what is being changed and faith in City Staff in being able to analyze each and every case that comes through from a developer or owner or organization that wants to have a bigger facility and provide this service. Mr. Young said there are safeguards in place that if they want to proceed, they have to come back before Commission and we will deal with it on a case by case basis. It allows the most flexibility for the community and for the general public to voice their concerns and is in favor of the change to the amendment at this point.

Mr. Coltrin said the 1000 foot distance requirement is less than a ten minute stroll at an elderly pace, so it is not a distance that is preventative from anyone getting anywhere. After the discussions from speakers that served as Commission serves, on neighborhood committees and have worked years ago to come up with a compromise, they didn't hold the line at twenty-four (24) or forty (40); they said we will take fifty (50). It seems to be a policy anymore that it is my way or no way and the other portions of this amendment don't seem to be as divisive as this number of people. These people worked in good faith a decade ago to come up with a compromise that they could live with as property owners that were going to have facilities in their neighborhoods. Mr. Coltrin said that to hold it at fifty (50) residents is reasonable and allow the rest of the amendment to roll through and try and find something that works for both. Mr. Coltrin commented that if someone wants more than fifty people, they are certainly able to come in and go through the process they would go through if the fifty (50) resident cap was removed; it has to go through Planning and Zoning and City Council so if someone is willing to go through the process, he is willing to go along with that group. If it is voted on as is, then he would have to vote it down.

Mr. Edwards said that he is in agreement with Mr. Coltrin and believes he agrees philosophically with Mr. Young in terms of what Commission is trying to do here. We have a huge homeless problem and acknowledge that and the majority of these shelters are run by people who are giving everything to be there and provide those facilities. What protections do the neighborhoods have and this fifty bed limit is arbitrary

but it seems like it is a number that was arrived at pretty reasonably by a lot of people. It is a reasonable number and looking back at what Commission did for the Salvation Army and they was a huge hurdle to do that, but it is a huge facility that they have. It is not somebody throwing open a street corner church and letting them in. They have real facilities there to help people and segregate communities from women and children and men and that is the way it should be. Mr. Edwards said he is in favor of the other plan planks which are good ideas and would hope that however Commission goes with this tonight that this is an issue that continues to be brought up and amended to seek the common ground and seek the ways we can really help people to actually fix the system. Mr. Edwards said that he would be in favor of passing what Commission is in agreement with and denying the fifty bed issue or kicking the whole issue back and then look to narrow down that topic at another time when we can send it to a task force or get more community involvement because all it comes down to is all these people want is some protection and the folks that are trying to provide for the homeless community, they are doing the right thing. Let's keep pressing forward, get what we can through, what we can all agree on and leave the protection in place.

Mr. Lawhon said that he remembers looking back at the proceedings from the City Council meeting in 1997 and some notes from staff associated with that and eventually the fifty (50) bed limit and where all the input from that came from and agrees the number isn't as arbitrary as it may seem; the folks who were there at that time in good conscience with whatever criteria they used thought fifty (50) was a good number to go with and sounded appropriate and good at the time. Mr. Lawhon said he is in favor of lifting the fifty (50) bed limit and passing the amendments as they are for a lot of the same reasons Mr. Young described, and primarily not to be opened ended for anyone to do anything that could be negative. The reason he feels comfortable in eliminating the fifty (50) bed limit is based on the specific question about the process that has to be in place before this can finally be approved and has every confidence in planning staff, in Commission and City Council and knows that anyone who proposes this would go through the same process for anyone that comes to them with a zoning request. If it wasn't for the safeguards, then the fifty (50) bed limit should be retained. Possibly in the future there would be the opportunity to revisit the number limit again if it was demonstrated that it was detrimental and the wrong decision had been made, but added he is in favor of the amendments as they are.

Mr. Rykowski commented that technically Mr. Hansen has motioned to amend the bill to retain the fifty (50) bed limit.

Mr. Hansen motioned to **approve** the Emergency Shelters Revised Amendment, excluding removing the fifty (50) bed limit. Ms. Roling seconded the motion. The motioned **carried** as follows: Ayes: Lawhon, Edwards, Coltrin, Baird, Roling, and Hansen. Nays: Young. Abstain: None. Absent: Ray, McClelland.

Mr. Edwards motioned to **approve** the amended Emergency Shelters Revised Amendment. Mr. Coltrin **seconded** the motion. The motioned **carried** as follows: Ayes: Lawhon, Edwards, Coltrin, Baird, Roling, and Hansen. Nays: Young. Abstain: None. Absent: Ray, McClelland.

OTHER BUSINESS:

6. **Bears Crossing Apartments Redevelopment Plan**
(920 South National)
Rountree Neighborhood Association

Mark Wicks

Mr. Matt Schaefer stated the purpose of the request is to approve the Redevelopment Plan of the Bears Crossing Apartments Redevelopment area, generally located at the northeast corner of the intersection South National Avenue and East Belmont Street (920 South National Avenue) and consists of one parcel. It is zoned RHD, High Density Multi-family Residential and located within the Rountree Urban Conservation District. The proposed redevelopment Plan for the Bears Crossing Apartments Redevelopment Area is in conformance with the Springfield-Greene County Comprehensive Plan. Wicks-Wise, LLC has filed an application requesting approval for the redevelopment project pursuant to Section 99 of the Missouri Revised Statutes and that is the Land Clearance for Redevelopment Authority Law. It provides incentives to promote investment. This is to remove blight and redevelop the area into a multi-family residential apartment building that will be located adjacent to the Missouri State University campus. The redevelopment Area consists of a single 0.37 acre parcel of land. It is currently occupied by a dilapidated apartment building that was originally constructed in 1893 as a single-family residential structure. The Plan proposes to demolish the existing structure within the Redevelopment Area in order to facilitate construction of a new four-story apartment building containing eight four-bedroom units. The structure would have to conform to all applicable zoning requirements including the additional requirements imposed by the Urban Conservation District. Mr. Schaefer referred to the site plan of the proposed redevelopment plan and indicated the site would be set closer to National Avenue and have parking to the rear. Staff findings are the Growth Management and Land Use Element of the Comprehensive Plan designates the land be used for Medium or High-Density Residential Housing and recommends locations with good traffic access that are located along arterials and collectors. It also targets the Missouri State University Campus and surrounding area as a Major Activity Center. One of the Plan's objectives relating to Activity Centers is to promote additional or new employment, intensified retail business, higher density housing and convenient transit service. The Redevelopment Plan supports this objective by providing new multi-family housing that will accommodate approximately 32 residents.

Mr. Coltrin asked Mr. Schaefer if the zoning that exists does it allow apartments already.

Mr. Schaefer said yes.

Mr. Coltrin asked if this is currently a redevelopment area or if that is what they are applying for.

Mr. Schaefer stated that is what they are applying for. The area is not declared blighted and it is not in a redevelopment area currently.

Mr. Coltrin asked if the reason for the request to facilitate the tax abatements. This would not be an apartment building if the redevelopment isn't approved.

Mr. Schaefer said yes. The developer has indicated to staff the abatement is necessary to facilitate the redevelopment project.

Mr. Baird asked what the criteria are for a development to go through to get the tax abatement as it is not currently a blighted area, is that correct.

Mr. Schaefer said correct. The developer has to submit a blight report and the redevelopment plan. The blight report documents the blighting conditions which are presented to the Land Clearance for Redevelopment Authority along with the Plan. The LCRA reviews it and makes recommendations. Staff is before Commission to make a recommendation based upon conformance to the Comprehensive Plan. It

will then go before City Council who will have the ultimate say as to whether it is a blighted area and they will make that official declaration and approve the redevelopment plan. Once that is approved the area is blighted and the developer is not automatically granted abatement. The Developer has to submit a project to the LCRA at a later date and the Authority will look at the project and determine whether the project conforms to approved redevelopment plan. Once that determination is made, the tax abatement will be authorized.

Mr. Coltrin asked what the Land Clearance for Redevelopment Authority organization is.

Mr. Schaefer stated that is the name of a Board which comes from the State Statutes. State law allows Cities, Municipalities to establish Land Clearance for Redevelopment Authorities. It is a Council appointed board of five members.

Mr. Young stated that the land is not blighted at this time, and it is being requested to be blighted based on this developer; what happens to the property if this developer disappears. Will it stay blighted for someone else to come in and develop the site?

Mr. Schaefer said yes if the developer has a change of mind and abandons the project, the redevelopment area will remain blighted and the redevelopment plan will remain in effect. Another developer could step up and do a project in the redevelopment area but in order to receive abatements, it would have to conform to the redevelopment plan that was approved.

Mr. Edwards stated that several weeks ago there were several properties that had been blighted decades ago and we set them back and took the blight away. After something like this goes through and it is redeveloped, is there an automatic removal of the blight or is that going to take affirmative action from Council to go back in and remove the blight even though it has been redeveloped and the tax abatement process has already played out.

Mr. Schaefer stated that staff has been advised by the Law Department that once an area is blighted, the blight declaration stands until the time that City Council makes a declaration that it is no longer blighted. Some time ago there were some requests before Commission and Council to repeal some of the older redevelopments plans that have been completed and to declare those areas no longer blighted. These areas are constantly monitored. There is annual reporting on those and from time to time staff will bring forward recommendations to repeal some of the older redevelopment areas as needed.

Mr. Edwards asked if you would have to change the law to have the blight sunset along with the tax abatement.

Mr. Rykowski stated that Chapter 99 of the Statutes governs this and the LCRA, and the state statute provides for you to declare blight. It is silent as to what happens then so we would have to go to the State Legislature. What we did is look at areas that had been substantially redeveloped because when you blight an area you don't have to have everything blighted in it. You might have one or two good properties. We had properties that had been ninety-nine (99) percent redeveloped and there might still be one or two buildings left but for a variety of reasons after review through the Economic Development Department, Mary Lilly Smith, they thought it would be best to take those off at that time. It is monitored every year to see how they are coming off and also monitor the tax abatement so that we know when the abatement

period ends. In the last year we have had several of those roll off that were given twenty years ago so it would require the State Legislature to act on it and it is probably not a high priority right now.

Mr. Lawhon asked for the criteria for having designated as blight.

Mr. Schaefer stated that the State Statute has a definition from blight and some of the factors are physical deterioration, conditions that are unsanitary or unsafe or cause harm to life or property by causes of fire or other causes and conditions that may become a menace to public health safety and welfare.

Mr. Lawhon opened the public hearing.

Mr. Mark Wicks, 3460 S Woodstock, Springfield stated he is the owner and developer as well.

Mr. Lawhon closed the public hearing.

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

7. **Major Thoroughfare Plan Amendment**
(East Republic Road Connector)

City of Springfield

Mr. Baird recused himself for business purposes.

Ms. Paula Brookshire stated the purpose of the request is to amend Springfield's Major Thoroughfare Plan to show the preferred alignment for the East Republic Road Connector between Glenstone Avenue and U.S. 65. In January of 2010 there was a public meeting held to discuss possible alternative alignments for the extension of Republic Road. At that time there were three (3) possible alignments presented and citizens were able to discuss and it came to the Planning and Zoning Commission and Commission approved the request to show future alignment beginning at Glenstone. At that time the alignment went east of U.S. 65 and included a new interchange at 65. The proposal was removed from City Council agenda and never preceded any further. Since that time there have been some development inquiries and property owners have asked about where the corridor will go. Those property owners need to know how to plan for the future of their property and the City needs the ability to plan to preserve the right-of-way to allow that future road to develop. That is why staff is bringing this back to Commission, but at this time a section has been amended and looking only from Glenstone to west of U.S. 65 Hwy. This would not include an interchange at U.S. 65 and it would not include any alignment proposed east of 65. There are three (3) alternatives that are shown in your information and these are the same three (3) alternatives that were shown in 2010. At the time that this was discussed and taken to public meeting in 2010 alternative A, was the preferred alignment because it affected fewer homes and had the least impact on Galloway Village. Public Works staff recommends approval of an amendment to the Major Thoroughfare Plan showing Alternative A as an extension of Republic Road from Glenstone to U.S. 65.

Mr. Hansen asked why the corridor would not go down where Republic Road is right now, the spacing requirements for the alternative alignments and if the City is planning on doing an interchange there in the

future.

Mr. Brookshire said she does not know how they choose the alignments at the time that it was done. The alignments are the same ones looked at in 2010 and are not certain of how they were chosen. Ms. Brookshire commented that spacing requirements would come in to play, but at this time they are not looking at an interchange. They are looking at corridor to west of U.S. 65, not an interchange or anything east of 65. Ms. Brookshire said it is not something that the City is considering at this time.

Mr. Hansen asked what this stretch of Republic Road be rated as.

Ms. Brookshire said it is a primary arterial and there is a standard for the right-of-way the City uses but as for the width of the road it would depend on when it was actually required and what caused the need for the widening of the road and how wide it would have to be at that time, but right now they are not even looking at building a road, but preserving a corridor as the property develops and give the property owners the ability to know what the City's plans are for the future so they can plan accordingly with their property.

Mr. Young asked if Council has voted on any of this at all.

Ms. Brookshire said they have not.

Mr. Edwards discussed the interchange at U.S. 65 was tied specifically to the development and they had one spot that it could be and MoDOT would not give them an inch either direction so they did not have a choice as to where that one spot could be. Mr. Edwards said he believes this goes along with the Growth Management and Land Plan which says that the City should actively go out and preserve those corridors for long range plan transportation, things they didn't do, for example, on the extension of Kansas Expressway south.

Mr. Coltrin stated that the last time Commission saw this there was the interchange and the County extending a road off into their world east of 65, what happened to the County's portion.

Ms. Brookshire said she could not speak to that.

Mr. Coltrin asked if staff could tell him what happened to the County's portion, does it exist or has it been abandoned.

Ms. Owen stated she could not say for certain, but the last she understood, they had tabled it or pushed it off and believes the Ozarks Transportation Organization was looking at it too and then they held off waiting for some census numbers to come through and to her knowledge it has not been looked at since, but cannot speak with any real knowledge of it.

Mr. Coltrin commented to Mr. Rykowski that Commission mapped this so that if a property comes into development that we can take that right-of-way from that development. If a property exists there and they want to do something that's already within their zoning rights, to build a house right under that green band, can they do that after you put this on the thoroughfare plan.

Mr. Rykowski said it would depend on how it comes up, but if the City exercises no way to prevent them in an application process, this gives them guidance, and without speaking for Traffic, the fact that you have

tracts A, B, and C, is still open to further review and discussion. There has not been a final determination as to which course it would follow.

Ms. Brookshire said it could be any of them; they recommended A which was approved by Commission previously and the route that was recommended previously.

Mr. Coltrin commented that to clarify his question, if the City is taking some of their rights without providing them compensation for their property or is their land being controlled without purchasing their land. If they are already zoned single-family and all they have to do is get a building permit, would this come under that determination.

Mr. Rykowski said that if there is proper zoning for a development and it was in the middle of one of these tracts, at this point just approving this plan and the major thoroughfare plan is not going to prevent them from proceeding. The question is what's going to happen in the future to acquire the right-of-way and make a determination. If they were to subdivide the City might be able to take right-of-way, but there are a lot of variables in the development that could occur so it is difficult to give an exact answer, but no, it is not going to act as a permanent bar. It would have to go through the process. As Ms. Brookshire indicated, it gives people the ability to say which way they are going to go or in the future there will be no ability to stop any type of development and we would end up with a lack of connectivity. This is the first step in a process that has to be continued in conjunction with the County if it comes up in the future. There will be to be action taken by Council to determine which one they will go with and start acquiring right-of-way. As you can see some of these routes go through subdivisions and that is not a preferred course for the City to make at this time.

Mr. Coltrin said that is his concern, if this is an area that is needed to put a road through, that they don't hang a cloud over everybody's head, without taking some measure to make certain that the property owner's are protected.

Mr. Rykowski said this is the first step in making it official to make those decision and acquisitions and move forward from here and get the community involved in the final proposals. There was quite a bit of discussion about this the last time it came up. Without moving the Thoroughfare Plan forward we will not get anywhere.

Mr. Edwards commented there was an election held for County Commissioner around that time and offices changed and as a result of that, it was sent to the OTO and that was where they left it. Mr. Edwards hopes that by tabling the issue, there will be some clarification from the County on what their intentions are as they have obviously they have had time to think about it and might be time to ask them and that could assist with Commission's decision. It is important for the public to have some idea of what is expected of this Commission and Council.

Mr. Lawhon clarified that the reasoning to table the issue to November 1, is to have addition time to speak with the property owners.

Mr. Hansen motioned to table the request to amend the Major Thoroughfare Plan.

Mr. Rykowski stated that Mr. Lawhon technically opened the public hearing and it would be inappropriate to motion to table the pending bill at this time as there are people here to speak on the issue, unless you

wanted to close the public hearing first, but motion to table at this time would be out of order.

Mr. Edwards commented that since the intention is to table to November 1st, we would also have a public hearing at that time, and in the meantime the City will be getting more input from the neighbors, is that correct.

Ms. Brookshire said that is correct.

Mr. Lawhon commented to the public that there will be time to speak at the next public hearing between now and November 1st and does not believe anyone's interest will be jeopardized.

Ms. Owen stated that the intent was to go ahead and have the public hearing and get some comment so if there were additional items that should be considered before this comes back before Commission, they would go ahead and get that feedback and then table immediately following the public discussion.

Mr. Lawhon opened the public hearing.

Mr. Edwards asked if anyone speaks to this issue tonight will that preclude them from speaking to the issue at the November 1st meeting, unless Commission changes something.

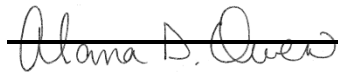
Mr. Rykowski said yes.

Mr. Lawhon closed the public hearing. There were no speakers.

Mr. Hansen motioned to **table** the request to amend the Major Thoroughfare Plan until November 1, 2012. Mr. Edwards **seconded** the motion. The motion **carried** as follows: Ayes: Lawhon, Edwards, Coltrin, Roling, Young and Hansen. Nays: None. Abstain: Baird. Absent: Ray and McClelland.

ANY OTHER MATTERS UNDER COMMISSION JURISDICTION:

There being no further business, the meeting was adjourned at approximately 8:55 p.m.



Alana Owen, AICP
Senior Planner

