

MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: October 4, 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, Gloria Roling, Jim Hansen, Jason Ray and King Coltrin; Ralph Rognstad, Director of Planning; Michael MacPherson, Principal Planner; Thomas Rykowski, City Attorney; Cody Marshall, Public Works; Dawne Gardner, Public Works; Sandy Goddard, Administrative Assistant; Absent: Jay McClelland, Jim Hansen, and King Coltrin.

ROLL CALL:

APPROVAL OF MINUTES: Minutes of the September 6, and September 20, 2012 were approved unanimously.

COMMUNICATIONS:

Mr. MacPherson gave Commission a health update of their fellow Commission member Mr. McClelland. Mr. MacPherson stated that in the essence of time tonight, he would ask that Commission consider the Preliminary Plat of Washita Subdivision and the Zoning case Z-12-2012 w/Conditional Overlay District No. 53 together. There would be a joint presentation as they are interrelated and vote on each one of them separately.

CONSENT ITEMS:

1. **Acquire 493** **City Utilities**
(generally located North of W. College Street at and west of Main Avenue)
2. **Relinquish Easement 784** **Connie McKeen, Revocable Living Trust**
(5353 S Campbell)

Ms. Roling recused herself from the vote.

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

HEARINGS:

Zoning:

3. **Z-12-2012 w/ COD# 53 & Washita Subdivision** **Jewell Schweitzer & Jack Frederick Family Trust**
(South side 2100 block East Sunshine)

Mr. MacPherson stated he would begin with the Preliminary Plat and the request is to approve a preliminary plat to subdivide 10.52 acres into a one (1) lot subdivision generally located in the 2100 block of East Sunshine Street and will highlight the distinguishing issues with the plat. The detention and water requirements will have to be met based upon a preliminary engineering report submitted in August of 2012, it appears that the hydrologic impacts on the downstream sinkhole can be reasonably mitigated with a combination of infiltration and/or compensatory storage, even if the entire site is graded to drain to the east. The following conditions will need to be met: 1) need to show no increase in the WSE or peak discharge, in any frequency event, for the sinkhole along Seminole Street, and 2) provide on-site detention and water quality. The public improvements shall be escrowed or constructed, inspected, approved and operational prior to recording the final plat. All required street rights-of-way, drainage and utility easements and limitation of access shall be dedicated on the final plat and those will include approximately five (5) feet of right-of-way is required along Washita Street to meet current standards. No access to Washita is permitted from the subject property. A public Improvement Plan will be needed to convey off-site stormwater across the site, along with a drainage easement, sized per the City of Springfield drainage easement requirements shown in the Drainage Criteria Manual. The easement dimensions shall be determined per the final plans and reflected on the final plat and a ten (10) foot utility easement shown on north and south lot lines are required. Sidewalks are required along the frontages of Washita and Sunshine. With those conditions, Staff would recommend approval of the Preliminary Plat.

Mr. MacPherson commented that this Zoning case is at the same location and the request is to rezone from R-SF, Single-Family Residential District to a GR, General Retail District and establishing Conditional Overlay District No. 53. Mr. MacPherson referred Commission to page nine (9) of the staff comments to review. The applicant is requesting a conditional overlay district that will restrict access and increase the required bufferyard along Washita Street. The applicant is also applying for a preliminary plat of Washita Subdivision which accompanies this rezoning. The Plat will also restrict access to Washita and accept the dedication of right-of-way along both Washita and Sunshine. The Growth Management and Land Use Plan of the Comprehensive Plan designate this area along the Sunshine Street corridor as appropriate for medium-intensity retail, office and residential uses. General Retail (GR) is one of the zoning districts recommended in these areas. The proposed grocery store and convenience store would be considered a Community-Scale Commercial Center as described in the Comprehensive Plan. These commercial areas should be sited in areas that are well served by transportation facilities: major roads, bicycle and pedestrian facilities, and transit. The proposed improvements to Sunshine Street and the existing CU bus line on Sunshine Street support the proposed development at this location. The General Retail District is intended for uses that provide community-wide personal and business services, shopping centers and specialty shops. The need for community-wide accessibility dictates that this district be located along or at the intersection of two or more arterial or higher classification streets. Staff believes the subject site with the proposed preliminary plat and overlay district meet the recommendation of the City's Comprehensive Plan and intent of the General Retail District. In response to concerns expressed at the neighborhood meeting, the applicant has requested a conditional overlay district to restrict access and require additional buffering along Washita Street. The overlay district restricts vehicular access to Washita Street which is classified as a residential local street and does not meet current City standards. An access break for pedestrians and maintenance is permitted. Staff believes that a pedestrian access is needed to allow the adjacent neighborhood access to grocery and convenience store services. This will allow people to walk or bike, rather than, drive which will put more traffic onto Sunshine Street. The existing Kum & Go convenience store along Sunshine Street and adjacent to the neighborhood has removed several boards from their solid fence because customers were making their own entrances to their business. This is one example that shows there is a demand in the area for pedestrian access between the residential neighborhood and the

commercial services along Sunshine Street. The applicant has, also, requested a wider bufferyard than required along Washita Street with a solid fence, berm, or hedge. The additional buffering (comparable to the Bufferyard F) contains more plantings (trees and shrubs) than what is required by the Zoning Ordinance (see comment #6 for more details) and the required fence or screening is an additional requirement that the applicant has requested to address neighborhood concerns. The conditional overlay district does not include a site plan or layout. A traffic impact study, which included a requirement for a traffic signal at Sunshine and Luster and removal of the flashing signal at Fire Station No. 7, for the subject site was submitted by CJW for review and accepted by MODOT and the City. Sunshine Street is under the jurisdiction of MoDOT. It is currently classified as a primary arterial. The Traffic Study prepared by CJW show three access points from the development to Sunshine St. The easternmost and westernmost access points are each controlled by a stop sign. The center access point at Luster Avenue will be controlled by a signal and is projected to carry the most traffic in and out of the development. The spacing between the west drive and the drive at Luster Ave. is approximately 340 feet. The spacing between the east drive and Luster is approximately 330 feet. This meets MoDOT spacing requirements. All access points provide good sight distance.

Mr. MacPherson discussed the bufferyard requirements. The proposed grocery and convenience store will be required to meet the bufferyard requirements between adjacent lesser intense zoning districts. The Zoning Ordinance requires a Bufferyard "F" between the General Retail District and adjacent R-SF, Single-Family Residential districts (west, southwest and southeast). The Bufferyard "F" requires a minimum open space of twenty (20) feet wide with the following plantings per one hundred (100) linear feet: three (3) canopy trees, three (3) understory trees, four (4) evergreen trees and twenty (20) shrubs. A six foot solid wood fence, masonry wall, solid evergreen hedge or earthen berm is required along the property boundary if a twenty (20) foot bufferyard is used. If a twenty-five (25) foot bufferyard is utilized then a fence, wall or hedge is not required. The bufferyard requirement between the GR and adjacent O-1, Office District, is a Bufferyard C. The Bufferyard "C" requires a minimum open space of fifteen (15) feet wide with the following plantings per one hundred (100) linear feet: one (1) canopy tree, two (2) understory trees, two (2) evergreen trees and ten (10) shrubs. There are no required structures (i.e. solid fence, wall or hedge) in the Bufferyard "C". The maximum floor area ratio of the GR District is a 0.4 (forty (40) percent of the lot area of the property can be utilized as buildings) and the maximum height of any structure is limited by the thirty (30) degree bulk plane as measured from the boundaries of any residential districts. The approximate building wall height for the proposed grocery store at the south and southeast side facing the R-SF is between 20 and 24 feet high. The thirty (30) degree bulk plane would allow a structure to be as tall as forty-nine (49) feet from the south and fifty-eight (58) feet from the east. The proposed grocery store will be approximately half the maximum height permitted by the district's bulk plane permits. The findings are as follows: The Comprehensive Plan designates this area as appropriate for medium-intensity retail, office and residential uses. The General Retail District is one of the recommended zoning districts. The proposed conditional overlay district will mitigate the potential impact between the commercial and residential uses by restricting vehicular access from Washita Street; increasing the width of the required bufferyard along Washita Street; and requiring a fence, berm or hedge in the bufferyard along Washita Street. The developer will make necessary improvements to mitigate the impacts on Sunshine Street as proposed in their approved traffic study. The standard development requirements in the proposed GR District are otherwise adequate for mitigating potential impacts of the proposed grocery store, or other potential GR uses, on the adjoining residential properties. The findings for Commission to recommend denial are that the intensity of the proposed use is not appropriate for the site but staff believes we do not have any evidence to support that finding. Staff is recommending approval of this request.

Mr. Lawhon referred to the explanation given by Mr. MacPherson in the Staff Report by clarifying that what was presented are the pertinent facts, related to the primary concerns that Commission is to consider in their decision to approve this request or not. The findings to recommend denial really isn't a recommendation on behalf of staff, it is just an element to consider in the decision making process.

Mr. MacPherson commented that they try to cover all options available for consideration.

Mr. Baird asked about item number four (4) on page nine (9) of the staff report, the elimination of the flashing signal at Fire Station No. Seven, is the Fire Department concerned about that or are they ok with that being removed.

Mr. MacPherson commented they have been consulted in regard to this. The problem is if you have the signal and the fire signal together, they may be too close and cause confusion. Ms. Gardner from Traffic may want to elaborate further on that.

Ms. Gardner stated that MoDOT did consult with the Fire Department and they are fine with the flashing signal being removed. They will be able to trip the signal that is being put in at Luster and Sunshine for any type of emergency.

Mr. Lawhon opened the public hearing and commented to the public audience that he would call for the applicant or representative first and then other people who wish to speak to this case may do so. Mr. John Heitz, who is here on behalf of the neighbors, to speak in opposition to this, asked for additional time to speak, which is appropriate.

Mr. Pete Hosch, 632 5th Street, West Des Moines, IA, commented that he is with Hy-Vee Corporate offices. Mr. Hosch thanked City Staff for their professionalism throughout the application process and commented that they are great stewards of a forward thinking Zoning Code, which is appropriate for circumstances such as this. It looks at ways to mitigate situations such as this and provide adequate buffers, provide means by which development can take place. This property that has not been developed and it is a situation where Hy-Vee is able to add to the tax base while not adding to any infrastructure requirements through the City. It is not extending the scope and reach of what city services need to do to allow for development so they are truly utilizing existing infrastructure to come in the community with their second facility. They have presented a site plan and are willing to discuss the specifics of the site plan. They have geared this around the concerns of the residents and had the layout set in place prior to the neighborhood meeting where there was a lot of questions and concerns raised. The focus here is to allow an adequate buffer as mentioned, and they have agreed to and are imposing requirements upon themselves to increase the buffer yard requirements to go with the more intensive plantings along the south and west property lines and include the fence on the south property line as additional buffer to try and mitigate the concerns of the residents on the south side of the road. As you can see from the site plan, all the service is oriented on the northeast corner of the property. The south elevation or south façade of the building is really an inactive façade and they did provide an access point for fire escape on that south elevation. There is not public access to that facility from the south side. There will be a fence in between, so we want to get all the traffic, any issues with noise, away from the residential area and allow the buffer to work appropriately. It is a single story facility so you will see on the elevations that it appears to be two story windows in the dining area, but that is to allow more natural light into the facility. There is no visual ability for the customers and patrons to see over the fence from within the facility. Their focus is to keep everything on their site, in the parking lot. The progressive code is going to apply here and we are abiding by all stormwater

requirements. There have been a lot of questions and concerns with respect to the impact of this development and as you are aware, they have to approach this development as if it is undeveloped. They have to provide detention and release as if the property was not developed and we are working within the constraints of the system and we are quite confident the report has shown we can do that and it is not going to be a burden on the system. They are utilizing the new system and improvements that were installed by the City several years ago so there shouldn't be any concern with respect to storm water. They have agreed to more than what is required regarding the buffer and went to the effort to retain the additional strip so that it ends up being two parcels from separate owners to allow and make sure they can provide an adequate buffer on the south elevation. There are issues and concerns with respect to lighting. The City has, again, an aggressive code with respect to light pollution and we will abide by that and with the additional buffers on top of that, there should be no issues or concerns from residents on the south side. Mr. Hosch stated he is available for questions.

Mr. Hansen asked about the pedestrian access to the store.

Mr. Hosch commented he is fine with creating a stipulation where there is no pedestrian access, but they are confident they will be a good neighbor and the concerns will go away after construction. It is a nice amenity to access a facility like this; maybe a percentage of neighborhood residents who choose to ask for that access point. They are fine with not providing an access till they are asked by the majority of the residents who would be impacted and would look to the Commission for any suggestions.

Mr. Edwards inquired about the bufferyard on the southern border and how they envision that.

Mr. Hosch stated they heard differing requests from the neighborhood and a concern regarding maintenance of the area on the south side if the bufferyard was on the residence side. They can go either way. They would need access to the area to maintain it rather than driving around into the neighborhood. The plan is currently showing to put the fence on what is the right-way line so there is an open ditch and grass on the south controlled by the City and then the buffer or plantings would be on the inside of the property which should technically provide more of a sound barrier. They would need to review the stormwater management on site.

Mr. Edwards asked if a fence is what they had in mind not a berm or masonry wall.

Mr. Hosch commented the neighborhood has asked for the fence.

Mr. Hansen asked if there was a contour drawing for the stormwater that goes across the site now.

Mr. MacPherson stated they do not because the property will be graded and changed, but deferred the question to Mr. Marshall from Public Works, and he is prepared to answer those questions.

Mr. Marshall said currently there is a part of the site that does flow to the west and after discussion with the designer they found it would actually be better to redirect that flow to the south east. The City recently put in a forty-two (42) inch pipe to handle flows from this area. All of the stormwater detention from their site will be directed to the south east corner where their detention facility will be placed. They provided a preliminary study that shows they can control the peak runoff coming from their site. They also looked downstream at the receding sinkhole and they believe, which is in accordance with their drainage study, that there will be modifications needed to provide additional volume within the sinkhole to essentially

provide an additional detention effect within the sinkhole.

Mr. Hansen asked if the detention would be on the park property or the applicant's property.

Mr. Marshall said both. There will be detention provided on site but additionally it appears some compensatory storage provided within the sinkhole downstream.

Mr. Hansen asked if the detention area that is proposed on the preliminary plat is not sufficient to catch all the additional runoff.

Mr. Marshall said no, the concern is the water surface elevation within the sinkhole further downstream to make sure that no complications are created by any development on that sinkhole.

Mr. Hansen asked the location of the sinkhole, if it is in the park, so there wouldn't be development on that, right.

Mr. Marshall said it is further south along Seminole Street and the City would require a public improvement plan to do the work within that sinkhole area. Again, that is additional to what they would have to do on site.

Mr. Hansen asked if Hy-Vee would then be paying to modify the sinkhole area and what form would that take; another berm within the park.

Mr. Marshall said yes. At this point there are no final plans, but it would be more realistic to look at excavation within the park area and sinkhole area to create additional storage.

Mr. Hansen asked upstream from the sinkhole.

Mr. Marshall said it would be within the sinkhole area or immediately upstream.

Mr. Hansen asked about the new stormwater runway the City built a couple of years ago. From there up three blocks or so, doesn't that have any detention capability.

Mr. Marshall said the pipe and system was designed for the entire watershed and to handle a fully developed condition within the watershed so it took into account this property being fully developed.

Mr. Hansen asked if that same study showed that you would need additional storage within the sinkhole area.

Mr. Marshall said that study at that time did not, but the study that is involved with the development of the Hy-Vee Store did.

Mr. Hansen asked if it was because it was totally covered with pavement.

Mr. Marshall said yes.

Mr. Hosch said it may be two separate things. The pipe was designed to allow for full development, depending on what took place for development not only at this property but at other properties within the

area. There are means within the City Code, what you need to look at, you need a full study on the impact of the downstream travel of the water and we have done that study and there is methods built within the code that you can make those improvements whether it's development at this property or elsewhere. As you add to that system then they do new calculations and essentially say here is what your impact is, here is what we need to do to mitigate that because the City doesn't want to go out and modify that sinkhole are until it's necessary.

Mr. Hansen asked why there would be an increased velocity and would assume that's what the downstream modifications would take care of.

Mr. Marshall said it is actually an additional volume of water instead of velocity.

Mr. Hansen asked if there is not enough volume in the detention on the property itself to handle

Mr. Marshall said again that is looking at the impacts on the sinkhole downstream of the property and the effects that runoff from the site would have on the receiving sinkhole downstream. We look at the property itself and then at the sinkhole as how it acts to the run off being conveyed to the sinkhole from the site.

Mr. Hansen asked what the question was of infiltration in the sinkhole. Was that to try and mitigate stuff from the parking lot washing down into the sinkhole.

Mr. Marshall said he believes that was part of the water quality requirement, yes it related to handling of flushing of pollutants from the site.

Mr. Hansen asked how that is done.

Mr. Marshall said the most common form that they see with development in the City of Springfield is extended detention, allowing for pollutants to settle out over a twenty-four (24) to forty-eight (48) hour period of time which captures most of those pollutants before they can ever leave the site. Trash would be collected within the detention facility. Generally they regulate the outflow from the detention facility with an outlet structure that captures those low flows and most studies have shown that pollutants are carried by the half-inch to one-inch rainfalls.

Mr. Hansen asked who collects that trash that's combed out of the stream.

Mr. Marshall said onsite that will be the responsibility of the development.

Mr. Hansen said he meant in the sinkhole area.

Mr. Marshall said this would be captured before it ever gets to the sinkhole.

Ms. Roling asked to be shown on the display where the sinkhole is located that is being referenced.

Mr. Marshall stated the sinkhole to the west is not associated with this sinkhole, it is in another drainage area.

Mr. Lawhon directed comments to Mr. Heitz as well as the other neighbors that are here, stating that Mr.

Heitz had approached Mr. Lawhon before the meeting asking for extra time to speak on behalf of the neighbors opposed to this. Mr. Lawhon said he told Mr. Heitz that would be fine. The only caveat to that are the others of you who are here in opposition, this is your spokes person for that, so hopefully it is acceptable to you that he speak on your behalf.

Mr. John Heitz, 2204 E Washita, Springfield commented he has several comments to address from the staff report. First, he does not know of any neighbors who have removed any boards from any privacy fences so they could crawl through and get to Kum-N-Go. Secondly, the issue of Lonepine; the street is very narrow and at the four-way-stop at Seminole the traffic is backed up from approximately 4:30 p.m. till 5:30 p.m. through the week. Third, how can anyone think that a Hy-Vee Store is a medium intensity use because they don't see it. Mr. Heitz commented on his background of being in Real-Estate in Springfield for forty-five years, developed property and sold more than four-thousand pieces of property in Springfield. They are not opposed to the development of the site, but the neighborhood wants continuity with everything else on Sunshine Street. The zoning has always been office and they would like to keep that zoning in harmony.

All property on east and west side of this property and across the street is zoned office. When the Kim-N-Go, Sonic, Auto-Zone, and Lucy's Restaurant were built on east Sunshine, the Planning and Zoning Commission at that time, Madrid Street was put in, and they built offices, and that office was a buffer to keep the commercial property on Sunshine away from the neighbors on Washita. Mr. Heitz gave copies of pictures to Commission of office buildings on Sunshine. If you start at Sunshine and Glenstone and go down, there is nothing but office space, adding there is one retail center, Plaza East, and detailing the other types of developments in the area. Mr. Heitz discussed the Hy-Vee on West Battlefield and the storage units behind the store stating they act as a buffer. The Hy-Vee is a liquor store, restaurant, deli, meeting room, coffee shop, floral shop, butcher shop, photo shop, and pharmacy all open twenty-four (24) hours a day plus they want to put a twenty-four (24) hour gas station and convenience store in there. The average Hy-Vee store is eighty-thousand square feet, so let's compare that to the average Wal-Mart store, ninety-seven-thousand square feet. If I was standing before you and said Wal-Mart wants to come in on this location, you all would think someone had lost their head. The site is not the kind of site that you want to put a high-density grocery store in. Mr. Heitz commented that the Hy-Vee building is facing west because there is not enough room on the site for the building to face Sunshine. How many grocery stores do you know of in Springfield that are facing sideways to a major street; none. The only way they can make this work is to turn the building sideways and added he wanted to show Commission how tight their site plan is. There is a little buffer owned by the Fredericks Family which extends from five (5) feet to ten (10) feet. Hy-Vee even had to require that little buffer to make their site work. Mr. Heitz gave Commission a picture of what the building would look like from Washita Street, which showed the side of a building, stating that it is higher than the Greene County Jail or the Medical Center, and that's how large the building is. The width of the building is half of a football field wide, fifty (50) yards. They just talked about putting a building with a minimum height of twenty-four (24) feet and run that fifty (50) yards along Washita Street and they discussed putting a few trees in and a fence. There is no way to possibly hide the Hy-Vee with that large wall that is there. It is a solid brick wall. Mr. Heitz discussed how the store gets rid of their trash, showing a picture of crushers. There are three (3) crushers at the Hy-Vee on Battlefield and if you ever want to hear something noisy, pull around back, and this will be on Washita, and listen to the crushers go. They go twenty-four (24) hours a day and compact all the trash from the store. Mr. Heitz then compared the sites. The current store is at Battlefield and Kansas Expressway, which is a good location. The new location will be on Sunshine and Link Drive. Link isn't Battlefield or Kansas Expressway. Mr. Heitz then produced pictures of the intersection of Kansas Expressway and Battlefield and pictures of Link Drive for comparison. The traffic on Sunshine backs up between 4:30 and 6:00 p.m., from US Highway 65 past the Dillons store.

There will be more traffic on Sunshine because of the store. Mr. Heitz stated there are people living on Washita that bought these houses that have loans against these houses and commented that with his forty-five years of experience in the real-estate business, as soon as the Hy-Vee goes in, the property values are going to go down. There are going to be many people living in that area that are going to be under water because their house isn't going to worth what the mortgage is. Mr. Heitz stated he would be happy to answer any questions.

Ms. Joan L Bondra, 1824 N. Link Avenue commented that she and her husband purchased their home less than a year ago. The twenty-four (24) hour gas station is not medium intensity. When people pull in to park their headlights will be facing her kitchen window. The report does not address the impact the development will have on Link Avenue. At the neighborhood meeting there were no handouts and she remembers the representative stating there would be two entrances; one for the delivery on the east side of Sunshine and one at Luster where there will be a new traffic light. From the diagram given to them at the neighborhood residents meeting, it appears there will be another driveway into the gas station/convenience store area behind the houses on Link Avenue with parking also directly behind the houses with headlights shining into their house. There was no mention of a berm on Link Avenue in the report that she read. There is no mention in the report of the dumpster locations, traffic access, loading docks, sloping lot for drainage into the retention area and much more that has not been heard yet. The bufferyard along Washita in the report says a minimum space of twenty (20) feet. In the meeting with Hy-Vee Representative verbally said there would be more. She does not feel that the Planning and Zoning Commission have all the information to go forward with this. With all the information the neighborhood residents found, Ms. Bondra is asking that Commission deny the zoning or table the issue till unanswered questions can be addressed by the developers and the staff of Hy-Vee gives adequate reports on how it will impact their neighborhood. In addition, there was a grocery store down the road that went out of business on Sunshine this year. Ms. Bondra commented they have a lovely home and wonderful neighbors.

Mr. Lawhon asked where the trash compactors would be located and where the trash trucks would enter and exit the site.

Mr. Hosch indicated that behind the projection on the east elevation, north of that, are the compactors and the loading docks. We run on a normal trash schedule and do not operate the compactors in the evening hours. The convenience store is not a twenty-four (24) hour operation; it is from 6:00 a.m. to 11:00 p.m. This is the identical site plan that was prepared and shown at the neighborhood meeting and the zoning does not require they show a site plan and they did that to be upright on what they plan to build on the site so the three access points were always on the plan, adding he is concerned about some of the comments that are not representative of what they shared.

Mr. Jim Gray, 2214 E. Washita, commented he is the victim most impacted by this plan because he is the house closest to the building. Mr. Gray asked if he could ask a couple of questions to Mr. MacPherson before presenting his brief remarks.

Mr. Lawhon said yes.

Mr. Gray asked if the report include both tracts as he understands it. There is a description in the report of one tract and his question is if both of the tracts are included in the description.

Mr. Rognstad said yes.

Mr. Gray asked if he could be shown on the display where the Frederick tract is located. He asked for a description of the tract and the Schweitzer separately.

Mr. Rognstad said they have that.

Mr. Gray expressed thanks for the assistance and commented that this is something personal to him. He has lived fifty (50) years on Washita Street and has found it to be a very pleasant and peaceful place to reside. The building will be right in his face at 2214 and the building is going to be on the other side. He expressed his hope that attention was paid to what Mr. Heitz said because he covered the issues very well. Mr. Gray commented that he had previously submitted a written memorandum which should be in the staff report. There is one point he would like to stress that in a case such as this to protect residents and their residential properties. There used to be a rule against spot zoning. There should be a buffer, which has been discussed, and in this particular case the tract where Hy-Vee wants to build, is surrounded on three (3) sides by residences. Those are houses where people live, where he lives. It is their home. He does not believe it is fair and appropriate to fix it that way and that is not a buffer; twenty-five (25) or fifty (50) feet with a fence and plantings. For the reasons he has mentioned, he is opposed to the request.

Mr. Coltrin commented to Mr. Gray that this property has been sitting there for a long time, asking what he thought would be appropriate with all his years of experience, to be developed on the property.

Mr. Gray commented that it would be his opinion, but right next door to the east is the Commerce Terrace Building, which they put close to Sunshine and behind it they put the parking lot. It is relatively quiet and at night there is no action over there at all, so maybe a building similar to Commerce Terrace with parking in the back.

Mr. Coltrin commented that that tract is smaller than the site being discussed.

Mr. Gray said not on depth.

Mr. Coltrin commented that proportionately if you were going to put office on this tract of land it would be quite a bit bigger than that office building on Commerce Terrace, so if something like down toward Glenstone on the north side of the road came in, which is a big office complex, what would your opinion of that be.

Mr. Gray said he was glad Mr. Coltrin mentioned that as he was the first tenant that went into that building in 1980, and added that would be alright.

Mr. Coltrin asked if it was the use more than the size.

Mr. Gray said for him it would be a suitable buffer that would be effective, not just in saying it's going to be a buffer, it would really be a buffer. He does not believe anyone in the room would want to live in his home when they build that store. He lives in his home because he enjoys it.

Mr. Mark Putman, 1971 S Luster Avenue, commented on two items related to staff's report earlier. On arterial Sunshine, there are not sidewalks, pedestrian access, from the first block east of Glenstone to past Lonestone on either the north or south side of the street. There are not sidewalks on Link where increased

traffic would be cutting through the neighborhood. There are no sidewalks on Lonepine, which is a secondary arterial according to the report. The reason there is so much traffic at the four-way-stop on Lonepine is because of the school around the corner and children are walking to school.

Nell Ellsaesser, 1814 S Link, commented she is opposed to the request. They are aware that this property will be developed at some point and their request would be that close to the residential properties there would be some sort of office building. Currently when exiting Link Avenue to Sunshine, there may be a space you can get out. With a stoplight at Luster, the difficulty will increase in crossing the street.

Mr. Baird asked Ms. Ellsaesser her views on the proposed bufferyard since she will be impacted by this since the back of her home faces the site.

Ms. Ellsaesser said entirely insufficient to have a gas and convenience store that close to her back yard.

Mr. Baird said the applicant is putting in more bufferyard than what is required, with the Conditional Overlay, asking if that has made any impact on her or the other residents to the likeability of this development going in.

Ms. Ellsaesser said no.

Mr. Don Bracey commented that he owns property across the street on Luster. He stated he has a private drive across the street at Luster going up to the apartments and the office buildings. He expressed concerns about the merging lanes. When people come out of the apartment complex will they be able to come out in the center turn lane. He hopes staff will look at this if the project is approved.

Mr. Baird asked Mr. Bracey if he is for or against the development.

Mr. Bracey said that piece of property would have to hold an office building financially like they have at Corporate Center and the parking lot would be bigger.

Mr. Baird asked if the stoplight at the intersection benefit his residents at his apartments.

Mr. Bracey said yes and no. It is difficult to exit. He has five-hundred (520) residents that live in Columns and one-hundred-sixty-three that live in Viking so yes it would benefit with the stoplight there.

Mr. Baird asked if there are any plans to put any turn lanes along Sunshine or improvements to be done to Sunshine in order to facilitate the development.

Ms. Gardner referred the question to CJW. Staff has not seen any plans yet. With the traffic signal there should be a left turn lane.

Mr. Seiler commented that the stoplight would be located across from the Four Columns access point which would allow for egress and ingress to the drive to the north. In addition, Hy-Vee is installing a right turn lane off of Sunshine coming into Hy-Vee property. That would be the only additional geometric improvement, turn lane improvement that they would make. The signal would utilize the existing two-way left turn lane and that would be eliminated and turn those into left turn lanes for the signal. The signal will control all four approaching intersections so it will control the Columns entrance to the north along with the

Hy-vee access to the south and then the east and west bound directions on Sunshine Street. Mr. Seiler said they could make a northbound right out and head east, answering Mr. Bracey's question.

Mr. Bracey asked how wide the proposed driveway is.

Mr. Seiler said they made it thirty-six feet. They have a north bound out and then a left turn lane out and then a dedicated in, so three (3) lanes wide is about thirty-six (36) feet.

Ms. Cindy Busby, 2224 E Washita St, commented she has lived at that address for twenty-three (23) years. Ms. Busby stated when the residents purchased their homes they knew the wooded area was zoned as residential. They expected one day to have homes across from their homes, but did not expect a development of this magnitude. Ms. Busby reviewed the comments from the staff report of the four findings for staff recommendation and the one finding for Commission to recommend denial and read the statement regarding the recommendation for denial. They wrote that but are still recommending rezoning this site to support five-hundred (500) parking spaces, a twenty-four hour convenience store and gas station, and an eighty-five-thousand (85,000) square foot grocery store. They were made aware of the proposed plan on September 13th, three weeks ago. The impact on the adjacent and nearby home owners appears minimal on paper, the residents believe it is naive to think their home values and quality of life in their neighborhoods will not suffer if this rezoning passes. The project they are proposing is a high-intensity business, better suited to an area near other high- intensity retail businesses. This project does not belong adjacent to long established and quite neighborhoods. Hy-Vee does not fit in their neighborhood.

Mr. Ken Blankenship, 2315 E Washita, commented about the forty-two (42) inch pipe and the water has to go through several twelve-inch (12) pipes on driveways to get to the forty-two (42) inch pipe; he lives just a little way down the street from there, right behind the Missouri Bank. When they purchased their home, there was not a bank or a Kum-N-Go, or Sonic, it was trees. They are now faced with this project; they live next to Kum-N-Go and know something about light pollution and the traffic is terrible. Mr. Blankenship stated he knows what is coming for the residents living on Luster and Link, they will get the full effect of the traffic coming into the parking lot. The bank was kind enough to build them a ten (10) foot fence behind their home, but it is still not high enough to cut out the light pollution and the noise. Mr. Blankenship stated he is opposed to the project.

Mr. Chuck Busby, 2224 E Washita, commented he wanted to draw the Commissions attention to something in the Springfield Zoning Ordinance, Section 4-3106, Open Space Requirements, under the General Retail Section and quoted from paragraph B. Mr. Busby drew Commissions attention to a copy of an overlay of the proposed site colored in red all of the impervious surfaces outlined by the Ordinance asking if the Planning Development Department confirmed that the red highlighted areas do not exceed the eighty (80) percent total area, because from this drawing it appears that it does exceed the eight (80) percent.

Mr. Rognstad commented they would not look at that at this point. The site plan has not been approved by this Board. Building Development Services would receive a site plan with the building permit and at that point they would confirm it was only eighty (80) percent coverage. If this exceeds that, then it would have to be cut back.

Mr. Busby commented that they do not know what this final development will look like, it is still in process and there is a decision to be made on this, but we don't know what it will look like. Mr. Busby referred to the backyard boundaries of the residents, and stated that if you continue that line all the way across the

development, there is a protrusion of this huge development in a residential neighborhood. It is unlike anything around it, twenty-four (24) hours a day, seven days a week, eighty-five-thousand (85,000) square foot store, hundreds of people coming in and going out, lots of light and noise in a very quiet residential neighborhood. They would be looking at that thirty (30) foot wall every day outside his window and asked Commission if they would want to look at that every day. Mr. Busby stated that this high-intensity development does not belong in this residential neighborhood.

Ms. Sherri Potts, 1815 S Link, spoke in opposition to the proposed Hy-Vee and expressed concern about property values and as a parent of a twelve year old child, the safety of their child as well as the neighborhood children. Ms. Potts presented to Commission pictures of office buildings and expressed concern about the foot traffic as well.

Mr. Bob Pulley, 2213 East Latoka, commented that Hy-Vee is giving more bufferyard than required, and that doesn't really amount to anything. Mr. Pulley asked about required parking spots for the project referring to a picture he had.

Mr. Baird had a copy and commented that four-hundred-twenty-five (425) parking stalls required and five-hundred-six (506) parking stalls provided.

Mr. Pulley expressed his concern about the additional eighty (80) parking stalls and the water issue that existed at his home and his understanding of detention areas are to absorb the water, but not release it any faster, more volume, than it would be coming off the property now without being developed.

Mr. Marshall commented that is correct, the rate will be equal to or slower, volume divided by time.

Mr. Pulley asked why they are going down stream and adding capacity to the area down to Seminole. It sounds like there is not enough capacity in the existing detention area. The eighty additional parking spaces could be used for other things. Mr. Pulley discussed the sinkhole area and increasing the capacity at Seminole if the detention is designed correctly.

Mr. Hansen asked Mr. Pulley what the stormwater looks like currently when there is a three (3) inch rain.

Mr. Pulley stated he does not have to watch the water rise underneath his home because the City has fixed the problem.

Mr. Curtis Jared, 2870-A, South Ingram Mill Road, commented he has the strip to the west end there, commented he is not speaking for or against, he would like a clarification about the property to get it zoned Commercial and then do a variance for a Variance. Is this zoning theirs Commercial and keeping his residential or do they have to be done at the same time.

Mr. Rognstad commented they are only rezoning the Schweitzer tract, the other tract would remain residential.

Mr. Jared asked if they are considered one tract stating the City told him that when he met with the City.

Mr. Rognstad stated he did not know he would have to look at it.

Mr. Kelly Short, 5051 South National, stated he is the engineer working with Hy-Vee and many questions have come up about the detention and the sinkhole and he wanted to shed some additional light on those questions. There are two different City Ordinances they are dealing with, one is with Development and detention requirements and those requirements specify that your release rates leaving the site can't exceed the pre-development rates, like cubic feet per second, miles per hour, how fast it is going would be what you have to regulate coming off the site. Since we drain to a sinkhole watershed there is another ordinance that protects surrounding properties around a sinkhole which where the detention doesn't match volume rates, so an example of that is if the amount of cars going down the street, even though they are going the same speed, you have more cars going down. You are having more volume of water coming off the site, that's why the off-site improvements are required if that makes sense. The parking lot requirements are part of Hy-Vee's internal requirements for the number of spaces for the grocery store while there would be additional for the Convenience Store. They ran into the problem at the other store location of not having enough parking that's why the additional spaces are there.

Mr. Hansen stated that he does not understand how there would be more water coming off than what your own detention could take care of.

Mr. Short stated because of the parking lot and the impervious surface, it creates the water to run off the site differently than it would if it was wooded and grass. That is why if you did not have a detention basin, it would run off at a greater rate and a greater volume coming off the site. The detention basin function is to reduce the rate that it comes off. You still have the same volume that comes off from the parking lot and this is the same with any development; you have an increased volume that comes off the site but the detention holds it back, creating a volume to where that pond can fill up and then it meters the flow out to match the pre-development rates. You still have a greater volume of water and you are just releasing it out over a longer period of time. That is where the volume comes into account. The car analogy is the closest he can get to explaining it simply. You have a speed limit on your road of forty-five (45) miles an hour, and after development you want to keep it at forty-five (45) miles an hour, but you have a hundred extra cars so you have this long train of cars going forty-five (45) miles an hour; that volume effects the sinkhole because the sinkhole it is experiencing the volume of effect, not the peak flow rate effect.

Mr. Hansen asked if what Mr. Short is saying is that the sinkhole has a limited capacity overall to handle more volume, because if you discharge it at the same rate as it always has it seems like the sinkhole would be able to handle it as it always has.

Mr. Short stated this sinkhole is a unique situation because it overtops Seminole at a lower rate storm, so like the twenty-five year storm, the sinkhole over flows Seminole, so it has an outlet so the impact of the volume is really minimal. We are talking about fractions of an inch. It is the overall volume in the water surface and you are looking to protect the neighbors around the sinkhole to keep that water surface in the sinkhole just to make sure they are protected as well and they don't see a difference after this development.

Mr. Hansen commented that water does over top Seminole Street in a not very big rain event.

Mr. Short said there is not a culvert underneath Seminole at all, so once that sinkhole fills up it does over top Seminole.

Mr. Hansen stated that when you add ten (10) acres of pavement, it's going to over top Seminole more

often and with more water.

Mr. Short said yes it would if we didn't do the offsite improvements in the park. That is where they are looking at excavating out a portion of that to provide the additional volume in the sinkhole flooding area. It will not be the entire park, but they will work with the Parks Department and with Public Works to find the best way to excavate that volume out. They are basically meeting the rate requirements from the site with the detention basin, discharging it into the forty-two inch pipe the City put in three (3) years ago, it is a direct connection into that system, and then downstream they handle the volume portion as well in the sinkhole. Every aspect of the stormwater system is protected for any surrounding neighborhood and that is something Hy-Vee is doing completely at their cost. They are not asking for City funds or matching funds in this development or required improvements. It will be seeded and brought back to park like conditions, only lower.

Mrs. Caroline Batten, 2309 East Washita, commented that she wanted to address the fence behind Kum-N-Go; it was not a matter of neighbors or people wanting to go through to the store, it was vandalism and the businesses left them down because people would kick them down anyway.

Mr. Hansen asked what the consensus is of the neighbors as far as a pedestrian access to the proposed development.

Ms. Batten said they do not want access to Hy-Vee. They want their neighborhood kept like it is where people can't be coming and going and interrupting their lifestyle.

Ms. Lori Shaklee, 2304 East Washita, commented she is asking Commission to vote against the rezoning of the property located on her residential street. The property in question was zoned as residential then as it is zoned currently. The concern is having an eleven (11) acre site developed for a twenty-four (24) hour, seven day a week grocery store, cafeteria, gas station and liquor store and the impact it will have on her property value. It will destroy the peaceful neighborhood with the lights, noise, delivery trucks, air conditioning units, as well as the volume of water runoff contaminated water with oil and gasoline. There is the concern of the traffic flow on Lonepine. How can anyone consider this large high retail establishment to be medium intensity and has Hy-Vee asked for a tax abatement. The decrease in property values surely is not in line with a long term goals of city government.

Mr. Lawhon asked if this request is approved and Hy-Vee is built, will they pay property tax.

Mr. MacPherson said yes.

Mr. Tim Rosenbury, 2522 S Brentwood, commented he is personally and professionally in support of the proposal, commenting that he was asked to speak on, or to advocate this on behalf of Hy-Vee. Comments have been made that are more true than others and some have come to recent conclusions that aren't necessarily so. Mr. Rosenbury reviewed previously expressed public comments and addressed them. Mr. Rosenbury stated that with the fence on three (3) sides, the lights into the neighborhood will be effectively managed, not totally managed, but effectively managed. The issue is whether this zoning proposal with the conditional overlay is an appropriate use and has been effectively buffered for the neighborhood. The change is being proposed because of the economic growth and the desirability of the Springfield market.

Mrs. Diana Blankenship, 2315 East Washita commented her and her husband drove by the property site

when it was raining and the water was flooding out of that area and if that were all asphalt they could not imagine what it would be like. There are many grocery stores in Springfield right now and there are so many other places in Springfield that Hy-Vee could build. There are many locations for sale. Why don't they consider being away from residential areas and propose they build elsewhere.

Mr. Jim Shaklee, 2304 East Washita, commented on the decline of property values and other possible locations for the proposed store.

Mr. Andrew Luehrs, 2218 E Latoka Street commented that the proposal asks to adequately use the land for an appropriate purpose and is it adequately buffered. The description he read, at the neighborhood meeting, stated that the City plan describes this as being appropriate for a medium intensity use. He asked Commission to consider their homes and ask if across the street a six (6) foot fence, some trees that will reach maturity in ten (10) years and is a buffer you would want between your home and the parking of that store on a Saturday afternoon when everyone has come to purchase their groceries.

Mr. Lawhon closed the public hearing.

Mr. Baird stated that he has a couple of questions for Mr. Hosch asking for clarification on the hours of operation for the facility. Is the height of the proposed store the same height as the store on Kansas.

Mr. Hosch said the food store would be open twenty-four (24) hour, seven (7) day a week operation, primarily for overnight stocking of shelves. The convenience store operating hours are from 6:00 a.m. to 11:00 p.m., and sometimes more limited to that depending on traffic. Mr. Hosch stated the height of the south facing wall should be between twenty (20) and twenty-four (24) feet depending on where you look at the projection. There are some grade issues, but from finished floor to top of parapet technically they would be the same. This is more of an at grade construction where Kansas Expressway sets down substantially lower than the food store depending where on where the picture was taken from or even the rear elevation sits down lower so it would appear to be taller.

Mr. Baird asked about the bufferyard, primarily on the west side and the south side, what they anticipate the fence being constructed of, wood or masonry or is there a plan for that yet.

Mr. Hosch stated they are researching it and are looking at a composite, heavy duty with a wire mesh interior so it is stable and durable and it doesn't wear and tear as much as a wood fence and that is the material they are looking for in that respect. The buffer on the west elevation, there is a strip of land that is approximately fifty (50) foot that is already wooded which will remain in place and then they add the twenty-five (25) foot of additional bufferyard with the plantings, so really that is a seventy-five (75) foot bufferyard.

Mr. Baird commented that one of the primary concerns of the neighborhood is the foot traffic into the facility. Do you feel that will be an adequate fence to keep people out.

Mr. Hosch commented that if it is the desire of the Commission to not have pedestrian access, they may have a maintenance access point that could be locked, the fence will be more of a solid panel type of construction so it appears like a wood fence but it is not slats that can be kicked out.

Mr. Edwards asked if the site plan is pretty much what they are envisioning where that building will be placed, up against the corner.

Mr. Hosch said yes, and as part of the rezoning you are not required to show a site plan but they want to show the neighbors where they intend to build the structure and the design is to get the service area up on Sunshine so it is as far away from the residents as possible and to make the south facade of the facility inactive. It is not a functioning side of the facility.

Mr. Coltrin asked to be shown the main entrance of the grocery store.

Mr. Hosch pointed out the two entrances on the display and discussed the parking.

Mr. Hansen asked if the twenty foot buffer all they can afford.

Mr. Hosch stated their intention is to purchase the additional strip of land to make certain there is an adequate buffer. Along the building façade, it is not twenty feet, technically it is approximately forty-five (45) feet because their building sits off of what is that spite strip property line. Currently, where they are showing the parking it is approximately twenty-five (25) feet from the five (5) foot of right-of-way they dedicated to the City. It is approximately a sixty (60) foot right-of-way so you are eighty-five (85) feet from the resident's property line. They need to make this economically viable to make this achievable project based on the purchase price of the ground based on the site improvements they are making; the fences are not cheap, the extensive landscaping, we need to build a facility they know how to operate and that is this facility.

Mr. Edwards stated that as a Commission they deal with these types of issues, some recently, which have been similar issues where you are going into a neighborhood and changing things that perhaps from Commission perspective the neighbors should have been aware of. The thing that comes to mind is that if you didn't want that field to turn from a wooded area into a building you should have bought it and that is something that is not often said, but it is something people should think about. Mr. Edwards continued by stating that he always tries to explain himself and his vote to people adding that he usually has a list of why he would vote to put this facility in their neighborhood, but tonight he wants to give a couple of thoughts on why he will vote again this proposal which is not something that he normally does. As far as the general retail and use and the medium intensity and water he is ok with that. He does not have a problem with putting a Hy-Vee on this site, but what is the deal breaker here is the three or four houses that will be right there parked behind that building. It is fair to say that an office complex could come in there or even a grocery store, perhaps even this store if it were smaller, if it were orientated different, if some of the parking spaces were used to create a larger buffer zone, if the Convenience store were eliminated. There are many ways he could see voting for this project but right now with that building being in front of those three or four houses or maybe more, it would not be fair at all to do that to those people because given that this was a residentially zoned previously, putting something that close to their houses, that large, is just beyond the expectations and tonight he is not comfortable with that building right there.

Mr. Hansen commented that he would concur with Mr. Edwards. As far as their expectations of big giant vacant lot that they have enjoyed for years and years, they are forced to often remember how much it was enjoyed after it is developed. In this case, the intensity of the development is greatly multiplied over what the present zoning is and the neighbors who own property all around this have an expectation that they would have at least similar neighborhood afterwards as they did before. This proposal as drawn intrudes into the heart of this neighborhood and commented he is not comfortable with the detention they are talking about that is taking advantage of City property to handle the runoff from this proposed site. If there was

more detention on site that they care for themselves and if there was more of a separation from the main building and the neighboring homes, he could vote for this proposal as well. There are many advantages to having a superstore like this, the convenience. But on the other hand a large super store like this is a real weight on a residential area around it. As this is drawn and platted, he would have to vote against it.

Mr. Baird commented that he appreciates all the comments and the people that have come to speak to this tonight. He is on the opposite side of the fence from those who have spoke before him from Commission. He is not certain why the Schweitzer's didn't develop the east side of the property to square it up to finish the residential street and for whatever reason that path was not taken. It appears that Hy-Vee has done more than their fair share to try and eliminate, or mitigate, the concerns of the neighbors with the bufferyards, with the establishment of the overlay district. One of the issues that has not been discussed is the jobs this will bring into this area. Yes Hy-Vee as a corporation would benefit. This store would offer jobs to the citizens in and around our area who would then in return spend their money here. Mr. Baird stated he would be voting for the development.

Mr. Lawhon stated they are not here because this is easy, but because it is important. Often they discuss two things that are very near and dear to their hearts, property and family, and those are involved in a lot of the cases Commission hear and ultimately in the decisions they make. What he has heard from folks are what he refers to as the big "five", which occur frequently with zoning requests, traffic, noise, stormwater, buffers and property values. There is very little that the applicant can do about property values and there is a lot that can be done for traffic, noise, stormwater and buffers. The applicant has made a very good faith effort in trying to mitigate all those things and make it a better fit for the neighborhood. It ultimately comes down to a zoning case and if this is an appropriate zoning request for this area, and he believes it is, and that is why he intends to vote in favor of the proposal. If this is passed and this store is run like the Kansas location, it will be a good neighbor in his opinion. As with any other development they approve, these people need to be held accountable to live up the conditional overlays they themselves have requested be included with this zoning request.

Mr. Coltrin stated that Commission listens to these difficult cases and there is nothing easy about them, and tries to view them in a similar light of, is this the proper zoning for that tract of land. They don't ask if it is a perfect zoning for that tract of land, it is a piece of property sitting on a Springfield arterial and the developer is footing the bill for improvements to handle the traffic and the stormwater. There is a little more buffer to the west than what we are looking at in this plan because of the additional land. Commission is not required to see what is displayed on the screen right now, the proposed site plans, so he cannot hold against the developer what he has gone above and beyond to show on the screen. Mr. Coltrin commented he cannot look at that and say because of what he sees or does not see, he is voting for or against it. He has to evaluate that one question of is this a proper zoning for that piece of land. In his mind, it is a proper zoning for that site where it is situated, and for that reason he will be voting to support the proposal.

Mr. Baird motioned to **approve** Z-12-2012 with Conditional Overlay District No. 53. Ms. Roling **seconded** the motion. The motion **carried** as follows: Ayes: Lawhon, Ray, Coltrin, Baird and Roling. Nays: Edwards and Hansen. Abstain: None. Absent: Young and McClelland.

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

Mr. Lawhon clarified that the next City Council hearing is October 22, 2012 with a public hearing. Mr. Lawhon commented that there is sometimes the perception that Commission all walk in step with each other and just rubber stamp what the Planning Department brings to Commission and hopes that tonight has changed that perception or reinforced the perception that Commission does want to hear what the public has to say and listen to what is said. It is meaningful to Commission members. Commission may not always vote the way people want, but appreciate the discussion that they have and the openness.

4. **Z-13-2012**

Little Zippos II, LLC

(1400 West Battlefield Road)

Mr. MacPherson stated the purpose of this request is to rezone approximately one (1) acre of property generally located at the 1400 West Battlefield Road from Planned Development 122 Amended to a GR, General Retail District. The applicant is proposing to rezone approximately one (1) acre of land from a Planned Development 122 Amended to a GR, General Retail District. This rezoning will allow the existing building that was previously a video rental store to be converted to a pawn shop. The existing PD does not list pawn shops as a permitted use. A text amendment to the Zoning Ordinance modifying the pawn shop use will follow this rezoning to clarify that pawn shops are permitted in the Retail Sales Use Group which is permitted in the GR. As a condition of the rezoning, the applicant is proposing to dedicate a cross-access easement to the adjacent property owner for future access onto Battlefield Road.

The Growth Management and Land Use Plan of the Comprehensive Plan designate this area along the Battlefield corridor as appropriate for high-intensity retail, office and residential uses. General Retail (GR) is one of the zoning districts recommended in these areas. The General Retail District is intended for uses that provide community-wide personal and business services, shopping centers and specialty shops. Commercial uses permitted in this district are generally required to conduct business activities indoors. The need for community-wide accessibility dictates that this district be located along or at the intersection of two or more arterial or higher classification streets. This request is consistent with the recommendations of the Comprehensive Plan, which identifies this area as an appropriate location for high-intensity retail, office or housing. The proposed zoning is consistent with surrounding non-residential uses and zoning along Battlefield Road in this area. The proposed condition will provide for better cross access between adjoining properties and safer access to Battlefield Rd. in the future. The neighborhood meeting went well and there was no opposition and Staff has not received any comments. Staff is recommending approval of the request.

Mr. Hansen questioned if the cross access easement is to eliminate a driveway to Battlefield.

Mr. MacPherson said yes, they are proposing an access easement to the property line whereby in the future if redevelopment occurs on the adjoining property they can use the joint access off Battlefield.

Mr. Lawhon opened the public hearing.

Mr. Cory Loftis, 1812 W Lennox Drive, commented he is leasing the building and as Mr. MacPherson stated, it is a matter of permitted use. There will not be any physical development changes and they have the retail business license already. The zoning request will allow them to get a pawn brokers license and do loans and merchandise as well as buy and sell.

Mr. Floyd Malone, 1136 W Battlefield, commented he is in favor of the rezoning.

Mr. Lawhon closed the public hearing.

Mr. Ray motioned to **approve** Z-13-2012. Mr. Edwards **seconded** the motion. The motion **carried** as follows: Ayes: Lawhon, Edwards, Hansen, Roling, Baird, Coltrin, and Ray. Nays: None. Abstain: None. Absent: McClelland and Young.

HEARINGS:

Conditional Use Permit:

5. **Conditional Use Permit 401**
(North side 2400 block East Elm)

Midwest Family Broadcast Group

Mr. MacPherson stated the purpose of the request is to approve a Conditional Use Permit to allow a radio broadcast tower to exceed one-hundred (100) feet in height within an LI, Light Industrial District. The proposed tower is one-hundred-fifty-five (155) feet tall. . Approval of a use permit is required for any tower other than wireless facilities exceeding one-hundred (100) feet in height in the LI District. The proposed tower meets the approval standards for a conditional use permit for towers exceeding one-hundred feet in height. Staff recommends approval of this application for the following reasons: The tower meets all setback requirements from adjoining residential-zoned property, public property and streets. The proposed tower is located more than three-hundred (300) feet from residentially zoned property. In addition, the tower will be setback at least one-hundred-fifty-five (155) feet from all property lines. Based on the height of the proposed tower, a setback of one-hundred-five (105) feet is required by the Zoning Ordinance. The proposed tower shall have the least practicable adverse visual effect on the environment. The Zoning Ordinance states that every attempt should be made to place the tower so that the building is located between the tower and adjoining street. The proposed tower will be located behind the office building and an eight (8) foot retaining wall on the southeast side of the tower. The tower will be constructed of galvanized steel and will not be artificially lighted. Traffic associated with the facility will not adversely impact the adjoining street system. Traffic is not expected to have any additional impact over other development in the area. All off-street parking required by the zoning ordinance will be provided. Staff has reviewed the applicant's request for a Conditional Use Permit and has determined that it satisfies the standards for Conditional Use Permits outlined in Section 3-3310 of the Zoning Ordinance. The findings are as follows: The proposed tower will be situated so as not to impact any nearby residential properties. The landscaping is being provided to screen the tower site from Elm Street and the residential uses on the south side of Elm Street. This application meets the approval standards for a Conditional Use Permit and is in conformance with the Comprehensive Plan. At the neighborhood meeting there was one individual who expressed some concerns about flooding which were relevant to the O'Reilly project and not to this particular project. The regulations and standards on the attached Exhibit I shall govern and control the use and development of the land in Use Permit Number 401 in a manner consistent with Exhibit III, except as modified by Exhibit I, and except any changes made by the Planning and Zoning Commission. Staff is recommending approval of the request.

Mr. Lawhon opened the public hearing.

Mr. Rod Nichols, 2805 S Ingram Mill Road, with the Law Firm of Carnahan, Evans, Cantwell and Brown,

stated he represents the applicant, MWSpringmo, Inc. for the Conditional Use Permit. MWSpringmo, Inc. does business as Mid-West Family Broadcast Group. They operate four (4) radio stations locally. Mr. Nichols referred to the display board showing the location of the proposed site. They will be constructing a new office and broadcast studio. The tower will be right behind the facility to minimize the loss of signal. The application for the Conditional Use Permit relates only to the construction of the broadcast tower. The setback of the tower base is going to be more than is required by the Zoning Ordinance and the reason they are proposing the one-hundred-fifty-five (155) feet is so in the unlikely event that there is ever a failure of the tower that it will fall completely on the site, not on any adjoining property. The base of the tower is going to be more than three-hundred (300) feet from any residentially zoned property. It will be buffered to the north by a Burlington-Northern Railway Spur which also has a significant tree line growing along the property. The tower base will be buffered to the east by another tree line along the property boundary, to the south the location of the facility itself will buffer a fair amount of the view of the tower base to the south and then looking to the east there is going to be a buffer by a trash receptacle and landscaping if need be. The tower will not be painted as it will be galvanized steel, gray in color. It will not be artificially lighted and there will not be any lighting on the tower. At the neighborhood meeting, no one expressed opposition to the construction of the tower.

Mr. Hansen asked if the tower would have guide wires.

Mr. Nichols said no it will be free standing.

Mr. Lawhon closed the public hearing.

Mr. Baird commented that for this piece of property, this seems to be the perfect use for this.

Ms. Roling motioned to **approve** Conditional Use Permit 401. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Ayes: Lawhon, Edwards, Hansen, Roling, Baird, Coltrin, and Ray. Nays: None. Abstain: None. Absent: McClelland and Young.

OTHER PUBLIC HEARINGS:

7. Airport Master Plan (City-Wide)

City of Springfield

Mr. MacPherson commented that there are three (3) representatives from the Airport which include Shawn Schroeder, Brian Weiler, and Joe Pestka who are going to talk about the Airport Master Plan. Commission needs to find that it is consistent with the Comprehensive Plan of the City and make a recommendation to City Council to adopt the updated Airport Master Plan.

Mr. Lawhon opened the public hearing.

Mr. Brian Weiler, 4907 S Clay Court, commented that he is the Director of Aviation for the City and would like to discuss what he feels is a very important project for the airport. They will give an overview of the plan and answer any questions Commission might have. Mr. Weiler said that this is an important planning project for the airport that insures they meet the Air Transportation needs of the region and also important in securing state and federal grants which are used to maintain and improve the airport on a regular basis and added that the airport is in good shape. Mr. Weiler and Mr. Pestka reviewed the power point

presentation with Commission.

Mr. Hansen asked about the project and White Chapel Cemetery.

Mr. Weiler commented that they are in ownership of those easements, but some parts of the Runway Protection Zone that would be over the Cemetery.

Mr. Baird asked if AVCRAD would be expanding and if they work together and how they affect the Master Plan and if they get funds from the Military.

Mr. Weiler stated they had a representative from AVCRAD on the plan. The Military is a very important part of the airport and the operation and they have recently completed a major expansion and additional expansion plans and those have been taken into consideration and incorporated into the Master Plan. Mr. Weiler stated that because they are on airport property, they do receive ground lease for that and the military aircraft do buy fuel and use other things, so yes, they are tenants like other tenants.

Mr. Lawhon closed the public hearing.

Mr. Edwards motioned to recommend to City Council that the Airport Master Plan is in conformance with the Comprehensive Plan and recommends **approval**. Ms. Roling **seconded** the motion. The motion **carried** as follows: Ayes: Lawhon, Edwards, Hansen, Roling, Baird, Coltrin, and Ray. Nays: None. Abstain: None. Absent: McClelland and Young.

OTHER BUSINESS:

8. Initiate Zoning Text Amendments for the COM, Commercial Street District City of Springfield (City-Wide)

Mr. MacPherson commented that City Council approved General Ordinance 5866 for the purpose of establishing the COM, Commercial Street District in March 2010. The district is intended to be a mixed-use district that accommodates a variety of residential, commercial and light industrial uses. Two (2) sub-zones were established in the COM District. The COM-1 District is designed to permit new construction that is more compatible with the existing historic buildings within the Landmarks District along Commercial Street. The COM-2 District is designed to allow new construction that is consistent with more recent commercial development along Commercial Street.

Subsequent to the creation of the COM District, staff has determined that some modifications need to be made relating to the District. Staff is requesting that Planning and Zoning Commission initiate a Zoning Text Amendment regarding the following items:

- Amend Section 6-1200, Landscaping and Bufferyards, to add the COM, Commercial Street District to the Table of Bufferyard Requirements.
- Amend Section 5-1500, Off-Street Parking Requirements, to exempt parking requirements in the COM, Commercial Street District.
- Amend Section 4-3500, COM, Commercial Street District, to add "Any manufacturing, production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products which is

not allowed as a permitted use.”

- Amend Section 4-3500, COM, Commercial Street District to add “Construction equipment storage yards” as a Conditional Use within the COM District.

Approval of this request will not amend the *Zoning Ordinance*, but only begins the process of review and recommendations by staff and Planning and Zoning Commission and City Council. Staff will return to Planning and Zoning Commission and City Council for a public hearing at a later date.

ANY OTHER MATTERS UNDER COMMISSION JURISDICTION:

There being no further business, the meeting was adjourned at approximately 9:55 p.m.

Michael MacPherson
Principal Planner

