

# MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: November 1, 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, Jim Hansen, Jason Ray and Phil Young; Ralph Rognstad, Director of Planning & Development; Michael MacPherson, Principal Planner; Thomas Rykowski, City Attorney; Ann Razer, Principal Planner; Dawne Gardner, Transportation Planner, Public Works; Cody Marshall, Professional Engineer, Public Works; Sandy Goddard, Administrative Assistant; Absent: Jay McClelland, King Coltrin, and Gloria Roling.

## **ROLL CALL:**

**APPROVAL OF MINUTES:** The minutes of October 4, 2012 and October 18, 2012 were approved unanimously.

**COMMUNICATIONS:** None.

## **CONSENT ITEMS:**

1. **Relinquish Easement 785** **AGI Acquisition IV, LLC**  
(1220 E. Republic Road)
2. **Relinquish Easement 786** **Battlefield Plaza, LLC**  
(313 East Republic Road)
3. **PD 84 & PD 84 2<sup>nd</sup>, Amended, Final Development Plan** **Missouri CVS Pharmacy, LLC**  
(1220 East Republic Road)
4. **Subdivision Variance No. 340** **Jewell Schweitzer & Jack Frederick Family Trust**  
(South side 2100 block East Sunshine)

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

## **HEARINGS:**

5. **Z-14-2012** **Springfield Underground, Inc.**  
(3610 East Kearney)

Mr. MacPherson said the purpose of this request is to rezone approximately sixty-seven (67) acres of property generally located at the 3610 E Kearney from Planned Development 229 amended, to a HM, Heavy Manufacturing District. This rezoning will allow the proposed surface to be used for manufacturing, warehousing, and production of asphalt-based materials, and for continued industrial development. The applicant held a neighborhood meeting on October 6, 2012, and there were no objections voiced at the meeting, nor has staff received any objections to the case. The applicant is in the process of working out a cost sharing agreement with Public Works for street

improvements on Le Compte Avenue to support the development. As this moves forward through Council the two bills will be joined together and at the time they are finished at Council, staff anticipates that the cost sharing agreement ordinance and the zoning case will be heard concurrently. Finding for staff recommendation are the request is consistent with the recommendations of the Comprehensive Plan, which identifies this area as an appropriate location for light industrial, office and warehousing use. The proposed zoning is consistent with surrounding non-residential uses and zoning along E. Kearney Street and Le Compte Avenue. The applicant and City will enter into a cost-sharing agreement to fund improvements to Le Compte Avenue and the proposed condition will provide for significant infrastructure improvement on Le Compte Avenue to serve the subject property and staff recommends approval of the case.

Mr. Lawhon opened the public hearing.

Mr. James Jeffries, Lathrop and Gage, 1845 S National, stated he is representing Springfield Underground and is available for questions.

Mr. Lawhon closed the public hearing.

Mr. Edwards motioned to **approve** Z-14-2012. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Lawhon, Edwards, Baird, Ray, Young and Hansen. Nays: None. Abstain: None. Absent: McClelland, Coltrin, and Roling.

6. **Z-16-2012**  
(510 & 514 West Mt Vernon Street)

**Grace Assembly of God of Springfield**

Mr. MacPherson stated the purpose of this request is to rezone approximately three-tenths (.30) of an acre of property generally located at 510 and 514 W. Mount Vernon from an R-LD, Residential Low Density District to a CC, Center City District. The property adjacent to the Grace Assembly of God Church is to be used for additional parking. The lot will be combined as part of the process and all the property will be zoned CC, Center City. There would be conditions associated with the zoning and the applicant is aware of that and if these conditions, if approved, the new zoning would not be effective till the lots are combined into one (1) lot. If the conditions are not complete within one year from City Council's approval, then that approval is null and void and the zoning will remain R-LD, Residential Low Density. The applicant held a meeting on October 6, 2012, and there were no objections stated at the meeting to the proposal nor has Staff received any objections with regard to this particular case. Findings for Staff recommendation are as follows; churches are a permitted use in all zoning districts and the zoning classification change and the lot combinations will result in Center City zoning for all of the property. Staff is recommending approval of the request.

Mr. Hansen asked if this request is rezoned to Center City, can it be built on out to Center City setbacks.

Mr. MacPherson said yes, but to bear in mind that they will have to meet bufferyard requirements between the Center City Zoning District and the Residential District. The intent is not to build on to the church, but rather use one of the lots for parking at this current time and one of the houses will be used for a rectory or other similar church features as an accessory use for the time being.

Mr. Lawhon opened the public hearing.

Reverend Owen C. Carr, 1545 E. Erie Street, # 306, commented he is Pastor of the church and available for questions.

Mr. Hansen asked Mr. Carr asked what connection he had with the church.

Reverend Carr stated that he and his son co-pastor the church.

Mr. Hansen asked if there is one house that will be torn down.

Reverend Carr stated that is their intention, with parking on one lot and maintain the other house for the time being.

Mr. Lawhon closed the public hearing.

Mr. Young motioned to **approve** Z-16-2012. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Lawhon, Edwards, Baird, Ray, Young and Hansen. Nays: None. Abstain: None. Absent: McClelland, Coltrin, and Roling.

## **Zoning Text Amendments:**

### **7. Pawn Shop Amendments** (City-Wide)

### **City of Springfield**

Mr. MacPherson commented that the purpose of this proposed Text Amendment is to amend Section 1-2000, Use Groups, Section 4-3200, Highway Commercial District, 4-3500, Commercial Street District, in the Springfield Zoning Ordinance. In 2010 the City amended the Zoning Ordinance to allow use groups in our Zoning Ordinance, including general retail, offices, entertainment and others. This was done because it is difficult to identify and list every potential use specifically in a zoning district that would be appropriate for that district. Consequently, as Staff, Commission and Council we are not permitting some uses that were consistent with other allowed uses just because the proposed uses were not specifically listed in the district. Because of this, many business owners were forced to request to rezone their properties for business ventures that were appropriate and consistent with the specifically allowed uses in the district. For a business owner that meant time and money. Staff and the Planning and Zoning Commission recommended and Council approved the implementation of use groups into each zoning district to eliminate this delay and expense to business owners. As a result of that, many individual uses were removed and replaced with the use group's category to provide for a more flexible interpretation of the zoning ordinance. The use-groups have been in place for two years and no issues have emerged and they have been used quite regularly. Pawn shops was one of the uses that was removed from the permitted uses list in GR, CS, CC, IC zoning districts, and replaced with the retail use groups to accommodate that use. We missed removing pawn shops from the Highway Commercial District at the time. This oversight has created the problem. If a use is specifically listed in a district but not another BDS, Building Development Services, interprets that district as the only place where the use can occur. In fact pawn shops have been allowed in GR, CS, CC, and IC for many years. BDS has requested that we propose this amendment to eliminate that conflict, and City Council has initiated that request. This amendment does not expand the use of pawn shops in any district. It merely returns to the status quo. It does not impact existing businesses, nor does it expand pawn shops into any other districts. We also did not implement the use groups in the Commercial Street Zoning District because it was a new district that had just been developed. This amendment is to correct that oversight in both the Highway Commercial and Commercial Street Districts and it would remove the pawn shop as an individual use and replace that with the retail use groups. One member of the Chamber of Commerce expressed concern with regard to pawn shops being in the general retail areas; however they have been there for years. The Springfield Police Department was notified of these amendments and there were no objections. Building Development Services has indicated to staff that seventy-five (75) percent or more of the business that occurs in the modern day pawn shops is of the general retail nature anyway, and they support the proposed amendment. The finding are that the proposed amendments will correct an oversight regarding pawn shops from the Use Group Amendments in 2012 where the retail use groups were not added to Commercial Street and did not remove pawn shops from Highway Commercial. The proposed amendments will enhance the flexibility of retail uses to locate in the COM District. Staff is recommending approval of the text amendment.

Mr. Lawhon opened the public hearing. As there were no speakers, Mr. Lawhon closed the public hearing.

Mr. Hansen motioned to **approve** the Zoning Text Amendment Pawn Shop Amendments. Mr. Edwards **seconded** the motion. The motion **carried** as follows: Ayes: Lawhon, Edwards, Baird, Ray, Young and Hansen. Nays: None. Abstain: None. Absent: McClelland, Coltrin, and Roling.

8. **COM, Commercial Street District**  
(City-Wide)

**City of Springfield**

Mr. MacPherson stated the purpose of this proposed text amendment is to amend *Section 4-3500, COM, Commercial Street District*, in the *Springfield Zoning Ordinance* to add uses to the District as Conditional Uses, amend *Section 6-1200, Landscaping and Bufferyards*, to add the COM District to the Table of Bufferyard Requirements and amend *Section 5-1500, Off-Street Parking Requirements*, to exempt parking requirements in the COM District. 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. This is where you see the highest intensity of the buildings all together and what we would refer to as the Commercial Street Historical District and that is Zone One (1). The other zone was on either end of Commercial Street and those particular cases prior to the rezoning were zoned HM, Heavy Manufacturing and IC, Industrial Commercial and they have a significant different type of use than the historical district and some of these amendments distinguish between those. First, this proposal would amend Section 4-3500, 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" as a Conditional Use within the district. This use was permitted in the previous CC, Center City district zoning on the COM-1 area and is the use that permits the brewery and chocolate factory as conditional uses. The use was inadvertently left out of the COM District when it was created.

This amendment would also add "Construction equipment storage yards or other outdoor storage" as a Conditional Use within the COM-2 district. This would allow an existing business to expand within the district while providing the opportunity for public review of the proposal through the Conditional Use Permit process. During the Conditional Use Permit process, screening and site design can be evaluated to determine if it is appropriate for the request. The properties included in the easternmost section of the COM-2 District were previously zoned HM, Heavy Manufacturing and the properties in the westernmost COM-2 District were previously zoned HM, Heavy Manufacturing and HC, Highway Commercial. Both of these districts permit outdoor activity and Staff believes it is appropriate to offer an amendment to add that use back in because there is a significant difference between that and the Historical District itself, which would be subject to a use permit that would have to go through intense scrutiny in protection of the community. In the COM District all activities and permitted uses must be conducted entirely within a building with some exceptions for outdoor eating and drinking facilities, off-street parking, street vendors and a few other uses. Approval of this amendment would restore the ability to have limited outdoor storage in these areas under certain conditions with approval of a Conditional Use Permit. The Zoning Ordinance requires off-street parking for uses in all districts except the CC, Center City and GI, Government and Institutional Use Districts. This amendment will add the COM-1 District to the districts that are exempt from the off-street parking requirements. The reason staff is recommending that is because it was formerly zoned Center City and has the characteristics of Center

City. As mentioned above, the COM-1 District was previously zoned CC which did not require off-street parking. This amendment will bring the COM District into conformance with the intent for the District. The District is adequately served by on-street parking and public parking lots and the provision of off-street parking for uses in the COM-1 District is not feasible or desired with the existing development. Finally, when the COM District was created in 2010 the District was inadvertently left out of the Table of Bufferyard Requirements which lists all of the zoning districts and outlines the bufferyard, if any, that is required when developed adjacent to another zoning district. The COM District was modeled after the CC, Center City District and will mimic the bufferyard requirements for that district.

Mr. MacPherson commented that Staff findings are that the proposed amendments will make the COM, Commercial Street District more consistent with the previous CC, Center City District zoning on the property and will clarify the bufferyard and off-street parking requirements within the COM District and afford the opportunity for those that were formally zoned HM, and HC, to seek conditional use permits to use certain areas for outdoor storage. Staff is recommending approval of the text amendment.

Mr. Lawhon opened the public hearing. There being no speaker, Mr. Lawhon closed the public hearing.

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

#### **OTHER BUSINESS:**

##### **9. Capital Improvements Program** (City-Wide)

##### **City of Springfield**

Ms. Ann Razer, Principal Planner with the City of Springfield commented that every other year, the City of Springfield adopts a Capital Improvements Program (CIP), which is a plan which indicates how the City departments intend to fund Capital Program projects over the following six years. Because it is a plan, Staff comes to the Planning and Zoning Commission for any comments on the list of projects provided in the packet. The CIP is an implementation tool for planning purposes. It is based on plans which have been adopted by City Council or are in process. The intent of the Capital Programs is to protect the life, health, and public safety of the community, to improve the existing infrastructure and to construct infrastructure ahead of growth. To qualify to be in the CIP a project has to have one or more of the following things; it needs to be a major improvement to a physical facility, a cost of \$100,000 or more and a duration of at least six (6) years and a funding source is required, either known or anticipated. Ms. Razer stated she was asked how many of the projects are funded out of the General Fund of the City and there is only one, so these projects get a lot of federal funding, but there are one-hundred-fifty (150) different funding sources. There are one-hundred-fifty-seven (157) projects that continue from the previously adopted CIP, and there are forty-nine (49) new projects. Ms. Razer briefly reviewed the list of projects for 2013 – 2018. There are 8 projects from the Airport, which is federal funding. The equipment projects are also for the Airport. There are improvements to municipal buildings and grounds. There is money set aside for neighborhood projects and a number of sewer and solid waste projects, sixteen (16) street improvements, which Public Works has the bulk of these projects. There are four (4) projects that deal with traffic management or signals. After Staff receives any comments Commission may have, then the next step is to finalize the draft CIP and go to City Council on December 17 for a vote. Ms. Razer stated she would answer any questions.

Mr. Lawhon asked what the Commission's role is in the Capital Improvements Program.

Mr. MacPherson stated that Commission is asked to determine if the CIP Plan is consistent with the Comprehensive

Development Plan of the City of Springfield and to make comments on any particular projects you may or may not think are important or want to highlight to the City Council.

Mr. Lawhon opened the public hearing. With there being no speakers, the public hearing was closed.

Mr. Edwards said the projects that stands out to him as most important are dealing with sanitary, sewer, and stormwater, which come before the Commission often and residents have the most issue with.

Mr. Baird motioned to forward the Capital Improvements Program to City Council which is in agreement with the Comprehensive Plan for the City and recommend City Council consider the Plan Projects. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Ayes: Lawhon, Edwards, Baird, Ray, Young and Hansen. Nays: None. Abstain: None. Absent: McClelland, Coltrin, and Roling.

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

**City of Springfield**

Mr. Baird recused himself from hearing the case.

Ms. Dawne Gardner, Transportation Planner from the Public Works Department stated that City Staff is requesting an amendment to the Major Thoroughfare Plan realigning a portion of East Republic Road from Glenstone to just west of U.S. 65. A future corridor has been mapped for this area since 1929 showing a local road showing a road through a portion of this area, basically an east/west corridor. The current major thoroughfare plan shows a future collector through this area. City Staff is requesting an update to the current Major Thoroughfare Plan to upgrade what is currently mapped to a primary arterial with realignment of the route from Glenstone to just west of U. S. 65 to be able to serve future property development. Three alternatives are proposed, Alternative A, B, and C. These three (3) alternatives were presented at a neighborhood meeting on January 19, 2010. At that meeting fifteen (15) people handed in comment forms choosing Alternative A, ten (10) people preferred Alternative C, and Alternative A was also expressed as the desired alternative in conversations between those in attendance and the staff that were present. Another public meeting was held on October 16, 2012. Approximately fifty (50) people were in attendance. Three people handed in completed comment forms that evening and others were faxed in. The results were similar to the comments received at the 2010 meeting; if they had to choose, Alternative A would be the preferred alternative. City Staff also received a letter from Linda and Gene Walker opposing all three alternatives and each of Commission received a copy of that letter. One hundred-forty-seven (147) signed forms from property owners in the area were received which stated "I reject all east Republic Road connector alternative alignments and take a position against any East Republic Road major thoroughfare connector alternatives from James River Freeway to U.S. 65 Freeway", were hand delivered to City Staff. Fifteen of those were from some of the same people that had previously faxed in forms choosing Alternative A if they had to choose, which Commission received in their packet. To allow property owners to plan for future usage of their property and for the City to be able to preserve the right-of-way if properties along the proposed alignment subdivide or rezone, the City is requesting an amendment to the Major Thoroughfare Plan recommending alternative A as a future primary arterial and realignment of Republic Road east of Glenstone to U.S. 65. Ms. Gardner stated she would answer any questions.

Mr. Lawhon asked why this stops at U.S. 65, when they plan on starting to build this road, what the trigger would be for this road to actually be built and what would dictate this as a two, three, or four lane road.

Ms. Gardner stated the City's interest is to US 65; the county's interest is necessary to go east of U.S. 65. Ms. Gardner said the City has no funding, no plans for construction; this will strictly be developer driven. If any of the properties develop, and traffic studies will be required, or are rezoned, it will depend on the intensity of the development they want to put in. Ms. Gardner stated it would depend on how it develops. If it is all residential single-family, it would probably stay as a collector. Again that will be dictated by what the traffic study states.

Mr. Hansen asked if there is development along this corridor will the developer be required to build the street and asked if the rest of the road would be up to the City.

Ms. Gardner said yes, the developer will be required to build the portion of the street that their property is impacting and the road would be strictly developer driven.

Mr. Rognstad stated that typically the way this works is the City lays out the major thoroughfare plan and establishes where the corridors are and the roads are build by the developers. There have been some cases where there was a section that the City ended up building because there was development south and the City was north and the City felt it needed that connection, so in some cases the City does end up building segments of road. Generally it happens where the developer puts it in and as Ms. Gardner stated it depends on the intensity of the development. The zoning case that was approved for 60/65, which would allow the interchange for potential commercial development, which planned development, does require them to build the road down to Lonepine. The City would have the road built that far and there would be a wait till something happened with the quarry to do the rest of it. That being said something could happen where we see a lot of development and a change in traffic patterns or maybe the City decides to construct Republic on the rest and connect it because that is in the best interest of the City. We do try to get as much developer participation as possible.

Mr. Lawhon asked Ms. Gardner to detail the advantages and/or disadvantages of the three (3) alternatives.

Ms. Gardner stated that Alternative A affects the least properties; one (1) business and four (4) homes. Alternative B affects ten (10) properties, displaces four (4) houses and forty-two mobile homes. Alternative C displaces ten (10) permanent homes. Alternatives B and C are shorter and more direct. Alternative A is the longest and least direct alternative but has the least impact on homes, businesses, and Galloway Village.

Mr. Hansen asked how this would affect the houses in direct line of this and if it would displace some of the houses.

Ms. Gardner stated the analysis was done in 2010 and asked Mr. Rognstad if it would be right-of-way.

Mr. Rognstad stated it would be acquired right-of-way on some of the properties.

Ms. Gardner stated it would not displace the homes but the City would need the right-of-way. Ms. Gardner stated it would not affect ten (10) properties, but it displaces four (4) permanent homes and said the City would have to purchase those homes when the road is put in, but not until that time.

Mr. Hansen commented the owners would be free to sell and they would have to provide disclosure on the purchase agreement.

Ms. Gardner said that would be correct; which is why they are recommending Alternative A, because it is not as many homes.

Mr. Hansen commented alternative A doesn't displace as any houses.

Ms. Gardner said it displaces four (4) houses and one (1) business, whereas Alternative B displaces two (2) businesses, four (4) houses and forty-two mobile homes. It goes right through the middle of the Colony Cove mobile home community that is there.

Mr. Lawhon commented that the certainty that is being sought for the home owners, is at least mapping one alternative, so in future a person would know where it is going to be, the number of lanes being uncertain, so the certainly would be in knowing what the route would be. The uncertainty is not having any idea when it would be built. The necessity for that road is going to be developer driven.

Ms. Gardner said that is correct.

Mr. Hansen asked if all the alternatives ended up at the interchange.

Ms. Gardner stated they all end up where the interchange was proposed so if that eventually does move forward the interchange can be built where it was proposed and move east.

Mr. Hansen asked if it would dead-end at the State's right-of-way.

Ms. Gardner said yes.

Mr. Rognstad commented that he wanted to make certain that Commission recognizes there is a corridor already designated through there. It is not as specific as what we are talking about here. If someone came and stated they want to develop their property, then it would have to become more specific and that may delay moving forward on the development because there would have to be a determination made as to where to put it. It is generalized because no environmental has been done and Alternative A may shift somewhat because there may be some environmental issue which might require moving it.

Mr. Hansen asked where this is designated at.

Mr. Rognstad stated it is designated on the Major Thoroughfare Plan right now and referred to the map pointing out the existing roads and proposed connector and how it would need to connect to an arterial.

Mr. Lawhon stated that what these potential alternatives do is to refine that to be more specific about the route it would take.

Mr. Hansen asked what implications this road would have when it is developed for Galloway area and the access, asking if Galloway would become an activity center.

Mr. Rognstad said the proposal that has been discussed is the new corridor would actually go over Lonepine and over the railroad track, but there would be a connector that would come down to Lonepine, and is not certain it would become an activity center but there might be more commercial potential particularly if the interchange were to be built and there were better access and more traffic could get in and out. If the quarry is ever completely dug out and there is the thought of redeveloping that where there is more population, it is really the local population that is going to generate more commercial development than traffic.

Mr. Hansen asked what the access would look like theoretically, and if the road is a residential street if it would be on grade level and the bridge over Lonepine and the length of the elevation.

Mr. Rognstad showed where the potential interchange would be and discussed how the alternative routes could be laid out and the connections. Mr. Rognstad pointed out on the map the bridge and that it might be longer, but basically it would just be the portion over Lonepine and then it would come back to grade. At the interchange there will be development potential because both sides are commercial and then it goes to moderate density residential. There may be the opportunity to have higher density residential than the single family.

Mr. Hansen asked about the filling to raise the bridge over Lonepine and the railroad because the valley is fairly flat across there.

Mr. Rognstad stated that is all engineering questions.

Mr. Hansen stated that a residential street on grade through there might be a pleasant thing, whereas if there were a big thoroughfare there it would be a much more imposing structure in the neighborhood.

Mr. Rognstad stated that if it ended up being a four (4) lane it would be a much larger structure.

Mr. Lawhon asked if they will be entertaining option A, B, or C or none of the above, and make some recommendation that would then go to City Council.

Mr. Rognstad said correct.

Mr. Rognstad opened the public hearing.

Mrs. Linda Walker, 3766 S Oak, stated she is the one who wrote the letter and when they received notice about the hearing, her husband called the City and spoke with Fred Marty and Mr. Marty told her husband that the reason this was brought up is Steve Johnson, Sequiota Investments, requested that Alternative A be chosen so he could decide what he could do with his property. Mr. Johnson has a court case against the City of Springfield and Mr. Johnson said that the judge said that he could not decide the case until the City picked an alternative route. Mr. Walker commented you can see what she is getting at in coming back to do this for one person. The neighborhood has lived for years with the City doing favors for this one family and the neighborhood is tired of it, wondering what they are going to have to fight next. Mrs. Walker said she hopes that Commission read the letter she wrote and got the idea of what they have been through out there. As a neighborhood, they have had no representation from the City while Sequiota Investments has had recommendation from the City and Mrs. Walker stated they are depending on Commission to not pick an alternative for one person. Mrs. Walker stated they have been assured repeatedly that this is not going to happen, there is no money, it is way in the future and if a person wants to develop their land they can do so in the zoning that it is which is single family. The rest of us develop our land according to the zoning and for once these folks could too.

Mr. Edwards asked Mrs. Walker if this proposal was to happen, as obviously it has been on the map for a long time, if she would mind stating for the record what alternative she would find least repugnant.

Mrs. Walker stated she would pick the one that goes through the mobile home park and stated she would do that because they have had so many favors. If that were done it might right the wrongs that have been done a little bit. She added she would like to see it go up Highway M, Republic Road. That would be the most direct route and that displaces more homes from what she understands.

Mr. Dwayne Johnson, 3766 S Bradley, stated he has spoken with a lot of the neighbors and business owners in Galloway after the neighborhood meeting last week adding he helped get petitions signed against the proposal. Mr. Johnson stated that almost one-hundred (100) percent of the people he has spoken with are completely against this corridor. The businesses up and down Lonepine don't want this big bridge going over Lonepine. It is going to destroy Galloway Village as it is if this does happen. If there is any improvement done in Galloway, work on Mentor Road, from Sequiota School all the way down. There is a lot of traffic that goes by the school and the road needs to be addressed and fixed. They tried to talk about this when they tried to expand the mobile home park and Republic Road needs to be addressed and that would be the best corridor; it can be widened. Everyone would be in favor or that. If you come down to Mentor, where it makes the curve, if you wanted to access a bridge over 65 you could go from that corner up to where the proposal is, there are no houses from that corner to 65 and that would have the least impact on Galloway. James River and Glenstone needs to be worked on. Mr. Johnson stated that the City spent fifty-seven million (\$7,000,000) down the road, and he doesn't understand how anyone can spend the millions of dollars it will take to get a road from there and an overpass over Lonepine to go to a dead end, and stated they do not want it on the map and asked Commission to not choose an alternative.

Ms. Melanie Bach, 3734 S Elmview Avenue, commented that while she has many concerns regarding the

construction of a new major thoroughfare connection from James River to Highway 65 in any manner, she will limit her comments to those affected by the current plan under consideration. As proposed the new connector road would effectively end at Mentor Avenue. Although the proposed connector might ease traffic from Mentor to South Glenstone, there will inevitably be drivers who seek to travel to Battlefield Road instead to possibly visit businesses in that area or any other reason. Mentor Avenue is not equipped to handle more traffic or even the traffic already present on a daily basis. Sequiota Elementary drop-off and pick up bring all traffic on Mentor Avenue to a halt twice a day, five days a week. The road is extremely narrow and has a sidewalk on only one side near the school. This presents a danger for children who are walking to and from school in this normally quiet neighborhood. Adding more traffic would certainly increase the danger to pedestrians not only on Mentor but also on Oak and South Elmview between Gasconade and Beaumont which have no sidewalks on either side where frustrated drivers would quickly figure out that they could cut through in order to bypass Mentor during times it is impassable. Adding traffic to Mentor Avenue would also potentially endanger those cyclists taking advantage of the bike route which crosses Mentor at Gasconade. The goal of easing traffic between Mentor and South Glenstone could just as easily be accomplished by reinstalling the left green turn arrow at Republic and South Glenstone, which was removed in the last couple of years and is not certain why. The removal of that left turn arrow has increased the traffic difficulties at the South Glenstone and Republic Road interchange dramatically. Planning for future development seems silly for too many reasons to discuss here, but some include the fact that Sequiota Elementary is already at full capacity, there are numerous newly built vacant homes between the school and highway 65 and most importantly, the uncertainty of homeowners and potential buyers in this neighborhood will be forced to endure until some decision is made with regard to the new development, if ever? Homeowners wishing to sell may be forced to disclose this possible thoroughfare to potential buyers thereby reducing the appeal and likely decreasing the price of affected homes will bring at sale which we are already suffering in home value. In fact, some interested home buyers looking at this neighborhood have already gone elsewhere because they have heard of these plans and do not want to buy a home in an area that could be viewed as unstable. Other major concerns are the noise level this road would bring to what has always been a quiet neighborhood. Since you have not done all the land studies, she would disagree with the statement that it only needs to be raised in one area. There are some other major dips between Lonepine and the mobile home park that would have to be raised and they would be almost directly over many residential homes. Because grading will be a major obstacle, portions of the road will be air born, increasing the noise and serious accident potential. If we are to trust that these issues will be dealt with properly, then we must ignore the City's past practice of failing to address these types of problems such as the ongoing lack of compliance of Colony Cove Mobile home stormwater retention system, repair of the major sinkhole near Mentor and Republic and the inexcusable lack of sidewalks on the majority of the streets in this area. For all these reasons and more, Ms. Bach asks, along with the one-hundred-forty-six (146) other neighbors who signed petitions already submitted to this Commission, that this thoroughfare plan be postponed indefinitely or until such time as a decision is reached regarding the possibility of a new interchange across Highway 65. If, and only then, should we quite literally, cross that bridge when we come to it.

Mr. Gene Walker, 3766 S Oak, commented that he will be referring to exhibit A of his wife's letter in this presentation. In the late 1980's and early 1990's, the Springfield Missouri City Staff joined in the conspiracy with Colony Cove Mobile Home Park. Since that time, Staff has represented the interests of the Park as their partner and their agent in all matters. Mr. Walker stated that Colony Cove tells the staff what to do and the staff then sets out to see that the Park's interests come to reality. The Park regulates the City; the City does not regulate the Park. This is about what is in the best interest of the Park and the staff is again representing their interest as being in the best interest of the City. It is not. Note that on the map; in his wife's letter in 1988 Colony Cove Mobile Home Park did not own the fifteen (15) acres shown on the map colored in green, where this new road is supposed to go. It does show that they wanted to put mobile homes on the fifteen (15) acres in 1988. The record shows that Ralph Rognstad and Andrew Furedy wrote a mobile home land use ordinance in the time period, early 1990's; the RMHC Ordinance was designed to deliver Colony Cove their wish to put fifteen (15) trailers on the fifteen (15) acres or green area next to his home and to expand beyond what they were at the time. When citizens and Commission, at that time, asked about the effect of RMHC on Colony Cove Mobile Home Park, staff gave false and misleading information. They said it would not affect it. The text of the RMHC Ordinance was written for Colony Cove Mobile Home Park and the text was passed by the City on April 12, 1993. Mr. Walker produced a warranty deed that showed Sequiota Investments

bought the track in green filled with mobile homes on 10/04/1993, or six (6) months later. This is created an investment backed expectation that the City would rezone this for trailers based on the fact that Colony Cove and only Colony Cove knew that the ordinance would be used and interpreted by Furedy and Rognstad to allow the Colony Cove development they had asked for in 1988. Note, Colony Cove told them five (5) years before that they wanted a plan and they started working it out. The lawsuit Colony Cove Mobile Home Park has against the City states in paragraph twenty-four (24) that, "City employees determined that the best use of Colony Cove Mobile Home Park land and neighboring fifteen (15) acres was expansion of the mobile home park." At paragraph fifty-nine (59) it states, "the City actions harmed investment backed expectations," which it did. If they had done it right in the first place that would not have happened.

Mr. Lawhon notified Mr. Walker that he had one minute left and asked if he had anything to say about the alternatives.

Mr. Walker stated that he is asking that the Commission choose none of the alternatives because there is no reason to pick an alternative except for Colony Cove Mobile Home Park and this lawsuit. Mr. Walker asked if he could finish. The untimely choosing of this road course is an attempt of the City staff to placate Colony Cove Mobile Home Park with some future deal that you don't know what it is and he doesn't know what it is and will not know till the deal gets here. This is for Colony Cove Mobile Home Park's business interest and this meeting was called for a road decision for Colony Cove at their request. Mr. Walker asked that Commission do nothing, that the road goes nowhere; the 60/65 development is as dead as the development of Heer's. What staff is asking is not related to the City's needs or budget or remotely defensible except for Colony Cove Mobile Home Park. Remember that in the past, false and misleading information was given to Commission, Council and citizens, in most all matters related to the Park by staff. There is no reason to believe that tonight will be any different.

Mr. Lawhon closed the public hearing.

Mr. Edwards asked staff if there could be a rebuttal where the impetus for this project and alignment request has come from staff point of view to get that out in the open and flush that out.

Mr. Rognstad said that his understanding is there is a court case between Sequiota Investments and the City and they have requested the City establish what the alignment will be for the corridor and the City would do that for any property owner who asks and staff would look at it. When the mobile home community district was adopted it was part of the total revamp of the zoning ordinance in 1993. The zoning maps weren't adopted till 1995 and then they did come back and ask for rezoning of the additional acreage which Council ultimately turned down. Mr. Rognstad stated he has not had any conversations about it; the request came through the Law Department to Public Works who had been working on the alignments earlier and then that was put on hold when the County had some concerns about the eastern extension. The eastern extension of the road was taken off their agenda.

Mr. Lawhon asked the nature of the law suit.

Mr. Rykowski said he handled litigation for the City in 2005 till beginning in 2011 when he came over to do Planning and Zoning so he can speak to the status of the case as of the end of 2010. After the rezoning a permit was issued to allow to either expand a detention or to directly allow the expansion of the mobile home park. That permit was withdrawn. The lawsuit was filed by Sequiota Investments against the City claiming damages as a result of the withdrawal of the permit. That litigation has been pending. The measure of damages in that case rest on certain principals. The City propounded discovery, interrogatories, and request for production to have the Plaintiffs establish and provide documentation of their damages. That is where it is at, at this time. Mr. Rykowski stated he is not aware of any recent communications from the court regarding this matter that perhaps Mr. Marty is privy to, but the case that is pending is because Sequiota Investments are mad that the City did not let them expand. The City has been on a couple of trial dockets and the Plaintiffs have requested continuances.

Mr. Lawhon asked to what extent, if any, this lawsuit has pushed the thoroughfare plan amendment.

Mr. Rykowski stated that to his knowledge there is no connection, and he has not been privy to any discussion regarding that relationship.

Mr. Lawhon asked, speculatively, if Sequiota Investments had not filed this suit, would Commission still be talking about this Major Thoroughfare Plan Amendment.

Mr. Rykowski said he has no idea.

Mr. Hansen commented that he doesn't know whether this pending lawsuit has anything to do with this issue or not, and it is not for Commission to judge, but we are here tonight to decide whether this is an appropriate action. As far as he is aware, the impetus for this corridor designation came out of the defunct development at U.S. 65 that was going to generate an interchange there and other things that evaporated into thin air. Mr. Hansen stated there is not a pressing need that he can determine for a grand corridor plan. This is only good only for designating some nebulous future that stands a good possibility of never happening. There is a certainty right now of doubt for these people in Galloway because they are affected as long as this corridor plan is turned down. If it is approved, no matter what alternative is determined, Galloway area and neighborhood is going to be traumatically effected by this whether is ever gets done or not. Every property in that area is going to be under the cloud of some future possibility of this potential development. Mr. Hansen commented since there is no plan or very little possibility for development at U.S. 65, Commission should reject the corridor plan and set these people's minds at ease, unencumber their properties and added he will be voting for none of the proposed alternatives.

Mr. Edwards said he agrees with Mr. Hansen, but for different reasons. He was in favor of the Planned Development at 60/65 and voted for the development. It is still a good idea adding he would like to see it happen, but the funds are not available. One day this road will very likely be built. It has been on the map for a very long time, however at this time, he feels Commission is being asked to pick something that could do damage without actually achieving any goal which is why he feels it should be tabled indefinitely until there is more of a concrete idea of what needs to happen. If they pick an alternative here, Commission is not in the position to say which is the best road in terms of how it will be built, how it will be serviced and how it will affect the community. If this is truly developer driven, when it is determined what that development will be, Commission can make a better informed decision on how that road needs to go through. It will be completely different for single family homes than a huge mall or commercial development and that makes a difference on how it will impact the community. We need to be very specific about it. He would rather wait so people have a few more options to sell their property without having to disclose that there is a road that is going to be built through there that may never be built. It may be changed. We could pick an alternative tonight and in thirty (30) or forty (40) years when it actually gets built they would do something completely different and we have put these people in a bad position. What Ms. Bach said really gets to the heart of it, that we should cross that bridge when we get to it. As far as the issue with the mobile home park, Mr. Edwards commented that he does not want to have anything to do with it adding he would vote that Commission table this indefinitely.

Mr. Lawhon clarified with Mr. Edwards asking if he is more inclined to table indefinitely than deciding none of the above right now.

Mr. Edwards said he is because none of the above is a non answer to the question. We are not actually doing anything. One of these alternatives could be a road someday and everyone needs to realize that; if those funds do come through one day those plans have been approved already, any one of them, and whatever the best road at the time to be built will probably be the one to go through. Mr. Edwards said he doesn't want to say no to any of those alternatives, but does not want to choose one right now with a deficit of information.

Mr. Hansen said he agrees with Mr. Edwards conclusion except that if we table this, the neighborhood is still under the onus of that, whereas if we vote to do away with that corridor plan, it can still be brought up again in the future but until then they know that there is no plan even on the table that would affect them.

Mr. Edwards stated that was a fair point, but he would note that the corridor plan is already there. The line is on the map, but he is not sure either way is making a difference.

Mr. Rognstad stated that the ultimate decision lies with Council. Commission needs to make a recommendation and then send it on to them. You cannot table it indefinitely.

Mr. Hansen said they want to send a reasonable recommendation to Council and that is why it needs to be decided whether to recommend they forget about it or postpone it, kick the can down the road again.

Mr. Young said they he would have to agree with all the statements that have been made by Commission, but as a designer himself and master plans for businesses and city governments and communities, in order to move forward there has to be a plan. Plans have to be amended often as the years go on and as times change. Usually there is a means to the end that you see the light at the end of the tunnel, but in this tunnel he does not see a light so he would have to agree that the plan, with the line that is already there, is enough satisfy the City for right now. As Mr. Edwards said, the damage would be too great for these people to put them in such a bad situation and commented to not recommend any of the alternatives.

Mr. Lawhon stated he lives close to this general area and one thing he tries to do when come to Commission meeting is be very opened minded, but at the same time, there is the human aspect. Mr. Lawhon said he tries to come with at least the beginnings of some kind of opinion of what he thinks about this, but open minded to hear what other Commissioners and staff have to say and members of the public that comment on this. His opinion has been changed by what he read from the neighbors, what he heard them say tonight and what he has heard from the other Commissioners, but a couple of comments before he gets to the heart of what he has to say. He appreciates Ms. Bach and the other comments about Mentor Avenue, which is a whole different issue. The preference of Alternative B as a method of punishing someone is personally repugnant. On the other hand, as far as a plan goes, as Mr. Young discussed, a plan is an important thing for any public entity to have; to have an idea of where they are and here is where they may be in future, what road map would they take to achieve whatever end that may be. Mr. Lawhon said they do not know is going to happen with the U.S. 65 project even when it was brought before Commission, it was with some fanfare, there is a grand plan of what is to be accomplished but they were also told it could be many, many years before it came to fruition. The timing was not good in general economic terms, but when reviewing that a reasonable person would say something is going to happen there sometime and that is where the road comes in and the uncertainty of not knowing what it is going to be or when it would happen. There is the general thoroughfare plan which personally he does not see any need at this time to amend it and would be in favor of none of the above.

Mr. Ray stated that he agrees with staff that Alternative A would have been the best choice given that, it would displace the amount of people and hearing comments that this kind of shroud of uncertainty where this road was going to go was deterring development and people moving into the area, that sent up a red flag. However, eventually something is going to happen here and we should wait to make a decision until a development worthy of making a decision for, approaches Commission and brings it to their attention, so for those reasons he will agree with the members of Commission.

Mr. Edwards asked, as a point of clarification, if staff believes that that will send the appropriate message to Council on the way Commission feels about this issue.

Mr. Rognstad said yes and they will get the record of proceedings.

Mr. Hansen motioned to **approve** the Major Thoroughfare Plan Amendment. Mr. Edward **seconded** the motion. The motion **failed** as follows: Ayes: None. Nays: Lawhon, Edwards, Hansen, Ray, and Young. Abstain: Baird. Absent: McClelland, Roling, and Coltrin.

**ANY OTHER MATTERS UNDER COMMISSION JURISDICTION:**

Mr. Young commented that he has been presented an opportunity to teach at Drury University; one class which he was pursuing because classes were initially scheduled for Monday/Wednesday, 6:30 to 8:00 p.m. The class is actually Tuesday/Thursday, 6:30 to 8:00 p.m., and he cannot be teaching there and at Commission. He is asking Commission for a possible leave of absence for the Spring Semester, sixteen (16) weeks. He stated he presented this to staff earlier and staff stated to ask Commission for their opinion. The students are asking to change the time for the class, so it may not be an issue and it does not have to be decided until January, but he will find out on Monday what the schedule will be. Mr. Young said he is asking Commission to consider the request.

Mr. Hansen asked how many Commission meeting this would affect.

Mr. Young said approximately eight (8) meetings, January 22 through May.

Mr. Edwards suggested they wait and find out what the actual details end up being, asking Mr. Lawhon when his term ended wondering about the number of people who would be returning after the new year.

Mr. Lawhon stated he has two (2) more years. He plans on staying on Commission but does not wish to be Chairman. Mr. Lawhon commented he has enjoyed the last two years, it has been a privilege to be appointed to Commission and an honor to be Chair, but the Chair isn't about him. It's about the Commission and developing the other Commissioners in their leadership and giving members a heads up to consider who they would like to have sitting in the position of Chairman next year.

Mr. Rognstad commented that it is Thomas Baird and Gloria Roling whose terms expire, but they can be reappointed.

Mr. MacPherson stated City Attorney Dan Wichmer stated it is not a staff decision, but a decision to be made by Commission, and it can be made for a good reason and is subject to Commission interpretation.

Mr. Young said he would send out an e-mail on Monday to let staff and members know the details.

There being no further business, the meeting was adjourned at approximately 8:15 p.m.

**ANY OTHER MATTERS UNDER COMMISSION JURISDICTION:**

Michael MacPherson  
Michael MacPherson  
Principal Planner



