

MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: December 6, 2012

TIME: 6:30 pm

The regular meeting and public hearing of the Planning and Zoning Commission was held on the above date and time in City Council Chambers, third floor of City Hall with the following members and staff in attendance: Shelby Lawhon (Chair); Tom Baird, Jim Hansen, Jason Ray, Phil Young, King Coltrin and Gloria Roling; Ralph Rognstad, Director Planning & Development; Michael MacPherson, Principal Planner; Thomas Rykowski, City Attorney; Judy White, Executive Secretary. Absent: Jay McClelland, Matt Edwards

ROLL CALL:

APPROVAL OF MINUTES: The minutes of November 15, 2012, were approved unanimously.

COMMUNICATIONS: None.

CONSENT ITEMS:

1. Relinquish Easement 777 Dwayne Holden
(851 N. Belcrest)

Commission Action:

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

HEARINGS:

2. Z-17-2012 w/Conditional Overlay District No. 54 Calvary Temple Assembly of God
(444 W. Grand; 417, 733, 441, 501, 505, 509, & 515 West Normal)

Mr. MacPherson stated that this request is to rezone two (2) tracts from High Density Multi-Family Residential and four (4) tracts from Single-Family Residential to General Retail with Conditional Overlay District. The Conditional Overlay District contains restrictions and provides screening of loading/unloading areas adjacent to Normal Street. Campbell Avenue and Grant are classified as primary arterials and Normal Street is classified as residential. Dedication of additional right-of-way and sidewalk construction is required. The construction of a west bound turn lane off of Grand is also required. The proposed use is a Wal-Mart Neighborhood Market and out lot for other General Retail uses. Mr. MacPherson reviewed the display of the general layout of the site plan, showing the access of Grand Avenue with a limited right in and access off of Campbell Avenue that will require the development of a median and cross access easement with the adjoining property in order to accommodate the median. There is one access point off of Normal Street into the parking area. Mr. MacPherson described the orientation of the store to the east, and the screened area where the trucks will be coming in to serve the store and provide access to the out lot.

The Comprehensive Plan encourages increased development densities at major intersections which takes advantage of transportation investments and provides employment opportunities and services to the adjacent neighborhoods. The City, does not involve itself in the market feasibility of proposed projects, but rather reacts to the developer's request in terms of whether or not the proposed land use is appropriate. The comprehensive Plan also encourages compact, infill development. This project would provide employment and services closer to where people live. During the past two (2) years three-hundred thirty-eight (338) new student housing units that have been constructed on the west side of MSU campus. Infill development also provides an opportunity to use existing Fire and Police services, and infrastructure. Staff submits this rezoning case is consistent with the City's Comprehensive Development Plan. This development case must meet all the development standards; such as the floor area ratio that is required in a General Retail District will be adhered to; building height will be limited as measured by the bulk plane and the Zoning Ordinance will have to have the amount of open space that is required and certainly the buffering is a key element. All requirements will be met and the design plan must be in compliant with the regulations prior to the issuance of a building permit. With regard to stormwater, the development must meet all the development standards such as volume and rate release. A large majority of this site was already impervious surface in terms of the church facilities, residential housing and a huge parking lot, so staff does not believe there will be a significant increase of impervious surface, but Mr. Marshall can review how that can be addressed and what will be expected of the development as the project does occur. Any development of this property will comply with the same stormwater requirements which will include conveyance and water quality itself. It does not matter if the development is residential or office or commercial. Mr. MacPherson commented that on Normal Street traffic, one driveway is permitted to Normal Street, which is not expected to substantially increase traffic on the street. Drivers from outside the neighborhood typically use arterial streets. A traffic study was conducted to predict the impact the development would have on the surrounding streets. On Normal Street, for example, at the peak traffic hour of the day, you study predicts an increase in traffic of approximately one car per minute. , There has been a considerable amount of discussion about competition and marketability with regard to this proposed project, Mary Lilly Smith, the Economic Development Director will highlight the tax impacts and respond to questions and concerns.

Ms. Smith stated that as you can see on the screen there are no economic development incentives that have been requested for this project and we have not offered any. Typically, Commission does not get involved in economic incentives except where you are looking at redevelopment plans for blighted areas. Certainly we could make a case that part of this area qualifies for blight; some of the commercial area has been vacant for a while and the church has suffered from some neglect, but there are no incentives involved with this project. Ms. Smith said the real property taxes generated currently are approximately thirty-six hundred (\$3600) dollars and while it is a large tract of land, churches are generally tax exempt as are the other properties they own. We are dealing with eight (8) parcels, five (5) tracts being taxable and three (3) being tax exempt. There are probably personal taxes being paid on vehicles, but nothing for furniture, fixtures, equipment, and things like that and of course jobs are minimal. The Walmart Neighborhood Market is anticipating a four million (4,000,000) dollar investment, three (3) million of that in real property and one (1) million in personal property with taxes being generated at over seventy (70,000) thousand dollars. They also estimate they will be hiring between eighty (80) to one-hundred (100) full time and part time associates and Ms. Smith said her understanding is from Walmart, they look at their applicant pool, the way the store operation stabilizes and that dictates the number of full time and part time employees. Ms. Smith reviewed the impact on taxing jurisdiction which showed the individual breakdown of each jurisdiction. Ms. Smith said she would answer any questions on the economic standpoint.

Mr. MacPherson concluded by saying that staff is recommending approval of the request and would entertain any questions.

Mr. Lawhon opened the public hearing.

Mr. Keith Hazelwood, 200 North Third, St. Charles, Missouri commented that there with him this evening are several other professionals who are assisting Walmart with this project and he would like to introduce them. Some of them will make comments and others will be available to answer questions. Elliott Reed is the civil Engineer. Lee Cannon is the Traffic consultant; Jeff Clayton is the Real Estate Agent and also you will hear from Pastor Tom Cedarblom from Calvary Temple Assembly of God. Then available to answer any operational questions is Jeff Bernard, the Market Manager, who is responsible for the Springfield Market. There are five (5) Walmarts here, four (4) neighborhood Markets and Jeff is responsible for those nine (9) retail establishments and with him is Doug Moon, who is the Store Manager for one of the Neighborhood Markets. Mr. Hazelwood commented they have had a good experience with the Staff at the City and wanted to express he appreciation and thanks. There is a program used by the staff called Project-Docs; it's the most outstanding thing he has ever dealt with in terms of real estate development work. Mr. MacPherson expressed many of the thoughts he had so he will shorten his comments. It seems that at the Grand and Campbell site, the City is trying to create this infill and create density. Mr. Hazelwood said he does not know of anyone who would go to this trouble, adding he would suspect there are tens of millions of dollars of public investment in that area in terms of infrastructure and streets, sewer, water, stormwater, electric and so forth. To the extent it is underutilized, that is a real shame, and the City it seems is trying to take these areas, Center City being one, but in this case, Grand and Campbell and your trying to freshen it up and trying to do it with private sector money. Mr. Hazelwood commented he would offer to Commission the notion that this application from Walmart accomplishes all of those goals. He would mention to commission from the Walmart perspective, it is trying to introduce this neighborhood market concept into these more dense areas and it's trying to do what it can to bring low cost food to these area. This is the first opportunity to do it in Springfield and frankly, it is the first opportunity for Walmart to do it in the entire state and thanked Commission for their consideration of the application.

Mr. Elliott Reed, Cochran Engineering, 530 A East Independence Dr., Union, Missouri stated he wanted to briefly review the site plan. Staff went over it fairly in detail, but he wanted to hit a couple of high points. It is a forty-one thousand foot neighborhood market which is mostly grocery store. There are approximately one-hundred sixty-five (165) parking spaces for 4.0 parking ratio; there are two (2) main access drives along Grand which would replace five (5) to six (6) access points along Grand. We are proposing a right-in and right-out along Campbell which has four (4) access points right now and we are proposing one access point on Normal. This site plan has gone through much iteration through the process here meeting with Walmart, meeting with City Staff. The first go around with the site plan actually had three (3) entrances on Normal, one for the truck dock in the rear of the store and two (2) connecting into the parking lot. It was realized that the truck dock access would not be beneficial to the neighborhood to the south, so we removed that. The trucks will access off Grand Avenue. We removed one more access on Normal so now we are down to one. That was a hug point of contention in the neighborhood meeting held. We went back to Walmart, met with city Staff and honestly, as far as the parking lot goes, the site plan presented at the neighborhood meeting for the parking lot had one access on Grand, a full access on Campbell and a full access on Normal. For the operation of the store we feel it is critical to have the accesses we have now. As was pointed out in the n staff report there is not enough right-of-way length along Campbell to have a full access, so it we were to not have the access on Normal, we would be down to one full access for the parking lot, so that is why we are showing the Normal Street access. The right-in, right-out on Campbell will

still require a Variance through the City. The first go around of the site plan did not have any improvements on Grand. We completed a traffic study; the traffic study recommended a left turn lane be added for the main entrance into the parking lot. Staff requested that we extend the left turn lane to the west to meet the truck access which we did, and the length of it now is long enough for a two-way left turn lane which will help some of the people coming out of Market to be able to get into that lane as well as you proceed on to Grand. There is a small stormwater detention basin shown in the rear of the site. As was discussed in the staff report, most of the site is paved so that is why it is so small. We may need a small amount of detention so that will be back there. The access point that currently exists on the very west side of the development in the parking lot now will be removed so the access into the outlet will be through the rear truck access there at Grand. Mr. Reed stated he would be happy to answer any questions.

Mr. Hansen asked if the outlot is a part of the church and if it will remain paved.

Mr. Reed said the big parking lot you see next to the church is the outlot; they will probably take it out and seed it for the time being while demolition is done on the site. It would make sense to tear that parking lot out rather than leave half a parking lot.

Mr. Baird asked Mr. Reed to explain his last point, before the question from Mr. Hansen, as far as the access to the outlot; and if they would expect at some point that the outlot would be developed.

Mr. Reed stated City staff had requested that the access point that is there now, on the very west side of the development, be a right-in, right-out, and that we extend the median coming up from Grant to make it a right-in, right-out. There aren't any uses for that outlot right now and instead of expending the funds to make it a right-out, we just took it out so we will only have that one full access on to Grand. Mr. Reed commented that yes it would be developed but he could not state a time frame; who ever would be interested in it.

Mr. Young questioned what kind of precautions or steps have been taken to prevent big trucks access back in the neighborhood area; if there would be signs of some type. Are there power lines along Normal that would be affected if the trucks were to go down that street.

Mr. Reed advised there would be signs at the entrances directing trucks to the rear access drive and as far as someone missing the site completely and having to circle back around, and the power lines, he couldn't answer to that.

Mr. Lawhon stated his understanding is that the stormwater would be no worse than it is right now.

Mr. Reed said yes, that is a requirement by code and enforced by City staff.

Mr. Baird commented that the assumption here is that not a lot of traffic would enter or exit from Campbell, is that correct and if more people use that than anticipated and it became an issue, what the City's recourse for dealing with that is.

Ms. Gardner said most of the traffic would enter and exit from Grand and with it being a right-in and right-out, they do not anticipate that.

Mr. Baird commented that coming north on Campbell towards Grand you would not be able to make a left,

but with the volume of traffic on Campbell and the draw of Walmart, it seems like that would be an issue to turn north and then left on Grand and another left into Walmart.

Ms. Gardner stated if you are going north on Campbell it would be anticipated that you would turn on to Normal and use the Normal entrance.

Mr. Baird qualified that there is anticipated traffic growth on Normal Street then.

Ms. Gardner said yes, but very little.

Mr. Lawhon qualified that staff does not anticipate a significant increase in traffic on to the lot on Campbell because of the right-in and right-out.

Ms. Gardner said that is correct and based on the traffic study and where the traffic generalization numbers are showing, Grand is going to be the main...

Mr. Lawhon asked about the median.

Ms. Gardner stated the median will have to be constructed on Campbell for there to be a right-in and right-out on Campbell.

Mr. Baird asked steps necessary in order for a signal at Normal Street if traffic concerns become too great for Normal Street.

Ms. Gardner said there would have to be significant improvements to Normal. We have not looked at a signal at Normal because the traffic study did not indicate the necessity of such.

Ms. Roling questioned information from the traffic study; traffic would increase one car per minute, is that correct.

Ms. Gardner replied yes, during the peak hour.

Mr. Lawhon qualified that that is only on Normal Street.

Ms. Gardner commented that was just to give an idea of how many cars it would increase and the p.m. peak hour is from 4:30 to 5:30 p.m. The number of cars would increase one per minute during that peak period on Normal.

Ms. Roling asked if there was a breakdown for an increase of traffic on Campbell and Grand.

Ms. Gardner indicated that the generated traffic on Campbell during p.m. Peak is an increase of ten (10) cars going left on Grand; twenty (20) cars going left onto Normal; sixty (60) cars turning left in and sixty-five (65) turning right from Grand.

Mr. Young asked if traveling north on Grand why could there could not be a left into the parking lot and take Normal out of the equation; is it too close to the intersection.

Ms. Gardner said it does not meet the spacing standards. Both Campbell and Grand are primary arterials and the spacing standard is two-hundred fifty (250) feet from an intersection.

Mr. Lee Cannon, Traffic Engineer, 1830 Craig Park Court, St. Louis, Missouri and commented he was going to discuss traffic issues, but City Staff did a fine job and sharing some of the information that was provided in the impact study. He would like to point out that Grand is a significant arterial roadway in the City of nearly twenty thousand (20,000) cars a day. That is why the neighborhood market wants to go here; it wants to be able to serve existing traffic flows in existing neighborhood. Also Grant and Campbell as the City Staff mentioned are arterial roadways so you are surrounded, the site is surrounded by arterial roadways and there is generally no better use of property on an arterial than high density types of commercial property verses homes. Generally people don't want to live on a high volume street, but because of the restrictions in traffic flows this site needs additional access beyond that access it can get directly from Grand. In that access was initially proposed to be full access on Campbell, the City requested that be restricted to right-in and right-out, which does have it merits when we provide a median on Campbell; but with that it also provides some restrictions in the fact that you can't turn northbound left into the site so Normal does provide for that alternative. The other thing that Normal Street provides is an option for access so that for instance a left out of the site onto Grand instead of doing that you could go out to Normal and then use Grant or Campbell to make a much safer left onto the higher volume street. The traffic volumes on Normal are very low today as one would expect. I believe they are on the range of fewer than forty cars per hour; a little bit over one car per minute at the intersection of Normal and Campbell at this time. They are lower than that at Grant and Normal and this site would only be expected to add approximately as was mentioned one car per minute on average to that flow. That roadway has a substantial amount of surplus capacity and those volumes while they will be volumes from a commercial site will not in any way, shape, or form impact the operations of Normal or its intersections at Grant and Campbell. Our calculations show that both intersections at Grant and Campbell at Normal will operate just fine. Specifically there was a question raised at the neighborhood meeting which the development team mentioned to him, a concern about cut through traffic and based on the volumes if turns from and to Normal at right around forty (40) cars per hour at the peak hour then it is obviously not a lot if any through traffic on that street at this time. Mr. Cannon stated he would answer any questions.

Mr. Coltrin asked for clarification on what he thought he heard Mr. Cannon say; did you say that if your access to Normal is not allowed that it causes your traffic to fail for the project.

Mr. Cannon said he wouldn't say that the traffic fails; from the owners perspective they want that access in order to be able to provide convenient ingress and egress to their site. From the traffic perspective what he will say is that it provides a positive option for those people that come out, that otherwise might have to turn left out directly at Grand. So does the intersection at Grand, opposite Market fail, by a traffic engineering definition level of service F, no. But does it provide a positive option if you do have the access to Normal to get signalized access to Grand, yes, he does consider that a benefit.

Mr. Lawhon asked how the traffic data is gathered, what sort of methodology is used to arrive at traffic flows, counts, numbers and particular times of the day in layman's terms. I

Mr. Cannon commented generally there is a group call ITE, the institute of Transportation Engineers. It's our governing body as a professional traffic engineer, adding that he is certified as a Professional Traffic Operations Engineer. That means he knows a lot about traffic. He doesn't know a lot about other civil engineering things that go on with site development. But as traffic engineers go they have a standard

practice; our methodologies and the impact study follows that standard practice. The general five (5) step method, or the short version of what a traffic study is, is we go count the cars that are there. We physically go and count left through and right turns at the intersections to develop a base level understanding of the traffic volumes. Then we use computer software and we load the physical characteristics, the traffic lanes, the signal timing, the volumes that we collected and we build a model. We use our observations to take a look at our model. Then we apply what is called trip generation characteristics. Estimates of traffic flows based on land uses from ITE that tell them what a grocery store use per size would be intended to generate as far as traffic, so we have about forty thousand (40,000) square foot store. That's going to generate about three-hundred fifty (350) trips in the peak hour. We also have the outlot which we assumed as a high traffic generator in the traffic study, so our traffic study assumes that that outlot is developed. The numbers we quoted assume that it is developed and they are built into all the numbers that have been quoted here so far tonight. Not just the neighborhood market. Then we re-analyze to determine if there are any impacts that require mitigation and it is important if there are impacts that require mitigation we make those recommendations. One of those recommendations that we made was the left turn on Grand. Another recommendation that the City asked us to consider was changing to right-in and right-out only instead of full access on Campbell and through the process we considered the benefits of that. But one clarification he would like to make is that as a traffic engineer I attempt to identify recommendations that must be implemented to make the site successful, not identify whether it works or not; to identify the improvements required to make it work and those are included in the traffic study and also have been reviewed and assuming recommended for approval by the City Staff.

Mr. Hansen asked where the Normal Street drive lines up as far as Market Street.

Mr. Cannon referred to the site map and showed where the streets line up.

Mr. Hansen clarified Normal Street drive will be east of Market Street. On Grand the west entrance would be across from Market Street.

Mr. Cannon said that is correct. There is no connection between the parking or the outlot here. Those are separate areas of access.

Mr. Hansen asked if there was no vehicle access between the west entrance and the east parking lot.

Mr. Cannon said that is correct.

Mr. Hansen asked if only truck traffic would be in and out the west location.

Mr. Cannon said trucks can come in at this location, referencing the overhead site plan, and how the trucks can turn around and the access and their exit. There is no connection to Normal Street for trucks. There is no capability for Market or Grand or trucks to come through the store to get to Normal Street.

Mr. Coltrin asked if the ITE has comments or statements on offset intersections and the safety thereof.

Mr. Cannon said in general, yes.

Mr. Coltrin stated that their comment is they are recommended or not.

Mr. Cannon commented that in general you try to avoid them where you can; you either line them up or you offset them and with the respect to the decision as to how important it is; volume is a big consideration and visibility.

Mr. Coltrin asked about their traffic projections for this grocery store; did you compare that with your actual traffic from other neighborhood markets known data.

Mr. Cannon stated that at the time they started this process he is not sure there were many stores, if any, that were actually open. There were some that were under construction but a neighborhood market is effectively Walmart's version of a grocery store, so yes, we have a lot of data on grocery stores. A typical grocery store, in St. Louis, is probably a little bigger; sixty thousand square feet, depending on the markets, but this is a smallish supermarket.

Mr. Lawhon asked if this footprint would be similar to the one on Bennett and Glenstone.

Mr. Reed said that if he remembered correctly, Glenstone and Bennett was thirty-nine thousand (ish) square feet where we are at forty-one thousand square feet, so yes and the exterior of the stores are very similar as well.

Mr. Jim Lee, 1120 West Portland, stated he is a member of the Fassnight Neighborhood Association and in the Fassnight Neighborhood Assessment Program done several years ago by the City we talked about our Price Cutter. Within walking distance of this intersection he counted twelve grocery stores which include convenience stores. There is an entrance on Grand and an entrance on Normal. The second entrance on Grand is specifically for trucks only. Campbell Avenue heading south there is not a dedicated left turn to Grand Street heading west and can see a huge traffic jam there. There is a certain amount of irony in the fact that the Church's website talks about social justice and serving the school children and the believers and pre-believers of the area and they are selling out to Walmart which has a reputation for not being very sociably to workers, but he didn't question this as this is zoning to rezone this property from single-family, multiple-family, to general retail and once this process is done tonight does that mean it's good to go for Walmart.

Mr. Lawhon stated they are here this evening to hear and make a decision on this zoning application.

Mr. Lee clarified it is Walmart's application so if this is affirmative Walmart and approved by City Council, Walmart builds, they do not have to come back and get separate zoning variances to do this.

Mr. Lawhon said no, but there is a permitting process also.

Mr. MacPherson said there is a City Council process; Commission will make some type of recommendation, forwarded to the City Council, who will hold a public hearing. As the process unfolds there was discussion about a subdivision variance as part of the development process for the right-in, right-out. It will have to go through a final development plan phase where it goes back to staff for permitting to make sure it meets all the requirements as were discussed.

Mr. Lee said that during the power point presentation, Mr. MacPherson kept saying that compliance will be determined after the building permit is reviewed so we really don't know if they are in compliance or not so actually they are saying give us the pig and we will tell you whether it fits in the poke or not, from his

perspective. The right-in and right-out looks to him like a tremendous traffic problem. Coming west on Grand making a left turn on Campbell to get into the Walmart is going to back up traffic. He does not believe there are enough entrances or exits to make it viable. Great Southern on South Campbell has a right-in, right-out, which is a mess. The traffic study, the delivery trucks; City zoning had a deal about a bakery transfer point out on West Chestnut Expressway into traffic some time past. This is a twenty-four hour market. Do we have any guarantee that trucks will be limited to daylight hours or what about the early morning hours. Walmart is not locally owned and it doesn't matter how much money they spend on employment, the bulk of the funds still go to Bentonville, Arkansas, not to Springfield, Missouri. Price Cutter is employee owned; the Bistro Market is employee owned as is Mama Jeans; all these markets are locally owned and frankly we feel if Walmart wants it, by golly we are going to give it to them. There are a lot of us that have had it with Walmart. Mr. Lee expressed his opinion that this is not a good plan and does not want a Walmart in his neighborhood. He has not talked to anyone who wants a Walmart in their neighborhood. Mr. Lee said he would take questions.

Mr. Coltrin asked Mr. Lee to show him where he lives on Portland.

Mr. Lee said he said he is south of the map here. He owns property at Grand and Portland. This is considered part of the Fassnight Neighborhood and he lives in that neighborhood.

Eric Honeycutt, 1018 South New, stated in case you are wondering that is four blocks to the West from Grant and three houses south of Grand. We already have a neighborhood market in that location and its call Fassnight Creek Farms. It is located on South Fort. Walmart is not a neighborhood market. The audacity of naming your business that takes the vast majority of its profits; it's a nationwide business. It's the largest corporation in the world. How is that anything to do with neighborhoods, anywhere? Normal Street is narrow. There is no way the street can hold an increase in traffic. There is no massive overflow of capacity there, it's a tiny street. It's in close proximity to downtown; a downtown, unless he is mistaken, the City of Springfield has spent millions of dollars and multiple years developing from local businesses that are now flourishing in the downtown area. Walmart kills local businesses. It's a fact. For every two jobs Walmart creates, it kills three local jobs, because of the companies it runs out of town. Smillies, a local grocery store that has been here forever, knew he couldn't compete with Walmart so he closed his doors before construction of the new Walmart even started. Do we want Mama Jeans to close their doors, or any of the local businesses that have been attracted to developing and beautifying the downtown area to leave Springfield because Walmart gets a foothold close to the downtown area. Mr. Honeycutt said that personally, he does not want that.

Mr. Don Underwood, 1060 S Market Avenue, which is one half of a block from this development, stated he will be directly affected by this project. Mr. Underwood commented that he is not here to make a political statement about Walmart. That's for another forum he believes. At the neighborhood meeting they had the Walmart Engineer and majority of the people in that room strongly felt that there should not be an entrance off of Normal. The engineer promised them that that would be addressed; but he sees that the entrance is still on the table. Those streets are narrow; there are children who play along the. Mr. Underwood believes that the one car per minute estimate is a severe underestimate for the amount of traffic there. If you figure three-hundred fifty visits per hour during the peak, that works to over two (2) cars per minute. He does not believe it can handle even one car per minute because the street is breaking up, it's not wide enough, and there is not enough drainage on Normal. Cars will not go to Grant to get back out to go south. They will go to Market. They will make a left turn onto Market. They will go down Catalpa and Meadowmere to get back on to Campbell. His street is definitely not wide enough to handle that volume of traffic. That is his basic

concern, is the entrance on Normal. It really shouldn't be there. Either that, or close Normal just to the West of that entrance to eliminate any traffic coming down those little local residential streets. At Grand and Campbell, there are a lot of changes that need to be made there. Any proposals need to be thought out far in advance and those changes need to be made before construction begins here. This piece of property will be a very high cost for a private developer to change. The church is in poor condition. There is graffiti and broken windows that are visible from his home. He would like to see it redeveloped into something, into something permanent and well maintained. Most local developers cannot financially afford to redevelop this property based on the cost of the demolition of the church, the asbestos abatement and any other costs associated with developing the property; including another church. He would like to recommend that Commission put a stipulation of some sort on there that there be no exit on to Normal and signage for no trucks at Catalpa and at both ends of Normal.

Mr. Young stated to Mr. Underwood that if your requests are accepted or granted, if Normal Street is cut off would he be ok with this development coming in to the neighborhood.

Mr. Underwood commented that he would not be opposed to the development if that access is closed. If the access to Normal remains open, he would then be opposed to it. The reason he keeps saying Normal is because it will affect his street directly.

Mr. Baird stated that Mr. Underwood made a very valid point as far as people cutting south on Market and down to either Lauren or Catalpa. Ms. Gardner, have any of the traffic studies looked at that to see what kind of impact that will have on those streets.

Ms. Gardner commented she does not believe it did. The traffic is minimal going south; according to what they looked at they are going to go to Grant or Campbell when they come out on Normal.

Mr. David Patrick, 865 South Market Avenue, commented that he is a home owner and lived at this location for fifteen (15) years and would like to thank Commission for allowing him to express his opinion. He is neutral as far as what commercial development happens at this property, but whatever commercial development happens, the intersection at Market and Grand is the issue, which area has not been discussed yet. It is north of where the store would be located. He lives two blocks north of Grand on Market Avenue. The neighborhood has been bottled in and Market is really the main feeder street for that entire neighborhood from Grand to Madison, Grant to Campbell. The reason being Campbell becomes one way north at Grand so there is no way to come back south from that neighborhood except coming down through Market and making a left turn onto Grand and go east on Grand or continue south on Campbell which is the main feeder street at that location. He has a couple of congenial conversations with Mr. Hazelwood about this and he did tell him that there has been a decision made but no infrastructure or traffic light would be needed at Market and Grand. He is not a proponent of adding more traffic signals in Springfield because we have enough already, however, he is even more concerned tonight after seeing an indication of a left turn lane on to Grand going into the store. He is not so concerned with the increase of traffic on Grand, but concerned with the increase in distractions turning left onto Grand from Market. Grand is a fairly busy street most of the time, day and evening and from personal experience it is a tricky turn left onto Grand and his concern is having another layer of distractions directly across the street of cars turning left and right out of that or from the other egress/ingress further to the east. He is concerned with the left turn lane because then you have not traffic that is slowing down and stopping and blocking your ability to turn left at that intersection. Then you have two choices, going north to Madison, West to Grant, back around to Grand and then a left onto Grand which is about a mile out of your way when you do that entire circuit, or you can take

a right onto Madison, go to South Avenue, if you are going to go to Campbell, and take a right. If you want a traffic light to go east on Grand, you have to go all the way to Jefferson which requires stopping at three different intersections where there is not traffic light. The suggestions he has made is either put a traffic light in at this location, which is a more expensive option; the cheaper option would be to pull two way traffic further north on Campbell up to State or Mt. Vernon Street, and then what would happen is those people in that neighborhood where he lives then have a very close, within two to three blocks that they are able to go to Campbell, take a right and go south on Campbell or go to the light at Campbell and continue east on Grand. I think Walmart might be interested in that option because at this point it is going to be very difficult for people in his neighborhood to get across Grand to the store, which means they do have the option of going up to Madison and making a mile trip one way or the other to get back to the store. If you could turn right on Campbell and come south on Campbell from State or Mt. Vernon, then you come up immediately up to the intersection and go whatever direction you want to go.

Mr. Hansen discussed what he felt was an exception to that with Mr. Patrick.

Mr. Patrick said if you are heading west on Grand from the intersection, if traffic is heavy, hopefully they are not going to stop at that first left turn because that means traffic is going to back up in that middle lane so most people are going to go all the way down to the Market and take a left there so they don't block traffic and back it up at the intersection.

Mr. Hansen stated it won't do them any good to go to the market driveway because it doesn't go into the store.

Mr. Patrick asked if you cannot take a left from Grant onto...

Mr. Hansen said you can but it doesn't communicate with the store, it's only for trucks.

Mr. Patrick said that he thought that entrance was for trucks and traffic coming in which makes him even more concerned about traffic backing up into the intersection of Campbell and Grand then because that is a very short distance from the intersection if you have a lot of cars coming in.

Mr. Hansen stated good point.

Mr. Baird asked Ms. Gardner if she has the distance between the first main vehicle entrance on Grand and the intersection of Grand and Campbell.

Ms. Gardner said she does not, but would check on it.

Mr. Coltrin said he is familiar with the neighborhood, commenting it is a mess. He would like to see the City make Campbell a two-way up to Madison.

Mr. Patrick stated if you are looking at infrastructure, you are looking at four traffic signals at Market and Grand and you are looking at another traffic light, you have one signal that you need to do for south bound traffic on Campbell and a few lane stripes and some signs and that's all it takes. It would greatly benefit his neighborhood to have the new accessibility in and out of the neighborhood. The one way at that point is through a residential area and all it serves at this point is to allow the speed of traffic to go ten (10) to fifteen (15) miles per hour over the speed limit. It's a race track from Grand to Mr. Vernon where there is usually

policeman located for speeding vehicles.

Ms. Gardner stated it is three-hundred (300) feet from Campbell to the first entrance on Grand. Ms. Gardner confirmed the standard is two-hundred fifty (250) feet on a primary arterial.

Mr. Monte Wiggin, 940 S Newton, Springfield, commented that his concern is the sidewalks. He is a runner. Many people run, walk, walk their animals and the foot traffic is going to increase which will slow traffic up as those people cross the street. When you come off of Grand going south on Campbell, the distance from Normal to Grant is not far. If you put an entrance between Normal and Grand and people are slowing down to turn, it is going to cause a back up. People already run that light to try and get through. If you heading north on Campbell and you want to go to Walmart, you are going to cut down Normal and go in the back way, which mean the possibility of accidents will increase there because people are going to try and outrun someone else to get in quickly as they are in a hurry. Traveling north on Grant during peak hours, Grant and Grand is a busy intersection. He runs during that time and he sees it. Traffic in the neighborhood will increase which will cause danger to children, walkers and runners. He does not shop at Walmart. He supports his community by shopping locally owned businesses. We like what the City is doing in revitalizing downtown. Walmart will come in and encroach on take business away from the very businesses the City has encouraged to come there. There will be job loss, pedestrian/car accidents and will be a mess and stated he does not see the benefit to Springfield of having one more Walmart in the town; they have flooded the market.

Mr. Scott Youngkin, 802 W. Seminole, commented that he has been a Springfield resident for more than forty (40) years and an employee in the West Central Neighborhood, he is opposed to the construction of the Walmart market in the Center City area. Walmart does not contribute to the local economy, and hires part time employees with no health benefits. He has a study of fifty reviews done across the country regarding Walmart and Mr. Youngkin reviewed some of the findings of the study and provided the link for Commission to review. He reviewed findings from the staff report and found a section titled "Findings for Commission to recommend denial" empty of content. A study should be pursued of the impact of Walmart on Center City conducted by third party researchers. Student housing does not correspond to the increase in students. There are currently four to five other grocery stores in the vicinity that are properly managing the population in the area. There is no study backing the information of increased population as a need for another grocery store. The Public Works traffic division he believes has failed to address the traffic concerns to the north of this proposed development. Neighborhood residents will experience increased traffic on residential streets that are not designed to handle the traffic. On Market, north of this is a park where kids play. The City of Springfield in general has failed to address the existing hazards of sidewalks along Campbell that butt up again the curbing there especially with the increase of pedestrian traffic. These extend from Grand south to Fassnight Park. A workshop was conducted by Fassnight Neighborhood Association in 2004 and this issue was ignored by the City. With the proposed rezoning this issue of the sidewalks becomes more hazardous and needs to be addressed. A facebook group has been formed called "Stand Up to Walmart", with a current membership of over one-hundred members from Springfield who oppose this Walmart in our Center City area. We stand with the West Central Neighborhood Association in that we prefer to have local companies locate there that are more vested in the neighborhoods such as Downtown Market, and Price Cutter, who have served the residents in that area for many years and viewed them as an asset to the neighborhoods. We also strive for our City to focus on our local economy and our local food production from this point on. A left turn lane on Campbell Street onto Grand is going to be a problem unless the street is widened and if there is a left turn lane with a median how is that all going to work. The left turn onto Normal off Campbell, how is that going to work with

a left turn lane there. There is not enough room.

Mr. Baird asked Mr. Youngkin if he is opposed to any development here or a grocery store; a lot of concerns addressed were traffic concerns, yet the data as far as traffic and traffic counts and how many cars it's going to have per minute or per day has to do with general retail or grocery store data, so are you opposed to any development of a grocery store here or Walmart specifically or both.

Mr. Youngkin stated Walmart specifically. He is not against general retail as long as the traffic is looked at properly, which he believes has not been done.

Mr. Hansen suggested to Mr. Youngkin that he get the studies he discussed to the City Council before hand.

Mr. Youngkin said that he does not feel the public is not being adequately informed when these type of things come about. You put up a few public notice signs on Grand Street and that's it.

Mr. Hansen asked about the comments Mr. Youngkin made regarding the sidewalks between Grand and Fassnight being dangerous.

Mr. Youngkin stated they are very narrow and right up against the road. Both Mr. Youngkin and Mr. Lee both spoke to the Vision 20/20 Neighborhood reports and the two areas of concern in Fassnight were the sidewalks on Campbell Street and Fort Street.

Mr. Baird asked Mr. MacPherson to explain the steps taken to notify the public and posting of notices.

Mr. MacPherson stated for the record, once we get a zoning case we require the applicant to post the site and provide the City with an affidavit and photograph to demonstrate that it has been posted. We advertise in the Daily Events, a local publication, and announce public hearing both at the Planning and Zoning Commission and City Council. We require the applicant to hold a neighborhood meeting and notify by mail everyone that is located, property owner or renter, within five-hundred (500) feet of any spot or any district boundary of the proposed development. Finally, we also require a letter to be sent to people within one-hundred eighty-five (185) feet of the district and those people have the ability to petition.

Ms. Jessi Honeycutt, 1018 S. New Avenue, said she is a professional at a local hospital and has watched Springfield grow during her lifetime here. She is proud of the arts program created in the last five years in the area that have added value to downtown. The neighborhood she lives in is beautiful with Maple Park Cemetery directly across from the proposed area is beautiful in fall. The traffic in the area is congested. The light pollution from the proposed site would cause the romance of that cemetery to be lost at night. This is an intimate and sweet little area and a business like Walmart just doesn't fit. The gifted program does programs with their children where they walk to Fassnight Park, they study the creek, the wildlife, the water and all that would have to be affected by adding more parking lot, and traffic and noise.

Mr. Wayne Rader, 427 S Grant, Springfield, stated he is a member of the Board for the West Central Neighborhood Alliance and a small business owner in Springfield, wanting to express his concern about the small business owners in the area and how Walmart will affect their business. Its kind of a trickle effect of our local businesses; they buy their groceries locally here in Springfield from AG, which creates jobs; his understanding is, Walmart does not do that, so what happens to those people when they quit selling jobs

through AG. What about the insurance person who loses a policy with a small business owner that cannot survive any longer in the Community. The small business owner needs to be supported because they do support the community and pay taxes. Traffic and congestion is an issue. Look at the overall picture of who this is going to effect.

Mr. Mike Schilling, 1027 S. New, Springfield, commented he has been there for thirty (30) years and has watched Grand go from a two lane, sort of horse and buggy street so to speak, to a race track in that time. As people have pointed out, the intersection is jammed up constantly and it's hard to get across Broadway during rush hours. He would call what's happening here more like a Walmart Neighborhood Traffic Jam than a market. He would recommend Commission table this issue till there is an independent traffic study; a full layout, of which people has discussed tonight. He does not believe they have an in-depth look at what could happen here. We may be increasing business, taxes, and maybe some jobs, but are we looking at the human quality of life improvement; he does not see it happening with this particular development.

Mr. Rusty Worley, 807 W Walnut, Springfield, stated he is proud to be a resident of West Central tonight. This is not the same conversation we would have been having five or ten years ago. It shows the development and maturity of this area. On behalf of the Board of Directors of the West Central Neighborhood Alliance, he would like to share some thoughts and observations we've had over the last few weeks from those who live and work near this proposed project. First, we support the commercial development of this area. These are busy thoroughfares at Grand and Campbell. They are designed to have commercial uses and we support that. We are fans of density, but we do have concerns about how that density occurs and working with the City to maximize that efficiently for the impacts of others and you heard quite a bit of that tonight. Second, we want to acknowledge and express appreciation to Walmart for the public meeting they had. They opened that up and they listened to everyone who wanted to voice their concerns and were brave and gracious in conducting that public forum and would commend them for that. The third, in the public meeting and the subsequent discussions that we have had as a Board, we have heard several residents' comment they feel the area is adequately served by grocery stores with the Downtown Market three blocks away, and then the three Price Cutters within a mile and you heard some of those comments. Scott Gayer, who is here tonight, is the owner of Downtown Market. He is the current chair of the West Central Neighborhood Watch and has worked extensively with the police to improve the area of Campbell which, historically, has been a problem area. Police know him very well and has been a great asset to their efforts and he has also helped us with our "Neighborhood Night Out", and other West Central events. Price Cutter has recently opened an urban concept called the Bistro Market; they have two stores within a mile of this intersection, one at Kansas and Grand and the other at Campbell and Sunshine. They invest considerably in a myriad of community events in Center City with our Universities, the Springfield Cardinals, and the Price Cutter Charity Championship. The Walmart Neighborhood Store will create new jobs but how many of them will come at the expense of those who are already working in those nearby stores. We know this is outside your prevue but we feel like it is important to mention. Finally, the West Central Neighborhood has logistical concerns about the impact of traffic; they raised them earlier in some of their comments and they have borne themselves out tonight in several difference variations and he will not repeat them, but we echo those traffic concerns especially for the residents who are in that area of Normal Street. That was the overwhelming concern at the public meeting and Walmart representatives at the neighborhood meeting reassured the group there that they would close that access to Normal and I know their reasons for doing that, but that was an important concession they made that night and we still feel it is a very important question out there. Based on the preference for local businesses and the concerns for the potential traffic issues at the Campbell intersection and for the residents of Normal Street

the West Central Neighborhood Alliance Board of Directors opposes the proposed development.

Mr. Hansen asked Mr. Worley what neighborhoods the Alliance represents.

Mr. Worley said this is the West Central Neighborhood Alliance; the neighborhood is bounded by Grand, Kansas, Chestnut Expressway, and South Avenue, and stated he is speaking in a private capacity, not the UDA job.

Ms. Linda Kelly, 629 W. Normal, commented they are at the west end of Normal Street and Mr. Worley just addressed one of the big concerns we had at the Neighborhood meeting; we were assured that they would look at closing Normal, that that was important to us, but it seems like there is an issue of credibility that it wasn't really that important. It is more important for Walmart to have the access than for us to have protection. Ms. Kelly said her concern is at her end of Normal Street, one car per minute would be outrageous. Five cars an hour would be a huge increase, we can't get that much traffic down there. If we had even one semi-truck coming down the street it would not be good, it does not have the capacity. To the west of Grant Street there is a vacant parking area where currently trucks park now overnight; sometimes they leave their engines running. They do not want this to become a place to park semi-trucks. Another concern is the development of the outlot; will there be a buffer around that area. Where will the trucks come in and out and what will the traffic be like at that time.

Mr. Robert Buchanan, 480 E. Lombard, stated he owns the property at 509 West Normal; his understanding is that this hearing is to determine the best and highest use of this land. While there are many personal agendas and issues with Walmart and traffic, there is also the property upkeep of the structures and the church being able to maintain them. Some of the houses along Normal are not in good condition including the rental home he owns. With that in mind, the disrepair of the homes, the alleyway behind the church and the streets, commercial development will improve this area significantly and help the neighborhood and he is in favor of the request.

Mr. Lawhon closed the public hearing.

Mr. Coltrin asked if there are improvements planned for Campbell and Grand; anything increasing the north bound to west turn lane.

Ms. Gardner said Traffic has been looking and working on improvements for Campbell and Grand. There is not a time line, but they are working on a design for a right turn lane from Grand to Campbell; she is not aware of anything increasing the north to west turn lane.

Mr. Lawhon asked about the access on Normal, if that is a make or break issue.

Mr. Hazelwood commented that they are told by the Real Estate Manager it is make or break. When they had the neighborhood meeting we had the comments that you have heard this evening about the concerns in the neighborhood to the south. He does not remember the words that were used, but Ms. Kelly said that she understood that we would look into that matter and we did. As of October 29th, we did not have the traffic study, so we waited for that to get whatever input that would have with the respect to consideration of that access point on Normal. There was a point in time where we weren't sure there was going to be any access on Campbell so if Normal access point went away, Campbell access went away, there was a real

public safety consideration at that time. What happens if there is an accident in front of the one access point on Grand; as we added it all up we did come back with a response that said we have to have the access point on Normal. There are going to be customers come out way from that neighborhood to the south and we want to make it convenient for them. This access point would do that. It was described by Mr. Buchanan earlier, there are going to be some folks who are cautious drivers and they are going to want to get to a signalized intersection to get onto Grand, so they would take Normal and work their way to the west to Grant. The Real Estate Manager has asked a very good question; his position is there must be as much access as possible. There are impacts on other aspects here that if you close off Normal, those would start to have their own ripple effect.

Mr. Cannon said he wants to make clear that the access plan shown here and the traffic study, we actually looked at Campbell being proposed as full access at that time. Making any one decision about what access point changes the traffic at the other access point. You have heard different individuals here tonight tell you about their personal opinions about each access point. The reason the traffic study is promoting, recommending for approval, this access plan is because it is a balance, it does provide options and it does a good job with safety. This is not to say there will be no traffic increase on Normal, but those traffic increases will be lighter.

Mr. Hazelwood stated to conclude their reaction to this, he believes there has been some questioning; if you want commercial development, how are you going to get around these problems, it is inherent in a situation. When you go back to do redevelopment in densely urbanized area stuff has to change. If you don't like what is there, stuff has to change. Mr. Hazelwood stated he appreciates very much Commission's approach on this Walmart discussion. If you limit the conversation to the land use issues, you would be having this conversation with any local grocery chain, any national grocery chain, any non-grocery chain. These discussions are built into what exists there now.

Mr. Coltrin said they have always taken into consideration the protection of the neighborhoods adjoining. As far as he can remember, they have not granted a general retail access to a neighborhood behind. We have put a lot of discussion into these things; we have looked a lot at tough decisions of what should or should not be, with a lot of neighbors here telling how bad it will be, knowing that general retail for a particular piece of property is probably the best use for that piece of property. But always when you go home at night, you have the assurance that you have not put a major impact to the houses and properties adjoining the development. When he looks at the Normal access, there is the awareness of what will happen there. Normal Street is not in good condition. It is a residential street; it is not a residential collector. The traffic that is going to be put on that street with cars backing out of driveways is not good. Mr. Coltrin stated he is for infill and development, but cannot say in good conscience; this is good general retail use with access to Normal Street.

Mr. Young stated he can attest to all the comments on traffic in the area and poor sidewalks. The cemetery is a great place. Mr. Young said he is all for redevelopment. This area has been an eyesore in the community for a while. To take something like this and clean it up, reuse it instead of having urban sprawl is a good thing. There were many comments made tonight about nice little neighborhoods and people living in the area for thirty plus years. What makes a neighborhood a neighborhood are many things; churches, schools, good sidewalks, and grocery stores. It was pointed out there is all of that already there, discounting sidewalks. Mr. Young commented that he does not see how this is going to benefit the our community as a whole in the grander scheme of things, adding he is not certain this is a good spot for a grocery store, possibly a business retail. It was pointed out there are several grocery stores located in the

area. We are a Commission that tries to help plan the community. The access, as Mr. Coltrin pointed out to Normal Street, and I am in agreement with him, has to go away. There has to be some way to have access to expand; turn the building, have the building face Grand and have access on the east/west. Something can be done to eliminate the Normal Street access.

Mr. Baird said this is an issue of concern that a lot of Commission has spent a lot time on as well as everyone here tonight has. These decisions are not made lightly and we have to look at all the items presented to them and make the best decision. Mr. Baird stated he tends to agree with Mr. Hazelwood that in certain circumstances when there is proposed development of pieces of land to prevent urban sprawl, that already have infrastructure, you have to make exceptions and believes this is one of those times and will be voting in favor of the proposal.

Mr. Lawhon stated there was considerable Walmart bashing which he personally discounts all together. During his visit to Sam's Club on Sunshine, he noticed there were replicas of checks for financial contributions that have been made to the community. There has been a lot of talk about competition and how it affects the community. There was concern about the Dillon's store across the street when the HyVee was developed. Well, Dillon's is still in business and they seem to be doing just fine. In general, he is a proponent of competition and that it can make things better. HyVee's introduction into the community for example has made some changes in things that have happened at Price Cutter; more positive things like the deli atmosphere HyVee has created, is just one example of how competition can have a positive effect. Traffic has been discussed a lot and he has to rely on the professionals to be ethical and honest in what they say. On the one hand there is Mr. Cannon from Walmart, but there is Ms. Gardner with the City and they were in what he perceived to be in substantial agreement about what impact this store would have on the traffic in the general area. Price Cutter did not seize this opportunity. The one item that does bother him is the access on Normal Street, but again, he feels he has to rely on the professionals and their judgment and objective findings they have made that it will not be a substantial increase in traffic on Normal. Given all those things and having driven by the site, to him, it seems like an appropriate use and an appropriate zoning case with the conditional overlay and plans on voting for it.

Mr. Hansen commented that initially he was in support of the proposed use, but after hearing the traffic situation on Normal, it seems the path from Grant onto Normal to the store is a natural path and believes it will greatly increase the traffic on Normal pass neighborhood homes and does not feel he can support this now.

Mr. Hansen motioned to **approve** Z-17-2012 w/Conditional Overlay District No. 54. Ms. Roling **seconded** the motion. Motion **failed** as follows: Ayes: Lawhon, Roling, & Baird. Nays: Coltrin, Ray, Young, & Hansen. Abstain: None. Absent: McClelland & Edwards.

Mr. Rognstad stated the applicant can appeal to go forward to City Council or they can allow it to end here. If it goes on to City Council, it will be after the first of the year, January 14th, 2013.

Conditional Use Permits:

3. **Conditional Use Permit No. 402**
(624 West Commercial)

Thomas L. Dunivant

Mr. MacPherson stated the purpose of this request is to approve a Conditional Use Permit to allow a construction equipment storage yard at 624 West Commercial Street within a COM-2, Commercial Street District. Commercial Street District has two zones; Zone one (1) is the center of the Historic District and encompasses the historical buildings in that area and there are certain design requirements and development standards that are more stringent than Zone 2, which does not have the design standards applicable to it. City Council is expected to vote on a text amendment to permit construction equipment storage yard or other outdoor storage within the Commercial Street District with the approval of a Use Permit at the December 17th meeting. You will recall we discussed a text amendment about this particular case previously and that text amendment is moving forward because of this particular case. The prospective buyer of the property (Reeds Plumbing) has an existing business across the street on the north side of Commercial Street at 611 West Commercial. If approved, the buyer intends to use the property for equipment and material storage associated with the existing business across the street. Staff recommends approval of this application for the following reasons: Approval of this request will allow the existing business to expand without having to relocate to another location. In addition, approval will provide for the productive use of this property which has been vacant and unused for many years. Prior to the approval of COM-2 zoning on the subject property in 2010, the property was zoned HM, Heavy Manufacturing which permits construction equipment storage yards. Approval of this request will restore the ability to have the limited outdoor storage on the subject property. The applicant is proposing to store vehicles inside this fenced structure. The fence provides security and we are proposing the fence would not have to be slatted for visibility because visibility through the fence would provide additional security. The Commission could add an amendment to this that would require some screening ability of other materials. Staff would recommend instead of galvanized steel to use a black plastic coating type of cover because it tends to blend more into the environment. Those are some things to consider, after you talk to the applicant, if you feel further protection would be necessary for the district you might consider. As part of this request, the applicant is required to reconstruct driveways to meet current spacing requirements and standards or one driveway must be closed and the remaining driveway reconstructed to meet current standards. The resulting driveway(s) on Commercial Street and driveway on Pacific will be gated to provide for security of the site. 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. Mr. MacPherson reviewed the requirements for the Use Permit (Exhibit D) outlined in the staff report with Commission. Findings for staff recommendation are the approval of this use will allow the expansion of an existing use so that the use will not have to relocate to another location to expand the business, this request will restore the ability to have limited outdoor storage on the subject property which was permitted on the property under the previous HM, Heavy Manufacturing zoning and this application meets the approval standards for a Conditional Use Permit and is in conformance with the Comprehensive Plan. Mr. MacPherson referred to a letter submitted by Commercial Club requesting black wrought iron fencing to be required since this was a gateway to the District. Mr. MacPherson advised the Commission that they could add additional conditions to the Use Permit if they felt it was necessary to protect the District. Mr. MacPherson also stated that he asked Mr. Collins to respond to the letter submitted by Commercial Club.

Mr. Lawhon asked if it is a vacant lot and asked the location of the business.

Mr. Lawhon opened the public hearing.

Mr. Bart Collins, 1625 E Primrose, Springfield, representing both the land owner and the buyer. Mr. Collins stated there is an error in the staff report; it was amended afterwards, but the requirement both drives be closed is incorrect. The Code does read that you can have two (2) drives, the spacing is correct; however

the applicant does intend to close one drive. Mr. Collins stated he does not want that in the record in case the applicant does change his mind. He had spoken with Ms. Owen and that was supposed to be amended. Mr. Collins reviewed the history of the location and stated the use is consistent with the lot and prior zoning would have allowed this had they come to terms earlier on this. At the neighborhood meeting, there were two (2) people who showed up in support of the use. Comments on the screening and a vinyl fence of some sort came up from a letter that was submitted; it is unfortunate that Commercial Club didn't talk to the owner or to Mr. Collins himself and they did not show up at the neighborhood meeting. Both the applicant and the user are out of town. Mr. Reed would do the black vinyl fencing after a discussion about some sort of solid fence or putting the slats in the fence and past experience shows when they do that on sites, vandals mess with them, the wind blows them out, they are hard to maintain. They look good for a little while but they are not a permanent solution. They had planned on doing galvanized fencing on all four (4) sides; Mr. Collins commented that he believes he would do black on the front. Mr. Collins stated that wrought iron fencing was too expensive.

Mr. Hansen asked if the owner or a representative of Reed's was there; he said he visited the area and feels this area, Grant and Commercial intersection, is the gateway to historic Commercial Street. It appears to be a fairly clean area through there and has tried to visualize the chain link fence in the middle of that.

Mr. Collins said the owner lives out of state.

Mr. Hansen commented he hopes they try and use a combination to minimize the visual impact.

Mr. Collins commented the neighbors want the security the fence will provide. They want this area closed off and to be used and there will be security cameras as well.

Mr. Baird commented that there are other fences in the area with barbed wire; if they put just the chain link fence it would blend with things further east. Anytime you shroud or cover a fence you can't see what's happening on the other side and that would be a huge security concern for Reed's as well as other property owners.

Mr. Charles Goss, 1628 W Main, commented Mr. Reed keeps his place clean and this would be an asset to take this property, clean it up and use it for his equipment. Right now it is an eyesore. He does not see how the fence is going to affect anything. It will be better to see the fence and the area cleaned up than see what they have today. With all the trash on the lot, something needs to be done, so he is in favor of Mr. Reed's request.

Mr. Rusty Worley, 304 W McDaniel, commented he was at the Commercial Club meeting on Tuesday evening and wanted to say Mr. Reed has been a part of Commercial Street and has been a good neighbor. Jeff and the Sonic are a great part of Commercial Street District. They have not had time to work through some of the ideas of how they could treat the fences and some suggestions were thrown out in the letter. Mr. Worley said from his standpoint, given the caliber of the folks involved this could be passed and then our staff with Donnie Rogers working with Mr. Collins and the owners representatives, the City, we could talk through some of the long term treatments of the storage areas as far as fencing and how they address the street but do this voluntarily moving forward. He does not see a risk in their proposed use at this time. It is going to be an improvement.

Mr. Lawhon closed the public hearing.

Mr. Lawhon asked if this use permit was for vehicles only.

Mr. Rognstad said no, it is for storage. It could be limited to vehicles

Mr. Lawhon said the intention right now is vehicles but it could be other things; wire transformers or other equipment.

Mr. Rognstad said it could be limited to vehicles but that is not what the applicant has requested.

Mr. Lawhon commented that as it has been presented to them it is not limited to vehicles, it is just equipment is the word that is used.

Mr. Rognstad said right.

Mr. Lawhon asked in this Conditional Use Permit what it says specifically about the fence; does it really say anything.

Mr. MacPherson said they would have to substantially conform to the exhibit presented so any kind of dimensions and how it fits on the lot, that's what they use as a standard.

Mr. Hansen commented this is a good use of the lot and hopes everyone will work together for an amicable agreement regarding the fence.

Commission Action:

Ms. Roling motioned to **approve** the Conditional Use Permit No. 402. Mr. Young **seconded** the motion. The motion **carried** as follows: Ayes: Lawhon, Baird, Ray, Young, Coltrin, Roling, and Hansen. Nays: None. Abstain: None. Absent: McClelland & Edwards.

HEARINGS

ZONING TEXT AMENDMENTS:

4. Commercial Services District Amendments
(City-Wide)

City of Springfield

Mr. MacPherson said when the use groups were created in July, 2010 Staff inadvertently left out eating and drinking establishments in the Commercial Service District which was a mistake. It was meant for that to be in there, it was in there before, this would restore the way it was previously and Staff is recommending approval of this text amendment to replace that "Eating and Drinking Establishments Use Groups" as part of the Commercial Services Zoning District.

Commission Action:

Mr. Coltrin motioned to **approve** the Zoning Text Amendment, Commercial Services District Amendments. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Lawhon, Baird, Ray, Young, Coltrin,

Roling, and Hansen. Nays: None. Abstain: None. Absent: McClelland & Edwards.

5. Residential Front yard Setbacks Amendments
(City-Wide)

City of Springfield

Mr. MacPherson commented that Commission initiated the Residential Front Yard Amendments at their meeting on November 21st, 2012. This follows through with what was done in some of the commercial districts and industrial buildings which allowed these buildings to set closer to the public street and promote pedestrian safety and parking behind buildings. Mr. MacPherson cited a previous case with the Board of Adjustment regarding a request for a zoning variance, with the Board of Adjustment asking for City staff to pursue amendments to the front yard setbacks in residential districts similar to the provisions in commercial and industrial districts. This will still require a Conditional Use Permit for the setback which will give an opportunity to do that in the Zoning Ordinance and will be handled on a case by case basis. Staff recommends approval.

Mr. Lawhon opened the public hearing.

Commission Action:

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

SUBDIVISIONS:

Preliminary Plats:

6. Fox Grape 9th Addition
(3300 – 3400 block E. Manitoo, n/s)

Fox Grape, LLC

Mr. MacPherson said the purpose of this request is to approve a preliminary plat to subdivide 8.5 acres into a twenty-six (26) lot residential subdivision. It is located at the 3300-3400 blocks of East Manitoo Street. This plat was approved earlier by Planning and Zoning Commission in 2008 and it expired in 2010 as a final plat was never filed due to recession or other matters. The applicant resubmitted the plan and expanded it from twenty-three lots to twenty-six lots. It has been reviewed by the Administrative Review Committee and made some amendments to it and it does meet the subdivision regulation requirements and staff is recommending approval.

Mr. Hansen asked if all the new lots are squished together.

Mr. Rognstad said some of the lots were made smaller to accommodate the additional lots.

Mr. Lawhon opened the public hearing.

Ms. Lisa Carlson asked if these homes were going to be the same quality and structure as the existing homes as this is the first she has heard of this.

Mr. MacPherson commented this is not a zoning case it is a preliminary plat. Fox Grape is a Planned Development and the requirements and limitations of the development are set out in the Planned Development and those remain unchanged.

Mr. Baird asked if this is an indication of development going to happen or is this something that is being cleaned up to keep it fresh and who is the applicant.

Mr. MacPherson said he does not know that information, but the applicant had to spend money to do this so hopefully this is an indication of something to happen. The applicant is Fox Grape, LLC, with Rita Baron as contact.

Mr. Lawhon closed the public hearing.

Commission Action:

Mr. Coltrin motioned to **approve** Preliminary Plat of Fox Grape 9th Addition. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Ayes: Lawhon, Baird, Ray, Young, Coltrin, Roling, and Hansen. Nays: None. Abstain: None. Absent: McClelland & Edwards.

ANY OTHER MATTERS UNDER COMMISSION JURISDICTION:

Mr. Lawhon commented on the minutes contained in the meeting packet were for the November 1st, 2012 meeting. The minutes that were approved were correct in the sense those were the written minutes in

There being no further business, the meeting was adjourned at approximately 9:32 p.m.

Michael K MacPherson

Michael MacPherson
Principal Planner

