

MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: January 10, 2013

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), Jay McClelland, Tom Baird, Jim Hansen, Jason Ray, Phil Young, King Coltrin and Gloria Roling; Michael MacPherson, Principal Planner; Thomas Rykowski, City Attorney; Dawne Gardner, Public Works; Cody Marshall, Public Works; Sandy Goddard, Administrative Assistant. Absent: Roling and Ray.

ROLL CALL:

APPROVAL OF MINUTES: The minutes of December 6, 2012, were approved unanimously.

COMMUNICATIONS:

Mr. MacPherson stated that the City is sponsoring a joint luncheon for Planning and Zoning Commission and City Council on March 12, 2013 for a combined discussion on the development along commercial corridors when adjacent to residential districts and develop some philosophies about it. Secondly, in reference to the College Street Redevelopment Plan, there are multiple things occurring, but the thing most current is the City is working with Great River to develop a street scape plan which will have a significant connection to historic Route 66. The next meeting is January 22, 2013 at the Abundant Life Church and run from 5:30 to 7:30 p.m. The Planning Director, Mr. Rognstad is encouraging attendance at the meetings and would like to have input from Commission members.

Mr. Lawhon noted that Ms. Roling arrived at 6:34 p.m.

CONSENT ITEMS:

1. Relinquish Easement 788 Campus Inc.
(2542 N. Glenstone Avenue)

Commission Action:

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

HEARINGS:

Planned Developments:

2. Planned Development 341 Alpha House of Springfield Inc.
(2300 E. Division Street)

Mr. Coltrin and Mr. Edwards recused themselves from the hearing.

The purpose of the rezoning case is to rezone approximately 1.59 acres of property generally located at the 2300 block of East Division from an HM, Heavy Manufacturing District to Planned Development District No. 341. The applicant is proposing the expansion of its facility to sixty (60) beds and to incorporate the existing permitted uses in heavy manufacturing, to provide for flexibility in future development. The Planned Development includes Heavy Manufacturing uses which are the same zoning districts as the surrounding property, so if Alpha House were to move, then Heavy Manufacturing could move into that facility without going through a rezoning process to do so. Staff comments are as follows; the proposed planned development provides for the expansion of a transitional service shelter that transitions federal prisoners back into society. The service is important to the community and provides a needed and valued service. The proposed planned development provides for new office development and 10 additional beds for a total of 60. The proposed expansion will not have an impact on the surrounding neighborhood. The proposed planned development proposes the inclusion of HM-Heavy Manufacturing uses should the shelter relocate to another location in the future. The HM uses are consistent with adjacent properties. The Alpha House (aka Airport Building) is a registered local historic site and any exterior changes will require Landmarks Board review and approval prior to any building permits being issued. The applicant held a public meeting on November 26, 2012, and there were approximately five to six people showed up to the meeting and there were no objections and staff has not received any objections, written or by phone. Exhibit 1 and Exhibit 2 have been reviewed and appear to be in conformance and will work to provide adequate parking for the site with ingress and egress dedication of sufficient right-of-way. Staff recommends approval of the request.

Mr. McClelland asked about the bed allocation.

Mr. MacPherson commented that Commission had previously discussed at great length about raising the fifty (50) bed limit in transitional shelters in a multitude of zoning districts and Commission asked that the fifty (50) bed rule remain in place and if there was a case where there was a need to do that, that it be done through a planned development and that is the approach that has been taken.

Mr. Hansen asked if the plan had been submitted to the Landmarks Board.

Mr. MacPherson said no; this is just the zoning case. When the applicant does a design, if there is any impact on the building, they will then submit the design phase to them for a Certificate of Appropriateness.

Mr. Hansen asked about the maximum height and the yard requirements.

Mr. MacPherson stated that is consistent with Heavy Manufacturing Districts. There is not that restriction in those districts so it is included in this so it will accommodate HM in the future.

Mr. Hansen expressed his concern about the potential height of future development.

Mr. MacPherson commented that is doubtful based on the size of the site; the site is very limited and discussed the maximum building occupancy and impervious surface; that would include parking.

Mr. Hansen asked about the loading areas and the landscape requirements.

Mr. MacPherson stated that because it is a transitional service shelter, the facility has food services and the trucks, for this particular facility, are for food service, food deliveries to the facility. Mr. MacPherson deferred the question to the owner or designer; he is unable to answer that in detail. This is consistent with what is done in heavy manufacturing districts and the landscaping requirements are to accommodate both the existing use and future use.

Mr. Hansen asked if Planned Developments are written so they retain the zoning requirements that they lay on.

Mr. MacPherson stated the idea of a Planned Development is designed to address a unique circumstance and in this particular case, it has limited space to develop in so it has to be accommodated by what is available; you can only do so much with what you have there. It is trying to implement, in this case for the potential of future redevelopment of the site, the standards that are listed in the heavy manufacturing district so it will accommodate that future growth and expansion should it occur without incurring the cost, time and effort to rezone.

Mr. Hansen asked if the applicant moved from this site; sold it or leased it, would it still be PD 341 and allows sixty (60) beds for transitional housing.

Mr. MacPherson said yes, but PD 341 contains within it, the requirements and uses that are allowed in heavy manufacturing district as well, which would allow it to accommodate that use if they did relocate and the site redevelop. The primary purpose of this Planned Development is to accommodate an expansion from fifty (50) beds to sixty (60) beds, not that they anticipate those beds will be full most of the time, but they would be available if necessary to be filled and they are adding offices to the structure in the back part of the lot.

Mr. Hansen asked if the PD is transferable, then there could be sixty (60) beds to be used for some other purpose; it appears we are writing a blank check here for the future, particularly, since they are already talking about moving their operation.

Mr. MacPherson stated he does not believe that is the case. If you read the text language of the PD, it refers to specifically to Alpha House being able to accommodate fifty (50) beds and the expansion project. It does not write a blank check, it is specific to what it would allow; heavy manufacturing uses in addition to the expansion of the office and the fifty (50) beds to sixty (60) beds. It would not allow other facilities to move in and take advantage of that.

Mr. Hansen said the only thing that would transfer to another owner or lease, would be the heavy manufacturing requirements and not the sixty (60) bed facility.

Mr. MacPherson said that is correct; it is specific to Alpha House. Mr. MacPherson continued that if the site redeveloped for use in heavy manufacturing, that the structure would probably be removed. One of the buildings is on the historical register, that structure could not be removed. Custom Metal Craft is next door and that is what you might see and this property would probable become part of another property; we would anticipate that the historical building to be maintained would end up being office.

Mr. Hansen expressed concern that this could be sold to anyone and it would already be approved for a sixty (60) bed facility, adding he does not see in the language of the PD that there is any insurance against

that.

Mr. Lawhon asked, if this request was approved, and Alpha House wants to move, does PD 341 die with Alpha House' leaving the property.

Mr. MacPherson said no. The PD would allow for heavy manufacturing uses which are consistent with the neighboring uses and as for the specifics of the zoning for the beds, look to Section B, under "Intent", where it specifically outlines paragraph after paragraph referring directly to Alpha House.

Mr. Ray, Commission member arrived at 6:55 p.m.

Mr. Hansen asked about Section N, in the staff report, about the developer signing an irrevocable consent to dedicate additional right of way for Division Street, which would allow them, in the meantime, to use the parking spaces that are within that new right of way. Are the parking spaces on the north of the property included in the requirements for this facility. The bed capacity is being increased and it doesn't look like there are a lot of parking spaces on the west side asking how many parking spaces are required for this site.

Mr. MacPherson stated that for that particular classification of street requires fifty (50) feet of right of way from center line; in this particular case if you look at the adjacent building which is Custom Metal Craft, you can see that it is right up against the property line. What the discussion has been and what the agreement with Public Works Traffic is that they would dedicate forty (40) feet of right of way now and provide an irrevocable consent that if and when the time came that additional right of way was needed, that they would then dedicate that at that time. Mr. MacPherson commented that the parking is what is described and listed under Exhibit 2; if they have to give up that site, they would have to make an adjustment to add additional sites or bike racks to accommodate the change if and when that would occur. Mr. MacPherson stated he counted the spaces on the exhibit and he counted twenty-seven (27) including the north side.

Mr. Hansen asked how many spaces on the north side would be missing if that were taken in to the right of way saying that doesn't seem like enough for a sixty (60) bed facility.

Mr. MacPherson said he counted nine (9).

Ms. Gardner stated they could adjust their parking to the north; it's just not feasible for what they want to do now. If we come in and take that right of way they can move their parking south; they would have to rework some truck deliveries. There is enough room, however, we agreed that they felt like they needed the room in between the current parking on the north and the front of their building, so this is why Traffic agreed to the consent to dedicate so they could utilize that and utilize the space. It could work in, in the future if it's necessary.

Mr. Hansen asked the parking space requirements are for the facility.

Ms. Gardner said she does not know. There is a required parking, she does not know what that is.

Mr. MacPherson stated that for this PD, the requirement is listed in Exhibit 2. Section L, Off-Street Parking states future development of this property would follow the City standards in place at the time of development. Building Development Services, who worked with the applicant in this case, feels that Exhibit

2 has adequate parking because of the fact that the majority of the people residing at the facility do not have vehicles. The only people who would have vehicles are office staff and employees.

Mr. Young noted that because a Planned Development is a unique thing, they set their own parking requirements and it doesn't fall under the normal zoning parking requirements, so that is why when you look at the site plan, the twenty-eight (28) parking spaces, they are setting their own requirements. That is how planned development usually work, which is how he has seen it done in the past.

Mr. Baird asked if Alpha House were to upgrade this structure to a sixty (60) bed facility and then two years down the road decide they need to relocate, if the property was sold, leased, somehow transferred ownership, would it still be approved for a sixty (60) bed facility or would they have to come back and get it approved from this group or another.

Mr. MacPherson stated this planned development is specific to Alpha House for a transitional service shelter. It is not transferrable. What is transferrable is the right to convert it to heavy manufacturing use and that can be done by anyone who moved there.

Mr. Lawhon opened the public hearing.

Mr. David Lundstrom, 2826 S. Ingram Mill, stated he is with Great River Associates, representing Alpha House on this project. To address a couple of the questions that were posed with regard to building height; there is a regulation set up in the PD that the maximum Floor Area Ratio (FAR) is established at three (3), so the floor area ratio of the building could never exceed three times the overall site. Floor area ratio refers strictly to the building itself and the impervious surface area of the property will not exceed eighty-five (85) percent and that includes building and parking which is what it is now. The other point, with reference to the non-typical delivery system; typically deliveries would be made to the side or the rear of the facility, but due to the small size of the lot, the orientation of the driveways and parking areas, that is why it is being referred to as a non-typical delivery system in that the deliveries will be placed to the front of the building instead of the side or rear of the building. They are looking at a two story facility at this time and will attempt to match or resemble the existing historic structure on site.

Mr. Lawhon closed the public hearing.

Mr. Hansen commented his concern is this being transferrable to any future buyer or lease and does not feel like writing a blank check for some unspecified use in the future and will be voting against the request.

Mr. Baird asked for clarification as he understood that this PD would not be transferrable with the sale or lease of the property and it would stay with Alpha House.

Mr. MacPherson stated that throughout the language of the Planned Development, it does not refer in general as a transitional service shelter, it refers to it specifically as Alpha House and those specifics defines what the limitations are on that use.

Commission Action:

Mr. McClelland motioned to **approve** Planned Development 341. Ms. Roling **seconded** the motion. The motion **carried** as follows: Ayes: Lawhon, McClelland, Baird, Young, Roling and Ray. Nays: Hansen. Abstain: Coltrin and Edwards. Absent: None.

Conditional Use Permits:

3. Conditional Use Permit 403
(2314 W Kingsley)

NGO Property

Mr. Coltrin recused himself from the hearing.

Mr. MacPherson stated the purpose of this request is approval of a Conditional Use Permit to allow an automotive service garage located at 2314 West Kingsley Street within the GR, General Retail District. It would facilitate the construction of a new Christian Brothers Automotive Service Garage along Republic Road. Staff is currently processing an administrative re-plat to subdivide the existing lot that fronts on both Kingsley and Republic and has determined that it satisfies the standards for Conditional Use Permits outlined in Section 3-3310 of the Zoning Ordinance. The applicant had a neighborhood meeting on November 29, 2012. They sent out twenty-nine (29) letters and five people showed up at the meeting and after a discussion, no one objected to the proposal. There are exhibits in the report that describe the type of facility and shows some renderings of the structure. They do not engage in tire sales, and do not have outdoor storage. If they have vehicles, they are stored inside the facility at night. Staff has not received any objections to this from any of the neighbors, since the meeting and staff has not had any comments. Requirements are that no outdoor storage of vehicles or related automotive parts overnight is permitted and sanitary sewer shall be extended to the site. The applicant meets the approval standards for a Conditional Use Permit and is in conformance with the Comprehensive Plan. The proposed zoning is consistent with surrounding non-residential uses and zoning along Republic Road in this area. Staff is recommending approval of the request.

Mr. McClelland commented that the facility will be closer to Republic Road than Kingsley. The address in the system is Kingsley, will that cause a problem because it is going to be Republic Road.

Mr. MacPherson said that as the administrative re-plat occurs, the properties will be re-addressed and the one here will have a Republic address and the one facing Kingsley will have a Kingsley address. As it is now, it is addressed on Kingsley for the whole length of the lot.

Mr. Lawhon opened the public hearing.

Mr. Jonathan Wakefield, 15995 Barkes Landing, Houston, Texas, commented he is the new store Development Director for Christian Brothers Automotive. The structure is essentially a stone cottage with a nine (9) car garage, explaining they are not a lube shop or a tire center. Mr. Wakefield stated he is available for comments.

Mr. Lawhon asked what service the facility provides.

Mr. Wakefield commented they are the gap after the warranty expires on the new vehicle and throughout the life of the vehicle thereon. Their service is dealership level, when a specific part fails or its mileage service, we want to be there for the clients.

Mr. Lawhon closed the public hearing.

Commission Action:

Mr. Baird motioned to **approve** Conditional Use Permit 403. Mr. Edwards **seconded** the motion. The motion **carried** as follows: Ayes: Lawhon, Edwards, McClelland, Baird, Young, Roling, Hansen, and Ray. Nays: None. Abstain: Coltrin. Absent: None.

OTHER PUBLIC HEARINGS:

Zoning Text Amendments:

4. Liquor License Amendments (City-Wide)

City of Springfield

Mr. MacPherson noted the purpose of this amendment is to reduce the requirements that trigger public hearing for liquor licenses when adjacent to residential and planned development districts; provide for limited exceptions to hearings; and remove language inconsistent with state law, in the Springfield Zoning Ordinance. This action was initiated by City Council and the Law Department; they are doing a number of changes in the City Code to bring them up to standard with State Law, State Statutes. As a part of this, it requires some changes in the Zoning Ordinance. The finance and Administration Committee at their meeting on December 16, 2011 unanimously recommended amending the liquor license requirements from two hundred (200) feet to one hundred (100) feet. City Council initiated the Liquor license Amendments at their meeting on December 17, 2012. Missouri state law provides for a minimum distance of one hundred (100) feet between a place granted a license to sell intoxicating liquor and any school, church or other building regularly used as a place of religious worship, unless consent is obtained from the governing body of the city, town, or village. State law allows this distance to be increased to up to 300 feet by local ordinance. Currently, the City has a 200-foot distance.

The City of Springfield Zoning Ordinance also imposes certain notice and public hearing requirements when the property is within 200 feet of the following zoning districts: R-SF, Single-Family Residential; R-TH, Townhouse Residential District; R-MHC, Manufactured Home Community, and PD, Planned Development Districts. The proposed text amendments will reduce this distance from 200 feet to 100 feet to maintain consistency with proposed changes to Chapter 10 of the City Code (Alcoholic Beverages), will reduce the number of required hearings, and will remove language that could be considered inconsistent with state law regarding improper delegation of Council authority.

Staff is proposing change to who posts the notices as found in Subsection 5-1904. This is consistent with the posting requirements for zoning map amendments that were adopted last year, moving the task from the City to the applicant. Procedures under Section 3-3800 that have been adapted for zoning cases provide the outline for these notices. Licensing already has a "poster" form and the other forms for applicants. Staff is also proposing to allow for publication in a newspaper other than one having the largest paid circulation to an official newspaper or a newspaper of general circulation as permitted by state statute. Staff understands there is a significant difference in price between various publications that would qualify under this language.

Staff has retained a modified protest provision that previously acted as a complete prohibition to the granting of the license in Subsection 5-1905. Since the state statute removed this power from churches and schools, staff believes that this veto power is questionable. Staff is proposing to address Council's obvious concern that neighbors be notified of this "use", and that the Council be advised of objections. Since the statute vests the final power with City Council the proposed revision retains the protest clause, but only to the extent that it then triggers Council review to grant or deny the license.

Staff has added an exemption to posting and publication requirements in new Subsection 5-1906. This would provide that in the event one hundred (100) percent of the eligible protesting properties do not oppose the license, then the applicant is not required to post or publish. Mr. MacPherson noted that in Section 5-1905 of the actual ordinance where it is lined, that on line forty-three (43) that one hundred (100) feet is underlined, however we failed to cross out the two hundred (200) foot line there which will be replaced, but for consideration, that is not a duplication there, we did not get the line crossed out. The findings are City Council's Finance and Administration Committee recommended changes to the Zoning Ordinance and City Code regarding liquor license requirements. The proposed amendments would eliminate conflicts with state statutes. The proposed amendment will reduce the City's vehicle expense and staff time and may allow the applicant to reduce their notification and application submission expense as well. Staff is recommending approval of the proposed amendment.

Mr. Edwards asked other than changing the two hundred (200) feet to one hundred (100) feet, is this just cleaning up red tape.

Mr. MacPherson said that it goes a little further than just red tape. It reduces expense in regard to publication, and to some extent, if no one objects to it, to the point of no publication, it reduces posting expenses to the City and most importantly, it is an attempt to bring our language in conformance with the State Statutes and the Zoning Ordinance in conformance with the changes that are proposed in the City Code.

Mr. Edwards stated that in his opinion that is a good thing on behalf of people who apply to the City for various permits; anything to make it easier on them is good.

Mr. Baird asked about moving the boundary, for lack of a better term, from two hundred (200) feet to one hundred (100) feet when two hundred (200) is acceptable for state statute. These boundaries are set in place to protect certain properties or organizations so what is driving this boundary change.

Mr. Rykowski stated neither himself nor Mr. MacPherson were present at the finance meeting, but after the discussion, it then went forward with an approval that it should be reduced. State Statute is a minimum of one hundred (100) feet, but allows any local municipality to go up to three hundred (300). It is the intent of City Council, to his understanding, to reduce a parallel provision that's in the City's licensing ordinance to one hundred (100) feet and this would make those two consistent. Exactly why any one person proposes a change, he does not know the answer to it, but in the discussion about changing the City Ordinances, it was pointed out about the "Notice" amendments in 5-1900 and they thought to make them consistent, that they should also go to one hundred (100) feet. We then had to go to City Council and remind them that if they wanted that to be changed in a Text Amendment of the Zoning Code, they had to initiate it. They approved that initiation of this task to reduce from two hundred (200) feet to one hundred (100) feet this notice. We take that as an indication that was their decision that they intend to approve this reduction in the area that receives notice of the use. It is important to note that what prompted this in some matter was

the change in the State laws. It used to be if a church, school or other certain qualified facility was in the zone and just said no, you could not get a license. The State Statute changed that and said if you have one of these within the zone, a church, a school or other buildings regularly used for religious purposes, then the Council has to look at it and either approve it or not irrespective of the desires of that particular land owner. That is where the State Statute stands now. Our ordinances and part of the Zoning Code actually leave some of that veto power in the churches and we will be cleaning that up under Chapter 10 and to some extent that is why we have taken out some of that language in 5-1904 here. Looking at it in total, we have an indication from Council, for whatever reasons they desire, that they intend to move this down to one hundred (100) feet.

Mr. MacPherson added that as you will recall, we had two elections with regard to smoking inside public buildings and what really initiated this discussion was some of the bars were trying to be in compliance with the smoking ordinance and they were trying to build outdoor extensions to their buildings so people could smoke outside and have their alcohol with them on the extension and that required the posting and the expense and that is what brought the discussion up because it was a considerable amount of money just to try and comply with another law that had been placed on the books.

Mr. Lawhon opened the public hearing.

Mr. Jim Blaine, 1355 E Crystal Hill Lane, Springfield, stated that he is a local physician and chairs the DWI Taskforce for the Springfield for the past twenty (20) years. Dr. Blaine reviewed the names of some of the members of the Taskforce; their mission is to prevent DWI with alcohol and other drugs and to do that with the cooperation of the community. Approximately two years ago the City first initiated an exemption for the first time in forty (40) years in Walgreens on North National which was adjacent to Robberson School that was opposed not only by us, but by the site council there, the superintendent of Schools, the Medical Society, as well as others, and we lost. Our real fear was something called alcohol aladensity and we feel this ordinance jeopardizes that. Dr. Blaine briefly reviewed research findings from the American Medical Association regarding violent crimes associated with alcohol and alcohol related car crashes; the CDC and drunken driving. The point is this is something they have addressed for years, and something as a trauma physician for seventeen (17) years, at some point you have to go upstream and see where all the bodies are coming from. Everyone thinks that this church or this school is not complaining about it so what's the big deal. The big deal is that for forty (40) years Springfield has had alcohol density that defined as two hundred (200) feet buffer zone between each alcohol outlet. That is their concern, if it goes down to one hundred (100), that would potentially quadruple our alcohol aladensity, and that makes their job a lot harder.

Mr. Lawhon asked Mr. Blaine what his stance is on these amendments; we have heard the objections and concerns with alcohol use in general, but what comments so you have so we can understand what you want to say about the amendments.

Mr. Blaine said that specifically they would like to see the two hundred (200) foot requirement continue as it has for the past forty (40) years for public health and safety which is documented strongly in research. The State Statute allows up to three hundred (300) feet, we are well within that.

Mr. Lawhon closed the public hearing.

Mr. Baird thanked Mr. Blaine for attending and making his presentation. It is good when we get these

Zoning Text Amendments to know that people are paying attention and listening to these issues. Mr. Baird stated he too has an issue with dropping the buffer zone from two hundred (200) feet to one hundred (100) feet. If someone were to propose an amendment to remove that portion of the amendment, I would be in favor of it, but as it stands, he will be voting against it.

Mr. Edwards stated that if they do drop it down to one hundred, Council still has the opportunity to deny a license, is that correct.

Mr. Rykowski said yes and added that this zoning text amendment does not affect the density of the liquor establishment. We are talking about all types of liquor establishments whether it is a retail sales or a bar. The State Statute 311080 provides for this notice area, one hundred (100) to three hundred (300). The State Statute had previously given a power to schools which was taken away, but it was said if you have a school within that area, you have to get permission from the governing body. City Council in years past decided in addition to that, we want to let people know that there is this type of establishment coming in to this area, so if you going to do this and if you are within one hundred (100) feet or two hundred (200) feet of a residential area, you must give notice. If you were to vote down this amendment in its entirety, it would still not affect the Council ordinances, but it would simply say that if you are within two hundred (200) feet you have to have notice and these people can then let Council know if they object. The net effect of this is essentially we are reducing that area of notice from two hundred (200) feet to one hundred (100) feet, primarily to be consistent with what we understand Council is going to do with the ordinance under Chapter 10. This will not affect whether there will be more bars on a block or liquor stores, it will affect just this area of notice. If you had a school or church that was one hundred fifty (150) feet from the place that you thought was going to be changed and you were within the proper zoning, you would not get a letter telling you. The people within that one hundred feet (100) zone would still receive notice and that is primarily where we are starting a new use next to residential areas for the notice hearing. Council may look at it differently and no matter what the notice says, even if everybody agrees to it, they may look at it and say no you are within the one hundred foot (100) zone, its two hundred (200) now, but we are going to deny you the license. Our zoning text that we have now retains a visage of that saying fifty (50) percent or more of the people in that area of protest you can't have a license. We believe that is an improper delegation of legislative authority based upon the State Statute which took the power from the churches and put it in to City Council to make the decision. A protest petition will kick the issue to Council for a determination. Whether or not the court reviewing that would decide that as too restrictive verses the State Statute we don't know, that would be the subject of a lawsuit. As it stands now, if you are properly zoned otherwise and you were more than five hundred (500) feet from a church, school, residential area, you could open up your business other than qualifying with the appropriate licensing.

Mr. Lawhon commented to paraphrase Mr. Rykowski's comments; this comes down to changing an area of notification.

Mr. Rykowski said primarily yes, and with regard to removing some elements that exist in the text currently that we think are no longer valid under state law, namely the veto, we do maintain the protest petition power for those people within the reduced area, letting Council know thorough that process, that they have concerns and it would require a public hearing. We do reduce that area from two hundred (200) feet to one hundred (100) feet. If you were to maintain this, and Council were to vote differently, it would simply mean we would be sending out letters to people within the two hundred (200) foot zone, but Councils review would be limited to one hundred (100) feet, but based upon how we perceive they are going to go forward with the Statute.

Mr. Hansen commented that Council has, in the majority of cases, approved these licenses even with the two hundred (200) foot radius of notice; in other words they are approving them now and the implication is that they will approve most of them in the future. There are two differences that he can determine from this; one is that the school or church or entity no longer has veto power.

Mr. Rykowski said that is correct. That was taken away by the State Statute change a few years ago and we are bringing our code and our text amendments in line with that veto power, but it does trigger a review by Council. Not every license that has been issued has been subject to review. If you are two hundred fifty (250) from these triggering boundaries, you get your license and it never comes before Council under current rules.

Mr. Hansen stated that this is cutting down on the amount of protest coming to Council.

Mr. Rykowski stated he is not certain that would be the net affect; it is reducing the area in which people will receive notice, but if you have fifty (50) percent of the people within one hundred (100) feet objecting it will trigger a review by Council regardless of what's held over in Chapter 10 about the provisions for the churches. This just allows residents to let Council know they have an issue to what this is doing in their neighborhood.

Mr. Hansen noted they are allowed to do that anyway, right; this proposed amendment would reduce the area in which the neighborhood is notified, so fewer people will be notified.

Mr. Rykowski stated that fewer people would be notified but it would be his assumption that the people most likely to object are the ones who live closest to it. Arguably you would have a lower threshold to make your fifty (50) percent so it might work out actually more advantageous to the protestors.

Mr. Baird commented that it appears we are changing two things with regard from two hundred (200) feet to one hundred (100) feet, one of which we have discussed significantly which is public notice. But it also appears that we are changing from two hundred (200) feet to one hundred (100) feet the location with regard to certain districts. How will that not increase the amount of locations bars and liquor stores can locate.

Mr. Rykowski said that the statutory objection we have talked about, churches and such primarily goes to the ordinance side and we prefer the ordinances being general City Ordinances and the code being the Zoning Code. This particular notice has been required under Section 5-1900, triggered when you are within two hundred (200) feet, it doesn't deal with the churches and all that, of a residential district, but if you didn't have anything but HC, or HM around you, you wouldn't even be worried about this. What we are doing is we are saying if you are now one hundred fifty (150) feet away and we roll this back to one hundred (100) you will be beyond that buffer to a residential district. Remember right now this triggers at two hundred (200) feet of a residential zone and they are going to lower that back to one hundred (100) so if you are under the current rules if you are at one hundred fifty (150) from a residential zone you would have to give notice.

Mr. Baird said he is not talking about notices; he is talking about Section 5-1902 when it speaks to location of these establishments in regards to the zoning outline. It appears we are changing that boundary from two hundred to one hundred.

Mr. Rykowski stated that we are changing all of this, but what this does in 5-1902 it says when an application comes in; and this is the way we work now at two hundred (200) feet, the Director of Licensing will determine if they are within two hundred (200) feet of a residential zone. If they are, they have to provide these notices to all the people in the affected area. We are going to roll that back to one hundred (100) feet. If you filed an application today for a liquor establishment and the Director looked at it and decided you were five hundred (500) feet from a residential area, this provision would not apply. This is only a provision that relates to when you have to give notice to certain people and only if it's residential area and we are moving that distance from two hundred (200) feet to one hundred (100) feet. This is not going to increase the number of bars because this only has to do with triggering a protest petition or notification to see if there is any type neighborhood action. This entire amendment and this entire ordinance of 5-1900 is in fact something additional to the state law which previously Council had elected so people would know this kind of business is coming in to your neighborhood. It is a matter of who determines that. The Director will look at it and say you are within the one hundred (100) feet or right now to hundred (200) therefore you must comply with the notice of 5-1900. It does not relate to the number or distances between bars or liquor stores; that I understand will be dealt with under Chapter 10 where it is appropriate.

Mr. Baird stated to clarify for his understanding, currently if he wanted to open a bar would it have to be two hundred (200) feet from one of these districts mentioned above.

Mr. Rykowski said no. This does not prevent you from opening a bar or allow you to open it; it only has a two hundred (200) foot rule that might establish a review by City Council. If you are beyond two hundred (200) feet now, Council would never see this. If you are less than two hundred (200) feet now it goes to Council to approve or disapprove. This amendment moves that from two hundred (200) feet to one hundred (100) feet. There was a question earlier, if this was amended to leave it at two hundred (200) but leave the other protest things, what would happen. This would still stay at two hundred (200) it would go forward to Council for review. They could decide to move it to one hundred (100), or leave the notice provision at two hundred (200). That would be their call.

Mr. Young stated they have talked a lot about the two hundred (200) feet distance; is this subject to the Director's discretion as far as the distance. Is it from the property line or the front door; where does that distance start and end.

Mr. Rykowski stated that in other sections of the ordinances and codes, the distance and measurement is defined and we normally go from property line to property line. There are certain exceptions for certain areas of town where it is more appropriate. The officer in charge is the Licensing Director and she will make the determination. It is like the neighborhood meetings. We do not let an applicant come before Commission without having done the neighborhood meeting and if we get here the night of Planning and Zoning and the meeting has not occurred, we are prevented from going forward because that is a requirement before further action can take place for that particular application. The licensing office is very thorough on this and has for years been checking on this very notice. If you want a liquor license, the Licensing Department is where you start.

Mr. MacPherson said it is not discretionary; it is digitally done from the property line in all directions.

Ms. Roling commented that the Finance Administrative Committee saw this as a big savings on the budget

if they would reduce this, so did they look at or even take into consideration that maybe leaving it at two hundred (200) and adding a fee to the applicant's process for additional monies the City is trying to save.

Mr. MacPherson stated the savings is to the applicant and the City. We do not post properties any longer. We make the signs, call the applicant to pick them up to post and provide a picture with an affidavit. Man hours were involved in that, a truck, hammer, nails. Secondly, the other savings occurs in advertising which is beneficial to the applicant. Changing the language from the "newspaper of largest circulation" to one with "general circulation" in the City reduces the costs substantially. The difference is in cost from approximately two thousand (2000) dollars to fifty (50) dollars. The applicant pays that. The other savings occurs when no one objects to the license, then they don't have to post or make notification at all.

Mr. Rykowski discussed the protest and dispute issue related to a particular business wanting to ad a patio because their patrons could not smoke inside the building anymore. That business would have to publish and post and the owner could not do it because of the financial burden and City requirements. We have a lot of these where you may have one property and if that property owner will agree and we have a form that they will fill out, and if we determine everybody that could possibly be affected by this would agree to it, then the protest petition and the notice did not seem to make sense. One again, looking at the intent of what Council seemed to want, they wanted to know if people had a problem with it, because if no one objected under the old plan, there was no hearing. It went through. As residential and commercial start growing together and as commercial develops out and because we have heard this from many people that the cost of publication and notice is prohibitive, these people don't have a lot of margin.

Mr. MacPherson stated that the one hundred (100) feet change is not something staff generated, this is a City Council Committee that initiated this and asked staff to move forward with it.

Mr. Hansen said that he can understand not requiring the publishing in a larger publication of notices, saving money that make sense. But if we are going cut down on the notification of people in that way, it seems like we would want to retain the two hundred (200) foot radius of notification of people right around there. I can see dropping the requirement for publication, but it seems like it is going a little too far to cut the radius of notification down more than it is.

Mr. Rykowski said that in discussing the conflicts, the changes to be made in Chapter 10 and the things that needed to be done in 5-1900 to keep it in conformity, staff was instructed they wanted the uniformity of one hundred (100) feet all the way across. The question is now, this is where Commission gets to review and weigh in, if you disagree then disagree. One hundred (100) feet under Chapter 10 we patterned the State Statute that we discussed earlier that said if you are within one hundred (100) feet of a church or school you must go and get approval. We have chosen two hundred (200) feet. That will be reduced to one hundred (100) feet, as he understands it, based upon Council bill he has prepared. Council requested that change. It is also helpful to staff when we have the same distance requirements for everything. The direction they got was to take everything to one hundred (100) feet, which was in conformity with the State minimum.

Mr. Hansen stated what they are missing here is input from City Council. It would be nice if they had any reason to present to us for doing this.

Mr. Rykowski said the resolution City Council passed specified that the text amendments would reduce from two hundred (200) feet to one hundred (100) feet, to bring the zoning provision in compliance.

Mr. MacPherson stated that if the Commission disagrees with that, tell them.

Mr. Edwards commented they need to take a step back and realize that they are not granting liquor license, or going to be doing any of the review work that says up or down, good idea, bad idea to bar anywhere. What we are looking at here is bring legal text in to conformity and this is government working, let's not get in the way. We each have our own point of view on these issues; he does not see this as being an issue of alcohol or alcohol density as far as Planning and Zoning Commission is concerned. What we are trying to do here, at Council's request, is make life easier on staff as well as those people who are applying for licenses and doing the things that the City already requires and they will still have to meet all the standards and requirements that goes with that, and it is extensive. It is really difficult to get a liquor license and maintain it and if we simply make the cost of doing business with the City easier then that is their obligation to do. He will support this amendment.

Mr. Young said that he agrees on making life easier but feels part of Commission's job is to look out for the community. If he is at home with his children and within two hundred (200) feet someone is going to open up a bar, he would want to know about it and feels that is part of the responsibility for the community. Reducing it to one hundred (100) feet...he would increase it. What is wrong with knowledge and people knowing what is going on in their communities, what is going on down the street. I don't want the perception of the City to be like they are trying to hide something. Why not have open books; why not let more people know about it. He doesn't see the reason for it. He understands the legality and making everything comply, but why not raise everything else up to two hundred (200) feet or four hundred (400) feet.

Mr. Rykowski commented that he wanted to make certain that they understand that the distance is being adjusted based upon a policy decision of the Council. The other things that are in here we are taking out because of compliance with state law. The consistency of the one hundred (100) feet was they were going to bring Chapter 10 to one hundred (100), they wanted to bring this to one hundred (100) and it does parallel the one hundred (100) feet, but the State Statute as you noted does allow then as a policy decision to go up to three hundred (300) feet. I don't want to make it sound like there is a state law compelling us to reduce this. This is a policy call.

Mr. Young said he does not want it to look like as a community we are trying to close the books on residents basically.

Mr. Hansen said he believes Council is interested in what they think about this issue or they would not have remanded it to Commission for approval and believes it is within their prerogative to tell them what parts of these changes we agree with and what parts we don't and it is up to them what they want to do with it. Mr. Hansen stated that he would offer an amendment that we accept all as written except for the one hundred (100) foot reduction.

Mr. Baird said he would second that.

Mr. Rykowski said a motion to amend has been made and seconded. The motion is to basically accept all changes except where the two hundred (200) feet has been reduced to one hundred (100) feet, it shall remain two hundred (200) feet for purposes of notice of protesting and all that; but the other changes such as the one hundred (100) percent exemption and those things will remain and of course the modifications

that take away the extra power of veto for those people within the zone, but certainly gives them the ability to let Council know that triggers the public hearing. Council would then by resolution approve or disapprove that license. Subject to his understanding of that, he can draft that if that were passed.

Mr. Lawhon said he is against the amendment. I am for the amendments as they were originally written with his reasoning being, we should vote what we think and whatever kind of message we wish to deliver with that. The reason why he is against the proposed amendment is it streamlines a process, as originally written and originally presented to us; it reduces costs for both the City and the applicant, but above all that, what his concern would be is the neighborhood most closely affected still have some kind of protection. We can argue whether that protection is one hundred (100) feet, two hundred (200) feet, or three hundred (300) feet. I am totally comfortable with one hundred (100) feet and that is why he would not support the amendment.

Mr. Coltrin asked Mr. Rykowski if Commission passes either amendment; if we pass the original amendment that says one hundred (100) feet, can City Council change it to two hundred (200) feet, whatever they want to when we move it forward to them. They have the final say in these things, they have overridden us before; they have their own opinions before. If they took the notion to say we have decided it to be two hundred (200) instead of one hundred (100).

Mr. Rykowski said they could look at it and change their minds and say no, we don't want this; we want to leave it at two hundred (200).

Mr. Coltrin stated that his point is, regardless of what is passed here tonight, the City Council can take action as they see fit.

Mr. Rykowski said yes.

Mr. McClelland stated his concern is one hundred (100) feet is barely residential yards so if you take that 360° degrees around the proposed location, you aren't going to get but a dozen residences and does not believe that is enough of a neighborhood representation to make an opinion of whether they want it to happen in their neighborhood or not.

Mr. Lawhon stated that so they understand the motion before them, it was an amendment made by Mr. Hansen.

Mr. Rykowski said his understanding is that Mr. Hanson has moved to amend the pending bill too basically in all instances where it has been reduced to one hundred (100) feet, it will remain two hundred (200) feet, but all other text changes are approved.

Mr. Hansen that is correct.

Mr. Lawhon asked if everyone had an understanding.

Mr. Baird stated that just so he is clear, we will vote on the one that is on the floor; if that is voted down, we will then vote it as was written originally. Is that correct or no.

Mr. Rykowski said that if the amendment passes, then the bill before you have been amended, basically

instead of saying one hundred (100), it says two hundred (200). You will still have to then vote on the amended bill. If the amendment fails, you still have before you the pending bill. You are going to have to vote twice.

Commission Action:

Mr. Hansen motioned to **approve** the Liquor License Amendment as written except for the one hundred (100) foot reduction. Mr. Baird **seconded** the motion. The motion **carried** as follows: Ayes: McClelland, Hansen, Roling Young, and Baird. Nays: Lawhon, Edwards, Ray, and Coltrin. Abstain: None. Absent: None.

Mr. Rykowski stated that it is as though the document that is now in front of you, everywhere it says two hundred (200), scratched through, one hundred (100) it just says two hundred (200). The one hundred (100) is gone and the other changes that have been proposed will go forward. But you have to vote on it.

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

Master Sign:

5. Master Sign Plan – Oasis Inn
(2546 N. Glenstone Avenue)

Darrel Hopkins

Mr. MacPherson stated the purpose of this application is to approve a master sign plan for the Oasis Inn & Convention Center. The approval of a Master Sign Plan application shall not authorize the erection, placement, reconstruction, structural alteration or moving of any sign, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals, which may be required by the codes and ordinances of the City, including, but not limited to, a building or sign permit. The signs shall be required to have a separate permit. A Master Sign Plan application may be approved for the purpose of establishing consistent, logical and equitable signage for: Multiple uses on a single lot; a building group of a single use or multiple uses that may involve multiple properties; or a large tract that contains a single use with multiple services. In this particular case you have multiple uses on a single lot. The main intent of a Master Sign Plan is to provide clarity of communications regarding tenants and services to users of the premise or building group. A Master Sign Plan is not intended to provide special or additional signage allowance in terms of total effective area than would otherwise be permitted by Section 5-1400 of the Zoning Ordinance. The applicant is seeking to create a Master Sign Plan to allow a total of three (3) signs within this development. The signs will be dispersed throughout the property to identify uses and for increased visibility. There are currently two (2) existing pylon signs on the subject property. One of the signs will remain and the other will be removed to allow for a new pylon sign and a monument sign. The existing pylon to remain has an effective area of approximately seven-hundred-seventeen (717) square feet and forty-two (42) feet in height. The proposed "Fire and Ice" pylon sign has an effective area of approximately one-hundred-ninety-eight (198) square feet and a height of twenty-five (25) feet. The proposed "Oasis" monument sign has an effective area of seventy (70) square feet and a height of eight feet, seven inches (8'7"). The total effective area for the combined sign of the property is approximately nine-hundred-eighty-five (985) square feet. This is within the allowed one-thousand-two-hundred (1,200)

square feet for on-premise detached signs on the property. Building Development Services has determined that the International Highway Commercial Sign District is applicable for this location and will be used to determine the overall allowable effective area of one-thousand-two-hundred (1,200) square feet for on-premise detached signs on the property. Mr. MacPherson noted that Commission had passed a Relinquish Easement earlier showing on the map the location and where the new cross access easement will be located and where the proposed sign(s) will be located. The subject property has been recently combined through an Administrative Lot Combination. This Master Sign Plan will allow for equitable signage for multiple uses on a single lot. Approval of this Master Sign Plan does not constitute approval of a sign permit. Prior to the placement of the proposed signs, a sign permit must be obtained and all other applicable codes and ordinances met. Staff is recommending approval of the Master Sign Plan. It meets the conditions of the ordinance.

Mr. Lawhon opened the public hearing.

Mr. Derek Lee, Lee Engineering, 2101 W. Chesterfield, commented he is available for questions.

Mr. Lawhon closed the public hearing.

Commission Action:

Mr. Edwards motioned to **approve** Master Plan Sign – Oasis Inn. Ms. Roling **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, McClelland, Baird, Young, Roling, Lawhon, Coltrin, Ray and Hansen. Nays: None. Abstain: None. Absent: None.

Final Plat:

6. Washita Subdivision Final Plat
(2100 block East Sunshine Street)

Jewell Schweitzer

Mr. MacPherson said the purpose of this request is to approve the final plat for Washita Subdivision that could not be approved administratively due to its lack of conformity to the approved preliminary plat, including conditions of approval. The applicant is proposing a Final Plat of Washita Subdivision (Exhibit A) that does not substantially conform with the preliminary plat (Exhibit B). The applicant had previously included a strip of land along Washita Street in the original preliminary plat, but discovered a restrictive covenant that limited that property to residential purposes. The applicant is proposing to separate their interests by only platting the Jewell Schweitzer property (10.08 acres) and leaving the strip of land along Washita Street (0.44 acre) as a reserve area in Linwood Heights 4th Addition. This property will be used for a bufferyard and kept in separate ownership from the Schweitzer property. The General Retail Zoning District and Conditional Overlay District #53 requirements will continue to control the development of the site. The applicant intends to develop the site into a new grocery and convenience store. The Final Plat could not be administratively approved because the final plat is not in conformance with the approved preliminary plat, including the conditions of approval. The Preliminary Plat ordinance showed a small reserve tract (0.44 acre) in Linwood Heights 4th Addition being combined with the larger tract (10.08 acres) along Sunshine Street. The Planning and Zoning Commission review is to determine if the proposed Final Plat merits approval despite its lack of conformity to the approved Preliminary Plat. If the Planning and Zoning Commission finds that the proposed Final Plat merits approval, the Final Plat will complete the normal Final Plat review process. All conditions of the preliminary plat and of the review of this proposed

Final Plat must be satisfied prior to the recording of the Final Plat. There was considerable discussion about maintaining the reserve strip which is a tract of record and that is called the Frederick Trust, if you remember that discussion during the zoning case. The applicant has proposed they leave that as a reserve tract and observe the covenants as was requested by the neighborhood and file as a final plat the property that is known as the Schweitzer property and move forward all the public improvements and conditions that were listed in the zoning case. Nothing has changed other than the amount of land. Staff is recommending approval of the request.

Mr. Lawhon opened the public hearing.

Mr. Pete Hosch, 632 5th Street, West Des Moines, Iowa; Mr. Hosch said as staff has alluded, the intent is to respect the wishes of the neighborhood by preserving this as a reserve tract. The requirements in the Conditional Overlay will remain the same; we are preserving the trees, installing the fence which will likely be on the Schweitzer property and this will further solidify the fact that no improvements can be made within this reserve tract. Mr. Hosch said he is available for questions.

Mr. Lawhon closed the public hearing.

Commission Action:

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

OTHER BUSINESS:

7. Initiate Zoning Text Amendment, Flea Market and Second Hand Store
(City-Wide)

City of Springfield

Mr. MacPherson said that in November of 2012, Planning and Zoning Commission and City Council reviewed and approved amendments to remove pawn shops as a specifically listed use and add it to the Retail Sales Use Group. Staff is requesting similar considerations be given to the flea market and second hand store uses which are also specifically listed in a few commercial districts, but not all. Staff submits that these uses fit within the Retail Sales Use Group and that the limitations of each district will restrict whether the size or outdoor activities are permitted. Planning has recently received several land development inquiries where flea markets or second hand stores have expressed interest in locating in a General Retail (GR) District. The Highway Commercial (HC) District specifically lists flea markets and second hand stores as permitted uses, and other commercial districts do not have them listed as permitted uses. Staff submits that flea markets and second hand stores are consistent with other uses listed in the Retail Sales Use Groups. Staff believes that amendments to the Zoning Ordinance, to include flea markets and second hand stores in the Retail Sales Use Groups should be initiated to facilitate discussion and consideration of amending the ordinance. By doing this, it merely initiates the discussion with the Commission and does not change anything at this point other than authorize staff to initiate a study and staff reports and recommend approval.

Mr. McClelland asked Mr. Rykowski if these businesses charge sales tax in order to be put in the retail sales group. They do charge sales tax if you buy something second hand

Mr. Rykowski said yes.

Commission Action:

Mr. Baird motioned to **approve** the initiation of Zoning Text Amendment for the Flea Market and Second Hand Store. Ms. Roling **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, McClelland, Baird, Young, Roling, Lawhon, Coltrin, Ray and Hansen. Nays: None. Abstain: None. Absent: None.

Mr. Baird commented that he understands that Commission is going to rehear the application by the Walmart representatives in an upcoming meeting. Will it be treated as a new public hearing or will we hear the same comments again or how do we typically handle that.

Mr. MacPherson stated that it is their position that the applicant is going to make some proposed amendments and those amendments will be on the impact on Normal Street. There may be several options. We will write a supplementary explanation and staff report and believe the purpose of the hearing is to consider the new amendments and not the whole zoning case. Mr. MacPherson said they are notifying property owners within one-hundred-eight-five (185) feet and posted the property with a new date for the Planning and Zoning Commission meeting as well as a future City Council meeting.

Mr. Lawhon said that the proper venue for their comments would be here.

Mr. MacPherson said yes.

Mr. Edwards said that if we are only speaking to the amendments those speakers who came up to speak on the case previously should not then speak except to the amendment or not at all.

Mr. Rykowski commented that the only speakers, whether they spoke before will only addressing the amendment. It is his understanding they are only dealing with the Normal Street issue which is of great concern to members of Commission. But if someone started talking about Grant and the intersection, that would be beyond the scope of the amendment. But because it is a new amendment we do allow people to address new ideas.

Mr. Edwards asked about the one-hundred-eight-five (185) feet to notify for the amendments coming up here; when Walmart wants a liquor license do they have to notify the two hundred (200) feet, being fifteen feet more than the one-eighty-five (185).

Mr. Rykowski said that if nothing changed or if they were applying for a liquor license today, and they were within two hundred (200) feet of a residential district, which they are, they would have to send out a letter and the appropriate postings saying we are going to have a liquor license and yes it would be two hundred (200) feet. The one-hundred-eighty-five is really just the amount of people that can qualify as a protest. We send notices to people within five hundred (500) feet on zoning cases.

Mr. Young clarified that they are going to hear comments on the amendment so how is City Council going to hear this, how will it be presented.

Mr. MacPherson said that Walmart intended to move forward with the project without a recommendation from Commission. They thought about that and talked with staff and felt they were going to have to address the issue on Normal Street and do something. They are preparing some exhibits, which we will get tomorrow with some alternatives on them, and that is what they will discuss with Commission. They went to the Mayor and said they were going to make some substantial changes to what was originally presented to Commission and the Mayor told them to go back to Commission and present those changes to them. When it goes Council for the public hearing they will hear the whole thing. They will get the record of proceedings from the first case and it is lengthy and detailed.

Mr. Lawhon said that it will important for Commission to make it clear that all we are considering is the amendments and all the comments that might be made by the public have to pertain to just that amendment.

Mr. Rykowski said that is correct, but if you approve the amendment, the plan as a whole, as amended, then it goes forward to Council, and then they would have the option at that point to say we want to go forward with the amendment that was denied or with the original plan that was denied.

Mr. Lawhon discussed the letters that they have received regarding the issue and the letter in the paper today.

Mr. MacPherson commented that the only thing that might come up is somebody may come up and say I have some new information. If someone does that we should give it a look and see what they have.

8. Election of Officers

Mr. Lawhon called for nominations for Chair and Vice-chair.

Mr. Ray nominated Matt Edwards as Chair. Mr. McClelland seconded the motion.

Mr. Lawhon closed the nominations and entertained a motion to elect Mr. Edwards as Chair.

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

Mr. Edwards nominated King Coltrin as Vice-chair. Ms. Roling seconded the motion.

Mr. Lawhon closed the nominations and entertained a motion to elect Mr. Coltrin as Vice-chair.

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

ANY OTHER MATTERS UNDER COMMISSION JURISDICTION:

There being no further business, the meeting was adjourned at approximately 8:40 p.m.

Michael MacPherson

Michael MacPherson
Principal Planner

