1. Meeting Agenda (PDF)

   Documents: 01-24-2013 AGENDA (PDF).PDF
2. January 10, 2013 Minutes (PDF)

   Documents: JANUARY 10, 2013 (PDF).PDF
3. Vacation 754 (PDF)

   Documents: VACATION 754 (PDF).PDF
4. Z-17-2012 W/Conditional Overlay District No. 54 (PDF)

   Documents: Z-17-2012 W CONDITIONAL OVERLAY DISTRICT NO. 54 (PDF).PDF

Planning & Zoning Commission Agenda
January 24, 2013 - 6:30 p.m.

Members

Shelby Lawhon (Chair), Matt Edwards (Vice-Chair), Jay McClelland, Jim Hansen, Jason Ray, Gloria Roling, King Coltrin, Phil Young, Tom Baird, IV

Roll Call

Approval of Minutes January 10, 2013

Communications

Finalization and Approval of Consent Items

(These consent cases will be approved by Commission unless a Commissioner or someone else wished to speak to them. If so, those cases will be moved to the appropriate place on the agenda and they may be spoken to, and voted on, at that time.)

Vacations:

1. Vacation 754 City of Springfield1
   (Pythian Street & alley between Clay & Sherman)

Zoning:

2. Z-17-2012 w/Conditional Overlay District No. 54 Calvary Temple Assembly of God
   (444 W. Grand; 417, 433, 441, 501, 505, 509, & 515 West Normal)

Any Other Matters Under Commission Jurisdiction

For items for which the public may speak, the Commission Chairperson will invite anyone who wishes to speak to an item after staff makes its presentation. When you address Commission, please step to the microphone at the podium and state you name and address. All meetings are televised live and tape recorded. Please limit your remarks to five (5) minutes unless Commission allows a longer time. In accordance with ADA guidelines, if you need special accommodations when attending any City meeting, please notify the city Clerk's Office at 417-864-1443 at least three (3) days prior to the scheduled meeting.

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 form 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 and 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 the 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 — NGO Property
   (2314 W Kingsley)

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 is 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 of Springfield
(City-Wide)

Mr. MacPherson noted the purpose of this amendment is to reduce the requirements that tripper 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 the 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 prevue 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 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 — Jewell Schweitzer
(2100 block East Sunshine Street)

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 solidity 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 of Springfield
(City-Wide)

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 quality 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 Major 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.

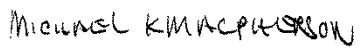
Mr. Edwards nominated King Coltrin as Vice-chair. Ms. Roling seconded the motion.

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
Principal Planner

Zoning & Subdivision Report

Planning & Development Department ~ 417/864-1031
840 Boonville Avenue ~ Springfield, Missouri

VACATION #754

DATE: December 21, 2012,

PURPOSE: To vacate Pythian Street between Clay and Sherman and one-hundred-twenty-five feet (125) of a perpendicular alley.

BACKGROUND:

LOCATION: Generally located between Clay and Sherman and one-hundred-twenty-five feet (125) of a perpendicular alley.

APPLICANT: City of Springfield

RECOMMENDATION:

Staff recommends **approval** of this request.

FINDINGS FOR STAFF RECOMMENDATION:

The requested Vacation #754 meets the approval criteria listed in Attachment B.

STAFF CONTACT PERSON:

Mike MacPherson, MPA
Principal Planner

ATTACHMENTS:

Attachment A - Background Report
Attachment B - Approval Criteria
Exhibit A - Legal Description
Exhibit B - Pythian Street Vacation Sketch
Exhibit C -City Utilities Easement
Exhibit D -Emergency Access Easement
Exhibit E -Sanitary Sewer Easement
Exhibit A-1 -Alley Legal Description
Exhibit B-1 -Alley Vacation Sketch
Exhibit C-1 -City Utilities Easement
Exhibit D-1 -Sanitary Sewer Easement
Exhibit E-1 -Cross Access Easement

Exhibit F-1 -300 Foot Notification Mailing List

ATTACHMENT A
BACKGROUND REPORT
VACATION #754

APPLICANT'S PROPOSAL:

The applicant is requesting to vacate Pythian Street between Clay and Sherman and one-hundred-twenty-five feet (125) of a perpendicular alley.

TRAFFIC ENGINEERING COMMENTS:

Traffic supports the vacation of this alley.

CITY UTILITIES COMMENTS:

No objection to vacating alley. Replacement easements not necessary as all CU facilities are in the Atlantic Street right-of-way.

STORM WATER COMMENTS:

1. Since the vacated rights-of-way will continue to serve offsite drainage, a drainage easement will be required for both the vacated alley and vacated Pythian Street.

2. On the "E. Pythian Street Vacation Sketch," should the Vacation be labeled as a "Vacation Easement"?

Staff met with Tina Stob from Public Works. She had previously reviewed this with Todd Wagner. The existing drainage structures will be removed and drainage will be daylighted. Therefore this removes the previous requirement for drainage easement.

POLICE DEPARTMENT COMMENTS:

The vacation will have no impact on police services.

FIRE DEPARTMENT COMMENTS:

This vacation will have no impact on the Fire Department services.

SANITARY SERVICE:

Easements are approved as to form and description. The easements need to be signed and notarized prior to the vacation.

ADJACENT PROPERTY OWNER COMMENTS:

Thirteen (19) property owners are within three hundred (300) feet of this site and have been notified of this action. No one has objected to date.

STAFF COMMENTS:

1. The vacation will create an opportunity to improve safety appliances and improve the intersection at the BNSF crossing located on North Sherman Avenue.
2. The vacation will transfer street maintenance to Drury University.
3. The proposed vacation meets the approval criteria for vacating right-of-way.

ATTACHMENT B

APPROVAL CRITERIA
VACATION #754

In order to approve the vacation of a public street or alley, the Planning and Zoning Commission must make the following findings.

1. All property owners adjacent to the street, alley or public way have access to another street, alley or public way. A cross-access agreement has been provided across a parking lot to connect Clay Street with the alley.

   STAFF RESPONSE:

   All adjacent property has access to other public access ways.

2. The owners of two-thirds of the property adjacent to the street, alley or public way to be vacated have given their consent to the vacation.

   STAFF RESPONSE:

   Two-thirds of the adjacent property owners have signed their consent to the vacation.

3. That the retention of the street, alley, public way or subdivision serves no useful purpose.

   STAFF RESPONSE:

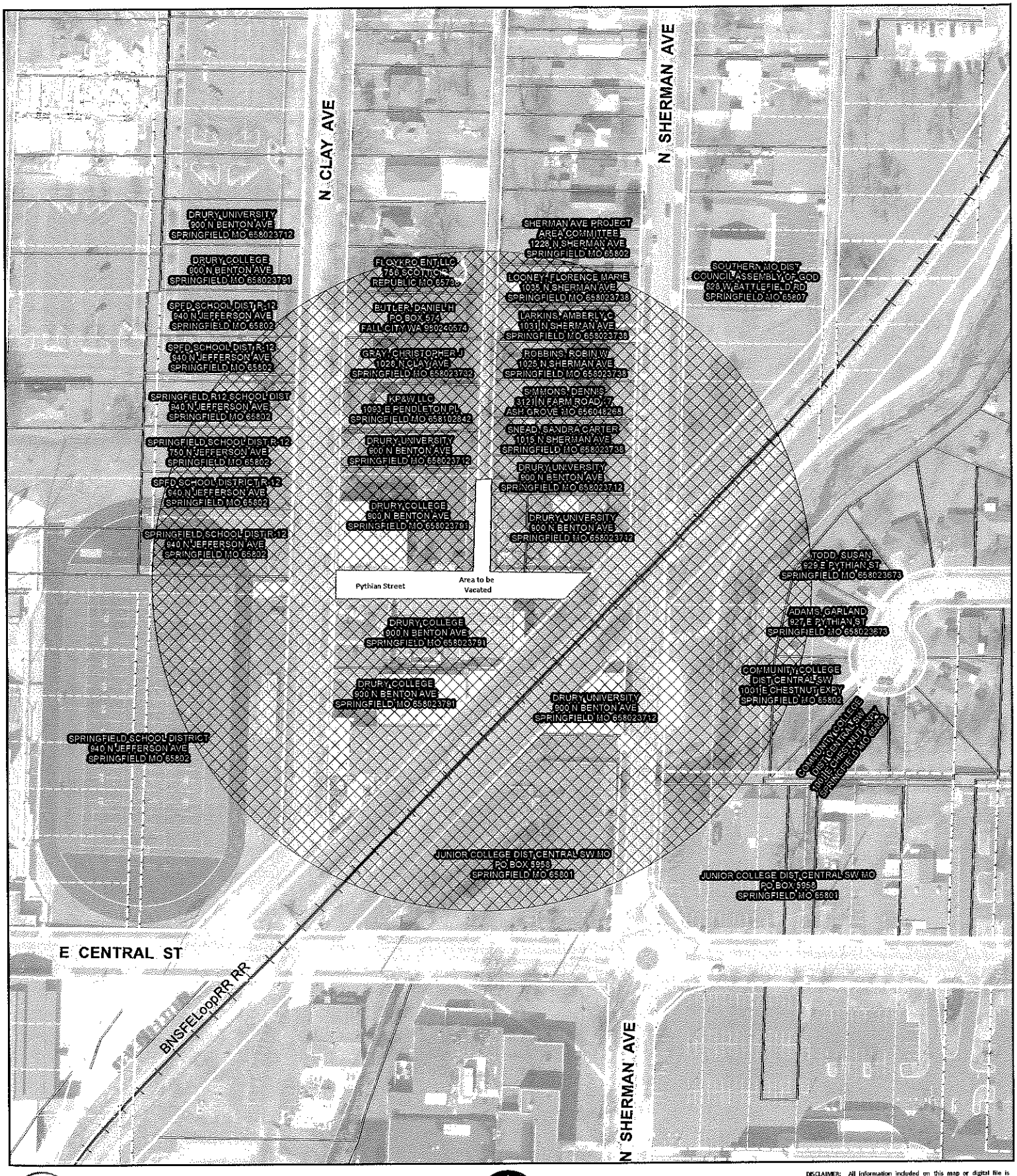
   The proposed vacation should have no impact to vehicular traffic patterns and easements have been provided for existing utilities.

4. That the vacation will not affect the ability to use utilities, public or private.

   STAFF RESPONSE:

   The proposed vacation will not adversely affect the ability to use utilities, public or private. Easements have been provided for impacted utilities.

Pythian Street and Alley to be Vacated



City of Springfield, Missouri

DISCLAIMER: All information included on this map or digital file is provided "as-is" for general information purposes only. The City of Springfield, and all other contributing data suppliers, make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of the data for any particular use. Furthermore, the City of Springfield, and all other contributing data suppliers, assume no liability whatsoever associated with the use or misuse of the data.

EXHIBIT A
LEGAL DESCRIPTION
VACATION #754

Pythian Street Legal Description.

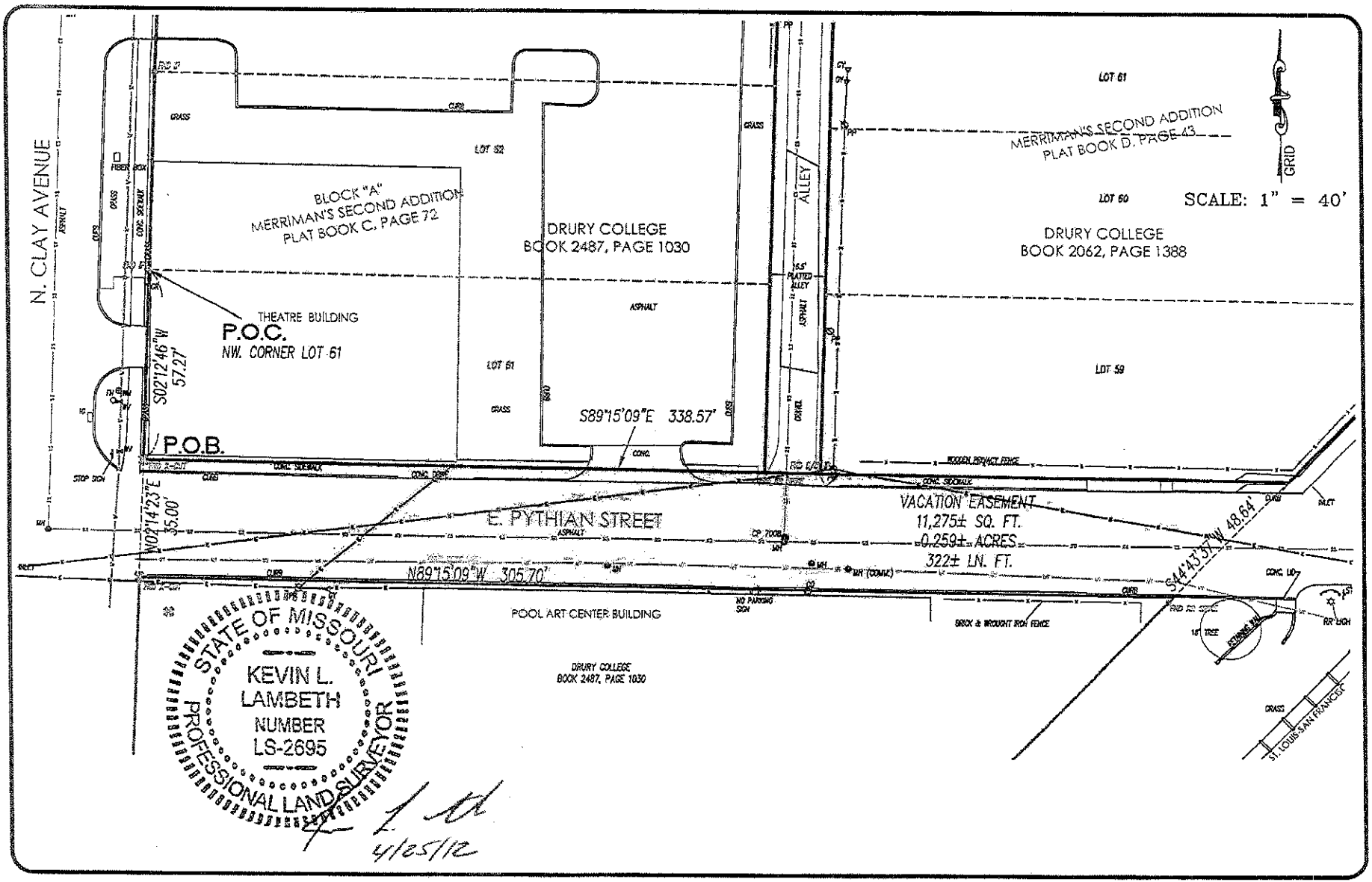
EXHIBIT A

A TRACT OF LAND AS BEING A PART OF MERRIMAN'S SECOND ADDITION AS SHOWN IN PLAT BOOK D, PAGE 43 AND ALSO BLOCK "A" MERRIMAN'S SECOND ADDITION AS SHOWN IN PLAT BOOK C, PAGE 72 AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 61 BLOCK "A" MERRIMAN'S SECOND ADDITION, SAID POINT ALSO LYING ON THE EAST RIGHT-OF-WAY OF CLAY AVENUE, THENCE ALONG SAID EAST RIGHT-OF-WAY, SOUTH 02°12'46" WEST, 57.27 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO LYING AT THE NORTHEAST CORNER OF CLAY AVENUE AND PYTHIAN STREET; THENCE LEAVING SAID EAST RIGHT-OF-WAY AND ALONG SAID NORTH RIGHT-OF-WAY, SOUTH 89°15'09" EAST, 338.57 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY OF THE ST. LOUIS-SAN FRANCISCO RAILWAY; THENCE LEAVING SAID NORTH RIGHT-OF-WAY AND ALONG SAID WESTERLY RIGHT-OF-WAY, SOUTH 44°43'37" WEST, 48.64 FEET TO A POINT LYING ON THE SOUTH RIGHT-OF-WAY OF PYTHIAN STREET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY ALONG SAID SOUTH RIGHT-OF-WAY, NORTH 89°15'09" WEST, 305.70 FEET TO A POINT LYING AT THE SOUTHEAST CORNER OF CLAY AVENUE AND PYTHIAN STREET; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY AND ALONG THE AFOREMENTIONED EAST RIGHT-OF-WAY OF CLAY AVENUE, NORTH 02°14'23" EAST, 35.00 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 29 NORTH, RANGE 22 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

CONTAINING 11,275 SQ. FT. OR 0.259 ACRES OR 322 LINEAR FEET, MORE OR LESS

Exhibit B



ANDERSON A/E ENGINEERING, INC

ENGINEERS • SURVEYORS • LABORATORIES • DRILLING

2045 W. WOODLAND • SPRINGFIELD, MISSOURI 65807 • PHONE (417) 866-2741

DRURY UNIVERSITY

E. PYTHIAN STREET VACATION SKETCH

N. CLAY AVENUE & E. PYTHIAN STREET, SPRINGFIELD, MO.

DRAWN BY: BAC	FIELD BY: JE
DATE: 4-20-2012	FIELD BK: -
CLIENT NO: 30047-12	DRAWING NO: 107xxx.DWG

EXHIBIT C

DO NOT WRITE ABOVE THIS LINE – FOR GREENE COUNTY RECORDER OF DEEDS' OFFICE USE ONLY

CITY UTILITIES

UTILITY EASEMENT (CU Activity No.)

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of TEN DOLLARS ($10.00) in cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned

Grantor: DRURY UNIVERSITY, formerly known as Drury College

(hereinafter, "Grantor") does hereby grant, bargain, and convey to the CITY OF SPRINGFIELD, MISSOURI, a municipal corporation, for the use of the BOARD OF PUBLIC UTILITIES OF THE CITY OF SPRINGFIELD, MISSOURI, its successors, licensees, lessees, and assigns (hereinafter, "Grantee") a perpetual right of way and easement, with the right, privilege, and authority to Grantee to lay, locate, construct, reconstruct, repair, operate, maintain, patrol, replace, relocate, and remove lines, poles, wires, cables, fixtures, and appurtenances for the distribution and transmission of natural gas, water, and electric power and telephone, fiber optic cable, and other communications in, on, through, over, under, and across the following described land in the COUNTY OF GREENE, State of Missouri, to-wit:

See Exhibit A

together with the right, privilege, and authority to trim, cut, and remove all obstructions (including, without limitation, trees and overhanging branches) on, over, or under the easement or within ten (10) feet of said poles, wires, cables, fixtures, or appurtenances. Grantee may trim trees up to an additional 5 feet beyond such distance, if beneficial to the health of the tree. Grantor further does hereby grant, bargain, and convey to Grantee the right of ingress and egress to, from, and over the above-described real estate for doing anything necessary or useful for the enjoyment of the easement herein granted, and together with all rights, privileges, and appurtenances which may be required for full enjoyment of the rights herein granted, together with the right to assign or grant partially or wholly to others the rights or license to use the easement herein granted or any part thereof for the uses and with the rights herein specified.

Grantor warrants that it has good title to the above-described premises and that there are no encumbrances which will limit or interfere with the rights granted herein to Grantee.

The Grantor, its tenants, heirs, successors, and assigns shall have the right to use and enjoy the said premises fully, except for the rights and privileges hereinbefore granted to the Grantee; provided however, that no buildings, structures, or improvements shall be erected or placed upon said easement, nor shall the terrain be altered without the prior written consent of Grantee, nor shall any other utilities be placed in on, through, over, or across the easement without Grantee's prior written consent; that the use of said premises shall at all times be subject to such acts and uses by Grantee as may be necessary for the purposes herein set forth.

IN WITNESS WHEREOF, said Grantor has hereunto set its hand and seal this ____ day of _____, 2013.

(Seal) _____ (Seal) _____

(Seal) _____ (Seal) _____

STATE OF MISSOURI
COUNTY OF GREENE SS.

ACKNOWLEDGEMENT

On this _____ day of _____, 2013, before me, a Notary Public in and for said state, personally appeared Pete Radecki, to me personally known, who, being by me duly sworn did say that he is the Vice President of Campus Operations of Drury University, and that said document was signed on behalf of said Drury University, and that said Pete Radecki acknowledges said document to be the free act and deed of said Drury University and acknowledged to me that he executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in _____ the day and year first above written.

"Notary Seal"

Notary Public: _____

Print Name: _____

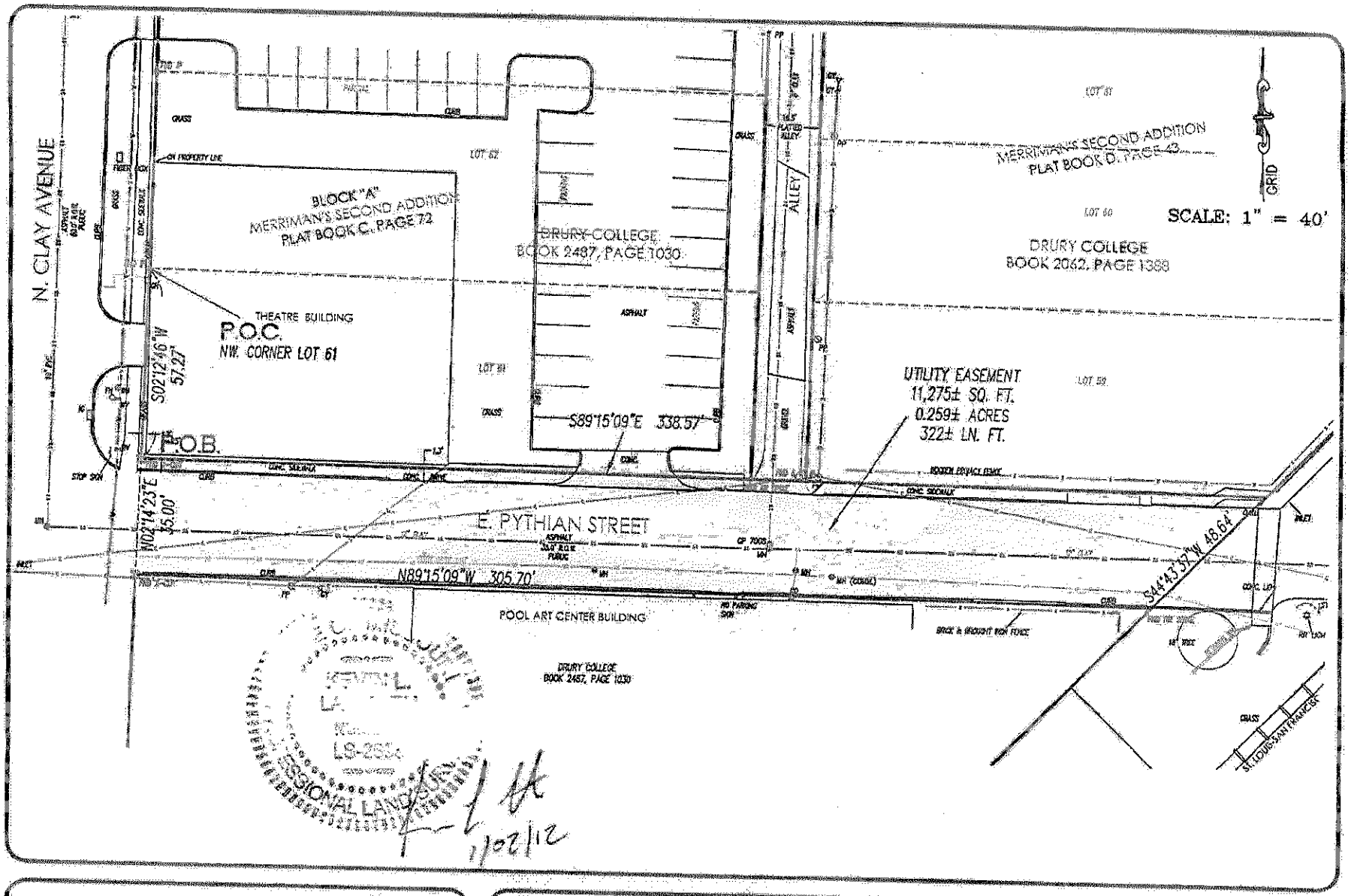
MAIL TO: Jon D. Campbell
City Utilities
P.O. Box 551
Springfield, MO 65801-0551

EXHIBIT A

A TRACT OF LAND AS BEING A PART OF MERRIMAN'S SECOND ADDITION AS SHOWN IN PLAT BOOK D, PAGE 43 AND ALSO BLOCK "A" MERRIMAN'S SECOND ADDITION AS SHOWN IN PLAT BOOK C, PAGE 72 AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 61 BLOCK "A" MERRIMAN'S SECOND ADDITION, SAID POINT ALSO LYING ON THE EAST RIGHT-OF-WAY OF CLAY AVENUE, THENCE ALONG SAID EAST RIGHT-OF-WAY, SOUTH 02°12'46" WEST, 57.27 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO LYING AT THE NORTHEAST CORNER OF CLAY AVENUE AND PYTHIAN STREET; THENCE LEAVING SAID EAST RIGHT-OF-WAY AND ALONG SAID NORTH RIGHT-OF-WAY, SOUTH 89°15'09" EAST, 338.57 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY OF THE ST. LOUIS-SAN FRANCISCO RAILWAY; THENCE LEAVING SAID NORTH RIGHT-OF-WAY AND ALONG SAID WESTERLY RIGHT-OF-WAY, SOUTH 44°43'37" WEST, 48.64 FEET TO A POINT LYING ON THE SOUTH RIGHT-OF-WAY OF PYTHIAN STREET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY ALONG SAID SOUTH RIGHT-OF-WAY, NORTH 89°15'09" WEST, 305.70 FEET TO A POINT LYING AT THE SOUTHEAST CORNER OF CLAY AVENUE AND PYTHIAN STREET; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY AND ALONG THE AFOREMENTIONED EAST RIGHT-OF-WAY OF CLAY AVENUE, NORTH 02°14'23" EAST, 35.00 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 29 NORTH, RANGE 22 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

CONTAINING 11,275 SQ. FT. OR 0.259 ACRES OR 322 LINEAR FEET, MORE OR LESS



LS-2554

1/02/12

ANDERSON ENGINEERING, INC

ENGINEERS · SURVEYORS · LABORATORIES · DRILLING

2045 W. WOODLAND · SPRINGFIELD, MISSOURI 65807 · PHONE (417) 866-2741

DRURY UNIVERSITY

UTILITY EASEMENT SKETCH

N. CLAY AVENUE & E. PYTHIAN STREET, SPRINGFIELD, MO.

DRAWN BY:	FIELD BY:
BAC	JE
DATE: 4-20-2012	FIELD BK: -
CLIENT NO: 30047-12	DRAWING NO: 109414.DWG

EXHIBIT D

EMERGENCY ACCESS EASEMENT

THIS INDENTURE, made this _____ day of _____, 2013, by and between **DRURY UNIVERSITY, formerly known as Drury College**, a Missouri Not-for-Profit corporation, of the County of Greene, State of Missouri, hereinafter called "Grantor" (whether singular or plural), and the **City of Springfield, Missouri**, a municipal corporation, hereinafter called "Grantee". The mailing address of the Grantor is 900 North Benton Avenue, Springfield, Missouri 65802. The mailing address of the Grantee is Fire Department, 840 Boonville, Springfield, Missouri 65802.

WITNESSETH, that said Grantor, in consideration of the sum of One Dollar(s) ($1.00) and other valuable consideration, to said Grantor in hand paid by said Grantee, the receipt of which is hereby acknowledged, does by these presents grant, bargain and sell, convey and confirm unto said Grantee, its successors and assigns, the following described real estate and interests in real estate in the County of Greene, State of Missouri, to-wit:

SEE EXHIBIT "A"
WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

TO HAVE AND TO HOLD the same for the purpose of constructing and maintaining **a perpetual emergency vehicle access easement on, over and across the real property more fully described in Exhibit "A"** or for such other purposes hereinabove set out, together with all and singular the rights, privileges, appurtenances and immunities thereto belonging, or in anywise appertaining, unto said Grantee, and unto its successors and assigns, forever; said Grantor hereby covenanting on his part and on behalf of his heirs and assigns that

said Grantor is lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that said Grantor has good right to convey the same; that the said premises are free and clear of any encumbrances done or suffered by Grantor or those under whom Grantor claims; and that said Grantor will warrant and defend the title to said premises unto said Grantee and unto its successors and assigns forever against the lawful claims and demands of all persons whomsoever, except the lien of taxes for the current year and none.

Said Grantor further covenants on his/her part and on behalf of his/her heirs and assigns that said Grantor will not cause any building, structure, tree, or any other encumbrance to be erected or maintained on the easement herein conveyed so as to interfere with free and unimpeded use and enjoyment of the right of the easement and access herein conveyed. Grantor shall not exercise any rights in a manner that interferes with the functioning of the emergency vehicle access easement. The emergency vehicle access easement herein conveyed shall not be relinquished, vacated, extinguished, conveyed, or transferred by Grantor or any future owners, their successors and assigns, without the prior written consent of the Fire Marshall or other authorized director of the Fire Department of the City of Springfield, Missouri.

Grantor shall maintain in good condition and repair any medians, curbs or pavement within the emergency vehicle access easement. If Grantor, or Grantor's heirs, successors or assigns shall fail to maintain the easement in a reasonably functional condition, the Grantee may enter the property and do all things necessary to restore and maintain the easement, the cost of which work shall be a personal obligation and liability of the then owner of the tract subject to this easement, and upon the recording of a statement thereof with the Recorder of Deeds, shall also constitute a lien against said tract which shall run with the land until satisfied and released.

The foregoing covenants shall run with the land and are binding upon Grantor and Grantor's heirs, successors and assigns.

By acceptance of this conveyance, said Grantee hereby covenants on its behalf, and on the behalf of its successors and assigns, that it will for the benefit of Grantor, Grantor's heirs and assigns, restore the real estate herein conveyed as nearly as reasonably possible to the same condition in which it existed immediately prior to any construction activity as may be done thereon and therein from time to time, all within a reasonable time thereafter.

BY SIGNING THIS INSTRUMENT, THE GRANTOR(S) INDIVIDUALLY ACKNOWLEDGES THAT THEY ARE NOT PRESENTLY EMPLOYED BY THE CITY OF SPRINGFIELD OR CITY UTILITIES OF SPRINGFIELD, MISSOURI.

IN WITNESS WHEREOF, said Grantor has executed the above the day and year first above written.

DRURY UNIVERSITY, formerly known as Drury College

By: _____

Print Name & Title: Pete Radecki
V.P. of Campus Operations

STATE OF MISSOURI
COUNTY OF GREENE SS.

ACKNOWLEDGEMENT

On this _____ day of _____, 2013, before me, a Notary Public in and for said state, personally appeared Pete Radecki, to me personally known, who, being by me duly sworn did say that he is the Vice President of Campus Operations of Drury University, and that said document was signed on behalf of said Drury University, and that said Pete Radecki acknowledges said document to be the free act and deed of said Drury University and acknowledged to me that he executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in _____ the day and year first above written.

"Notary Seal"

Notary Public: _____

Print Name: _____

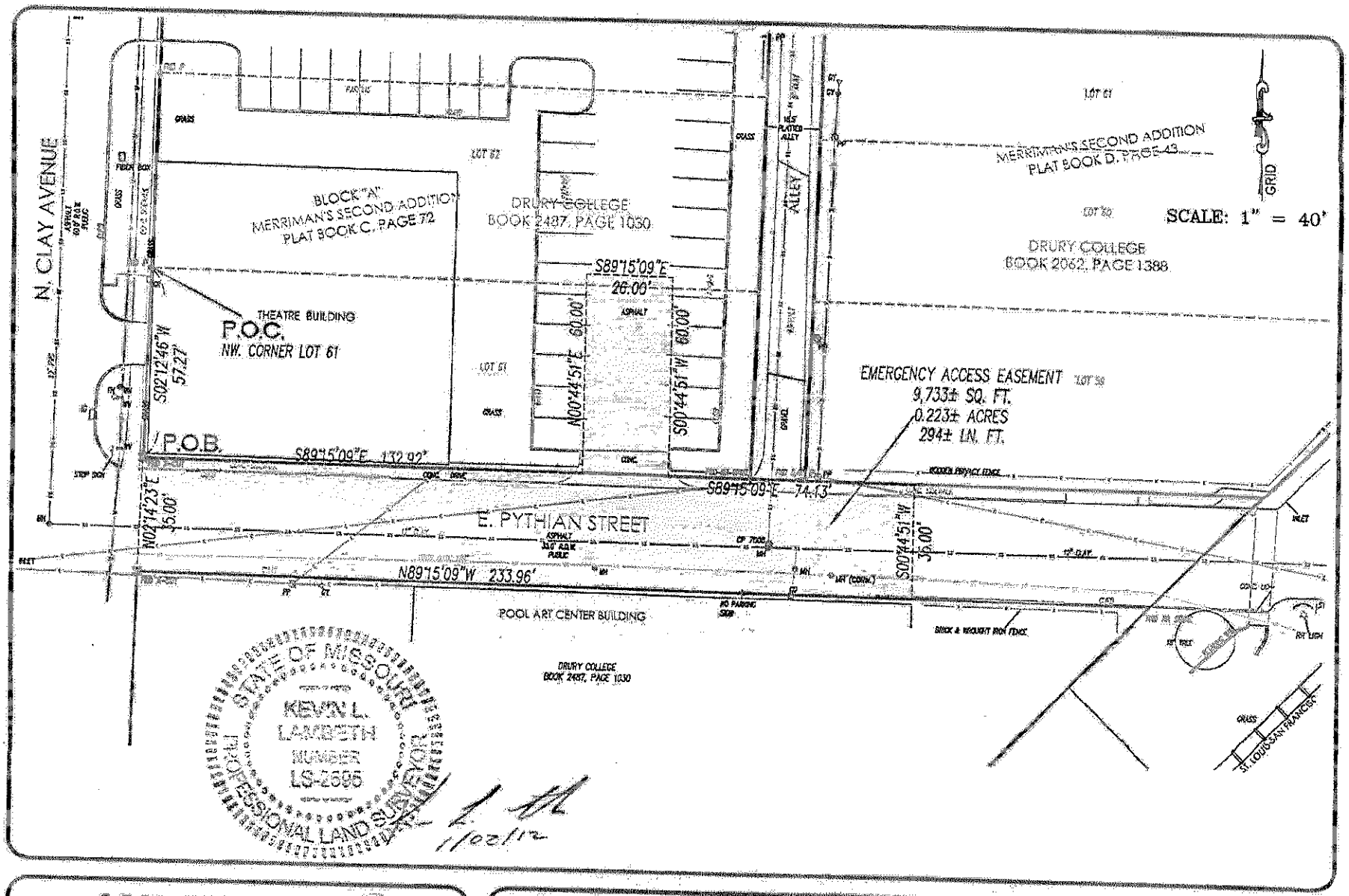
EXHIBIT "A"

A PERPETUAL EMERGENCY VEHICLE ACCESS EASEMENT BEING DESCRIBED AS FOLLOWS:

AN IRREGULAR SHAPED EMERGENCY ACCESS EASEMENT BEING A PART OF MERRIMAN'S SECOND ADDITION AS SHOWN IN PLAT BOOK D, PAGE 43 AND ALSO BLOCK "A" MERRIMAN'S SECOND ADDITION AS SHOWN IN PLAT BOOK C, PAGE 72 AND SAID EMERGENCY ACCESS EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 61 BLOCK "A" MERRIMAN'S SECOND ADDITION, SAID POINT ALSO LYING ON THE EAST RIGHT-OF-WAY OF CLAY AVENUE, THENCE ALONG SAID EAST RIGHT-OF-WAY, SOUTH 02°12'46" WEST, 57.27 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO LYING AT THE NORTHEAST CORNER OF CLAY AVENUE AND PYTHIAN STREET; THENCE LEAVING SAID EAST RIGHT-OF-WAY AND ALONG SAID NORTH RIGHT-OF-WAY, SOUTH 89°15'09" EAST, 132.92 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY, NORTH 00°44'51" EAST, 60.00 FEET; THENCE SOUTH 89°15'09" EAST, 26.00 FEET; THENCE SOUTH 00°44'51" WEST, 60.00 FEET TO A POINT LYING ON THE AFOREMENTIONED NORTH RIGHT-OF-WAY OF PYTHIAN STREET; THENCE ALONG SAID NORTH RIGHT-OF-WAY, SOUTH 89°15'09" EAST, 74.13 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY, SOUTH 00°44'51" WEST, 35.00 FEET TO A POINT LYING ON THE SOUTH RIGHT-OF-WAY OF PYTHIAN STREET; THENCE ALONG SAID SOUTH RIGHT-OF-WAY, NORTH 89°15'09" WEST, 233.96 FEET TO A POINT LYING AT THE SOUTHEAST CORNER OF CLAY AVENUE AND PYTHIAN STREET; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY AND ALONG THE AFOREMENTIONED EAST RIGHT-OF-WAY OF CLAY AVENUE, NORTH 02°14'23" EAST, 35.00 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 29 NORTH, RANGE 22 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

CONTAINING 9,733 SQ. FT. OR 0.223 ACRES OR 294 LINEAR FEET, MORE OR LESS



ANDERSON ENGINEERING, INC.
ENGINEERS · SURVEYORS · LABORATORIES · DRILLING
2946 W. WOODLAND · SPRINGFIELD, MISSOURI 65807 · PHONE (417) 866-2941

DRURY UNIVERSITY

EMERGENCY ACCESS EASEMENT SKETCH

N. CLAY AVENUE & E. PYTHIAN STREET, SPRINGFIELD, MO.

DRAWN BY: BAC	FIELD BY: JE
DATE: 01-02-2013	FIELD BK:
CLIENT NO: 30047-12	DRAWING NO: 109414.DWG

EXHIBIT E

SANITARY SEWER EASEMENT

THIS INDENTURE, made this _____ day of _____, 2013, by and **DRURY UNIVERSITY**, formerly known as Drury College, a Missouri Not-for-Profit corporation ("Grantor") and the **City of Springfield, Missouri**, a municipal corporation ("Grantee"). The mailing address of Grantor is 900 North Benton Avenue, Springfield, Missouri 65802. The mailing address of Grantee is City of Springfield, Department of Public Works, 840 Boonville Ave., Springfield, Missouri 65802.

WITNESSETH, that said Grantor, in consideration of the sum of One Dollar ($1.00) and other valuable consideration, to said Grantor in hand paid by the said Grantee, the receipt of which is hereby acknowledged, does by these presents grant, bargain and sell, convey and confirm unto the said Grantee, its successors and assigns, the following described real estate and interests in real estate in the County of Greene, State of Missouri, to-wit:

See Exhibits "A & B"
WHICH ARE ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

TO HAVE AND TO HOLD the same for the purpose of constructing and maintaining **a sanitary sewer system** or for such other purposes hereinabove set out, together with all and singular the rights, privileges, appurtenances and immunities thereto belonging, or in anywise appertaining, unto the said Grantee, and unto its successors and assigns, forever; the said Grantor hereby covenanting on its part and on behalf of its successors and assigns that said Grantor is lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that said Grantor has good right to convey the same; that the said premises are free and clear of any encumbrances done or suffered by Grantor or those under whom Grantor claims; and that said Grantor will warrant and defend the title to the said premises unto the said Grantee and unto its successors and assigns forever against the lawful claims and demands of all persons whomsoever, except the lien of taxes for the current year and none.

Said Grantor further covenants on its part and on behalf of its successors and assigns that said Grantor will not cause any building to be erected on the real estate herein conveyed without the express approval of the Grantee.

By acceptance of this conveyance, said Grantee hereby covenants on its behalf, and on the behalf of its successors and assigns, that it will for the benefit of the Grantor, its successors and assigns, restore the real estate herein conveyed as nearly as reasonably possible to the same condition in which it existed immediately prior to any construction activity caused by Grantee, as may be done thereon and therein from time to time, all within a reasonable time thereafter; the Grantee further covenanting in this regard that it will, among other things; (1) insofar as reasonably possible cause any excavation upon the real estate to be backfilled and graded to the original grade; (2) remove, insofar as reasonably possible, all debris resulting from construction; (3) cause the re-seeding of any disturbed area; (4) use

reasonable care to preserve those trees located within the easement, except those purchased by the Grantee as part of the compensation for this easement; (5) provide, at reasonable times during construction, access to the public street where any excavation upon the real estate might otherwise interfere therewith; and (6) that it will replace any improved walkway, drive, or retaining wall damaged or destroyed by construction.

The easement shall also confer on the Grantee the right to trim and/or remove all trees, shrubs, bushes, plantings, and other vegetation located within the easement, except those specifically identified to be retained as shown on City Plan # which shall be retained, unless field conditions prevent such retention or reveal that retention is economically impractical.

The foregoing covenants shall run with the land and are binding upon Grantor and Grantor's successors and assigns.

BY SIGNING THIS INSTRUMENT, THE GRANTOR ACKNOWLEDGES THAT NO OFFICER, SHAREHOLDER, OR EMPLOYEE OF GRANTOR IS PRESENTLY EMPLOYED BY THE CITY OF SPRINGFIELD, MISSOURI OR CITY UTILITIES OF SPRINGFIELD.

IN WITNESS WHEREOF, the said Grantor has executed the above the day and year first above written.

DRURY UNIVERSITY, formerly known as Drury College

By:_____

Print Name & Title: Pete Radecki
V.P. of Campus Operations

Corporate Seal

STATE OF MISSOURI
COUNTY OF GREENE SS.

ACKNOWLEDGEMENT

On this _____ day of _____, 2013, before me, a Notary Public in and for said state, personally appeared Pete Radecki, to me personally known, who, being by me duly sworn did say that he is the Vice President of Campus Operations of Drury University, and that said document was signed on behalf of said Drury University, and that said Pete Radecki acknowledges said document to be the free act and deed of said Drury University and acknowledged to me that he executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in _____ the day and year first above written.

"Notary Seal"

Notary Public: _____

Print Name: _____

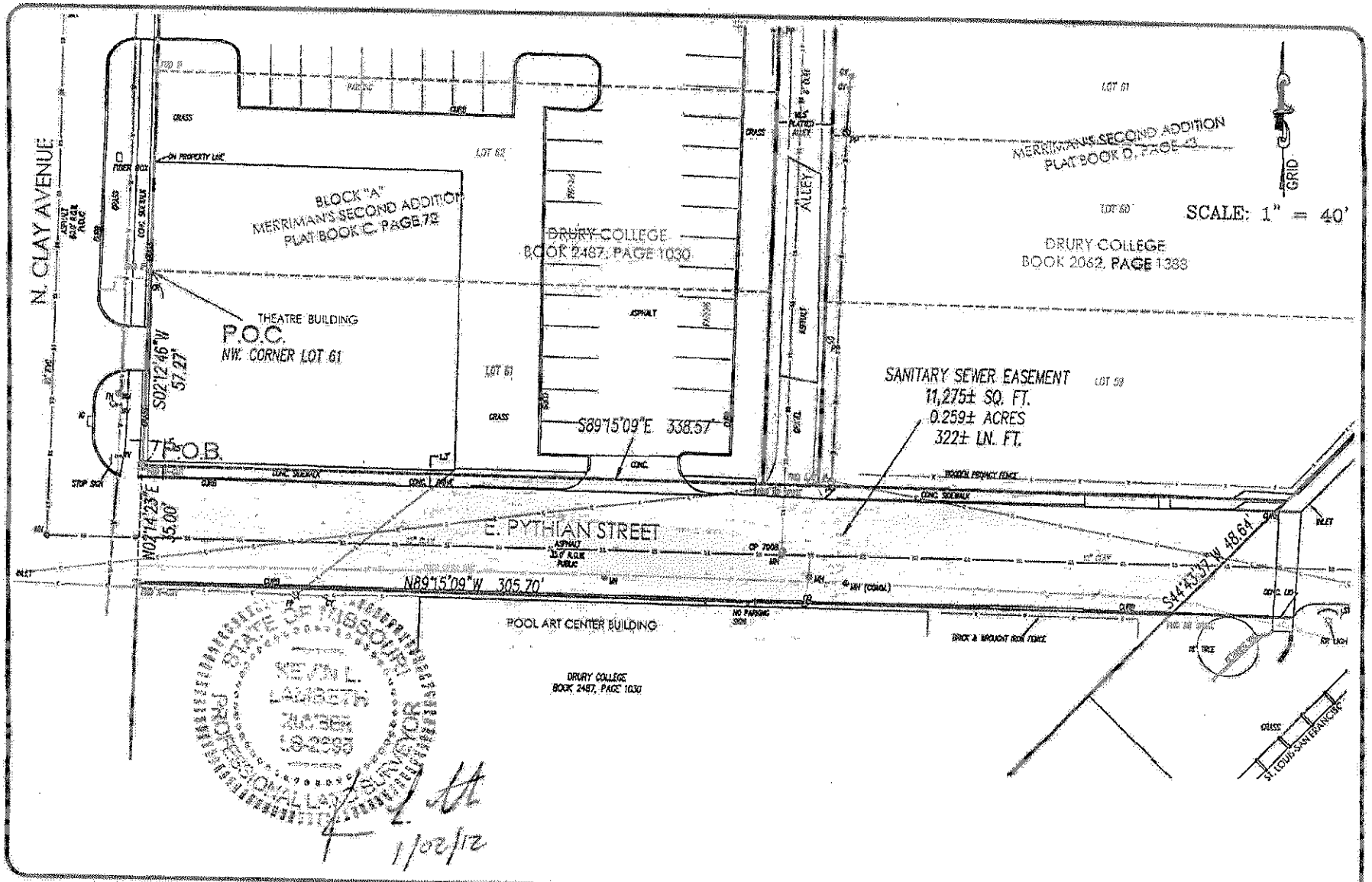
EXHIBIT "A"

PERPETUAL SANITARY SEWER EASEMENT BEING DESCRIBED AS FOLLOWS:

A TRACT OF LAND AS BEING A PART OF MERRIMAN'S SECOND ADDITION AS SHOWN IN PLAT BOOK D, PAGE 43 AND ALSO BLOCK "A" MERRIMAN'S SECOND ADDITION AS SHOWN IN PLAT BOOK C, PAGE 72 AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 61 BLOCK "A" MERRIMAN'S SECOND ADDITION, SAID POINT ALSO LYING ON THE EAST RIGHT-OF-WAY OF CLAY AVENUE, THENCE ALONG SAID EAST RIGHT-OF-WAY, SOUTH 02°12'46" WEST, 57.27 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO LYING AT THE NORTHEAST CORNER OF CLAY AVENUE AND PYTHIAN STREET; THENCE LEAVING SAID EAST RIGHT-OF-WAY AND ALONG SAID NORTH RIGHT-OF-WAY, SOUTH 89°15'09" EAST, 338.57 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY OF THE ST. LOUIS-SAN FRANCISCO RAILWAY; THENCE LEAVING SAID NORTH RIGHT-OF-WAY AND ALONG SAID WESTERLY RIGHT-OF-WAY, SOUTH 44°43'37" WEST, 48.64 FEET TO A POINT LYING ON THE SOUTH RIGHT-OF-WAY OF PYTHIAN STREET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY ALONG SAID SOUTH RIGHT-OF-WAY, NORTH 89°15'09" WEST, 305.70 FEET TO A POINT LYING AT THE SOUTHEAST CORNER OF CLAY AVENUE AND PYTHIAN STREET; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY AND ALONG THE AFOREMENTIONED EAST RIGHT-OF-WAY OF CLAY AVENUE, NORTH 02°14'23" EAST, 35.00 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 29 NORTH, RANGE 22 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

CONTAINING 11,275 SQ. FT. OR 0.259 ACRES OR 322 LINEAR FEET, MORE OR LESS



ANDERSON ENGINEERING, INC

ENGINEERS · SURVEYORS · LABORATORIES · DRILLERS

3045 W. WOODLAND · SPRINGFIELD, MISSOURI 65807 · PHONE (417) 866-2114

DRURY UNIVERSITY

SANITARY SEWER EASEMENT SKETCH

N. CLAY AVENUE & E. PYTHIAN STREET, SPRINGFIELD, MO.

DRAWN BY: BAC	FIELD BY: JE
DATE: 4-20-2012	FIELD BK:
CLIENT NO: 30047-12	DRAWING NO: 109414.DWG

Perpendicular Alley Legal Description

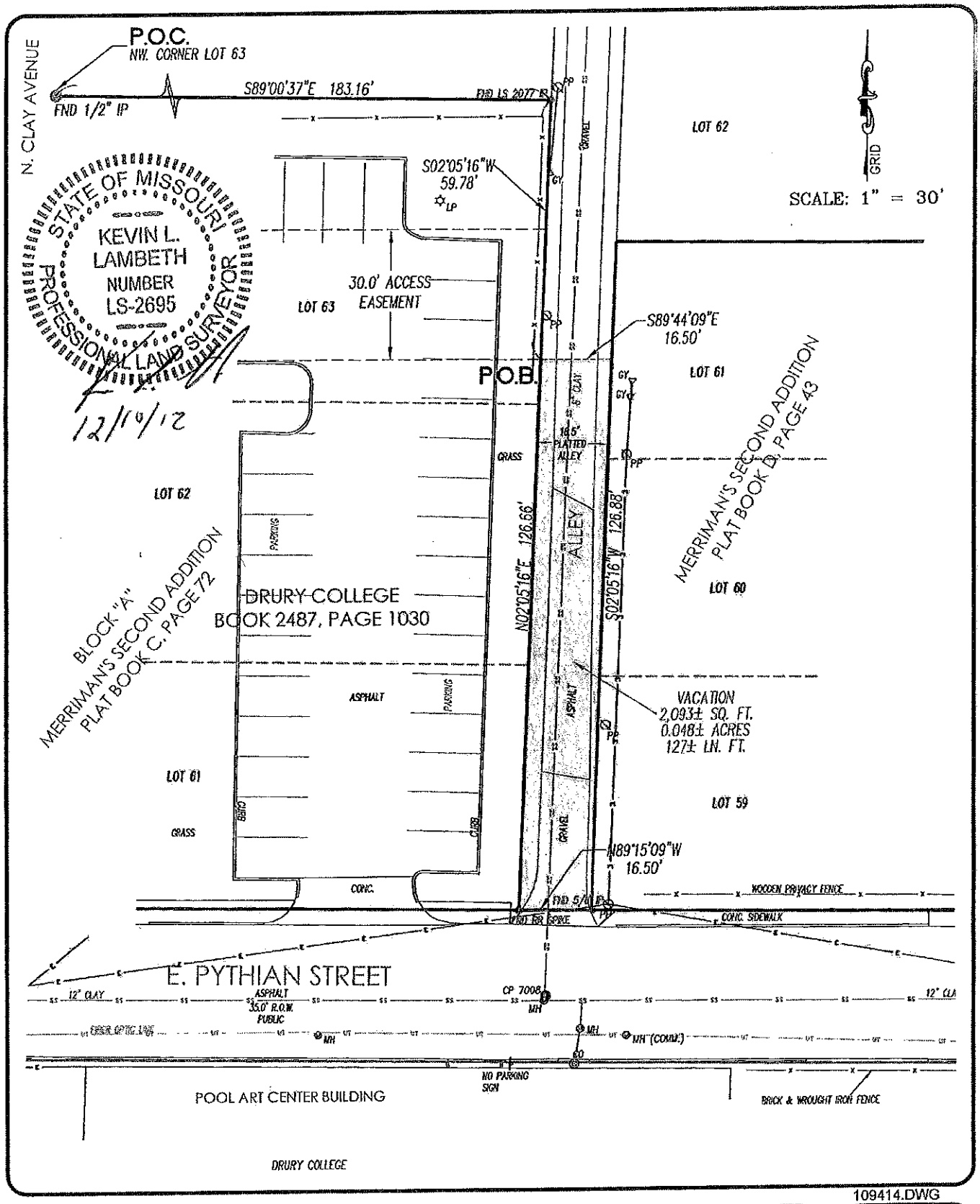
EXHIBIT A

A TRACT OF LAND AS BEING A PART OF MERRIMAN'S SECOND ADDITION AS SHOWN IN PLAT BOOK D, PAGE 43 AND ALSO BLOCK "A" MERRIMAN'S SECOND ADDITION AS SHOWN IN PLAT BOOK C, PAGE 72 AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 63 OF BLOCK "A" MERRIMAN'S SECOND ADDITION, SAID POINT ALSO LYING ON THE EAST RIGHT-OF-WAY OF CLAY AVENUE; THENCE ALONG THE NORTH LINE OF SAID LOT 63, SOUTH 89°00'37" EAST, 183.16 FEET TO A POINT LYING ON THE WEST SIDE OF A 16.50 FOOT PLATTED ALLEY; THENCE LEAVING SAID NORTH LINE AND ALONG THE WEST LINE OF SAID ALLEY, SOUTH 02°05'16" WEST, 59.78 FEET; THENCE LEAVING SAID WEST LINE, SOUTH 89°44'09" EAST, 16.50 FEET TO THE EAST LINE OF SAID ALLEY; THENCE ALONG SAID EAST LINE, SOUTH 02°05'16" WEST, 126.89 FEET; THENCE LEAVING SAID EAST LINE, NORTH 89°15'09" WEST, 16.50 FEET TO A POINT ON THE AFOREMENTIONED WEST LINE OF A 16.50 FOOT PLATTED ALLEY; THENCE ALONG SAID WEST LINE, NORTH 02°05'16" EAST, 126.75 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 29 NORTH, RANGE 22 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE. DATE OF ADJUSTMENT 2000.

CONTAINING 2,093 SQUARE FEET OR 0.048 ACRES AND 127 LINEAR FEET, MORE OR LESS.

EXHIBIT B-1



109414.DWG

ANDERSON ENGINEERING, INC

ENGINEERS • SURVEYORS • LABORATORIES • DRILLING
2045 W. WOODLAND • SPRINGFIELD, MISSOURI 65807 • PHONE (417) 866-2741

DRURY UNIVERSITY

ALLEY VACATION SKETCH

PYTHIAN STREET, SPRINGFIELD, MO.

DRAWN BY: BAC
DATE: 12-10-2012
CLIENT NO: 30179-12

EXHIBIT C-1

DO NOT WRITE ABOVE THIS LINE – FOR GREENE COUNTY RECORDER OF DEEDS' OFFICE USE ONLY

CITY UTILITIES

UTILITY EASEMENT (CU Activity No.)

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of TEN DOLLARS ($10.00) in cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned

Grantor: DRURY UNIVERSITY, formerly known as Drury College

(hereinafter, "Grantor") does hereby grant, bargain, and convey to the CITY OF SPRINGFIELD, MISSOURI, a municipal corporation, for the use of the BOARD OF PUBLIC UTILITIES OF THE CITY OF SPRINGFIELD, MISSOURI, its successors, licensees, lessees, and assigns (hereinafter, "Grantee") a perpetual right of way and easement, with the right, privilege, and authority to Grantee to lay, locate, construct, reconstruct, repair, operate, maintain, patrol, replace, relocate, and remove lines, poles, wires, cables, fixtures, and appurtenances for the distribution and transmission of natural gas, water, and electric power and telephone, fiber optic cable, and other communications in, on, through, over, under, and across the following described land in the COUNTY OF GREENE, State of Missouri, to-wit:

See Exhibit A

together with the right, privilege, and authority to trim, cut, and remove all obstructions (including, without limitation, trees and overhanging branches) on, over, or under the easement or within ten (10) feet of said poles, wires, cables, fixtures, or appurtenances. Grantee may trim trees up to an additional 5 feet beyond such distance, if beneficial to the health of the tree. Grantor further does hereby grant, bargain, and convey to Grantee the right of ingress and egress to, from, and over the above-described real estate for doing anything necessary or useful for the enjoyment of the easement herein granted, and together with all rights, privileges, and appurtenances which may be required for full enjoyment of the rights herein granted, together with the right to assign or grant partially or wholly to others the rights or license to use the easement herein granted or any part thereof for the uses and with the rights herein specified.

Grantor warrants that it has good title to the above-described premises and that there are no encumbrances which will limit or interfere with the rights granted herein to Grantee.

The Grantor, its tenants, heirs, successors, and assigns shall have the right to use and enjoy the said premises fully, except for the rights and privileges hereinbefore granted to the Grantee; provided however, that no buildings, structures, or improvements shall be erected or placed upon said easement, nor shall the terrain be altered without the prior written consent of Grantee, nor shall any other utilities be placed in on, through, over, or across the easement without Grantee's prior written consent; that the use of said premises shall at all times be subject to such acts and uses by Grantee as may be necessary for the purposes herein set forth.

IN WITNESS WHEREOF, said Grantor has hereunto set its hand and seal this ____ day of _____, 2013.

(Seal) _____ (Seal) _____

(Seal) _____ (Seal) _____

STATE OF MISSOURI
COUNTY OF GREENE SS.

ACKNOWLEDGEMENT

On this _____ day of _____, 2013, before me, a Notary Public in and for said state, personally appeared Pete Radecki, to me personally known, who, being by me duly sworn did say that he is the Vice President of Campus Operations of Drury University, and that said document was signed on behalf of said Drury University, and that said Pete Radecki acknowledges said document to be the free act and deed of said Drury University and acknowledged to me that he executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in _____ the day and year first above written.

"Notary Seal"

Notary Public: _____

Print Name: _____

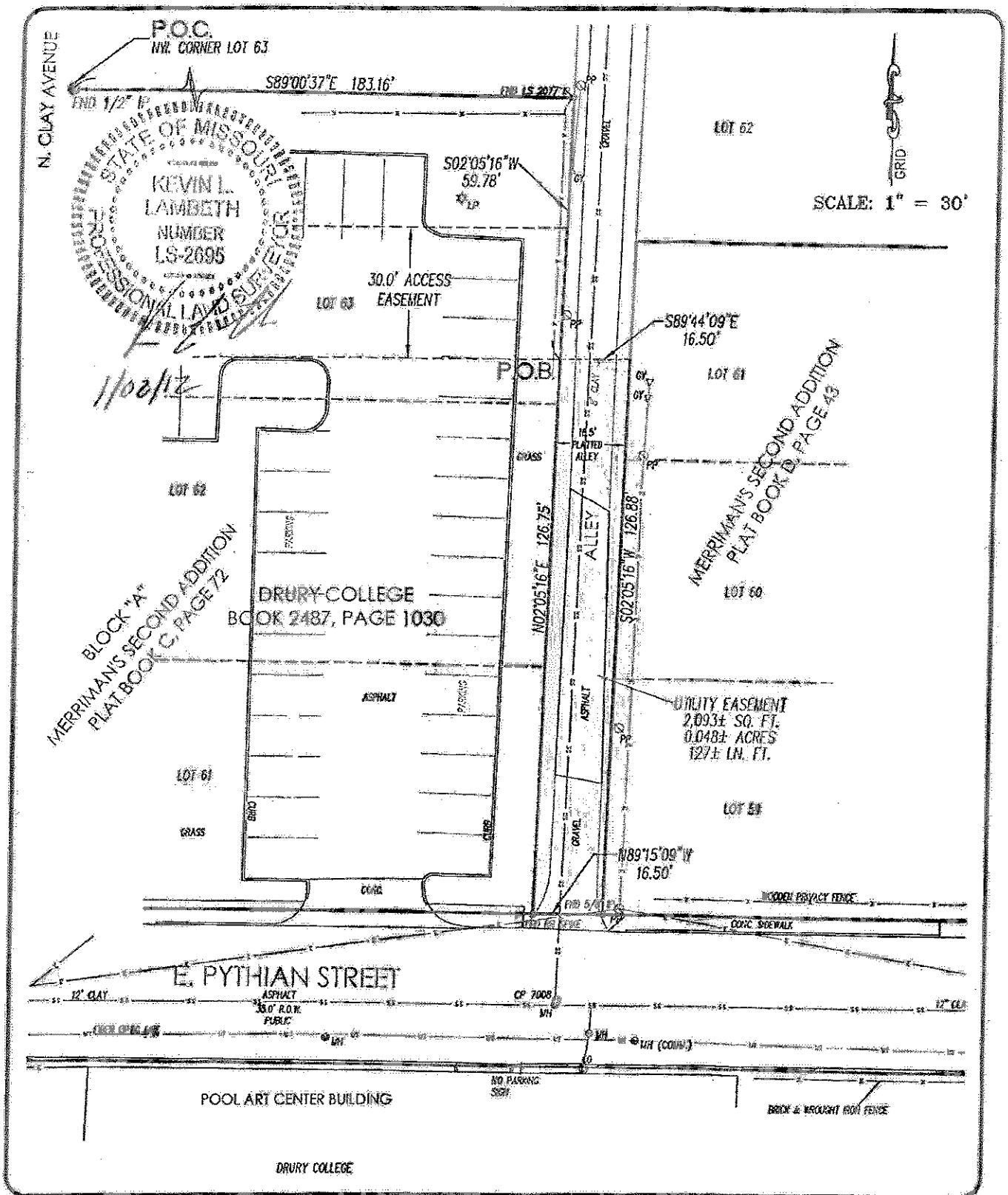
MAIL TO: Jon D. Campbell
City Utilities
P.O. Box 551
Springfield, MO 65801-0551

EXHIBIT A

A TRACT OF LAND AS BEING A PART OF MERRIMAN'S SECOND ADDITION AS SHOWN IN PLAT BOOK D, PAGE 43 AND ALSO BLOCK "A" MERRIMAN'S SECOND ADDITION AS SHOWN IN PLAT BOOK C, PAGE 72 AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 63 OF BLOCK "A" MERRIMAN'S SECOND ADDITION, SAID POINT ALSO LYING ON THE EAST RIGHT-OF-WAY OF CLAY AVENUE; THENCE ALONG THE NORTH LINE OF SAID LOT 63, SOUTH 89°00'37" EAST, 183.16 FEET TO A POINT LYING ON THE WEST SIDE OF A 16.50 FOOT PLATTED ALLEY; THENCE LEAVING SAID NORTH LINE AND ALONG THE WEST LINE OF SAID ALLEY, SOUTH 02°05'16" WEST, 59.78 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID WEST LINE, SOUTH 89°44'09" EAST, 16.50 FEET TO THE EAST LINE OF SAID ALLEY; THENCE ALONG SAID EAST LINE, SOUTH 02°05'16" WEST, 126.88 FEET; THENCE LEAVING SAID EAST LINE, NORTH 89°15'09" WEST, 16.50 FEET TO A POINT ON THE AFOREMENTIONED WEST LINE OF A 16.50 FOOT PLATTED ALLEY; THENCE ALONG SAID WEST LINE, NORTH 02°05'16" EAST, 126.75 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 29 NORTH, RANGE 22 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE. DATE OF ADJUSTMENT 2000.

CONTAINING 2,093 SQUARE FEET OR 0.048 ACRES AND 127 LINEAR FEET, MORE OR LESS.



ANDERSON ENGINEERING, INC
ENGINEERS • SURVEYORS • LABORATORIES • DRILLING

DRURY UNIVERSITY
UTILITY EASEMENT SKETCH
PYTHIAN STREET, SPRINGFIELD, MO.

109414.DWG
DRAWN BY: BAC
DATE: 12-10-2012
CLIENT NO: 30179-12

EXHIBIT D-1

SANITARY SEWER EASEMENT

THIS INDENTURE, made this _____ day of _____, 2013, by and **DRURY UNIVERSITY**, formerly known as Drury College, a Missouri Not-for-Profit corporation ("Grantor") and the **City of Springfield, Missouri**, a municipal corporation ("Grantee"). The mailing address of Grantor is 900 North Benton Avenue, Springfield, Missouri 65802. The mailing address of Grantee is City of Springfield, Department of Public Works, 840 Boonville Ave., Springfield, Missouri 65802.

WITNESSETH, that said Grantor, in consideration of the sum of One Dollar ($1.00) and other valuable consideration, to said Grantor in hand paid by the said Grantee, the receipt of which is hereby acknowledged, does by these presents grant, bargain and sell, convey and confirm unto the said Grantee, its successors and assigns, the following described real estate and interests in real estate in the County of Greene, State of Missouri, to-wit:

See Exhibits "A & B"
WHICH ARE ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

TO HAVE AND TO HOLD the same for the purpose of constructing and maintaining **a sanitary sewer system** or for such other purposes hereinabove set out, together with all and singular the rights, privileges, appurtenances and immunities thereto belonging, or in anywise appertaining, unto the said Grantee, and unto its successors and assigns, forever; the said Grantor hereby covenanting on its part and on behalf of its successors and assigns that said Grantor is lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that said Grantor has good right to convey the same; that the said premises are free and clear of any encumbrances done or suffered by Grantor or those under whom Grantor claims; and that said Grantor will warrant and defend the title to the said premises unto the said Grantee and unto its successors and assigns forever against the lawful claims and demands of all persons whomsoever, except the lien of taxes for the current year and none.

Said Grantor further covenants on its part and on behalf of its successors and assigns that said Grantor will not cause any building to be erected on the real estate herein conveyed without the express approval of the Grantee.

By acceptance of this conveyance, said Grantee hereby covenants on its behalf, and on the behalf of its successors and assigns, that it will for the benefit of the Grantor, its successors and assigns, restore the real estate herein conveyed as nearly as reasonably possible to the same condition in which it existed immediately prior to any construction activity caused by Grantee, as may be done thereon and therein from time to time, all within a reasonable time thereafter; the Grantee further covenanting in this regard that it will, among other things; (1) insofar as reasonably possible cause any excavation upon the real estate to be backfilled and graded to the original grade; (2) remove, insofar as reasonably possible, all debris resulting from construction; (3) cause the re-seeding of any disturbed area; (4) use

reasonable care to preserve those trees located within the easement, except those purchased by the Grantee as part of the compensation for this easement; (5) provide, at reasonable times during construction, access to the public street where any excavation upon the real estate might otherwise interfere therewith; and (6) that it will replace any improved walkway, drive, or retaining wall damaged or destroyed by construction.

The easement shall also confer on the Grantee the right to trim and/or remove all trees, shrubs, bushes, plantings, and other vegetation located within the easement, except those specifically identified to be retained as shown on City Plan # which shall be retained, unless field conditions prevent such retention or reveal that retention is economically impractical.

The foregoing covenants shall run with the land and are binding upon Grantor and Grantor's successors and assigns.

BY SIGNING THIS INSTRUMENT, THE GRANTOR ACKNOWLEDGES THAT NO OFFICER, SHAREHOLDER, OR EMPLOYEE OF GRANTOR IS PRESENTLY EMPLOYED BY THE CITY OF SPRINGFIELD, MISSOURI OR CITY UTILITIES OF SPRINGFIELD.

IN WITNESS WHEREOF, the said Grantor has executed the above the day and year first above written.

DRURY UNIVERSITY, formerly known as Drury College

By:_____

Print Name & Title: Pete Radecki
V.P. of Campus Operations

Corporate Seal

STATE OF MISSOURI
COUNTY OF GREENE SS.

ACKNOWLEDGEMENT

On this _____ day of _____, 2013, before me, a Notary Public in and for said state, personally appeared Pete Radecki, to me personally known, who, being by me duly sworn did say that he is the Vice President of Campus Operations of Drury University, and that said document was signed on behalf of said Drury University, and that said Pete Radecki acknowledges said document to be the free act and deed of said Drury University and acknowledged to me that he executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in _____ the day and year first above written.

"Notary Seal"

Notary Public: _____

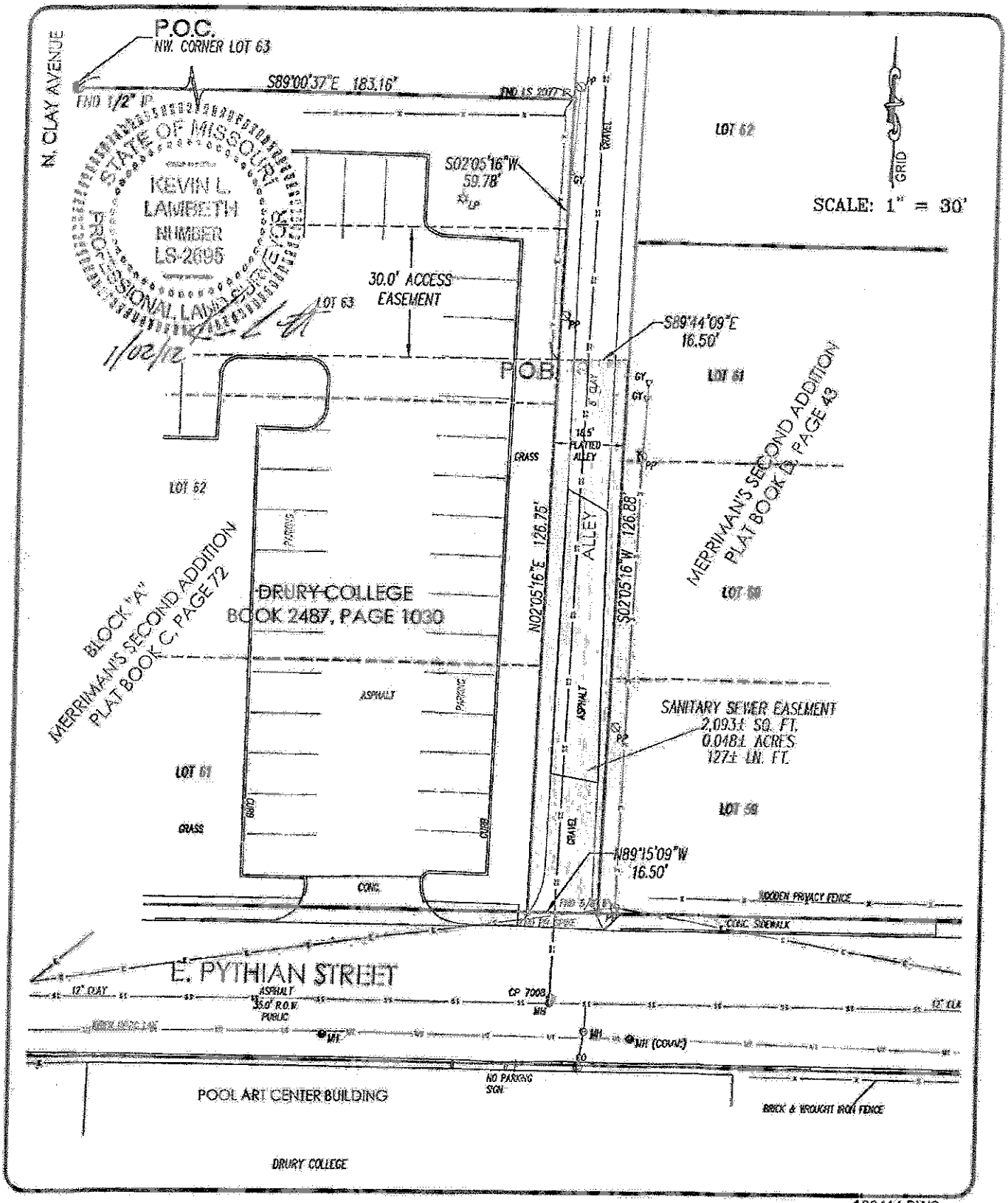
Print Name: _____

EXHIBIT "A"

A TRACT OF LAND AS BEING A PART OF MERRIMAN'S SECOND ADDITION AS SHOWN IN PLAT BOOK D, PAGE 43 AND ALSO BLOCK "A" MERRIMAN'S SECOND ADDITION AS SHOWN IN PLAT BOOK C, PAGE 72 AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 63 OF BLOCK "A" MERRIMAN'S SECOND ADDITION, SAID POINT ALSO LYING ON THE EAST RIGHT-OF-WAY OF CLAY AVENUE; THENCE ALONG THE NORTH LINE OF SAID LOT 63, SOUTH 89°00'37" EAST, 183.16 FEET TO A POINT LYING ON THE WEST SIDE OF A 16.50 FOOT PLATTED ALLEY; THENCE LEAVING SAID NORTH LINE AND ALONG THE WEST LINE OF SAID ALLEY, SOUTH 02°05'16" WEST, 59.78 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID WEST LINE, SOUTH 89°44'09" EAST, 16.50 FEET TO THE EAST LINE OF SAID ALLEY; THENCE ALONG SAID EAST LINE, SOUTH 02°05'16" WEST, 126.88 FEET; THENCE LEAVING SAID EAST LINE, NORTH 89°15'09" WEST, 16.50 FEET TO A POINT ON THE AFOREMENTIONED WEST LINE OF A 16.50 FOOT PLATTED ALLEY; THENCE ALONG SAID WEST LINE, NORTH 02°05'16" EAST, 126.75 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 29 NORTH, RANGE 22 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE. DATE OF ADJUSTMENT 2000.

CONTAINING 2,093 SQUARE FEET OR 0.048 ACRES AND 127 LINEAR FEET, MORE OR LESS.



109414.DWG

ANDERSON ENGINEERING, INC.
ENGINEERS • SURVEYORS • LABORATORIES • DRILLING

DRURY UNIVERSITY
SANITARY SEWER EASEMENT SKETCH
PYTHIAN STREET, SPRINGFIELD, MO.

DRAWN BY: BAC
DATE: 12-10-2012
CLIENT NO: 30179-12

EXHIBIT E-1

DECLARATION OF CROSS ACCESS EASEMENT
COVENANTS RUNNING WITH THE LAND

DECLARATION OF COVENANTS, made on this _____ day of _____, 2013, hereinafter set forth by Drury University, a Missouri Not-for-Profit Corporation ("Grantor"). Grantor's address is 900 N. Benton Avenue, Springfield, MO 65802

WHEREAS, Grantor is the owner of record of the real property, described on **Exhibit A**, attached hereto and incorporated herein by reference, hereinafter called the "Servient Tract;" and

WHEREAS, Drury University, formerly known as Drury College, a Missouri Not-for-Profit Corporation, of the County of Greene, State of Missouri, ("Grantee"), is the owner of record of a tract of real property located adjacent to the Servient Tract, said tract described on **Exhibit B**, attached hereto and incorporated herein by reference, hereinafter called the "Benefitted Tract(s)." Grantee's mailing address is: 900 N. Benton Avenue, Springfield, MO 65802 and

WHEREAS, Grantee desires to assure vehicular and pedestrian access to the Benefitted Tract, and Grantor desires to provide said vehicular and pedestrian access by designating a portion of the Servient Tract as an access easement for vehicular and pedestrian access to the Benefitted Tract(s).

NOW THEREFORE, Grantor does hereby declare that the Servient Tract shall be subject to the Covenants and Easements hereinafter set forth, which shall run with the land and shall be binding on all present and future owners of the Servient Tract, and shall inure to the benefit of each present and future owner of the Benefitted Tract(s).

1. Grant of Access. A perpetual access easement with the right, privilege and authority for access on, through, over and across the Servient Tract, including pedestrian access and access via motor vehicle, for the benefit of each owner of the Benefitted Tract(s), and patrons, guests, and invitees visiting the Benefitted Tract(s). The easement, which crosses a portion of the Servient Tract, is fully described in the attached **Exhibit C** and shown on the drawing in the attached **Exhibit D**, both of which are attached hereto and incorporated herein by reference.

2. Neither Grantor nor any future owners of the Servient Tract shall cause any building or structure to be erected or maintained on the access easement described in Paragraph 1 above, nor shall they cause any building or structure to be erected or maintained so near to said easement as to interfere with the free and unimpeded use, intent or enjoyment of the right of easement and access herein conveyed.

3. Neither Grantor nor any future owners of the Servient Tract shall exercise any rights in a manner that interferes with the functioning of the access easement.

4. The access easement herein conveyed shall not be relinquished, vacated or extinguished by any Grantees, their successors and assigns, without the prior written consent of the Director of Public Works of the City of Springfield, Missouri.

5. Grantee shall maintain in good condition and repair any medians, curbs or pavement within the access easement.

6. Grantor shall not allow or cause the closure or alteration in the number of functioning access lanes or the direction of travel within the easement or pavement markings without the written consent of the Director of Public Works of Springfield, Missouri.

7. Grantor and any future Servient Tract owner shall defend, indemnify and hold harmless, the City, its officials and employees from all claims and liabilities of personal injury (including death) and property damage to any person arising from an occurrence caused, in whole or in part, by Grantor or any future Servient Tract owner's breach of the covenants contained herein.

8. Declaration. By acceptance of a deed or by acquiring any ownership interest in any of the real property included within this Declaration, each person or entity, for himself/herself/itself, his/her/its heirs, personal representatives, successors, transferees and assigns, bind himself/herself/itself, his/her/its heirs, personal representatives, successors, transferees and assigns to the covenants and conditions imposed by this Declaration and any amendments thereto.

BY SIGNING THIS INSTRUMENT, THE GRANTOR ACKNOWLEDGES THAT NO OFFICER, SHAREHOLDER, OR EMPLOYEE OF GRANTOR IS PRESENTLY EMPLOYED BY THE CITY OF SPRINGFIELD, MISSOURI OR CITY UTILITIES OF SPRINGFIELD, MISSOURI.

IN WITNESS WHEREOF, the said Grantor has executed the above the day and year first above written.

GRANTOR

By:_____

Print Name & Title: Pete Radecki
V.P. of Campus Operations

Attest:_____

Print Name & Title:_____

EXHIBIT "A"

LEGAL DESCRIPTION OF SERVIENT TRACT(S) DESCRIBED AS FOLLOWS:

LOT 61 AND 62 AND THE SOUTH 10.00 FEET OF LOT 63 IN A SUBDIVISION OF BLOCK "A" OF MERRIMAN'S SECOND ADDITION, ACCORDING TO THE RECORDED PLAT THEREOF, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

AND:

THE NORTH 50 FEET OF LOT SIXTY-THREE (63) SUBDIVISION OF BLOCK "A" IN M.H. MERRIMAN'S SECOND ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

EXHIBIT "B"

LEGAL DESCRIPTION OF BENEFITTED TRACT(S) DESCRIBED AS FOLLOWS:

LOT 61 AND 62 AND THE SOUTH 10.00 FEET OF LOT 63 IN A SUBDIVISION OF BLOCK "A" OF MERRIMAN'S SECOND ADDITION, ACCORDING TO THE RECORDED PLAT THEREOF, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

AND:

THE NORTH 50 FEET OF LOT SIXTY-THREE (63) SUBDIVISION OF BLOCK "A" IN M.H. MERRIMAN'S SECOND ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

EXHIBIT "C"

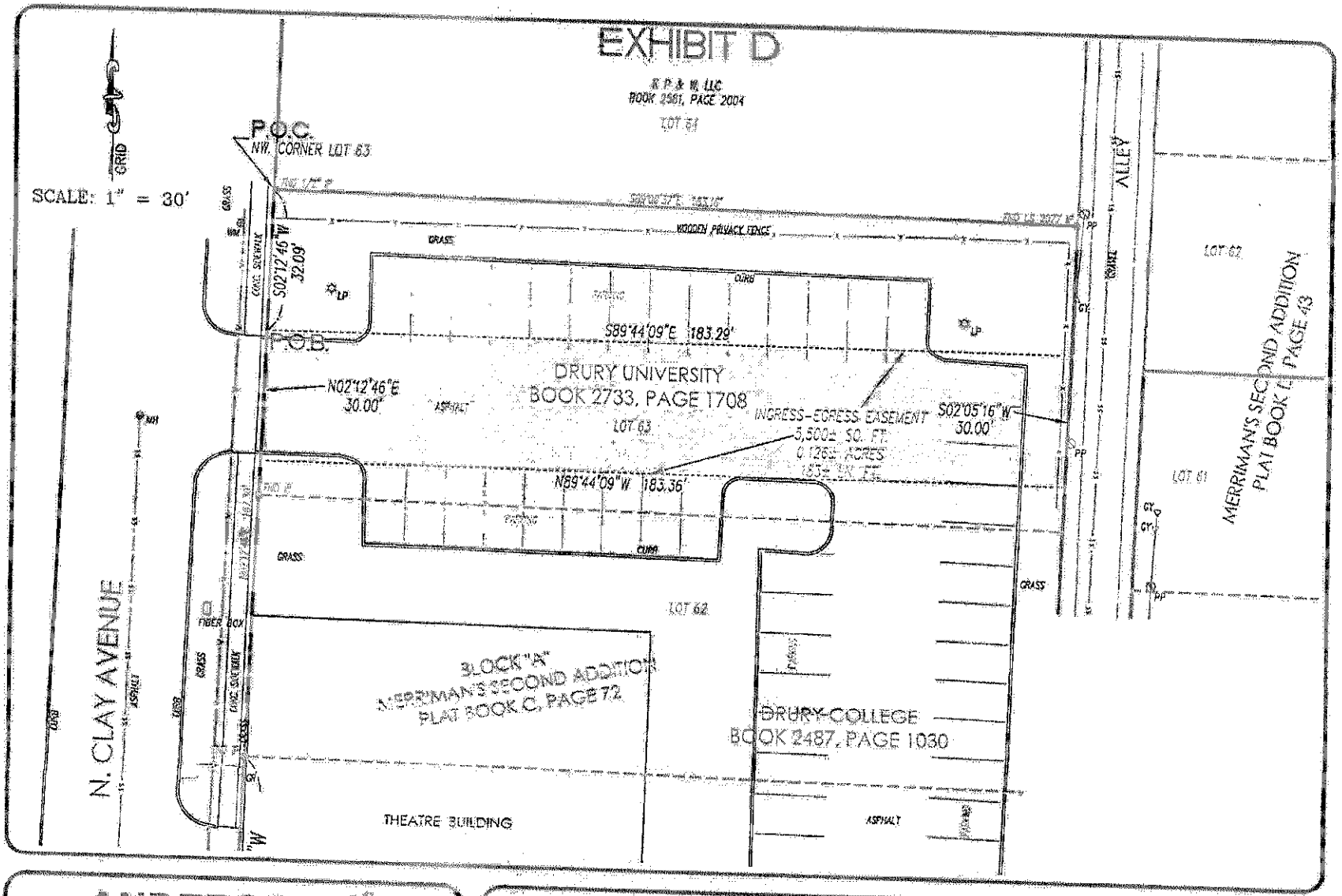
PERPETUAL ACCESS EASEMENT DESCRIBED AS FOLLOWS:

A 30.00 FOOT WIDE INGRESS-EGRESS AND ACCESS EASEMENT BEING A PART OF THE GRANTOR'S TRACT OF LAND AS LYING IN LOT 63 OF BLOCK "A" MERRIMAN'S SECOND ADDITION, AS DESCRIBED IN PLAT BOOK C, PAGE 72, AND ALSO DESCRIBED IN THE GREENE COUNTY, MISSOURI RECORDER'S OFFICE IN BOOK 2733, PAGE 1708 AND SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 63 OF BLOCK "A" MERRIMAN'S SECOND ADDITION, SAID POINT ALSO LYING ON THE EAST RIGHT-OF-WAY OF CLAY AVENUE; THENCE ALONG SAID EAST RIGHT-OF-WAY, SOUTH 02°12'46" WEST, 32.09 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID EAST RIGHT-OF-WAY, SOUTH 89°44'09" EAST, 183.29 FEET TO THE EAST LINE OF LOT 63; THENCE ALONG SAID EAST LINE, SOUTH 02°05'16" WEST, 30.00 FEET; THENCE LEAVING SAID EAST LINE, NORTH 89°44'09" WEST, 183.36 FEET TO THE AFOREMENTIONED EAST RIGHT-OF-WAY OF CLAY AVENUE; THENCE ALONG SAID EAST RIGHT-OF-WAY, NORTH 02°12'46" EAST, 30.00 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 29 NORTH, RANGE 22 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE. DATE OF ADJUSTMENT 2000.

CONTAINING 5,500 SQUARE FEET OR 0.126 ACRES AND 183 LINEAR FEET, MORE OR LESS.

EXHIBIT D



ANDERSON ENGINEERING, INC
ENGINEERS · SURVEYORS · LABORATORIES · DRILLING

DRURY UNIVERSITY
INGRESS-EGRESS
EASEMENT SKETCH
N. CLAY AVENUE, SPRINGFIELD, MO.

DRAWN BY: BAC	FIELD BY: JE
DATE: 4-20-2012	FIELD BK: -
CLIENT NO: 30047-12	DRAWING NO: 107xxx.DWG

label size 1" x 2 5/8" compatible with Avery ®5160/8160
Étiquette de format 25 mm x 67 mm compatible avec Avery ®5160/8160

300' List

ADAMS, GARLAND
927 E PYTHIAN ST
SPRINGFIELD, MO 658023673

BUTLER, DANIEL H
PO BOX 574
FALL CITY, WA 980240574

COMMUNITY COLLEGE DIST CENTRAL SW
1001 E CHESTNUT EXPY
SPRINGFIELD, MO 65802

DRURY UNIVERSITY
900 N BENTON AVE
SPRINGFIELD, MO 658023712

FLOYKRO ENT LLC
756 SCOTT CIR
REPUBLIC, MO 65738

GRAY, CHRISTOPHER J
1028 N CLAY AVE
SPRINGFIELD, MO 658023732

JUNIOR COLLEGE DIST CENTRAL SW MO
PO BOX 5958
SPRINGFIELD, MO 65801

KP&W LLC
1093 E PENDLETON PL
SPRINGFIELD, MO 658102842

LARKINS, AMBERLY C
1031 N SHERMAN AVE
SPRINGFIELD, MO 658023738

LOONEY, FLORENCE MARIE
1035 N SHERMAN AVE
SPRINGFIELD, MO 658023738

MCKENZIE, FRANK TR
940 N BOONVILLE AVE
SPRINGFIELD, MO 658023802

ROBBINS, ROBIN W
1025 N SHERMAN AVE
SPRINGFIELD, MO 658023738

SCHOOL DIST OF SPFD R12
940 N JEFFERSON AVE
SPRINGFIELD, MO 65802

SHERMAN AVE PROJECT AREA COMMITTEE
1228 N SHERMAN AVE
SPRINGFIELD, MO 65802

SIMMONS, DENNIS
3121 N FARM ROAD 17
ASH GROVE, MO 656048268

SNEAD, SANDRA CARTER
1015 N SHERMAN AVE
SPRINGFIELD, MO 658023738

SOUTHERN MO DIST COUNCIL ASSEMBLY OF GOD
528 W BATTLEFIELD RD
SPRINGFIELD, MO 65807

SPRINGFIELD SCHOOL DISTRICT
940 N JEFFERSON AVE
SPRINGFIELD, MO 65802

TODD, SUSAN
929 E PYTHIAN ST
SPRINGFIELD, MO 658023673

label size 1" x 2 5/8" compatible with Avery ®5160/8160
Étiquette de format 25 mm x 67 mm compatible avec Avery ®5160/8160

EXPLANATION TO COUNCIL BILL NO. 2013 –

Filed:

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 5.98 acres of property generally located at 444 West Grand and 427, 433, 441, 501, 505, 509 and 515 West Normal Street from an R-HD, High-Density Multi-Family Residential District and an R-SF, Single-Family Residential District to a GR, General Retail District; and establishing Conditional Overlay District No. 54 (Staff recommends approval).

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-17-2012/CONDITIONAL OVERLAY DISTRICT NO. 54

The applicant is proposing to rezone approximately 5.98 acres of land from an R-HD, High-Density Multi-Family Residential District and an R-SF, Single-Family Residential District to a GR, General Retail District with a Conditional Overlay District No. 54 to restrict uses, require additional right-of-way and sidewalks, to require security cameras and lighting on the site and to provide for screening of any loading/unloading areas adjacent to Normal Street. This rezoning will facilitate the construction of a new neighborhood market and other General Retail uses. Exhibit C contains additional restrictions and requirements for development within this proposed Conditional Overlay District.

FINDINGS FOR STAFF RECOMMENDATION:

1. The subject property, at the intersection of Grand and Campbell, two arterial roadways, is an appropriate location for GR, General Retail zoning.

2. This request to expand the existing GR zoning will provide for the redevelopment of this site and is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure and will serve new student housing in the area.

3. The proposed conditional overlay district will restrict uses and provide for security cameras and lighting on the subject property as requested by the adjacent neighborhood and will provide for additional right-of-way and sidewalks on adjacent roadways and provide for screening of any loading/unloading areas along Normal Street.

4. The standard development requirements in the proposed GR District are otherwise adequate for mitigating potential impacts of the proposed grocery store, or other potential GR uses, on the adjoining residential properties.

5. In response to concern expressed by nearby residents and Planning and Zoning Commission members regarding access to Normal Street, the applicant considered several options to mitigate potential traffic impact from the development. The applicant's preferred option would close the Normal Street west of the driveway to this development.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on January 24, 2013 and recommended , by a vote of to , of the proposed zoning on the tracts of land described on the attached sheet (see the attached Record of Proceedings).

The Planning and Development staff recommends the application be **approved** (see the attached Zoning and Subdivision Report).

Prepared by:

Alana D. Owen

Alana D. Owen, AICP Senior Planner

Submitted by:

Michael K McPherson

Planning and Development

Approved by:

City Manager

EXHIBITS:
Exhibit 1, Legal Description
Exhibit 2, Record of Proceedings
Exhibit 3, Conditional Overlay District Provisions
Exhibit 4, Location Map

ATTACHMENTS:
Attachment 1, Background Report
Attachment 2, Neighborhood Meeting Summary and Sign-In Sheet
Attachment 3, Conceptual site plan
Attachment 4, Correspondence from neighborhood
Attachment 5, Normal Street Option A
Attachment 6, Normal Street Option B
Attachment 7, Normal Street Option C

EXHIBIT 1
LEGALDESCRIPTION
ZONING CASE Z-17-2012 & CONDITIONAL OVERLAY DISTRICT NO. 54

All of lots 1 through 8 and 20 through 26 of Block 2, of Miles-George Parkview Subdivision in the City of Springfield, Missouri, as recorded in Book Q, Page 9 of the Greene County Recorder of Deeds Office.

EXHIBIT 2
RECORD OF PROCEEDINGS
ZONING CASE Z-17-2012 & CONDITIONAL OVERLAY DISTRICT NO. 54

(The Record of Proceedings will be prepared for the City Council meeting)

EXHIBIT 3
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-17-2012 & CONDITIONAL OVERLAY DISTRICT NO. 54

The requirements of *Section 4-3100* of the *Springfield Zoning Ordinance* shall be as modified herein for development within this district.

A. Prohibited Uses: The following uses shall be prohibited within this district:

1. Bed and Breakfast
2. Off-track betting parlor
3. Adult book store
4. "X-rated" movie theater or "X-rated" video store
5. Establishments selling or exhibiting pornographic materials, "sex toys" or paraphernalia for use with illegal drugs
6. Topless bar or club that provides striptease entertainment
7. Establishment for adult entertainment
8. Sexually oriented business

B. Use Limitations

1. Security cameras shall be provided and operate twenty-four (24) hours a day. Security lights shall be provided and operate overnight.

2. Additional right-of-way shall be dedicated for Grand Street to total fifty (50) feet from the centerline.

3. Additional right-of-way shall be dedicated for Campbell Avenue to total fifty (50) feet from the centerline.

4. Additional right-of-way shall be dedicated for Normal Street to total thirty (30) feet from the centerline.

5. A one-hundred (100) foot by one-hundred (100) foot right-of-way triangle shall be dedicated at the intersection of Grand Street and Campbell Avenue unless a modified right-of-way triangle is approved.

6. Sidewalks shall be constructed on the Campbell Avenue, Grand Street and Normal Street frontages as shown on the conceptual site plan.

7. Any loading/unloading area shall be screened from view along Normal Street by a fence or wall at least six (6) feet in height.

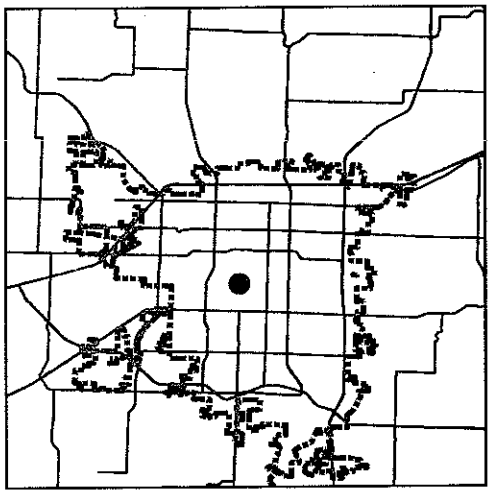
8. Two (2) driveways shall be permitted on Grand Street as generally shown on the conceptual site plan.

9. One (1) driveway shall be permitted to Normal Street as generally shown on the conceptual site plan.

10. A separate westbound left-turn lane shall be provided on Grand Street at the proposed main driveway as shown on the conceptual site plan.

11. A right-in/right-out driveway to Campbell Avenue may be permitted provided that a subdivision variance is approved and a median is constructed on Campbell Avenue. Either a joint driveway will need to be provided with the property to the south (1029 South Campbell) or if unable to secure a joint driveway, a cross access easement must be provided giving the property to the south future access through the new driveway on Campbell.

12. Normal Street shall be closed in conformance with Attachment 5 (Option A). This includes the provision of a raised, stamped red concrete island in the center of Normal Street just west of the driveway from this development to Normal Street. The concrete island will be placed on top of the existing pavement on Normal Street and will be six (6) inches tall with mountable curb on the east and west side of the island. There will be three (3) pipe bollards placed on the west side of the island. At least one of the bollards will be on a locked hinge to allow access for emergency vehicles. The concrete island will be constructed three (3) feet away from the curb and gutter on each side of Normal Street to permit bicycle traffic.



LOCATION SKETCH

Zoning & Subdivision Report

Planning & Development - 417/864-1031
840 Boonville - Springfield, Missouri 65802

EXHIBIT 4

Zoning Case Z-17-2012/
Conditional Overlay District #54

Location: 444 W. Grand and 427, 433, 441, 501, 505, 509 and 515 W. Normal

Current Zoning: R-HD and R-SF

Proposed Zoning: GR, General Retail with Conditional Overlay District

ATTACHMENT 1
BACKGROUND REPORT
ZONING CASE Z-17-2012 & CONDITIONAL OVERLAY DISTRICT NO. 54

DATE: January 15, 2013

LOCATION: 444 West Grand and 427, 433, 441, 501, 505, 509 and 515 West New

APPLICANT: Calvary Temple Assembly of God etal

TRACT SIZE: Approximately 5.98 acres

EXISTINGUSE: Church building

PROPOSED USE: Grocery store and other uses permitted in the GR, General Retail District

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	R-TH and R-SF	Two family and single family homes
East	GR and R-SF	Retail buildings and cemetery
South	R-HD and R-SF	Single-Family residences and Multi-family development
West	GR and R-SF	Undeveloped property, single family residences and vacant retail

BACKGROUND:

The Planning and Zoning Commission held a public hearing on the original proposal at their December 6, 2012 meeting. Following the public hearing, Commission

recommended denial of the application by a vote of 3 to 4. Subsequent to the December 6 public hearing, the applicant appealed Commission's recommendation to the City Council. However, prior to the scheduled public hearing with City Council the applicant proposed some changes to the application and requested the Mayor remand the application back to the Planning and Zoning Commission. This application proposes changes regarding the access to Normal Street.

COMPREHENSIVE PLAN:

The Growth Management and Land Use Plan of the City's Comprehensive Plan designates the southwest corner of Grand and Campbell area as appropriate for medium-intensity retail, office and residential uses and identifies the nearby Missouri State University (MSU) Campus area as an activity center. The proposed grocery store would be considered a Neighborhood-Scale Business as described in the Comprehensive Plan. Neighborhood-Scale Businesses are recommended near intersections of arterial and collector, or higher classification, streets and should be sited so as to provide adequate utilities, storm water management, parking, landscaping and buffering and design practices which minimize the effect on the environment and surrounding land uses. The subject property is located at the southwest corner of Grand, a primary arterial roadway, and Campbell, a primary arterial roadway south of Grand and secondary arterial north of Grand.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

1. One access point is allowed per 250 feet of frontage, with a minimum of 200 feet in-between edge of drive to edge of driveway or intersection. Driveways should also line up with existing streets or high-volume driveways.

2. Driveways cannot exceed forty-five (45) feet in width, measured at the right-of-way-line.

4. Sidewalk will have to constructed along the Normal Street frontage.

5. An administrative replat will be required for this property. The following may be required as part of the replat:

    a. Campbell and Grant are classified as Primary Arterial streets, a 100 by 100 foot right-of-way triangle is required at the intersection.

    b. Campbell Avenue and Grand Street are both classified as a Primary Arterial roadway which will require 50 feet of right-of-way measured from the centerline. It appears approximately 25 feet of right-of-way must be dedicated on Campbell Avenue and approximately 15 feet on Grand Street. Normal Street is classified as a local street and requires 30 feet of

right-of-way from the centerline. Approximately 5 feet will have to be dedicated.

STORMWATER COMMENTS:

1. There are no Stormwater issues with rezoning this property; however, please note that development of the subject property will be subject to the following conditions at the time of development:

   a. Any increase in impervious area from 1983 aerial photo information will require the development to meet current detention and water quality requirements. Impervious surfaces in place prior to 1983 and currently in good condition can be credited as existing impervious surface.

   b. The proposed percent of impervious surfacing must not exceed the maximum impervious surfacing allowed for site by zoning, platting, and/or previous stormwater reports.

   c. Concentrated points of discharge from these improvements will be required to drain into a certified natural watercourse, public right-of-way, or a drainage easement. In this instance, it appears that the site can discharge into the public storm sewer system along Grand Street.

SANITARY SERVICES COMMENTS:

No issues with rezoning.

POLICE DEPARTMENT:

From an enforcement perspective there are no obvious issues. With restricted turns and dedicated turn lanes, people should flow through without much issue. The Police Department agrees that Normal Street is the most significant issue with this application. The safest plan for people living in the neighborhood to the south and west would be Option A. Completely blocking Normal Street would disallow those who would cut over from Grant down Normal. Turning what was a quiet street into a semi-busy street would increase the danger for children and pedestrians in the area. Option B would still allow the eastbound shortcut down Normal with the one-way restriction, but would not keep someone from obviously going the wrong way on a one-way street.

ADJACENT PROPERTY OWNER COMMENTS:

Forty-three (43) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request. Staff received correspondence from the West Central Neighborhood Alliance and other property owners opposed to this application (Attachment 4).

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on the original request for owners and residents within five hundred (500) feet of the subject property on October 29, 2012. A summary of the meeting is attached (Attachment 2).

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 5.98 acres of property from an R-HD, High Density Multi-Family Residential and R-SF, Single-Family Residential District to a GR, General Retail District. The applicant is also requesting a conditional overlay district that will restrict uses, require dedication of additional right-of-way on adjacent streets, require sidewalks, provide for security cameras and lighting on the site and provide for screening of any loading and unloading areas adjacent to Normal Street.

2. The Growth Management and Land Use Plan of the Comprehensive Plan designates the area at the southwest corner of Grand Street and Campbell Avenue as appropriate for medium-intensity retail, office and residential uses. In addition, the area around the nearby Missouri State University (MSU) campus is identified as an activity center. General Retail (GR) is one of the zoning districts recommended in these areas. The proposed grocery store would be considered a Neighborhood-Scale Business as described in the Comprehensive Plan. These shopping areas should be sited near intersections of arterials and collector, or higher classification, streets and should provide adequate utilities, storm water management, parking, landscaping and buffering to minimize the effect on the environment and surrounding land uses. The subject property is located at the southwest corner of Grand, a primary arterial roadway, and Campbell Avenue, a primary arterial roadway south of Grand and secondary arterial north of Grand. Staff believes the subject site with the proposed Conditional Overlay District and requirements and restrictions contained within the GR district including those for buffering and building height meet the recommendation of the City's Comprehensive Plan and intent of the General Retail District. The approval of GR zoning on the subject property will expand the existing GR zoning at the southwest corner of Grand and Campbell and provide for infill development and increased intensity in this area where investment have already been made in public services and infrastructure and near the city center area where increased intensity is

desired. This development will provide goods and services to the adjacent residential areas and nearby MSU campus. Within the past two years, approximately 338 new student housing units have been constructed west of the MSU campus and more are planned. The proximity of this development to the housing will reduce drive distance for students and residents and provides opportunities to walk or bike to the retail area.

3. In response to concerns expressed at the neighborhood meeting, the applicant has requested to restrict several uses with the conditional overlay district. The prohibited uses can be found in the attached Exhibit 1 and include Bed and Breakfast and adult entertainment establishments. The applicant has also included a requirement for security cameras and lighting to be provided on the site at the neighborhood's request. Also as part of the Conditional Overlay District the applicant is providing additional right-of-way on Grand Street, Campbell Avenue, Normal Street and at the intersection of Grand and Campbell. In addition, sidewalks will be constructed on all three street frontages

4. A traffic impact study was submitted by CBB Traffic and Transportation Engineers for review by the City. The traffic study concludes the existing street network with the provision of a separate westbound left-turn lane on Grand Street at the proposed main driveway can accommodate the expected traffic generation from this site. The traffic study and conceptual site plan show two (2) proposed driveways on Grand Street, one (1) driveway on Normal Street and one (1) driveway on Campbell Avenue. A driveway on Campbell Avenue would not meet the spacing requirements for a primary arterial roadway. However, staff is supportive of a right-in/right-out driveway with the construction of a median on Campbell Avenue. In addition, either a joint driveway must be obtained with the property to the south (1029 South Campbell) or a cross access easement be dedicated giving the property to the south future access through the new driveway to Campbell. A subdivision variance is also required to be approved through Planning and Zoning Commission since the driveway would not meet the City's spacing requirements.

5. The proposed development will be required to meet the bufferyard requirements adjacent to less-intense zoning districts. The Zoning Ordinance requires a Bufferyard "F" between the General Retail District and adjacent R-SF, Single-Family Residential zoning (southwest). The Bufferyard "F" requires a minimum open space of twenty (20) feet wide with the following plantings per one hundred (100) linear feet: three (3) canopy trees, three (3) understory trees, four (4) evergreen trees and twenty (20) shrubs. A six-foot solid wood fence, masonry wall, solid evergreen hedge or earthen berm is also required to be provided. A Bufferyard "S2" is required along the south property line where

the GR zoning will be adjacent to the public street with R-SF zoning across the street on the south side of Normal. The S2 buffer yard is required to be at least fifteen (15) feet wide and contain one (1) canopy tree, two (2) understory trees and four (4) shrubs per one hundred (100) linear feet.

6. There was significant discussion at the December 6, 2012 Planning and Zoning Commission public hearing regarding the proposed driveway access to Normal Street. The applicant has developed three options to address the concerns regarding additional traffic on Normal Street. The applicant's preferred option, Option "A", is to essentially break the street into two sections by closing the street just west of the proposed driveway to Normal from this development. The eastern portion of the street, including the driveway to this site would only have access from Campbell Avenue. The residential development to the west would need to access this development, and Campbell Avenue, using an alternate route. With this option, a six (6) inch tall raised stamped red concrete island would be placed over the existing pavement of Normal Street. There would be mountable curb on the east and west side of the island that would allow emergency vehicles to traverse over the island if necessary. There would be three pipe bollards placed on the west side of the island to prevent non-emergency vehicles from driving over the island. At least one of the pipe bollards would be on a locked hinge that emergency personnel can unlock and drop the bollard if necessary. The concrete island would be constructed three feet away from the curb and gutter on each side of the street to accommodate bicycle traffic. In addition to preventing traffic from traveling westbound on Normal, this option would also prevent vehicular traffic from the neighborhood to travel east on Normal to the access this development or Campbell Avenue. This option would alleviate any potential cut-through traffic generated from this development as well as any existing cut-through traffic that currently uses Normal while still providing the additional access to this development the applicant desires and believes is necessary to accommodate development of the site.

7. The applicant has prepared two additional options for addressing the concerns regarding access to Normal Street. Option "B" proposes the construction of a landscaped island west of the proposed driveway to Normal Street. This option would create a one-way street in this area whereas traffic could travel eastbound on Normal but would be prohibited from traveling westbound on Normal Street. The landscape island would discourage through traffic on Normal, but would still allow the residential area to the west to conveniently access the retail development and Campbell Avenue. This is similar to the islands that were constructed on Summit Avenue north of Calhoun and south of

Division that resulted from a rezoning by Drury University to discourage cut-through traffic on Summit. The final option, Option "C", would involve modifying the design of the proposed driveway to create a right-in/left-out driveway from this development to Normal Street. This option would discourage traffic from traveling westbound on Normal Street to Grant or through the neighborhood. This option would make it difficult for vehicles traveling from the west on Normal Street to access this development because of the design of the driveway, but would permit through traffic both directions on Normal Street.

8. Normal Street is classified as a local roadway. The zoning at the east end of Normal, east of Market Avenue, near Campbell Avenue is multi-family and retail. The character of the roadway east of Market is identifiably different than Normal west of Market which is residential in character. The proposed driveway to Normal from this development is appropriate given the character of the roadway in the area it is located and the minimal impact to the roadway as determined by the traffic impact study. The driveway provides a needed additional access point for the development and provides for connectivity with the neighborhood. Staff would prefer that Normal remain open its entire length, however, staff is agreeable to preferred Option A because the street is not being vacated and the proposed modifications to the street could be removed and the street opened up again at some time in the future. The residential properties to the south and west would be able to access this development using the major street system via Grand or Campbell. Residents wishing to have access to or from Campbell Avenue would be able to utilize alternate routes including Loren, Catalpa and Meadowmere Streets. The Fire and Police Departments have reviewed the options, including preferred Option A, and do not have any concerns regarding the proposal.

FINDINGS FOR STAFF RECOMMENDATION:

1. The subject property, at the intersection of Grand and Campbell, two arterial roadways, is an appropriate location for GR, General Retail zoning.

2. This request to expand the existing GR zoning will provide for the redevelopment of this site and is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure and will serve new student housing in the area.

3. The proposed conditional overlay district will restrict uses and provide for security cameras and lighting on the subject property as requested by the adjacent neighborhood and will provide for additional right-of-way and

sidewalks on adjacent roadways and provide for screening of any loading or unloading areas adjacent to Normal Street.

4. The standard development requirements in the proposed GR District are otherwise adequate for mitigating potential impacts of the proposed grocery store, or other potential GR uses, on the adjoining residential properties.

5. In response to concern expressed by nearby residents and Planning and Zoning Commission members regarding access to Normal Street, the applicant is proposing several options to mitigate potential traffic impact from the development. The applicant's preferred option would close the street west of the driveway to this development.

RECOMMENDATION:

Staff recommends **approval** of this request with the requirements of Conditional Overlay District No. 54.

STAFF CONTACT:
Alana D. Owen, AICP
Senior Planner

Attachment 2

NOTICE OF PUBLIC NEIGHBORHOOD MEETING REGARDING APPLICATION FOR ZONING CLASSIFICATION CHANGE

PLEASE TAKE NOTICE THAT a public neighborhood meeting will be held on **Monday, October 29, 2012, from 4:00 p.m. until 6:30 p.m.** at Calvary Temple Assembly of God, 444 W. Grand Street, Springfield, Missouri, in connection with the application filed by Calvary Temple Assembly of God and several adjacent property owners for a zoning classification change allowing a retail neighborhood grocery store within the boundaries of the property depicted below in yellow. The purpose of this meeting is to explain the proposal and attempt to address any comments or concerns which you, as a neighboring property owner, may have in an informal setting.

Keith W. Hazelwood
Hazelwood & Weber LLC
Cell phone: 314-650-8065
Office phone: 636-947-4700
khazelwood@hazelwoodweber.com

Grand St. & Campbell Ave.
Springfield, MO

NEIGHBORHOOD MEETING SUMMARY

1.	Development Application:	Wal-Mart Neighborhood Market SW Corner of Grand & Campbell Springfield, MO
2.	Meeting Date and Time:	Monday, October 29, 2012 4:00 p.m. – 6:30 p.m.
3.	Meeting Location:	Calvary Temple Assembly of God 444 W. Grand Street Springfield, MO
4.	Number of invitations that were sent: How was the mailing list generated?	Approx. 200 List furnished by the City of Springfield

5. Number of neighbors in attendance (attach a sign-in sheet): The approximate count was 50. The sign-in sheet indicates 33, but several people did not sign in, even though attendees were asked to do so on several occasions. The sign-in sheet is attached as **Exhibit A**.

6. List the verbal comments and how you plan to address any issues: See **Exhibit B**. (City Council does not expect all of the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

7. List or attach the written comments and how you plan to address any issues: See attached **Exhibit C**.

EXHIBIT A

	Name	Address	Phone Number	e-mail
1	Nancy Howard	300 W Grand '07	969-0217	
2	[illegible] Schaefer	441 W. Normal St	869-7831	
3	Ronald E. Finnegan	525 W. Belmont	660-438-1671	
4	Judy & Dan Williams	1001 S Market Ave	NO	
5	Rick Costa	4614 W Calkins Battle St	882-8383	
6	GARY FENTON	309 W. GRAND	417-425-3333	gary@fentonpg.com
7	[illegible]			
8	Randy Alexander	1010 South Market St	417-569-8999	
9	Dani & Don Underwood	1060 S. Market Ave	417-869-6947	dunderwood82@mchsi.com
10	Cali Pettijohn	841 S. Missouri Ave.	417-865-3466	
11	Wayne/Susan Rader	427 S Grant	417 838-7999	12963@yahoo.com
12	Deb Heard	906 S Broadway	866-8778	VON 906 @ SBCGLOBAL.NET
13	Robert Buchanan	509 Normal	459-9901	crb6284@gmail.com
14	JOHN HODGES	3519 S. Fort	889-3857	
15	KEITH ALLEN	921 S. Campbell	864-6177	
16	Bruce Bassi	1099 S Main	459-0615	
17	Michael Hutton	1060 S. Grant	865-2450	
18	William Evans	1061 S Market	862-4533	
19	Nancy Miasner	1212 W Stanford	866-6754	powerup130@[redacted]yahoo.com
20	JEREY COMPTON	2100 PRINCETON	831-0187	jcompton@springfield.k12.mo.us
21	Doug Smart (Smart Buy Tire)	10455. Campbell	417-831-3589	SMARTBUYTIREINC@SBCGLOBAL.NET
22	Michelle + Scott Carroll	433 W. Elm	417-838-0184	
23	Crystal Ferguson	1038 S. Main	417-849-1517	
24	Robert Wilson	1840 S Campbell	417-890-1111	
25	Luke Koch	834 S. Missouri		
26	Jim Lee	1120 W. Plainview	417 830-0056	
27	Sharon Perrijohn	1178 W Portland	862-3194	
28	Crystal Knaub	515 W. Normal	417-987-2017	
29	Michelle Manweiler	609 W Normal	417-343-9321	mlhenry7@yahoo.com
30	Charlie + Debbie Gordon	635 W Normal	417 865 2503	cagwonthird@yahoo.com
31	Rusty Worley	807 W Walnut	417 569-8866	rusty@thecelltowntown.com
32	Martha Mueller	923 S. Campbell	417-831-9486	marthamueller@missouristate.edu
33	TARA MEYER	610 W LOMBARD	417-207-6759	
34				
35				

EXHIBIT B

- The primary issue was access to and from the project site on the south side onto Normal Street. The attendees emphasized the amount of traffic that cuts through on Normal Street to avoid the intersection of Grand and Campbell; the concern was whether the curb cut onto Normal Street would exacerbate that problem by making the grocery store parking lot a shortcut. **Applicant is sensitive to the concern raised by the residents; for that reason, the site plan is being revised to reduce the number of access points from the project site on the south side onto Normal Street from three to one. (The two sites being eliminated are the westernmost access point (which was primarily intended for delivery trucks, which will now be directed to exit onto Grand Street), and the easternmost access point; applicant seeks to keep the mid-access point.) Applicant suggests that at least one access point on the south side onto Normal Street should be planned for the following reasons: (i) public safety access concerns; (ii) the convenience afforded to those customers who will come from the neighborhood immediately to the south of the project site; (iii) the creation of an alternate route for that small percentage of drivers (probably the elderly and/or extremely cautious drivers who would prefer to get onto westbound Grand Street by turning west on Normal to Grant Avenue and then north on Grant Avenue to the signalized intersection at Grant Avenue and Grand Street; and (iv) applicant's preliminary information from its Traffic Study indicates that there are only a few "cut-through" trips occurring on Normal Street.**

- Substantial concern that a vagrant population which seems to come from the north and northeast of the project site will be attracted to the grocery store and from the grocery store into the neighborhood immediately to the south and southwest of the grocery store. **The applicant's response was that its security cameras would operate 24 hours a day and its security lights would light the site overnight, especially on the east side of the project site. Because of the security cameras and security lights those problems with vagrants should be minimized.**

- Concern as to whether a commercial project would diminish housing values in this area. **Applicant's real estate agent (who is very experienced in commercial development) stated that in his experience, a commercial development, especially a grocery store, does not diminish values in a residential area.**

- Concern as to truck delivery traffic, in terms of how often and when trucks would make deliveries. **Applicant is researching this information with its operations staff and will provide this information as soon as possible.**

- Questions were raised as to how much traffic is typically generated by a grocery store. Some of the attendees wanted to know when our traffic study would be completed and wanted to know what type of additional improvements would be necessary to Grand and to Campbell. **When finished, the traffic study will be distributed to some of the residents who expressed interest in this topic. Hopefully the Traffic Study can be distributed to these residents before the P&Z public hearing.**

- Several residents (primarily those living on the western end of Normal Street) commented that they have large stormwater flows through their back yards during heavy rains. **Applicant will make certain that project site stormwater flows into the project site stormwater facility; for that reason, none of the additional stormwater created by the development project will leave the project site and all stormwater matters will be in accordance with City requirements.**

EXHIBIT C

Neighborhood Meeting

Monday, October 29, 2012

Comment/Question Sheet

Name: Darrell Schmidt

Do you *live* within 500 ft. of Grand & Campbell? Yes ☑ No ☐

Telephone Number: 869-7831

E-mail Address:

Do you *own property* within 500 ft. of Grand & Campbell? Yes ☑ No ☐

Comment(s) About the Grocery Store Proposal: Excellent presentation

Question(s) About the Grocery Store Proposal:

Applicant appreciates this comment. No response required.

Neighborhood Meeting

Monday, October 29, 2012

Comment/Question Sheet

Name: GARY FENTON

Do you *live* within 500 ft. of Grand & Campbell? Yes ☐ No ☒

Telephone Number: 417-425-3333

E-mail Address: gary@fentoncpa.com

Do you *own property* within 500 ft. of Grand & Campbell? Yes ☒ No ☐

Comment(s) About the Grocery Store Proposal: GREAT IDEA! REALLY GLAD TO SEE this development in this AREA. It will be good for neighborhood, will create jobs, increase TAX BASE which helps community & schools.

Question(s) About the Grocery Store Proposal: When done?

The grocery store will be done approximately nine (9) months after construction begins.

Neighborhood Meeting

Monday, October 29, 2012

Comment/Question Sheet

Name: Catherine C. Pettijohn

Do you *live* within 500 ft. of Grand & Campbell? Yes ☐ No ☒ 1,500 ft.

Telephone Number: 417-865-3660

E-mail Address: _____

Do you *own property* within 500 ft. of Grand & Campbell? Yes ☒ No ☐

Comment(s) About the Grocery Store Proposal: This is very upsetting news to me. And, I am curious why we were not notified sooner. It is a well known fact that Wal-Mart stores ha a negative impact on communities and I am very worried for my

Question(s) About the Grocery Store Proposal: Will it be family owned and operated? If yes, does this family also live in our neighborhood? Why does Springfield need another

On November 15, 2012, Ms. Pettijohn was called at the telephone number provided; an answering machine took the call. A message was left that the store would be company owned and not family owned.

Neighborhood Meeting

Monday, October 29, 2012

Comment/Question Sheet

Name: Vanoy Howard

9A - 3P

Maple Park Cemetery

Do you *live* within 500 ft. of Grand & Campbell? Yes ☐ No ☐

Telephone Number: 417-869-0217

E-mail Address: _____

Do you *own property* within 500 ft. of Grand & Campbell? Yes ☐ No ☐

Comment(s) About the Grocery Store Proposal: Sounds better than what I was afraid of

Question(s) About the Grocery Store Proposal: want independents Price Cutter etc to remain

Nice presentation

Applicant appreciates this comment. No response required.

Neighborhood Meeting

Monday, October 29, 2012

Comment/Question Sheet

Name: Randy Alexander

Do you *live* within 500 ft. of Grand & Campbell? Yes ☒ No ☐

Telephone Number: 417-569-8998
E-mail Address: Rd Alexander

Do you *own property* within 500 ft. of Grand & Campbell? Yes ☒ No ☐

Comment(s) About the Grocery Store Proposal: _____

Question(s) About the Grocery Store Proposal: _____

Applicant appreciates this comment. No response required.

Mr. Patrick will be sent selected portions of the Traffic Study which are responsive to his concerns on Grand St.

Keith Hazelwood

From:	David Patrick <patrickdl@live.com>
Sent:	Monday, October 29, 2012 9:54 AM
To:	Keith Hazelwood
Subject:	RE: Proposed Walmart Neighborhood Store
Follow Up Flag:	Follow up
Flag Status:	Flagged

Mr. Hazelwood,
Thank you for your prompt response to my inquiry. I will make every attempt to attend this evening's meeting, but cannot guarantee that I will be there. I do appreciate your forwarding my concerns to others who may be able to consider them. I have contacted the Springfield Planning and Zoning Dept. and left a voicemail for an employee describing traffic conerns on Grand St. I will also look forward to hearing back from Mr. Reed regarding this matter. Again, thank you for your assistance.
David Patrick
417 864-8164

Subject: RE: Proposed Walmart Neighborhood Store
Date: Sat, 27 Oct 2012 11:19:41 -0500
From: khazelwood@hazelwoodweber.com
To: patrickdl@live.com
CC: Tim.Scott@wal-mart.com; Adele.Lucas@walmartlegal.com; John.Rogge@wal-mart.com; ereed@cochraneng.com; jmcrealty@aol.com

Dear Mr. Patrick: thank you for your email. It is regrettable you will not be able to attend Monday evening; you could have used the presentation boards (which includes and aerial photo) to have a conversation with the Civil Engineer.

As an alternative to attending the neighborhood meeting in person, let me copy this reply to various internal Walmart ("WM") officials as well as WM's Civil Engineer (Elliott Reed with Cochran Engineering in Washington, Missouri). As the Civil Engineer, Mr. Reed will be in a better position to give you substantive comments on what the City is requiring of WM as to traffic matters and as to what the WM Traffic Study recommends. Is there anyone else from your neighborhood who can come on your behalf and discuss this matter?

Whether before or after Monday, look for some communication from the Civil Engineer. Hopefully you will find the circumstances are handled in a satisfactory manner.

Regards.

HAZELWOOD
&WEBER LLC

Keith W. Hazelwood
200 North Third Street
St. Charles, Missouri 63301
(314) 650-8065/Cell Phone-best number
(636) 947-4700/Office Phone
(636) 947-1743/Facsimile
khazelwood@hazelwoodweber.com
www.hazelwoodweber.com

****This message, including attachments, is from the law firm of Hazelwood & Weber LLC and contains information that may be confidential and protected by the attorney-client or attorney work product privileges. E-mail communication is not a secure method of communication. Any e-mail that is sent to you or by you may be copied and held by various computers it passes through as it goes from our office to you or vice versa. Persons not participating in our communication may intercept our communications by improperly accessing your computer or our computers or even some computer unconnected to either of us which the e-mail passes through. If you prefer communications be sent via a different method, please let our office know immediately. If you are not the intended recipient, you are hereby notified that any reading, use or dissemination of this message is strictly prohibited. Forwarding, printing, copying, distributing, or using such information is prohibited. If you are not the intended recipient, promptly delete this message and notify the sender of the delivery error by return e-mail or call us at 636-947-4700. Although this e-mail and any attachments are believed to be free of any virus or other defect that might affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free, and no responsibility is accepted by Hazelwood & Weber LLC for any loss or damage arising in any way from its use.****

From: David Patrick [mailto:patrickdl@live.com]
Sent: Friday, October 26, 2012 5:22 PM
To: Keith Hazelwood
Cc: Rusty Worley
Subject: Proposed Walmart Neighborhood Store

Dear Mr. Hazelwood,
I recently received an email from the Springfield West Central Neighborhood Association, informing me of a plan to build a new Walmart Neighborhood Store along west Grand St., between Campbell Ave. and Grant Ave. I live just north of that area on Market Ave. Our neighborhood has been "designed"/isolated in such a way that one must make an often risky and difficult left turn from Market Ave. onto Grand St. in order to drive south on Campbell Ave. What compounds the danger at the Market Ave./Grand St. intersection is that the city allows vehicles to park on the west side of Market Ave. almost up to the intersection, which creates a dangerous logjam situation both for vehicles approaching from the north and for those turning onto Market Ave. I would not want to see this problem exacerbated even further with entrances/exits to the new store on Grand St., which would add another layer of traffic to watch for when turning left from Market Ave. onto Grand St. This has rarely been an issue before because the church traffic only occurs briefly and intermittently, while grocery store traffic would occur for long periods during the week.
I will likely be unable to attend the zoning hearing on October 29 because of my work schedule, but I do wish to have my concerns heard on this issue. Thank you for your time.
David Patrick
417 864-8164

Dr. Follensbee and Rusty Worley will be sent the Traffic Study.

Keith Hazelwood

From: Follensbee, Billie J A <BillieFollensbee@missouristate.edu>
Sent: Monday, October 29, 2012 10:28 AM
To: Keith Hazelwood; rusty@itsalldowntown.com
Subject: Wal-Mart Neighborhood Store between Campbell and Grant

Dear Mr. Hazelwood and Mr. Worley,

I wanted to put in my two cents on the proposed Wal-Mart Neighborhood Store on Grand between Campbell and Grant in Springfield.

Although this is right in the middle of Springfield, I am all right with it as long as they prepare for proper access to the store. Easy pedestrian access should be maximized. Also, this is a very busy area of Grand and also of Campbell, so it is imperative that they have a parking lot that is very accessible from all adjoining streets, preferably good distances from the intersections, so there won't be traffic problems on any of those streets. The store especially has potential for causing traffic snarls along Grand and along Campbell, very busy and important routes through the city, so traffic studies should be conducted to make sure that as little disruption as possible to traffic along Grand as well as to the traffic lights at both Campbell and Grand and Grant and Campbell.

Thank you,

Billie Follensbee

Dr. Billie Follensbee
701 South New Avenue
Springfield, MO 65806

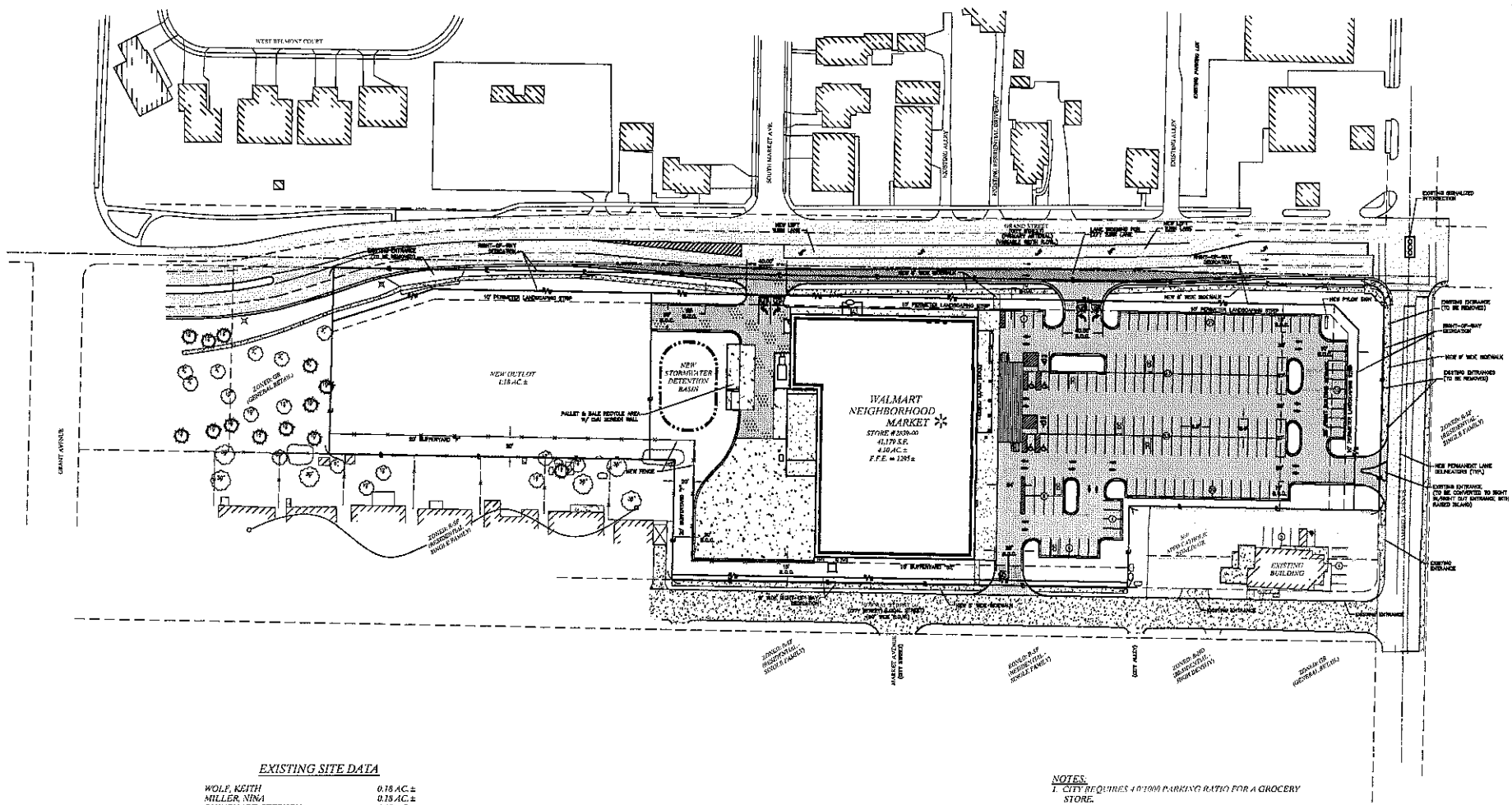
Email: BillieFollensbee@missouristate.edu

Attachment 3

OVERALL CONCEPTUAL SITE PLAN "4G"

CITY OF SPRINGFIELD, GREENE COUNTY, MO

(GRAND STREET & CAMPBELL AVENUE)



EXISTING SITE DATA

WOLF, KEITH	0.18 AC.±
MILLER, NINA	0.18 AC.±
RHINEHART, STEPHEN	0.18 AC.±
TODD, DAVID	0.18 AC.±
SCHANK, DORBELL	0.18 AC.±
CALVARY TEMPLE ASSEMBLY OF GOD	5.08 AC.±
TOTAL ACREAGE	5.98 AC.±

PROPOSED SITE DATA

WALMART LOT	4.10 AC.±
OUTLOT	1.18 AC.±
RIGHT OF WAY DEDICATION	0.70 AC.±
TOTAL ACREAGE	5.98 AC.±

PARKING DATA

NEW WALMART	41,179 S.F.
STANDARD SPACES	161 SPACES
ACCESSIBLE SPACES	6 SPACES
TOTAL PARKING SPACES	167 SPACES *
PARKING RATIO	4.06/1000 S.F.
*CART CORRALS	6 CORRALS / 6 SPACES

* PARKING SPACES OBSTRUCTED BY CART CORRALS ARE NOT INCLUDED IN OVERALL PARKING COUNT.

WALMART GREEN SPACE DATA

TOTAL GREEN SPACE SHOWN	0.82 AC.±
TOTAL IMPERVIOUS AREA SHOWN	3.28 AC.±
PERCENTAGE OF GREEN SPACE SHOWN	20%
REQUIRED PERCENTAGE OF GREEN SPACE	20%
INTERIOR PARKING LOT GREEN SPACE SHOWN	5.2%
REQUIRED INTERIOR PARKING LOT GREEN SPACE	5.0%

NOTES:

1. CITY REQUIRES 4.0/1000 PARKING RATIO FOR A GROCERY STORE.
2. CITY REQUIRES 20% GREEN SPACE PER LOT. CITY REQUIRES 10' BUFFER ALONG RIGHT-OF-WAY.
3. CITY REQUIRES 5% OF THE PARKING AREA TO BE DEVOTED TO INTERIOR PARKING LOT LANDSCAPING
4. PARKING SPACES SHOWN ARE 9.5' WIDE x 18.5' LONG.
5. A REZONING FROM RESIDENTIAL TO GENERAL RETAIL WILL BE REQUIRED.
6. FRONT BUILDING SETBACK (ALONG CAMPBELL) IS 25' SIDE BUILDING SETBACK (ALONG GRAND & CAMPBELL) IS 0'. REAR BUILDING SETBACK IS 0'.

OCHARN
3324 S. Nettleridge St.
Suite 101
Springfield, Missouri 65804
417-864-6900 (tel.)
417-864-6909 (fax)
www.ocharn.com
• Civil Engineering
• Land Surveying
• Landscape Architecture
• Urban Planning
Missouri State Certificate of Authority Numbers:
Surveying: E 2001030
Engineering: E 2001030
Architecture: 2007012440

WALMART NEIGHBORHOOD MARKET #2839-00
SPRINGFIELD, GREENE COUNTY, MISSOURI
WAL-MART STORES INC., BENTONVILLE, AR

CONCEPTUAL SITE PLAN "4G"

RKS
DEC. 3, 2012
1" = 40'
10-4540K

1 of 1

Drawing name: F:\10-4540K\OVERALL CONCEPTUAL SITE PLAN 4G.dwg Xrefs: 3D042 Plotted on: Dec 03, 2012 - 11:51am Plotted by: RStrohmeyer

Attachment 4

From: Rusty Worley [mailto:rusty@itsalldowntown.com]
Sent: Monday, December 03, 2012 9:56 AM
To: MacPherson, Mike
Subject: Wal-Mart Neighborhood Store

Mike,

The Board of Directors of the West Central Neighborhood Alliance voted last week to oppose Wal-Mart's proposed Neighborhood Store at the corner of Campbell and Grand. The group is supportive of commercial development on that site with its high visibility on Campbell, Grand, and Grant. However, it would prefer to have local companies locate there who are more vested in the neighborhood such as Downtown Market and Price Cutter who have served the residents in that area for many years. WCNA also had logistical concerns on the impact of traffic for the intersection and the residents who live on or south of Normal Street. Several attendees raised those issues at the public meeting and the Wal-Mart representatives said they would remove the driveway on Normal, but it remains on the most recent site plan.

Is the Neighborhood Store still on the agenda for Thursday night's Planning and Zoning hearing? I heard it might be delayed as they try to work with City staff on the traffic and driveway issues.

Thanks,

Rusty

Rusty Worley
President
West Central Neighborhood Alliance
807 W. Walnut
Springfield, MO 65806
(417) 569-8866

Owen, Alana

From: MacPherson, Mike
Sent: Wednesday, December 05, 2012 7:30 AM
To: Owen, Alana; Rognstad, Ralph
Subject: Fwd: Proposed Wal-Mart Neighborhood Market

Sent from my iPad

Begin forwarded message:

> **From:** Eric Honeycutt <erichoneycutt@smilingsunlawns.com>
> **Date:** December 4, 2012 9:45:40 PM CST
> **To:** "MacPherson, Mike" <mmacpher@springfieldmo.gov>
> **Subject: Proposed Wal-Mart Neighborhood Market**
>
> Dear Mr. MacPherson,
>
> I am writing to you to express my concerns about a proposed Wal-Mart Neighborhood Market at the intersection of Campbell and Grand. I live at 1018 S New, right up the street from that intersection. I am afraid it will hinder local businesses such as Mama Jean's Market on S Campbell and employee-owned businesses such as Pricecutter on S Campbell. I do not believe the city of Springfield needs yet another Wal-Mart store, and don't want to deal with the traffic stores like this bring on a daily basis. Allowing Wal-Mart a location so close to the downtown area is a dangerous move, especially when the development of downtown Springfield is at such a critical stage. Local business are flourishing, Mr. MacPherson. Please don't take that away from us.
>
> Sincerely,
>
> Eric Honeycutt

Owen, Alana

From: MacPherson, Mike
Sent: Wednesday, December 05, 2012 1:00 PM
To: 'Darlene Steele'
Cc: Owen, Alana; Rognstad, Ralph
Subject: RE: Planning and zoning hearing 12/6

Ms. Steele:
We will forward your comments to the Planning and Zoning Commission.
Mike MacPherson

From: Darlene Steele [mailto:darlene_steele@yahoo.com]
Sent: Wednesday, December 05, 2012 12:50 PM
To: MacPherson, Mike
Subject: Planning and zoning hearing 12/6

Mr. McPherson,

I would like to express my concern regarding the proposed Walmart Neighborhood Market at Grand and Campbell. I am speaking out not because I live in the neighborhood. I am a resident of Grant Beach. I am speaking out not because I strongly dislike Walmart in general because that would be a long discussion which I'm sure you don't have time for and are probably already aware of. I am speaking out because I shudder to think what a similar move in my neighborhood would mean to our neighborhood store Womacks. Springfield needs to work towards encouraging and promoting local business, local foods and real jobs. Springfield does not need to continue to let the big W come rolling in and stomping all over our neighborhood markets and locally owned businesses. Yes they will create jobs that keep people in poverty. Springfield needs to be supporting businesses that create jobs that pay a living wage with benefits. More than that, and I know this is you committee's primary concern, Springfield needs to listen to neighborhood's needs and objections when considering such a change. I didn't really see that happening with the HyVee on E. Sunshine. I hope you do a better job of looking at this proposal through the eyes of the citizens because they are the most important part of this process. Not through the dollar signs Walmart will hold under your nose. I would be in attendance at the hearing tomorrow night but I have to work. I am keeping tabs on the process and will probably be at the City Council meeting in January. Please stop this now before it has to go that far.

Darlene Steele
417-942-2456

Owen, Alana

From: MacPherson, Mike
Sent: Wednesday, December 05, 2012 2:52 PM
To: Jim Lee
Cc: Owen, Alana; Rognstad, Ralph
Subject: Re: In opposition to Walmart Neighborhood market at Campbell and Grand

We will send your comments to the Planning and Zoning Commission
Mike MacPherson

Sent from my iPad

On Dec 5, 2012, at 2:28 PM, "Jim Lee" <jimlee138@sbcglobal.net> wrote:

> I live in the Fassnight Creek neighborhood and wish to register my opposition to the Walmart neighborhood market in planning at Campbell and Grand.
>
> I am not against the rezoning but I am against allowing a Walmart market to build on the property.
>
> I realize that the church can sell to whomever they wish and if a Walmart wishes to buy the property and it is zoned appropriately nothing can be done to stop the process.
>
> I am against the Walmart market for the following reasons:
>
> 1. There are 4 grocery stores already in the vicinity, 5 if you count the Dillon's on St. Louis and National.
>
> 2. Walmart has not answered the question about truck delivery traffic. I know when a bakery wanted to put in a relay station on west Chestnut several years ago there was concern about truck noise.
>
> 3. The notes from the meeting at the church (I was in attendance) reflect that the real estate agent said that property values do not diminish when a grocery store is built next door. He offered no data to confirm that statement other than the fact that he 'is an expert'.
>
> 4. This location is not comparable to Glenstone and Bennett and Mt. Vernon and West Bypass. This location is in the middle of a neighborhood, those other two are not.
>
> 5. Pricecutter on West Republic road and Smiley's at Glenstone and Bennett are gone. I beieve Walmart was responsible.

6. The church mission/vision statement reflects they want to be in that location for a long time in part because it is close to schools.

7. Taxpayers subsidize Walmart employees through government programs for low income workers.

8. The four grocery stores who will be mainly affected by this re-zoning are all locally owned and the money stays in the community. Not so with Walmart.

I don't know if I will be able to attend tomorrow night's meeting. But I would like the record to reflect that I am against any re-zoning that will allow a Walmart Neighborhood market on this parcel.

Sincerely,

Jim Lee

Jim Lee

417 830-0056 / 417 866-4085

This e-mail may contain confidential and attorney-client privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient (or authorized to receive for the recipient), you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this e-mail in error, please contact the sender by reply e-mail and delete all copies of this message that may be in your system.

Owen, Alana

From: MacPherson, Mike
Sent: Wednesday, December 05, 2012 4:03 PM
To: 'Phyllis Netzer'
Cc: Owen, Alana; Rognstad, Ralph
Subject: RE: WalMart in West Central Neighborhood

We will forward your comments to the Planning and Zoning Commission.
Mike MacPherson

From: Phyllis Netzer [mailto:pnetzer@murney.com]
Sent: Wednesday, December 05, 2012 3:59 PM
To: MacPherson, Mike
Subject: WalMart in West Central Neighborhood

Maybe I have been asleep at the wheel and not paying good attention. Maybe it was my spending so mucvh time working the election, maybe the holidays BUT this WalMart thing has sunck up on me!
I plan to be there tomorrow evening to oppose the building of a WalMart in an area that prides itsel in being part of the past. Wonderful old home, narrow street, one of the few areas with smaller schools,,,,,,,,
Can we just step back for a bit and have a second look? This is tooooooooo son. I have hears of some vwry hurried decisions and maybe some facts that are not stringt.

Phyllis Netzer
845 S. Missouri Ave
Springfield, Mo 65806
417-866-8776

Owen, Alana

From: MacPherson, Mike
Sent: Wednesday, December 05, 2012 9:32 PM
To: Scott Youngkin
Cc: Owen, Alana; Rognstad, Ralph
Subject: Re: Proposed Wal-Mart Neighborhood Market

We will forward your comments to the Planning and Zoning Commission for their review and consideration.
Cordially,
Mike MacPherson, Principal Planner

Sent from my iPad

On Dec 5, 2012, at 7:28 PM, "Scott Youngkin" <syoungkin123@gmail.com> wrote:

> Dear Mr. MacPherson,
>
> It has come to my attention of the plans to build a Wal-Mart Neighborhood Market at the southwest corner of Grand and Campbell in Springfield, Missouri. As a Springfield resident for over 40 years and an employee within the West Central Neighborhood, I opposed the construction of Wal-Mart in our center city area with their known practice of hiring part time employees and therefore, no health benefits. Wal-Mart also does not contribute to our local economy.
>
> Research conducted over the last ten years on an urban neighborhood on Chicago's West Side revealed that; "the Wal-Mart opening led to the displacement of a range of businesses and that there is no evidence that Wal-Mart sparked any significant net growth in economic activity or employment in the area." What we must keep in mind in reviewing this study is that these Neighborhood Markets provide the same abilities of ordering and picking up products as a Supercenter. Following, I have provided the link to this study:
> http://luc.edu/curl/pdfs/Media/WalMartReport21010_01_11.pdf
>
> In review of the Planning and Zoning document titled, "EXPLANATION TO COUNCIL BILL NO.", I find that the section titled, "FINDINGS FOR COMMISION TO RECOMMEND DENIAL" empty in content. I have outlined one such finding above, which if properly pursued, should involve a study on the impact of our center city conducted by third party researchers.
>
> Other findings are as follows:
>
> 1) The increase in student housing does not correspond to increase in students. There are currently four or five other grocery stores in the vicinity that are properly managing the population in that area. There is no study backing the information of increased population as a need for another grocery store.
>
> 2) The Public Works Traffic Division has failed to address traffic concerns to the north of this proposed development. Campbell turns into a one way at Grand going north; therefore neighborhood residents will experience increased traffic on residential streets that are not designed to handle the traffic. Such streets include Market and Main.
>
> 3) The City of Springfield, in general, has failed to address the existing hazards of sidewalks along Campbell that butt up against the curbing. These hazardous sidewalks extend from Grand south to Fassnight Park. A workshop was conducted by the Fassnight Neighborhood Association

in 2004 and this issue was ignored by the City. With the proposed rezoning, this issue of the sidewalks becomes even more hazardous and needs to be addressed. Following, I have provided a link to the report by this neighborhood association:
www.springfieldmo.gov/nco/pdfs/assessments/fassRpt.pdf

We have recently formed a group on Facebook called STAND UP TO WAL-MART with a current membership of over one hundred members from Springfield who opposes this Wal-Mart in our center city area. We stand with the West Central Neighborhood Association in that we prefer to have local companies locate there who are more vested in the neighborhood, such as Downtown Market and Price Cutter who have served the residents in that area for many years and view them as an asset to the neighborhood. We also strive for our City to focus on our local economy and local food production from this point forward.

Respectfully,

Scott Youngkin
802 W. Seminole
Springfield, Missouri

Owen, Alana

From: MacPherson, Mike
Sent: Monday, December 03, 2012 9:58 AM
To: 'Rusty Worley'
Cc: Owen, Alana; Rognstad, Ralph
Subject: RE: Wal-Mart Neighborhood Store

At this point it is moving forward on Thursday.
Mike Mac

From: Rusty Worley [mailto:rusty@itsalldowntown.com]
Sent: Monday, December 03, 2012 9:56 AM
To: MacPherson, Mike
Subject: Wal-Mart Neighborhood Store

Mike,

The Board of Directors of the West Central Neighborhood Alliance voted last week to oppose Wal-Mart's proposed Neighborhood Store at the corner of Campbell and Grand. The group is supportive of commercial development on that site with its high visibility on Campbell, Grand, and Grant. However, it would prefer to have local companies locate there who are more vested in the neighborhood such as Downtown Market and Price Cutter who have served the residents in that area for many years. WCNA also had logistical concerns on the impact of traffic for the intersection and the residents who live on or south of Normal Street. Several attendees raised those issues at the public meeting and the Wal-Mart representatives said they would remove the driveway on Normal, but it remains on the most recent site plan.

Is the Neighborhood Store still on the agenda for Thursday night's Planning and Zoning hearing? I heard it might be delayed as they try to work with City staff on the traffic and driveway issues.

Thanks,

Rusty

Rusty Worley
President
West Central Neighborhood Alliance
807 W. Walnut
Springfield, MO 65806
(417) 569-8866

Owen, Alana

Subject: FW: recent proposed zoning change--444 West Grand

From: Michelle Carrol [mailto:puglover0810@yahoo.com]
Sent: Monday, December 10, 2012 11:09 AM
To: Goddard, Sandy
Cc: City
Subject: recent proposed zoning change--444 West Grand

Dear City of Springfield,

I am writing this letter to ask the City to please reconsider the recent decision regarding the proposed zoning change for 444 West Grand, The Calvary Temple Church.

My husband and I, along with our two sons, own Four Paws Grooming Salon which is located directly across the street from the Church. We have lived here for more than 13 years and over the course of those years, we have seen the Church transition from a bustling, purposeful place to what it is today; a condemned building with graffiti, broken windows and quite possibly vagrants living inside. The two parking lots on the east and west sides are very dark at night. On numerous occasions, we have witnessed people high on drugs and possible gang fights going on there late at night.

The pastor of the Church has said there are no other buyers for this property. Are we all supposed to just sit and watch it decay for another ten or twenty years?

Walmart could take down the decrepit old buildings and build a beautiful new one with nice landscaping. The parking lot would be videotaped and well lit at night, desperately needed jobs would be created and crime in this area would be decreased.

Please allow Walmart to take over this property. This is so much better than the alternative.

Respectfully,

Scott and Michelle Carroll
Four Paws Grooming Salon

Owen, Alana

Subject: FW: Regarding development proposal by Wal-Mart at Grand and Campbell
Attachments: aerial map.pdf

-----Original Message-----
From: Cotter, Anita
Sent: Tuesday, December 18, 2012 9:59 AM
To: Cirtin, Brenda; Burris, Greg
Subject: FW: Regarding development proposal by Wal-Mart at Grand and Campbell

This was sent to all Council members.

-----Original Message-----
From: dunderwood82@mchsi.com [mailto:dunderwood82@mchsi.com]
Sent: Monday, December 17, 2012 10:10 PM
To: Robert Stephens; Seifried, Jeff; Cindy Rushefsky; Jerry Compton; Bailes, Scott; Fisk, Jan; Rush, John; Doug Burlison
Subject: Regarding development proposal by Wal-Mart at Grand and Campbell

City Council Member,

Our names are Dani and Don Underwood. We have owned our home at 1060 S. Market Avenue since August of 2011. Our home is located three buildings south of the corner of Normal and Market, within 1/3 of a block from where Wal-Mart wants to put a drive to access the proposed Neighborhood Market at Grand and Campbell. This issue is scheduled to be on the agenda for the Council meeting January 14, 2013.

At the neighborhood meeting with Wal-Mart several people spoke against this entrance/exit due to safety concerns with increased traffic flow. We were given the impression that it would be removed from final plans when we were told by the engineer that they would "address the issue". However, at the Planning and Zoning Meeting they claimed that this drive was "make or break" to the deal.

We have attached an aerial view map of our neighborhood. (The X is our back yard.) We would ask that you review the map and take time to consider the following observations and concerns before voting on the proposal to change the zoning and approve the site plan submitted by Wal-Mart for a Neighborhood Market at Grand and Campbell.

Our neighborhood has limited ingress and egress in regards to thru streets. The edges of our immediate neighborhood are Campbell on the east, Catalpa on the south, Grant on the west and Grand on the north. Two streets, Main and Market Ave. run from Normal (the street just south of the proposed plan)to Catalpa. Normal and Loren run east/west between Campbell and Grant and Catalpa runs from Campbell and does cross Grant to the west. South of Catalpa is Fassnight Park and Parkview High School. Across Campbell to the east is Maple Park Cematary. Across Grant to the west are a vacated gas station, OACAC Preschool, a veterinarian hospital, a flooring store and a heating & air conditioning shop.

We have fairly low traffic volume. Very few "cut thrus" except those drivers trying to avoid backups at the lights at Campbell and Grand and at Grant and Grand.

With traffic back-ups at those two intersections Normal isn't the usual route used because traffic backs up past it to the south. Therefore traffic flows thru the neighborhood further

south using Loren or Catalpa and then Market or Main to trying and circumvent the issue. No traffic study was done on those streets for this proposal.

Traffic studies done on Campbell and Grant were done during summer months when schools & colleges were not in session. Therefore they are flawed as Parkview and MSU create lots of traffic on Campbell especially between the hours of 2pm and 6pm.

The Wal-Mart study of store visits was based on stores in St. Louis per the representatives at the neighborhood meeting and stated at the Planning and Zoning meeting, even though they have had stores in Springfield long enough that a revised more accurate study of visits in our city should have been available. Study was based on a two hour peak volume. No data was given on a 24/7 operation which this is to be.

Wal-Mart stated there were 350 visits during peak hours. (Again, this is St. Louis data.) Based on that figure they say there will be 1 (one) more car per minute on Normal. In doing the math, we calculate as follows: 350 visits x 2 (as should count traffic coming AND going) equals 700 x 33% (allowing for traffic out of one of three exits)= 231 Cars divided by 120 minutes (2 hours of peak time)= 1.925 cars or approx. 2 (two) cars per minute increase. We also believe that this is low considering that the Campbell exit will be a right turn only and could cause more cars to exit onto Normal.

Streets in our neighborhood are already less than perfect. Normal and Loren are already in need of attention.

People in this immediate area take walks, visit by use of motorized wheelchairs, walk dogs and let their children ride bike and play outside. People in this and nearby areas also walk or ride bikes thru our streets to and from the park and pool during the summer.

As we have no sidewalks in our neighborhood except for on the south side of Normal beginning at Market and ending approx. 1/2 block to the west, walking and playing are done in the streets.

While Wal-Mart's proposal calls for some sidewalk improvements, it only covers areas on Campbell, Grant and adjacent to their property line on part of Normal.

We also have very few street lights and some houses only have on street parking.

Thus any business - not just Wal-Mart - that generates an increase in traffic flow thru our neighborhood streets puts our children and friends at a higher risk of injury and our property at a higher risk of damage (ie parked cars on dark streets).

We would also ask that the issue of emergency response access to our neighborhood be considered. Has anyone asked the police or emergency responders how increased traffic flow or the location of the entrances/exits onto Normal, Grand and Campbell will affect their ability to respond to this and other areas?

We would invite you to visit our neighborhood to help you understand our concerns and to see for yourselves that this is not the best site for this type of development. We ask the council to uphold the decision of the Planning and Zoning Commission to deny the rezoning request.

Dani and Don Underwood
1060 S. Market Avenue
Springfield, MO 65807
home ph: 417-869-6947

Owen, Alana

Subject: FW: Proposed Wal-Mart at Grand and Campbell

From: Rachel Sanders [mailto:rae2607@gmail.com]
Sent: Tuesday, January 08, 2013 11:10 AM
To: City
Subject: Proposed Wal-Mart at Grand and Campbell

Dear Springfield Planning and Zoning Commission Members:
I am writing to you as a resident of West Central Springfield to express my concerns and opposition to the proposed Wal-Mart Neighborhood Market at Grand and Campbell. Please understand that I have no issues whatsoever with the buildings on that corner being demolished and new business(es) being built there; my issues stem solely from the fact that this will be a Wal-Mart in downtown Springfield. I do not shop at any Wal-Mart as I do not approve of many of their business practices. I prefer to put my money back into my hometown's economy by shopping at as many locally-owned and employee-owned businesses as I can. Within just a couple miles of this location, there are 3 Price Cutters, the Downtown Market, and a Mama Jean's Market - all of which are either employee-owned or locally-owned. It saddens me to think our City might approve of bringing in a business that will most definitely take shoppers and their money away from our hometown stores, run by hometown folks.
I won't bore you with all of the endless statistics of Wal-Mart's impact on local businesses throughout our country, or with the facts about how little they pay their employees (so little that many estimates say 80% of their employees are on Medicaid and food stamps), but I urge you to research the facts about them and make up your own mind as to whether or not it is an ethically run company. I understand many folks shop there because they are on tight budgets and Wal-Mart offers nothing if not cheap everything, but I assure you, there are alternatives. I am a single woman with student loans to pay, a mortgage, and all the other typical bills to pay on a fairly low salary, but I still find ways to save money and NOT shop at Wal-Mart.
If none of the above concerns you, then I ask you to consider the residential neighborhood surrounding the area and the impact Wal-Mart will have on it. Even if they re-design the layout so there is not an entrance on Normal Street, the people living in that neighborhood will most likely have to listen to drastically increased traffic, not to mention large delivery semi-trailers. And the corner of Grand and Campbell already sees more than it's fair share of traffic back-ups with MSU down one road and Parkview HS down the other - I can tell you from experience that morning's are often a mess at that corner. If it were instead, a few locally-owned, smaller business on that corner, I can see the impact on traffic and the residential area being minimal. As it is proposed with Wal-Mart, I foresee a traffic nightmare. Oh yes, and where will a lot of that traffic going to Wal-Mart be coming from? People who used to shop at the nearby local stores.
I understand the pull of so many people saying, "Oh, but they will bring so many jobs!" To respond to that, I again encourage you to investigate just what kind of jobs they will be. Part-time, minimum wage, and heavily supported by Medicaid and food stamps. Not the kind of jobs I would hope our City would prefer over local people providing goods and services to their friends and neighbors and employing other local people on a livable wage.
I urge you to look into your hearts, look around our community, and really think about if this is good for downtown Springfield in the long-run.
Thank you for your time.
Sincerely,
Rachel Sanders
901 South Missouri Ave
Springfield, MO 65806

W MADISON ST
E MADISON
W PAGE ST
W LOMBARD ST
W BELMONT ST
W GRAND ST
E GRAND ST
W NORMAL ST
W DELMAR ST
W LOREN ST
W CATALPA ST
W MEADOWMERE ST
W BENNETT ST
E BENNETT S
W CRISMAN DR
W ILDEREEN ST
W MINOTA ST
S MISSOURI AVE
S DOUGLAS AVE
S GRANT AVE
S MAIN AVE
S CAMPBELL AVE
S PATTON AVE
S SOUTH AVE
S ROBBERSON AVE
S BROADWAY AVE
S THELMA AVE
S MARKET AVE
S UTAH AVE

Owen, Alana

Subject: FW: Grand & Campbell

From: mdglenn298@att.net [mailto:mdglenn298@att.net]
Sent: Tuesday, January 08, 2013 9:35 AM
To: City
Subject: Grand & Campbell

Friends
The people who doubted the wisdom of another variance for yet another Walmot Grocery are unlikely to change their opinion

Hopefully, the city did not spend countless dollars buying up real estate and forclosing houses in an effort to improve W. Grand in order to plant another Wal Mart store.

Do we wanr Springfield to resemble the old Gum stores in the USSR, when, I you wanted to purchase something you had to goe to the only place that had it, because it was state run.
Wal marrt has a reput5ation of running roughshopd over local suppliers and and local government

Wal-mart will likely keep coming back unless you stop them now.
Please send them to Rogersville or North Glenstone or...back to Arkansas.
thanks for your attention
md glenn (near 900 S. Jefferson)

Owen, Alana

From: MacPherson, Mike
Sent: Tuesday, January 15, 2013 9:48 PM
To: Darlene Steele
Cc: Owen, Alana; Goddard, Sandy; Rognstad, Ralph
Subject: Re: 2nd zoning hearing on proposed WM

We will forward your comments to the Wal-Mart representatives, and the P & Z Commission
Mike MacPherson

Sent from my iPad

On Jan 15, 2013, at 9:15 PM, "Darlene Steele" <darlene_steele@yahoo.com> wrote:

> Mr. Macpherson,
> I have seen the amended plans that WM is bringing the zoning hearing this month. I am astonished that any of these options would even be considered as any kind of solution. Furthermore, I would say that any changes should return first to the neighborhood before being brought to P&Z. I believe WM is trying to skip a step in the process. As a concerned citizen I would urge you to send them back to the beginning so they can tell the people who live on Normal St. how they want to block them off.
> Thanks for your time,
> Darlene Steele

Owen, Alana

Subject: FW: Proposed Walmart Neighborhood Market

From: Scott Youngkin [mailto:syoungkin123@gmail.com]
Sent: Wednesday, January 16, 2013 2:07 PM
To: MacPherson, Mike
Subject: Proposed Walmart Neighborhood Market

Dear Mike,

I am very happy to find out that you are a honorary board member of the Springfield Urban Agricultural Coalition and I have full confidence that you will forward this email to those on the Commission for me. Part of our goal as Stand Up To Wal-mart group is for a sustainable local future which includes local food production. Our group now consists of over 130 members made up of citizens from throughout the City, including Fassnight, West Central and Grant Beach neighborhoods.

In regards to the proposed development of the Walmart Neighborhood Market at Grand and Campbell, we in the group still stand with the West Central Neighborhood Association in opposition to this development in our center city area. From our research, we feel that this development will have a negative impact on the area. We feel that the only true way to solve this debate is through an economic impact review. In an email sent today, I have addressed City Council with the information needed to implement an economic impact review process in the form of a bill.

We also feel that this proposal, once already denied by the Commission, should now go back to a neighborhood meeting before being voted on again by the Commission on January 24, 2013. Many other issues besides Normal Street, according to yesterday's News-Leader article, are being ignored which were addressed at the December 6, 2012 Planning and Zoning Commission hearing. One item that was not addressed is that Normal Street is a bike route, where children will be making their way to the nearby public swimming pool at Fassnight Park. We have deep concerns over this for the safety of children in the neighborhoods and also the dangerous sidewalks along Campbell Avenue being used by students on their way to school, amongst other heard traffic issues at the hearing. We had a very sucessfull event last Saturday in our efforts to bring awareness to the neighborhoods of our concerns.

Below I am providing the same link that was sent to City Council today. In this are .pdf documents titled "A Guide to Retail Impact Studies" and other useful documents put together by senior researcher, Stacy Mitchell. In a recent email that I received from Stacy, she stated that according to an expensive study by Metro Market Studies, in the Springfield metro area, Walmart and Sam's Club together have a 49% grocery market share as compared to a 25% grocery market share overall. The question that Stacy would like to ask you all with Planning and Zoning and on the Commission is, "Do you want there to be competition and consumer choice in the grocery market or not?".
Institute for Local Self Reliance - Economic Impact Review
http://www.ilsr.org/rule/economic-impact-review/

Sincerely,

Scott Youngkin
Stand Up To Wal-Mart Group
802 W. Seminole
Springfield, Missouri 65807

Owen, Alana

Subject: FW: WalMart Neighborhood Market - Zoning Case Z-17-2012

From: joey kelly [mailto:joeykellydotcom@yahoo.com]
Sent: Tuesday, January 15, 2013 3:32 PM
To: Goddard, Sandy
Cc: jmcrealty@aol.com; City
Subject: WalMart Neighborhood Market - Zoning Case Z-17-2012

To Whom it may Concern,

Thank You for the opportunity to introduce myself. My name is Joseph Kelly, 629 West Normal, Springfield, MO 65807, 417-413-9993 and I have a vested interest in the WalMart Neighborhood Market. My wife Linda, spoke at the 12/6/2012 meeting. Our point being the additional traffic on Normal, as result of the market, would handicap our ability to enter/exit our driveway due to projected, increased traffic. This is especially true for the three homes closest to Grant Street of which we are one.

It is our understanding that WalMart has a viable solution to by installing an island blocking westward travel at the Market & Normal intersection. We think that is a good solution to the problem, however this WILL NOT reduce the traffic as intended. Why? My neighbor has already told me he wouldn't honor the signage and would drive around it, thereby validating that others would selfishly, without regard for law, do likewise. Thus my objection as NOT a viable solution in of itself.

While the island is a good idea, IT IS NOT ENOUGH! People, my neighbor included, will do what they want, and will blatently disregard signage AND Normal residents will still inherit the unnecessary and unwanted westbound traffic. My soulution is very simple!

In addition to the island, a great idea mind you, if you include one-way, traffic spikes with warning signage, you will resolve that problem, remove potentional traffic violators and resolve the issue as far as my wife and I are concerned. While I have no vested interest in either of the following products, and I'm certain there are multiple products to choose from, this is one example for your perusal.

The **DKS 1610 Flush Traffic Control Spike** or the **Guardian Cobra Flush Traffic Control Spike** requires trenching for in-ground installation. The **DKS 1610 Surface Traffic Control Spike** or **Guardian Cobra Surface Traffic Control Spike** requires no trenching by mounting directly onto concrete or asphalt. Spike strip allows vehicular travel in one direction only. Traffic control spikes are perfect to enforce one way traffic in a single traffic lane. Posting **DO NOT ENTER** and **Warning Signage** that severe tire damage may result if they proceed addresses our concerns perfectly. It is my understanding that the eastbound side of the sign would warn traffic not to back-up wherein the westbound side of the sign clearly states not to enter, further clarifying ramifications of non compliance.

If city employees, in all departments, recommend/mandate that traffic control spikes be included with the island, thereby closing off westbound traffic, you will in fact remove the additional traffic. We would rather have the inconvenience of adjusting our travel routes than suffer the additional traffic flow.

Thank You for your consideration.

Regards,

Joseph and Linda Kelly

Owen, Alana

From: sifford2150@sbcglobal.net
Sent: Wednesday, January 09, 2013 11:27 AM
To: Zoning@springfieldmo.gov
Subject: Walmart Neighborhood store

My name is Marianne Sifford and I live at 1162 S Jefferson. The purpose of this email is to voice my opposition to the proposed Walmart Neighborhood store on West Grand. It is my opinion that this store would cause traffic problems on Grand, Campbell, Grant and Normal streets. In addition, there are 3 markets, from small to large within 2 miles of Walmarts' proposed site. Please, let us help the locally owned and employee owned businesses in our area.

Thank you,

Marianne Sifford

RECEIVED
JAN 14 2013
City of Springfield
Planning Development Review

TO THE CITY COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI

@ 10:30am

Please take notice that the undersigned, being the owners of property within an area of 185 feet from the property or district proposed to be rezoned by the Planning and Zoning Commission No. _____, Council Bill No. _____, do protest and object to said proposed rezoning. This protest is given in contemplation of the provisions of City Code and applicable laws.

Darrell K Bogler
Printed Name

Signature

property address { 617 W Normal Springfield MO
Address

mailing address of absentee owner { 492 mountain creek rd linn Creek MO 65052

Printed Name

Signature

Address

Printed Name

Signature

Address

PLEASE NOTE:

ALL OWNERS OF RECORD MUST SIGN THE PETITION EXACTLY AS SHOWN ON THE DEED IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).

THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.

STATE OF MISSOURI Camden
COUNTY OF ~~GREENE~~ ss.

On this 9th day of Jan. 2013; ~~2011,~~ before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

Lisa A. Peterson
Notary Public

My Commission expires: _____

LISA A. PETERSON
Notary Public - Notary Seal
STATE OF MISSOURI
Camden County - Comm#09514834
My Commission Expires May 24, 2013

The Impact of an Urban Wal-Mart Store on Area Businesses: An Evaluation of One Chicago Neighborhood's Experience

By

Julie Davis,[†] David Merriman,[††] Lucia Samayoa,[†] Brian Flanagan,[†]
Ron Baiman,[†] and Joe Persky[††]

December 2009

Research report prepared and published by the

Center for Urban Research and Learning
Loyola University Chicago.

The authors gratefully acknowledge financial support for this research from the Woods Fund of Chicago.

[†] Center for Urban Research and Learning, Loyola University Chicago
[††] University of Illinois Chicago

For more information contact: David Merriman, Economics Department, University of Illinois Chicago, m/c 144, 601 S. Morgan St., Chicago, IL 60607 MC-144 (312) 413-2368, dmerrim@uic.edu; or Julie Davis. Center for Urban Research and Learning, Loyola University Chicago, 820 N. Michigan Ave., Chicago, IL 60611, 312-915-7529, jdavi14@luc.edu

The **Center for Urban Research and Learning** (CURL) of Loyola University Chicago seeks to promote equality and to improve people's lives in communities throughout the Chicago metropolitan region. CURL pursues this goal by building and supporting collaborative university-community research and education efforts. These partnerships connect Loyola faculty and students with community and nonprofit organizations, civic groups, and government agencies. Such collaborations link the skills and knowledge present within every community with the specialized knowledge and academic discipline of a vital urban university.

More information on CURL and an electronic version of this report are available at: www.luc.edu/curl.

Executive Summary

Having achieved nearly complete coverage of non-urban and suburban markets, mega-retailer Wal-Mart has turned its attention to urban expansion. Evaluations of Wal-Mart's impact on urban retail businesses and local employment are necessary to inform policy makers, scholars, and community activists looking to improve economic opportunities for inner-city residents. This study focuses on the Wal-Mart store that opened on the West Side of Chicago in September 2006.

The research team conducted a series of three surveys of retail businesses in an area within a four-mile radius of the Wal-Mart location at 4650 W. North Ave, Chicago IL 60639. This area is roughly bounded by Irving Park Avenue to the north, Western Avenue on the east, Roosevelt Avenue on the south, and Harlem Avenue on the west. The surveys were administered in the summers of 2006 (before the Wal-Mart opening), 2007 and 2008. The basic sample follows 306 enterprises 82 of which went out of business over the study period.

A key finding of the survey is that the probability of going out of business during the study period was significantly higher for establishments close to the Wal-Mart location. This probability fell off at a rate of 6 percent per mile in all directions from the Wal-Mart store. The relationship to distance was particularly strong for establishments in electronics, toys, office supplies, general merchandise, hardware, home furnishings, and drugs. Closings for apparel stores, shoe stores, sporting goods, children's stores and video/music showed no statistically significant relation to distance.

Based on the estimated relationship between probability of store closings and proximity to Wal-Mart, the research team estimates that Wal-Mart's opening has resulted in the loss of about 300 full-time equivalent jobs in its own and nearby zip codes. There is considerable uncertainty attached to these calculations. However, they suggest a loss about equal to Wal-Mart's own addition to employment in the area. These estimates support the contention that large-city Wal-Marts absorb retail sales from other city stores without significantly expanding the market. There was no evidence from the sample that stores remaining in business suffered employment losses.

In addition to the surveys of West Side establishments, the research team obtained sales tax data from the Illinois Department of Revenue. These data from 2000 through 2008 are used to estimate quarterly taxable sales for the Wal-Mart zip code (60639) and neighboring zip codes. A trend analysis is performed for each zip code. In each case, the question is whether trends in sales changed after the Wal-Mart opening. For Wal-Mart's own zip code, 60639, there is no evidence of an overall upturn in sales. Indeed, if the sample is limited to the six quarters (18 months) before and after Wal-Mart opened there is a significant decline in the trend of zip code sales. For this same period, zip code 60651, the closest neighbor to the Wal-Mart zip code, also shows a significant negative break-in-trend as does zip code 60622. No other city zip codes in the area show significant changes. Unfortunately these data include sales in a range of establishments not directly competing with Wal-Mart. (The Illinois Department of Revenue refused to

release more detailed data.) Nevertheless, the results on sales are broadly consistent with the estimates based on the survey data.

Data from the Illinois Department of Employment Security on retail employment in Wal-Mart's own zip code and nearby zip codes are also broadly consistent with the survey findings. Retail employment levels in Wal-Mart's own zip code show no significant change, presumably because of the addition of Wal-Mart's own employees. But retail employment trends in neighboring zip codes show a negative effect after Wal-Mart's opening. This effect is significant in the period 2003-2008.

Overall, the weight of evidence suggests that the Wal-Mart opening on the West Side led to the displacement of a range of businesses. There is no evidence that Wal-Mart sparked any significant net growth in economic activity or employment in the area. The study findings must be interpreted cautiously. The data used are often not ideal, although the best currently available. Still the conclusions reached here are similar to those other researchers have found for Wal-Mart impacts in small towns and suburbs. Under the circumstances, claims that the Chicago Wal-Mart has led to significant economic development in nearby areas must be considered skeptically.

Community Leader Perspectives on the Study

The Center for Urban Research and Learning convened two small gatherings of community leaders to review this report and provide their perspectives on its implications for the ongoing discussion of economic development in Chicago communities – particularly low-income communities. Although significant input was received from local businesses in the course of completing research for this report, we felt that it was valuable to receive further input from community-based leaders -- especially those active in neighborhoods on Chicago's West Side, where the current Wal-Mart store is located, and the South Side where there have been many discussions about the possible location of a new Wal-Mart store. The comments below are not intended to be a survey of "community opinion," rather they are provided as an initial reaction from leaders who have been active in economic development work in Chicago's low- and moderate-income communities for many years. Those involved in these discussions included leaders from Lawndale Christian Development Corporation, West Humboldt Park Development Council, Enlace Chicago, Erie Neighborhood House, Good Jobs Chicago, and Centers for New Horizons.

While community leaders recognized the contribution that Wal-Mart was providing at its new store on Chicago's West Side in terms of retail shopping and employment opportunities, they were particularly impressed with the report's finding that these contributions did not represent *additions* to existing local economic opportunities. Wal-Mart's sales were replacing, but not enhancing, the retail activity in the community, as indicated by relatively steady sales tax revenues before and after the addition of the store. Similarly Wal-Mart was replacing, but not enhancing, employment opportunities in the community.

The fact that Wal-Mart is "a wash" in terms of sales revenue for the city and jobs for local residents has particular relevance to current policy debates about the need for new Wal-Mart stores, or for that matter, more big box developments in Chicago's neighborhoods. Such stores are not producing the new opportunities and a financial boon for the city as was promised or forecast by some. As Tom Otto at the West Humboldt Park Development Council, commented, "What this study confirms [is that]... there is a pie and you're just divvying it up differently in terms of sales, number of jobs; it's just shifting."

This means that communities should not be so quick to see Wal-Mart as a panacea to local economic struggles. The development of such a store is one alternative, but not the only one. Leaders suggested that big box developments should be view as one strategy in the city's arsenal to address economic development, but *not the only one.*

There were numerous suggestions that additional strategies be considered in addition to big box developments. Maureen Hellwig from Erie Neighborhood House recommended that just as the city has an ordinance that requires so many units of affordable housing to be included in certain kinds of multi-family development, maybe a similar "inclusionary business" ordinance should be enacted insuring that nearby small

businesses can be enhanced by such new development. Wal-Mart has indicated that it is reaching out to local businesses on a voluntary basis, but community leaders felt that a stronger government role in structuring and mandating these benefits would be appropriate.

Other leaders suggested that we should not be so quick to "put all of our eggs in one basket." In some communities maintaining a diversity of shopping options, rather than building one big store, may be the more desirable development avenue. Dhyia Thompson from Southsiders Organizing for Unity and Liberation (SOUL), part of the Good Jobs Chicago coalition, responded that Wal-Mart is not the "economic engine" that will push urban community economic development forward. Specifically referencing Chatham and Austin, Thompson states: "Plopping a rural model store into an urban community doesn't support a diversity of retail & commercial businesses. A community with one big box that displaces existing jobs and businesses is not a desirable solution. I feel that this study is just a confirmation that Wal-Mart will just end up replacing the resources that already exist."

There are economic engines in some communities that might be better enhanced by strategies other than big box developments. Cesar Nunez from Enlace Chicago recognized that business ownership succession is a problem in many Chicago communities; in some cases communities lose businesses when aging owners do not have someone to whom to sell the business they have developed. It is possible that where significant patterns of such business closures have taken place, big box developments are a50
logical solution. However, Nunez notes that in communities such as Little Village where there has been a steady growth of new immigrants and demand for new businesses, small retailers have found ways to continue their business. There is a healthy entrepreneurial energy to develop new small businesses – an energy that could be lost if a big box development was given any particular advantages over small businesses.

Other suggested alternatives or complements to Wal-Mart-scale developments were retail business incubators. These have been used in some Chicago neighborhoods and could be more systematically used in local retail development. Related to this are small business "malls," such as the Azteca Mall where 100 local vendors created their own mall and bought an old industrial building to house it. Similarly, the experience and resource represented by local chambers of commerce in promoting local business should not be ignored in the race to attract the big developments. These chambers, particularly with government and foundation assistance, have the local credibility and local experience to strengthen the local retail climate.

The overall community leader response emerging from our discussions is that elected officials should not be so quick to invite in larger corporate retailers into communities, under the assumption that these large businesses will produce more tax revenue, better retail options for residents, and more jobs. This study shows that some of these promises of growth may not be realized after stores are built. Where the long-term impact will not

be one of growth, but merely a process of replacing small retailers with a larger retailer, government leaders need to be more cautious.

Among the community leaders attending these meetings, there was not a knee-jerk opposition to Wal-Mart or any other big box store moving into Chicago communities. Rather, the message they conveyed was that we are a diverse city with diverse needs. We are a city of 77 community areas, many different income groups, and many different racial, ethnic, and cultural groups, so one size of development does not fit all. Given the report's findings, we should not be rushing into economic development strategies with the assumption that big stores will always be better for local residents and the city as a whole.

Table of Contents

I. Introduction
II. Studies of Wal-Mart's Economic Development Impact
III. The Chicago Wal-Mart Study
IV. Methodology
    a. Survey Data
    b. Other Sources of Information about Wal-Mart's Impact
V. Findings
    a. Findings from Survey Data
        i. 2006 baseline survey and response rate
        ii. 2007 survey response rate
        iii. 2008 survey response rate
        iv. Distance from Wal-Mart and Retail Closures
        v. Estimated job loss from Wal-Mart
    b. Findings from Sales tax data
    c. Findings from Retail Employment data

VIII. Summary and Conclusions

Appendix 1

Jobs and Opportunity Zones

Appendix 2

Analyses of D&B data

Figures and Tables

Figures

Figure 1 Survey results 2006-2009
Figure 2 Plot of survey firms by distance and direction to Wal-Mart and out-of-business status
Figure 3 Study area in its larger regional context
Figure 4 Map of zip codes in the Wal-Mart area

Tables

Table 1 Descriptive statistics from 2006 survey
Table 2 Response Rates for 2007 and 2008
Table 3 Descriptive statistics from the 2007 and 2008 Surveys
Table 4 Status of business by quadrant
Table 5 Distance from Wal-Mart and Probability of Going Out of Business

Table 6 Probability firm went out of business between 2006 and 2008 surveys as a function of distance to Wal-Mart, by line of business
Table 7 Percent change in employment and wages between 2006 and 2007 survey as a function of distance to Wal-Mart
Table 8 Wal-Mart impact on taxable sales in home zip code
Table 9 Wal-Mart impact on taxable sales all zip codes
Table 10 Wal-Mart impact on retail employment in home zip code
Table 11 Wal-Mart impact on retail employment in home zip code and all other zip codes

Appendix Tables

Table A2.1 Business status by SIC code for Wal-Mart area firms
Table A2.2 Basic Descriptive Statistics about Firms in the Wal-Mart area from the Dun & Bradstreet data
Table A2.3 Business status by compete status for Wal-Mart area firms
Table A2.4 Business status by relative location for Wal-Mart area firms
Table A2.5A Regressions to predict out-of-business status for Wal-Mart area firms
Table A2.5B Regression to predict out-of-business status for Wal-Mart area firms
Table A2.6 Distance (in miles) to Wal-Mart of existing and new businesses in 2007 Dun & Bradstreet survey
Table A2.7A OLS Regressions to predict change in employment for Wal-Mart area firms
Table A2.7B Regression to predict percentage change in employment for Wal-Mart area firms
Table A2.8A OLS Regressions to predict change in sales for Wal-Mart area firms
Table A2.8B Regression to predict percentage change in sales for Wal-Mart area firms

The Impact of an Urban Wal-Mart Store on Area Businesses: An Evaluation of One Chicago Neighborhood's Experience

Introduction

Since opening its first store in Bentonville, Arkansas in 1962, Wal-Mart Stores Inc. has expanded to more than 3,400 Wal-Mart stores and 550 Sam's Clubs domestically and has become the largest retailer and private employer in the U.S. (Basker, 2007). Wal-Mart expanded in concentric circles from its Bentonville hub through rural, small town, and then suburban and small city areas of the south-central, southeast, northeast, and finally western regions of the U.S. Wal-Mart has achieved nearly complete coverage of these non-urban markets. Consequently, large inner city areas represent Wal-Mart's last frontier for virgin expansion in the U.S., and the company has embarked on an aggressive effort in this direction.

However, Wal-Mart's big city urban expansion plans have roused strong local political opposition. As of October 2007, there were only two big-city Wal-Mart's among the three largest cities, one in Los Angeles and one in Chicago (Wal-Mart Store Locator, 2008). New York City has not yet allowed any Wal-Mart stores within its city limits (Jones 2007), although the retailer is still eager to enter that market (Massey, 2009). Recently, Wal-Mart has indicated that it is hoping to expand across the City of Chicago, starting with a store on the South Side (Bustillo, 2009). The economic policy debates, in Chicago and elsewhere, have centered on Wal-Mart's impact on local jobs and wages, as well as consumer prices and community retail development needs.

Evaluations of the community development impact of the next phase of the company's continued expansion are necessary to inform efforts by decision makers and community activists to respond to Wal-Mart's employment and investment policies. So far as we know, this is the first empirical study of the local economic impact of a Wal-Mart in a large city. As such its conclusions should be highly relevant for scholars, public officials, and community activists seeking to understand consumer choices and improve economic opportunity for inner city residents.

Studies of Wal-Mart's Economic Development Impact

Kenneth Stone published the earliest and most direct studies of Wal-Mart's impact on local economic development (1998, 1995A).[1] Using local retail sales tax data, Stone evaluated the impact of Wal-Mart's growth in small towns in Iowa between 1983 and 1993. Breaking the data down by two-digit SIC code, Stone computed "pull factors" (PF) equal to "per capita sales for a community" divided by "per capita sales for the state" in current dollars for different communities and industries. He measured percentage changes in these pull factors over time relative to a base year – one year before the Wal-Mart opened.

Stone's results show clear evidence of a very large localized and specialized Wal-Mart
impact causing: a) PF declines in all non-General Merchandise sectors except for Home Furnishings and Eat and Drink in Wal-Mart towns, b) generally larger PF declines in all retail categories with the exception of "Food" (not sold by Wal-Mart during this period) in non-Wal-Mart towns, c) Across all categories, a five year 6.0 percent increase in the PF for total sales in Wal-Mart towns versus a -10.4 percent decline in Non-Wal-Mart towns, d) Larger market share losses for non-Wal-Mart towns that were within 20 miles of Wal-Mart towns than for non-Wal-Mart towns that were farther away, e) An estimated 23 percent decline in the number of retail stores in Iowa, based on PF losses by store category and average sales per store by retail category in 1993[2], and f) an overall decline in the value of retail sales, over the 1983 to 1993 period in Iowa in addition to this large substitution effect.

Stone has generalized his work to rural communities (1997) and shown similar results for Wal-Mart Supercenters in Mississippi (Stone, Artz and Myles 2002). Other regional studies of Wal-Mart's impact (all looking at rural areas) have come to similar conclusions (see citations in Neumark, Zhang and Ciccarella , 2007).

One critique made of Stone's work, and other similar regional studies, is that the "before and after" methodology employed does not take possible endogeneity of the location and timing of Wal-Mart store openings into account (Neumark, Zhang and Ciccarella, 2007, Basker, 2007). One response to this criticism is that it ignores the differential effects of Wal-Mart on merchandise categories sold by Wal-mart ("general merchandise" and "department store") and not sold by Wal-mart (food).in Stone's study. It seems unlikely that these impacts cannot be attributed to an "endogenous" effect of Wal-Mart store location. Stone's results show that Wal-Mart stores in rural areas gain market share at the expense of both other in-town stores and nearby (up to 20 miles away in rural Iowa) retail stores. This results in large market share losses for other stores, and a large reduction in the number of retail outlets overall. If the large PF increases found in "Wal-Mart towns" and the large declines in "non-Wal-Mart towns" were the result of a very successful Wal-Mart site selection process that targeted fast growing retail markets,

[1] Stone's well-known simple and direct analysis is not included in Basker's (2007) otherwise comprehensive review of the literature on the "causes and consequences of Wal-Mart's growth".
[2] Calculated from Table 4, p. 68 (Stone, 1995).

there is little reason to believe high relative growth rates would be confined to the general merchandise and department store categories.

Recent econometric studies using national level data over a 20- to 30-year time period have had mixed results. Some studies corroborate Stone's analysis by showing retail employment and payroll losses in counties where a Wal-Mart opened relative to counties with no Wal-Mart (Neumark, Zhang and Ciccarella, 2007 and Dube and Wertheim, 2005), but others show retail and wholesale employment gains in these counties (Basker, 2005)[3]. All of these studies use time-series and spatial regression with an "instrumental variable" that attempts to control for the impact of the possible endogenous site selection effect discussed above.

Two studies done by Neumark, Zhang and Ciccarella (2007) and Dube and Wertheim (2005) exploit the pattern of Wal-Mart's spatial expansion to construct their instrumental variable. Neumark, Zhang and Ciccarella (2007) estimate that each new Wal-Mart store reduces county-level retail employment by about 150 workers so that each Wal-Mart worker replaces about 1.4 non-Wal-Mart retail workers. In addition, they determine that a new Wal-Mart reduces county-level retail earnings by 1.3 percent. Dube and Wertheim (2005) find that in urban counties with a Wal-Mart, the wage bill for workers in the general merchandise and grocery sectors declines by 1.3 percent, whereas the wage bill in rural (non-MSA) counties with a Wal-Mart does not change.

In another study, Basker (2005b) finds that the number of retail jobs in a county with a Wal-Mart store increases by 50 after five years; however, this is partially offset by a 30 worker wholesale job decline in these counties over the same period. Basker (2005) uses planned Wal-Mart opening dates as an instrumental variable for the timing of Wal-Mart openings in her estimations and drops small and historically declining counties from her sample to control site location selection bias. She does not find a statistically significant effect in counties that are adjacent to Wal-Mart counties.

In a more recent survey article, Basker (2007) highlights Wal-Mart's efficiency gains, noting that the McKinsey Global Institute estimated in 2001 that Wal-Mart's real value added per worker was more than 40 percent higher than that of other General Merchandise retailers. This is consistent with Neumark, Zhang and Ciccarella's (2007) finding that every Wal-Mart worker replaces at least 1.4 non-Wal-Mart retail workers. Basker's (2005) econometric results showing employment gains, however, appear inconsistent with the McKinsey study. This finding may be due to Basker's elimination of small and declining counties from her sample and her choice of instrumental variable[4].

Dube and Wertheim's (2005) results are also consistent with Stone's (1988, 1995) findings that the job loss and total wage bill decline as a result of Wal-Mart's efficiency

[3] Sobel and Dean's (2007) recent study finds that finds that, after controlling for other variables, US states with more Wal-Marts did not have a smaller or less profitable small business sector.

[4] It is unclear why "planned" opening dates should be any less correlated with retail market (and employment) growth than "actual" opening dates.

gains. Both effects could be mitigated in urban areas because, in these heavily-developed areas, there are few opportunities to draw consumers from nearby cities and towns.

In this context, we note that since Wal-Mart only sells certain retail commodities, evaluations of the welfare impact of Wal-Mart's overall wage and price effects should not be based on simple comparisons of wage and price reductions. Direct comparisons of wage and price reduction estimates such as those made by Basker (2007) can be misleading if they do not take other rising costs such as health care, education, housing, and costs of other consumer goods, such as cars and gas, into account in assessing actual "real" wage increase or decrease.

The Chicago Wal-Mart Study

In the spring of 2004, Wal-Mart submitted zoning applications to locate stores in two different Chicago neighborhoods. After a number of highly contentious Zoning Board and City Council meetings, Wal-Mart was given approval for a store on Chicago's West Side.[5] This controversial decision was followed by an effort to enact a "big box living wage" ordinance in Chicago that would require Wal-Mart and other large retailers to pay a "living wage" and provide health benefits (Baiman, 2006). The Big Box Living Wage Ordinance was passed by City Council but provoked a heated debate and led to the first Mayoral veto in 17 years. The new Wal-Mart opened at the end of September 2006. At present Wal-Mart is considering opening a number of other outlets in the city of Chicago.

The goal of our study is to evaluate the local employment, wage, and sales impact of a Wal-Mart store in an inner-city area. In an urban context, unlike a rural or suburban setting, a Wal-Mart store has limited ability to attract customers from outside the political jurisdiction where it is located because there are many alternative retailers. We therefore expect much of the retail spending going to a Wal-Mart store to replace spending that would have otherwise gone to stores in the neighborhood.

A Wal-Mart store has a higher sales-to-employee ratio than the smaller stores whose customers it attracts. This means that it may employ fewer workers to sell merchandise that would otherwise be sold by less efficient stores. The result is that Wal-Mart may *reduce*, rather than increase, local retail employment.

[5] The exact location of the store is 4650 W. North Ave, Chicago IL 60639 .

Methodology

In order to study the effect of Wal-Mart on economic activity in the West Side neighborhood where it is located, we gathered baseline ("pre-Wal-Mart") information and measure post-Wal-Mart changes in activity over two years. We attribute changes in economic activity to Wal-Mart's presence by comparing (1) pre-Wal-Mart activity and trends to post-Wal-Mart activity and trends, (2) changes in activity near Wal-Mart to changes further away and (3) changes in product lines that directly compete with Wal-Mart to those that do not. We use a variety of data to make these comparisons.

Survey Data

We obtained our main source of data about business activity in the neighborhood of the new Wal-Mart store by conducting a series of phone surveys of local businesses.[6] Figure 1 outlines the three waves of surveying and associated follow up investigations. Using geographically coded MSN Yellow Pages listings for retail stores, we assembled a list of 503 businesses in the major retail categories that compete with Wal-Mart. Our target area covered businesses within a four-mile radius of Wal-Mart, and in an area roughly bounded by Irving Park Avenue to the north, Western Avenue on the east, Roosevelt Avenue on the south, and Harlem Avenue on the west. From March through late August 2006, we implemented our telephone survey and were able to obtain baseline (pre-Wal-Mart opening) data on the number of hours worked by owners and employees, number of employees, starting and average wages, whether benefits are offered, and some prices.

In early summer 2006, we began supplementing our phone surveys with on-site visits to businesses that had not responded by telephone. We particularly concentrated on stores in the "Washington Square Mall" located only one block away from the new Wal-Mart. At the very least, these in-person visits allowed us to collect price data even if businesses did not respond to our other questions. In an effort to get a wider array of stores and more pricing information we expanded our original sample of general merchandise store, discount store, apparel stores, drug stores, and hardware stores, to include baby and infant stores, electronic stores, toy stores, shoe stores, and office supply stores. By the end of our first survey period, we obtained 191 unique completed surveys of which 177 were verified as in the survey area.

---

[6] We originally considered conducting a quasi-experimental study, to compare the West Side Wal-Mart neighborhood to a similar Chicago neighborhood without a Wal-Mart. After an intensive effort to find a "control" region within the City of Chicago, we concluded that no other area of the city could serve as an appropriate control, because no other area had experienced such a large recent decline in retail and overall employment in recent years. We therefore elected to survey a larger "target" area as than we had originally anticipated. This methodological change was based on an a judgment that spatial regression techniques that attempt to capture patterns of employment, property value, wage, and price, change as distance from the Wal-Mart increases, would better control for Wal-Mart's effects than a survey of a completely different area in the city.

Beginning in March 2007, we re-surveyed those stores that completed surveys in 2006. Again these were mostly telephone surveys, involving multiple calls to the same store until someone answered or explicitly asked not to be contacted again, followed by a few site visits. This second wave of surveying continued through early November 2007, when surveying was discontinued to avoid the potential that holiday seasonal employment could distort employment data..

Our third wave of data collection began in March 2008 and ran through early November 2008.

In addition to the basic sample followed forward, the ongoing status (i.e. in business/out of business) of the initial stores as of 2007 and 2008 was established. In addition to the initial 177 interviewed stores, 136 stores were followed in this manner of which 129 stores were verified as in the survey area. This yields a sample of 306 (177+129) retail establishments for which line of business and ongoing status as of 2006, 2007 and 2008 are known.

Other Sources of Information about Wal-Mart's Impact

1. Sales tax data by zip code
We obtained zip code-level data on taxable sales from the Illinois Department of Revenue (IDOR), by quarter, from the first calendar quarter of 2000 through the third quarter of 2008. The dataset included the zip code in which Wal-Mart is located, 60639, and nine surrounding zip codes. We analyze these data to determine whether Wal-Mart has increased taxable sales in its own zip code and/or suppressed taxable sales in nearby zip codes.

2. Employment data from Illinois Department of Employment Services (IDES). Through its operation of the state's unemployment compensation system, the IDES collects detailed data about employment, total earnings and other aspects of firm operation at the establishment level. The IDES publishes some aggregations of data about total employment by zip code and industry for March of each year. We have constructed a data set about employment by retail firms in the Wal-Mart neighborhood based on this publicly released annual data through March 2008.

3. We attempted a qualitative study of Wal-Mart's small "Jobs and Opportunity Zones" program which was designed to aid area businesses. Our research and findings about this program are discussed in the Appendix 1

4. Finally in appendix 2 we present information on our analysis of Dun and Bradstreet data.

Findings from Survey Data

2006 Baseline Survey and Response Rate

We had a total of 503 retail businesses in our original "universe." In our first round of calling in 2006 (baseline data collection), we completed surveys of 191 unique businesses for a response rate of about 38 percent. 177 of these were verified as in the sample area. Descriptive information about some our findings from the first survey are contained in Table 1.

On average, the firms we surveyed in 2006 had about ten employees and paid a wage of $8.08 per hour. Fifty-one of the firms reported offering health care coverage to their employees. About half were owned by Chicagoans while the rest had dispersed ownership. Many of the businesses had owners that worked directly in the store for many hours (an average of almost 49) each week. Many of the businesses had women or minority owners.

As part of our survey, we asked each business to indicate the product lines in which they operated. All businesses in our survey had product lines that overlapped with Wal-Mart's. Many businesses carried multiple product lines – among the most popular were apparel (48 percent) and drugs (31 percent). We also geo-coded the location of all the stores in our sample and measured the distance from each business to Wal-Mart. Businesses ranged from as little as one-tenth of a mile from Wal-Mart to as far as four miles from Wal-Mart with the average business about two and one-third miles from Wal-Mart.

2007 Survey Response Rate

In our 2007 survey, we were able to complete repeat surveys for 98 of the original 177 area businesses, for a 2007 repeat-survey response rate of about 55 percent. As shown in Table 2, about one-third (32 percent) of the 177 businesses we originally surveyed refused to participate a second time. In addition we conclude that 22 businesses went out-of-business sometime between our 2006 survey and our 2007 survey attempt. These included nine businesses that had disconnected phone numbers, six businesses that had become different stores since 2006, and seven businesses that completed surveys in 2006 but that we were unable to contact despite repeated attempts in 2007.

2008 Survey Response Rate

For part A of our 2008 survey, we attempted to contact all the 155 businesses in the 2007 sample which had not yet gone out of business (i.e. 155=177-22). We were able to complete repeat surveys for 80 of these, for a 2008 repeat-survey response rate of about 52 percent. As shown in Table 2, 58 of the businesses we resurveyed refused to participate in the 2008 survey. In addition we conclude that 24 businesses went out-of-business sometime between our 2007 survey and our 2008 survey attempt. These

included 17 businesses that had disconnected phone numbers, two businesses that had become different stores since 2006, and seven businesses that completed surveys in 2006 but that we were unable to contact despite many repeated attempts in 2008.

Part B of the 2008 survey, generates an additional sample of 129 businesses that were in the original 2006 sampling universe of 503 retail businesses and in the sample area, but never before contacted. For these businesses, we were able to ascertain only whether they were in business as of 2007 and 2008 and in what line of goods they specialized. For firm survival this means a total sample of 306 (306=177+129; see Figure 1).

The top of Table 3 contains some summary statistics about businesses that responded to both the 2006 and 2007 surveys. On average, these businesses had about ten employees and had 14 percent more employees in 2007 than they had in 2006. The firms paid an average wage of $8.47 per hour, which was about four percent higher than the average wage they reported in the 2006 survey.

The bottom of Table 3 shows the same statistics for businesses that responded to both the 2007 and 2008 surveys. These businesses had 12.4 full-time equivalent employees in 2008, a fall on average of about 5 percent since 2007.[7] Wage movements between 2007 and 2008 are small, going from $8.66 to $9.02 or a 4.0 percent increase.[8]

Distance from Wal-Mart and Retail Closures

Figure 2 plots the location of the 306 businesses in the overall survival sample relative to Wal-Mart and identifies those that went out of businesses between 2006 and 2008. Table 4 presents evidence on the probability of going out of business by geographic relation to Wal-Mart in tabular form. Although there is some variance in the rate at which firms went out-of-business across quadrants—from a high of 29.5 percent in the northeast quadrant to a low of 22.4 percent in the southwest—the differences are not statistically significant.

Table 5 reports on several regression specifications that test the hypothesis that proximity to Wal-Mart influences the probability a competing business will fail. Column (1) reports the results of a simple ordinary least squares regression of distance to Wal-Mart (in miles) on a dummy variable that equals one if the respondent business closed between our 2006 and 2007 surveys. The constant suggests that in the immediate vicinity of the Wal-Mart location about 25 percent of competing businesses closed in this first year. The negative and significant coefficient indicates that each one-mile increase in distance to Wal-Mart reduced the probability of closing by about four percent. Thus at three miles, a competing business had only a 13 percent chance of closing in that year. The ordinary least squares regression in column (3) suggests that these effects continued at much the same pace in the second year of the 2006-2008. A business in the immediate

[7] The small sample (29 retailers) for which employment figures are available for all three years show modest declines from 9.5 full-time equivalents in 2006 to 8.8 in 2008.

[8] The small sample with wage rates for each of the three years (11 retailers) shows a small decrease from $8.85 to $8.55, 3.4 percent.

proximity of Wal-Mart had about a 40 percent chance of closing some time over the two year period. This chance fell at a significant rate of almost 6 percent per mile. Thus at three miles, a competing business had only a 22 percent chance of closing in the two year period. Columns (2) and (4) replicate columns (1) and (2) using the probit functional form to constrain the predicted probability to be between zero and one. The results of these tests essentially replicate the simpler forms in columns (1) and (2). Column (5) shows results when the sample is limited to three miles. For this smaller sample, the coefficient on the distance parameter is consistent with the other estimates.

The general decline of closures with distance from Wal-Mart seems independent of direction. None of the simple models of business closure is significantly altered by the introduction of quadrant variables. Similarly, base-year employment fails to enter the regression as significant. Including this variable leaves distance insignificant as well.

Table 6 breaks down the going-out-of-business regression (2006-2008) by retail line of business. All of these lines show negative distance effects and for a majority these effects are statistically significant. The largest distance effect is found for toy stores at 25 percent per mile. A hypothetical toy store adjacent to Wal-Mart had a 75 percent chance of going out of business. A toy store three miles away had almost no chance. A similarly large impact was found for electronics stores, starting at 62 percent and falling off 22 percent per mile. Office supply stores had much the same pattern.

Estimated Job Loss from Wal-Mart

Business closures generated by a Wal-Mart "distance effect" result not only in losses to business owners, but also in declines in employment that would not otherwise have occurred. An estimate of these employment declines builds from the basic linear equation in Table 5 restricted to establishments within four miles of Wal-Mart (Column 1, Table 5a). The expected employment loss for each establishment is estimated as regression coefficient × (4 - distance from Wal-Mart) × (average employment in 2006 of establishments that closed by 2008). Average employment of the sampled establishments that closed by 2008 was 6.05 full-time equivalent workers. This gives an estimate of 189 full-time equivalent jobs lost through the Wal-Mart effect on the 306 sampled stores. If we adjust this estimate for stores which were never contacted (482/306), the estimated loss increases to 298.

With some adjustments, the job-loss figures estimated here can be compared to the assertion that Wal-Mart employed some 426 workers at its Chicago store, 310 of whom were "sales associates."(Mitts, 2008) Many of the latter were undoubtedly part-time workers. An estimate of about 320 full-time equivalent workers (assuming half the 426 workers were part-time) would very likely be generous.

Table 7 reports on additional regressions with dependent variables that measure the change in employment and wages in surviving stores that responded to both the 2006 and 2007 surveys and surviving stores that responded to both the 2006 and 2008 survey.

Distance to Wal-Mart was not significantly correlated with either of these variables in either sample.

Summary:

In our data we find evidence that proximity to Wal-Mart was correlated with the probability that businesses closed during the first and second years of Wal-Mart's operation. The observed effect grows over the two years suggesting that it is persistent and more significant than the first year data of the preliminary report suggested. Rough comparisons of employment losses associated with Wal-Mart's opening and Wal-Mart's own labor force suggest that Wal-Mart had little or no net effect on total employment in the area.

Findings from Sales Tax Data

We obtained quarterly data about taxable sales for the zip codes mapped in Figure 4 from calendar quarter 1 of 2000 through calendar quarter 2 of 2009, but we only use data through quarter 2 of 2008 to avoid confounding trends with the financial crisis that began in September of that year. These data were provided by the Illinois Department of Revenue. As noted on the map, the Wal-Mart store lies in zip code 60639 just across the border from zip code 60651. In 2005, zip code 60639 had taxable sales of about $743 million. These sales were growing at a healthy 7.5 percent per year before the opening of Wal-Mart. We do not have data on the annual sales of the Chicago Wal-Mart, but according to the "Two-Year Economic Report Card" (Mitts, 2008) on the impact of the Wal-Mart store issued by Alderman Emma Mitts, Wal-Mart paid $10.4 million in sales taxes (all levels) in its first two years of operations. This figure implies sales of at least $55 million per year.[9] Alternatively, we know that, according to Wikinvest (2008), in 2005 US sales by Wal-Mart averaged $438 per square foot. Since Chicago's Wal-Mart is 142,000 square feet (Jones 2008), we might expect its sales to be about to be about $61 million dollars per year. Using a figure of $60 million, these sales amount to about eight percent of the sales in the zip code.

Table 8 reports the results of some simple regressions that attempt to measure the impact of Wal-Mart's opening on total sales in zip code 60639. In these regressions the dependent variable is the natural log of taxable sales measured in millions (i.e. 100*sales taxes/1,000,000). In Model 1_1 and 1_2 the sample is restricted to the period prior to Wal-Mart's opening in the third quarter of 2006. Independent variables in Model 1 include dummy variables for each quarter and a zip code specific intercept and a variable that denotes the year. The coefficients on the quarter dummies show that sales are highest in the second and fourth quarters and somewhat lower in the third and (omitted) first quarter. The coefficient on year implies that, when all else is equal, sales in the average zip code of the area grew at about 0.5 percent per year, but this trend was not significant. The model explains 96 percent of the variation in sales across zip codes over time. Model 2 generalizes the specification by including variables that interact between zip code and year so that each zip code is allowed to have its own rate of growth over time. The excluded zip code is 60639 where Wal-Mart is located so that the coefficient on year (7.4 percent) can be interpreted as the yearly growth in sales in that zip code—this is 7.4 percent.

Model 1_3 uses data from the entire period (first quarter 2000 through first quarter 2008) and includes a variable that allows a break-in-trend for the Wal-Mart zip code in the period after it opened (third quarter of 2006 through first quarter 2008) and zero otherwise. This "Wal-Mart dummy" should reflect any break-in-trend in sales growth in zip code 60639 after Wal-Mart opened. The estimated break-in-trend amounts to -9.6 percent. The negative coefficient on the break-in-trend for Wal-Mart's home zip code is a bit puzzling (since we expected sales to rise in this zip code). This coefficient is not significantly different from zero. However, its magnitude is larger than Wal-mart's home

[9] The calculation here assumes the full tax rate of 9.25 percent until July 2008 and 10.25 percent after that. Many items sold at Wal-Mart qualify for lower tax rates. Hence the actual sales are undoubtedly higher.

zip code trend growth rate. After Wal-Mart opened, growth in zip code 60639 fell to about zero. Rather than launching a new wave of retail development in its zip code, Wal-Mart's opening coincides with a stagnation of retail growth in that zip code.

Table 9 reports on more general regressions that allow each zip code to have its own Wal-Mart dummy and thus do not impose the assumption that Wal-Mart had no impact on sales in surrounding zip codes. Model 2_post 1999, the regression reported in column 1, uses all of the data. In this regression, nine zip codes in addition to 60639 show estimated negative break-in-trends, but none of these are significant statistically. Two zip codes, 60304 and 60612 show positive breaks-in-trend, both of which are significant (at the 1 percent and 5 percent level respectively.) There is not an obvious reason why these two zip codes should respond to the Wal-Mart opening in this fashion. These two zip codes are both relatively distant from Wal-Mart.

We reran the same regression excluding data from 2000, 2001 and 2002 to abstract from the recession that hit the nation (and the area) beginning in early 2001. These results are reported as Model 2_post2002 in column 2 of Table 9. When we do this the adjusted R-square rises slightly, the negative coefficient on the Wal-Mart home break-in-trend is now significant at better than the 1 percent level. Nine other zip codes continue to show a negative break-in-trend, with three of these now significant, 60618, 60651, and 70707. Of the five positive signs only 60301 is now significant.

The regressions in columns 3 and 4 of Table 9 further trim the sample by excluding observations from 2003 and 2004, respectively. The last of these is perhaps the best measure of the impact of Wal-Mart's opening on taxable retail sales. It compares each zip code's retail sales growth in the year and a half before Wal-Mart's opening to that zip code's growth in the year and a half after Wal-Mart's opening. When this is done the coefficient on Wal-Mart's home zip code's break-in-trend variable remains negative and highly significant. There are no significant positive breaks-in-trend for this last model and four non-home zip codes retain highly significant negative breaks-in-trend.[10]

Summary: Our analyses of data on taxable sales in Wal-Mart's home and adjacent zip codes are consistent with the hypothesis that Wal-Mart's sales displace a significant amount of sales from its home zip code. Sales in zip code 60639 remained flat despite Wal-Mart's opening. There is also some evidence that Wal-Mart's sales reduced sales in some nearby zip codes, but this effect seems to be inconsistent.

[10] If we extend the sample of this last model up through the second quarter of 2009, virtually all the zip codes show a negative break-in-trend, but these results are very likely influenced by the severity of the recession after the third quarter of 2008.

Findings from Retail Employment Data

Tables 10 and 11 follow the analytical approach of Tables 8 and 9, but applied to annual retail employment data not quarterly sales tax data. The dependent variable of Table 10 is the natural log of March retail employment for zip code and year. In Model 1 and 2 the sample is restricted to the years prior to Wal-Mart's opening in the third quarter of 2006, i.e. the March observations for 2001 through 2006. Independent variables in Model 1 include a zip code specific intercept and a variable that denotes the year. The coefficient on year implies that, all else equal retail employment grew at about 4.9 percent per year. The model explains 93 percent of the variation in employment across zip codes over time. Model 2 generalizes the specification by including variables that interact between zip code and year so that each zip code is allowed to have its own rate of growth over time. For zip code 60639 where Wal-Mart is located the coefficient on year is 0.33 percent and not significantly different from zero.

Model 3 uses data from the entire period (2001 through 2008) and includes a break-in-trend variable that equals t-6 in the Wal-Mart zip code in the period after it opened and zero otherwise. This "Wal-Mart dummy" should reflect any jump in employment growth in this zip code after Wal-Mart opened. The estimated coefficient is +9.5 percent. However, it is not significant at the 10 percent level with a t-statistic of 0.87. A 95 percent confidence interval on the estimated coefficient ranges from -12.4 percent to +31.4 percent, meaning we cannot reject the hypothesis that Wal-Mart had no effect on total employment growth in its zip code.

Table 11 reports on more general regressions that allow a break-in-trend Wal-Mart dummy on Wal-Mart's zip code and a similar dummy for all other zip codes aggregated together. Here (in column 1) the home Wal-Mart dummy stays the same and the neighboring Wal-Mart dummy comes in at -5.0 percent, but also short of significance at the 10 percent level (t=1.45). Unfortunately, since we do not have quarterly employment data we do not have enough observations to estimate separate break-in-trend coefficients for each non-Wal-Mart zip code. [11]

We reran the same regressions excluding data from 2001 and 2002 to abstract from the recession that hit the nation (and the area) beginning in early 2001. These results are reported in column 2 of Table 11. When we do this, the coefficient of the home zip code break-in-trend dummy is essentially zero (actually it goes a slight bit negative). The coefficient on the aggregate dummy for neighboring zip codes increases absolutely to -8.2 percent and is significant at the 10 percent level.

Summary: Our analyses of data on retail employment in Wal-Mart's home and adjacent zip codes are consistent with the hypothesis that Wal-Mart's sales displace some

[11] Alternatively we might define the Wal-Mart dummies not as permanent effects on trend growth but as one time shifts in the intercepts. This approach gives much the same results as reported above. Here if a Wal-Mart level dummy is introduced just for the home zip code, it comes in with a coefficient of 25.1 percent, but not significant at the 10 percent level (t=1.41). Adding a Wal-Mart level dummy for neighbors as a group gives a coefficient of -7.2 percent but again not significant (t=-1.29).

employment from its home zip code. There is also evidence that Wal-Mart's presence reduced employment in some nearby zip codes.

Summary and Conclusions

Our study of Chicago's West Side Wal-Mart has provided evidence that, in an urban setting, proximity to Wal-Mart is associated with a higher probability of going out of business for local retail establishments. In addition, we have some evidence that the West Side Wal-Mart has replaced sales and employment from its own and neighboring zip codes. All of these findings, however, show modest, but significant effects.

Our first two years of survey data produced statistically weak and inconsistent results linking distance to Wal-Mart with likelihood of going out of business during Wal-Mart's first year of operation. However, our second round of surveys began only six months after Wal-Mart's opening so that we capture only short-run effects. Our third round of surveys began in March 2008. Those data provide stronger evidence about Wal-Mart's long-run effects. The impact on store closures by distance from Wal-Mart is larger and more significant in this last sample. Our estimates suggest that Wal-Mart has resulted in the loss of about 300 full-time-equivalent jobs in its own and nearby zip codes. While there is still considerable uncertainty attached to these calculations, they suggest a loss about equal to Wal-Mart's own employment in the area. These estimates support the contention that large-city Wal-Marts absorb retail sales from other city stores without significantly expanding the market.

The above estimate focuses only on store closings. Of course, some new stores have entered the area since Wal-Mart opened. We do not have estimates on these store openings. We simply do not know their geographic pattern. In any case, we have no reason to expect them to offset the effects on closures documented here.

Sales tax data from the Illinois Department of Revenue suggest that Wal-Mart's sales displace sales from businesses within the same zip code. However, our findings with these data showed small and inconsistent effects, so we cannot at this time say definitively that Wal-Mart caused a reduction in sales in adjacent zip codes.

Illinois Department of Employment Security data on retail employment in Wal-Mart's own zip code and nearby zip codes are largely consistent with our survey findings. Retail employment levels in Wal-Mart's own zip code rise modestly (presumably because of Wal-Mart own employees), but retail employment trends in neighboring zip codes show a negative effect after Wal-Mart's opening. These findings like those from our survey are consistent with but somewhat more muted than findings by Neumark, Zhang, and Ciccarella (2007) which suggest that nationally every Wal-Mart worker replaces about 1.4 non-Wal-Mart workers.

Appendix 1

Jobs and Opportunity Zones

On April 2006, Wal-Mart CEO, Lee Scott, announced that the new Wal-Mart store in the West Side of Chicago would be the first of ten sites to adopt an initiative called "Jobs and Opportunity Zones." According to the original article on Wal-Mart's website, this initiative was designed to help the economy in poor neighborhoods thrive by accomplishing several things. (Wal-Mart Stores, 2006) First, through the "Small Business Spotlight", five small local businesses would be chosen each quarter to be featured in advertisements in both local newspapers and Wal-Mart's in-store radio network. Business owners would receive a "Wal-Mart Trend Report" and would be able to attend seminars held by Wal-Mart's Business Development Team on how to thrive with a Wal-Mart nearby (ReclaimingDemocracy.org, 2008). Finally, a grant of $300,000 would be donated to different local chambers of commerce and Wal-Mart would work with them to create effective programs for the funds.[12]

After Mr. Scott's first announcement, Wal-Mart released very little information about the Jobs and Opportunity Zones Initiative. We made several attempts to contact Daphne Davis-Moore, Wal-Mart's Community Affairs Manager, and Camille Lilly, President of the Austin Chamber of Commerce through telephone calls, emails, and formal letters to find more information. However, we were unable to obtain even basic information beyond the list of businesses chosen for the "Small Business Spotlight".

According to a Chicago *Tribune* article, the Illinois Hispanic Chamber of Commerce (IHCC) received $75,000 out of the grant Wal-Mart gave (Jones, 2007). Omar Duque, president/CEO of the IHCC, commented during a phone interview that the projects they were working on in relation to Wal-Mart focused on taking advantage of the higher traffic of customers going through the area due to Wal-Mart's presence. He was unable to describe a specific program or project implemented with the Wal-Mart grant since he had not been directly involved. We are currently in the process of trying to contact someone at IHCC who can provide more information.

Representatives from two of the five original businesses chosen to be part of the "Small Business Spotlight" program also were contacted. In phone interviews both Curlie Anderson from Curlie's Bakery and Norman Delrahim from B & S Hardware, Anderson and Delrahim confirmed that Wal-Mart published ads for their businesses in local newspapers, but neither was able to confirm that there were radio ads in Wal-Mart's network. Neither attended a seminar on how to thrive with a Wal-Mart nearby, and Delrahim added that Wal-Mart was no longer planning to hold seminars. Curlie

[12] The original figure given in the article that first announced the initiative on Wal-Mart's website (Wal-Mart Stores, April 2006) was $500,000, but nine months later the figure had dropped to $300,000 (McCain, 2007) and Wal-Mart's original press release was no longer available on its website. The press release can still be found in the Reclaiming Democracy website at http://reclaimdemocracy.org/walmart/2006/opportunity_zones.php.

Anderson reported feeling disappointed at the results and said, "This initiative was pretty much a failure." Anderson believed however, that Wal-Mart was not to blame for this failure since they did their part. Rather, Anderson blamed the local chambers of commerce for taking Wal-Mart's money but not using it to help the small businesses. The local chambers of commerce offered Anderson and Delrahim an opportunity to use Wal-Mart funds to hire high school students, but both business owners turned down the offer since they needed more skilled workers. (Jones, 2007)

JMX Media Group is one of the five businesses that were chosen for the second quarter of 2007 for the 'Small Business Spotlight' program (Jones, 2007). In a telephone interview, the owner of this business, Sid Daniels, stated that he saw ads for his business in the newspaper and heard them on the radio. He believed the seminars were held, but he was unable to attend. Like the other business owners, he did not work with any of the local chambers of commerce.

Several attempts have been made to contact the other three businesses from original five chosen for the "Small Business Spotlight." The telephone number available for Dandridge Hardware Center has been disconnected. The number for Dreambags works but there has been no response from them since the first attempt to contact them on September 2007 Finally, Active Auto Parts owner Chris Prayer has not been available to answer our questions and has repeatedly asked us to call back later.

Appendix 2

Analyses of D&B data

This appendix reports on our analyses of the D&B data. This data appears to suffer from (sometimes severe) measurement error. We purchased data from Dun and Bradstreet to supplement our survey data. Dun and Bradstreet (D&B) data provides basic information about each establishment's location, line of business, number of employees and sales and is reputed to cover the universe of businesses in a given geographical area. In our conversations with vendors, we were told that D&B updates the files on a monthly basis but, as we discuss below, we have reason to believe that these updates may not always take place or may be quite cursory in some cases. We extracted D&B data for December 2005 (about 9 months before the Wal-Mart store opened) and December 2007 (about 15 months after the store opened). We extracted data on all retail businesses (1 digit SIC code 5) within a three mile radius of zip codes 60639 and 60651 (the Wal-Mart sits on the border of these two zip codes).

According to the D&B data we received, Wal-Mart operates in the SIC code for department stores (5311) and has 400 employees. (The Wal-Mart establishment was excluded from other calculations using the D&B data.) According to the D&B data, there were twelve stores within five miles employing 1336 people in the 5311 SIC code in December of 2005, which indicates that Wal-Mart's presence was a very significant factor in this industry and neighborhood.

Every firm in the D&B data has a primary four-digit SIC code which describes the main products sold in the establishment. We examined these codes and designated each establishment as selling a product that either competed or did not compete with Wal-Mart[13]. Of course, there were many establishments that were not in Wal-Mart's four-digit SIC code but competed in one or more of Wal-Mart's product lines. Based on the D&B data there were 175 establishments employing 959 people that competed with Wal-Mart within one mile of the store's location in December 2005. There were an additional 478 establishments employing 2715 people within two miles of Wal-Mart. Thus, Wal-Mart was clearly an important presence in this neighborhood and market but perhaps not so large that it threatened to completely transform the market place.

We divided the businesses in the D&B data into three groups: those that appeared in the 2005 data but not in the 2007 data, those that appeared in the 2007 data but not in the 2005 data, those that appeared in both the 2005 and 2007 data. We extracted a random sample of 20 businesses that appeared in the 2005 data but not the 2007 data and attempted to contact them using the name and address information provided by the 2005

[13] Examples of competing SIC codes include Department stores (5311), Men's and Boys' Clothing and Accessory Stores (5611), Furniture Stores (5712). Examples of non-competing SIC codes include Lumber and Other Building Materials Dealers (5211), Retail Bakeries (5461), Motor Vehicle Dealers (New and Used) (5511), Musical Instrument Stores (5736). We designated Eating and Drinking Places (5812) as non-competing even though the Wal-Mart store does house a fast food restaurant on the theory that this establishment was likely to draw little business from nearby restaurants.

D&B data. We found that at least five of these businesses were still operating in February 2008 despite the fact that they did not appear in our December 2007 extraction of D&B data. We also extracted a random sample of 20 businesses that appeared in both the 2005 and 2007 D&B data and attempted to contact them using the name and address information provided by the 2007 data. In February of 2008 we found that only 11 of the 20 businesses in this sample were open and operating under the name given in the D&B data. Three of the businesses were operating in a similar line of business but under a different name than that given in the D&B data. Despite repeated phone calls we could find no evidence that the other six businesses were operating at all.

We also attempted to compare sales in 2005 to sales in 2007 for businesses that appeared in both data sets but found that, for the vast majority of establishments, there was no change in sales. Since it is very unlikely that annual sales in 2005 would be exactly the same as annual sales in 2007, we conclude that either D&B did not ask about sales for these establishments or that D&B conducted a only a cursory investigation (e.g. they said, "Are sales still X?"). Sales amounts differed for only 214 of the 2,070 establishments found in both the 2005 and 2007 data.

Based on these analyses we concluded that the D&B data may provide less than perfect indicators of Wal-Mart's impact on economic activity in that neighborhood. However, while the D&B data surely measure economic activity with error we have no evidence that they provide a biased estimate of Wal-Mart's effect. We therefore provide a summary of our findings using this data here.

Using the D&B data, we find additional evidence that proximity to Wal-Mart may have increased the probability that a businesses closed during the first year of Wal-Mart's operation. This evidence is consistent with and, in fact, stronger than the results from our own survey. We also find some evidence that being in an SIC code that directly competes with Wal-Mart increased the probability that area businesses failed.

In our analyses we assume that businesses that appeared in the 2007 data but not the 2005 data were new businesses started after December of 2005. Table A2.1 shows a cross-tabulation of business status (out-of-business, new business, existing business) by two-digit SIC code. There were 3378 (1308+2070) establishments in the 2005 data. Overall, in this neighborhood, 1308 firms went out-of-business while only 697 new businesses were started and 2,070 businesses were continuing. Thus, business existence is clearly very transitory in this neighborhood—about one out of three businesses in the 2005 survey was not in the 2007 survey. While there is some variance across SIC codes, it is clear that all business lines are quite unstable—at least 24 percent of each column have gone out-of-business.

Table A2.2 shows basic descriptive statistics about the firms in our D&B data. We have some data on sales and employment for the vast majority of establishments in the 2005 data. In 2005 the average firm had almost eight employees and sales of more than $430,000, but the standard deviation on both numbers was very large. Sales and employment were similar in 2007. The average business in the 2005 survey reported that

it was 15 years old, which seems hard to reconcile with the very rapid rate of business turnover found in the data. As shown in Table A2.1 about 17 percent of the business were new in 2007 and about 32 percent of the 2005 businesses were out-of-business by 2007. Sales amounts differed for only 214 of the 2,070 establishments found in both the 2005 and 2007 data. For establishments where the sales figures differed between the two years, we calculated the percentage change in employment and sales. In both cases we see a substantial decline—sales fell by almost 16 percent and employment declined almost eight percent.

Table A2.3 shows business status by compete/non-compete status. One might imagine that establishments that sold a competitive product to Wal-Mart would be more likely to go out-of-business than those that did not. The raw data, however, shows no evidence that this is true—38 percent (538/(538+862)) of the non-competing establishments in the 2005 data were out-of-business by 2007. An almost identical percentage (39 percent) of the competing establishments were out-of-business. Similarly, in both non-competitive and competitive SIC codes the number of new businesses was equal to about 20 percent of businesses in the 2005 sample. Thus, the raw data contain little evidence that the Wal-Mart store either hastened business failure or slowed business formation in competitive SIC codes.

In parallel with out survey data we examined the geographic distribution of businesses relative to the new Wal-Mart store (Table A2.4). Nearly 70 percent of new businesses formed north of Wal-Mart. This was approximately proportional to the share of continuing and out-of-business establishments in the D&B data.

In Table A2.5A we report results of regression estimates analogous to those reported in Table 5 but using D&B rather than survey data. As in our survey data, the OLS regression results in column (1) show that the probability an establishment went out-of-business significantly diminishes as distance to Wal-Mart increases. This qualitative result is maintained when we use a probit regression specification and add a dummy independent variable that equals 1 if the establishment is in a SIC code that competes with Wal-Mart and zero otherwise. When we add a variable that measures employment in 2005 as well (column 4) we get three significant coefficients all with intuitive signs. The probability of an establishment going out-of-business rises with proximity to Wal-Mart, being in a competitive SIC code and having fewer employees in 2005. In column 5 we find that establishments with higher sales volumes in 2005 and longer histories are also less likely to go out-of-business, although in this specification neither distance to Wal-Mart nor being in a competitive SIC codes is a statistical significant determinant of failure.

In Table A2.5B we expand this regression by adding dummy variables for a number of two-digit SIC codes. Distance to Wal-Mart maintains a negative sign but is (barely) insignificant at a 10 percent confidence level[14]. Establishments in several SIC codes (apparel, furniture, and miscellaneous) have a particularly high probability of failure.

[14] It is statistically significant at a 10.5 percent confidence level.

We would like to know not only whether Wal-Mart contributed to the failure of some businesses but also whether it deterred new businesses from forming. We cannot run a regression analogous to those in Tables A2.5A and A2.5B for new businesses since we only know about establishments that came into existence—not those that might have formed but did not. An alternative approach is shown in Table A2.6 where we display the share of new and existing establishments by distance from Wal-Mart. The two distributions are very similar. In both cases ten percent of businesses are within one mile, half of establishments are with-in about 2.3 miles and 90 percent of establishments are within 3.7 miles of Wal-Mart. This raw data provides little evidence that Wal-Mart's existence has, thus far, discourage new business formation.

Tables A2.7A, A2.7B, A2.8A and A2.8B report results analogous to those in Table 6 using the D&B data. For reasons noted above, we use a sample restricted to establishments that reported different sales in the 2005 and 2007 to estimate the determinants of changes in employment and sales. In these regressions, we find few significant variables and little evidence that Wal-Mart's presence had any effect on employment growth or decline among establishments that continued in business. We find some counter-intuitive evidence that establishments in SIC codes that compete with Wal-Mart had more growth in sales than those that did not compete with Wal-Mart. However, our sample is very limited so we attach little importance to this result.

Bibliography

Anderson, Curlie. Personal Interview. January 2008.

Baiman, Ron. 2006. "The Estimated Economic Impact of a Chicago Big Box Living Wage Ordinance." *Review of Radical Political Economics*, 38 (3): 355-364.

Barbaro, Michael and Steven Greenhouse. 2007. "Wal-Mart Chief Writes Off New York." *New York Times*. 3/28/2007. http://www.nytimes.com/2007/03/28/business/28retail.html

Basker, Emek. 2005a. "Selling a Cheaper Mousetrap: Wal-Mart's Effect on Retail Prices." *Journal of Urban Economics*. 58(2): 203-229

Basker, Emek. 2005b. "Job Creation or Destruction? Labor-Market Effects of Wal-Mart Expansion." *Review of Economics and Statistics*. 87(1): 174-183

Basker, Emek. 2007. "The Causes and Consequences of Wal-Mart's Growth." *Journal of Economic Perspectives*, 21(3): 177-198.

Bustillo, Miguel, "Wal-Mart Figures Time is Right for a Chicago Push." *Wall Street Journal*, February 11, 2009 http://online.wsj.com/article/SB123429120871869301.html

Card, David and Alan B. Krueger. 1995. Myth and Measurement: The New Economics of the Minimum Wage. Princeton, NJ: Princeton University Press

Daniels, Sid. Personal Interview. January 2008.

Delrahim, Norman. Personal Interview. January 2008.

Dube, Arindrajit and Steve Wertheim. 2005. "Wal-Mart and Job Quality – What Do We Know, and Should We Care?". http://laborcenter.berkeley.edu/retail/walmart_jobquality.pdf.

Duque, Omar. Personal Interview. January 28, 2008.

Greenhouse, Steven. 2005. "Choosing Sides Over $9.68 an Hour; Parrying Its Critics, Wal-Mart Says Its Wages Must Stay Competitive." *New York Times* 5/04/2005. http://query.nytimes.com/gst/fullpage.html?res=9905E3D81630F937A35756C0A9639C8B63&sec=health&spon.

Jones, Sandra M. 2007. "Big City Strategy Stumbles." Chicago Tribune, October 7, 2007. http://www.topix.net/content/trb/2007/10/big-city-strategy-stumbles.

Jones, Sandra M. 2007. **"2nd Wal-Mart in city unlikely Chicago declines request to build on South Side."** Chicago Tribune, March 18, 2008 http://www.chicagotribune.com/business/chi-tue-walmart-letter-chathammar18,0,4095839.story

McCain, Dolores. "Wal-Mart Launches 'Opportunity Zones' on the West Side". Austin Weekly News. January 17, 2007. January 28, 2008 <http://austinweeklynews.1upsoftware.com/main.asp?SectionID=1&SubSectionID=1&ArticleID=1044&TM=9696>

Massey, Daniel. "Look Who's Eyeing NYC: Wal-Mart." *Crain's New York Business*, August 9, 2009. http://www.crainsnewyork.com/article/20090809/SMALLBIZ/308099963

Mehta, Chirag, Ron Baiman, Joe Persky. 2004. "The Economic Impact of Wal-Mart: An Assessment of the Wal-Mart Store Proposed for Chicago's West Side." UIC Center for Urban Economic Development. http://www.uic.edu/cuppa/uicued/npublications/recent/nwal-martreport.pdf

Neumark, David, Zhang, Junfu and Ciccarella, Stephen M. 2007. "The Effects of Wal-Mart on Local Labor Markets." IZA Discussion Paper No. 2545 Available at SSRN: http://ssrn.com/abstract=958704

ReclaimingDemocracy.org. "Wal-Mart CEO Lee Scott Announces 'Wal-Mart Jobs and Opportunity Zones' Initiative". January 28, 2008 <http://reclaimdemocracy.org/walmart/2006/opportunity_zones.php>

Sobel, Russel S., and Andrea M. Dean. 2007. "Has Wal-Mart Buried Mom and Pop?: The Impact of Wal-Mart on Self-Employment and Small Establishment in the United States." *Economic Inquiry*. http://www.blackwell-synergy.com/doi/abs/10.1111/j.1465-7295.2007.00091.x

Stone, Kenneth E. 1988. "The Effect of Wal-Mart Stores on Businesses in Host Towns and Surrounding Towns in Iowa." Department of Economics, Iowa State University, Ames, IA. http://www.econ.iastate.edu/faculty/stone/Effect%20of%20Walmart%20-%201988%20paper%20scanned.pdf.

Stone, Kenneth E. 1995. "Impact of Wal-Mart Stores and other Mass Merchandisers in Iowa,1983-1993." *Economic Development Review*. http://www.econ.iastate.edu/faculty/stone/1995_IA_WM_Study.pdf.

Stone, Kenneth E. 1995. *Competing With the Retail Giants*. New York: John Wiley and Sons.

Stone, Kenneth E. 1997. "Impact of the Wal-Mart Phenomenon on Rural Communities," *Increasing Understanding of Public Problems and Policies,* Farm Foundation, Oak Brook, IL. http://www.econ.iastate.edu/faculty/stone/10yrstudy.pdf.

Stone, Kenneth E., Georgeanne Artz and Albert Myles. 2002. "The Economic Impact of Wal-Mart Supercenters on Existing Businesses in Mississippi." Mississippi State University Extension Service.
http://www.econ.iastate.edu/faculty/stone/MSsupercenterstudy.pdf

Wal-Mart Store Locator. 2008.
http://www.walmart.com/storeLocator/ca_storefinder.do?serviceName=ALL

Wal-Mart Stores. April 4, 2006 Press Release. Last accessed October 2007.
http://www.walmartstores.com/GlobalWMStoresWeb/navigate.do?catg=589

Wikinvest Wal-Mart. http://www.wikinvest.com/stock/Wal-Mart_Stores_(WMT)accessed March 18, 2008.

Figures and Tables

Figures

Figure 1: Survey results 2006-2009

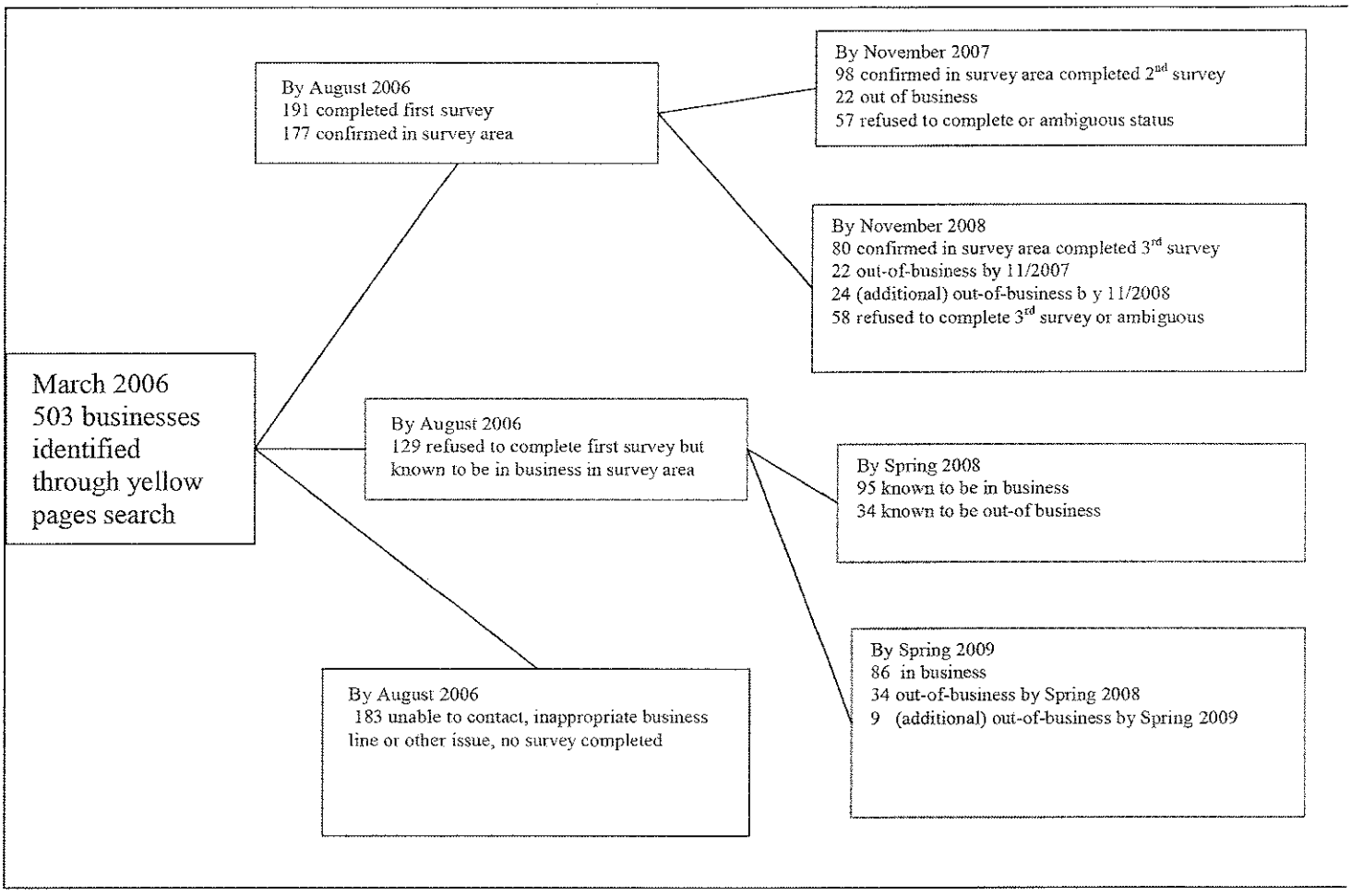


Figure 2
Plot of survey firms by distance and direction to Wal-Mart and out-of-business status

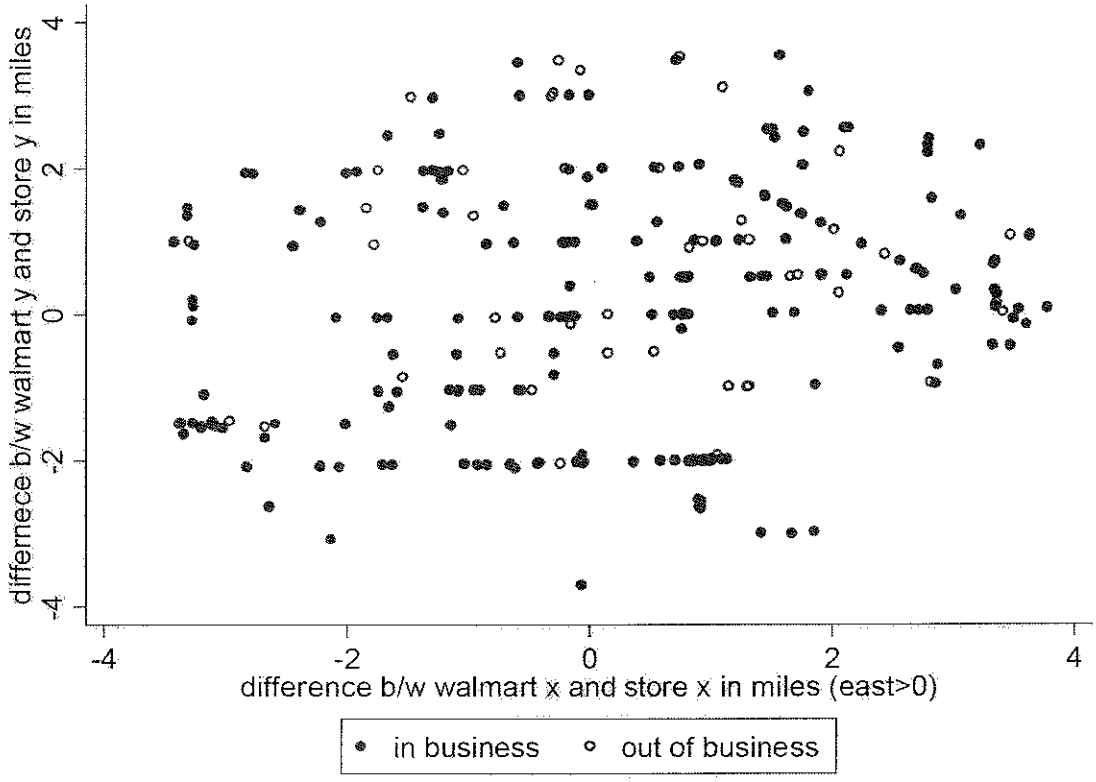


Figure 3: Study Area in its larger regional context

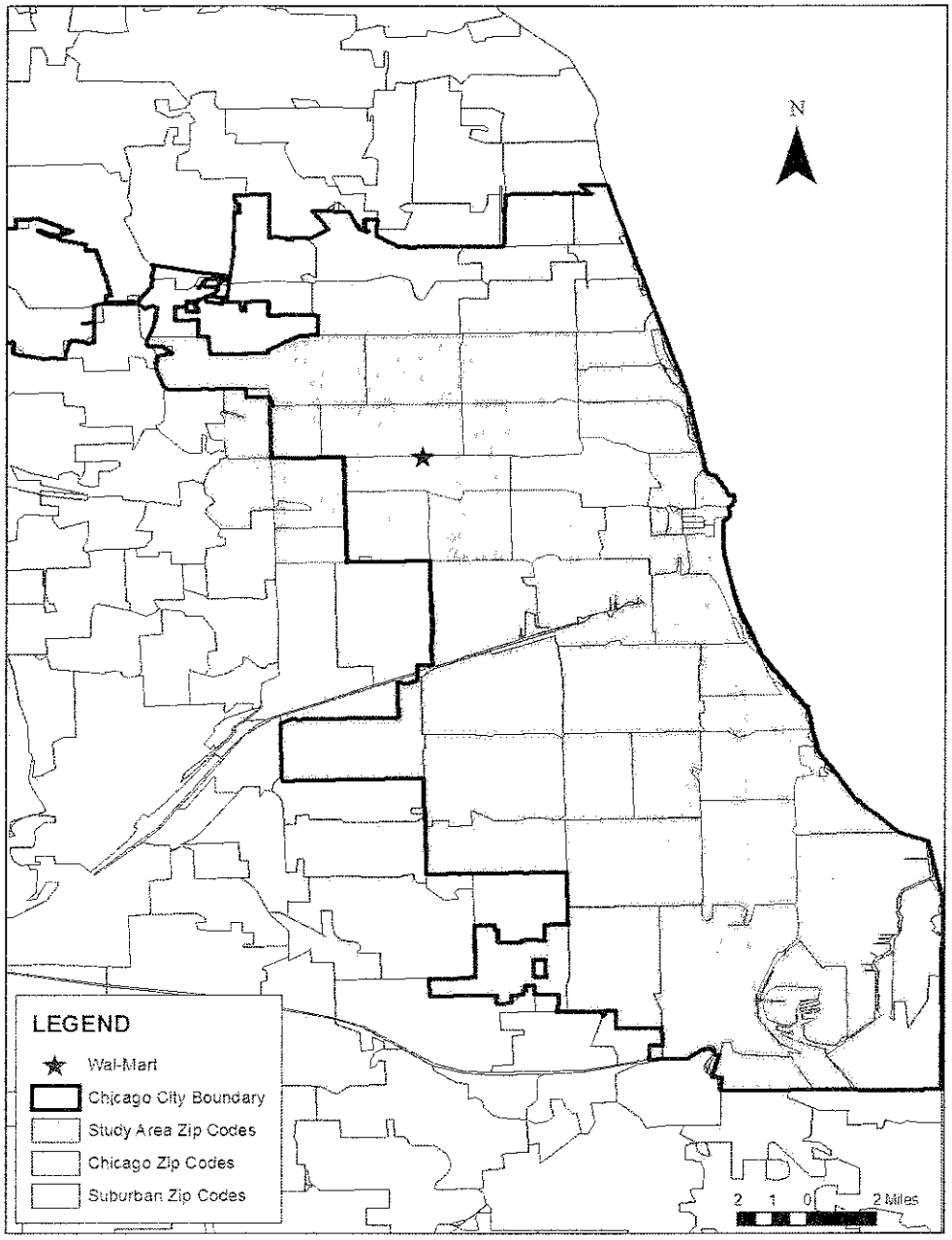
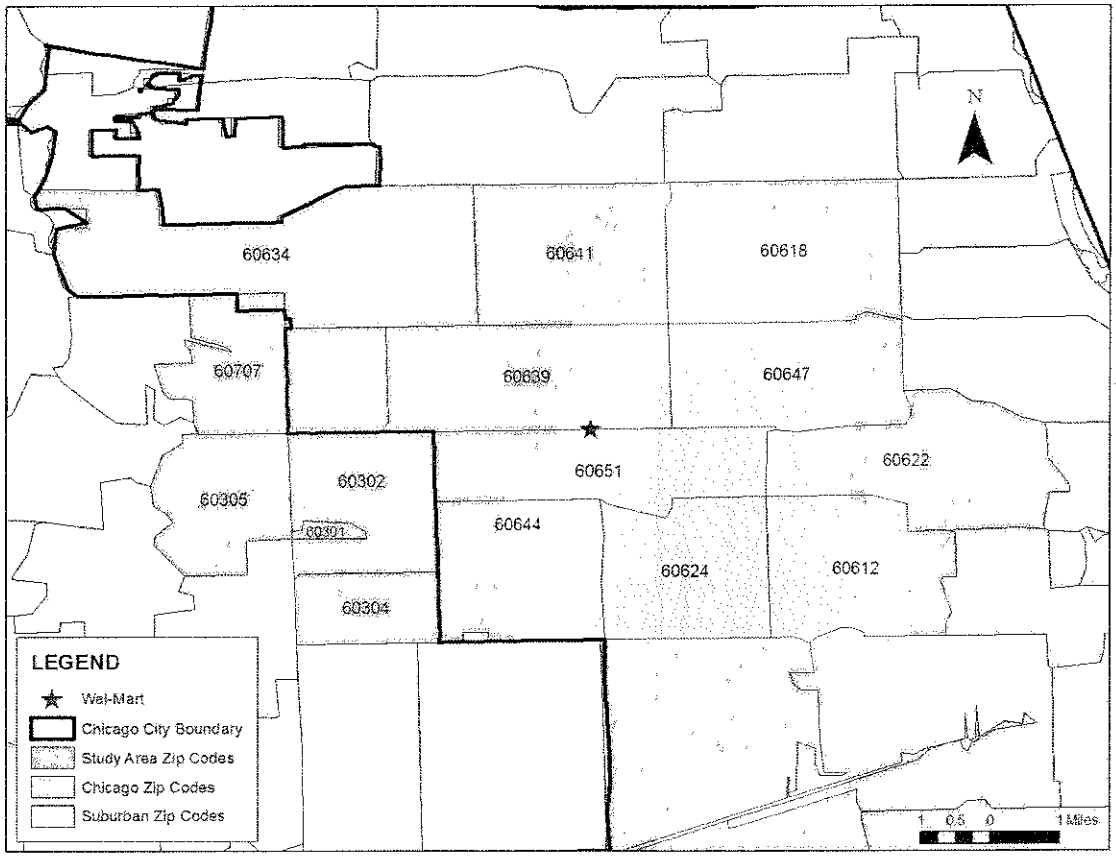


Figure 4: Map of zip codes in the Wal-Mart study area



Note: The data sets for the employment by zip code study does not include 60618, although the survey data set and the sales tax data set both include observations from that zip code.

Tables

Table 1: Descriptive Statistics from 2006 Survey

	Descriptive statistics based on results of the 2006 survey				
Label	Number of firms with valid response	Mean	Std. Dev.	Min	Max
Full-time equivalent employment	111	10.0	14.71	1	112.5
average wage of retail sales clerks (dollars per hour)	76	8.08	1.96	5	16
primarily owned by Chicago residents or corporations (yes=1, no=0)	168	0.512	0.50	0	1
ownership shares are widely dispersed (yes=1, no=0)	171	0.43	0.50	0	1
how many owners work in store	106	1.30	0.60	0	4
how many hours owners work last week	97	48.88	26.38	0	180
how many owners are women	102	0.47	0.61	0	2
how many owners are minorities	102	0.55	0.61	0	2
starting wage hourly employee (dollars per hour)	106	8.56	5.42	5.5	50
Store sells apparel (yes=1, no=0)	177	0.48	0.50	0	1
Store sells home furnishings (yes=1, no=0)	177	0.12	0.32	0	1
Store sells hardware (yes=1, no=0)	177	0.15	0.36	0	1
Store sells drugs (yes=1, no=0)	177	0.31	0.46	0	1
Store sells shoes (yes=1, no=0)	177	0.17	0.38	0	1
Store sells sporting goods (yes=1, no=0)	177	0.09	0.29	0	1
Store sells electronics (yes=1, no=0)	177	0.05	0.22	0	1
Store sells toys (yes=1, no=0)	177	0.08	0.28	0	1
Store sells children's clothes (yes=1, no=0)	177	0.05	0.21	0	1
Store sells general merchandise (yes=1, no=0)	177	0.08	0.28	0	1
Store sells office supplies (yes=1, no=0)	177	0.10	0.30	0	1
Store sells videos/music (yes=1, no=0)	177	0.02	0.13	0	1
Other stores	177	0.12	0.32	0	1
Distance to Wal-Mart (miles)	177	2.36	1.03	0.14	3.97

Table 2: Response Rates for 2007 and 2008

	Frequency Table on Response to 2007 Re-Survey attempt			Frequency Table on Response to 2008 Re-Survey attempt		
outcome of survey attempt	Number of firms	Percent	Cum.	Number of firms	Percent	Cum.
survey completed	98	55.37	55.37	80	49.38	49.38
refused	57	32.20	87.57	58	35.8	85.19
phone number disconnected	9	5.08	92.66	16	9.88	95.06
no response	7	3.95	96.61	7	4.32	98.38
new/changed business	6	3.39	100	1	0.62	100
Total	177	100		162	100	

Table 3: Descriptive Statistics from the 2007 and 2008 Surveys

	Descriptive statistics based on results of the 2007 survey and change from 2006 to 2007				
	Obs	Mean	Std. Dev.	Min	Max
Full-time equivalent employment 2007	55	10.8	14.40	1	57.5
Average wage of retail sales clerks (dollars per hour)	28	8.47	2.21	6	15
Percentage change in employment 2006 to 2007	55	0.14	0.75	-0.57	4.00
Percentage change in wage 2006 to 2007	28	0.04	0.22	-0.33	0.62
	Descriptive statistics based on results of the 2008 survey and change from 2007 to 2008				
Full-time equivalent employment 2008	53	12.37	23.63	1	122.5
Average wage of retail sales clerks (dollars per hour)	24	9.02	1.27	7.5	11
Percentage change in employment 2007 to 2008	53	-0.05	0.41	-0.67	1.65
Percentage change in wage 2007 to 2008	24	0.06	0.17	-0.29	0.375

Table 4: 2008 Status of Business by Quadrant				
	Status of business by quadrant			
	In-business 2008	Out-of-business 2008	Total	% Out-of-business 2008
Wal-Mart Area Quadrant				
northwest	40	14	54	25.93%
northeast	74	31	105	29.52%
southeast	44	18	62	29.03%
southwest	66	19	85	22.35%
Total	224	82	306	26.80%

Table 5: Distance from Wal-Mart and Probability of Going Out of Business

	Probability firm went out of business as a function of distance to Wal-Mart and other variables				
	1	2	3	4	5
	2006-2007	2006-2007	2006-2008	2006-2008	2006-2008
Estimation Method	OLS	Probit	OLS	Probit	OLS
Distance to Wal-Mart (miles)	-0.0412*	-0.175*	-0.059**	-0.179**	-.070*
	-1.89	-1.9	-2.21	-2.2	-1.67
Constant	0.250***	-0.626***	0.400***	-0.224	0.416***
	-4.68	-2.91	-6.17	-1.16	-5.07
Number of observations	306	306	306	306	222 < 3 miles
R-squared	0.008		0.013		0.01
Psuedo R-squared		0.014		0.014	
Absolute t statistics in parentheses					
* p<.1, ** p<.05, *** p<.01					

Table 6: Probability Firm Went Out of Business between 2006 and 2008 Surveys as a Function of Distance to Wal-Mart, by Line of Business

	Distance to Wal-Mart (miles)	Constant	Number of Observations	R-squared
Apparel	-0.032 (0.81)	0.344*** (3.61)	139	.005
Home furnishings	-0.153* (1.98)	0.563*** (3.47)	28	0.13
Hardware	-0.179*** (2.87)	0.512*** (4.12)	41	0.17
Drugs	-0.192*** (4.70)	0.609*** (6.22)	87	0.21
Shoes	0.033 ((0.65)	0.111 (0.89)	49	0.01
Sporting	-0.068 (0.96)	0.373** (2.31)	34	0.03
Electronics	-0.218** (2.60)	0.620*** (3.44)	13	0.38
Toys	-0.251** (2.59)	0.755*** (3.80)	20	0.27
Child	-0.145 (1.30)	0.554** (2.33)	22	0.08
General	-0.167** (2.43)	0.546*** (3.38)	39	0.14
Office	-0.208* (1.82)	0.586*** (2.89)	19	0.16
Vidmusic	-0.266 (0.25)	0.649 (0.41)	4	0.03
Other	-0.067 (1.15)	0.446*** (3.15)	78	0.02
Absolute t statistics in parentheses				
* p<.1, ** p<.05, *** p<.01				

Table 7: Percent Change in Employment and Wages as a Function of Distance to Wal-Mart

	(1)	(2)	(3)	(4)
	% Change Full-time equivalent workers 2006-2007	% Change Wages 2006-2007	% Change Full-time equivalent workers 2006-2008	% Change Wages 2006-2008
Estimation Method	OLS	OLS	OLS	OLS
Distance to Wal-Mart (miles)	0.0088	0.0331	0.0493	0.060
	(0.09)	(0.84)	(0.78)	(1.02)
Constant	0.114	-0.0320	-0.133	0.068
	(0.46)	(0.32)	(0.76)	(0.47)
Observations	55	28	40	24
R-squared	0.000	0.03	0.02	0.045
Absolute t statistics in parentheses				
* p<.1, ** p<.05, *** p<.01				

Table 8: Wal-Mart impact on Taxable Sales in Home Zip Code			
	Model 1_1	Model 1_2	Model 1_3
	coef/se	coef/se	coef/se
wal_mart_dummy			-0.096
			0.069
quarter 2	0.075***	0.075***	0.077***
	0.023	0.017	0.015
quarter 3	0.008	0.008	0.024
	0.023	0.018	0.015
quarter 4	0.104***	0.104***	0.101***
	0.024	0.018	0.015
zip code==60301	-1.580***	-0.783***	-0.781***
	0.045	0.072	0.062
zip code==60302	-1.318***	-1.076***	-1.044***
	0.045	0.072	0.062
zip code==60304	-1.955***	-1.669***	-1.740***
	0.045	0.072	0.062
zip code==60305	-1.401***	-1.314***	-1.298***
	0.045	0.072	0.062
zip code==60612	-1.119***	-0.938***	-0.975***
	0.045	0.072	0.062
zip code==60618	0.105**	0.231***	0.252***
	0.045	0.072	0.062
zip code==60622	0.399***	0.552***	0.552***
	0.045	0.072	0.062
zip code==60624	-1.641***	-1.368***	-1.340***
	0.045	0.072	0.062
zip code==60634	-0.679***	-0.474***	-0.461***
	0.045	0.072	0.062
zip code==60641	-0.139***	0.201***	0.226***
	0.045	0.072	0.062
zip code==60644	-2.002***	-1.907***	-1.911***
	0.045	0.072	0.062
zip code==60647	0.025	0.176**	0.188***
	0.045	0.072	0.062
zip code==60651	-1.511***	-1.429	-1.397***
	0.045	0.072	0.062
zip code==60707	-0.196	0.248	0.252***
	0.045	0.072	0.062
Year	0.006	0.074***	0.081***
	0.004	0.013	0.011
Continued on next page...			

Table 8: Wal-Mart impact on Taxable Sales in Home Zip Code, continued			
	Model 1_1	Model 1_2	Model 1_3
	coef/se	coef/se	coef/se
zip code==60301*year		-0.236***	-0.239***
		0.019	0.014
zip code==60302*year		-0.072***	-0.085***
		0.019	0.014
zip code==60304*year		-0.085***	-0.057***
		0.019	0.014
zip code==60305*year		-0.026	-0.033***
		0.019	0.014
zip code==60612*year		-0.054***	-0.040***
		0.019	0.014
zip code==60618*year		-0.037**	-0.045***
		0.019	0.014
zip code==60622*year		-0.045**	-0.046***
		0.019	0.014
zip code==60624*year		-0.081***	-0.092***
		0.019	0.014
zip code==60634*year		-0.061***	-0.066***
		0.019	0.014
zip code==60641*year		-0.101***	-0.110***
		0.019	0.014
zip code==60644*year		-0.028	-0.027*
		0.019	0.014
zip code==60647*year		-0.045**	-0.050***
		0.019	0.014
zip code==60651*year		-0.024	-0.037***
		0.019	0.014
zip code==60707*year		-0.132***	-0.133***
		0.019	0.014
_cons	4.936***	4.705***	4.685***
	0.038	0.052	0.047
Number of observations	390	390	495
Adjusted R2	0.961	0.976	0.980
Note: <0.01 ***; <0.05 - **; <0.1 *; Models 1 and 2 use pre-Wal-Mart data; Model 3 uses data from all years; Model 1 assumes growth rate constant across zip codes; Models 2 and 3 allow growth rates to vary by zip code			

Table 9: Wal-Mart impact on Taxable Sales all Zip Codes

	Model 2_post1999	Model 2_post2002	Model 2_post2003	Model 2_post2004
	coef/se	coef/se	coef/se	coef/se
walmart dummy	-0.096	-0.229***	-0.191***	-0.184***
	0.068	0.078	0.059	0.059
zip code==60301*year>6.75	0.086	0.344***	0.395***	-0.061
	0.068	0.078	0.059	0.059
zip code==60302*year>6.75	-0.054	-0.065	0.016	0.035
	0.068	0.078	0.059	0.059
zip code==60304*year>6.75	0.197***	0.057	-0.133**	-0.191***
	0.068	0.078	0.059	0.059
zip code==60305*year>6.75	0.011	0.042	0.049	0.083
	0.068	0.078	0.059	0.059
zip code==60612*year>6.75	0.149**	0.052	0.008	0.011
	0.068	0.078	0.059	0.059
zip code==60618*year>6.75	-0.055	-0.207***	-0.090	-0.095
	0.068	0.078	0.059	0.059
zip code==60622*year>6.75	-0.006	-0.099	-0.134**	-0.141**
	0.068	0.078	0.059	0.059
zip code==60624*year>6.75	-0.051	-0.116	-0.073	-0.044
	0.068	0.078	0.059	0.059
zip code==60634*year>6.75	-0.024	-0.109	-0.057	-0.093
	0.068	0.078	0.059	0.059
zip code==60641*year>6.75	-0.072	-0.113	-0.097	-0.097
	0.068	0.078	0.059	0.059
zip code==60644*year>6.75	0.053	-0.057	0.023	0.046
	0.068	0.078	0.059	0.059
zip code==60647*year>6.75	-0.001	-0.020	0.003	-0.031
	0.068	0.078	0.059	0.059
zip code==60651*year>6.75	-0.089	-0.190**	-0.173***	-0.166***
	0.068	0.078	0.059	0.059
zip code==60707*year>6.75	-0.046	-0.227***	-0.230***	-0.282***
	0.068	0.078	0.059	0.059
quarter 2	0.078***	0.077***	0.076***	0.080***
	0.015	0.017	0.012	0.010
quarter 3	0.025*	0.007	0.045***	0.054***
	0.015	0.017	0.012	0.010
quarter 4	0.102***	0.079***	0.074***	0.086***
	0.015	0.017	0.012	0.010
Continued on next page...				

Table 9, continued : Wal-Mart impact on Taxable Sales all Zip Codes

	Model 2_post1999	Model 2_post2002	Model 2_post2003	Model 2_post2004
	coef/se	coef/se	coef/se	coef/se
zip code==60301	-0.758***	0.124	0.163	-1.806***
	0.065	0.173	0.190	0.285
zip code==60302	-1.058***	-0.768***	-0.611***	-0.560*
	0.065	0.173	0.190	0.285
zip code==60304	-1.687***	-1.707***	-2.516***	-2.780***
	0.065	0.173	0.190	0.285
zip code==60305	-1.295***	-0.891***	-1.004***	-0.886***
	0.065	0.173	0.190	0.285
zip code==60612	-0.935***	-0.855***	-1.131***	-1.128***
	0.065	0.173	0.190	0.285
zip code==60618	0.237***	0.203	0.463**	0.401
	0.065	0.173	0.190	0.285
zip code==60622	0.551***	0.643***	0.401**	0.329
	0.065	0.173	0.190	0.285
zip code==60624	-1.354***	-1.295***	-1.261***	-1.149***
	0.065	0.173	0.190	0.285
zip code==60634	-0.467***	-0.372**	-0.322*	-0.517*
	0.065	0.173	0.190	0.285
zip code==60641	0.207***	0.407**	0.333*	0.309
	0.065	0.173	0.190	0.285
zip code==60644	-1.897***	-1.850***	-1.697***	-1.607***
	0.065	0.173	0.190	0.285
zip code==60647	0.188***	0.427**	0.383**	0.197
	0.065	0.173	0.190	0.285
zip code==60651	-1.421***	-1.350***	-1.411***	-1.406***
	0.065	0.173	0.190	0.285
zip code==60707	0.240***	0.098	-0.034	-0.292
	0.065	0.173	0.190	0.285
Year	0.081***	0.139***	0.119***	0.114***
	0.011	0.023	0.024	0.033
Continued on next page...				

Table 9, continued : Wal-Mart impact on Taxable Sales all Zip Codes

	Model 2_post1999	Model 2_post2002	Model 2_post2003	Model 2_post2004
	coef/se	coef/se	coef/se	coef/se
zip code==60301*year	-0.247***	-0.414***	-0.421***	-0.105**
	0.016	0.033	0.034	0.047
zip code==60302*year	-0.079***	-0.133***	-0.159***	-0.167***
	0.016	0.033	0.034	0.047
zip code==60304*year	-0.077***	-0.074**	0.061*	0.104**
	0.016	0.033	0.034	0.047
zip code==60305*year	-0.034**	-0.108***	-0.089***	-0.108**
	0.016	0.033	0.034	0.047
zip code==60612*year	-0.055***	-0.070**	-0.024	-0.024
	0.016	0.033	0.034	0.047
zip code==60618*year	-0.040**	-0.033	-0.077**	-0.067
	0.016	0.033	0.034	0.047
zip code==60622*year	-0.0458	-0.062*	-0.021	-0.010
	0.016	0.033	0.034	0.047
zip code==60624*year	-0.087***	-0.104***	-0.109***	-0.126***
	0.016	0.033	0.034	0.047
zip code==60634*year	-0.064***	-0.082***	-0.091***	-0.060
	0.016	0.033	0.034	0.047
zip code==60641*year	-0.103**	-0.141***	-0.129***	-0.125***
	0.016	0.033	0.034	0.047
zip code==60644*year	-0.033**	-0.042	-0.067**	-0.081*
	0.016	0.033	0.034	0.047
zip code==60647*year	-0.050***	-0.096***	-0.088***	-0.059
	0.016	0.033	0.034	0.047
zip code==60651*year	-0.028*	-0.041	-0.031	-0.031
	0.016	0.033	0.034	0.047
zip code==60707*year	-0.128***	-0.103***	-0.081**	-0.040
	0.016	0.033	0.034	0.047
_cons	4.685***	4.384***	4.494***	4.518***
	0.046	0.123	0.135	0.202
Number of observations	495	315	255	195
Adjusted R2	0.980	0.984	0.994	0.997
note: <0.01 ***; <0.05 - **; <0.1 *;				
Note: All models allow growth rate to vary by zip code				
Model 1 uses data from all years, Model 2 uses post 2002 data				
Model 3 use post 2003 data, model 4 use post 2004 data				

Table 10: Wal-Mart Impact on Retail Employment in Home Zip Code

	Model 1_1	Model 1_2	Model 1_3
	coef/se	coef/se	coef/se
wal_mart_dummy			0.095
			(0.110)
zip code==60612	-1.516***	-2.274***	-2.120***
	0.119	0.221	0.186
zip code==60622	0.257**	0.379*	0.303
	0.119	0.221	0.186
zip code==60624	-1.802***	-1.978***	-1.880***
	0.119	0.221	0.186
zip code==60634	-0.636***	-1.236***	-1.049***
	0.114	0.204	0.174
zip code==60641	0.029	0.068	0.137
	0.114	0.204	0.174
zip code==60644	-1.473***	-1.502***	-1.515***
	0.119	0.221	0.186
zip code=60647	-0.007	-0.095	-0.090
	0.114	0.204	0.174
zip code=60651	-1.581***	-1.597***	-1.615***
	0.119	0.221	0.186
zip code=60707	-1.172***	-1.495***	-1.351***
	0.114	0.204	0.174
Zip code=Oak Park	-0.676***	-0.614***	-0.580***
	0.114	0.204	0.174
Year	0.049***		
	0.015		

Continued on next page...

Table 10, Continued: Wal-Mart Impact on Retail Employment in Home Zip Code

	Model 1_1	Model 1_2	Model 1_3
	coef/se	coef/se	coef/se
(zip code==60612)*year		0.206***	0.165***
		0.040	0.024
(zip code==60622)*year		-0.025	0.008
		0.040	0.024
(zip code==60624)*year		0.053	0.029
		0.040	0.024
(zip code==60634)*year		0.175***	0.117***
		0.037	0.022
(zip code==60639)*year		0.003	0.014
		0.037	0.033
(zip code==60641)*year		-0.008	-0.023
		0.037	0.022
(zip code==60644)*year		0.014	0.028
		0.040	0.024
(zip code==60647)*year		0.028	0.035
		0.037	0.022
(zip code==60651)*year		0.011	0.025
		0.040	0.024
(zip code==60707)*year		0.095**	0.054**
		0.037	0.022
(zip code==OakPark)*year		-0.015	-0.017
		0.037	0.022
_cons	7.568***	7.727***	7.701***
	0.096	0.144	0.132
Number of observations	61	61	83
Adjusted R2	0.93	0.96	0.96
note: <0.01 ***; <0.05 - **; <0.1 *;			
Note: Models 1 and 2 use pre-Wal-Mart data			
Model 3 uses data from all years			
Model 1 assumes growth rate constant across zip codes			
Models 2 and 3 allow growth rates to vary by zip code			

Table 11: Wal-Mart Impact on Retail Employment in All Zip Codes

	Model 2_1	Model 2_3
	Coef/se	coef/se
wal_mart_dummy	0.095	-0.024
	0.109	0.090
non wal_mart_dummy	-0.050	-0.082*
	0.035	0.046
zip code==60612	-2.157***	-1.670***
	0.186	0.232
zip code==60622	0.266	0.466*
	0.186	0.232
zip code==60624	-1.917***	-1.589***
	0.186	0.232
zip code==60634	-1.081***	-0.293
	0.173	0.232
zip code==60641	0.105	0.460*
	0.173	0.232
zip code==60644	-1.552***	-1.378***
	0.186	0.232
zip code=60647	-0.122	0.124
	0.173	0.232
zip code=60651	-1.653***	-1.623***
	0.186	0.232
zip code=60707	-1.384***	-0.915***
	0.173	0.232
Zip code=Oak Park	-0.612***	-0.291
	0.173	0.232

Continued on next page...

Table 11, Continued: Wal-Mart Impact on Retail Employment in All Zip Codes

	Model 2_1	Model 2_3
	Coef/se	coef/se
(zip code==60612)*year	0.177***	0.156***
	0.026	0.025
(zip code==60622)*year	0.020	0.046*
	0.026	0.025
(zip code==60624)*year	0.041	0.046*
	0.026	0.025
(zip code==60634)*year	0.128***	0.056**
	0.023	0.025
(zip code==60639)*year	0.014	0.086**
	0.033	0.040
(zip code==60641)*year	-0.012	-0.011
	0.023	0.025
(zip code==60644)*year	0.040	0.070***
	0.026	0.025
(zip code==60647)*year	0.047*	0.065**
	0.023	0.025
(zip code==60651)*year	0.037	0.091***
	0.026	0.025
(zip code==60707)*year	0.065***	0.049**
	0.023	0.025
(zip code==OakPark)*year	-0.006	0.001
	0.023	0.025
	Model 2_1	Model 2_3
	Coef/se	coef/se
_cons	7.701***	7.345***
	0.1312571	0.189
Number of observations	83	66
Adjusted R^2	0.96	0.98
note: <0.01 ***; <0.05- **;< 0.1 *;		
Note: Model 2_1 uses all years; Model 2_3 uses data starting in 2003		

Appendix Tables

able A2.1 Business status by SIC code for Wal-Mart area firms

Business status by SIC code for Wal-Mart area firms										
Business status		Building materials, hardware, garden supply, & mobile home (SIC 52)	General merchandise stores (SIC 53)	Food stores (SIC 54)	Automotive dealers and gasoline service stations (SIC 55)	Apparel and accessory stores (SIC 56)	Furniture, home furnishings and equipment stores (SIC 57)	Eating and drinking places (SIC 58)	Miscellaneous retail (SIC 59)	Total
In 2005 survey only (out-of-business)	frequency	32	37	196	89	154	133	363	304	1,308
	row percentage	2.45	2.83	14.98	6.8	11.77	10.17	27.75	23.24	100
	column percentage	24.24	27.41	33.11	29.37	33.62	37.46	32.15	31.97	32.1
In 2007 survey only (new business)	frequency	21	31	108	39	94	57	194	153	697
	row percentage	3.01	4.45	15.49	5.6	13.49	8.18	27.83	21.95	100
	column percentage	15.91	22.96	18.24	12.87	20.52	16.06	17.18	16.09	17.1
In both 2005 and 2007 survey	frequency	79	67	288	175	210	165	572	494	2,070
	row percentage	3.82	3.24	13.91	8.45	10.14	7.97	27.63	23.86	100
	column percentage	59.85	49.63	48.65	57.76	45.85	46.48	50.66	51.95	50.8
Total	frequency	132	135	592	303	458	355	1,129	951	4,075
	row percentage	3.24	3.31	14.53	7.44	11.24	8.71	27.71	23.34	100
	column percentage	100	100	100	100	100	100	100	100	100

Table A2.2

Basic Descriptive Statistics about Firms in the Wal-Mart area from the Dun & Bradstreet data						
Variable	Obs	Mean	Std. Dev.	Min	Max	
Sales volume 2005 (nominal $s)	2634	434,134	1,961,795	6,000	49,100,000	
Employment here 2005	2944	7.91	23.15	1	476	
Sales volume 2007 (nominal $s)	2389	441,079	924,549	10,000	9,100,000	
Employment here 2007	2428	8.27	24.31	1	600	
Year Business Started	1853	1990.0	13.14	1895	2005	
New business in 2007 data	4075	0.17	0.38	0	1	
Out-of-business in 2007 data	4075	0.32	0.47	0	1	
Distance from Wal-Mart (miles)	4075	2.43	1.18	0.07	9.65	
Percentage change in employment*	211	-7.8%	65.2%	-355.5%	160.9%	
Percentage change in sales*	214	-15.8%	89.7%	-377.2%	238.6%	
* Restricted to firms with differing sales in 2005 and 2007 surveys. Please see text for discussion.						

Table A2.3

Business status by compete status for Wal-Mart area firms*				
Business status		Non-competitive SIC code	Competitive SIC code	Total
In 2005 survey only (out-of-business)	frequency	538	770	1308
	row percentage	41.13	58.87	100
	column percentage	31.82	32.3	32.1
In 2007 survey only (new business)	frequency	291	406	697
	row percentage	41.75	58.25	100
	column percentage	17.21	17.03	17.1
In both 2005 and 2007 survey	frequency	862	1208	2070
	row percentage	41.64	58.36	100
	column percentage	50.98	50.67	50.8
Total	frequency	1691	2384	4075
	row percentage	41.5	58.5	100
	column percentage	100	100	100

* Non-competitive SIC codes were codes that sold products where Wal-Mart did not sell an alternative.

Table A2.4

Business status by relative location for Wal-Mart area firms*					
Location relative to Wal-Mart		In 2005 survey only (out-of-business)	In 2007 survey only (new business)	In both 2005 and 2007 survey	Total
Northwest	frequency	414	228	731	1373
	row percentage	30.15	16.61	53.24	100
	column percentage	31.65	32.17	35.31	33.69
Northeast	frequency	373	244	654	1271
	row percentage	29.35	19.2	51.46	100
	column percentage	28.52	35.01	31.59	31.19
Southeast	frequency	199	88	235	522
	row percentage	38.12	16.86	45.02	100
	column percentage	15.21	12.63	11.35	12.81
Southwest	frequency	322	137	450	909
	row percentage	35.42	15.07	49.5	100
	column percentage	24.62	19.66	21.74	22.31
Total	frequency	1308	697	2070	4075
	row percentage	32.1	17.1	50.8	100
	column percentage	100	100	100	100

Table A2.5A

Regressions to predict out-of-business status for Wal-Mart area firms					
	OLS	Probit	Probit	Probit	Probit
	1	2	3	4	5
Distance to Wal-Mart (miles)	-0.0139**	-0.0366**	-0.0367**	-0.0413**	-0.0363
	(1.98)	(1.97)	(1.97)	(1.98)	(1.29)
In competitive SIC code			0.0147	0.173***	0.0636
			(0.33)	(3.39)	(0.97)
Number of employees 2005				-0.0130***	-0.0135***
				(3.34)	(2.72)
Sales volume 2005 ($s)					-6.90e-08**
					(2.05)
Year business started					0.0105***
					(3.88)
Constant	0.421***	-0.198***	-0.206***	-0.284***	-21.28***
	(21.94)	(3.94)	(3.68)	(4.30)	(3.94)
Observations	3378	3378	3378	2944	1802
R-squared	0.001				
Pseudo R-squared		0.001	0.001	0.021	0.026
Absolute t statistics in parentheses					
* p<.1, ** p<.05, *** p<.01					

Table A2.5B

Regression to predict out-of-business status for Wal-Mart area firms (includes SIC dummies, building materials omitted category)	
	Probit
	(1)
Distance to Wal-Mart (miles)	-0.0466
	(1.62)
In competitive SIC code	-0.146
	(1.35)
Number of employees 2005	-0.0112**
	(2.28)
Sales volume 2005 ($s)	-7.50e-08**
	(2.18)
Year business started	0.0100***
	(3.74)
General merchandise stores (SIC 53)	0.338
	(1.31)
Food stores (SIC 54)	0.246
	(1.29)
Automotive dealers and gasoline service stations (SIC 55)	0.151
	(0.71)
Apparel and accessory stores (SIC 56)	0.467**
	(2.34)
Furniture, home furnishings and equipment stores (SIC 57)	0.452**
	(2.24)
Eating and drinking places (SIC 58)	0.0601
	(0.30)
Miscellaneous retail (SIC 59)	0.337*
	(1.84)
Constant	-20.43***
	(3.82)
Observations	1789
R-squared	
Pseudo R-squared	0.032
Absolute t statistics in parentheses	
* p<.1, ** p<.05, *** p<.01	

Table A2.6

Distance (in miles) to Wal-Mart of existing and new businesses in 2007 Dun & Bradstreet survey		
Closest	Existing	New
1%	0.29	0.24
5%	0.71	0.76
10%	0.99	0.98
25%	1.61	1.57
50%	2.32	2.26
75%	31.2	3.12
90%	3.73	3.67
95%	4.62	4.62
99%	6.19	6.37

Table A2.7A

OLS Regressions to predict change in employment for Wal-Mart area firms					
	1	2	3	4	5
Distance to Wal-Mart (miles)	0.00758	0.00643	0.0282	0.0289	0.0336
	(0.18)	(0.15)	(0.67)	(0.69)	(0.71)
In competitive SIC code		0.0932	-0.0397	-0.0343	0.0479
		(0.98)	(0.48)	(0.41)	(0.43)
Number of employees 2005			-0.0232***	-0.0219***	-0.0236***
			(6.45)	(5.31)	(4.91)
Sales volume 2005 ($s)				-3.16e-08	-2.83e-08
				(0.91)	(0.82)
Year business started					-0.00274
					(0.68)
Constant	-0.0957	-0.146	0.038	0.0419	5.441
	(0.88)	(1.26)	(0.35)	(0.39)	(0.67)
Observations	211	211	211	211	141
R-squared	0	0.005	0.185	0.191	0.249
# sample restricted to firms with differing non-zero sales in 2005 and 2007 surveys					
Absolute t statistics in parentheses					
* p<.1, ** p<.05, *** p<.01					

Table A2.7B

Regression to predict percentage change in employment for Wal-Mart area firms (includes SIC dummies, building materials omitted category)	
	(1)
Distance to Wal-Mart (miles)	0.0406
	(0.75)
In competitive SIC code	-0.0942
	(0.32)
Number of employees 2005	-0.0232***
	(4.37)
Sales volume 2005 ($s)	-2.31E-08
	(0.66)
Year business started	-0.00155
	(0.38)
General merchandise stores (SIC 53)	-0.443
	(0.78)
Food stores (SIC 54)	-0.0188
	(0.06)
Automotive dealers and gasoline service stations (SIC 55)	-0.542**
	(1.99)
Apparel and accessory stores (SIC 56)	-0.26
	(1.25)
Furniture, home furnishings and equipment stores (SIC 57)	-0.282
	(1.33)
Eating and drinking places (SIC 58)	-0.453
	(1.43)
Miscellaneous retail (SIC 59)	-0.328
	(1.56)
Constant	3.46
	(0.43)
Observations	129
R-squared	0.295
# sample restricted to firms with differing non-zero sales in 2005 and 2007 surveys	
Absolute t statistics in parentheses	
* p<.1, ** p<.05, *** p<.01	

Table A2.8A

OLS Regressions to predict change in sales for Wal-Mart area firms#					
	(1)	(2)	(3)	(4)	(5)
Distance to Wal-Mart (miles)	-0.0309	-0.0332	-0.018	-0.0144	0.000987
	(0.58)	(0.64)	(0.34)	(0.28)	(0.02)
In competitive SIC code		0.300**	0.206*	0.236**	0.336**
		(2.4)	(1.69)	(2.04)	(2.1)
Number of employees 2005			-0.0170***	-0.00994**	-0.00991*
			(3.96)	(2.19)	(1.77)
Sales volume 2005 ($s)				-0.000000174***	-0.000000173***
				(5.2)	(5.16)
Year business started					0.000306
					(0.06)
Constant	-0.0832	-0.247*	-0.109	-0.0876	-0.788
	(0.61)	(1.67)	(0.77)	(0.67)	(0.08)
Observations	214	214	212	212	142
R-squared	0.002	0.029	0.08	0.177	0.219
# sample restricted to firms with differing non-zero sales in 2005 and 2007 surveys					
Absolute t statistics in parentheses					
* p<.1, ** p<.05, *** p<.01					

Table A2.8B

Regression to predict percentage change in sales for Wal-Mart area firms (includes SIC dummies, building materials omitted category)#	
	(1)
	-0.00498
Distance to Wal-Mart (miles)	(0.08)
	-0.11
In competitive SIC code	(0.27)
	-0.00921
Number of employees 2005	(1.24)
	-0.000000192***
Sales volume 2005 ($s)	(4.31)
	0.000357
Year business started	(0.07)
	-0.538
General merchandise stores (SIC 53)	(0.73)
	-0.165
Food stores (SIC 54)	(0.36)
	-0.29
Automotive dealers and gasoline service stations (SIC 55)	(0.54)
	-0.262
Apparel and accessory stores (SIC 56)	(0.6)
	-0.308
Furniture, home furnishings and equipment stores (SIC 57)	(0.77)
	-0.938*
Eating and drinking places (SIC 58)	(1.91)
	-0.378
Miscellaneous retail (SIC 59)	(0.95)
	-0.114
Constant	(0.01)
Observations	130
R-squared	0.263
# sample restricted to firms with differing non-zero sales in 2005 and 2007 surveys	
Absolute t statistics in parentheses	
* p<.1, ** p<.05, *** p<.01	

Center for Community Planning and Development
Hunter College
ccpd@hunter.cuny.edu

THE PUBLIC ADVOCATE FOR THE
CITY OF NEW YORK
Bill de Blasio – PUBLIC ADVOCATE

JANUARY 10, 2010

Wal-Mart's Economic Footprint: A literature review prepared by Hunter College Center for Community Planning & Development and New York City Public Advocate Bill de Blasio

Prepared By:
Tom Angotti, *Ph.D.*
Professor of Urban Affairs & Planning and Center Director at Hunter College
Brian Paul
Center Fellow and Masters of Urban Planning Candidate at Hunter College
Tom Gray
Director of Land Use at the Office of the New York City Public Advocate
Dom Williams
Senior Advisor at the Office of the New York City Public Advocate

Executive Summary

Wal-Mart is the world's largest retailer with more than 4,300 stores in the United States and over 8,000 worldwide, with global sales topping $400 billion in 2009.[1] It is the largest retailer in the U.S., where more than half its revenue comes from grocery sales.[2] Wal-Mart's formula for financial success includes: low-wage labor, limited health benefits, and leveraging of government subsidies

Hundreds of studies, reports, and articles have been written about the negative impacts of Wal-Mart. This document represents a thorough review of key literature between 2002 and 2010, and points to many of the retail giant's negative impacts. It examines over fifty studies conducted over the past seven years on Wal-Mart's impact on both local and national economies. It represents research encompassing all fifty states, including the first research conducted regarding Wal-Mart in a major U.S. City: Chicago.

Since opening its first store in Bentonville, Arkansas in 1962, Wal-Mart has steadily spread from its base in the South and Midwest to dominate the suburban and rural retail market across the U.S. Having effectively saturated these markets, Wal-Mart's most lucrative opportunities for growth are now outside the U.S.. However, the company has also begun to move aggressively into those more densely populated central cities that have so far been off limits, either for lack of space in which to shoe-horn the mall-size Wal-Mart outlets or due to local antipathy to the company because of its negative impact on small businesses and the local economy.

Wal-Mart is addressing the first obstacle – store size – by changing its standard big box model to a more flexible one involving stores of widely varying sizes, perhaps even as small as a few thousand square feet, the size of many local grocery stores. According to Garrick Brown, Vice President of Research at Colliers International, "Smaller designs, in the twenty thousand square-foot range, and mostly groceries – that's where the money is."[3] For example, four stores are planned for the Washington, DC area, including multi-story buildings in both central city and suburban settings.[4] Twenty-four new stores are planned for the San Francisco Bay Area. Several years ago the company opened its first store in Chicago and is planning a dozen more.[5]

---

[1] Wal-Mart. "Corporate Facts: Wal-Mart by the Numbers." March, 2010. http://Wal-Martstores.com/download/2230.pdf

[2] ABMN Staff. "BusinessNews: Wal-Mart Hopes to Expand to San Francisco." September 22, 2010. www.americanbankingnews.com/2010/09/22/wal-mart-nyse-wmt-hopes-to-expand-to-san-francisco/

[3] ibid

[4] Dan Malouf. "Will Wal-Mart be Urban? Part 1: Brightwood." Greater Greater Washington. November 21, 2010. http://greatergreaterwashington.org/post/8208/will-Wal-Mart-be-urban-part-1-brightwood/

[5] ibid; Stephanie Clifford. "Wal-Mart Gains in its Wooing of Chicago." The New York Times. June 24, 2010. http://www.nytimes.com/2010/06/25/business/25 Wal-Mart.html

Although Wal-Mart has overcome the challenge of fitting its stores into urban environments, these smaller stores continue to bring negative overall economic impacts on the communities where they are located. The retail giant is undertaking a major public relations campaign; however, the corporation has made only minor concessions and their promises about job creation and tax revenues are not realized.

The overwhelming weight of the independent research on the impact of Wal-Mart stores on local and national economies – including jobs, taxes, wages, benefits, manufacturing and existing retail businesses – shows that Wal-Mart depresses area wages and labor benefits contributing to the current decline of good middle class jobs, pushes out more retail jobs than it creates, and results in more retail vacancies. There is no indication that smaller "urban" Wal-Mart stores scattered throughout a dense city in any way diminish these negative trends. Rather, such developments may actually result in more widespread economic disruption.

1. Wal-Mart's Economic Impacts: Net Loss of Jobs, Fewer Small Businesses

- Wal-Mart store openings kill three local jobs for every two they create by reducing retail employment by an average of 2.7 percent in every county they enter.[6]

- Wal-Mart's entry into a new market does not increase overall retail activity or employment opportunities.[7] Research from Chicago shows retail employment did not increase in Wal-Mart's zip code, and fell significantly in those adjacent.

- Wal-Mart's entry into a new market has a strongly negative effect on existing retailers.[8] Supermarkets and discount variety stores are the most adversely affected sectors, suffering sales declines of 10 to 40% after Wal-Mart moves in.[9]

---

[6] Neumark, David, Junfu Zhang, and Stephen Ciccarella, January 2007. "The Effects of Wal-Mart on Local Labor Markets." Institute for the Study of Labor Discussion Paper #2545, University of Bonn. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=958704.

[7] Julie Davis, David Merriman, Lucia Samyoa, Brian Flanagan, Ron Baiman, and Joe Persky. "The Impact of an Urban Wal-Mart Store on Area Businesses: An Evaluation of One Chicago Neighborhood's Experience." Center for Urban Research and Learning, Loyola University Chicago. December 2009. http://luc.edu/curl/pdfs/Media/Wal-MartReport21010_01_11.pdf; David Neumark, Junfu Zhang, and Stephen Ciccarella. "The Effect of Wal-Mart on Local Labor Markets." IZA Discussion Paper No. 2545 (January 2007). http://ftp.iza.org/dp2545.pdf

[8] Srikanth Parachuri, Joel A.C. Baum, and David Potere. "The Wal-Mart Effect: Wave of Destruction or Creative Destruction?" Economic Geography 85.2 (2009): 209-236.

[9] Kenneth E. Stone, Georgeanne Artz, and Albery Myles. "The Economic Impact of Wal-Mart Supercenters on Existing Businesses in Mississippi." Mississippi University Extension Service. 2002. http://Wal-Mart.3cdn.net/6e5ad841f247a909d7_bcm6b9fdo.pdf ; O. Capps, and J.M, Griffin. "Effect of a Mass Merchandiser on Traditional Food Retailers." Journal of Food Distribution 29 (February 1998): 1-7;

- Stores near a new Wal-Mart are at increased risk of going out of business. After a single Wal-Mart opened in Chicago in September 2006, 82 of the 306 small businesses in the surrounding neighborhood had gone out of business by March 2008.[10]

- The value of Wal-Mart to the economy will likely be less than the value of the jobs and businesses it replaces. A study estimating the future impact of Wal-Mart on the grocery industry in California found that, "the full economic impact of those lost wages and benefits throughout southern California could approach $2.8 billion per year."[11]

- Chain stores, like Wal-Mart send most of their revenues out of the community, while local businesses keep more consumer dollars in the local economy: for every $100 spent in locally owned businesses, $68 stayed in the local economy while chain stores only left $43 to re-circulate locally.[12]

2. Wal-Mart's Costs to Taxpayers

- Wal-Mart has thousands of associates who qualify for Medicaid and other publicly subsidized care, leaving taxpayers to foot the bill.[13] For instance in Ohio Wal-Mart has more associates and associate dependents on Medicaid than any other employer, costing taxpayers $44.8 million in 2009.[14]

- According to estimates, Wal-Mart likely avoided paying $245 million in taxes 2008 by paying rent to itself and then deducting that rent from its taxable income.[15]

Vishal P. Singh, Karsten T. Hansen, and Robert C. Blattberg. "Impact of a Wal-Mart Supercenter on a Traditional Supermarket: An Empirical Investigation." February 2004. http://chicagobooth.edu/research/workshops/marketing/archive/WorkshopPapers/hansen.pdf; Kusum L. Ailawadi, Jie Zhang, Aradhna Krishna, and Michael W. Kruger. "When Wal-Mart Enters: How Incumbent Retailers React and How This Affects Their Sales Outcomes." Journal of Marketing Research 47.4 (August 2010).

[10] Davis et al, id

[11] Martin Boarnet, and Randall Crane. "The Impact of Big Box Grocers on Southern California: Jobs, Wages, and Municipal Finances." Orange County Business Council. September 2009. http://www.coalitiontlc.org/big_box_study.pdf

[12] Civic Economics. "The Andersonville Study of Retail Economics." October 2004. http://www.andersonvillestudy.com/AndersonvilleSummary.pdf

[13] "Good Jobs First" reports that in 21 of 23 states which have disclosed information, Wal-Mart has the largest number of employees on the Medicaid rolls of any employer. http://www.goodjobsfirst.org/corporate_subsidy/hidden_taxpayer_costs.cfm

[14] Ohio Department of Jobs and Family Services. "Ohio Medicaid Recipients by Employer." September 2009. http://pnohio.3cdn.net/5ddd17f44b6d3a8a58_sjm6bx1ew.pdf

[15] United Food and Commercial Workers International Union. "Outline of Data and Methodology for Estimating Amount of Tax Avoided By Wal-Mart." http://wakeupWal-Mart.com/facts/statebudgetsappendix.html.

- Wal-Mart has admitted a failure to pay $2.95 billion in taxes for fiscal year 2009.[16]

3. Wal-Mart's low paying jobs contribute to the decline of the middle class

- Median household income declined by 1.8% nationally and 4.1% in New York City in 2009.[17] This decline will be exacerbated by low paying Wal-Mart jobs.

- Wal-Mart's average annual pay of $20,774 is below the Federal Poverty Level for a family of four.[18]

- A Wal-Mart spokesperson publicly acknowledged in 2004 that, "More than two thirds of our people... are not trying to support a family. That's who our jobs are designed for."[19]

- Wal-Mart's 2010 health care offerings have a high annual deductible of $4,400 which means a family would have to spend $5,102 of their own money on health care before Wal-Mart's insurance pays anything. Based on the average salary of a Wal-Mart employee this payment represents almost 25% of their annual income.[20] [21]

For these reasons, we conclude that the entry of even a single Wal-Mart store in New York City could have a snowball effect and result in a negative long-term cumulative impact on the city's economy and continued decline of the middle class. A single small Wal-Mart, or a single superstore, could mean the demise of existing food retailers, end local retail, and hurt working families. Considering Wal-Mart's aggressive plans for expansion into urban markets all across the country, there is no reason to believe the company would be satisfied with only one store in the nation's largest city.

---

[16] Tom English, and Mark J. Cowan. "The Challenges of Transparency in Corporate Tax Departments," The CPA Journal, October 2007; Wal-Mart Stores Inc. Form 10-K for fiscal year ended January 31, 2010. Consolidated Financial Statements, Note 8, pg. 36

[17] http://www.crainsnewyork.com/article/20100809/FREE/100809838

[18] The calculation assumes that a full-time Wal-Mart worker works an average of 34 hours a week, 52 weeks a year. The average of 34 hours a week is obtained from an internal Wal-Mart memo http://www.nytimes.com/packages/pdf/business/26Wal-Mart.pdf

[19] Transcript of PBS Newshour, 23 August 2004

[20] The calculation was performed for a family with one earning member who earns the Wal-Mart average wage of $11.24/hour, and works an average of 34 hours a week for 52 weeks a year.

[21] This information is taken from the guide to annual enrollment that Wal-Mart distributed to its associates in September-October 2009 for benefit year 2010.

Net Loss of Jobs, Fewer Small Businesses

While City representatives may have engaged in discussions with Wal-Mart or its agents, there has been no public review of Wal-Mart's plans or assessment of potential impacts. However, the case of the new Wal-Mart store in Chicago strongly suggests negative impacts that New York City could expect to experience with the introduction of Wal-Mart stores. A 2009 study by the Center for Research & Urban Learning at Loyola University surveyed a four-mile radius before and after the opening of Chicago's first Wal-Mart in September 2006.[22] The survey found that Wal-Mart's entry led to local business failures, no measurable increase in retail employment or sales in the immediate area of the new store, and a noticeable drop in jobs and sales in surrounding areas. To be more precise, 25% of retail businesses within a mile of the Wal-Mart closed within a year.

The Loyola study confirmed a basic principle of retailing in urban areas: total sales are for the most part based on a finite pool of disposable consumer income, and new retailers cannot simply create new sales without taking them away from others. "For Wal-Mart's own zip code, 60639, there is no evidence of an overall upturn in sales," concluded the researchers. Retail employment also declined overall: "Retail employment levels in Wal-Mart's own zip code show no significant change, presumably because of the addition of Wal-Mart's own employees. But retail employment trends in neighboring zip codes show a negative effect after Wal-Mart's opening. This effect is significant in the period 2003-2008."[23] The researchers found that the hardest-hit businesses were selling electronics, toys, office supplies, general merchandise, hardware, home furnishings and drugs. A University of Illinois analysis of a proposed Wal-Mart in Chicago in 2004 had accurately predicted that the megastore's arrival would lead to a net job loss and only a minimal increase in net tax revenues.[24]

Other research shows that Wal-Mart's arrival in a new market has a particularly damaging effect on ethnic retailers including supermarkets, bodegas, electronics and furniture stores.[25] A recent study in Florida found that drugstores and stores specializing in apparel, sporting goods, home furnishings, cards and gifts, and other essential consumer household goods are likely to suffer the

[22] Davis et al, id
[23] ibid.
[24] UIC Center for Urban Economic Development. "The Economic Impact of Wal-Mart: An Assessment of the Wal-Mart Store Proposed for Chicago's West Side. March 2004. http://www.uic.edu/cuppa/uicued
[25] Center for Research & Urban Learning & Loyola University, 2009.

most.[26] Take a stroll down neighborhood retail strips in Washington Heights, Flushing, or East New York and it's clear that these are the products most commonly sold by locally-owned retail shops in New York City.

Another study that examined the impact of new Wal-Mart stores in seven markets around the country found that Wal-Mart's entry had substantial negative impacts on sales of mass-produced consumer staples by local vendors: "In the year following entry, mass stores suffer a median sales decline of 40% and supermarkets suffer a median sales decline of 17%, while drug stores experience a much smaller median decline of 6%. This magnitude of sales impact is broadly consistent with prior research"[27]

Small locally-owned businesses are not the only Wal-Mart victims. Other chain stores and discount retailers also suffer from Wal-Mart's manipulation of prices. One study of a nationwide dataset of Wal-Mart's effect on previously existing discount retailers found that roughly half of small discount stores closed after Wal-Mart's arrival.[28] The unfortunate result is a reduction of competition and many empty storefronts.

Independently owned local businesses are an essential part of New York City's vibrant residential neighborhoods. Chain stores are concentrated in a few outer-borough malls and in heavily-trafficked parts of Midtown and Lower Manhattan, while independent retailers predominate in most of the rest of the city. Independent retailers flourish, for example, in the dense commercial districts serving immigrant communities, in Flushing and Corona (Queens), Sunset Park (Brooklyn), Melrose (The Bronx) and Washington Heights (Manhattan).

As Jane Jacobs observed in her classic work *The Death and Life of Great American Cities:*

> "Commercial diversity is, in itself, immensely important for cities, socially as well as economically...wherever we find a city district with an exuberant variety and plenty in its commerce, we are apt to find that it contains a good many other kinds of diversity also, including variety of cultural opportunities, variety of scenes, and a great variety in its population and other users. This is more than a coincidence." (p. 148)

The benefits of the small business economy are clear to see in districts like Downtown Flushing where small business has served as the engine of neighborhood growth and has led to the emergence of a uniquely diverse urban center that attracts residents and visitors from throughout the city and region. Linkages among small businesses strengthen them and help sustain them in hard times. Linkages between small businesses and civic and social organizations in

---

[26] Parachuri et al, id

[27] Ailawadi et al, id

[28] Panle Jia. "What Happens When Wal-Mart Comes to Town: An Empirical Analysis of the Discount Retailing Industry." Econometrica 76.6 (November 2008): 1263-1316.

communities' help neighborhoods thrive and develop. Innumerable personal ties between local merchants and residents are enormous assets to a thriving urban environment.

Locally owned businesses are crucial to the vitality of our economy because they keep a higher percentage of their resources in the local economy by procuring their goods and services from the local area. Locally-owned businesses recirculate dollars in the neighborhood while chain stores send revenues to corporate headquarters. A 2004 study found that for every $100 spent in locally owned businesses, $68 stayed in the local economy while chain stores only left $43 to re-circulate locally. The local owners tend to live in the community, spend more on labor, are twice as likely to use local supply networks, and contribute more to local charities.[29]

Small businesses are the engines of local economic development, leaders in innovation and change, and are more productive than large chains.[30] In New York City, small retail businesses are a particularly important means of economic and social advancement for immigrant families.

Even if Wal-Mart imitates the appearance of our small business retailers by subdividing into small outlets, it will still operate as a global monopoly with the same giant supply chain, and the same low wages and substandard labor policies.

Our observations about the critical importance of locally-owned businesses are widely shared among those who have studied urban economies in depth. According to economists at Winthrop University, States with a higher percentage of very small businesses, those with 20 employees or less, have a more productive workforce and higher levels of GDP growth than states with lower levels of very small businesses. Furthermore, states that are rich in very small businesses have lower rates of unemployment.[31]

Wal-Mart is trying to take advantage of the current economic downturn by promising an immediate infusion of jobs and investment dollars in city neighborhoods that have been hit hard by the recession. Considering the body of independent research that clearly demonstrates Wal-Mart's negative long-term impacts on local economies, it would be shortsighted to allow this destructive retail monopolist to enter the New York City market via the Trojan Horse of "job creation."

Lastly, Wal-Mart typically sells promotable products below their cost as a loss leader to draw in customers.[32] Wal-Mart has the ability to lower these prices, even if it means losing money for up to ten years, something small businesses cannot afford.[33] After driving out competition, the

---

[29] Civic Economics, id

[30] Parachuri et al, id

[31] D.K. Robbins, L.J. Pantuosco, D.F Parker, and B.K. Fuller. "An Empirical Assessment of the Contribution of Small Business Employment to U.S. State Economic Performance". Small Business Economics 15 (2000): 293–302.

32 B. Lund. "Predatory Pricing Practices and the Toy Industry." Global Toy News. August 27, 2010 http://www.globaltoynews.com/2010/08/Wal-Mart-predatory-pricing-and-the-toy-industry.html

[33] MacPherson; Lintereur, id

company increases prices on those products. Artificially lowering prices impacts not only small local businesses, but has major ramifications on manufacturing and the global economy.

Predatory pricing forces competing retailers to sell at a loss, or cancel orders for promotable products because they cannot compete with the artificially low prices. This hurts those small businesses and has major implications for manufacturers. Consumer products will ultimately sell fewer units because Wal-Mart will be the only store left selling these products. This causes losses for manufacturers by devaluating goods and impacting quantities.[34]

According to Bloomberg News, this was done on a massive scale this holiday season. Wal-Mart managers in the U.S. received instructions to mark up an average of 1,800 types of toys per store this holiday season, according to a company e-mail send the month before Christmas.[35]

Wal-Mart's power to sell products below their typical market value has led to the laying off of employees and the closure of U.S. plants in favor of outsourcing products from overseas.[36] Eighty-five percent of Wal-Mart's items are made overseas. The mega-retailer has faced numerous accusations of unacceptable conditions in the factories of their suppliers. Reported abuses include: "forced overtime, locked bathrooms, starvation wages, pregnancy tests, denial of access to health care, and workers fired and blacklisted if they try to defend their rights."[37]

Costs to Taxpayers

Because many of Wal-Mart's employees do not earn enough to make ends meet they often turn to public assistance. Each Wal-Mart store, averaging 200 employees, costs taxpayers approximately $420,750 annually in public social services used by store employees.[38] Wal-Mart has thousands of associates who qualify for Medicaid and other publicly subsidized care, leaving taxpayers to foot the bill.[39] For instance, Wal-Mart has the greatest number of associates and associate dependents on Medicaid in Ohio, costing taxpayers $44.8 million in 2009.[40]

According to the group Wal-Mart Subsidy Watch, a non-profit watchdog group, Wal-Mart has already received subsidies worth about $52 million in New York State. At least eight Wal-Mart locations in New York have challenged their property tax assessment, recouping about $766,000.[41] Wal-Mart has already cost New Yorkers millions of dollars, even before entering the state's largest marketplace.

---

34 D. Moberg. "The Wal-Mart Effect: The How's and Whys of Beating the Bentonville Behemoth." June 10, 2004

[35] M. Boyle. "Wal-Mart Raising Prices on Toys, Squeezing More Out of Holidays." Bloomberg News. December 15, 2010

[36] Fishman, id

[37] United Food and Commercial Workers International Union. "Wal-Mart and Sweatshops." http://www.ufcw.org/take_action/Wal-Mart_workers_campaign_info/facts_and_figures/Wal-Martsweatshops.cfm

38 Congressman G. Miller. "Everyday Low Wages: The Hidden Price We All Pay For Wal-Mart" February 16, 2004.

[39] Good Jobs First, id

[40] Ohio Department of Jobs and Family Services., id.

[41] www.Wal-Martsubsidywatch.org/index.html

Wal-Mart also uses controversial methods to reduce the taxes it pays. They use a Capital Real Estate Investment Trust (REIT) where the corporation pays rent to itself and then deducts that rent from its taxable income.[42] It is estimated that Wal-Mart likely avoided paying $245 million in 2008 using this strategy nationwide.[43] By its own admission, Wal-Mart likely owes billions in taxes.

Wal-Mart's entry into the New York City market may also negatively affect the tax base by displacing the better compensated employees of the existing retail sector. This is especially relevant for the unionized workers of the grocery sector. A study of Wal-Mart's potential entry into the San Francisco market estimated that if Wal-Mart were to take ten to twenty percent of the grocery markets and replace thousands of union supermarket employees with Wal-Mart workers, the region would lose $300 to $576 million dollars in employee wages and benefits.[44]

Wal-Mart's low paying jobs contribute to the decline of the Middle Class

According to the 2009 Census Bureau's survey of income and poverty in the United States, Median household income is falling in the vast majority of U.S. states and in virtually every single major U.S. city, representing a shocking decline of the middle class. Unemployment has also skyrocketed in recent years and it has become much harder to get a good middle class job.[45]

According to the Census Bureau, median household income declined in thirty four U.S. states in 2009 and almost all U.S Cities.

- In New York City, median household declined 4.1% to $55,980.
- In Detroit, median household income declined 10% to $48,535.
- In Orlando, median household income dropped almost 10% to $46,856.
- In Cleveland, median household income fell 8.5% to $45,395.
- In Miami, median household income declined 8.2% to $45,946.
- In Indianapolis, median household income dropped 7.1% to $50,140.

With an average annual pay of $20,774, significantly below the Federal Poverty Level for a family of four, Wal-Mart's workforce can largely be classified as working poor.[46,47] Wal-Mart's 1.3 million employees being forced to accept poverty level wages and bare bones health benefits

---

[42] Drucker, id

[43] Good Jobs First. "Wal-Mart Subsidy Watch." http://wakeupWal-Mart.com/facts/statebudgetsappendix.html

[44]Marlon Boarnet, Randall Crane, Daniel G. Chatman, and Michael Manville. "Emerging Planning Challenges in Retail: The Case of Wal-Mart." Journal of the American Planning Association 71.4 (2005): 433-449.

[45] U.S Census Bureau "Income, Poverty, and Health Insurance Coverage in the United States: 2009" September, 2010.

[46] The calculation assumes that a full-time Wal-Mart worker works an average of 34 hours a week, 52 weeks a year. The average of 34 hours a week is obtained from an internal Wal-Mart memo. http://www.nytimes.com/packages/pdf/business/26Wal-Mart.pdf

[47] U.S. Department of Labor Bureau of Labor Statistics "A Profile of the Working Poor, 2000" March 2002

will only exacerbate the continuing decline of the middle class, including in New York City.[48] A Wal-Mart spokesperson was quoted in 2004 saying, "More than two thirds of our people...are not trying to support a family, that's who our jobs are designed for."[49]

A study done by the UC Berkeley Institute of Industrial Relations compared Wal-Mart's wages to other large retailers, as well as other industry segments. Wal-Mart employees constitute of 55% of all general merchandise workers, and 71% of large general merchandise workers. The study found a significant gap in pay for Wal-Mart employees. Looking at comparable retailers and adjusting wages for local labor markets, Wal-Mart employees earned less than their counterparts at other retailers. On average, general merchandise workers made 17.4% more and large general merchandise workers made 25.6% more than the Wal-Mart average for similar employees[50].

Not only are employees being paid less than fair wages, only half of Wal-Mart employees are receiving healthcare. And those who do receive benefits are enrolled in plans that provide inadequate coverage.

Wal-Mart's 2010 health care offerings include low premiums of $27 per pay period for family coverage, or $702 per year; however this plan has a high annual deductible of $4,400.[51] With a $4,400 annual deductible, a family would have to pay $5,102 of their own money before Wal-Mart's insurance pays for anything. For a family whose only income comes from a Wal-Mart associate, making Wal-Mart average wages of $11.75 an hour, this equals almost 25% of their annual income.[52] New Yorkers cannot afford to devote one forth of their incomes to healthcare before their insurance kicks in.

[48] Arindrajit Dube, and Steve Wertheim. "Wal-Mart and Job Quality – What Do We Know and Why Should We Care?" UC Berkeley Center for Labor Research and Education. October 16, 2005. http://laborcenter.berkeley.edu/retail/Wal-Mart_jobquality.pdf

[49] Transcript of PBS Newshour, 23 August 2004

[50] ibid

[51] This information is taken from the guide to annual enrollment that Wal-Mart distributed to its associates in September-October 2009 for benefit year 2010.

[52] The calculation was performed for a family with one earning member who earns the Wal-Mart average wage of $11.24/hour, and works an average of 34 hours a week for 52 weeks a year.

NORMAL STREET OPTION "A"

CITY OF SPRINGFIELD, GREENE COUNTY, MO

(GRAND STREET & CAMPBELL AVENUE)

60 0 30 60 120

JANUARY, 2013

530A E. Independence Dr.
Union, Missouri 63084
636-584-0540 (tel.)
636-584-0512 (fax)
mail@ochran.com

OCHRAN
• Civil Engineering
• Land Surveying
• Architecture
• Site Development
• General Consulting
• Master Planning

Missouri State Certificate of Authority Numbers:
Survey : 000380
Engineering : 001655
Architecture: 2002014240

Two working days prior to excavation, contact all utilities on this site, contractor shall call 1-800-DIG-RITE for utility locates statewide.

All OSHA rules & regulations shall be adhered to during construction required by these plans shall be strictly followed by contractor's employees.

WALMART NEIGHBORHOOD MARKET #2839-00
SPRINGFIELD, GREENE COUNTY, MISSOURI
WAL-MART STORES INC., BENTONVILLE, AR

NORMAL STREET OPTION "A"

DATE	REVISIONS	DRN. BY	APPD. BY
		RKS	ERR

DATE: JAN. 14, 2013
SCALE: 1" = 60'
PROJ. NO.: 10-4540K
DWG. NO.: 1 of 1

NORMAL STREET ACCESS OPTION "B"

CITY OF SPRINGFIELD, GREENE COUNTY, MO

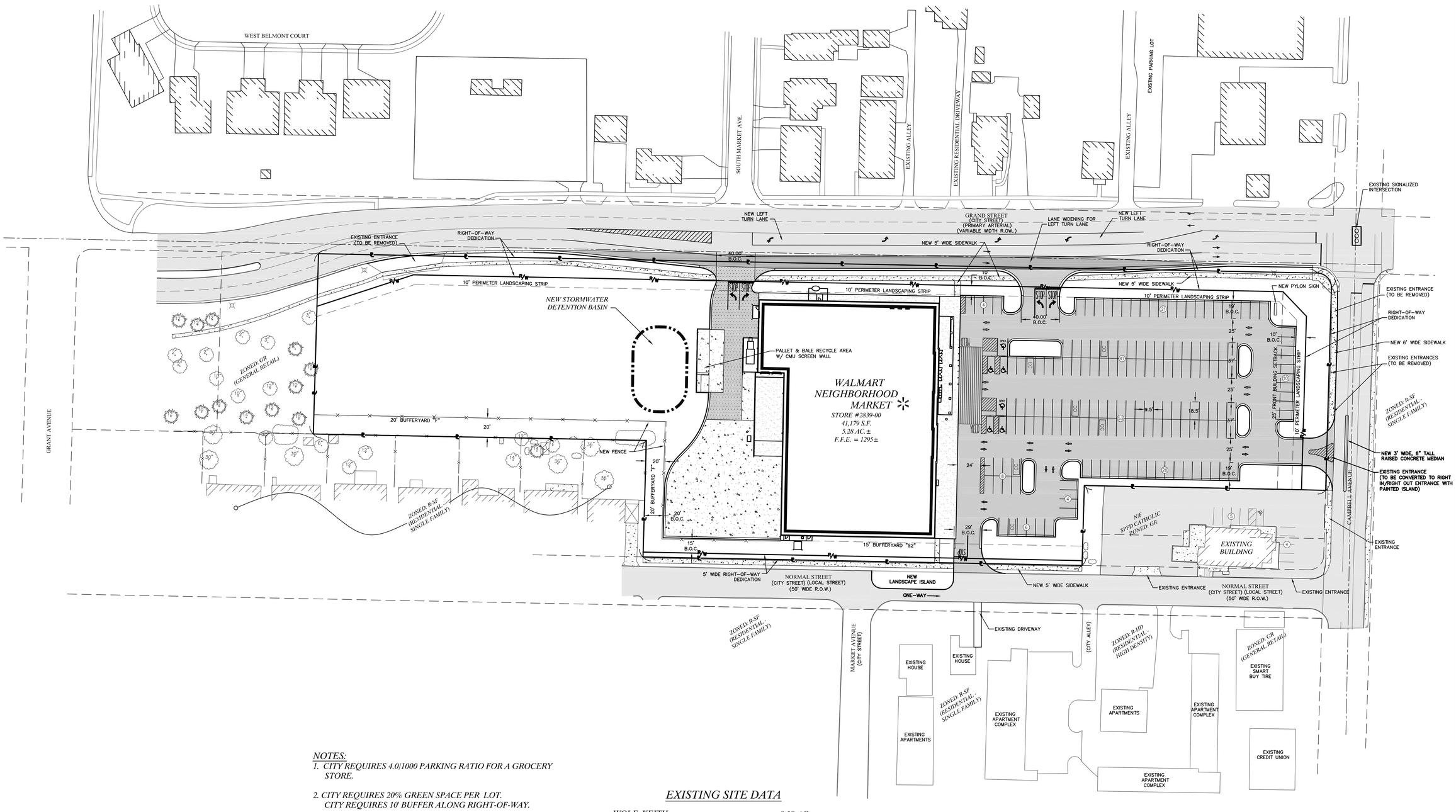
(GRAND STREET & CAMPBELL AVENUE)

LEGEND

- PROPERTY LINE
- R/W — RIGHT-OF-WAY LINE
- NEW BUILDING CONCRETE
- HEAVY DUTY ASPHALT PAVEMENT
- STANDARD DUTY ASPHALT PAVEMENT
- HEAVY DUTY ASPHALTIC CONCRETE PAVEMENT
- EXISTING

40 0 20 40 80

JANUARY, 2013



NOTES:

1. *CITY REQUIRES 4.0/1000 PARKING RATIO FOR A GROCERY STORE.*
2. *CITY REQUIRES 20% GREEN SPACE PER LOT. CITY REQUIRES 10' BUFFER ALONG RIGHT-OF-WAY.*
3. *CITY REQUIRES 5% OF THE PARKING AREA TO BE DEVOTED TO INTERIOR PARKING LOT LANDSCAPING.*
4. *PARKING SPACES SHOWN ARE 9.5' WIDE x 18.5' LONG.*
5. *A REZONING FROM RESIDENTIAL TO GENERAL RETAIL WILL BE REQUIRED.*
6. *FRONT BUILDING SETBACK (ALONG CAMPBELL) IS 25' SIDE BUILDING SETBACK (ALONG GRAND & NORMAL) IS 0'. REAR BUILDING SETBACK IS 0'.*

EXISTING SITE DATA

WOLF, KEITH	0.18 AC.±
MILLER, NINA	0.18 AC.±
RHINEHART, STEPHEN	0.18 AC.±
TODD, DAVID	0.18 AC.±
SCHANK, DORRELL	0.18 AC.±
CALVARY TEMPLE ASSEMBLY OF GOD	5.08 AC.±
TOTAL ACREAGE	5.98 AC.±

PROPOSED SITE DATA

WALMART LOT	5.28 AC.±
RIGHT OF WAY DEDICATION	0.70 AC.±
TOTAL ACREAGE	5.98 AC.±

WALMART PARKING DATA

NEW WALMART	41,179 S.F.
STANDARD SPACES	161 SPACES
ACCESSIBLE SPACES	6 SPACES
TOTAL PARKING SPACES	167 SPACES*
PARKING RATIO	4.06/1000 S.F.
*CART CORRALS	6 CORRALS / 6 SPACES

* PARKING SPACES OBSTRUCTED BY CART CORRALS ARE NOT INCLUDED IN OVERALL PARKING COUNT.

WALMART GREEN SPACE DATA

TOTAL GREEN SPACE SHOWN	2.00 AC.±
TOTAL IMPERVIOUS AREA SHOWN	3.28 AC.±
PERCENTAGE OF GREEN SPACE SHOWN	38%
REQUIRED PERCENTAGE OF GREEN SPACE	20%
INTERIOR PARKING LOT GREEN SPACE SHOWN	5.2%
REQUIRED INTERIOR PARKING LOT GREEN SPACE	5.0%

530A E. Independence Dr.
Union, Missouri 63084
636-584-0540 (tel.)
636-584-0512 (fax)
mail@ochran.com

OCHRAN
• Civil Engineering
• Land Surveying
• Architecture
• Site Development
• General Contracting
• Master Planning

Missouri State Certificate of Authority Numbers:
Survey : 000380
Engineering : 001655
Architecture: 2002014240

Two working days prior to excavation, contact all utilities on this site, contractor shall call 1-800-DIG-RITE for utility location information.

All OSHA rules & regulations and standard safety practices for construction required by these plans shall be strictly followed (ie. trenching, shoring, etc.)

WALMART NEIGHBORHOOD MARKET #2839-00

SPRINGFIELD, GREENE COUNTY, MISSOURI

WAL-MART STORES INC., BENTONVILLE, AR

NORMAL STREET ACCESS OPTION "B"

DWN. BY:	APPD. BY:
RKS	

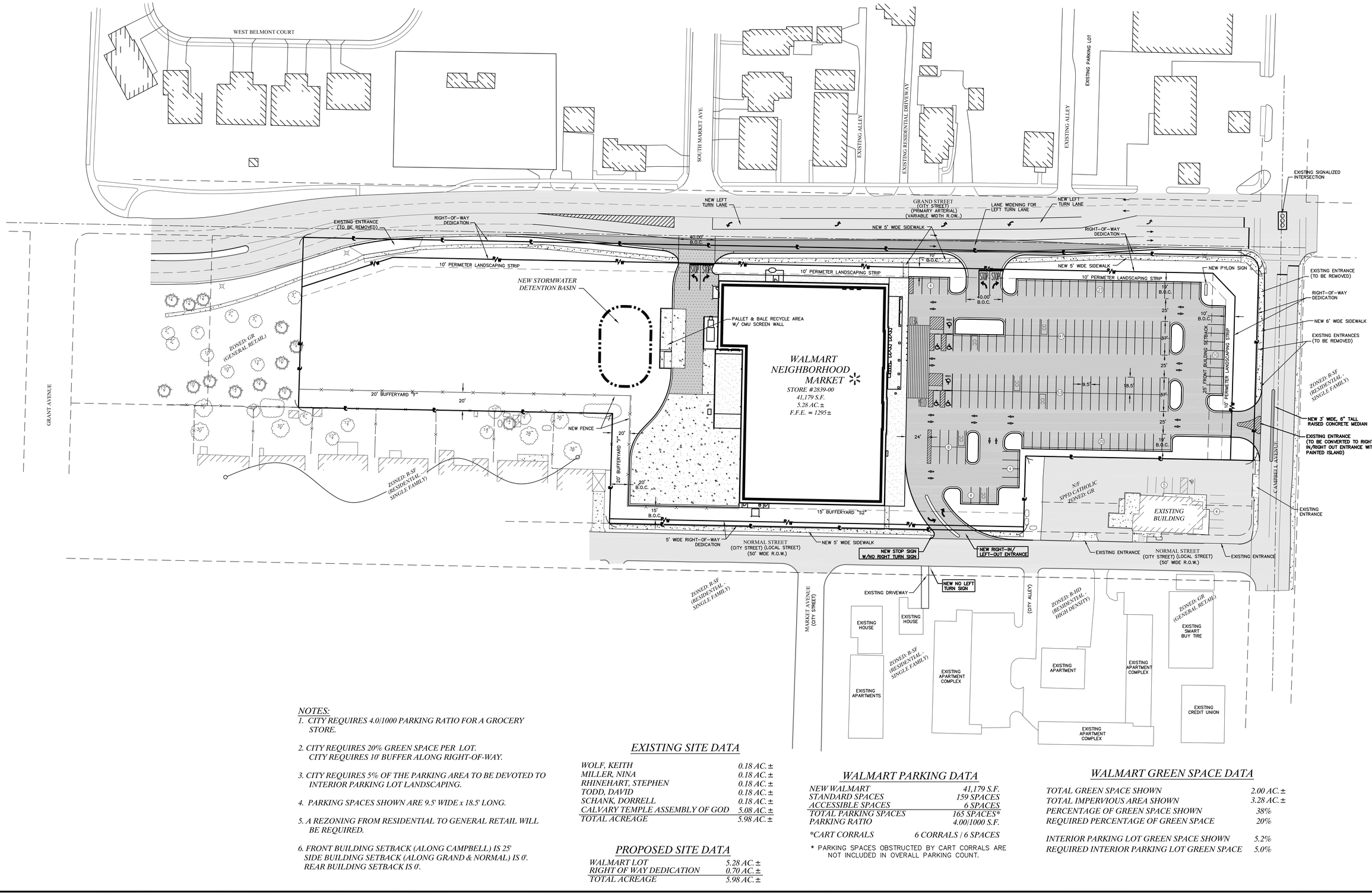
DATE: JAN. 14, 2013
SCALE: 1" = 40'
PROJ. NO.: 10-4540K
DWG. NO.: 1 of 1

Drawing name: F:\10-4540K\Normal Street Access Option B.dwg Tab: 30X42 Plotted on: Jan 14, 2013 - 11:08am Plotted by: bbrant

NORMAL STREET ACCESS OPTION "C"

CITY OF SPRINGFIELD, GREENE COUNTY, MO

(GRAND STREET & CAMPBELL AVENUE)



NOTES:

1. *CITY REQUIRES 4.0/1000 PARKING RATIO FOR A GROCERY STORE.*
2. *CITY REQUIRES 20% GREEN SPACE PER LOT. CITY REQUIRES 10' BUFFER ALONG RIGHT-OF-WAY.*
3. *CITY REQUIRES 5% OF THE PARKING AREA TO BE DEVOTED TO INTERIOR PARKING LOT LANDSCAPING.*
4. *PARKING SPACES SHOWN ARE 9.5' WIDE x 18.5' LONG.*
5. *A REZONING FROM RESIDENTIAL TO GENERAL RETAIL WILL BE REQUIRED.*
6. *FRONT BUILDING SETBACK (ALONG CAMPBELL) IS 25' SIDE BUILDING SETBACK (ALONG GRAND & NORMAL) IS 0'. REAR BUILDING SETBACK IS 0'.*

EXISTING SITE DATA

WOLF, KEITH	*0.18 AC.±*
MILLER, NINA	*0.18 AC.±*
RHINEHART, STEPHEN	*0.18 AC.±*
TODD, DAVID	*0.18 AC.±*
SCHANK, DORRELL	*0.18 AC.±*
CALVARY TEMPLE ASSEMBLY OF GOD	*5.08 AC.±*
TOTAL ACREAGE	*5.98 AC.±*

PROPOSED SITE DATA

WALMART LOT	*5.28 AC.±*
RIGHT OF WAY DEDICATION	*0.70 AC.±*
TOTAL ACREAGE	*5.98 AC.±*

WALMART PARKING DATA

NEW WALMART	*41,179 S.F.*
STANDARD SPACES	*159 SPACES*
ACCESSIBLE SPACES	*6 SPACES*
TOTAL PARKING SPACES	*165 SPACES**
PARKING RATIO	*4.00/1000 S.F.*
**CART CORRALS*	*6 CORRALS / 6 SPACES*

* PARKING SPACES OBSTRUCTED BY CART CORRALS ARE NOT INCLUDED IN OVERALL PARKING COUNT.

WALMART GREEN SPACE DATA

TOTAL GREEN SPACE SHOWN	*2.00 AC.±*
TOTAL IMPERVIOUS AREA SHOWN	*3.28 AC.±*
PERCENTAGE OF GREEN SPACE SHOWN	*38%*
REQUIRED PERCENTAGE OF GREEN SPACE	*20%*
INTERIOR PARKING LOT GREEN SPACE SHOWN	*5.2%*
REQUIRED INTERIOR PARKING LOT GREEN SPACE	*5.0%*

530A E. Independence Dr.
Union, Missouri 63084
636-584-0540 (tel.)
636-584-0512 (fax)
mail@ochran.com
OCHRAN
• Civil Engineering
• Land Surveying
• Architecture
• Site Development
• General Contracting
• Master Planning
Missouri State Certificate of Authority Numbers:
Survey : 000380
Engineering : 001655
Architecture: 2002014240

Two working days prior to excavation, contact all utilities on this site, contractor shall call 1-800-DIG-RITE for utility location information.

All OSHA rules & regulations and standards for safety in construction required by these plans shall be strictly followed (ie. trenching, shoring, etc.)

WALMART NEIGHBORHOOD MARKET #2839-00
SPRINGFIELD, GREENE COUNTY, MISSOURI
WAL-MART STORES INC., BENTONVILLE, AR

NORMAL STREET ACCESS OPTION "C"

DWN. BY:	APPD. BY:
RKS	

DATE: JAN. 14, 2013
SCALE: 1" = 40'
PROJ. NO.: 10-4540K
DWG. NO.: *1 of 1*

Drawing name: F:\10-4540K\Normal Street Access Option C.dwg Tab: 30X42 Plotted on: Jan 14, 2013 - 11:08am Plotted by: bbrant