

MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: July 25, 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: Matt Edwards (Chair), King Coltrin (Vice-Chair), Jay McClelland, Jim Hansen, Tom Baird, Jason Ray, and Gabrielle White; Staff in attendance: Bob Hosmer, Principal Planner; Ralph Rognstad, Director, Nancy Yendes, City Attorney; Chris Straw, Building Development Services; Sandy Goddard, Administrative Assistant. Absent: Shelby Lawhon and Phil Young.

ROLL CALL:

APPROVAL OF MINUTES: The minutes of July 11, 2013 were approved unanimously.

COMMUNICATIONS: None.

HEARINGS:

1. Zoning Text Amendment Sign Ordinance Changes

City of Springfield

Mr. Straw commented that after initiation by City Council, Staff assembled a Citizen's Task Force to create this new ordinance before Commission tonight. The task force consisted of one member of the Chamber of Commerce, two citizens at large, one member of the Urban Districts Alliance, two from the development community, and three members from commercial sign companies. Over a period of one year, the task force reviewed the current sign ordinance language and worked with staff to prepare a series of recommendations and desired changes to the current language. In support of that we included with the information of the proposed ordinance that Exhibit A is summarized by section the various changes that were made as compared to the original ordinance as well as the new language for the Commission's consideration. The Plans and Policies Committee recommended approval of the ordinance concept at their meeting of June 25, 2013. The Development Issues Input Group (DIIG) URBAN Districts Alliance (UDA), Environmental Advisory Board (EAB), all registered neighborhoods and thirteen local sign companies were notified of the proposed new sign ordinance. There have been no comments except from one member of the Developers Issues Input Group (DIIG), which had questions relating to the content neutral advertising changes for detached signs. Since that meeting we have received some other communications from other people who are looking at it at the last minute. Of the three to four items they have which are common questions, all but one are an interpretation that we need to explain as to how we will be interpreting the language so it is done in a consistent manner. The proposed ordinance reflects the desires of the community and provides greater convenience to the public by providing a user-friendly sign ordinance that consolidates in one section of the Zoning Ordinance; it improves staffs ability to enforce the sign ordinance and updates the sign ordinance to reflect changes with regard to new technology. The one section of the proposed that was not touched was identified as the Scenic Corridor Overlay District. The reason for that is the Task Force got into the history of that, which came about under the Vision 20/20 Program that was a citizens group that studied that in great detail; the Task Force felt that that one section was needed as it was specifically adopted as an amendment to the sign ordinance. If the community desires that it be reviewed, the Task Force asked that it be reviewed as a stand-alone issue because of the

specific natures of the overlay district and all of the neighborhood involvement that went into that portion of the ordinance. Mr. Straw stated he would answer any questions.

Mr. Coltrin asked Mr. Straw if this ordinance has any language in it regarding signs that might be considered of historic significance.

Mr. Straw stated that what Commission has before them in printed form does not contain that language; Historic Signs have become a prevalent issue and there is an amendment staff would like to add to what is before you tonight is Section 5-1403. I, which is not in the ordinance and currently reads as follows:

A sign that has established historical significance and is identified as such on the national, state or local register shall not be required to comply with this article with regard to height, size or location provided that the sign to be installed or located on the premise is substantially similar in style, size, shape and materials as the sign established to have historical significance and identified on said registers. Nothing in this section shall be construed to permit such a sign to remain, be installed, repaired or maintained unless said sign is in compliance with other codes of the City dealing with buildings, structures and safety.

Mr. Edwards opened the public hearing.

Mr. Eric Warden, 4474 S. Forest Avenue, commented he is the Vice-President and General Manager for Lamar Advertising Company in Springfield and offices nationwide. Mr. Warden stated they have been communicating with Mr. Straw in the last few days we have found there hasn't been anyone who has tied in on-premise and off-premise signs under the same language. They are not opposed to this but there are some concerns; Section 5-1406A regarding aprons installed to shield light from traffic coming from the opposite direction, Section 5-1408, the lighting level standard and 5-1410C, nonconforming signs that are altered or upgraded and its size; Section 5-1420, which covers the Scenic Overlay District. Mr. Warden stated they would be willing to work with the City in regard to the concerns they have expressed and referred to the letter sent by Mr. Bill May outlining those specific concerns. Mr. Warden stated those are the main points they want to try and get changed.

Mr. Baird asked about Section 5-1406A regarding the aprons around the sign which are currently not considered part of the effective area of the sign; do you believe at some point that will someone will try and sneak that in as part of the effective area of the sign or do you are you trying to protect something we are not seeing here.

Mr. Warden stated that he would not use the word "sneak in", but they are concerned that five or ten years down the road it is interpreted differently by staff.

Mr. Edwards commented that this seems to be a rotating issue that comes up every couple of years asking Mr. Straw if there are plans to revisit some of these in the near future or is this going to be put to bed for a little while; would we be better off tabling this tonight to allay some of these concerns or do you feel there will be ample time to revise some of these issues down the road should they come up and actually become problems.

Mr. Straw commented they would desire to move forward with what is presented and give them a chance to work through these issues that have been presented and in regard to the issues presented, he would need to get with Legal Counsel, but it appears that the skirt is not part of the calculation based on the language

that is currently written. Staff would need time to review and reevaluate it, but there are many items the City staff would like to move forward on; let them step back after the review and look at what the comments are in the letter and go from there and take what is proposed as a solid past ordinance and put it to full effective use based on someone submitting a sign for a permit. We have worked to think of everything by comparing it to applications that have come in. We can clean up the language as we go forward and deal with specific nuances as they are presented.

Mr. Edwards commented that these are changes that should benefit the community and make things simpler and asked Mr. Warden if he feels this is generally a good thing from his perspective.

Mr. Warden commented that he believes the City is one of the best cities he has worked with as far as signs go; with as restrictive as the language use to be this is a step in the right direction. As a billboard operator in the city, we want to make sure we are covered on our bases for those little nuances that happen to come up occasionally.

Mr. Greg Watkins, 969 E. Ironbridge Circle North, Springfield; Mr. Watkins commented that he spoke with Mr. Straw who stated that if he had any comments or suggestions he could do so. Mr. Watkins stated there is a reason why there is a difference between off-site and on-site signs, citing the regulations of setback restrictions and now the City is requiring no set-backs. There use to be restrictions on spacing and now there is not going to be a spacing issue so there is capacity for doubling the number of potential signs. You are also looking at other issues with spacing between signs. There is a reason there is a difference between billboards and on-site signs and there was an issue that they wanted to have on-site signs advertised on off-site signs, in other words put what you have on your land on the billboard and that has been allowed and there was a variance made for that back in 1995, and that is the only time that issue has come up. But if that was an issue, by having this simply wording you could solve that problem. But if you go the other direction and say that on-site signs can have off-site advertising you create a world of other problems because you get a permit and you want to have something advertised off-site. It's a great idea but when you have the State involved, it is a little different. You have to have a State permit period for all off-site signs and if you advertise something off-site, they do not care what is advertised on the billboard. Mr. Watkins stated that the overall sign code is good. Mr. Watkins discussed Section 1417-D.6 about spacing between signs adding it is an interpretation and there needs to be a rule or law to regulate it. Mr. Watkins suggested adding the wording such as "new signs owners must obtain written approval from existing sign owners prior, if on same parcel and less than three hundred (300) feet apart", and that would take care of the two issues that people on the Commission that wrote this would that would solve their problems also.

Mr. Baird asked Mr. Watkins about his comment regarding new sign owners obtaining approval from existing sign owners, asking for clarification.

Mr. Watkins stated that owner approval would be needed only if the signs were less than three hundred (300) feet apart.

Mr. Edwards closed the public hearing.

Mr. Baird asked how the Task Force was created and who was on the Committee.

Mr. Straw reviewed who was in the group; one member of the Chamber of Commerce, two citizens at large,

one member of the Urban Districts Alliance, two from the development community, and three members from commercial sign companies.

Mr. Baird stated he was glad to see there was representation from the sign companies.

Mr. Hansen asked about the number of meetings held and how often they met.

Mr. Straw stated they met for a full year, once a month for two (2) hours or more at each meeting. They reviewed the current ordinance and staff presented issues and concerns in areas the City was having issues with; things that didn't make sense. In between each meeting there was an assignment for the task force to study. All the comments were collected and staff in turn took the current ordinance and all the comments and drafted a proposal which then went back to the task force. They went through the new ordinance, discussed it and made a few additional corrections and as a part of that reviewed the technology of the electronic message center giving details they had not thought about. It was a unanimous consent of support by the task force and the determination was made to move this forward.

Mr. Coltrin asked if this zoning text amendment carries the amendment that Mr. Straw mentioned earlier in the meeting or is it the original document.

Ms. Yendes stated that in Commission's recommendation if you want that amendment to go forward you would include the ordinance as presented by staff and the amendment that was discussed prior to the public hearing.

Mr. Edwards stated he does have a couple of concerns which Mr. Watkins raised and the Outdoor Advertising Association had some good points as well. Broadly speaking though, a lot has gone into this and generally everyone is behind this as is, and while there is going to be the need for more work on the ordinance, he feels comfortable moving forward. The Task Force Committee had consensus so he is in favor of the proposal.

Mr. McClelland motioned to **approve** the Zoning Text Amendment Sign Ordinance Changes as written with the addition of 5-1403.I, regarding Historical Signs as read by Mr. Straw. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Edwards, Coltrin, McClelland, Hansen, Ray, Baird and White. Nays: None. Abstain: None. Absent: Lawhon and Young.

2. Urban Service Area Exception (City-Wide)

City of Springfield

Mr. Hosmer stated the purpose of this request is to approve a resolution to authorize an exception to the Urban Service Area to provide sanitary sewer service to the properties located at 3105 East Valley Water Mill Road, 2975 East Farm Road 112 and 3170 East Farm Road 94, which are contiguous to the Urban Service Area, subject to certain conditions. The Urban Service Area is the area outside the city limits of Springfield where municipal sanitary sewer service will be available (with certain limitations) to all users who request the service and where urban transportation improvements will be focused. The applicant's property contains an existing residential structure located on the 209-acre parcel proposed to be served by sanitary sewer. There are no public streets or public water connections requested with this proposal. There are two additional residential structures that are proposed to be constructed on this property, one of which will have approximately 40,000 square feet of living area. Wastewater flow rates from these residential

structures are anticipated to be highly variable making municipal sanitary sewer a better solution than on-site wastewater systems. Additionally, the South Dry Sac River flows through this property. The South Dry Sac River supplies a portion of the flow for Fulbright Spring, a drinking water source for the City of Springfield. The South Dry Sac River provides about 65% of the daily flow to Fulbright Spring, which in turn supplies about 15% of the community's annual drinking water needs for the City of Springfield. The South Dry Sac River is a losing stream. Most or all of the flow normally enters the groundwater system directly. Runoff can have negative impact on Fulbright Spring and the drinking water supply. Any potential groundwater contamination due to karsts features can be a threat to the communities drinking water supply. The Urban Service Area policy allows exceptions for areas that are contiguous to the Urban Service Area boundary under the following conditions: There is adequate capacity in the water and sewer system to handle the projected population and development within the proposed transition area.

The provision of sanitary sewer or urban transportation service into the proposed transition area must be undertaken without any expenditure of public funds unless the expenditure is consistent with the City of Springfield's Capital Improvements Program, Greene County's Capital Improvements Program and the Comprehensive Plans for Springfield and Greene County. Transportation service into the proposed transition area must be undertaken without any major alteration of the existing system unless approved by the service provider(s), and the provision of sanitary sewer or urban transportation service into the proposed transition area must be consistent with the stated purpose of the Urban Service Area Policy and those standards and criteria set forth for the eight subareas surrounding the Urban Service Area.

The Department of Environmental Services and Public Works Department has reviewed the proposed exception to the Urban Service Area and there is adequate capacity to handle the proposed sewer connection. The cost of the infrastructure and connection fees will be the responsibility of the property owner. Development in this area has been identified as a potential environmental concern for the headwaters of the South Dry Sac River subarea that flows into the Fulbright Spring and Stockton Lake drainage area, which are a major source of drinking water for the City of Springfield. Granting this exception allows the City of Springfield to protect the headwaters of the South Dry Sac River subarea by managing potential pollutant sources proactively, without promoting high-density urban development and expenditure of public funds. This exception supports the intent of the Urban Service Area Policy. The Urban Service Area Policy also states that an exception will not change the boundary of the Urban Service Area when it is contiguous to the current boundary. This exception will not change the Urban Service Area Boundary. For this exception to be granted it must be approved by the Springfield Planning and Zoning Commission and the Greene County Planning Board. The Watershed Committee of the Ozarks must comment on this exception before it goes to City Council and the Greene County Commission. The Springfield City Council must approve this exception by a 2/3 vote.

The Greene County Commission will be meeting on August 5, 2013 and the Watershed Committee of the Ozarks Board will be reviewing the exception to the Urban Service Area on July 9, 2013. City Staff recommends approval of the exception to the Urban Service Area Policy for the properties at 3105 East Valley Water Mill Road, 2975 East Farm Road 112, and 3170 East Farm Road 94 with the following conditions; all three tracts of property will be combined into one tract. There will be a consent to annexation for all properties; Covenants or agreements restricting changes of uses and intensity of uses without the written consent of the City Manager, Director of Environmental Services and the Stormwater Engineer; All cost of infrastructure and connection fees shall be the responsibility of the property owner; and all infrastructure will be built to City of Springfield Standards

All agreements will be subject to approval by the City of Springfield Attorney. Mr. Hosmer stated he would answer any questions.

Mr. Hansen asked if there would be consent to annexation for all properties by the owners.

Mr. Hosmer stated they will have to sign a petition at some point in time to be annexed; it will not be effective till the City takes action on it.

Mr. Edwards opened the public hearing.

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

Mr. Edwards closed the public hearing.

Mr. Coltrin motioned to **approve** the Urban Service Area Exception. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Edwards, Coltrin, McClelland, Hansen, Ray, Baird and White. Nays: None. Abstain: None. Absent: Lawhon and Young.

There being no further business, the meeting was adjourned at approximately 7:30 p.m.

Bob Hosmer, AICP
Principal Planner

