MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: April 4, 2014
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: Tom Baird (Vice-Chair), Jim Hansen, Shelby Lawhon, Gabrielle White, Melissa Cox, David Shuler; Staff in attendance: Bob Hosmer, Principal Planner; Nancy Yendes, City Attorney; Chris Straw, Director, Building Development Services, Dawne Gardner and Ron Colson, Public Works; Matt Schaefer, Senior Planner, Sandy Goddard, Administrative Assistant. Absent: Edwards, Ray and Young.

ROLL CALL:

APPROVAL OF MINUTES: The minutes of March 5, 2014 were approved unanimously.

COMMUNICATIONS:

Mr. Hosmer welcomed the newest members of Planning and Zoning, Melissa Cox and David Shuler. Mr. Hosmer noted that the Planning and Zoning meeting scheduled for April 17 is cancelled as there are no items for discussion. There will be a Workshop/Training session scheduled on May 15, 2014 for Commission members and if there are any topics that the Commission would like to review; please let us know.

CONSENT ITEMS:

1. Relinquish Easement 804 — Vincent Ung
   (3143 N. Oakland)

2. Relinquish Easement 805 — Jerry Blevins
   (1258 East Smith)

3. Relinquish Easement 806 — North Creek Development
   (2900 East Jean)

4. Grant Easement 800 — City Utilities of Springfield
   (3500-4100 S Farm Road 115)

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

V. UNFINISHED BUSINESS:

5. Vacation 770 — Livin the Dream, LLC

(1700 East Olive Street)

Mr. Hosmer stated the purpose of this request is to vacate approximately forty (40) feet of the 1700 block of East Olive Street. Planning Commission reviewed this case at the March 6, 2014 meeting and it was tabled to this evening. There were conditions on the proposal and the applicant asked staff to reconsider the conditions. The adjacent owner would like to obtain the property to "square up" the adjacent property. The retention of the subject area serves no useful purpose. The Traffic Department has determined that this portion of Olive Street functions as an alley. This is not a through street, there is very little traffic on this section of Olive Street and there is primary access to the properties impacted by the vacation on other streets. Staff is proposing the vacation go forward with no conditions and recommends approval.

Mr. Baird opened the public hearing.

Mr. Karl Keller, 4428 South Roanoak Avenue, stated he is a party to this request and will answer any questions.

Mr. Baird asked if the concern regarding access to some of the buildings had been resolved.

Mr. Keller stated it was resolved; the City wanted to make sure there was a turn around and someone from the City came out and looked at the property and walked through it with them and answered all the concerns on the original conditions.

Mr. Baird closed the public hearing.

Mr. Lawhon motioned to **approve** Vacation 770. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Hansen, Lawhon, White, Cox, and Shuler. Nays: None. Abstain: None. Absent: Edwards, Ray, and Young.

6. Z-05-2014 w/Conditional Overlay District No. 67 Aaron Noble
   (1306 N. Eldon)

Mr. Hosmer stated this is a request to rezone approximately 0.96 acres of property located at 1306 North Eldon Avenue from an R-SF, Single Family Residential District to an HM, Heavy Manufacturing District and establishing Conditional Overlay District No. 67. The subject property does not have access to public sewer. Approval of this rezoning will permit this property to be used as a construction equipment storage yard and the accompanying Conditional Overlay District will limit the uses of the property to non-occupied structures and prohibits some of the more intense uses permitted in the HM district. Staff is recommending a twenty (20) foot wide bufferyard on the northern portion of this property. Staff is aware that when we have properties like this that are existing and are manufacturing we do have a reduction of ten (10) feet but in this case there is a single family residential property to the north so we are recommending a twenty (20) foot bufferyard. There would be a forty (40) foot bufferyard in the back as normally and there is no reduction requirement in the code for this. Staff is recommending approval with these conditions.

Mr. Baird opened the public hearing.

Mr. Aaron Noble, 300 East Sunshine Street, Suite G, stated he is the property owner of 1306 North Eldon.

This request was tabled as there were some discrepancies on the bufferyard requirements. The City Ordinance does state that only has to be a ten (10) foot bufferyard on the north side and he gave his reason for the twenty (20) foot bufferyard, however, Mr. Noble stated he is asking from Commission a little bit of help. The reason it was tabled was to see if we could come to an agreement; unfortunately, City Staff did not want to give on that. With the twenty (20) foot bufferyard on the north and the forty (40) foot bufferyard requirement on the east and the right-of-way he is going to have to donate, he will be losing thirty (30) percent of his lot which is significant. Mr. Noble asked to go with the ten (10) foot, stated in City Ordinance, Section 6-1216, given that it is a narrow lot and that be applied to the east property line given that the north and east property lines are all on the same piece of property. No home could ever be built the way it is divided behind the east side so he does not see why they would need a forty (40) foot bufferyard there.

Mr. Hansen stated there is a whole list of things not allowed under this special district; what is allowed.

Mr. Hosmer noted there are a lot of other items; the applicant requested to take out a few of the items, but there are quite a few left.

Mr. Baird asked if what is presented this evening consistent with what the owner would like to have or it seems there is some discrepancy there.

Mr. Hosmer stated there is because we have an applicant who is requesting to rezoning from single family residential in a residential area to an HM, and staff felt in order to protect the adjacent property with this rezoning with going to a more intense zoning classification that the twenty (20) feet is appropriate. In some cases with this type of zoning, there would be a forty (40) foot bufferyard requirement so we thought twenty (20) feet was a good compromise. The forty (40) foot bufferyard is an ordinance requirement in the city code.

Mr. Baird asked for an explanation of the variance of the north boundary and the east boundary and why they require different bufferyards.

Mr. Hosmer stated typically they do not. In a situation such as this we have a narrow lot and if we had a narrow lot that met the code we would allow them to go to a ten (10) foot bufferyard. We are zoning a lot that is actually smaller that what the typical manufacturing zoning district is. The typical district property would be a minimum of twenty (20) acres in our code. This is a small piece of property and we are trying to work with the applicant in allowing them to do what they want there, next to a residential district.

Mr. Hosmer said that is correct and with the right-of-way and the other conditions, but what the applicant is more concerned about is the twenty (20) feet and the forty (40) feet is actually by code and that is something staff has no control over so to speak. The options are to approve it as is or to deny it and let the applicant appeal it to City Council.

Mr. Hansen remarked that this property and everything around is zoned single family; we are moving it up a couple of levels of intensity so a twenty (20) foot bufferyard would be fair between HM and R-SF. He would approve this as it is written, but otherwise he would not.

Mr. Baird asked for clarification of the zoning around the subject property.

Mr. Hosmer showed on the overheard display the zoning of the surrounding property, noting the General Manufacturing is to the south; a Planned Development (Positronics), which is manufacturing and then single family to the north and east and all the way to the railroad tract.

Mr. Baird commented that Commission has a proposal before them that Mr. Noble is not necessarily in favor of because of the way it is written. If Commission approves this, does Mr. Noble still have a way to go to City Council to get it amended or would it be better, if he is not in favor of the conditions, to vote it down so he can go to Council.

Ms. Yendes stated City Council doesn't want to try rewriting the ordinance, but what he would be taking to Council is an appeal of the amount that the bufferyard was reduced. Staff would communicate to Council that in this particular zoning case he asked for the forty (40) foot bufferyard to be reduced to ten (10) feet, staff and Commission said a twenty (20) foot buffer yard.

Mr. Noble noted he would like to point out that the one residential property that is of concern that surrounds the lot that he will be rezoning currently has dilapidated agricultural buildings, scrap materials, trailers, and livestock out there. It's not like what he is proposing is out of the norm, but the property that it is adjoining to and that is still zoned residential. Mr. Noble stated he is asking for common sense to be applied to the situation and location that he is asking to rezone.

Mr. Hosmer stated that if the single family property to the north was rezoned to Heavy Manufacturing, that bufferyard would go away and they would not be required to have a ten (10) or twenty (20) feet buffer yard in that location. That property could be used for Manufacturing purposes if a rezoning of the property were to take place.

Mr. Lawhon noted for clarification that the forty (40) foot buffer on the east side is in the ordinance which is something over which Commission has no discretion.

Mr. Hosmer said that is correct.

Mr. Baird closed the public hearing.

Mr. Hansen motioned to approve Z-05-2014 w/Conditional Overlay District No.67. Mr. Lawhon seconded the motion. The motion carried as follows: Ayes: Baird, Hansen, White, Cox, and Shuler. Nays: Lawhon. Abstain: None. Absent: Edwards, Ray and Young.

VI. PUBLIC HEARINGS:

7. Vacation 771 — Bryan Properties I, LLC
   (Grand & Holland)

Mr. Hosmer noted that this item has been permanently removed from the agenda.

8. Z-06-2014 w/Conditional Overlay District No. 68 — John Q. Hammons Rev Trust Agmt
   (1028 E Saint Louis St)

Mr. Baird asked if Staff would be presenting item fourteen (14) at the same time.

Mr. Hosmer stated yes they would.

Mr. Baird stated they would take up item eight (8) first.

Mr. Baird opened the public hearing.

Mr. Jared Rasmussen, Olsson Associates, 550 E. St. Louis Street, commented he is representing the developer and applicant. This request is to rezone to Center City; currently it is a Commercial Service District. It is surrounded to the north and west with Center City. The intended use for this property is a multi-family student housing complex and the reason to rezone to CC is be consistent with the adjoining uses, but they want to put a conditional overlay on it to limit the use to multi-family only with an addition contingent with overlay to require parking. There have been concerns in the past with micro-efficiency apartments and here they are self imposing that parking will be a requirement of the property to be consistent with multi-family use.

Mr. Hansen noted that one of the changes was to make the parking one per unit if possible.

Mr. Rasmussen stated that CC, Center City has no parking requirements, so staff has recommended and what the applicant has agreed to self impose a parking requirement that matches multi-family, which is two (2) parking spaces required for each individual unit. It is the goal of the developer to have one (1) space per resident, so more than two (2) per unit. The is a question about whether they can fit that many parking spaces on site, but that is the goal; it is not necessarily a requirement. The minimum is approximately three-hundred thirty-two stalls; that is what the overlay district would require. There is caveat to that, if they wanted to do bike parking up to twenty (20) percent, they can reduce the three-hundred thirty-two spaces if they want to add two (2) bike stalls for each vehicle space that they would reduce by.

Mr. Hansen noted another change in the name from student housing to multi-family facility.

Mr. Rasmussen stated that may be in the redevelopment case, but in the zoning case itself it's listed to be a multi-family use; that's what they are limiting it to as the uses that are allowed in the high density multi-family district. All the uses that would be allowed in that district will be uses allowed in this one.

Mr. Baird closed the public hearing.

Mr. Hosmer noted the conditions include additional right-of-way and sidewalk on McCallister and Hampton, five (5) feet of additional right-of way on St. Louis and they will have to meet the off-street parking requirements for the mulit-family.

Mr. Lawhon motioned to **approve** Z-06-2014 w/Conditional Overlay District No. 68. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Hansen, Lawhon, White, Cox, and Shuler. Nays: None. Abstain: None. Absent: Edwards, Ray, and Young.

14. Aspen Springfield Redevelopment Plan City of Springfield
(1028 East St. Louis)

Mr. Matt Schaefer stated that the Breckenridge Group Missouri Redevelopment Corporation has filed an application for partial real property tax abatement pursuant to Chapter 353 (RSMo) for a proposed project located at 1028 East Saint Louis Street. Mr. Schaefer noted that Chapter 353 is an incentive program authorized under the Missouri Revised Statutes which encourages redevelopment of blighted areas by providing partial real property tax in exchange for removing the blight and redeveloping the area. The applicant must demonstrate the area is blighted and the proposed redevelopment project will provide a measureable public benefit and would not occur but for the incentive. Partial Real Property Tax Abatement lasts for twenty-five (25) years and for the first ten (10) years is based on one hundred (100) percent of the assessed valuation of land and improvements except for the assessed valuation of the land prior to the redevelopment project taking place. In addition during that first ten (10) years there are payments in lieu of taxes that are equal to the taxes that were paid on the improvements during the year prior to the redevelopment occurring. Mr. Schaefer stated the Redevelopment Area is commonly known as the former Earthgrains Baking Company site, consisting of a single 4065 acre parcel bounded by East Saint Louis to the north, East McDaniel Street to the South, South Hampton Avenue to the east, and South McAlester Avenue to the west. The Redevelopment Plan proposed to demolish the existing structure and construct a $38.3 million, 166-unit student housing development that will house approximately 564 students. The development will consist of four five-story residential buildings, as well as a four-story parking deck and surface parking lot that will provide a combined total of one off-street parking space per bedroom. The development will also include an outdoor pool and a 6,000 square foot clubhouse with a fitness room, computer room, and study space. One of the Plan's objectives relating to Activity Centers is to promote additional or new employment, intensified retail business, higher density housing and convenient transit service. The location will offer its tenants convenient access to public transit and designated pedestrian and bicycles routes, public transit, retail shops, parks, restaurants, educational institutions, entertainment venues and other urban amenities. The Redevelopment Plan is consistent with City Policy and the rezoning is necessary in order to facilitate the proposed redevelopment.

Mr. Baird opened the public hearing.

Mr. Hansen asked about the tax abatement and the appraisal of the land.

Mr. Schaefer stated technically it would be based upon the land only, however, in order to protect the tax amenities, staff is going to be requiring that payments in lieu of taxes be made that are equal to the taxes currently being paid on the improvements. It will have the combined effect of essentially making a payment that is equal to the taxes that are currently being paid right now. It would be freezing the taxes.

Ms. White noted it is her understanding that all the potential environmental problems that exist in that building will also be remediated as part of this.

Mr. Schaefer said that is correct. There have been a couple of onsite environmental assessments conducted. The last environmental assessment that was conducted noted that there was contamination but the removal of the contaminated soil was not necessary, nor warranted. What the developer proposes to do, if warranted, while the site is under development, the underground storage tanks that have perhaps contaminated the soil will be removed. If it is unwarranted, they will be left in place. That is consistent with the recommendations of the environmental assessment.

Ms. Sarah Wilson, 901 East St. Louis Street representing the applicant, noted she is available for questions.

Mr. Baird closed the public hearing.

Mr. Lawhon motioned to **approve** Aspen Springfield Redevelopment Plan. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Hansen, Lawhon, White, Cox, and Shuler. Nays: None. Abstain: None. Absent: Edwards, Ray, and Young.

9. Z-07-2014 w/Conditional Overlay District No. 69 Noble Estates
   (3508 East Division St)

Mr. Hosmer stated the purpose of this request is to rezone approximately 15. 6 acres of property generally located at 3508 East Division Street from Planned Development 19, 2nd Amendment to a GR, General Retail District and establishing Conditional Overlay District No. 69. The property was originally rezoned to PD 19, 2nd Amendment to accommodate an American Culinary Garden development that was never developed as intended. The applicant is requesting GR which permits more uses and is not tied to a specific development plan for a culinary garden. The subject property is located at the intersection of U.S. Highway 65, classified as a freeway, Division Street, classified as a primary arterial and Eastgate Avenue, classified as a collector. The Missouri Department of Transportation has a conceptual plan for intersection improvements at U.S. Highway 65, Eastgate and Division which includes relocating Eastgate through the subject property. The City and MoDOT are working with the property owner regarding these intersection improvements. Mr. Hosmer referred to the overhead display to show the proposed road. The applicant has requested a conditional overlay district that will prohibit crematoriums, require a thirty (30) foot wide Bufferyard F along the east property line and require a thirty (30) degree bulk plane adjacent to the east and south district boundaries (immediately adjacent to the Cooper Estates residential and community areas). This will make the uses, bulk plane and bufferyard requirements more comparable to Planned Development 19, 2nd Amendment. The current PD contains more restrictive development requirements, than the GR district such as greater setbacks, prohibiting off-premise signage, a maximum gross floor area, and restricting uses. The PD 19, 2nd Amendment has fifty (50) foot building setbacks while the GR District only requires twenty (25) feet. It also prohibits off-premise signs such as billboards. The current PD 19, 2nd Amendment places a maximum gross floor area requirement for the overall development (100,000 sq. ft.) and (75,000 sq. ft.) specifically for retail uses. The permitted uses in PD 19, 2nd Amendment does not include entertainment oriented use group (bowling alleys, indoor movie theatre, etc.), flea markets, medical offices, residential uses, temporary lodging use group (hotels, motels, etc.), temporary vendors, or veterinary clinics to list a few of the more intense uses. Mr. Hosmer stated the Comprehensive Plan designates this area for medium intensity retail, office or housing uses. The subject property is also located within the emerging Activity Center of U.S. 65 and Division Street. The intersection of U.S. 65, classified as a freeway, Division Street, classified as a primary arterial and Eastgate Avenue, classified as a collector which is an appropriate location for GR, General Retail uses. The conditional overlay district and GR district development requirements are adequate for mitigating any potential impacts of the proposed development on the adjoining properties. Staff recommends approval.

Mr. Hansen asked why Ingram Mill is being rerouted.

Mr. Hosmer stated the long term plan is to extend Eastgate all the way up to Kearney.

Ms. Gardner stated the reason Eastgate is to be relocated is to distance it from the off-ramps of Highway 65; move it to the east and also to line up with LeCompte Road that is now on 65 will be realigned and come west and Eastgate and LeCompte will line up with the traffic signal.

Mr. Baird opened the public hearing.

Mr. Kelly Short, 5051 S. National, commented the MoDOT realignment is what spurred this rezoning of this property. That is the conceptual alignment to date. It splits the 15.68 acre tract into two (2) usable tracts, one eleven (11) acre tract to the west which would be on the Highway 65 side and approximately two (2) acre tract left over next to the residences on the east side. Prior to the request to rezone, the owner paid for a traffic impact assessment, which stated a signal would be warranted at the intersection of Eastgate and Division and that would be spaced between the existing off-ramp signal and Cooper Estates has an exit, a back gate that comes out to Division and be basically halfway in between those two traffic accesses hopefully mitigating any sort of traffic impacts. Mr. Short stated they presented at the public meeting the current uses within the existing zoning and then how those lined up primarily with General Retail. There were some additions in GR and they posed the concept of doing the conditional overlay. Staff had suggested doing that to specifically write out crematoriums and no one had an objection to that and there were no objections to any of the other uses that are allowed in GR. The thirty (30) degree buffer is in the current zoning. Current codes state that you have to have a minimum of twenty (20) feet buffer next to residential, next to General Retail with a fence or twenty-five (25) feet without a fence. Some of the property to the east is condo's there was a question as to whether or not that was residential single family so they added the thirty (30) degree bulk plane so there would not be a looming building over the backyard.

Mr. Lawhon asked about the bufferyard on the east asking what it would look like and the materials that would be used.

Mr. Short noted it would follow the current buffer guidelines in the zoning requirements. There is an existing fence for Cooper Estates is about ten (10) feet on the other side of the property line so you effectively have a forty (40) foot bufferyard that would be planted with plants, trees, and shrubs. Several owners didn't like the concept of having two fences next to each other with an area that would be hard to maintain. There would not be a fence on the general retail side.

Mr. Hansen asked where the detention basin discharge to.

Mr. Short stated that currently the entire fifteen (15) acre lot drains to the southeast corner, that's why the detention basin is located there. There is an existing eight (8) foot gap in the block fence for Cooper Estates and a concrete channel that takes the stormwater from that point on over into their lake.

Mr. Randy Reichard, Attorney for the Property Owners Association of Cooper Estates, 901 St. Louis Street. Mr. Reichard stated there are a significant number of owners that have signed in opposition to this; they have not filed anything yet. The staff report indicates there is not opposition to this and maybe those came in after the staff report. Mr. Reichard stated Cooper Estates is directly adjoining the subject property, but the main point is that when this area was developed in 1982 it was all part of one Planned Development. Not only the single family residential areas but this strip of commercial land along Eastgate was all part of the same planned development. It all came in under the same plan and guidelines as to what the uses were going to be and at that time, this particular tract had some restrictions on the uses of it. It was pretty broad, it wasn't extremely limited; they had administrative and professional offices, finance, insurance, real estate services, medical, retail, offices, commercial entertainments, and things like that. But what was most important to his clients and the people who were developing the property at that time was that there were some limitations on the intensity of the development. The PD required that this particular tract have a maximum gross floor area of 200,000 square feet and 150,000 could be devoted to retail. There is also a fifty foot setback along both roads that was imposed and that's important to note that that was part of this original plan and concept when Cooper Estates and this development went into place. People that developed that property, people that built homes there and people that have moved in since have relied upon that limitation on the intensity of this development in that area. In the 90' this other tract that is a little further south where Furniture Row is now amended their Planned Development a bit so they could get their development in and that was an ideal situation for this neighborhood. It wasn't real high intense and a lot of traffic coming in there, we don't have businesses that are open twenty-four hours, we have limited traffic and most of that is coming in on Eastgate anyway. We understand the need now to amend it; when they were planning this Culinary Institute back in 97, they took out some of these permitted uses, such as the medical offices, real estate, insurance and a few other offices they removed as permitted uses and they reduced that gross floor area from 200,000 square feet down to 100,000 square feet and so that is what the current restrictions are. The owners understand that since they didn't do the culinary institute as planned that maybe there is a need to change that, but the solution in their opinion is not to rezone this General Retail with no restrictions on the intensity of this development and removing setbacks and minimizing buffer zones, but to back to the original restrictions in the Planned Development that was done in 1982. Add back in those uses that were removed, increase their square footage back up to 200,000; that would be a reasonable approach to solving this problem rather than rezoning it general retail with no limitations on the intensity of the that development. Mr. Reichard commented the neighbors are unclear what is going to happen there; MoDOT's original concept for relocation of Eastgate had the road coming up and splitting that tract in two, so that it actually intersected Division further to the west and now they are having it come down closer to the subdivision and the area to the south of the tract is the common area of this subdivision; a clubhouse, swimming pool, tennis courts and the putting green and the new concept is for the road to come along that location. The neighbors have concerns about where the road will be, aside from the concerns about the intensity of the development and the removal of the restrictions on the square footage and opening to general retail and allowing the off-premise billboards; there is a lot of runoff and stormwater that comes into the subdivision and they have managed that with the existing pond. They have problems with that now and have spent money several thousand dollars in the last couple of years having to build up some berms and new areas where the culvert is to make certain it is not overflowing. If there is more development with no limitations on the intensity, that is a concern. It all comes back to the intensity; it you kept it the way it was when the development was started instead of eliminating the requirements on the intensity that would solve a lot of the problems. The exit to Cooper Estates on Division to the east in the mornings and afternoons is a high traffic area; if you are trying to get out of that and turn west with the traffic that comes through there, and the further east this proposed new road comes to that exit the more problematic it will become. Mr. Reichard noted that when people bought these properties they relied upon those limitations in the planned development and it sends a bad signal not only to this neighborhood but neighborhoods throughout the city where you put these restrictions in and entice people to develop their residential neighborhoods and then as soon as they are fully developed to take those restrictions out and say ok, you can do whatever you want. Mr. Richard noted that is why the neighbors oppose it and stated he is available for questions.

Mr. Hansen noted that it would seem that the rerouting of Eastgate the way they are doing it would put a substantial buffer between anything that happens on the larger parcel of property.

Mr. Reichard said that if nothing came up on that 227 foot area, which would limit what they can do there but doesn't completely eliminate the possibility. The bigger concern of the neighborhood is the road coming further south. Keeping this further west and north as possible instead of running about their common area will be better. The general consensus of the neighborhood is to put the restrictions back in there; it would be the fair thing to do. The property is going to be developed, something is going to be done with it, but the original restrictions and limitations on the intensity is what everybody had in mind for the last thirty (30) years.

Mr. Baird asked how certain can we be that this is the path of the proposed road, or how much play does the developer have, or has MoDOT said this is where it's going to go.

Ms. Gardner commented nothing is set in stone until they have purchased right-of-way or until the developer has granted the right-of-way; but from the discussions with Mo DOT and the developer this would line up with the relocation of LeCompt Street to the north. Again, this is conceptual.

Mr. Baird closed the public hearing.

Mr. Baird asked how much influence the developer has on where this tract goes; if this is rezoned and they end up with two tracts, one to the west of the envisioned Eastgate and one to the east, can MoDOT and the City restrict the development of the tract to the east.

Ms. Gardner commented she believes the relocation of Eastgate is a partnership type project so the developer would be giving the right-of-way for the relocation of Eastgate and the ultimate decision will be with MoDOT.

Mr. David Havens, 826 E. Gaslight Dr., commented he has been a part of the meeting with MoDOT and the City representing Bob Noble; it began with a letter from MoDOT to Mr. Noble stating they were going to relocate the road through your property and the original alignment of the road they had, that was a little closer to the interchange was actually just to avoid the house on the tract. We determined to be proactive and meet with them and come together on terms of what is most efficient for Mr. Noble and his investment on that property. If it was to be done on the original layout, a lot of the land would be wasteland, odd shaped. They proposed some things to the City and MoDOT and discussed this and came to an understanding that this is probably one of the most efficient ways to do it for all parties.

Mr. Bernie Greer, Cooper Estates, spoke in opposition to the proposal. Mr. Green discussed the slope of the property and the view of the backside of the retail structures if the property is developed. It is unfair for those who have invested much in their homes.

Mr. Hosmer reviewed the bulk plane elevations and how it would be applied in this case.

Ms. Kay Smith, 1164 N. Cheshire Court, Cooper Estates commented she in opposition of this proposal. It is a quiet and safe place and expressed her concern about the view of retail business from the rear if developed, the water runoff and traffic congestion and the atmosphere of the subdivision.

Mr. Baird closed the public hearing.

Mr. Lawhon motioned to approve Z-07-2014 w/Conditional Overlay District No. 69. Mr. Hansen seconded. The motion carried as follows: Ayes: Baird, Hansen, Lawhon, White, Cox, and Shuler. Nays: None. Abstain: None. Absent: Edwards, Ray, and Young.

10. Planned Development 199, 3rd Amendment — Glenstone Corp.
(3800 block S. Glenstone, w/s)

Mr. Hosmer stated this is a request to rezone approximately 83.27 acres of property generally located on the west side of the 3800 block of South Glenstone Avenue from Planned Development District No. 199, Planned Development District No. 199 Amended and Planned Development District No. 199, 2nd Amendment to a Planned Development District No. 199, 3rd Amendment to allow for additional directional signage within the Planned Development and to allow an existing development sign to remain. The original Planned Development 199 was approved in September 1995 to permit a mix of retail and restaurant uses. The Planned Development has been amended twice, first in September 1996 to permit a telecommunications tower on the property and then in December 2000 to permit an additional free-standing sign within the development. This proposed amendment will permit up to ten (10) additional directional signs to be located within this Planned Development to help identify and direct traffic to uses within the development. This proposed amendment will also permit an existing multi-tenant sign to remain. The sign, located in front of 1905 East Independence Street, shall have a maximum height of twenty-four (24) feet and a maximum effective area of six-hundred (600) square feet. It is unclear how the existing sign was permitted however this amendment, if approved, will make the sign a conforming sign and allow the sign to be maintained and improved. Staff recommends approval.

Mr. Baird opened the public hearing.

Ms. Stephanie Ireland, Ireland Architects, 1908 E. Sunshine, commented she is representing the owner. Ms. Ireland stated they are trying to get directional signage off Independence for the tenants behind the main street and to fix an existing sign problem which happened fifteen (15) years ago and decided they would make it right.

Mr. Baird closed the public hearing.

Mr. Lawhon motioned to **approve** Planned Development District No. 199, 3rd Amendment. Mr. Hansen **seconded.** The motion **carried** as follows: Ayes: Baird, Hansen, Lawhon, White, Cox, and Shuler. Nays: None. Abstain: None. Absent: Edwards, Ray, and Young.

11. Planned Development 313 Final Development Plan Unit 1 — Bob Murray
(2305 S. Blackman Road)

Mr. Hosmer noted this request is to approve the final development plan with a primary surface material the Administrative Review Committee cannot approve due to its lack of conformity to the approved planned development but which merits approval despite this lack of conformity. The final development plan lacks substantial conformity to the Planned Development Ordinance approved by City Council but merits approval notwithstanding such lack of conformity. The applicant has proposed to use metal siding as a primary surface material. The planned development language specifically states that metal cannot be used as a primary surface material; however, it may be used as a trim material covering no more than ten (10) percent of the facade. The Administrative Review Committee (ARC) determined that the metal siding was not trim and rather a primary surface material and thus could not be approved administratively. A similar Final Development Plan was approved by Commission and Council in June 2008 for a proposed office building and then in November 2009 for a dental office within this same development. Approval of this application would be consistent with approval of those Final Development Plans. The intent of the planned development design requirements was to prevent an all metal structure. It was not intended to prevent a contemporary mixed-material building as proposed by the applicant. The building elevations have been provided for Commission and Council review. All other requirements of Planned Development 313 Amended have been met with this final development plan. Staff recommends approval.

Mr. Hansen asked about the restrictions on this property in using the metal and not using corrugated roofing.

Mr. Hosmer stated the applicant would need to answer that question; he is not aware they can do something like that. Mr. Hosmer noted the materials the applicant will be using are described in the staff packet and the design of the structure.

Mr. Hansen clarified that Commission will be voting on approving this particular design.

Mr. Hosmer said correct.

Mr. Baird opened the public hearing.

Mr. Jeff Kloch, Huft Project Architects stated the façade they are proposing on this building, pointing out the rendering, is a metal façade although the guidelines state they cannot exceed ten (10) percent metal; they do mention that the criteria should promote sustainability, recycled content, and earth tone elements. The façade they propose they feel meets these criteria because it is a material that requires little maintenance, the tones are earth tone category and they feel it is superior aesthetically. Mr. Kloch showed a sample of the material, noting it is not actually the color, to Commission. It is not a corrugated metal, it is actually an upgrade as opposed to what we would be approved to have, for example, a concrete board and batten system which would require maintenance. They feel this is a much better look. Mr. Kloch asked for questions.

Mr. Lawhon asked Mr. Kloch if the plan drawings of the structure are actually what will constructed on site.

Mr. Kloch said yes.

Mr. Hosmer noted that the applicant has submitted an application for a permit which is under review with a different material and they are requesting to allow this type of material and will do a change order midway through the permitting process to allow this to happen.

Mr. Baird closed the public hearing.

Mr. Lawhon commented that metal exteriors have been vilified because of their appearance; a lot of things have changed in the materials, the construction, and what they look like. The buildings already in that location are refreshing and Mr. Lawhon said he is pleased to see the general architectural structure of this building would be compatible with what's there.

Mr. Lawhon motioned to approve Planned Development 313 Unit 1, Final Development Plan. Mr. Hansen seconded. The motion carried as follows: Ayes: Baird, Hansen, Lawhon, White, Cox, and Shuler. Nays: None. Abstain: None. Absent: Edwards, Ray, and Young.

12. Conditional Use Permit 411 Sunshine Partners, LLC
(3033 E. Sunshine Street)

Mr. Hosmer stated the purpose of the request is to approve a Conditional Use Permit located at 3033 and 3043 East Sunshine to allow an automobile service garage within a GR, General Retail District. Staff recommends approval of this application for the following reasons: The subject property is surrounded by retail and commercial uses to the south, east and west. The proposed use is compatible with the existing non-residential development already existing nearby. A bufferyard will be provided along the north property line and along the east property line where residential zoning exists on the east side of Plaza Avenue. The bufferyard along the north property line will be at least twenty (20) feet wide with plantings with the existing fence will remain. The bufferyard along the east side across from the residential zoning on the east side of Plaza will be at least fifteen (15) feet wide with plantings. Staff has reviewed the applicant's request for a Conditional Use Permit and has determined that it satisfies the standards for Conditional Use Permits outlined in Section 3-3310 of the Zoning Ordinance. Staff recommends adding a condition to require there be at least thirty (30) feet of right-of-way on Plaza, measured from the center line of the pavement. With that recommendation, staff is recommending approval.

Mr. Baird opened the public hearing.

Mr. Kelly Short, 5051 S. National commented the current property has two (2) aged buildings with several rotating tenants throughout the years, and those two (2) buildings will be coming down and a new building going up. The orientation of the building is north and south; the business side will be on the south side, Sunshine Street. Several comments from the neighbors are the current traffic issues on Plaza. We would be closing one of the drives off of Plaza and that would encourage more use of the Sunshine exit, and that would be the retail portion of the building. Another concern was the noise; tire shops have evolved themselves from what they were in the past when all the sound would go out the doors. The bays will face to the east, facing Plaza. Tire storage was a concern, and the city currently has ordinances that limit or restrict outside tire storage. This tenant would be storing their used tires in an enclosed trailer on site. Mr. Short stated those were the three (3) major concerns from the public meetings and all those concerns have been addressed as best they can.

Mr. thanked Mr. Short for explaining the project to Commission.

Mr. Baird closed the public hearing.

Mr. Short stated they are fine with the condition. It does not impact the site layout and they have no objections.

Mr. Hansen motioned to approve Conditional Use Permit 411 with the condition of thirty (30) foot of right-of-way measured from center line on Plaza. Ms. White seconded the motion. The motion carried as follows: Ayes: Baird, Hansen, Lawhon, White, Cox, and Shuler. Nays: None. Abstain: None. Absent: Edwards, Ray, and Young.

13. Sign Ordinance Changes Zoning Text Amendment City of Springfield
(City-Wide)

Mr. Chris Straw, Director, Building Development Services, commented that what Commission members have before them this evening is a lot of the original ordinance that you reviewed the first time; when we took it to City Council, there was some serious objection regarding the concept of neutral content, with regard to the advertising and extreme concern over an increase proliferation of signs as a result of that language so Council asked it to be taken back to the Task Force, which he did. Over the past year or more they have gone through it all again and as a result, what Commission has before them this evening is the revised ordinance for your consideration. Mr. Straw noted that rather than go through the ordinance line by line, he provided a three (3) page summary that provides the language comparison of what is currently found in the language and what is proposed. All the items that were of concern raised at Council meeting have been addressed by the Task Force and staff feels they have addressed those with these new proposed changes. To review briefly, they looked at the street classifications; the original language did not deal with that, it simply said, "based on frontage you are allowed a certain size up to a certain size". On local, collector, and secondary arterial streets, you have slower speeds, less traffic, less intensity and they don't necessarily need as large a sign so as a result we reduced the maximum height from forty (40) feet to twenty-five (25) feet; we reduced the maximum square footage of four hundred (400) to two hundred-fifty (250) square feet. When you get to the primary arterials, freeways and interstates, we maintained the same language that we currently have; the forty (40) foot height and four hundred (400) square feet. One other item we did address was matching up the language with regard to how the state views the advertising on the sign. If you have a state permit on a state controlled route, then you can advertise what is also on that property, which is how the state views it. The Task Force said let's allow that as well, but what we also said was that when you get into the local and collector and secondary arterial streets he mentioned previously, those are not controlled by the state, so any street within the city limits of Springfield that is not under state control, you cannot advertise off premise advertising, you can only advertise what is on that particular piece of property and there are some other minor changes in the language throughout the text. Mr. Straw stated he is available for questions.

Mr. Hansen asked what state controlled sign routes are there that we might be familiar with.

Mr. Straw stated Glenstone, Kearney, Sunshine, I-44, a portion of National, the southern portion of Campbell, James River Expressway that also is state controlled, but we had the Scenic Corridor Overlay District, which I might add the Task Force did not change that language from the way it was originally created many years ago. Where you primarily have the state controlled sign routes now from many years is where you are going to find them right now. They simply added back the southern portion of Campbell and a little bit of southern National. Kansas Express way, the full length is state controlled.

Mr. Hansen noted that on any of those streets there is off premise signs permitted.

Mr. Straw said yes, they would be allowed off premise signs, but added that the separation requirements that we currently have we are maintaining those. We are more restrictive than the state. The state has an eleven hundred (1100) foot separation for another off premise sign on the same side of the road. We want a radii so that we catch what is across the street so we are fifteen hundred (1500) feet radially speaking and then on the I-44 corridor, it is twenty-five hundred (2500) feet radii, so our restrictions in that regard are much tighter and the state recognizes those as well. Mr. Straw stated that you draw that radially around that sign and if you don't hit another off premise sign then that is how it would be measured.

Mr. Lawhon asked with the way this is written, can the City efficiently and effectively administer this as far as knowing what signs are where and whether or not they are in compliance.

Mr. Straw said yes from the standpoint that one of the requirements is that when someone submits for a permit, take an off premise sign for example; we would require a licensed surveyor to literally do a survey of where they propose the sign, what signs are around it and provide a scale drawing as to where they are at so we can go out and verify that they are compliant with the regulations or not. It is a little less complicated with the on premise sign because you are dealing with a specific piece of property so you know where the property line is and you set it accordingly to that.

Mr. Lawhon asked if this is written in language such that the sign companies have clear guidelines of what they can and can't do.

Mr. Straw stated staff feels that we have made great strides in regard to that because there was apparently one section that was half a page long that was virtually two sentences. Mr. Straw noted he went in and broke it into fourteen (14) simple sentences to basically outline the specific requirements in specific detail; it moves down the line to establish specific criteria for what is allowed. We have taken definitions that were located in the front of the Zoning Ordinance and included them within the sign ordinance with the hopes that as a developer or sign company coming in wanting this specific language, we can give them a copy of the specific sign ordinance. They don't have to deal with the entire Zoning Ordinance Book, because some of the diagrams of the site triangles, that is in the Zoning Ordinance in another section. We have put it into this section so this could become a standalone usable document by developers primarily, but sign companies as well.

Mr. Baird opened the public hearing.

Mr. Marc Brandhorst, 1830 S. Brandon Avenue, noted that what he would like to discuss pertains to the property he owns at 2555 East Kearney at Neergard, at the stoplight. Mr. Brandhorst presented a visual of a rough drawing showing an existing sign structure with no panels in it. Diamond International just built an eight million dollar facility on Neergard. They have a problem with tractor trailer units coming down Kearney Street trying to figure out where to turn to get to their facility. It is a traffic nightmare for them to get in and out. Diamond International put a sign there directing the truck traffic down to them. The current sign ordinance does not allow that; the sign ordinance that came before Commission last fall did allow that. Mr. Brandhorst stated he did not find out until two weeks ago that when they modified this ordinance it was bumping it back out. He is asking this issue try and be resolved; it is an existing structure and is the size of Prime Trucking sign down the street. Now the one down the street from Prime is licensed by the State so the City allows it. The State is not allowing any new sign permits on a by-way. Kearney Street would be considered a by-way. Mr. Brandhorst stated he has come back to the City to try and get this sign allowed. Diamond is paying a lot of property taxes to the City on an eight million dollar building and the City is collecting sales tax. Peterbilt built a facility right across the road outside the city limits so they are not paying any city property and sales tax is not being collected. Diamond is doing their part and would like some help to get people in. The City paid for signs, located all over the City, directing people to Bass Pro, but it supposedly doesn't come under the sign ordinance and they can do that. If you go to the Partnership Industrial Park on the east side of town and the west side of town, the sign have all the names of the businesses on it directing them back in to the development. It seems to be one sided here.

Mr. Hansen asked Mr. Brandhorst who he represents.

Mr. Brandhorst stated he owns the property that the sign is on. Mr. Steve Cook, Diamond International manager, has said Mr. Brandhorst could speak on his behalf. Mr. Cook will be at Council meeting speaking in opposition to this change.

Mr. Hansen noted that Commission cannot address his specific situation, but as far as the amended sign ordinance we have to vote it up or down.

Mr. Brandhorst stated he stays in communication with the City and the representative at the City told him it would be fine, it will be in the new amendment and then it changes.

Mr. Hansen noted that he might consider a variance.

Mr. Hosmer stated the State would look at that as an off premise billboard which sits on a State maintained Highway.

Mr. Brandhorst said he was told by the State that whatever the City will let him do is fine, since they are no longer issuing new permits.

Mr. Hosmer noted there was no distinction between an off premise sign and an on premise sign and the Task Force has taken out the content neutral signage and now there is distinction between billboards and on premise signs. We would now look at that as an off premise sign and the State as well and that is where it stands tonight.

Mr. Straw noted that staff is willing to look into the possibility of pursing the variance Mr. Hansen brought up. This has been done once before on a similar situation that was several years ago.

Ms. Yendes informed Commission that Prime got a variance for their sign on I-44 for its height and size because it needed a distance that tractor trailer trucks pulling off 44 needed or they would miss the exit to get to Prime. They went to the Board of Adjustment and were able to get a variance and we could review the file and visit with Mr. Brandhorst and see if that is a possibility.

Mr. Baird stated that this is a place where common sense and bureaucracy disagree; it would be great if there was a resolution because what has been explained here there seems like there should be a way to work this out, but it is not in this body's purview to make that change.

Mr. Baird closed the public hearing.

Mr. Lawhon motioned to **approve** Sign Ordinance Changes Zoning Text Amendment. Ms. White **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Hansen, Lawhon, White, Cox, and Shuler. Nays: None. Abstain: None. Absent: Edwards, Ray, and Young.

ANY OTHER MATTERS UNDER COMMISSION JURISDICTION

15. Amendments to Rules of Procedures Planning & Zoning Commission City of Springfield
(City-Wide)

Mr. Hosmer commented stated the at the Commission meeting in February staff recommended changes to our Rules of Procedure dealing with weather or disaster occurrences where we could not meet in this location and there would be a process designated to schedule meetings for those type of situations. We did insert the language that was discussed at that meeting stating that we would notify and use all practically methods to contact the applicants and public about the changes or cancellations. According to the by-laws, we must look at this issue twice and take action on it with five (5) affirmative votes to pass.

Mr. Baird opened the public hearing.

Ms. Nan Holland, 523 East Pacific Street commented she is in favor of the changes to the scheduled meetings in case of weather or disaster. For someone who is a transit rider and pedestrian such as herself, there have been times where it has not been convenient to attend.

Mr. Hosmer noted they have ways to reach out to concerned citizens via Facebook, Twitter, YouTube, the City website and news releases.

Mr. Baird closed the public hearing.

Mr. Lawhon motioned to **approve** Amendments to Rules of Procedures Planning & Zoning Commission. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Hansen, Lawhon, White, Cox, and Shuler. Nays: None. Abstain: None. Absent: Edwards, Ray, and Young.

There being no further business, the meeting was adjourned at approximately 8:41 p.m.

Bob Hosmer, AICP
Principal Planner