

MINUTES OF THE PLANNING AND ZONING COMMISSION Springfield, Missouri

The Planning and Zoning Commission met in regular session April 9, 2015, in City Council Chambers at Historic City Hall. The meeting was called to order by Chairman Tom Baird.

Roll Call: Present: Tom Baird (Chairman), Gabrielle White (Vice-chair), Matt Edwards, Jason Ray, Melissa Cox, Randall Doennig, Andrew Cline and Cameron Rose.
Absent: None.

Staff in attendance: Mary Lilly Smith, Director of Planning, Bob Hosmer, Principal Planner, Sarah Kerner, Assistant City Attorney, Matt Schaefer, Senior Planner, Dawne Gardner, Public Works, Martin Gugel Traffic Engineer, Colton Harris, Public Works and Sandy Goddard, Administrative Assistant.

Minutes: The minutes of March 5, 2015 were approved unanimously.

Communications : Mr. Hosmer remarked that staff would like to combine public hearing items number 7 and 8 together which is the Menard's plat and rezoning and combine in a public hearing items number 12 and 13, PD 348 and the Historic Patterson House Redevelopment Area; they are the same piece of property.

Mr. Edwards motioned to **combine** the requested case items. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Edwards, Shuler, Rose, Cline, Doennig and Cox. Nays: None. Abstain: None. Absent: None.

Mr. Baird recognized and welcomed Cameron Rose as the newest member of the Planning and Zoning Commission.

The Consent Agenda items were approved as presented.

Unfinished Business:

*Z-04-2015 w/Conditional Overlay District No. 85
and Preliminary Plat Menards West
Patricia McCurry*

Donald &

Mr. Hosmer stated the applicant is proposing to rezone the subject property located at Sunshine and Zimmer Road, from a County R-1, Suburban Residence District and C-2, General Commercial District to an HC, Highway Commercial District with Conditional Overlay District #85 to facilitate the development of a retail shopping area. This rezoning is being processed with the preliminary plat of Menards West Subdivision. This property is a part of Annexation A-1-15, which was approved by City Council on March 9, 2015. The adjacent property is Wal-Mart across the street which is zoned GR, General Retail. The Growth Management and Land Use Plan of the Comprehensive Plan designates

this area as appropriate for medium-intensity retail, office or housing uses. This mixed category indicates that a variety of commercial and/or mid-or high-density housing may be appropriate at major intersections along certain road corridors.

The Growth Management and Land Use Plan also shows this area as a potential Activity Center where a variety of commercial and/or mid- or high density housing could emerge as a significant community or regional scale activity center. It also mentions that planned improvements and extension of West Bypass to James River Freeway will create an opportunity for a significant Activity Center at Sunshine Street. The Comprehensive Plan recommends the location of Regional Scale Commercial Centers (Over 500,000 sq. ft.) on major arterials near a freeway or expressway. This project is located at the intersection of an expressway, Sunshine Street, and two collectors, Zimmer Avenue and Farm Road 148 (University St.) as designated by the Major Thoroughfare Plan. The HC District is intended for commercial uses which depend upon high visibility, generate high traffic volumes, or cater to the traveling public. The need for community-wide accessibility dictates that this district be located along or at the intersection of two or more arterial or higher classified streets (Sunshine Street & West Bypass). The West Sunshine Corridor Study, which was accepted by City Council in 2009, was produced to assist City staff in making land use and public infrastructure decisions. The study shows the realignment of Farm Road 148 (University St.) and closure of its direct access onto Sunshine Street as required in the proposed conditional overlay district requirements and shown on the preliminary plat of Menards West. It also shows the subject property within a community scale activity center and appropriate for high-intensity mixed uses, which are permitted in the HC, Highway Commercial District. With the recommendations from the West Sunshine Corridor Study, Farm Road 148 (University St.) will be realigned north and intersect with Zimmer Avenue. The new intersection of Zimmer Avenue and realigned Farm Road 148 will be constructed as described in the conditional overlay district and generally located as shown on the preliminary plat of Menards West. The existing intersection at Zimmer Avenue and Sunshine Street will be reconstructed as described in the conditional overlay district. The existing Farm Road 148 will be vacated between realigned Farm Road 148 (University St.) and Sunshine Street and no access will be allowed to Sunshine St. except as dictated on the Final Plat. McCurry Avenue will be dedicated and constructed north to Farm Road 148 from State Highway 413 (Sunshine St.). Sidewalks are required following the City's Subdivision Regulations and Zoning Ordinance along the property frontage on Zimmer Avenue and along both sides of the realigned portion of Farm Road 148 (University St.). If the proposed uses have traffic impacts that are more intense than the conditions reflected in the approved traffic study, a new traffic impact study will be required and any identified improvements will need to be constructed. The Conditional Overlay District will require the completion of certain public improvements with development of this district including the realignment of Farm Road 148 (University St.) through the property, the vacation and closure of Farm Road 148 as it intersects Sunshine St., improvements to the intersection of Zimmer Avenue and Sunshine Street and extension of McCurry Avenue north of Sunshine St. to existing Farm Road 148. In response to concerns expressed at the neighborhood meeting regarding the development's fence, the applicant has proposed additional landscaping along Zimmer Avenue. The conditional overlay district will require ten (10) additional evergreen trees

be planted between the development's fence and the east property line of Lot 5 of Menards West preliminary plat. No lots will have access to Sunshine; all will have access off University Street.

The Zoning Ordinance requires a Bufferyard "F" between the HC, Highway Commercial District and adjacent County R-1, Suburban Residence Districts to the north and northwest. 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 required along the property boundary if a twenty (20) foot bufferyard is provided. There will be no bufferyards required between the County C-1 or C-2 zoning districts to the east, south and west which are comparable to the City's GR and HC zoning districts. A perimeter landscaping area shall be provided where a parking lot or vehicle use area is within 50 feet of a public right of way and there is not an intervening building.

All structures on the subject property shall remain below a thirty (30) degree bulk plane as measured from the boundaries of any R-SF or R-TH zoning districts. The City considers the County R-1 and R-2 zoning districts comparable to the City's R-SF or R-TH zoning districts and will apply the same bulk plane requirements when adjacent to those districts. All other lighting, noise, landscaping requirements shall be met as required by the Zoning Ordinance.

Mr. Hosmer explained that part of this is the Menards West Subdivision Preliminary Plan that we are looking at and once again the realignment of the road was not something that Menard's wanted to do but it was part of the City's plan and discussed and negotiated with them to put the realignment of the road at this location. The Plat requirements are no access to Sunshine Street from lots 1, 2 and 3. There will be sidewalks required on Zimmer Avenue frontage; sidewalks required on both sides of relocated University Street; Stormwater and Detention and water quality required to be constructed on site. There will be sanitary sewer extensions required to each of the lots. All improvements must comply with City Design Standards. There is a subdivision variance request to not require a turnaround at the end of Portland Street which is a dead-end street. Staff believes there is a better connection to the north of the area that would connect the subdivision into Farm Road 129; it would not go through a commercial development. Staff recommends approval of the rezoning and the preliminary plat. Mr. Hosmer noted that Public Works Department Traffic Division will do a presentation and the Stormwater Division will discuss the specifics as well.

Mr. Martin Gugel noted that any development with rezoning activity that occurs within the City is reviewed and determined if the need exists for a larger traffic study. Initial calculations are done to determine based off the requests, what the impact would be with the additional trip generation. If they meet certain thresholds there is a requirement that the applicant would perform a large scale traffic study to determine the true impacts of the development. Those must be prepared by a qualified civil engineer and staff then takes that information to review and analyze it. In this particularly case staff received

the original traffic study in November, 2014 and performed an analysis on it, made comments based off the findings that they felt like areas that needed to be corrected that didn't meet up with staff's expectations; staff received a revised traffic study reflecting those changes submitted in December, 2014 and upon satisfaction that the changes were made and met, they approved the traffic study as submitted. Mr. Gugel discussed trip distribution, where the traffic would be coming to and leaving from the site with different access points. When the traffic study was received from the applicant those percentages matched fairly closely what staff expected to see. Mr. Gugel reviewed the percentage distributions and the different connection points on the display map and discussed the street improvements requirements based on the results of the traffic study.

Mr. Colton Harris discussed the stormwater issues and reviewed the graphic to help orient everyone with the map. Mr. Harris outlined the overall contributing water shed that the site will drain to and reviewed the waterway or watercourse that all the runoff drains to and eventually flows in a north westerly fashion to Wilson's Creek. The Preliminary Plat requires that the post development peak flows do not exceed the pre-development peak flows. The developer submitted a preliminary stormwater report and this report indicated that held true based on the fact that there is adequate room for the estimated detention that will be needed to ensure that those post flows will not be exceeded. The overall drainage area is three hundred (300) acres and the development is thirty-nine (39) and in the one hundred (100) year event the existing peak flows would be three hundred fifty (350) cubic feet per second and the discharge of the development would be seventeen (17) cubic feet per second so in relation to the overall watershed the proposed development contributes a very small amount. The onsite drainage easements must be shown so the proposed detention area is shown on the plat as well as any conveyance; any easements that would be used for conveyance. Mr. Harris outlined the current proposed detention area; the site will now flow to the north through that detention and then there will be two options to flow through the adjacent property to the north on the west side or the east side there and will eventually go to the certified natural channel that goes to Wilson's Creek. Greene County has recommend that the site flow to the north because that channel has the capacity to accept that discharge. The three requirements before the next step of the development can happen in the construction process is the public improvements plans will need to be constructed; the property line is the boundary line so if the site discharges offsite, it is discharging into Greene County so they will need the approval of Greene County to do so. The property to the north will need to obtain easements and construct improvements to ensure that the discharge stays inside the easement and the downstream impact is minimized.

Mr. Doennig asked if the intersection of Farm Road 146 and West Bypass has a traffic signal there currently.

Mr. Gugel stated there is not.

Mr. Doennig asked about the county zoning on the property to the east of Zimmer Road; is what you are telling us if Menard's was interested in building on the property to the

east that the zoning is already essentially in place for them there.

Mr. Hosmer stated No that property is in the County with a C-2 zoning, however, if it was annexed into the City it would match up with HC zoning.

Mr. Baird opened the public hearing.

Mr. Tyler Edwards, 5101 Menard Drive, Eau Claire, Wisconsin 54701 commented he is available for questions, adding Menards has met and or exceeded all the requirements put before them to develop this site. There is a land use in place for retail development here and there are some setbacks that they have exceeded on the east and north side of the site. Menards operates from 6 am to 10 pm every night; there are no overnight deliveries or trucks parking in the parking lots. The fork lifts are propane powered and do not have backup beepers so there will not be the noise that come with a development like this. The traffic currently is operating at an acceptable level of service with their improvements.

Mr. Baird asked Mr. Tyler Edwards to outline the detention plan and discharge. Mr. Tyler Edwards reviewed the detention and discharge plan.

Mr. Steve Edmondson, 1614 S. Farm Road 129, Springfield spoke in opposition to the proposal citing it is not a good fit for a residential neighborhood. Menards has had numerous run ins with the Wisconsin DNR because of numerous violations for air and water pollution and hazardous waste disposal dating back to 1976 and the ensuing fines. The site discharge will be within one thousand (1000) feet of the Rutledge Wilson Farm. Water runoff is a concern.

Mr. Baird asked Mr. Edmondson about his video and if one of the photos was taken from his property.

Mr. Edmondson stated the photo is of the residential neighborhood from Portland Street.

Mr. Baird asked Mr. Edmondson asked what his understanding is of what will be done with the tree line at the end of Portland.

Mr. Edmondson said he does not know, he lives on Zimmer Road, his mother's property. The stormwater drainage from Sunshine comes through her property. Fences have washed out. Mr. Edmondson stated the traffic on the road is horrendous currently. Wal-Mart is a priority because there is only one entrance and exit for traffic coming from Springfield. If you add the traffic from Menards, that intersection will back up.

Ms. Joni Perry, 3954 W. Portland spoke in opposition to the proposal saying it is right outside their front door. Ms. Perry stated there is a letter in the staff report in response to a letter she sent the City; it was answered by Mr. Tyler Edwards from Menards and in this letter he stated they are not in the middle of residential housing. Ms. Perry stated she is one of the residents who live one hundred eighty-five (185) feet from this project.

Rutledge Wilson Park is utilized by the community with the Easter Egg hunt, Oktoberfest, and Christmas in the Park. It is well attended and traffic is an issue. Traffic on Farm Road 146 is difficult to get through and that is north of the proposed project. Pedestrian safety is a big issue. It will have a detrimental impact on the neighborhood. Mr. Perry expressed concern about five (5) commercial lots being considered which was not what the neighborhood was told. They are concerned about the lights, noise, potential crime and pollution for Wilson's Creek. The neighborhood is concerned about the flooding of Farm Road 146 and Wilson's Creek. Many times the road is closed because of the water level. They are concerned with what will end up in the waterways. It will threaten the peace of the community. It is not the best use of the land and asks Commission to not rezone it to allow any large commercial business in the area. Ms. Perry asked why neighborhoods were not asked their opinions other than make decisions that effect their lives.

Mr. Baird addressed the neighborhood notification question from Ms. Perry.

Mr. Hosmer mentioned staff meets with an applicant to see if the proposed project is compliant with the Comprehensive Plan. There are neighborhood meetings approximately one (1) month in advance; neighbors within five hundred (500) feet of the area are notified and the meeting is held by the applicant and in this case was held by the applicant and twenty-four (24) people attended the meeting. People within one hundred eighty-five (185) feet are notified at least fifteen (15) days prior to the public hearing. The rezoning request is advertised in a local newspaper and the site is posted with public hearing signs.

Mr. Cline asked Ms. Perry if her understanding is that Portland is going to be extended through the property.

Ms. Perry stated they have a concern about that because they do not know a lot of what is going on.

Mr. Cline asked staff or traffic to address that for Ms. Perry because that is not Commission's understanding of what is happening.

Mr. Hosmer stated that Portland will not be extended through the property. There would have to be a subdivision variance for not extending the road into the property.

Tara Barham, 4202 West Stanford St., in Jackson Place, stated she does not support this proposed rezoning. They purchased their home because of the Greenways Nature Trail, Wilson's Creek, and Rutledge Wilson Farm. This is not a good fit for the area. Has Menards worked with DNR, studies done to make sure there are not wildlife living in that area; are there natural habitats that are going to be destroyed for protected species. Have they identified the plants living there to make certain those things are not negatively impacted. As was stated earlier, Menards has a record of putting things down their drains that don't belong there and polluting natural waterways and natural water sources. Ms. Barham stated they are concerned about the things they will interact

with on a daily basis; runoff from a parking lot like oil and gas and what will be penetrating the ground from this site. The company does not have a good track record. This is too big for the use.

Mr. Joseph DeVries, 3944 S. Linwood, commented he is speaking for his wife Shannon DeVries and his children Raymond and Adeline. Mr. DeVries stated the neighborhood will be adversely affected and the community as a whole with the stormwater runoff which will go directly into Wilson's Creek and impact drinking water in some capacity. Mr. DeVries voiced concern with regard to public safety issues, the environmental impact, property values as well as noise and light and traffic.

Mr. Baird remarked that it is his understanding that Farm Road 148 will be realigned and connect to Farm Road 129 and it appears that would make it a safe intersection for entrance and exit asking Mr. DeVries if that is a factor at all.

Mr. DeVries stated the majority of the traffic they know goes directly through Farm Road 129 so its routed across Zimmer and there are the families on Zimmer that will be impacted.

Ms. Patricia Mobley, 1547 S. Farm Road 129 commented her property is on the northwest corner on the northwest half of the Menards property. Ms. Mobley stated the runoff will go over her property asserting she feels she has been coerced into dealing with Menard's stormwater problem so it doesn't flood her well and septic lines. This will be within seventy-five feet of their stormwater detention basin which collects not just rain but the petroleum and asphalt, broken bags of fertilizer in the lawn and garden area. Farm Road 129 is a very narrow asphalt road; there are places where the white line was painted on the dirt because the asphalt is so narrow. There is concern about pedestrian traffic, children and pets. The trucks from Frito Lay and Wil Fischer that come down south on 129 to Sunshine to turn because you cannot turn out onto West Bypass to go north from Farm Road 142 or Farm Road 146. Traffic is a nightmare there. Why do they need a dedicated right turn lane going south into the site and a dedicated left turn lane going north if it is not going to be an traffic issue. Ms. Mobley stated the County has told her they will do nothing, other than reduce the speed limit but they will not do anything to Farm Road 129 north of Menards, so they are still going to have the traffic problems. Menards will benefit, but the residents won't.

Mr. Ray asked to be shown the dedicated turn lanes will be on Farm Road 129; is that going into the new proposed University Street.

Mr. Gugel stated Zimmer and University is where they are planning on putting the left and southbound right turn into University and the northbound left onto University so its not for their particular driveway. The right turn lanes can somewhat be a function of volume but they are used primarily in order to get turning traffic out of the way of through traffic so even the length of the right turn and left turn lanes are usually dictated by the volume you expect not the presence of them so the goal is to get the traffic out of the way of through traffic that wants to make a turn.

Mr. Baird asked what role the County play in this; an opinion. Is this strictly a city thing.

Mr. Harris stated the easement negotiations will be between Ms. Mobley and the developer. Those easements will need to be acquired for the development because the offsite drainage needs to make it to the certified natural drainage way.

Ms. Janet Johnson, 1684 S. Farm Road 129, stated she would like to express her concern about this project being built in her front door. Their property is ninety (90) plus feet across the road from the field where they want to purchase. Ms. Johnson stated this is not suitable use for this property. Ms. Johnson stated their driveway will be only a few feet from the proposed entrance and exit of the driveway to Menards. They have trouble getting in and out of their driveway now and to add more traffic may block them from getting in and out. All the people on the east side of the road are on wells and have concerns about their wells. Ms. Johnson expressed her concern for the potential danger to the neighborhood.

Mr. Dennis Perry, 3954 W. Portland stated that first and foremost, this has nothing to do with Menards. This has to do with where they are putting this store. Mr. Perry pointed out the single family dwellings on the four corners of this property, in one form or another. The big box retail is inappropriate because it will be bordered on all four sides by single family dwellings. Mr. Perry expressed concern about the water detention, stating on the west end of his property he has had to landscape to keep his back yard from being taken away. The traffic is bad. A family based usage of the property is far more appropriate.

Mr. Baird asked for the Preliminary Plat map to be put up for viewing asking Mr. Hosmer about the residence in the southeast corner, that it would stay.

Mr. Hosmer stated yes that is his understanding until they have time to develop the site, the residence would remain.

Mr. Baird clarified that the whole piece would be rezoned and that will effectively become Lot 1.

Mr. Hosmer stated currently they have a five (5) lot subdivision and Lot 2 will be where the residence will be.

Mr. Baird asked if this moves forward tonight and goes through City Council, that could be developed at any point in time.

Mr. Hosmer stated that is correct.

Chip, stated he lives on Stanford Street across from the lady who spoke earlier stating he is concerned about the box store. Chip stated he knows the noise diesel trucks make and there will be noise adding he feels there will be some quality of life issues and feels

the property is suited to residential development than commercial. Truck drivers do get lost and make wrong turns and there are a number of areas they could end up in that will be troublesome if they miss getting into Menards.

Ms. Jane DeVore, 3946 W. Portland Street, asked for the video to be brought up which shows a white sheet; that's fourteen (14) feet tall. Mr. Edmondson put that up so everyone could see what they would have to look at, at the end of their street wondering what the fence would be constructed of. Ms. DeVore stated it will be noisy with the truck deliveries and the light shining on her home. Ms. DeVore stated that at the neighborhood meeting, they were ignored, but the neighbors let the representative know what their wishes were.

Mr. Baird stated they do get information from the neighborhood meeting and any correspondence that goes to and from staff to the developer and the developer to the residents; it appears that Menards tried to respond to some of the concerns and keep the communication going. Mr. Baird asked the location of the white sheet.

Mr. Edmondson responded that the photo was taken at the end of his driveway.

Mr. Edwards asked Mr. Tyler Edwards his concept of what the fence would be.

Mr. Tyler Edwards commented that the picture with the white sheet is at the edge of the road; the actual fence is approximately one hundred (100) feet further into the property. It will not be a real visual impact and there will be evergreen plantings on the outside of it.

Mr. Doennig noted that in Mr. Tyler Edwards earlier comments that this was a package deal asking what he meant by that.

Mr. Tyler Edwards stated that what he meant is they are going two (2) stores in Springfield; they are not inner-related.

Mr. Shuler asked Mr. Tyler Edwards if they will widen Farm Road 129 immediately adjacent to the property; how far back will it go.

Mr. Tyler Edwards stated it goes all the way back to the entrance of Menards where the new University Street meets up.

Mr. Shuler asked if people approaching from the north will still be driving down Farm Road 129 as it currently exists.

Mr. Tyler Edwards said yes.

Mr. Robert Coverston, 3959 W. Ildereen Street commented that when he heard a Menards was coming he was excited; however, when he discovered where the store was going he became a lot concerned that something of this magnitude going in there.

Mr. Coverston stated with all due respect for the projections for the traffic, he would suggest they go to Lowe's or Home Depot and observe their parking lots on a Saturday; count the number of cars that come in and out and then think about how they are going to get in and out of Menards on Farm Road 129 and University. This will also have the tendency to impact the ingress/egress for Springview Heights because many of us go on Farm Road 148 to Burks and up Burks and then to where ever we go from there. They will now have to go up Zimmer to University Heights across in front of Menards out to Burks so they will have to make a right and a left; will there be a light or a left turn lane northbound on Zimmer into University Heights. Mr. Coverston stated he believes there will be a major issue on traffic in this area with this store.

Mr. Chad Shumate stated he lives in the Stonehinge Subdivision just north of what they always referred to as the goat farm. Mr. Shumate stated he agrees with all that has been said tonight with concerns on the water pollution, the traffic, but his concern is property value. For his property value to go down would hurt his equity and it is a visual issue. Mr. Shumate stated he is not concerned about the development of the property, its the size of the building.

Ms. Melissa Bakke, 3983 W. Ildereen Street commented she agrees with the comments made by everyone speaking this evening. Ms. Bakke commented she is concerned about pollution and the traffic and rerouting Farm Road 148. The intersection on Zimmer and Farm Road 146 is already a scary, potentially dangerous intersection. It is a two way stop so if you are traveling down 146 you go straight through the intersection and the people on Zimmer stop. Not everyone realizes that and thinks it is a four-way stop.

Ms. Mary Gorman, 3957 W. Portland Street, commented she has the same concerns as everyone here. She is concerned about the safety of her grandson and is concerned about this store coming in and wrecking the neighborhood.

Ms. Kimberly Harvey, 1441 S. Farm Road 133, commented she is on the east side of the West Bypass and expressed concern about the very narrow county roads. This is a disservice to the neighborhood, to Rutledge Wilson Park with the current road conditions they way they are. There is a signal light at Farm Road 133 and Sunshine and at Farm Road 146 and West Bypass is a busier intersection than 133 and Sunshine currently is. There is a lot of infrastructure that the County has to work out if this development proceeds. Even if the Springfield Plaza Development begins there is a lot of infrastructure in that general area because people will use the back roads. If the expansion only goes to the Menards entrance there will be a lot of issues created further down Zimmer and Farm Road 146.

Mr. Walter Swearingen, 4188 W. Stanford, in the Jackson Place Subdivision, stated his concern is being able to leave his home and get out on Sunshine. Zimmer Road/Farm Road 129 is such a narrow road. When you get up to Farm Road 146 and Farm Road 129 that is a dangerous intersection. Mr. Swearingen stated he does work for Frito Lay which is up the road from there, still it is hard to get in and out to West By Pass going

north from FR 146 or FR 142 and when they leave, they go out to Sunshine to go to the stop light at Sunshine and West By Pass so they can go north because it is impossible to go there from FR 146. Why cannot Menards build across the street from Wal-Mart; there is plenty of room there.

Ms. Florence Edmondson, 1614 S. Farm Road 129 commented they have had four (4) different addresses since she has lived at her residence. Ms. Edmondson stated she feels the City is trying to shove her out of her property on Farm Road 129 and the other roads around them. Ms. Edmondson expressed concern for the pictures on the video that was shown; she went to Menards in Illinois and there was so much debris around the store. The corn fields, the fields in front of the store were littered with trash and the store does not take care of it and it has been there for months. The ditch that runs along side the store has polluted water in it, adding it is a disgrace that the City of Springfield wants these people in the town.

Mr. Baird closed the public hearing.

Mr. Edwards asked Mr. Tyler Edwards, as the Menards Company representative; they have been called out for some of their practices in other places adding it is incumbent of Commission to ask or give the opportunity to address that.

Mr. Tyler Edwards stated he does not think that has anything to do with what they are talking about.

Mr. Edwards noted he feels it does and would like an answer; Mr. Edwards expressed concern about the potential of polluting this site.

Mr. Tyler Edwards said no they would not pollute the site.

Mr. Edwards stated he wanted to give Mr. Tyler Edwards the opportunity to address some of this. Mr. Edwards asserted this is our community and Menards is asking to come in here and asking Commission to make accommodations for them.

Mr. Tyler Edwards stated he is not sure he can address the specific incidents; companies have a long history and there are certainly accidents that happen or mistakes that are made. This is over a sixty (60) year span and he does not know all the back stories on them. Mr. Tyler Edwards stated there is nothing in the store that is hazardous material or could be poured down the drain. Mr. Tyler Edwards stated they do not actively pollute on purpose and cannot speak to the past, but it is not an active practice.

Mr. Baird commented he could go out and find the worst asphalt parking lot in this town and take a picture of it and say this is why you should use concrete. As everyone here knows, that is probably not a fair assumption to take a bad example and put it up here. Mr. Baird stated that he believes they have gotten off the path here because Commission is looking specifically at the question of does this make sense to rezone

this property for this development or future development in case Menards decides to, for whatever reason, develop this site.

Ms. Smith stated she wanted to remind Commission that their purview is to look at the zoning and whether it is an appropriate zoning; is it consistent with the Comprehensive Plan and all the other adopted plans for the City and does the Preliminary Plat meet the standards and guidelines that are contained in the Subdivision Regulations. It is not the purview of Commission to consider business practices or even who the tenant is going to be on the property.

Mr. Baird stated that a lot of times they will get developers that come before Commission and Commission does not know who the end user is going to be. In this case we do and they have supplied Commission with basic information to review and look at the surrounding area to determine whether it does fit in the neighborhood and in the community.

Mr. Shuler stated to him the biggest concern is the traffic issue adding he has driven down Farm Road 129 and Farm Road 146; if those were widened with turn lanes and stop lights he could support this, but this is a traffic nightmare and it is not safe.

Mr. Cline commented that the more he looks at this and at the City border to the southwest, rezoning this site to commercial just contributes to sprawl. This property is going to be developed, adding he does not have a lot of sympathy for a lot of things heard tonight because of those types of realities, but if that is to be developed, Mr. Cline stated he believes people should live on that ground and will not support the proposal.

Mr. Edwards commented Commission has seen a lot of cases like this over the years; several Wal-Marts and different box stores and Ms. Smith's comments are correct on what Commission's purview is and the comments are a lot of the same things over time. The reality is, that piece of land went up for sale and that's the buyer that bought it and they have rights to develop it under certain guidelines that the City has put forward. The question before this body is have they fulfilled those guidelines that Commission can make a recommendation on to City Council that they have fulfilled their obligations legally. Mr. Edwards stated he has concerns and has raised them but again that is for another group of people. If there is any pollution, DNR will be there and Mr. Edwards stated he is not concerned that someone is going to get away with something. The traffic is not an ideal situation but that is something that will be remedied after the fact as these things often happen to be. As for sprawl, it is sprawl. Commission has two duties; we want to protect our citizens as best we can but we also have to fulfill our obligations of what Commission is here to do and will support this request.

Ms. White commented that Commission members do actually go to the neighborhoods; this is not something looked at on a tablet and decided from here. Ms. White commented they really do care what is going on in these areas. Ms. White stated she heard a lot of concern from the neighborhood about Portland Street. It has been reiterated that Portland Street is not going to be extended through there unless they go

back to the City and the City has said they do not want them to do that not to mention the fact that they are going to have a drainage place there that is going to be in that same area so stormwater will have issues with that as well. The issue of Portland Street being opened up is not an issue. Ms. White noted that while she hears the concerns about the children and the protection of the neighborhoods it is not going to become a through street issue. Ms. White stated that Commission is often asked to make these kinds of decisions on the borders of neighborhoods and we often look for mixed-use housing instead or buffers that way, but in this instance that is not whose come to us and asked for the zoning. The studies denote they are going to go this way and Commission understands it is going to be painful but the developer is willing to work with the neighborhood and put in things the City does not require them to do and that shows good faith and Ms. White stated she will support the project.

Ms. Cox asked staff if there will be any further discussion in reference to the traffic situation; along Farm Road 129 Ms. Cox has concerns about that type of ingress/egress. Will there be any other discussions about potential improvements along that area that may relieve some of the traffic concerns alleviated.

Mr. Gugel stated there would be nothing as far as requirements for the developer. Each development is responsible, each rezoning case, that property is responsible for addressing the impacts that they contribute. If there are other problems on that street further south on West Bypass that is not the responsibility of the developer to fix.

Mr. Ray pointed out that no matter how Commission votes, to approve or deny this request, Commission is only making a recommendation that goes to City Council. Everyone will have another opportunity to express their concerns and they can address some other factors that Planning and Zoning Commission doesn't typically take into consideration. Mr. Ray noted he agrees with Ms. Smith that Commission does need to look at whether the applicant has fulfilled all the requirements; consider whether this is in accordance with the Comprehensive Plan and whether Commission thinks this is a good use of the tract of land. Mr. Ray stated he is aware this is called an activity center, and activity doesn't necessarily mean a big box retail store and would be happy to see the relocation of Farm Road 148 because he does travel the road and vehicles darting out across Sunshine Street is a problem so a development of this tract would be great to address that transportation issue. Mr. Ray stated he too was surprised to see the location after hearing about a possible development in this area, also thinking it was to be to the south where perhaps it is more suitable location for this use. Mr. Ray stated he has had a difficult time being convinced that it is an appropriate use of this piece of land, and agrees with a lot of people that spoke this evening saying this should remain residential zoning and with that, Mr. Ray said he plans to vote no.

Mr. Edwards motioned to **approve** Z-04-2015 w/Conditional Overlay District No. 85 and Preliminary Plat Menards West. Mr. Ray **seconded** the motion. The motion was **denied** as follows: Ayes: Baird, White, Edwards and Rose. Nays: Ray, Shuler, Cline, Cox and Doennig. Abstain: None. Absent: None.

Public Hearings :

*Vacation 778
Springfield
(2500 block East Elm Street)*

City of

Mr. Hosmer said the City is requesting the vacation of a portion of unimproved right-of-way in the 2500 block of East Elm Street. A street was never constructed within this right-of-way and the City does not intend on using it in the future since all surrounding lots have access to other public streets. The proposed vacation meets the approval criteria for vacating right-of-way. Replacement easements are being provided to City Utilities and AT&T. Mr. Hosmer said staff recommends approval.

Mr. Baird opened the public hearing. As there were no speakers to the issue, the public hearing was closed.

Mr. Ray motioned to **approve** Vacation 778. Mr. Doennig **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Edwards, Shuler, Rose, Cline, Doennig and Cox. Nays: None. Abstain: None. Absent: None.

*Z-14-2015 w/Conditional Overlay District No. 92
Properties, LLC
(3200 East Sunshine)*

Sunshine

Mr. Hosmer stated the applicant is proposing to rezone this property located at 3200 East Sunshine Street from a Planned Development District No. 9 to a GR, General Retail District; and establishing Conditional Overlay District No. 92. The Conditional Overlay District that accompanies this request requires the dedication of right-of-way on Mayfair Avenue and at the corner of Mayfair Avenue and Sunshine Street, requires access on Mayfair Avenue to be located at least one-hundred-fifty (150) from Sunshine Street, prohibits access on Washita Street and requires a traffic study to be completed at the time of development. Approval of this application will provide for the redevelopment of this property and is consistent with the surrounding zoning and development. The existing zoning only permits wholesale and retail sales of home building supplies and materials including lumber, appliances and tools. If approved, any use permitted in the GR district will be permitted which includes restaurants, banks and offices. The subject property was part of the Meeks development to the east but is now vacant. Approval of GR zoning will provide more opportunities for the redevelopment and reuse of the subject property in a manner consistent with surrounding properties.

The Conditional Overlay District that accompanies this request will require the dedication of additional right-of-way for Mayfair Avenue and at the corner of Mayfair and Sunshine. In addition, the Overlay District will prohibit access to Washita Street and require access on Mayfair Avenue to be located at least 150 feet south of Sunshine Street. Finally, the Conditional Overlay District will require the completion of a traffic study at the time of development based on what is being developed. Approval of this

request will provide for the redevelopment of this property consistent with the surrounding property and will provide for the productive use of this property where investments in public infrastructure and services have already been made. The Conditional Overlay District will provide for the dedication of right-of-way for adjacent streets, govern access to adjacent streets and require a traffic study at the time of development.

Mr. Baird opened the public hearing.

Mr. John Williams, CJW Transportation Consultants, representing the developer stated they have the potential to redevelop some asphalt parking lot that currently exists into a restaurant and potential another business use. Mr. Williams stated they intend to do landscape screening to provide buffering and intend to provide water quality.

Mr. Baird closed the public hearing.

Mr. Edwards motioned to **approve** Z-14-2015 w/ Conditional Overlay District No. 92. Ms. Cox **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Edwards, Shuler, Rose, Cline, Doennig and Cox. Nays: None. Abstain: None. Absent: None.

Z-17-2015 w/Conditional Overlay District No. 91
Scott Tillman
(3200 East Sunshine)

Mr. Hosmer said this is a request to rezone approximately 0.77 acres of property generally located on the west side 2600 block of South Jefferson Avenue from an R-SF, Single Family Residential District to an R- MD, Medium Density Multi-Family Residential District, and establishing Conditional Overlay District No. 91. The Conditional Overlay District that accompanies this request will limit the development to a maximum eleven (11) dwelling units per acre on the subject property, require the subject property to be combined with the existing R-MD zoned property to the south for development and require the dedication of additional right-of-way for Jefferson Avenue. The applicant is proposing to rezone the subject property from an R-SF, Single Family Residential District to an R-MD, Medium Density Multi-Family Residential District with Conditional Overlay District No. 91. The subject property will be combined with the existing R-MD zoned property to the south and developed in conjunction with that property. The Conditional Overlay District that accompanies this request will restrict the development on the subject property to a maximum of eleven (11) dwelling units per acre which is significantly less intense than what is permitted in the R-MD district and is consistent with the density permitted in the adjacent R-TH zoning. In addition to restricting the maximum density on the property, the accompanying Conditional Overlay District will require the subject property to be combined with the existing R-MD zoned property to the south for development. The Overlay District will also require the dedication of additional right-of-way for Jefferson Avenue per City standards for a collector roadway. A Type B Bufferyard is required

along the north and west property line of the subject property to provide some visual separation between this proposed development and the existing residential development to the north and west. If there is a parking lot or vehicle use area is within 50 feet of Jefferson Avenue and there is no intervening building; then a perimeter landscaping area shall be provided along the right-of-way. Approval of this request will provide for this property to be developed with the existing R-MD, Medium Density Multi-Family Residential zoned property to the south. Staff recommends approval.

Mr. Baird opened the public hearing.

Ms. Cox asked for clarification on the properties being combined.

Mr. Hosmer noted the Conditional Overlay District is only for the tract that is being rezoned which limits the density to eleven (11) dwelling units per acre only on this tract.

Ms. Cox clarified that the lower tract that is being combined will stay the same with no conditional overlay.

Mr. Hosmer stated that is correct.

Mr. Cline questioned if the Greenway that goes through the property and there will be no impact to the Greenway.

Mr. Hosmer said that is correct.

Mr. Brent Stevens, H. Design Group, 5051 S. National Avenue Suite 7A, commented he is representing the potential developer. This is one piece of property right now and there are two separate zoning classifications on this piece of property so this will unify the property into one single standard zoning classification. It works with the step down zoning.

Mr. Baird closed the public hearing.

Mr. Ray motioned to **approve** Z-17-2015 w/ Conditional Overlay District No. 91. Mr. Edwards **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Edwards, Shuler, Rose, Cline, Doennig and Cox. Nays: None. Abstain: None. Absent: None.

*Planned Development 348
Patterson House, LLC
(1215 & 1225 North Benton Avenue)*

Historic

Mr. Shuler recused himself from the public hearing.

Mr. Hosmer commented this is to rezone approximately 0.89 acres of property generally located at 1215 and 1225 North Benton Avenue from R-SF, Single Family Residential

District and R-MD, Medium Density Multi-Family Residential District and Mid-Town UCD No. 3 Area A to a Planned Development District No. 348 and Mid-Town Urban Conservation District No. 3 Area E. The applicant is proposing to rezone the subject property to a Planned Development 348 to allow for bed and breakfast, restaurant and residential uses. The subject property is within walking and bicycling distance of the Drury and OTC campus, the downtown area and bus stops. In addition there is a good sidewalk system, greenway and marked bike routes in the area. The proposed planned development is within the Mid-Town Neighborhood Plan which was updated on April 2, 2001. The Plan identifies these two properties within the Mid-Town Historic District as contributing to the District on the National Historic Registry. The Plan states that any institutional expansion in this area should utilize and preserve contributing structures. The property at 1215 and 1225 North Benton Avenue are not on the historic register of historic places, however, the property owners are seeking historic designation. This property is within the Mid-Town Urban Conservation District No.3, Area A which allows for Bed and Breakfast uses by a conditional use permit provided the existing structure is preserved and built before January 1, 1940 with a limit of five guest rooms. Area A does not allow restaurants. Both structures were built before 1940. The Planned Development will allow for the rehabilitation and use of these two properties while preserving the architectural significant structures and design within the Mid-Town neighborhood. The Planned Development is written with similar language as the UCD Area A requirements while allowing for the bed and breakfast and restaurant use while preserving the contributing historic structures. The Planned Development will be the underlying zoning district while keeping the UCD No 3 Area E designation. The Area E is a reserve area that does not have any UCD requirements other than requiring Mid-Town Neighborhood Association notification of proposed changes through the Administrative Review Committee (ARC) process. The proposed planned development will mitigate the potential impact between the permitted uses and the adjacent apartment by retaining a 3.5 feet wood fence between the apartment property parking lot to the west as outlined in Exhibit 1 and Exhibit 2. The proposed expansion will not have a significant impact on the surrounding neighborhood.

Mr. Baird opened the public hearing.

Mr. Michael Textor, 3814 E. San Poppi Court, Ozark, Missouri commented he and his wife are the applicants for this project, adding this is a really cool opportunity to preserve a couple of neat historic structures in the community. They will be using historic tax credit process to help finance this. Everyone at the neighborhood meeting is very excited about this project.

Mr. Rick Wilson, Wilson Surveying, 2012 S. Stewart stated they will be doing the engineering work on this project. This will be a low impact project; adding some impervious surface for parking with limited discharge.

Mr. Baird closed the public hearing and moved forward with the public hearing for the Redevelopment Plan.

*Historic Patterson House Redevelopment Area
Patterson House, LLC
(1225 North Benton Avenue)*

Historic

Mr. Shuler recused himself from the public hearing.

Mr. Schaefer said this is a request to approve the Redevelopment Plan for the Historic Patterson House

Redevelopment Area adding it will be an abbreviated presentation because this really pairs closely with Planned Development 348. Historic Patterson House, LLC has filed an application requesting approval of a redevelopment plan pursuant to Sections 99.300-99.715, RSMo, the Land Clearance for Redevelopment Authority (LCRA) Law, for a redevelopment project located at 1225 North Benton Avenue. The proposed Redevelopment Plan is one component of the applicant's request to obtain partial real property tax abatement pursuant to the Land Clearance for Redevelopment Law ("Chapter 99, RSMo"). Chapter 99 tax abatement is an A-3 economic development incentive used to encourage redevelopment within blighted areas through partial real property tax abatement. Within Council approved redevelopment areas, the Land Clearance for Redevelopment Authority may authorize partial real property tax abatement for projects that conform to an approved redevelopment plan. Real property tax abatement is based on 100% of the assessed value of qualified new construction or rehabilitation for 10 years.

Mr. Schaefer stated the Planning and Zoning Commission is required by Statute to review the proposed Redevelopment Plan for conformance with the City's general plan for the development of the City as a whole. The purpose of the Redevelopment Plan for the Historic Patterson House Redevelopment Area is to remove blight and facilitate the adaptive reuse of a historic single-family residential structure located in the Mid-Town Neighborhood. The Redevelopment Area consists of a 0.49 acre parcel that is occupied by the historic Patterson House, which was constructed in 1904 as a single-family residential dwelling and subsequently converted into apartments in 1939. The house is recognized as a contributing structure within the Mid-Town National Historic District and is listed in the Springfield Historic Register as a local historic site. The House has experienced significant deterioration over the past couple decades and now sits vacant and in need of rehabilitation. The Redevelopment Plan proposes to rehabilitate the Patterson House, in conjunction with an adjoining property immediately outside of the Redevelopment Area to the south at 1215 North Benton Avenue, into a 14-unit bed and breakfast and restaurant in accordance with the requirements and standards applicable to Planned Development District No. 348. The current design for the Patterson House contemplates constructing up to eight bed and breakfast units as part of an adaptive reuse of this historic structure. Mr. Schaefer stated that prior to the meeting, a memo was distributed to Commission members to request that the Redevelopment Plan be considered with certain amendments considered earlier this week by the LCRA; the amendments clarify that the Redevelopment Plan shall prohibit single family residential use so it leaves bed and breakfast and restaurant uses as permitted uses under that plan. That ensures the project would be a bed and breakfast and restaurant for at least

the next ten (10) years. Staff recommends approval of the Redevelopment Plan with the suggested amendments.

Mr. Baird opened the public hearing. As there were no speakers to the issue, Mr. Baird closed the public hearing.

Ms. Kerner recommended that Commission vote on these two (2) items separately since there can be one approved without the other.

Mr. Edwards motioned to **approve** Planned Development 348. Mr. Cline **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Edwards, Rose, Cline, Doennig and Cox. Nays: None. Abstain: Shuler. Absent: None.

Ms. Cox motioned to **approve** Historic Patterson House Redevelopment Area. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Edwards, Rose, Cline, Doennig and Cox. Nays: None. Abstain: Shuler. Absent: None.

*Temporary Uses/Special Events Text Amendment
of Springfield
(City-Wide)*

City

Ms. Kerner noted this is to amend Section 2-1100, Definitions, Section 5-1000, Accessory Structures and Uses, 5-1200, Temporary Uses, and 6-1500, Noise Standards in the Springfield Zoning Ordinance. City Council approved a Resolution 9899 on August 22, 2011, to initiate amendments to the Zoning Ordinance that would eliminate conflicts with regard to temporary promotional activities, event requirements and temporary vendor requirements. Ms. Kerner stated the plan is to create a consolidated ordinance within the City Code that deals with all the various parts of special events which involves the Fire Department, Police Department, Planning and Zoning, Building Development Services; there are many moving pieces and attempting to simplify for both applicants and city staff and make certain everyone on the same page.

Since the last Planning and Zoning Commission meeting, the City has decided not to move two zoning code sections into this special events code. The two sections that are not going to move are Temporary Promotional Activities (Section 5-1203 B(3)(b)) and Residential Fundraising (Section 5-1203 B(1)). Everything else impacting the zoning code has stayed the same since the last meeting. There were some minor changes to the code related to the definition of special event and amplified sound. The Planning and Zoning Commission is only responsible for reviewing amendments to the Zoning Ordinance. The proposed amendments will not be changing any of the processes or permitted uses in the Accessory Uses and Temporary Uses sections of the Zoning Ordinance. It will only change their location in the City's Code so that the proper department may review, inspect and enforce any Temporary Use or Special Event issues.

Mr. Baird opened the public hearing. As there were no speakers to the issue, the public hearing was closed.

Mr. Edwards motioned to **approve** Temporary Uses/Special Events Text Amendment. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Edwards, Shuler, Rose, Cline, Doennig and Cox. Nays: None. Abstain: None. Absent: None.

*Front Yard Parking Exception for Disabled Persons Text Amendment
City of Springfield
(City-wide)*

Mr. Hosmer mentioned this is a request to amend Section 5-1500, Off-Street Parking Requirements, of the Zoning Ordinance to allow the Director of Building Development Services to grant exemptions to the off-street parking requirements to make reasonable accommodations to persons with disabilities under certain conditions. Planning and Zoning Commission initiated amendments to Section 5-1500, Off-Street Parking Requirements and other related sections of the Zoning Ordinance to allow review and consideration for persons with disabilities at their meeting on October 3, 2013. The Federal Fair Housing Act requires the City to apply its regulations in a manner that does not discriminate against persons with disabilities. Currently, off-street parking in the front yard is not permitted for residentially zoned properties. The City is required by Federal law to provide “reasonable accommodation”, and Building Development Services currently applies that standard to requests received for modification to single-family dwellings for medical needs. At this time, the City has not received many requests for accommodation to the off-street parking requirements. The proposed amendments will allow the Director of Building Development Services to grant exemptions to the off-street parking requirements to make reasonable accommodations for persons with disabilities following the conditions in Exhibit A. These amendments will replace the current Administrative Ruling (2011) and City Council resolution (2004) that BDS currently uses in these situations.

Mr. Doennig clarified that the Fair Housing Act essentially is making the City allow anyone with a disability sticker to essentially park in their front yard; is that what you are saying.

Mr. Hosmer stated more or less.

Mr. Doennig stated the only way to allow them to do that is to allow them to park in the front yard.

Mr. Hosmer said with reasonable accommodation; if there are other means to access they can certainly not locate it in the front yard.

Mr. Doennig asked if there are specific standards for what is reasonable and what is not.

Mr. Hosmer stated he believes so with the ADA requirements and state statutes.

Mr. Baird asked where this amendment is coming from.

Mr. Hosmer commented they have been working off of a 2004 resolution and staff has been applying that already. Now they are attempting to codify it.

Mr. Rose asked if this sets up a different kind of system where they can get a sticker to park in the front yard.

Mr. Hosmer said no this just allows provisions for them to park in the front yard. Currently it is a violation to park in the front yard, and this will allow them to park in the front yard.

Mr. Edwards asked if police offices ticket people for this.

Mr. Hosmer stated it would be on a complaint basis.

Mr. Edwards clarified this is not complaint generated, this is just compliance.

Mr. Hosmer said yes.

Mr. Baird asked if there is someone in need of using this, they must go to BDS to get it approved.

Mr. Hosmer stated that is correct.

Mr. Baird asked if it would be easier if the person has a blue handicap placards, shouldn't that suffice.

Mr. Hosmer stated the way it is written they would have to approach BDS first.

Mr. Baird closed the public hearing.

Mr. Edwards motioned to **approve** Front Yard Parking Exception for Disabled Persons Text Amendment. Ms. Cox **seconded** the motion. The motion **carried** as follows: :
Ayes: Baird, White, Ray, Edwards, Shuler, Rose, Cline, Doennig and Cox. Nays: None.
Abstain: None. Absent: None

*Preliminary Plat Westwood Hills 3rd Addition Renewal
Hoppy, LLC
(900 block South West Bypass)*

Mr. Hosmer commented this is a request to accept the dedication of the public streets and easements as shown on the Preliminary Plat Renewal of WESTWOOD HILLS 3rd

ADDITION generally located on the west side of the 900 block South West Bypass and approve a preliminary plat to subdivide 29.74 acres into a twenty-eight (28) lot single-family residential and commercial subdivision with common area. Lots 1-27 will be for single family residential development (R-SF) and Lot 28 would be for commercial development (HC and COD #2) as permitted by zoning case Z-02-2007 which was approved in 2007. The applicant has also proposed a phasing plan. The applicant is proposing to renew the preliminary plat of Westwood Hills 3rd Addition that was previously approved by City Council on May 21, 2007 and renewed on June 1, 2009, June 13, 2011 and June 3, 2013. The Parks, Open Space and Greenways Plan Element indicates that the proposed greenway system would extend along this segment of Wilson Creek. A fifty (50) foot wide, east/west, recreation easement for the Wilson Creek Greenway will be dedicated on the final plat. It will be located on the south side of Grand Street. A north/south recreation easement will begin on the south side of the Grand/Kay Pointe intersection and extend to the east/west easement. Staff recommends approval.

Mr. Baird opened the public hearing.

Mr. Jared Rasmussen, 550 E. St. Louis, stated he represented the applicant.

Ms. Cox asked Mr. Rasmussen why this is has been renewed so many times.

Mr. Rasmussen stated this came through in 2007 about the time the economy fell apart; they have been keeping it on the books as they move forward.

Mr. Baird closed the public hearing.

Mr. Doennig motioned to **approve** Preliminary Plat Westwood Hills 3rd Addition Renewal . Ms. Cox **seconded** the motion. The motion **carried** as follows: Ayes: Baird, White, Ray, Edwards, Shuler, Rose, Cline, Doennig and Cox. Nays: None. Abstain: None. Absent: None

Mr. Baird asked Ms. Smith to give a brief description of Commission's purview here; there are several new members on Commission.

Ms. Smith addressed Commission stating that while Commission reviews zoning cases much more often then they do plans, everything staff does is based on the City's Comprehensive Plan and all the studies that have been adopted by this body and City Council and also in light of the Zoning Ordinance and the Subdivision Regulations. That is one of the reasons why when the Menards presentation was started staff felt it was important to talk about what does the Comprehensive Plan say about a specific area and about development in general. Commission's decisions should be based on the consistency of a proposal with the Comprehensive Plan and it's consistency with the Zoning Ordinance and the Subdivision Regulations. That is why Commission receives information about required traffic studies; does the proposed development have mitigating factors if there is an impact on traffic or on

stormwater which will be part of Commission's consideration. What is not in Commission's purview is what is the specific tenancy of the building, so you are looking at land use. Is it appropriate for a commercial use or multi-family use; is the land use appropriate and it doesn't really matter if its a Menards, Hy-Vee or Wal-Mart, the question is if the land use is appropriate. Philosophically, Ms. Smith noted she has been the Economic Development Director for fifteen (15) years and has recently moved into the position of Planning Director, but philosophically they have always taken the perspective that its not our responsibility to determine what the market is and so we are not going to come to Commission and say staff thinks there are enough apartments in Springfield or enough loft developments or Chinese restaurants so we are not going to allow a rezoning if it is going to have a Chinese restaurant as a tenancy. We believe in the free market in that respect and so really it all boils down to is the land use appropriate; is it consistent with the Comprehensive Plan and are they meeting the requirements of the Zoning Ordinance and the Subdivision Regulations. Ms. Smith asked if that answered Commission's question.

Mr. Cline noted that his vote had nothing to do with Menard's and actually very little to do with anything the public said. Mr. Cline stated he disagrees with staff; he does not feel it is a good use primarily because that we can't just keep slopping the City farther and farther out and while in one sense it fits, in another sense its just more sprawl. Unless Commission is rubberstamping city staff, which he hopes is not what they are doing, then he is very comfortable with his no vote and quite happy with the outcome.

Mr. Baird commented he doesn't know whether it has to do with what staff wants or doesn't want; what they do is bring Commission potentially viable plans and it is Commission's job to determine whether it is appropriate. Mr. Baird observed that City Staff gets a lot of heat because it is the City doing this, its the City wanting Menards, and it is really not and noted that is why Commission is here.

Mr. Edwards mentioned that there are certain things about consistency and how over time this body and City Council have signaled, for lack of a better word, to the development community and the reasoning for Mr. Cline's vote is sound adding Mr. Cline is on this Commission to cast the best vote and the best judgments the way necessary to do his civic duty. Mr. Edwards commented the important thing to consider for the development community is some consistency. Mr. Edwards stated while he disagreed with the majority on this opinion, he does not have a problem with that on this case and he is not really speaking to this case as much, but to remember that Commission is setting precedent in a way, week by week and following precedent week by week so we want to have a consistent set of rules that people can expect and that helps developers know what they need to do. Staff does a pretty good job of that overall and Commission does signal things to the development community up here on how they can expect to be treated when they come here. Another thing to remember is that Commission can easily rezone a piece of land and then someone come in and do a far different thing and they would not have to come back to Commission.

There being no further business, the meeting was adjourned at approximately 9:35 p.m.

A handwritten signature in black ink, appearing to read 'Bob Hosmer', with a long horizontal flourish extending to the right.

Bob Hosmer, AICP
Principal Planner