

MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: September 15, 2011

TIME: 6:30 pm

The regular meeting and public hearing of the Planning and Zoning Commission was held on the above date and time in City Council Chambers, third floor of City Hall with the following members and personnel in attendance: Shelby Lawhon (Chair), Matt Edwards (Vice Chair), Jay McClelland, Jim Hansen, Phil Young, Thomas Baird, IV, and King Coltrin, Matt Schaefer, Senior City Planner, Thomas Rykowski, City Attorney; Sandy Goddard, Administrative Assistant; ABSENT: Jason Ray and Gloria Roling.

ROLL CALL:

APPROVAL OF MINUTES:

The minutes of the September 1, 2011 Planning and Zoning Commission were approved unanimously.

COMMUNICATIONS: None

FINALIZATION AND APPROVAL OF CONSENT ITEMS:

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

CONSENT ITEMS: None

HEARINGS:

Other Business:

1. **Downing St. Apts. Redevelopment Area**
(Downing Street, W 700-900 block, s/s)

City of Springfield

Mr. Lawhon opened the public hearing and stated as there is no one to speak to the cases, Mr. Schaefer can present the cases, although they will be voted on individually

Mr. Schaefer directed the Commission's attention to copies of a Blight and Redevelopment Plan Study that has been prepared and drafted by Staff and was distributed to Commission prior to beginning the meeting. The study shows all the blighted areas that Staff has found located throughout the city and all the

redevelopment plans that have occurred and are still active or have expired. One of the recommendations of the report is that Staff should periodically review all the blighted areas and redevelopment plans that are on the books and check for compliance and if there are any revisions or amendments needed, or if the areas have been redeveloped and time to take action to declare the areas as no longer blighted and repealing the redevelopment plans. Through the process of putting together the report, Staff identified six (6) areas that should be declared as un-blighted and have the redevelopment plans repealed because the plans have been fully implemented or the area has been fully redeveloped. Staff is before Commission tonight to request Planning and Zoning Commission make a recommendation to City Council to repeal the redevelopment plans that will be discussed during the meeting.

Mr. Schaefer reviewed each of the redevelopment projects starting with the Downing St. Redevelopment Area. Mr. Schaefer referred to the overhead display, indicating where the property is located along the 700-900 blocks of West Downing Street; located West of the intersection of South Grant Avenue and West Downing and North of West Sunset Street. The next slide depicted an aerial photograph, that demonstrates, the south side of the redevelopment area is occupied by Norma Champion Park. There are approximately seventeen (17) Single-Family Residential homes along West Downing Street, and eight (8) duplex units along South Grant Avenue. The redevelopment plan came about in early 1990, when the redevelopment area was occupied by an apartment complex known as Winstead Commons. Apparently the complex was in a state of disrepair, and as a result, there was a fatality of a child, due to a structure failure. This resulted in the City becoming involved in cleaning up the area. In 1990 the Land Clearance for Redevelopment Authority, they declared the area blighted and formulated a redevelopment plan that would clear the area and put in Single-Family homes and Duplexes.

Requests for proposals from private re-developers were taken and they offered up to ten (10) years of real property tax abatements as an incentive. Preference was given to a developer who submitted a proposal that did not request abatement. The developer that was selected did not request real property tax abatement and therefore the redevelopment project was implemented and no tax abatement was necessary. This has resulted in complete redevelopment of the area; the re-development plan is no longer necessary and therefore, should be repealed.

Mr. Edwards **motioned to approve** the repeal of Downing St. Apts. Redevelopment Area. Mr. Coltrin seconded. **Motion carried** as follows: AYES: Lawhon, Edwards, Hansen, McClelland, Young, Baird and Coltrin. NAYS: None. ABSTAIN: None. ABSENT: Roling and Ray.

2. Juris Building Redevelopment Area (Boonville N, 821)

City of Springfield

The Juris Building is located across the street on North Boonville Avenue from the

Busch Building, which is the current location of the Victim's Center. Formally, it was the Postal Federal Employees Credit Union site, and a developer proposed to redevelop the area to professional offices; the developer received real property tax abatement pursuant to Section 353.110 of The Revised Statutes of Missouri which grants up to twenty-five (25) years of abatements. The property has been redeveloped. The Juris Redevelopment Plan has been fully implemented and the Redevelopment Plan is no longer necessary and may therefore, be repealed.

Mr. Hansen **motioned to approve** the repeal of Juris Building Redevelopment Area. Mr. McClelland seconded. **Motion carried** as follows: AYES: Lawhon, Edwards, Hansen, McClelland, Young, Baird and Coltrin. NAYS: None. ABSTAIN: None. ABSENT: Roling and Ray.

Mr. Schaefer stated that the next four (4) Redevelopment Areas are grouped in the same vicinity and occurred around the same time. He directed Commission's attention to the display map. He pointed out University Plaza, Hammons Tower, University Towers, and University Terrace Redevelopment Area.

3. University Plaza Redevelopment Area **City of Springfield**
(St. Louis, E & John Q Hammons Parkway)

The first one that occurred was University Plaza Redevelopment Plan. It was blighted early in 1981; City Council blighted approximately 26.72 acres of land and declared it as blighted pursuant to Chapter 99 of the Missouri Revised Statutes and requested that a plan be developed and submitted. The University Plaza Redevelopment Corporation submitted a plan and it was a plan that encompassed only the area in hash marks, pointing out the area on the display map. It proposed the construction of the University Plaza Hotel, the Hammons Building, which is located across the street from the University Plaza Hotel, also, the One Parkway Place Condominiums and that it also proposed construction of John Q Hammons Parkway which would replace Dollison Avenue. As you can see by the current aerial it shows the new alignment of John Q Hammons Parkway and it extends all the way down East Cherry Street.

The Project was a Chapter 353 redevelopment project, and they received twenty-five (25) years of real property tax abatement as an incentive for the project. The abatement ended this year, the project is complete, the plan has been fully implemented and Staff proposes that it be repealed.

Mr. Young **motioned to approve** the repeal of University Plaza Redevelopment Area. Mr. Baird seconded. **Motion carried** as follows: AYES: Lawhon, Edwards, Hansen, McClelland, Young, Baird and Coltrin. NAYS: None. ABSTAIN: None. ABSENT: Roling and Ray.

4. Hammons Tower Redevelopment Area **City of Springfield**
(St. Louis, E and John Q Hammons Parkway)

This was blighted in late 1983, and initially there was a request to construct a Performing Arts Center on the site, where the Tower is right now, however that plan was contingent upon the voters passing a Food and Beverage Tax, the tax plan failed and the plans were then abandoned. Later on in 1984 they came back with a proposal to construct a high rise office tower and also a parking lot on the east side of John Q Hammons Parkway. The plan was approved, the real tax abatement was authorized pursuant to Chapter 353 and then over the course of eleven (11) years, between 1984 and 1995, there were four (4) amendments to the plan which incrementally expanded the Redevelopment Area which allowed construction of the Federal Court House Building and the parking lot adjoining it; also construction of the Hammons Enterprise Center, which is the location of the Springfield Area Chamber of Commerce and then construction of a parking lot which is used by the Chamber as well. The Hammons Tower Redevelopment Plan has been fully implemented, the tax abatement has expired, the Redevelopment Plan is no longer necessary and may therefore, be repealed.

Mr. McClelland **motioned to approve** the repeal of Hammons Tower Redevelopment Area. Mr. Edwards seconded. **Motion carried** as follows: AYES: Lawhon, Edwards, Hansen, McClelland, Young, Baird and Coltrin. NAYS: None. ABSTAIN: None. ABSENT: Roling and Ray.

5. University Towers Redevelopment Area
(Elm, E & John Q Hammons Parkway)

City of Springfield

6. University Terrace Redevelopment Area
(Cherry, E & John Q Hammons Parkway)

City of Springfield

In 1983 the Civic Center Redevelopment Corporation submitted a proposal to blight and redevelop an area (pointing to an area on the display map) located near the North East corner of East Cherry Street and South John Q Hammons Parkway to construct a ten (10) story residential condominium building housing a health spa on ground floor and a private club or lounge on the top floor. The plans for that structure were abandoned when the Food and Beverage Tax was voted down by Springfield voters. Six (6) months after that, the Civic Center Redevelopment Corporation came back to the City with a proposal to partner with Missouri State University to construct a dormitory on the site. The plan was approved, and then abandoned because there was a more suitable site location found for the dormitory.

The University Terrace Redevelopment Area is located directly across the street from the University Towers Redevelopment Area. It is the current location of Hammons Halls Dormitory at Missouri State University. A plan was submitted and approved by City Council, and authorization was received to abate up to twenty-five (25) years of real property tax pursuant to Chapter 353. Since this is owned by the University, it is tax exempt. The area has been redeveloped and the plan has served its purpose. The University Towers Redevelopment Area Plan was not implemented, but the area has been redeveloped. It is currently occupied by an off-street parking lot that is used by

Missouri State University. There is no longer any blight and the plan is no longer applicable and Staff proposes that it be repealed. Mr. Schaefer stated he would respond to questions.

Mr. Hansen asks Mr. Schaefer what the Food and Beverage Tax had to do with the two to three projects that were abandoned because it did not pass.

Mr. Schaefer states that the Performing Arts Center was going to be partially funded through the food and beverage tax. The tax was voted down and the plans for moving forward on the center ended.

Mr. Hansen asks about the other properties.

Mr. Schaefer states that he is uncertain how the food and beverage tax was related to the University Towers Redevelopment Project. Staff researched this and went back through previous staff reports, Council explanations and no connection could be drawn between the two. However, what we can tell you is that the project was not deemed feasible since the tax was not passed.

Mr. Hansen asks if it involved the same developer.

Mr. Schaefer said yes. The Civic Center Redevelopment Corporation was the redeveloper for University Terrace, University Towers, and Hammons Tower Redevelopment Area.

Mr. Lawhon asked how long since this has been done.

Mr. Schaefer states that earlier in the spring, Staff began working on the study for the blighted areas and redevelopment plans and a report was put together and presented to City Council on June 28.

Mr. Lawhon asked how long it had been since this kind of presentation or review for blighted properties had been submitted. He stated he has the impression that it has been a long time.

Mr. Schaefer said that it is the first time they have done a study of this nature, and that it was a good exercise because staff discovered and learned quite a bit.

Mr. Lawhon commented on the one hundred (100) year study, asking if this is on the agenda for the future.

Mr. Schaefer stated that one of the recommendations from the report is that Staff will periodically review redevelopment areas for conformance to the adopted plans and also prepare council action to declare areas as un-blighted and to repeal the redevelopment plans for those areas that have projects already implemented and the abatement has ceased to exist.

Mr. Coltrin commented that it seems like it would be a logical time to trigger and turn off the blight, when you start granting abatement. Doesn't it seem like, when you are abating something, they must have done something, and it is no longer blighted?

Mr. Schaefer stated that has been discussed and comments that Mr. Rykowski can explain in more detail, but our understanding is, you can declare it as un-blighted once the project is completed.

Mr. Rykowski states they have found there is very little guidance in the statutes of the case law about this. Staff has been aware of situations where after initial twenty-five (25) year blight occurred, a redeveloper came back in and sought additional abatement under additional chapters. The Hammons Project over at SMS has been renovated, but as Mr. Schaefer said, they are all state owned, therefore exempt. Earlier this year a blight report was discovered that a retired employee remembered and that we did not know existed.

Not every parcel in a blighted area may be blighted when you blight it, similarly when you un-blight it you are taking a position the exact opposite that not everything would be un-blighted, but frankly all these have been fully developed or walked away from and then completed. The Federal Court House is completely done, so it would be appropriate to declare them, the reason we don't un-declare the blight is sometimes we have a bigger area blighted than an redevelopment plan may ask for, so once you declare something blighted and once the redevelopment plan starts right at that point, especially once it's completed, the abatement would continue. Once the blight is done, that's the whole point, Monroe, Madison, they are done, the blight is done but the abatement continues. This has come forward and I gather it is going to be periodic, maybe every, depending on how many we have coming in and how many we have coming off the rolls, this may be a two or three year event as we return to it. I don't think we have made a decision on that, but we may find that we may start, if we have a complete unit maybe we have a Juris Building, we un-blight it sooner because it's done, but they still get their abatement. We are out there in new areas but we feel comfortable about what we are doing and it's appropriate to do these, especially these projects which are coming off the abatement roles as well.

Mr. Hansen asks how many more redevelopment plans are out there in the works and how many of these properties that we are voting on here will actually start paying taxes.

Mr. Schaefer stated that the areas being discussed tonight they all are currently back on the tax rolls at full assessment, except for those that are tax exempt or owned by the State of Missouri.

Mr. Hansen asked about the current cases, how many are exempt.

Mr. Schaefer stated that University Terrace and University Towers, those are tax exempt. They are owned by the State of Missouri. Hammons Tower is private and is subject to tax. The University Plaza and then the Juris Building is also tax exempt

because it is owned by a Not-For-Profit Organization. The Downing Street Redevelopment Area, everything is subject to property tax, except for the Norma Champion Park.

Mr. Hansen asked how many other redevelopment projects are out there.

Mr. Schaefer estimated possible two dozen. It is all outlined in the report. Some date back to the early 60's and some are more recent.

Mr. Lawhon closed the public hearing.

Mr. Baird **motioned to approve** the repeal of University Towers Redevelopment Area. Mr. Hansen seconded. **Motion carried** as follows: AYES: Lawhon, Edwards, Hansen, McClelland, Young, Baird and Coltrin. NAYS: None. ABSTAIN: None. ABSENT: Roling and Ray.

Mr. Hansen **motioned to approve** the repeal of University Terrace Redevelopment Area. Mr. Young seconded. **Motion carried** as follows: AYES: Lawhon, Edwards, Hansen, McClelland, Young, Baird and Coltrin. NAYS: None. ABSTAIN: None. ABSENT: Roling and Ray.

ANY OTHER MATTERS UNDER COMMISSION JURISDICTION

There being no further business, the meeting was adjourned at approximately 7:00 p.m.

Michael R. McPetersson

Secretary