

AGENDA OF THE BOARD OF ADJUSTMENT

City Council Chambers
(830 Boonville)

DATE: April 7, 2016

TIME: 1:30 p.m.

MEMBERS: Matt Cologna, (Chair); Robert Sweere (Vice-Chair); Ed Alden, King Coltrin, Derek Lee, and Bryan Fisher.

ROLL CALL:

INTRODUCTION OF ZONING ORDINANCE AS EVIDENCE:

APPROVAL OF MINUTES: November 3, 2015

COMMUNICATIONS:

UNFINISHED BUSINESS: None

VARIANCE:

1. Variance 573
(900 E. Battlefield)

Battlefield Market Place, LLC

OTHER BUSINESS: None.

ADJORNMENT

You are welcome to speak to any item on this agenda. The Board of Adjustment Chairperson will invite anyone who wishes to speak to an item after staff makes its presentation. When you address the Board of Adjustment, please step to the microphone at the podium and state your name and address. All meetings are tape recorded. Please limit your remarks to five minutes unless the Board of Adjustment allows a longer time. In accordance with ADA guidelines, if you need special accommodations when attending any City meeting, please notify the City Clerk's Office at 864-1443 at least three days prior to the scheduled meeting.

MINUTES OF THE BOARD OF ADJUSTMENT

DATE: November 3, 2015

TIME: 1:30 p.m.

The regular meeting and public hearing of the Board of Adjustment was held on the above date and time in City Council Chambers, third floor of Historic City Hall, 830 Boonville, with the following members and personnel in attendance: Matt Cologna (Chair), Robert Sweere (Vice-chair), Ed Alden, Katy Baker and King Coltrin. Staff: Alana Owen, Senior Planner, Tom Rykowski, Assistant City Attorney; Nicholas Woodman, Assistant City Attorney; Amy Werland, Administrative Assistant. Absent: None.

Roll Call:

INTRODUCTION OF ZONING ORDINANCE AS EVIDENCE:

The Zoning Ordinance dated March 7, 1995, and last amended January 2015, was introduced into evidence.

APPROVAL OF MINUTES: The minutes of July 21, 2015, were approved unanimously with a correction.

COMMUNICATIONS: None.

UNFINISHED BUSINESS: None.

Special Execption

1. Special Exception 1300
(1411 East Meadowmere Street)

Chris Reynolds

Ms. Owen stated this is a request to allow an accessory structure that exceeds the maximum height permitted for accessory structures within an R-SF, Single Family Residential District. The height limit for hip or gable roofs on an accessory structure is sixteen (16) feet. The applicant's proposed accessory structure will be approximately twenty-three (23) feet tall and complimentary and compatible with other accessory structures in the are. Ms. Owen received a call from the adjacent property owner to the east regarding an old walnut tree that is on the property line. The neighbor expressed concerned that the height of the accessory structure may have an impact on the tree. The applicant is aware of that and can address this issue. The neighbor expressed her concern only of the tree and not of the structure.

Mr. Cologna opened the public hearing.

Chris Reynolds, property owner at 1411 East Meadowmere Street, commented that they are building a garage, currently there is an old carport at that location. The carport is the same width and depth as the new proposed structure, except taller. Mr. Reynolds stated that they are familiar with the old walnut tree and they will make sure to keep it safe, but will have to trim on single branch.

Mr. Cologna closed the public hearing.

Mr. Alden **motioned** to approve Special Exception 1300. Mr. Sweere **seconded** the motion. The motion **carried** as follows: Ayes: Motion carried unanimously. Nays: None. Abstain: None. Absent: None.

OTHER BUSINESS:

Ms. Owen handed out the commission the draft 2016 calendar.

Mr. Cologna **motioned** to approve the 2016 calendar. Mr. Sweere **seconded** the motion. The motion **carried** as follows: Ayes: Motion carried unanimously. Nays: None. Abstain: None. Absent: None

There being no further business, the meeting was adjourned at approximately 1:50 p.m.

A handwritten signature in cursive script that reads "Alana D. Owen". The signature is written in black ink on a white background and is contained within a thin black rectangular border.

Alana Owen
For Executive Secretary

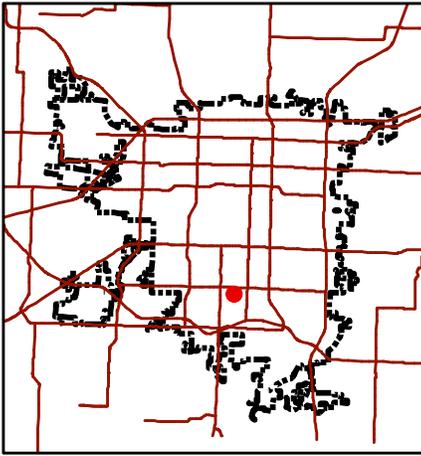
Development Review Staff Report

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

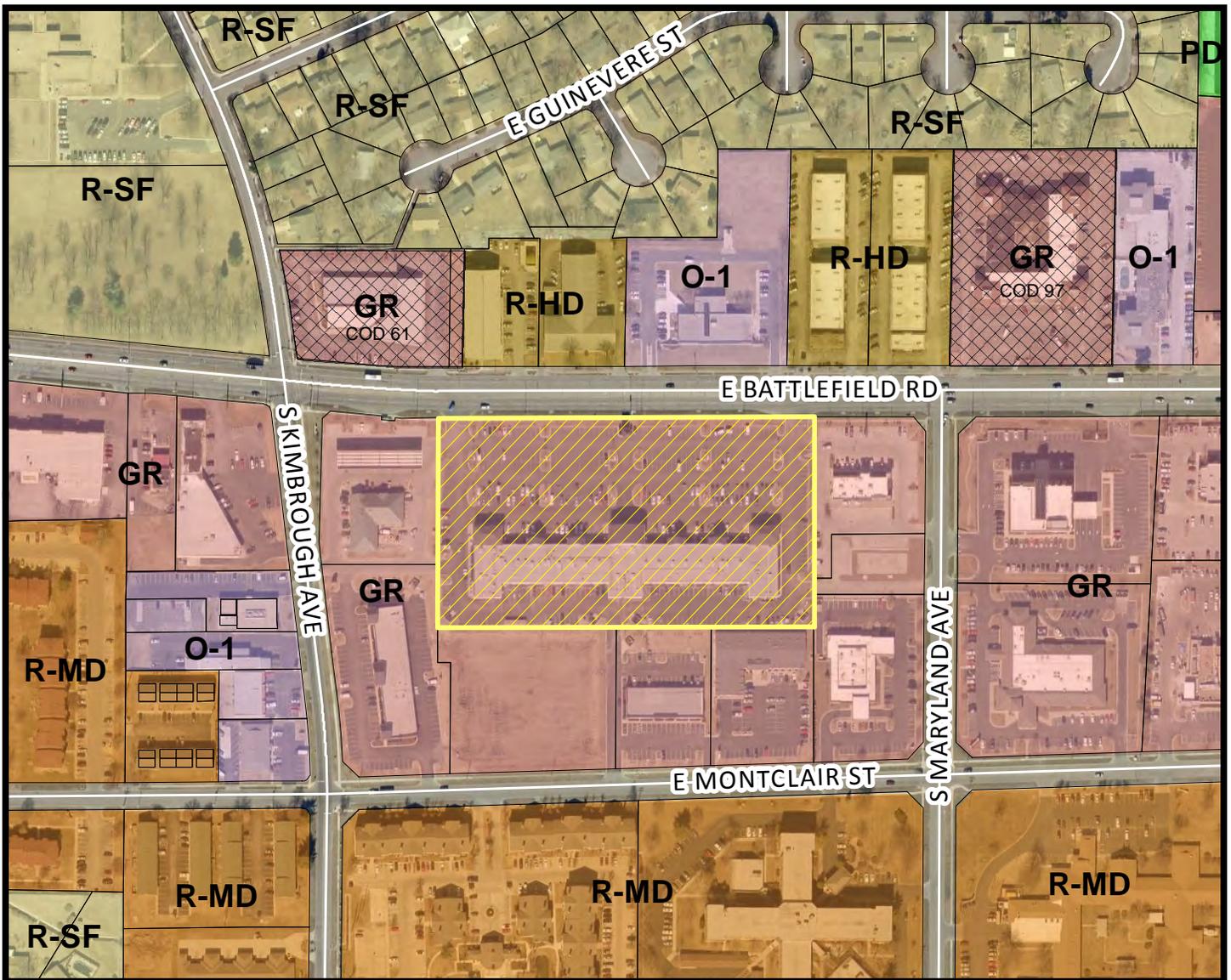
Zoning Variance No. 573

LOCATION: 900 E. Battlefield Rd.

CURRENT ZONING: GR, General Retail District



LOCATION SKETCH



- Area of Proposal



1 inch = 300 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING VARIANCE NO. V-573

PURPOSE: To allow a variance from the minimum separation requirements for an animated, electronic message center sign from a non-business area.

DATE: March 29, 2016

LOCATION: 900 East Battlefield Road

APPLICANT: Battlefield Market Place, LLC

TRACT SIZE: Approximately 6.21 acres

EXISTING USE: Retail shopping center

PROPOSED USE: Retail shopping center

BOARD'S AUTHORITY: Sections 36-351, Board of Adjustment and 36-365, Variances

FINDINGS:

1. The applicant is requesting a variance from Zoning Ordinance section 36-454 (8) (b) 1. a. Animated, electronic message center signs shall not be located within 125 linear feet of a non-business area.
2. The applicant is requesting a variance to allow a separation of approximately 107 linear feet (not 114 feet as stated by the applicant) from a animated electronic message center sign to the non-business area (residential district). This non-residential area is currently zoned R-HD with an existing apartment.
3. This variance is not consistent with the Zoning Ordinance. The animated, electronic message center sign must be at least 125 feet from a residential district.
4. The City of Springfield's sign ordinance language was updated by City Council on May 12, 2014 (General Ordinance No. 6120). The citizen's task force on signs developed these separation requirements along with the rest of the sign code amendments (Section 36-454, Signs).
5. The definition of animation was not changed from the original sign ordinance. The distance from non-business area has changed. The applicant could have constructed an animated sign prior to the enactment of the new sign ordinance. This was not done.
6. If the Board approves, the existing sign along Battlefield Road will be replaced with a new animated, electronic message center sign approximately 107 linear

feet (not 114 feet as stated by the applicant) from a non-business area (residential district).

7. There are other similar locations throughout the City of Springfield where business areas (commercial zoning) are adjacent to non-business areas (residential zoning). The high density residential is not an anomaly in this case.
8. This variance is not consistent with the purposes and intent of the City of Springfield Comprehensive Plan.
9. The current sign is not "grandfathered" or a legal non-conforming use as stated by the applicant, because the existing changeable copy sign does not have the capability of animated, electronic message center signs as proposed.
10. Other businesses along Battlefield Road with animated, electronic message center signs (Oak Star Bank and Andy B's) meet the 125 foot separation requirement from non-business areas.
11. Staff does not believe this application meets the standards for variances as outlined in Subsection 36-365 (3) of the Zoning Ordinance. The applicant has other options. The applicant can leave the sign as it currently exist without animation and continue as a changeable copy sign. The existing sign can be moved to meet the 125 foot separation requirement or the sign can be replaced with a new electronic message center that can display static copy that stays on the display for at least three seconds per copy frame, but may utilize frame effects to transition from one static image to the next. Display transitions shall last no longer than two seconds.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	R-HD & O-1	Multi-family apartments and office building
East	GR	Restaurant and retail uses
South	GR	Retail and office uses
West	GR	Fueling station and retail uses

HISTORY:

After initiation by City Council, staff assembled a citizen's task force to create a new sign code. The task force consisted of one member of the Chamber of Commerce, two citizens, one member of the Urban Districts Alliance, two from the development community, and three members from commercial sign companies. Over a period of one year, the task force reviewed the sign ordinance language and worked with staff to prepare a series of recommendations and desired changes to it. Staff then prepared a new sign ordinance that was reviewed and approved by the task force. The Plans and

Policies Committee recommended approval of the ordinance concept at their meeting on June 25, 2013. After approval by the Planning and Zoning Commission the proposed document was submitted to City Council. Due to citizen concerns raised at the Council meeting, the original document was remanded back to the task force for further review. City Council approved the revisions to the sign code on May 12, 2014 (General Ordinance No. 6120).

COMPREHENSIVE PLAN:

The *Community Physical Image and Charter Plan* element of the *Comprehensive Plan* developed goals to improve the visual appearance of the urban area and the *Growth Management and Land Use Plan* element encourages the effective use of location, design and landscaping of commercial uses to screen and buffer neighborhoods from lights, signs, traffic noise, pollution and other factors incompatible or conflicting with adjacent land uses.

PUBLIC COMMENT:

The property was posted by the applicant at least 10 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet. Nine (9) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request. Staff has received no objections to date.

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner
(417) 864-1036

EXHIBITS:

Exhibit A, Zoning Variance No. 573 Standards and Applicant Responses
Exhibit B, Background Report
Exhibit C, Property Description
Exhibit D, Applicant's Application & Exhibits

EXHIBIT A
ZONING VARIANCE NO. V-573
STANDARDS AND RESPONSES

ORDINANCE AUTHORIZATION:

The following excerpt from the Zoning Ordinance lists the limits of the Board of Adjustment's authorization in this instance:

Subsection 36-365(3) Standards for variances. The Board of Adjustment shall not vary the regulations of this Article as authorized above unless and until it shall make written findings based upon the particular evidence presented to it in each specific case that:

- (a) The particular physical surroundings, shape, or topographical condition of the specific property involved would result in an unnecessary hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were carried out; and

Applicant's Response: The property is surrounded by Retail/Commercial property and has operated as such, it should enjoy such privileges as do Oak Star Bank, Andy B's and other neighbors. The sign, if it would have been anticipated to be placed under such restrictions (from current codes), could have been constructed 10' to the East placing it into conformance. The sign updates which are Battlefield Marketplace lettering and a new EMC did not require a new sign structure. The structure of the sign is a very significant brick structure and not able to be moved or reasonably relocated, it is not in need of any repairs.

Staff Response: The property is not completely surrounded by commercial property. There is High-Density Multi-Family Residential zoning to the north and north east of the subject property. The two businesses mentioned in the applicant's responses have animated, electronic message center signs that meet the separation requirements. The changes to the sign code were publicized and the subject property is able to operate an electronic message center sign; however, it cannot be animated. It must display static copy that stays on the display for at least three seconds per copy frame and may utilize frame effects to transition from one static image to the next.

- (b) The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same zoning classification; and

Applicant's Response: Battlefield Road between National and Campbell is generally a Retail/Commercial corridor with the noted High Density Residential (HDR) property as an exception as opposed to being a transition to more of the same, i.e. it is not a natural transitional boundary to different zoning, as both sides of the HDR (East and West) are Retail/Commercial. Typically, the codes are intended to delineate exacting boundaries clearly showing boundaries between one type of zoning to another (transitional zoning), the HDR is an anomaly in this case, so this exception would not be generally applicable to a more typical transitional boundary.

Staff Response: There are many areas of residential (both single-family and multi-family) along Battlefield Road. The Scottsdale Apartments are zoned High-Density Multi-Family Residential and are north and east of the site, Cowden Elementary School and Park is zoned Single-Family Residential and located just west of the site, Tall Grass Apartments west of Campbell are zoned High-Density Multi-Family Residential, single-family residences zoned Single-Family Residential and duplexes zoned Residential Townhouse are located between Glenstone and Lone Pine along Battlefield Road including a new single-family residential subdivision. Appropriate transitional zoning along arterials include multi-family districts such as the medium- and high-density multi-family residential districts.

- (c) The purpose of the variance is not based exclusively upon a desire to enhance the value of the property, or increase the return or income therefrom; and

Applicant's Response: This variance is being sought to return this property to "par" with the capabilities it had prior to the signage update and to be compatible within the Battlefield commercial corridor. Our previous sign enjoyed full animated video, we hope that we will not be diminished.

Staff Response: The definition of animation was not changed from the original sign ordinance. The distance from non-business area has changed. The applicant could have constructed an animated sign prior to the enactment of the new sign ordinance. The applicant's ability to advertise is not diminished. They can move the sign to meet the current regulations or display static copy that stays on the "video" display for at least three seconds per copy frame and may utilize frame effects to transition from one static image to the next.

- (d) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located; and

Applicant's Response: This is not easily quantifiable for a return or a loss thereof. However, it is known that to diminish the property puts it at risk for success, no business owner (primary property or tenant) would knowingly place their property at risk.

Staff Response: The applicant's ability to advertise is not diminished. They can move the sign to meet the current regulations or display static copy that stays on the "video" display for at least three seconds per copy frame and may utilize frame effects to transition from one static image to the next.

- (e) The alleged hardship has not been created by any person presently having an interest in the property; and

Applicant's Response: This hardship has not been created by any person with interest in this property.

Staff Response: The current owner of the property is the same owner of the property when the sign code was amended in 2014.

- (f) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located, or diminish or impair the values thereof; and

Applicant's Response: There are no known detriments to the general public's welfare nor to other property or improvements to the neighborhood.

Staff Response: There is a Multi-Family Residential District within 107 feet of the sign.

- (g) The proposed variance will not impair an adequate supply of light and air to adjacent property, or cause or substantially increase congestion in the public streets, or increase the danger of fire or the spread of fire, or endanger the public safety; and

Applicant's Response: The granting of this requested variance is not known to: impair an adequate supply of light or air to adjacent property, or cause or substantially increase congestion in the public streets, or increase any danger of fire or the spread of fire, or otherwise endanger the public safety.

Staff Response: No response.

- (h) The variance, if granted, will not alter the essential character of the neighborhood, and

Applicant's Response: This variance, if granted, does not alter the way in which the sign was previously operated, so no essential character of the neighborhood will be altered.

Staff Response: The animated, electronic message center will create flashing light and video images, more than is displayed on the existing sign which will affect the multi-family residences across the street.

- (i) The variance requested is consistent with the purposes and intent of this Article and the *Springfield Comprehensive Plan*.

Applicant's Response: The variance if granted is consistent to the Springfield Comprehensive Plan and balances the need of the general public with the needs of commercial businesses.

Staff Responses: The proposed variance is not consistent with the Comprehensive Plan or current Zoning Ordinance. The Community Physical Image and Charter Plan element of the Comprehensive Plan developed goals to improve the visual appearance of the urban area and the Growth Management and Land Use Plan element encourages the effective use of location, design and landscaping of commercial uses to screen and buffer neighborhoods from lights, signs, traffic noise, pollution and other factors incompatible or conflicting with adjacent land uses

EXHIBIT B
BACKGROUND REPORT
ZONING VARIANCE NO. V-573

APPLICANT'S PROPOSAL:

The applicant is requesting a variance from Subsection 36-454(8)(b)1.a. of the Zoning Ordinance regarding sign illumination provisions for signs in business areas. The Zoning Ordinance states that animated, electronic message center signs shall be limited to at least 10 feet above street grade and shall not be utilized within 125 linear feet of a non-business area. The applicant is proposing to modify the existing sign to allow full animation with a separation of approximately 114 feet (staff has measured this to be 107 feet). The applicant states that the codes requires the 2 second hold time due to the fact that the sign is located approximately 10' too close to High Density Residential property. If the sign were 10' farther East, then the codes would allow the EMC sign to be operated in full animation video mode. The applicant states that the requested variance is minor at about 8-9% from the code requirement of 125' (the sign is about 114' separated from high density residential). If approved, a fully animation sign would be permitted on the existing detached sign as shown on the attached exhibits.

ZONING ORDINANCE AUTHORIZATION:

The Board of Adjustment has the authority to approve variances only if it finds that the request meets each of the Standards for Variance listed in Subsection 36-365(3) (shown in Exhibit A).

- 36-365(2)** Authorized variance. Variances from the regulations and restrictions contained in this Article may be granted by the Board of Adjustment in the following instances.
- (d) A variance of the applicable spacing and open space requirements.
- 36-365(5)** Burden on applicant. The applicant for a variance shall bear the burden of producing evidence establishing that the requested variance satisfies the standards set out in subsection (3).
- 36-365(8)** Extent of variance limited. The Board in exercising its authority to grant variances from this article, shall be empowered to vary the provisions of this Article only to the extent necessary to relieve or alleviate the demonstrated hardship.
- 36-365(9)** Conditions and restrictions. The Board of Adjustment may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards set out in this Article to reduce, minimize, or mitigate the effect of such variance upon other property in the neighborhood, and better to carry out the general intent of the Article. Failure to comply with any such conditions and restrictions shall constitute a violation of this Article.
- 36-365(10)** *Decision on variance.* Within 30 days after the public hearing on a request

for a variance, the board of adjustment shall file its written decision on the requested variance, supported by findings of fact and conclusions and list of sections varied with respect to the standards in subsection (3), with the director of planning and development. The director of planning and development shall mail, by first-class mail, a copy of the decision to the applicant and upon each other person who requests in writing to be notified, and he shall also record the board's order in the land records of the county recorder of deeds.

36-365(11) *Duration of variance.* (a) No order of the board of adjustment granting a variance shall be valid for a period of longer than one year from the date of such order unless the action that precipitated the request for the variance (subdivision of land, construction, change in use, etc.) is commenced within such period and pursued to completion without unnecessary delay on the part of the person holding the title or beneficial interest in the property for which the variance was granted.

ZONING ORDINANCE:

Section 36-454. Signs.

Animation: Any action or motion other than flashing lights, automatic changeable copy, or indexing that attempts to develop a pictorial scene through the movement of lights or parts of a sign.

Business area: Any premise that is not defined as a Non-Business Area.

Copy: The letters, figures, characters, representation, pictures or wording on a sign, including any identification, description, symbol, trademark, object, design, logo, illustration, or device illuminated or non-illuminated which directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise; or, any emblem or painting designed to advertise, communicate, identify, or convey information.

Detached sign: Any sign other than an attached sign, including any inoperable vehicle or any trailer located for the primary purpose of advertising.

Electronic message sign: A sign that can be electronically or mechanically changed by remote or automatic means.

Non-business area: A premises which is zoned as R-SF, R-TH, R-LD, R-MD, R-HD, R-MH.

On-premises sign: A sign advertising goods and services located on the premise where the sign is located.

Sign: Any words, numbers, figures, devices or trademarks (by which anything is made known) used to designate an individual, a professional firm, a business, or a commodity, visible from any public street.

(8) Sign illumination. Illuminated signs shall be designed, located, and constructed to eliminate or significantly reduce glare.

(a) Provisions for non-business areas.

1. Electronic message center signs fronting on a local or collector street shall be subject to a conditional use permit for nonresidential uses, subject to the following limitations:
 - a. Such signs shall be limited to static images only. Such static images shall hold on the display for a period of at least eight seconds before transitioning to another static image. The uses of frame effects and animation are prohibited.
 - b. The use of flashing is specifically prohibited in all locations.
 - c. Such signs shall come equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions.
 - d. No such signs shall exceed a brightness level of 0.3 foot-candles above ambient light as measured using a foot-candle meter at a preset distance depending on sign size. The measuring distance shall be determined using the following equation: the square root of the product of the sign copy area and 100. (Example using a 12-square-foot sign: square root of the product 12×100 equals 34.6 feet measuring distance.)
 - e. The electronic message center portion of the detached sign shall not exceed 40 percent of the proposed sign copy area.

(b) Provisions for signs in business areas.

1. Electronic message center signs shall be permitted in all business areas subject to all applicable provisions of this ordinance as well as the following provisions:
 - a. Animated, electronic message center signs shall be limited to at least ten feet above street grade and shall not be utilized within 125 linear feet of a non-business area.
 - b. Electronic message center signs within 100 linear feet of a non-business area shall display static copy that stays on the display for at least three seconds per copy frame, but may utilize frame effects to transition from one static image to the next. Transitions shall last no longer than two seconds.
 - c. All electronic message center signs placed less than ten feet above street grade shall be limited to static images only. Such static images shall hold on the display for a period of at least eight seconds before transitioning to another static image. The uses of frame effect and animation are prohibited.
 - d. The use of flashing is specifically prohibited in all locations.
 - e. All electronic message center signs shall come equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions.

- f. No electronic message center sign shall exceed a brightness level of 0.3 foot-candles above ambient light as measured using a foot candle meter at a preset distance depending on sign size. The measuring distance shall be determined using the following equation: the product of the square root of the sign copy area times 100.

STAFF COMMENTS:

1. Staff does not believe this application meets the standards for variances as outlined in Subsection 36-365 (3) of the Zoning Ordinance. Based on the written evidence and the physical elements of the site and the surrounding conditions staff does not see an issue that creates a hardship.

EXHIBIT C
Property Description

900 E. Battlefield Road, commonly known as Battlefield Marketplace; Magers Addition
Lot 1



Application for Board of Adjustment Zoning Variance

****E-PLANS INSTRUCTIONS****

****PLEASE FOLLOW STEPS 1 & 2 BEFORE SUBMITTING THIS APPLICATION****

1. Pre-apply and, if needed, pay your processing fees online at this [LINK](#)
2. Wait for a "pre-screen complete" e-mail from the City of Springfield with instructions for e-plans review process.
3. Complete this application and upload a digital (pdf) copy through e-plans.

Office Use Only	
Case No.	
Date Filed	
Received By	
Receipt No.	

Fee Amount Paid? \$ _____
[*See Fee Schedule](#)

The signers of this application request that the Board of Adjustment of the City of Springfield, Missouri, approve a variance from the strict application of the terms of the Springfield Zoning Ordinance on the following described property:

LAND DESCRIPTION (an attached sheet may be used):

900 E Battlefield Road, commonly known as Battlefield Marketplace; Magers Addition Lot 1

This property is located at 900 E Battlefield Road

It is requested that a hearing be held in this matter, in which the applicant may appear in person or by agent or by attorney, and present to the Board sufficient evidence upon which the Board may make the findings required by such Zoning Ordinance in the granting of such Variance. The applicant requests that the Board vary the provisions of the following Section(s) of the Springfield Zoning Ordinance because strict and literal enforcement of its provisions would result in unusual difficulty or hardship:

Section(s) which should be varied: 5-1408.B.1.a

Answer the following in writing (attached sheets may be used):

- A. List the specific provisions or requirements of the Zoning Ordinance which prevent the proposed construction on, or use of the property:

Animated, electronic-message-center signs shall be limited to at least 10 feet above street grade and shall not be utilized within 125 linear feet of a non-business area.

- B. List the existing zoning district classification of the property: GR - General Retail

- C. List the special conditions, circumstances or characteristics of this land, building or structure that prevent compliance with the above requirements of the Zoning Ordinance:

The sign is across the road from a "Residential High Density Property" and separated by 114', approximately 10'-11' short of the required 125'. This 10'-11' shortage (distance) of separation, places upon this EMC the restriction of a frame hold time of 2 seconds, not allowing full animation video display of information.

D. List the particular hardship which would result if the specified provisions or requirements were to be applied to this property:

The tenants (20 total for this property) will be diminished by not having benefits of animated video for advertising purposes. Other such neighboring properties enjoy such benefits. Battlefield Road is primarily a Retail / Commercial Road between National and Campbell.

E. State the extent to which it would be necessary to vary the requirements of the Zoning Ordinance in order to permit the proposed construction on, or use of the property:

Please see attached.

F. Explain how the requested variance conforms to each of the standards set out in Subsection 3-3503 of the Springfield Zoning Ordinance (attached). A written response to these standards must be attached to this application.

We, the undersigned, do attest to the truth and correctness of all facts and information presented with this application.

Property Owner's Information:

Name of current property owner(s): Magers Management

If Corporation, Corporate official: _____

Mailing Address: 2776 S Campbell Springfield, MO Zip Code: 65807

E-mail: shannon@magerslodgings.com Telephone: 417.893.2305 Fax: _____

Property Owner's Signature:  (SEE ATTACHMENT EMAIL FROM MAGERS)

Applicant's Name (if different from the owner):

I hereby certify that I am authorized to represent all of the property owners of the above described tract in this proceeding. A power of attorney is attached.

Name of applicant: Mark Wessell

If Corporation, Corporate official: Springfield Sign & Neon

Mailing Address: 2531 N Patterson Ave. Springfield, MO Zip Code: 65803

E-mail: mosigndude@gmail.com Telephone: 417.862.2454 Fax: 417.862.1887

Applicant's Signature (if different from the owner):  MARK WESSELL, CEO SSN

*Fees are non-fundable

Attach written responses to these standards to the application:

- 3-3503. Standards for Variances.** The Board of Adjustment shall not vary the regulations of this Article as authorized above unless and until it shall make written findings based upon the particular evidence presented to it in each specific case that:
- A. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in an unnecessary hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were carried out; and
 - B. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same zoning classification; and
 - C. The purpose of the variance is not based exclusively upon a desire to enhance the value of the property, or increase the return or income therefrom; and
 - D. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located; and
 - E. The alleged hardship has not been created by any person presently having an interest in the property; and
 - F. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located, or diminish or impair the values thereof; and
 - G. The proposed variance will not impair an adequate supply of light and air to adjacent property, or cause or substantially increase congestion in the public streets, or increase the danger of fire or the spread of fire, or endanger the public safety; and
 - H. The variance, if granted, will not alter the essential character of the neighborhood; and
 - I. The variance requested is consistent with the purposes and intent of this Article and the *Springfield Comprehensive Plan*.

E. State the extent to which it would be necessary to vary the requirements of the Zoning Ordinance in order to permit the proposed construction on, or use of the property:

The codes require the 2 second hold time due to the fact that the sign is located approximately 10' too close to High Density Residential property. If the sign were 10' farther East, then the codes would allow the EMC sign to be operated in full animation video mode. So the requested variance is minor at about 8-9% from the code requirement of 125' (the sign is about 114' separated from high density residential).

F. Explain how the requested variance conforms to each of the standards set out in Subsection 3-3503 of the Springfield Zoning Ordinance (attached). A written response to these standards must be attached to this application.

3-3503. Standards for Variances. The Board of Adjustment shall not vary the regulations of this Article as authorized above unless and until it shall make written findings based upon the particular evidence presented to it in each specific case that:

A. The particular physical surroundings, shape, or topographical condition of the specific Property involved would result in an unnecessary hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were carried out; and

The property is surrounded by Retail/Commercial property and has operated as such, it should enjoy such privileges as do Oak Star Bank, Andy B's and other neighbors. The sign, if it would have been anticipated to be placed under such restrictions (from current codes), could have been constructed 10' to the East placing it into conformance. The sign updates which are Battlefield Marketplace lettering and a new EMC did not require a new sign structure. The structure of the sign is a very significant brick structure and not able to be moved or reasonably relocated, it is not in need of any repairs.

B. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same zoning classification; and

Battlefield Road between National and Campbell is generally a Retail/Commercial corridor with the noted High Density Residential (HDR) property as an exception as opposed to being a transition to more of the same, i.e. it is not a natural transitional boundary to different zoning, as both sides of the HDR (East and West) are Retail/Commercial. Typically, the codes are intended to delineate exacting boundaries clearly showing boundaries between one type of zoning to another (transitional zoning), the HDR is an anomaly in this case, so this exception would not be generally applicable to a more typical transitional boundary.

C. The purpose of the variance is not based exclusively upon a desire to enhance the value of the property, or increase the return or income therefrom; and

This variance is being sought to return this property to "par" with the capabilities it had prior to the signage update and to be compatible within the Battlefield commercial corridor. Our previous sign enjoyed full animated video, we hope that we will not be diminished.

D. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located; and

This is not easily quantifiable for a return or a loss thereof. However, it is known that to diminish the property puts it at risk for success, no business owner (primary property or tenant) would knowingly place their property at risk.

E. The alleged hardship has not been created by any person presently having an interest in the property; and

This hardship has not been created by any person with interest in this property.

F. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located, or diminish or impair the values thereof; and

There are no known detriments to the general public's welfare nor to other property or improvements to the neighborhood.

G. The proposed variance will not impair an adequate supply of light and air to adjacent property, or cause or substantially increase congestion in the public streets, or increase the danger of fire or the spread of fire, or endanger the public safety; and

The granting of this requested variance is not known to: impair an adequate supply of light or air to adjacent property, or cause or substantially increase congestion in the public streets, or increase any danger of fire or the spread of fire, or otherwise endanger the public safety.

H. The variance, if granted, will not alter the essential character of the neighborhood; and

This variance, if granted, does not alter the way in which the sign was previously operated, so no essential character of the neighborhood will be altered.

I. The variance requested is consistent with the purposes and intent of this Article and the *Springfield Comprehensive Plan*.

The variance if granted is consistent to the Springfield Comprehensive Plan and balances the need of the general public with the needs of commercial businesses.

CHECKLIST FOR ZONING VARIANCE APPLICATIONS

This checklist is designed to help you make sure that you submit everything that is required for a complete zoning variance application and that you fill out the application form completely. Applications must be in the Development Review Office no later than deadline day (see Processing Time Schedule). Applications received after the deadline will be processed for the following Board of Adjustment meeting. This application must be complete or it will be returned to the applicant and will not be placed on the agenda. Close attention to the checklist will help avoid a delay in your case being heard by the Board of Adjustment.

APPLICATION FORM:	
<input checked="" type="checkbox"/>	Have you included the legal description of the land involved in the variance? You may attach the description on a separate sheet.
<input checked="" type="checkbox"/>	Have you listed the address of the property?
<input checked="" type="checkbox"/>	Have you completed sections A through F on the application form? If you need additional space, you may use additional pages.
<input checked="" type="checkbox"/>	Have you listed the name, address and telephone number of the applicant? If the applicant is not the owner of the property, please include evidence of the consent and authority to act for the owner.
<input checked="" type="checkbox"/>	Has the applicant signed the application form? If the applicant is a corporation, have you put the corporate seal on the application?
<input checked="" type="checkbox"/>	Have you provided written responses to each of the standards for variances listed on the attached form?
APPLICATION FEE:	
<input checked="" type="checkbox"/>	Have you determined your application fee from the Fee Schedule and entered it into the Fee Amount Paid box on page 1. (Fees are non-refundable) The application fee, recording fee, a mailing list fee can be paid when you submit the applicant on the City's Fee Payment site at this LINK .
SITE PLAN:	
<input checked="" type="checkbox"/>	Include a site plan of the property.

Good Morning,

Battlefield Marketplace
900 E. Battlefield
Springfield, MO

I, Shannon Handwerker, do hereby authorize, Springfield Sign & Neon, including it's agents or representatives, to act on our behalf to apply for a variance, for the above mentioned property. This variance application is in regards to operation of the EMC for this property. Thank you.

Shannon Handwerker
Magers Management Co. I, LP
Magers Lodgings, Inc.
2776 S. Campbell
Springfield, MO 65807
417-893-2305 office
417-766-7788 mobile
417-883-1365 fax

Lora Martinson

From: Mark Wessell <mosigndude@gmail.com>
Sent: Tuesday, March 8, 2016 3:38 PM
To: Lora Martinson
Subject: Fwd: 900 E. Battlefield EMC
Attachments: winmail.dat

----- Forwarded message -----

From: "Shannon Handwerker" <shannon@magerslodgings.com>
Date: Mar 8, 2016 8:19 AM
Subject: 900 E. Battlefield EMC
To: "Mark Wessell (mosigndude@gmail.com)" <mosigndude@gmail.com>
Cc:

Good Morning,

Battlefield Marketplace
900 E. Battlefield
Springfield, MO

I, Shannon Handwerker, do hereby authorize, Springfield Sign & Neon, including it's agents or representatives, to act on our behalf to apply for a variance, for the above mentioned property. This variance application is in regards to operation of the EMC for this property. Thank you.

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Springfield Sign has been granted a permit to update the free standing pylon sign for Battlefield Marketplace (see attachment showing existing to permitted change).

The Electronic Message Center (EMC) will have been updated as shown in the attachment by the time this variance application is heard. While the EMC is larger, the sign structure itself will not be increased or decreased in size. The previous sign has been grandfathered with respect to operation of the EMC, namely, that full video was allowed. The new permit as granted, has allowed the EMC to be modernized, however, under current codes, specifically 5-1408.B.1.a, full video operation is restricted within 125' of non-business property. The sign is across the road from multi-family residential and separated by 114', approximately 11' short of the required 125'. This 11' shortage (distance) of separation, places upon this EMC the restriction of a frame hold time of 2 seconds, not allowing full animation video display of information.

Springfield Sign is seeking a minor variance from 5-1408.B.1.a, to allow this Battlefield Marketplace sign to display or run full animation video. The property has previously been able to operate in such a manner. Battlefield Road is primarily Commercial and several other EMCs to the West of National operate in this manor (full video display). The actual distance to the nearest non-business building is in excess of 125', however, per the code, the distance is defined as to the property line (which is 114').



SIGN SPECIFICATIONS

REMOVE EXISTING CHANNEL LETTERS AND EMC.

(A) MANUFACTURE AND INSTALL TWO (2) .040" THICK ALUMINUM CHANNEL LETTERS / INTERNALLY ILLUMINATED w/ LEDs /WHITE ACRYLIC FACES/ 5" DEEP BLACK RETURNS AND 1" BLACK TRIM CAP / FLUSH MOUNTED TO EXISTING PYLON SIGN (BRICK) w/ NON-CORROSIVE HARDWARE THRU PRE-DRILLED HOLES w/ CONSTRUCTION GRADED SILICONE

(B) EMC TO BE A WATCHFIRE FULL COLOR 19 MM 6'-5" X 11'-3" CABINET /96X176 MATRIX - *IMAGE WILL BE STATIC TO COMPLY WITH CITY ORDINANCE*

(C) # TO BE 1/2" THICK ALUMINUM FCO/ PAINTED WHITE / STUD MOUNTED TO BRICK THRU PRE-DRILLED HOLES w/ CONSTRUCTION GRADED SILICONE

***NOTE-1**
EFFECTIVE AREA OF NEW SIGNAGE IS 8.82 SQ.F. **LESS** THAN EXISTING SIGN.
SIGN STRUCTURE (ALL BRICK) IS NOT MODIFIED

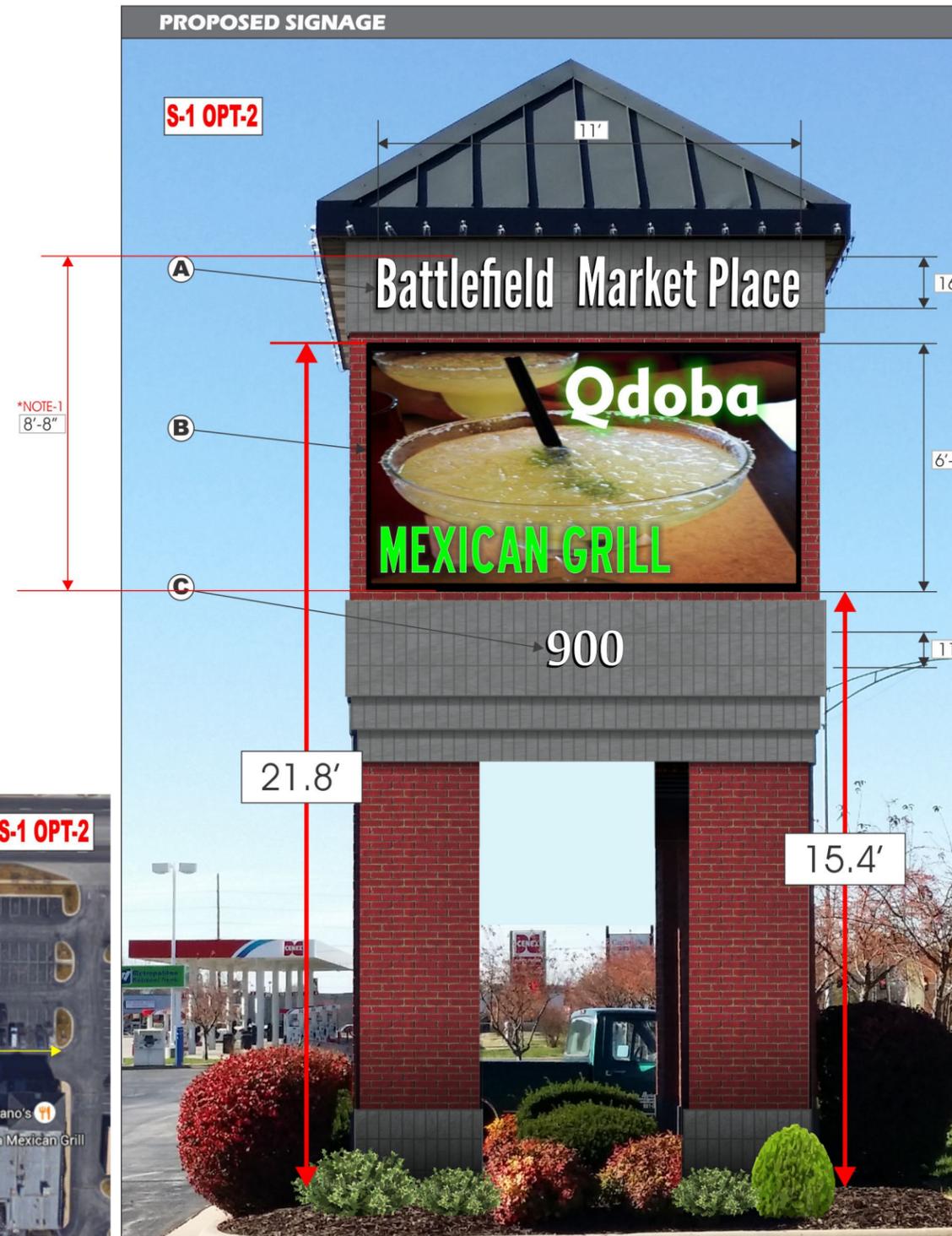
PROPOSED SIGN CALCULATIONS

CHANNEL LETTERS= 14.66 SQ.F.

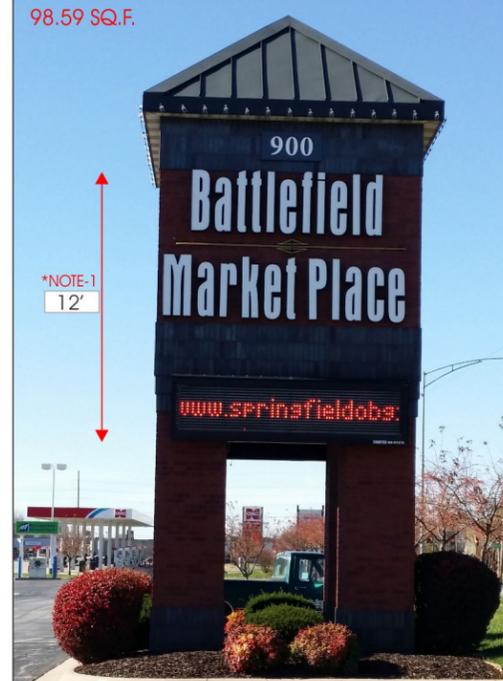
EMC= 72.11 SQ.F.

TOTAL SQ. FOOTAGE= 89.77

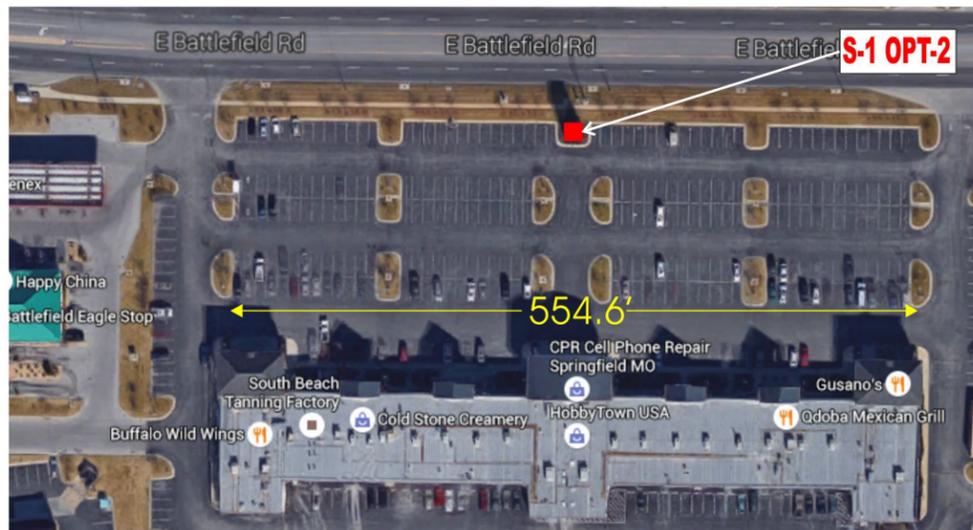
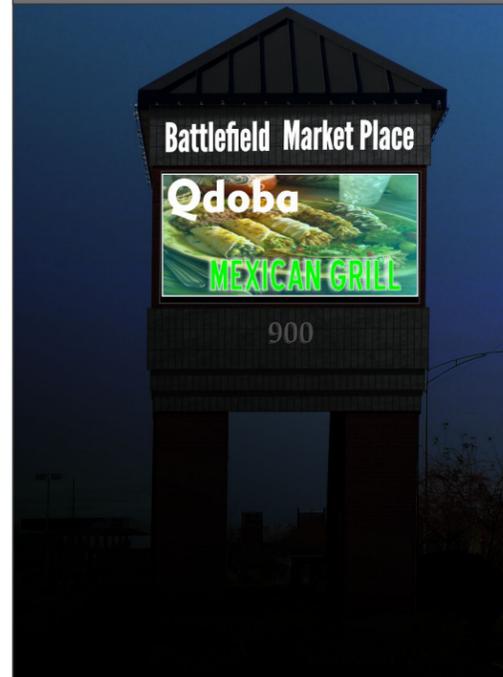
PROPOSED SIGNAGE



EXISTING CONDITIONS



NIGHT VIEW



FILE PATH: ART 2015/4TH QUARTER/BATTLEFIELD MARKET PLACE

*SCALE AND COLORS NOT REPRESENTATIVE FROM EMAIL ATTACHMENTS.
*ALL MEASUREMENTS ARE APPROXIMATE.

CLIENT

MAGERS MANAGEMENT

SALESPERSON

MARK WESSELL

DATE SCALE

1/22/2016 1/4" = 1'

AO #

9189

DESIGNED BY

HAGUIAR

REVISION HISTORY

DATE	DESCRIPTION
12/7/15 - NEW	
1/22/16 - STATIC EMC NOTES	

APPROVED BY

[Signature Line]

DATE

[Date Line]

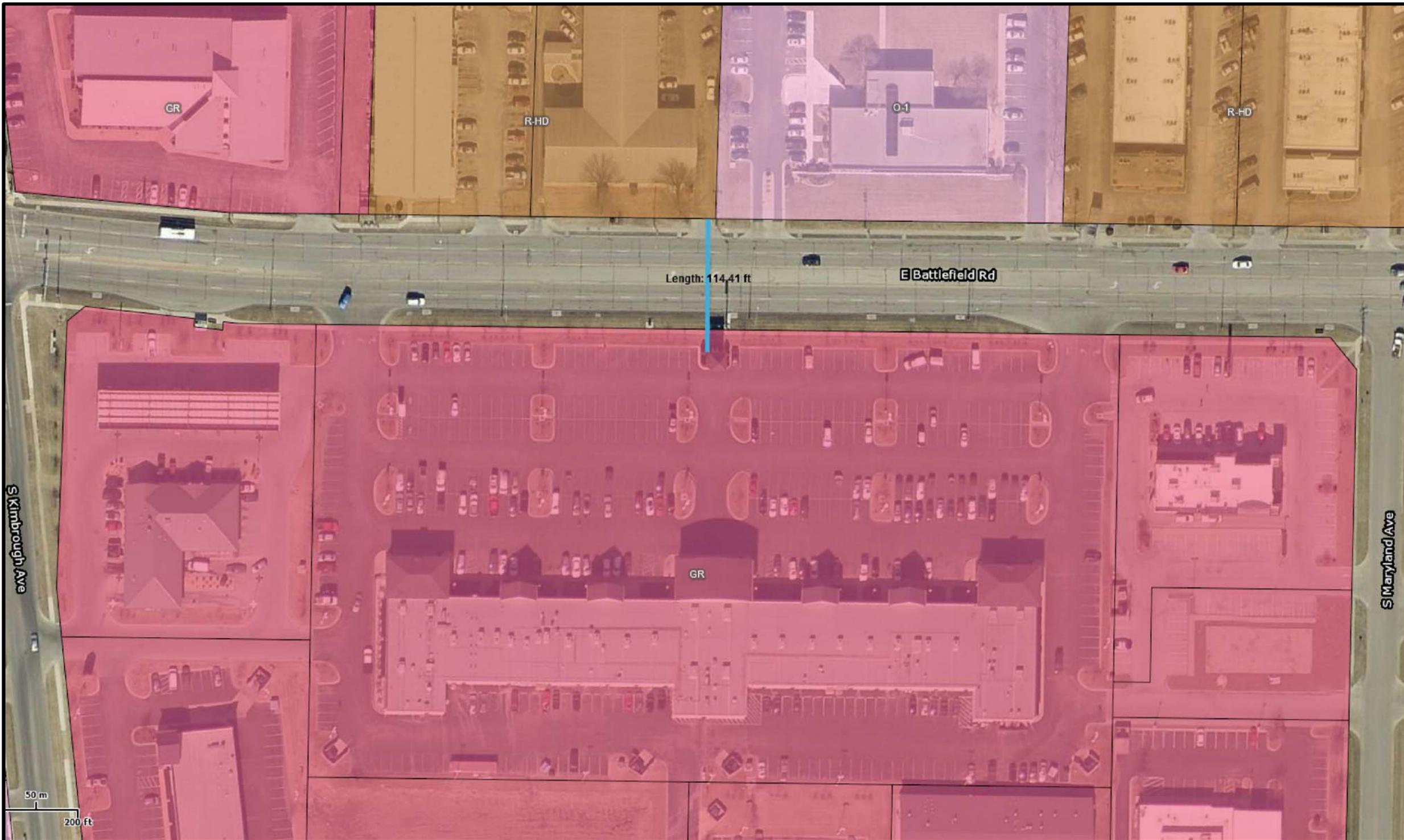
This drawing is Copyrighted material. It remains the property of Springfield Sign & Neon unless otherwise agreed upon in writing. It is unlawful to use this drawing for bidding purposes, nor can it be reproduced, copied or used in the production of a sign without written permission from Springfield Sign & Neon, Inc.

This is an artistic rendition and final colors / sizes may vary from that depicted herein.



BUILDING IMAGES THAT BUILD BUSINESS





City of Springfield, Missouri

My Title



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

Printed: Dec 21, 2015

Your choice for clarity and flexibility

Our 19mm color LED sign has detailed, true-to-life images and full video capability you need to make a strong impression. The 19mm can fit almost any application. How do we know? It's our best-selling model to date.

Our 19mm color sign modules now follow the same form factor as our other high-resolution sign models. The universally sized module on our 12mm, 16mm and 19mm color signs makes design, upgrade and installation easier.

Fully encapsulated modules provide high durability and weather resistance.

Through-hole LED construction is proven to maximize image clarity and lengthen LED life.

Excellent resolution makes 19mm flexible enough to accommodate any level of viewing, near or far, and any type of traffic.

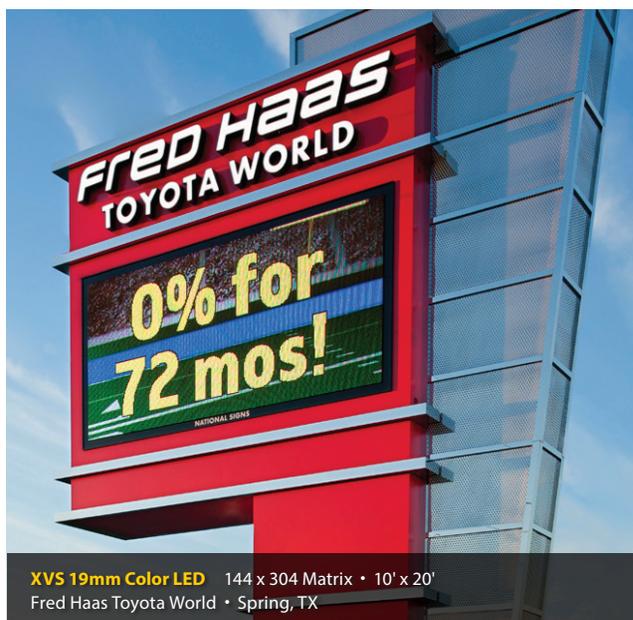
High-efficiency components deliver eye-catching brightness while reducing operating costs, maximizing return on investment.

Vivid colors produce true-to-life images on every XVS and W-series sign.

XVS advantage is an available option, providing live video capability, multi-channel data, whole-sign calibration and Automated Sign Diagnostics.

Engineered & built for quality you can count on

- Watchfire fully encapsulates every LED module in a bed of silicone gel for superior weather resistance.
- We rigorously test our modules for 180 consecutive days of underwater immersion and 60 consecutive days of salt spray. Our electronics are rated to withstand internal cabinet temperatures from -40°F to 140°F.
- Extruded aluminum, precision-mitered corners, solid welds and stainless steel fasteners help our cabinets be strong, yet lightweight and stand up to corrosion for years of worry-free performance.
- Energy efficiency is important to us. Average energy use equals about 1/3 of the maximum amperage requirement.
- Our LED signs are UL 48 & CUL 48 listed and UL Energy Efficiency Certified.



XVS 19mm Color LED 144 x 304 Matrix • 10' x 20'
Fred Haas Toyota World • Spring, TX

“There’s no comparison when you look at the quality and brightness of a Watchfire sign. The clarity and color are second to none.”

—Renee Simchon
Broker, Greenwood Realty, Greenwood, SC

19mm Sign Features	
Pixel Pitch	19.05mm
Pixel Configuration	True Pixel, 1R, 1G, 1B
Character Height	5" or larger
Module Dimensions (H x W)	12" x 12"
Matrix Configuration	16 x 16 pixels
LED Lifetime (50% brightness)	100,000 hours
Color Capability	73.7 quintillion*, 1.15 quintillion
Viewing Angle	140° horizontal x 70° vertical
Video Frame Rate	Up to 60 frames/second*, Up to 30 frames/second
Field-Adjustable Brightness	Up to 10,000 NITS
Power	120 or 240 volt single phase 60Hz
Communications Options	RWF, High Security Radio, broadband wireless & DSL, FiberCom, phone control, XVS fiber*

*Available for XVS.

Watchfire manufactures LED signs to fit almost any application. Sign sizes are based on a module size of approximately 12" x 12". For available sign sizes and specs, visit watchfiresigns.com/sizeguide. Contact your Watchfire representative for more information.



Ignite® Graphics Software

Our Ignite Graphics Software comes standard with every Watchfire LED sign. It's an all-in-one graphics software application that makes creating and scheduling messages a snap. An easy-to-use interface brings stunning graphics and video within every person's reach — whether you're tech-savvy or programming your first LED message center.

Highlights

- Edit, schedule and update from a single program.
- Use step-by-step wizards to create and manage content easily.
- Preview graphics before you run them on your sign.
- Import content created using third-party software.
- Enhance your messages with our EasyArt library.
- Take advantage of thorough staff training and post-installation support.

Warranty

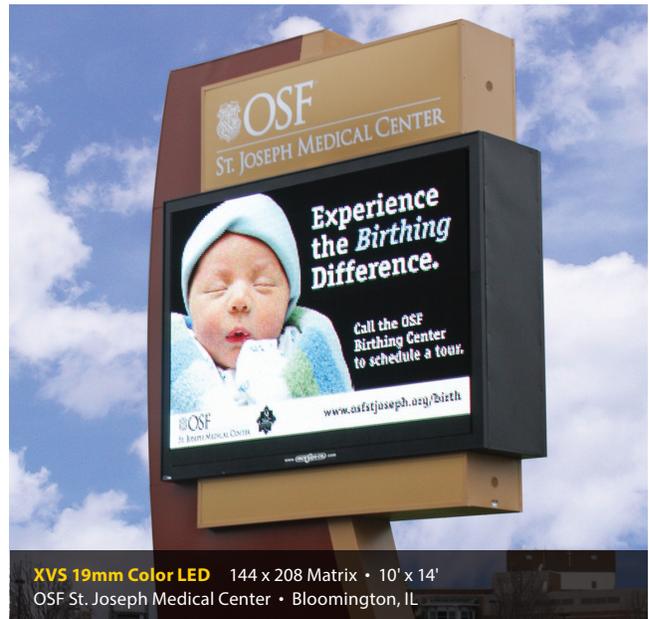
Our industry-best 5-year warranty covers all Watchfire manufactured parts and factory labor. It comes standard with every LED sign we sell.



For more information, contact your Watchfire representative.



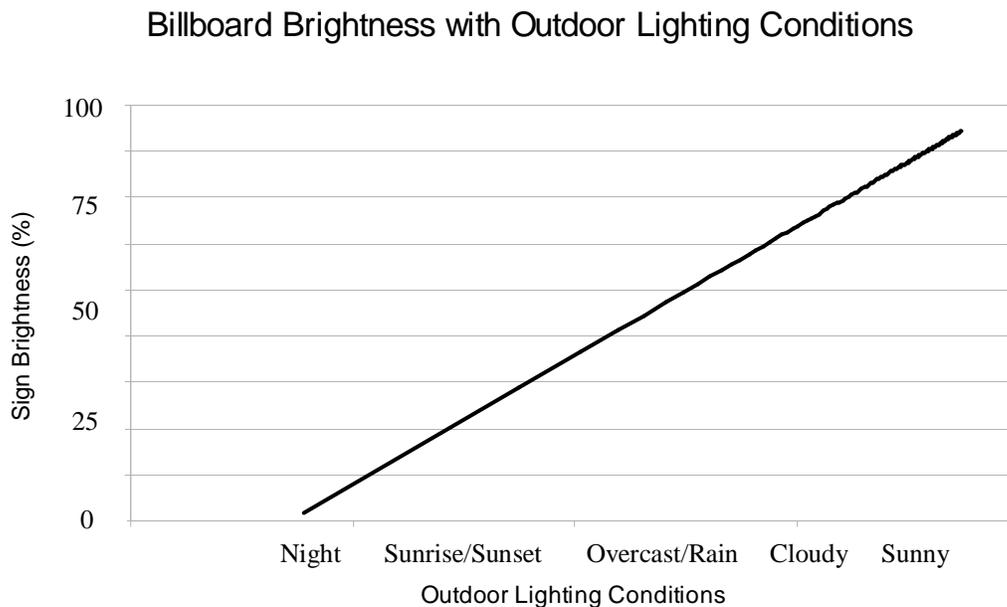
XVS 19mm Color LED 128 x 208 Matrix • 8'4" x 14'
Jungle Jim's • Fairfield, OH



XVS 19mm Color LED 144 x 208 Matrix • 10' x 14'
OSF St. Joseph Medical Center • Bloomington, IL

PHOTOCELL FACT SHEET

Hardware photocell enables a Watchfire® sign to adjust sign brightness for the periodic change of outdoor ambient light: as the amount of outdoor light changes, the brightness of the sign changes. The relationship between ambient light and sign brightness is directly proportional. During periods of low ambient light, sign brightness will be low. Throughout phases of high ambient light, sign brightness will be high. Below is a chart showing the relationship between outdoor lighting conditions and sign brightness.



Looking at the graph above, 100% sign brightness translates to 7000-7500 NITs for Watchfire® Digital Outdoor signs. 100% sign brightness equates to 9000-10000 NITs for On Premise signs.

Watchfire® has designed its software to react gradually with the photocell; changes in sign brightness are based upon an average of photocell readings, not instantaneous values. This is extremely useful during periods of brief cloud cover. The sign will not dim as soon as a cloud passes overhead. Instead, the sign software will take an average of the overall lighting conditions outside and adjust the sign brightness against that average. In addition, there are 100 brightness levels in the photocell. This provides excellent reaction to the variation in outdoor ambient light.