

1. Meeting Agenda (PDF)

Documents: [01-26-2012 AGENDA \(PDF\).PDF](#)

2. Relinquish Easement Number 771 (PDF)

Documents: [RELINQUISHMENT EASEMENT NUMBER 771 \(PDF\).PDF](#)

3. Relinquish Easement Number 772 (PDF)

Documents: [RELINQUISHMENT OF EASEMENT 772 \(PDF\).PDF](#)

4. Vacation Number 750 (PDF)

Documents: [VACATION NUMBER 750 \(PDF\).PDF](#)

5. Vacation Number 743 (PDF)

Documents: [VACATION 743 \(PDF\).PDF](#)

6. Zoning Case Z-1-2012 (PDF)

Documents: [ZONING CASE Z-1-2012 \(PDF\).PDF](#)

7. Business Text Amendments (PDF)

Documents: [SIGNS OVER FEDERAL AID URBAN RIGHTS OF WAY \(PDF\).PDF](#)

8. Relinquish Easement Number 770 (PDF)

Documents: [RELINQUISH EASEMENT NUMBER 770 \(PDF\).PDF](#)

“10 minutes prior to the meeting a short briefing on the public hearing process will be held”

SPRINGFIELD PLANNING AND ZONING COMMISSION AGENDA

Date: January 12, 2012

Time: 6:30 p.m.

MEMBERS: Shelby Lawhon (Chair), Matt Edwards (Vice-Chair), Jay McClelland, Jim Hansen, Jason Ray, Gloria Roling, King Coltrin, Phil Young, Tom Baird, IV

ROLL CALL:

APPROVAL OF MINUTES: December 8, 2011

COMMUNICATIONS:

ELECTION OF OFFICERS:

FINALIZATION AND APPROVAL OF CONSENT ITEMS:

(These consent cases will be approved by Commission unless a Commissioner or someone else wished 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:

1. Relinquish Easement 771 One Hundred Two Glenstone, Inc.

(2000 block South National, west side)

2. Relinquish Easement 772 Springfield Teachers Credit Union

(1726 West Elfindale)

HEARINGS:

VACATIONS:

3. Vacation 750 Babylon Investments, LLC

(200 block South Dysart Avenue, Alley, west side)

4. Vacation 743 South Oaks Centre, Inc.

(1800 block South Bedford)

ZONING:

5. Z-1-2012 Bass Pro Outdoor World, LLC

(1925 South South Avenue)

ZONING TEXT AMENDMENTS:

6. Business Text Amendments City of Springfield

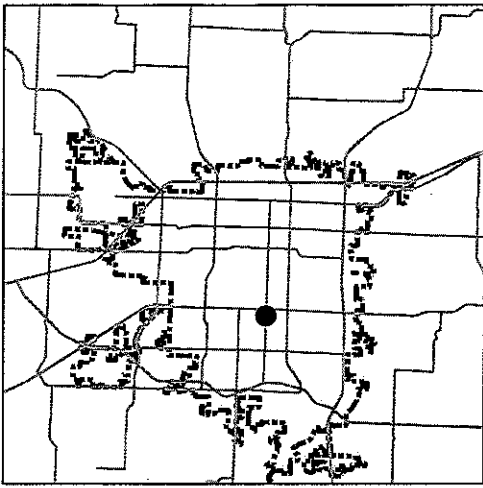
(City-Wide)

ANY OTHER MATTERS UNDER COMMISSION JURISDICTION

1. Relinquish Easement 770 Great Southern Bank

(200 block South Dysart Avenue, west side)

For items for which the public may speak, the Commission Chairperson will invite anyone who wishes to speak to an item after staff makes its presentation. When you address Commission, please step to the microphone at the podium and state you name and address. All meetings are televised live and tape recorded. Please limit you remarks to five (5) minutes unless Commission 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 417-864-1443 at least three (3) days prior to the sche



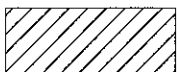
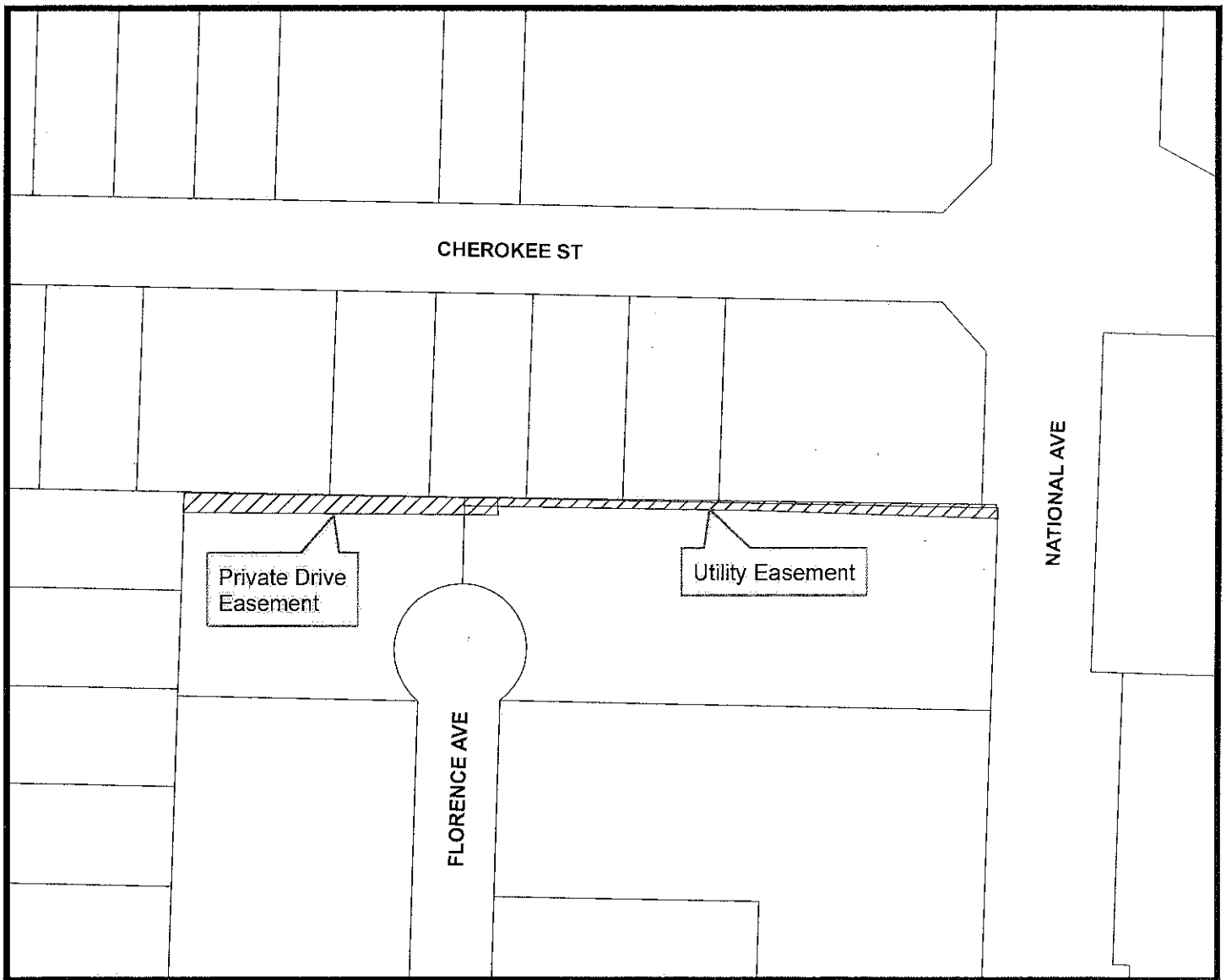
Zoning & Subdivision Report

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

Relinquish Easement Number 771

Location: west side 2000 block South National Avenue

LOCATION SKETCH



- Area of Proposal



1 inch = 100 feet

Zoning & Subdivision Report
Planning & Development Department ~ 417/864-1611
840 Boonville Avenue ~ Springfield, Missouri 65801

REQUEST TO RELINQUISH EASEMENT NUMBER 771

DATE: December 23, 2011

PURPOSE: To relinquish a private drive easement and a utility easement.

BACKGROUND:

LOCATION: 2021 South National

APPLICANT: One Hundred Two Glenstone Inc.

RECOMMENDATION:

The request be **approved**.

FINDINGS:

1. The request meets the approval criteria listed in Attachment B.

STAFF CONTACT PERSON:

Alana D. Owen, AICP
Senior Planner

Attachment A: Background Report

Attachment B: Approval Criteria

Exhibit 1. Legal description

Exhibit 2. Site Plan

ATTACHMENT A
APPLICANTS PROPOSAL
RELINQUISH EASEMENT NUMBER 771

APPLICANT'S PROPOSAL:

The applicant is requesting the Planning and Zoning Commission relinquish a private drive easement and utility easement. A portion of the private drive easement was relinquished in 2006 and approval of this application will relinquish the remaining portion of the private drive easement.

PUBLIC WORKS CLEAN WATER SERVICES:

There is no public sewer within proposed relinquishment. No issues with the request.

PUBLIC WORKS TRAFFIC OPERATIONS COMMENTS:

Public Works Traffic Operations approves the relinquishment of the requested easements.

PUBLIC WORKS STORM WATER SERVICES DIVISION:

Public Works Stormwater Services has no issues with this request.

CITY UTILITIES:

The applicant needs to provide a replacement easement along the west side of Lot 6 to the north.

STAFF ANALYSIS:

1. The applicant is requesting to relinquish a private road easement and utility easement. The purpose of the private drive easement was to provide the property along National with an alternative access to Florence Avenue as the subject property was previously two separate lots. There have been some administrative subdivisions to combine properties and adjust lot lines on the subject property and the property to the east along National and the easement is no longer needed.
2. There have been no objections to this request.

ATTACHMENT B
RELINQUISH EASEMENT NO. 771
APPROVAL CRITERIA

In order to approve a relinquishment of a public easement, the Planning and Zoning Commission must make the following findings:

1. No one has objected to the relinquishment of these easements.

STAFF RESPONSE:

No one has objected the relinquishment of these easements.

2. The appropriate City agency has filed with the Planning and Development Department a statement that the easement is no longer needed to provide access to the adjacent street system.

STAFF RESPONSE:

Public Works Traffic Engineering agrees with the relinquishment of the existing private drive easement and City Utilities agrees to the relinquishment of the utility easement with the replacement easement.

3. That the retention of the easement no longer serves any useful public purpose.

STAFF RESPONSE:

The private drive easement is no longer needed and the utility easement is no longer needed once the replacement easement to the north is granted.

RELINQUISH EASEMENT 771
EXHIBIT 1

Description of Easement to be Relinquished:

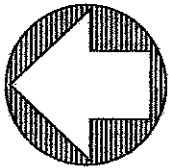
A tract of land being a part of a platted private drive easement being 10 feet wide in Moffatt Subdivision in the City of Springfield, Greene County, Missouri being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 3 of Moffatt Subdivision as recorded in Plat Book X at Page 19 of the Greene County Deed Records; thence, South 88°55'14" East, along the north line of said Moffatt Subdivision, a distance of 17.58 feet; thence, South 01°09'11" West, leaving said North line, a distance of 10.00 feet; thence, North 88°55'14" West, a distance of 193.69 feet to a point on the West line of said Lot 3; thence North 01°59'59" East, along said West line, a distance of 10.00 feet to the Northwest corner of Lot 3; thence, South 88°55'14" East, along the North line of said Moffatt Subdivision, a distance of 175.97 feet to the POINT OF BEGINNING, containing 1,935 square feet or 0.04 acres, more or less and being subject to easements, restrictions or rights-of-way, if any.

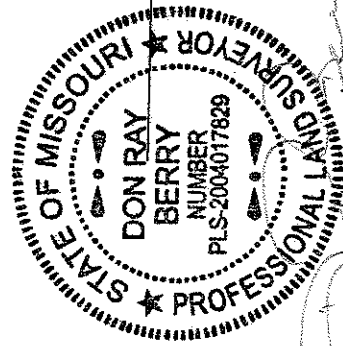
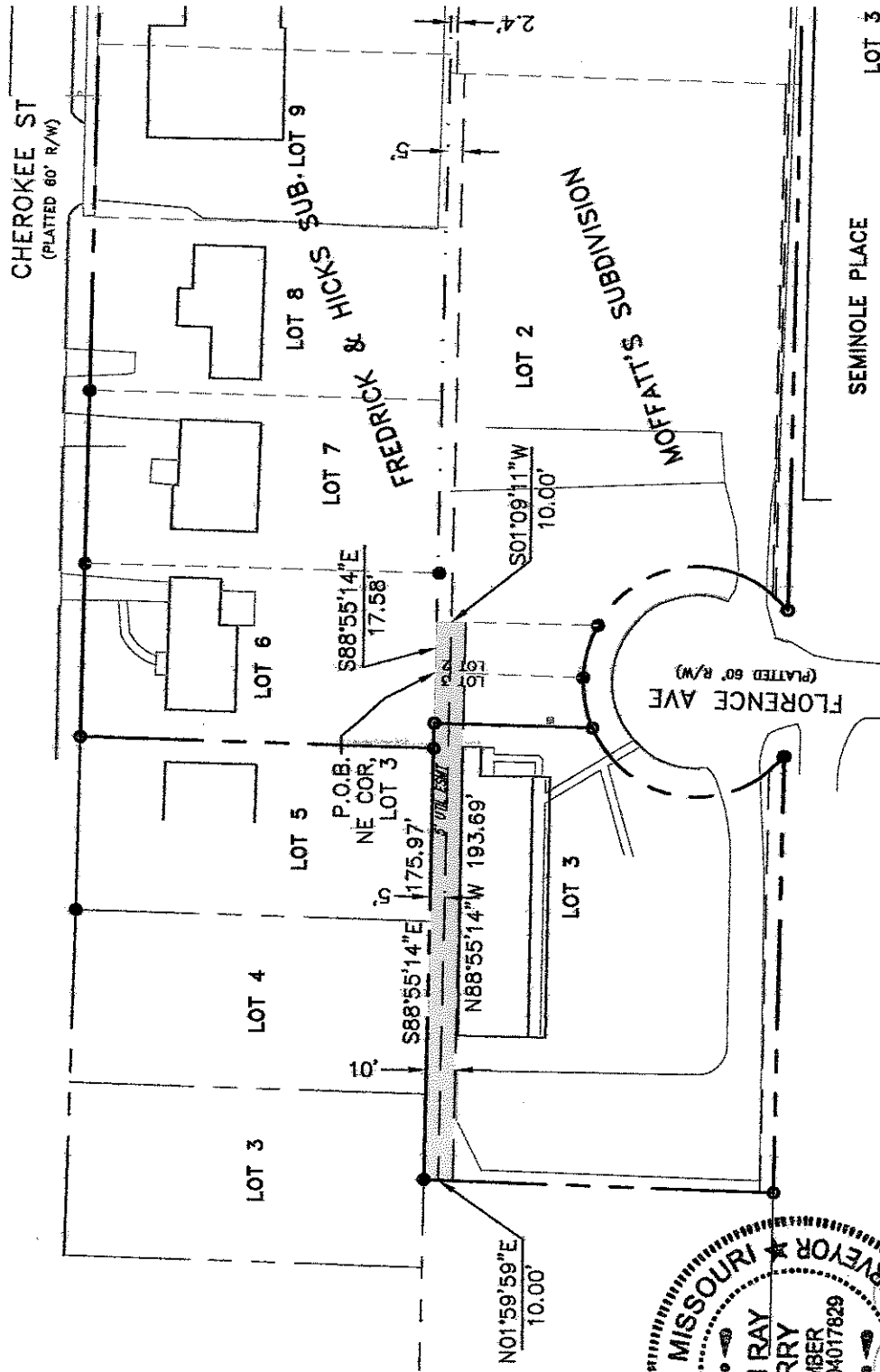
And

A tract of land being a part of a platted easement of varying widths in Moffatt Subdivision in the City of Springfield, Greene County, Missouri being more particularly described as follows:

BEGINNING at a point lying on the North line and 10.00 feet west of the Northeast corner of Lot 1 of Moffatt Subdivision as recorded in Plat Book X at Page 19 of the Green County Deed Records; thence, South 01°46'12" West, along and with the relocated West right-of-way line of National Avenue, a distance of 2.40 feet; thence, North 88°54'56" West leaving said West right-of-way line, a distance of 109.99 feet to the West line of Lot 1 of Moffatt Subdivision; thence, South 01°46'12" West, along and with said West line, a distance of 2.60 feet, thence, North 88°54'56" West, a distance of 225.49 feet; thence, North 01°37'39" East, a distance of 5.00 feet to a point on the North line of said Moffatt Subdivision; thence, South 88°54'56" East, along said North line, a distance of 335.49 feet to the POINT OF BEGINNING, containing 1,391 square feet or 0.03 acres, more or less and being subject to easements, restrictions or rights-of-way, if any.



SCALE: 1"=60'

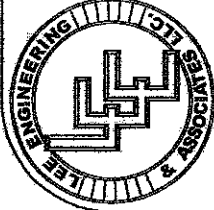


NOTE:
THIS DRAWING HAS BEEN PREPARED ONLY AS AN EXHIBIT TO ILLUSTRATE
NEW EASEMENTS TO BE DEDICATED BY RECORDED INSTRUMENTS AND IS
NOT TO BE CONSTRUED TO REPRESENT A PROPERTY BOUNDARY SURVEY.

DATE: 10/12/2011

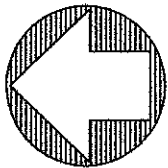
RELINQUISHMENT EXHIBIT

PROJECT NO.:
127



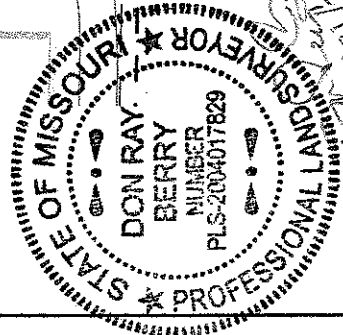
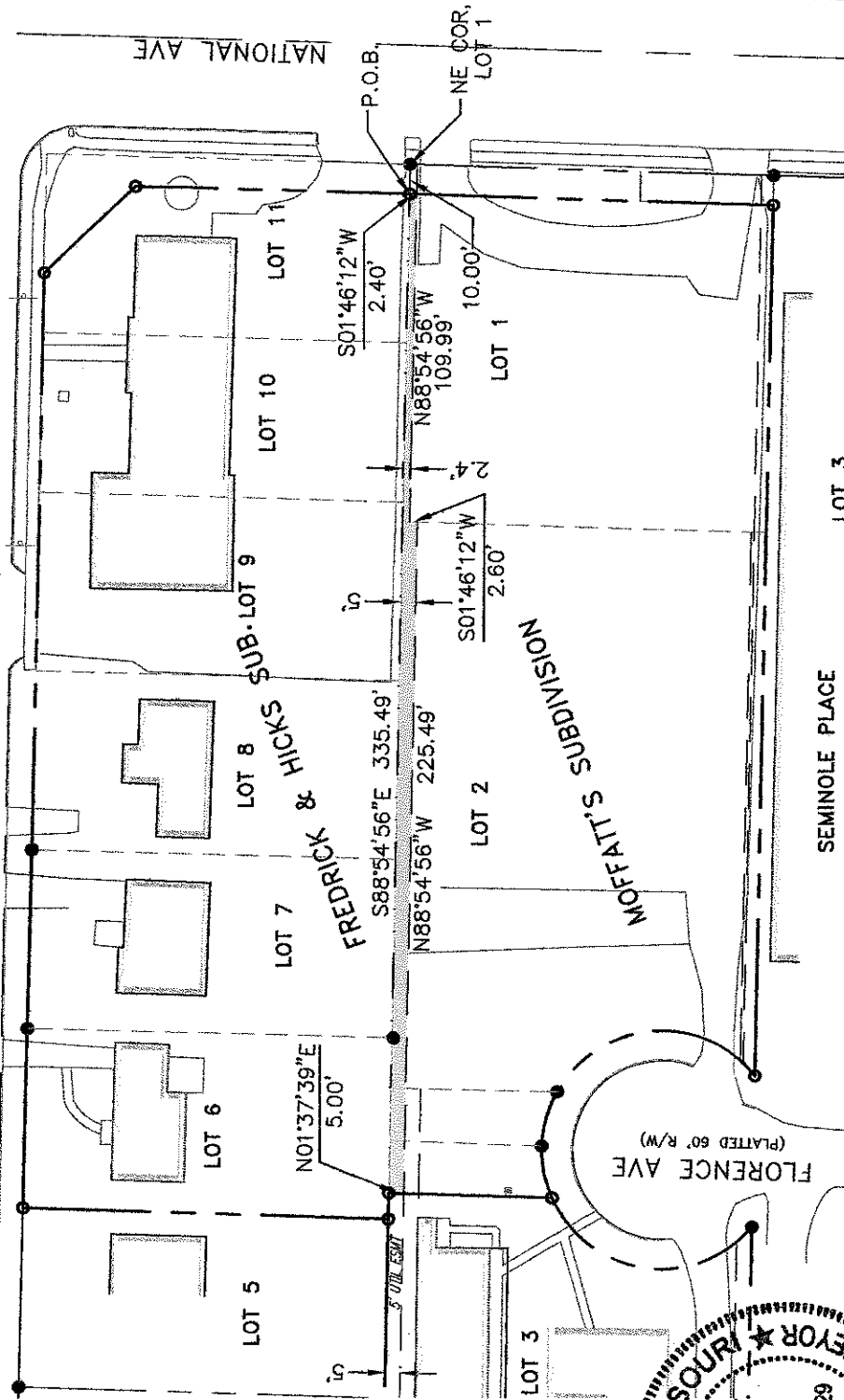
LEE Engineering & Associates, L.L.C.
2101 W. Chesterfield Blvd., Suite C202
Springfield, Missouri 65807
417-886-9100 (phone)
417-886-9336 (fax)
dlee@leeengineering.biz

"Engineering with Integrity"



SCALE: 1"=60'

CHEROKEE ST
(PLATTED 60' R/W)



NOTE:

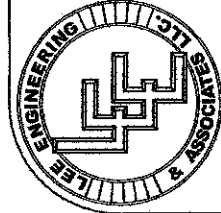
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NEW EASEMENTS TO BE DEDICATED BY RECORDED INSTRUMENTS AND IS
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DATE: 10/12/2011

EASEMENT RELINQUISHMENT
EXHIBIT

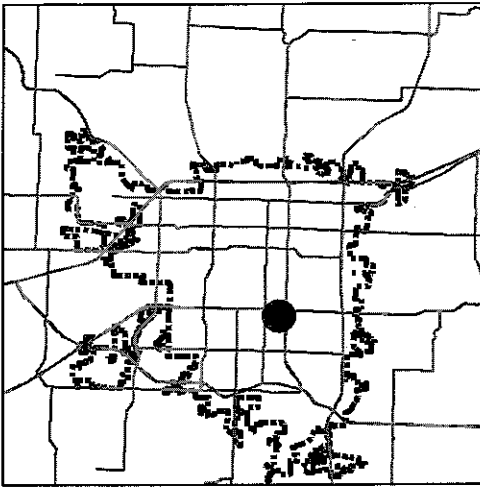
PROJECT NO.:
127

LEE Engineering & Associates, L.L.C.
2101 W. Chesterfield Blvd, Suite C202
Springfield, Missouri 65807



Missouri State Certificate of Authority
Engineering #2005015604
Land Surveying #2009028050

417-886-9100 (phone)
417-886-9336 (fax)
dlee@leeengineering.biz
"Engineering with Integrity"



Zoning & Subdivision Report

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

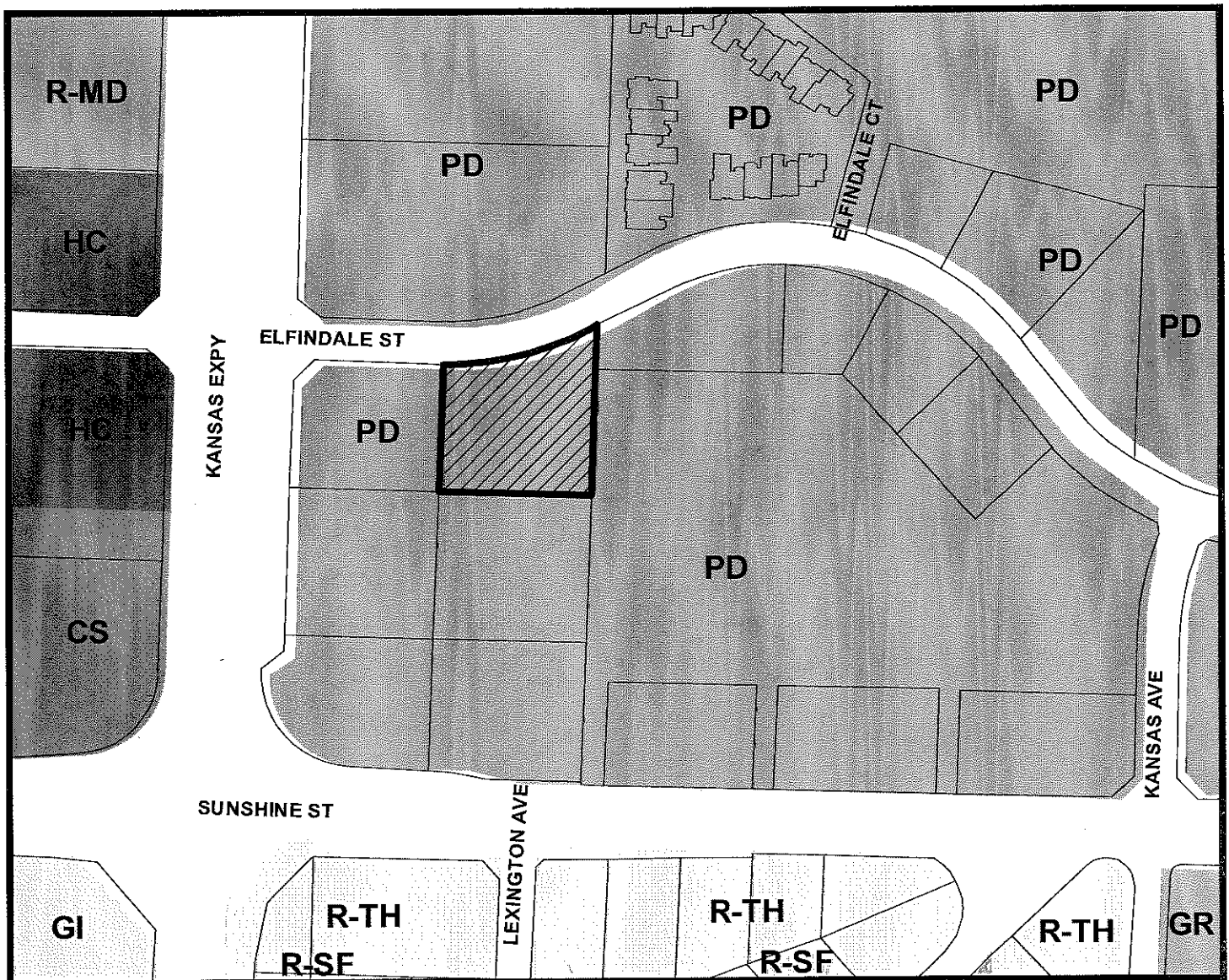
Relinquishment of Easement 772

Location: 1726 West Elfindale Street

Current Zoning: PD 46

Proposed Zoning: PD 46

LOCATION SKETCH



- Area of Proposal



1 inch = 226.481481 feet

Zoning & Subdivision Report

*Planning & Development Department ~ 417/864-1611
840 Boonville Avenue ~ Springfield, Missouri 65801*

REQUEST TO RELINQUISH EASEMENT NUMBER 772

DATE: December 12, 2011

PURPOSE: To relinquish a thirty-five (35) feet access easement with a replacement

LOCATION: 1726 West Elfindale

APPLICANT: Josh Moore, Sammie Herman, Kerri Duncan, Warren Davis and Chin-Yu Liu

RECOMMENDATION:

The request be **approved**.

FINDING:

The request meets the approval criteria listed in Attachment B.

STAFF CONTACT PERSON:

Bob Hosmer, AICP
Senior Planner

Attachment A: Background report

Attachment B: Approval criteria

Exhibit 1: Legal description

Exhibit 2: Drawings

ATTACHMENT A
RELINQUISH EASEMENT NO. 772
BACKGROUND REPORT

APPLICANT'S PROPOSAL:

This request is part of the Final Development Plan for Planned Development 46 Springfield Teachers Credit Union. The applicant is requesting to relinquish an existing 35 feet access easement and replace it with an access easement that conforms to the proposed site construction plan. A replacement easement has been provided.

SANITARY SERVICES:

The relinquishment of the access easement does not impact the existing public sanitary sewer to the lot.

TRAFFIC ENGINEERING:

1. All of the easement exhibits must be signed and sealed by a professional land surveyor.
2. On the replacement easement, near the end of the description the curve on the Elfindale Street right-of-way is described as bearing North 86 degrees 19 minutes 05 seconds East, but the sketch shows this same location as bearing North 66 degrees 19 minutes 05 seconds East. Correct so the description and sketch match.
3. On the easement to be relinquished, near the end of the description the curve on the Elfindale Street right-of-way is described as bearing a distance of 390.61 feet to the point of beginning, but the sketch shows this same location as bearing a distance of 39.59 feet. Correct so the description and sketch match.

These corrections have been made.

STORM WATER SERVICES:

The proposed relinquish easement does not impact Storm Water Services.

CITY UTILITIES:

No objections to relinquishment of access easement.

STAFF COMMENTS:

1. The Planning and Zoning Commission has the authority to relinquish easements if the relinquishment does not affect public utilities.
2. A replacement access easement has been provided which now meets city standards.
3. No one has objected to this request.

ATTACHMENT B
RELINQUISH EASEMENT NO. 766
APPROVAL CRITERIA

In order to approve a relinquishment of a public easement, the Planning and Zoning Commission must make the following findings:

1. No one has objected to the relinquishment of this easement.

STAFF RESPONSE:

No one has objected to relinquishing this easement.

2. The appropriate City agency has filed with the Planning and Development Department a statement that the easement is no longer needed to provide utility service.

STAFF RESPONSE:

Replacement easement has been provided.

3. That the retention of the easement no longer serves any useful public purpose.

STAFF RESPONSE:

Once the replacement access easement has been provided, the retention of the subject easement no longer serves a public purpose.

RELINQUISH EASEMENT NO. 772
EXHIBIT 1

DESCRIPTION OF EASEMENT TO BE RELINQUISHED:

EXISTING 35 FOOT INGRESS-EGRESS EASEMENT

A 35.00 FOOT INGRESS-EGRESS EASEMENT ALONG AND PARALLEL TO THE EAST LINE OF LOT 1, ELFINDALE THIRD ADDITION, BEING A REPLAT OF A PORTION OF LOT 2, ELFINDALE SUBDIVISION, ALL BEING FURTHER DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1, THENCE S01°35'51"W ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 240.85 FEET TO THE SOUTHEAST CORNER OF LOT 1; THENCE N88°12'46"W, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 35.00 FEET; THENCE N01°35'51"E A DISTANCE OF 222.22 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF ELFINDALE STREET; THENCE ON A CURVE TO THE RIGHT, ALONG SAID SOUTH RIGHT-OF-WAY LINE, HAVING A RADIUS OF 435.00 FEET, WITH A CENTRAL ANGLE OF 5°13'02" A LENGTH OF 39.61 FEET, WHICH BEARS N63°43'29"E A DISTANCE OF 39.59 FEET TO THE POINT OF BEGINNING. ALL BEING IN SPRINGFIELD, GREENE COUNTY, MISSOURI.

EXHIBIT

EXISTING 35 FOOT INGRESS-EGRESS EASEMENT

A 35.00 FOOT INGRESS-EGRESS EASEMENT ALONG AND PARALLEL TO THE EAST LINE OF LOT 1, ELFINDALE THIRD ADDITION, BEING A REPLAT OF A PORTION OF LOT 2, ELFINDALE SUBDIVISION, ALL BEING FURTHER DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1, THENCE S01°35'51"W ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 240.85 FEET TO THE SOUTHEAST CORNER OF LOT 1; THENCE N88°12'46"W, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 35.00 FEET; THENCE N01°35'51"E A DISTANCE OF 222.22 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF ELFINDALE STREET; THENCE ON A CURVE TO THE RIGHT, ALONG SAID SOUTH RIGHT-OF-WAY LINE, HAVING A RADIUS OF 435.00 FEET, WITH A CENTRAL ANGLE OF 5°13'02" A LENGTH OF 39.61 FEET, WHICH BEARS N63°43'29"E A DISTANCE OF 39.59 FEET TO THE POINT OF BEGINNING. ALL BEING IN SPRINGFIELD, GREENE COUNTY, MISSOURI.

THIS EXHIBIT IS BASED ON A SURVEY OF THE PROPERTY SHOWN. THE FIELD PROCEDURES MEET THE CURRENT MINIMUM STANDARDS.

THIS IS **NOT** A PROPERTY BOUNDARY SURVEY DRAWING AND THE DRAWING DOES **NOT** MEET THE CURRENT MINIMUM STANDARDS FOR PROPERTY SURVEYS.

DATE: 11-10-2011

WILSON SURVEYING CO., INC.

Surveying / Land Planning

2002 S. Stewart Springfield, Missouri 65804
(417) 522-7870

PREPARED FOR:

SPRINGFIELD TEACHERS CREDIT UNION

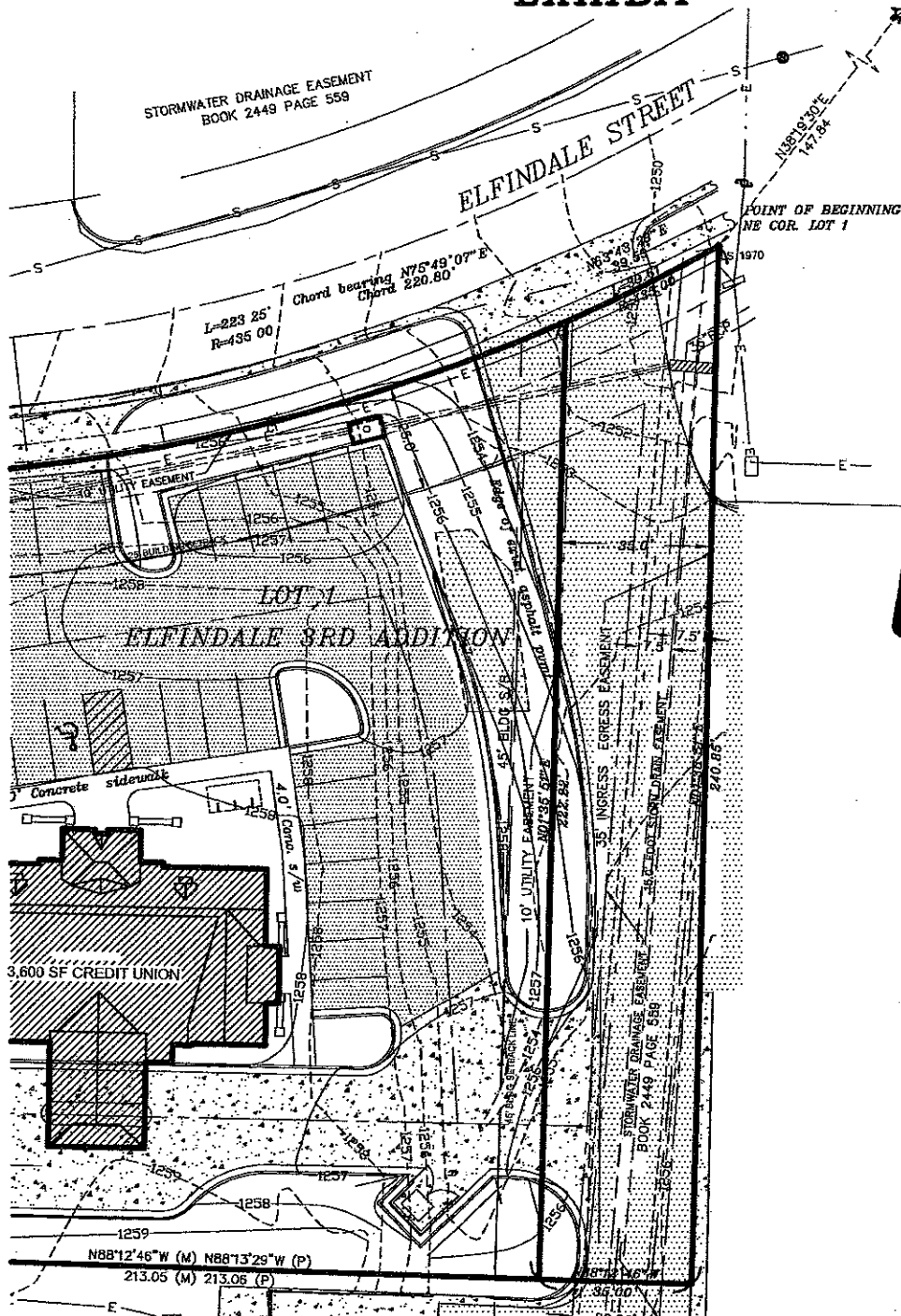
DRAWN BY: REG
CREW CHIEF: APW

PROJECT NO.: 11137-2 EX
DRAWING NO.: WA-104-325-EX

SHEET NO.
1 of 2



EXHIBIT



ACCEPTED THE
EAST LINE OF
LOT 1, AS BEING
S01°35'51\"W AS PER
FINAL PLAT

SCALE 1" = 40'

THIS EXHIBIT IS BASED ON
A SURVEY OF THE PROPERTY
SHOWN. THE FIELD
PROCEDURES MEET THE
CURRENT MINIMUM
STANDARDS.

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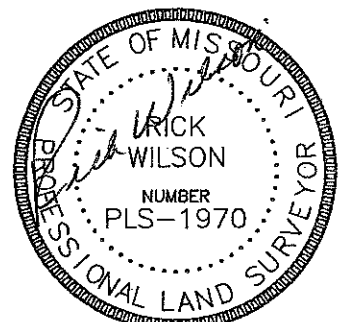
PREPARED FOR:

SPRINGFIELD TEACHERS CREDIT UNION

DRAWN BY: REG
CREW CHIEF: APW

PROJECT NO.: 11137-2 EX
DRAWING NO.: WA-104-325-EX

SHEET NO.
2 of 2



12/21/2011

EXHIBIT C

NEW INGRESS-EGRESS EASEMENT

A VARIABLE WIDTH INGRESS-EGRESS EASEMENT ALONG AND NEAR THE EAST LINE OF LOT 1, ELFINDALE THIRD ADDITION, BEING A REPLAT OF A PORTION OF LOT 2, ELFINDALE SUBDIVISION, ALL BEING FURTHER DESCRIBED AS FOLLOWS.

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1, ELFINDALE SUBDIVISION 3RD. ADDITION; THENCE ON A CURVE TO THE RIGHT, ALONG THE SOUTH RIGHT-OF-WAY LINE OF ELFINDALE STREET, HAVING A RADIUS OF 435.00 FEET, WITH A CENTRAL ANGLE OF 2°16'05" A LENGTH OF 17.22 FEET, WHICH BEARS S62°16'01"W A DISTANCE OF 17.22 FEET TO A POINT OF BEGINNING. THENCE S14°56'08"E A DISTANCE OF 52.74 FEET TO THE EAST LINE OF SAID LOT 1; THENCE S01°35'51"W, ALONG SAID EAST LINE OF LOT 1, A DISTANCE OF 181.85 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE N88°12'46"W, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 26.00 FEET; THENCE N01°35'51"E, BEING 26.00 FEET WEST AND PARALLEL TO THE EAST LINE OF SAID LOT 1, A DISTANCE OF 93.35 FEET; THENCE N03°10'18"W A DISTANCE OF 9.82 FEET; THENCE ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 200.00 FEET, WITH A CENTRAL ANGLE OF 11°52'14" A LENGTH OF 37.95 FEET, WHICH BEARS N08°36'25"W A DISTANCE OF 37.89 FEET; THENCE N14°02'32"W A DISTANCE OF 35.70 FEET; THENCE N15°52'16"W A DISTANCE OF 40.41 FEET TO THE SOUTH RIGHT-OF-WAY OF SAID SOUTH RIGHT-OF-WAY LINE OF ELFINDALE STREET; THENCE ON A CURVE TO THE RIGHT, ALONG SAID SOUTH RIGHT-OF-WAY LINE, HAVING A RADIUS OF 435.00 FEET, A CENTRAL ANGLE OF 5°52'02", A LENGTH OF 44.55 FEET, WHICH BEARS N66°19'05"E A DISTANCE OF 44.53 FEET TO THE POINT OF BEGINNING. ALL BEING IN SPRINGFIELD, GREENE COUNTY, MISSOURI.

THIS EXHIBIT IS BASED ON A SURVEY OF THE PROPERTY SHOWN, THE FIELD PROCEDURES MEET THE CURRENT MINIMUM STANDARDS.

THIS IS **NOT** A PROPERTY BOUNDARY SURVEY DRAWING AND THE DRAWING DOES **NOT** MEET THE CURRENT MINIMUM STANDARDS FOR PROPERTY SURVEYS.

WILSON SURVEYING CO., INC.

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PREPARED FOR:

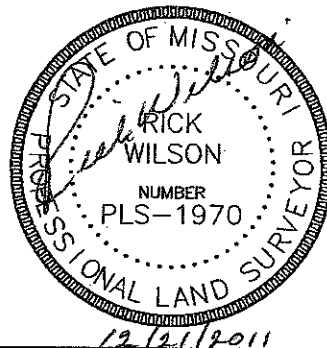
SPRINGFIELD TEACHERS CREDIT UNION

DATE: 11-10-2011

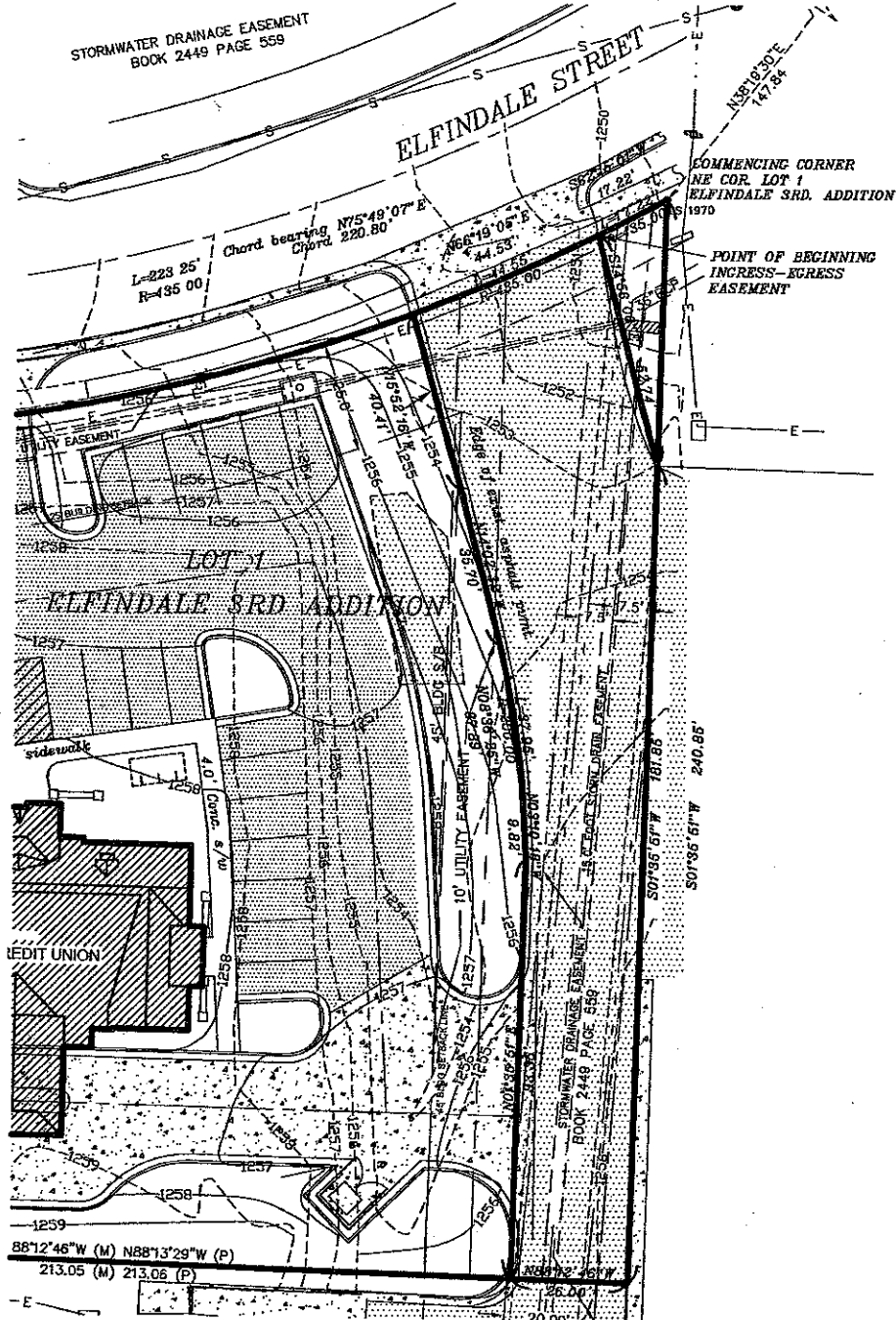
DRAWN BY: REG
CREW CHIEF: APW

PROJECT NO.: 11137-2 EX
DRAWING NO.: WA-104-325-EX

SHEET NO.
1 of 2



EXHIBIT



ACCEPTED THE
EAST LINE OF
LOT 1, AS BEING
S01°35'51\"W AS PER
FINAL PLAT

SCALE 1" = 40'

THIS EXHIBIT IS BASED ON
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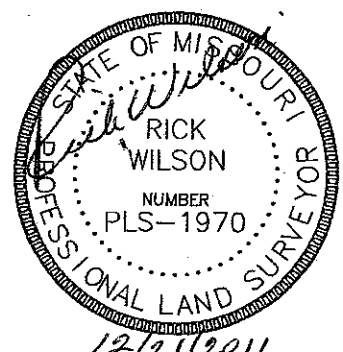
PREPARED FOR:
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DATE: 11-10-2011

DRAWN BY: REG
CREW CHIEF: APW

PROJECT NO.: 11137-2 EX
DRAWING NO.: WA-104-325-EX

SHEET NO.
2 of 2





Case Number: _____
Date Filed: _____
Received By: _____
Application Fee: \$490.00* 535.00
Minimum Recording Fees** \$39.00
Total \$529.00

APPLICATION FOR RELINQUISHMENT OF EASEMENT

The signers of this application ask that the Planning and Zoning Commission of the City of Springfield, Missouri, relinquish the following described easement (insert the legal description of the easement you wish to have relinquished here or attach it on a separate sheet of paper):

Type of easement(s) to be relinquished: ACCESS
(for example: utility, access, sanitary sewer, drainage, etc.)

The signers of this application state that this easement should be relinquished for the following reasons (attach a separate sheet of paper if necessary): TO BE REPLACED WITH A NEW EASEMENT THAT ALIGNS WITH THE PADEMENT AS CONSTRUCTED

List ALL owners of property adjacent to the easement to be relinquished (if a property is in joint ownership, each owner must be listed). The property owners' names must be listed exactly as it appears on their deed. Please give the legal description of the property each owns. A separate sheet of paper may be attached. Those property owners who sign below agree to this relinquishment.

NAME, ADDRESS
AND SIGNATURE OF EACH
ADJACENT PROPERTY OWNER

LEGAL DESCRIPTION OF
EACH SIGNER'S PROPERTY

By: Dalgencor, Inc., owner
Clay D. Stephens, Esq.
sr. Director, Real Estate Legal

Parcel ID 881327404022
Elfindale Third Addition, Lot 2

Clay D. Stephens
100 Mission Ridge
Goodlettsville, TN 37072

CONTACT PERSON:

Name (please print): Clay D. Stephens, Esq., sr. Director of Real Estate Legal Address: 100 Mission Ridge, Goodlettsville, TN 37072
Phone: 615 855 4668 Fax: _____ E-mail: cstephe@dg.com

1. If a new easement is required by the City because of this request, all the property owners whose property will be crossed by the new easement must give the City a new easement and the new easement must be accepted by the City before this relinquish easement request will be placed on an agenda for the Planning and Zoning Commission.

2. Incomplete applications will be returned to the applicant and not placed on Planning and Zoning Commission's agenda.
3. A survey, site plan or other drawing, illustrating the requested relinquishment, and illustrating the replacement easement, if required, must be attached. The survey must be sealed by a registered land surveyor.

* Fees are non-refundable.

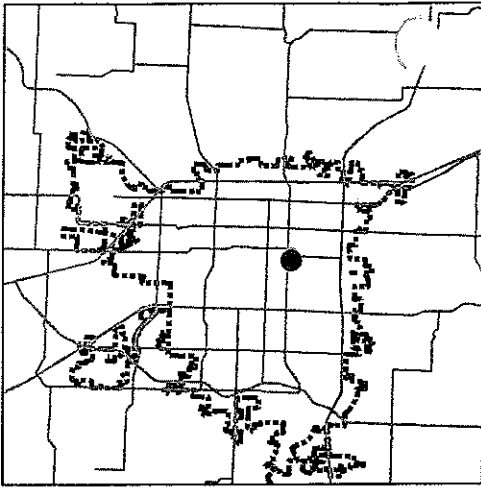
**Additional recording fees may be required for any required replacement easement(s)

Zoning & Survey division Report

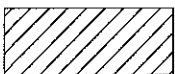
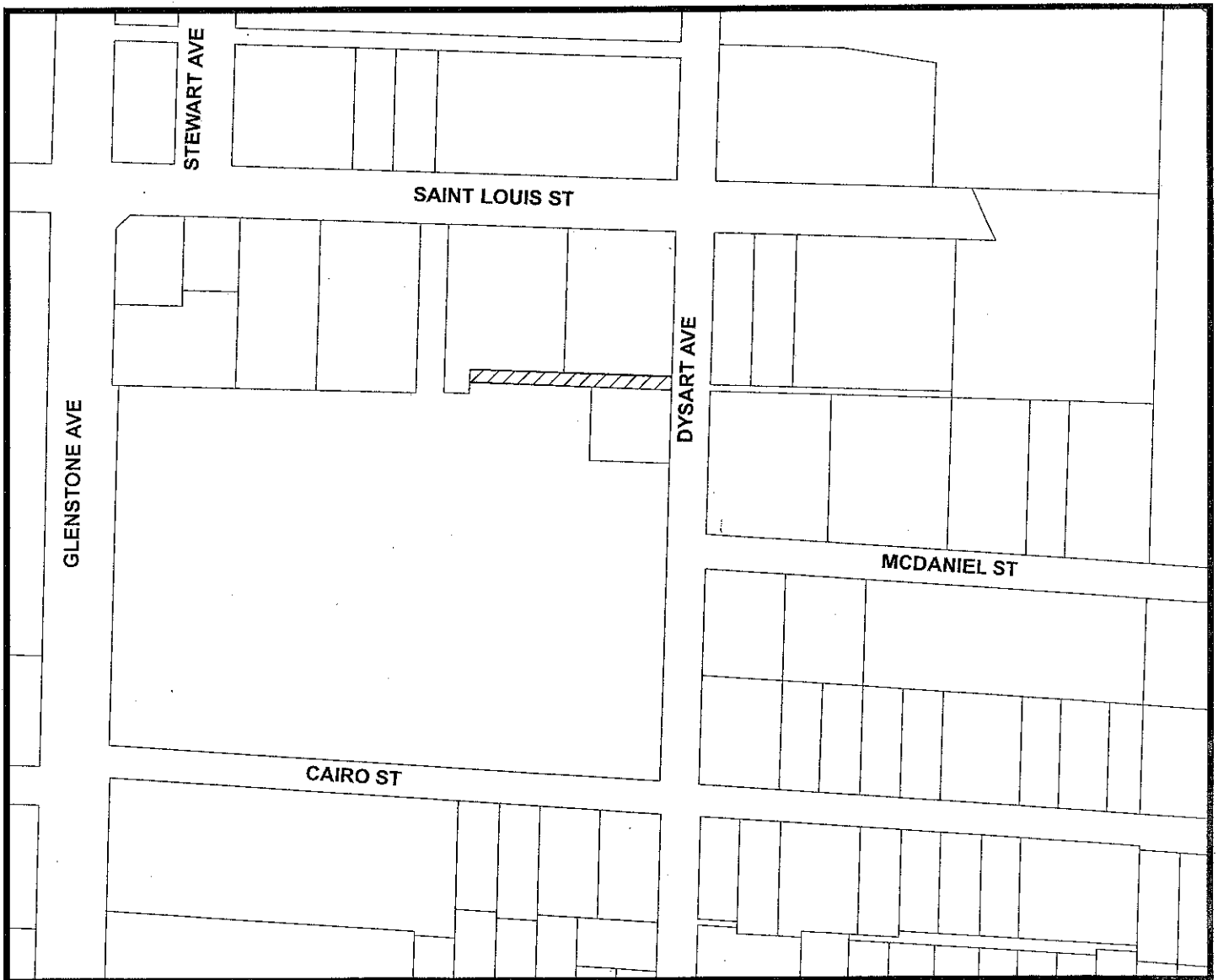
Planning & Development - 417/864-1031
840 Boonville - Springfield, Missouri 65802

Vacation Number 750

Location: alley west side 200 block South Dysart Avenue



LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

Zoning & Subdivision Report

*Planning & Development Department ~ 417/864-1611
840 Boonville Avenue ~ Springfield, Missouri*

VACATION 750

DATE: November 17, 2011

PURPOSE: To vacate an alley generally located at the west side of the 200 block of South Dysart Avenue

BACKGROUND:

LOCATION: 200 block South Dysart Avenue

APPLICANT: Babylon Investments, L.L.C.

RECOMMENDATION:

Staff recommends **approval** of this request.

FINDINGS FOR STAFF RECOMMENDATION:

The requested Vacation 750 meets the approval criteria listed in Attachment B.

STAFF CONTACT PERSON:

Mike MacPherson, MPA
Principal Planner
864-1198

ATTACHMENTS:

Attachment A - Background Report
Attachment B - Approval Criteria
Exhibit A - Legal Description
Exhibit B - Street Vacation Sketch
Exhibit C - Adjacent Property Owner List

ATTACHMENT A
BACKGROUND REPORT
VACATION 750

APPLICANT'S PROPOSAL:

The applicant proposes to vacate the alley and construct a new building on the site.

TRAFFIC ENGINEERING COMMENTS:

Traffic Operations has no objections to this request.

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues.

AT&T COMMENTS:

No objections

CITY UTILITIES COMMENTS:

CU has a gas service line and overhead electric service located within the easement. These facilities serve the building proposed to be demolished. Since the utilities are serving a building to be demolished, CU has no objection to the vacation.

If the building is vacant, the applicant can request the utilities be retired now, or they can be retired at a future date.

STORM WATER COMMENTS:

1. No Stormwater issues with vacation of alley; however, please note:

a. Any increase in impervious area from 1983 aerial photo information will require the development to meet current detention and water quality requirements. Impervious surfaces in place prior to 1983 and currently in good condition can be credited as existing impervious surface.

b. Payment in lieu of construction of detention facilities may be approved on a case by case basis, depending on downstream and other conditions. Cost of downstream improvements may be credited towards the payment in lieu of constructing detention.

c. The proposed percent of impervious surfacing must not exceed the maximum impervious surfacing allowed for site by zoning, platting, and/or previous stormwater reports. If site is located within a Planned Development District, stormwater requirements in PD language must be met.

d. Please be advised that the City of Springfield will have 12 months to prepare and implement a Stormwater Management Plan (SWMP) as part of its revised National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) stormwater permit. A public committee effort will be utilized to develop the SWMP, which will spell out specific requirements for new development and redevelopment projects. These requirements will be in addition to the current detention and water quality requirements, and may include such things as environmental site design and runoff reduction through infiltration, rainwater harvesting, etc.

SANITARY SERVICE:

No issues with public sewer.

ADJACENT PROPERTY OWNER COMMENTS:

Sixteen (16) property owners are within three hundred (300) feet of this site and have been notified of this action. No one has objected to date.

STAFF COMMENTS:

1. The proposed vacation meets all of the criteria requirements as is described in Exhibit B of this report.

ATTACHMENT B
APPROVAL CRITERIA
VACATION 750

In order to approve the vacation of a public street or alley, the Planning and Zoning Commission must make the following findings.

1. All property owners adjacent to the street, alley or public way have access to another street, alley or public way.

STAFF RESPONSE:

All adjacent property owners have access to other public access ways.

2. The owners of two-thirds of the property adjacent to the street, alley or public way to be vacated have given their consent to the vacation.

STAFF RESPONSE:

All of the property owners have signed their consent to the vacation.

3. That the retention of the street, alley, public way or subdivision serves no useful purpose.

STAFF RESPONSE:

The proposed vacation should have no impact on traffic patterns or flows.

4. That the vacation will not affect the ability to use utilities, public or private.

STAFF RESPONSE:

The vacation will not affect the ability to use utilities, public or private.

EXHIBIT A
LEGAL DESCRIPTION
VACATION 750

EXHIBIT "A"

DESCRIPTION OF PLATTED ALLEYWAY TO VACATE

THAT CERTAIN PARCEL OR TRACT OF LAND PLATTED AS THE ALLEY BETWEEN LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9 & 10, BLOCK 9 OF EASTLAND ADDITION, A RECORDED SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING 1" PIPE AT THE NORTHEAST CORNER OF SAID LOT 6;
THENCE, N89°33'00"W, ALONG THE NORTH LINE OF SAID LOTS 6 & 7, A DISTANCE OF 99.77 FEET TO AN EXISTING 3/8" IRON PIN AT THE NORTHWEST CORNER OF SAID LOT 7;

THENCE, N89°28'12"W, ALONG THE NORTH LINE OF SAID LOTS 8, 9 AND 10, A DISTANCE OF 150.11 FEET TO AN EXISTING 5/8" IRON PIN CAPPED "HOOD-RICH";
THENCE, N00°07'02"E, A DISTANCE OF 15.75 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1;

THENCE, S89°33'00"E, ALONG THE SOUTH LINE OF SAID LOTS 1, 2, 3, 4 & 5, A DISTANCE OF 249.70 FEET TO AN EXISTING 5/8" IRON PIN CAPPED "SW SURVEY" AT THE SOUTHEAST CORNER OF SAID LOT 5;

THENCE, S00°30'36"E, A DISTANCE OF 15.96 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,971.0 SQUARE FEET (0.09 ACRES) MORE OR LESS.

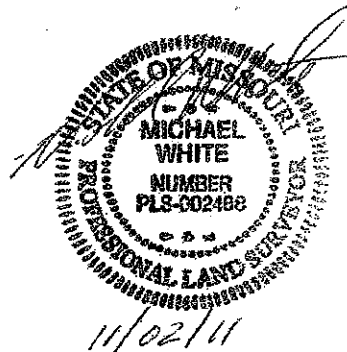
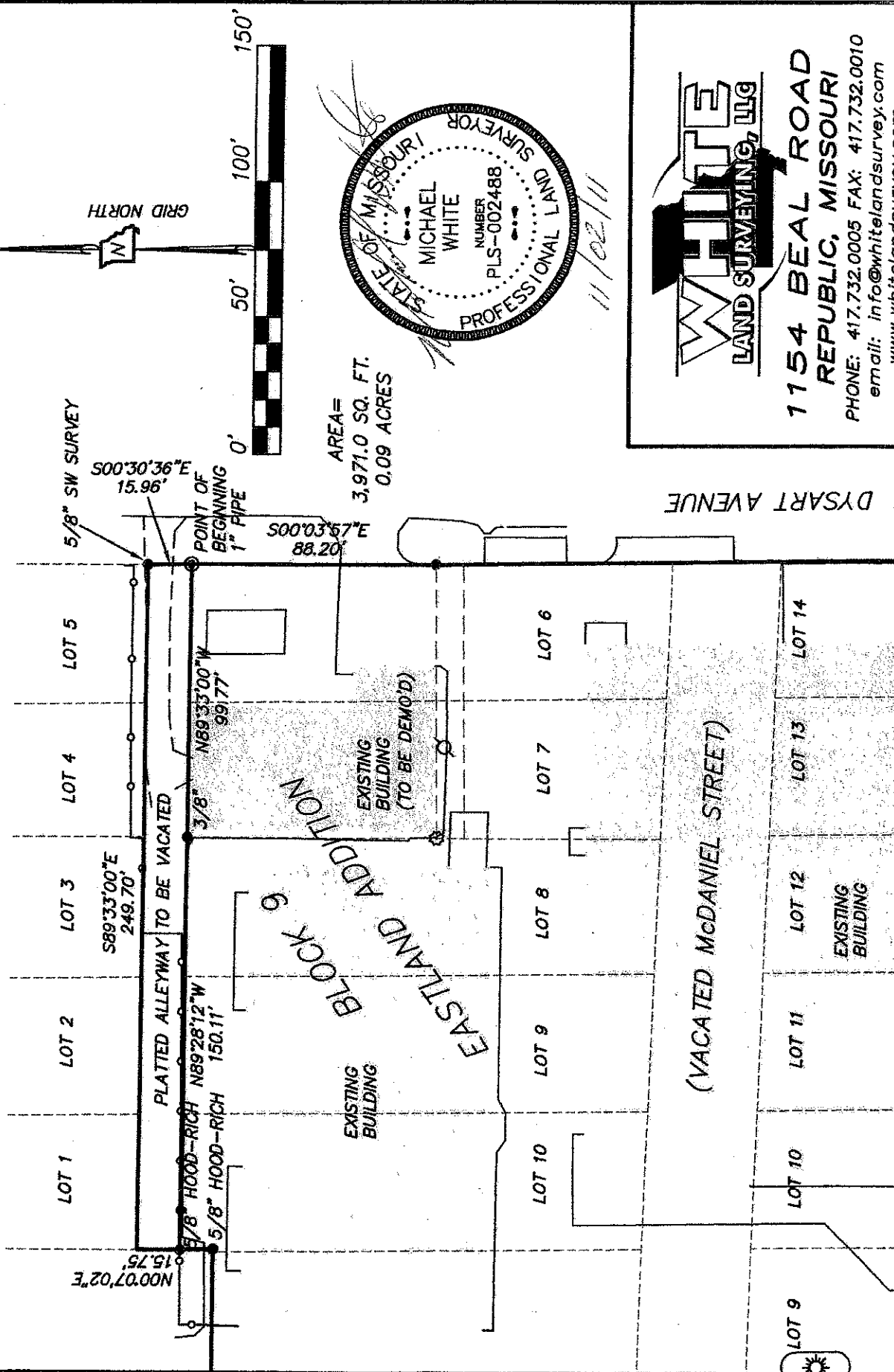


EXHIBIT PREPARED FOR THE
CITY OF SPRINGFIELD, MISSOURI



WHITE
LAND SURVEYING, LLC
1154 BEAL ROAD
REPUBLIC, MISSOURI
PHONE: 417.732.0005 FAX: 417.732.0010
email: info@whitelandsurvey.com
www.whitelandsurvey.com

BABYLON INV LLC
1860 E ST LOUIS ST
SPRINGFIELD, MO 65802

BLIZZARD, LESLIE G TR
858 E BLIZZARD LN
SPRINGFIELD, MO 658038119

FM PRODUCTIONS LLC
5190 E FARM ROAD 122
SPRINGFIELD, MO 65802

GREAT SOUTHERN BK
PO BOX 9009
SPRINGFIELD, MO 658089009

GREAT SOUTHERN BK
218 S GLENSTONE AVE
SPRINGFIELD, MO 65802

JR2, PROPERTIES LLC
PO BOX 6217
SPRINGFIELD, MO 65801

KROUTIL, RICKY E
1722 S LINK AVE
SPRINGFIELD, MO 65802

MCCAMISH, MICHAEL L
8071 E FARM ROAD 148
ROGERSVILLE, MO 657428358

MCCAMISH, MICHAEL L
8072 E FARM ROAD 148
ROGERSVILLE, MO 65742

MILES PROP MGMT LLC
3052 E GLENWOOD ST
SPRINGFIELD, MO 658044199

MILES PROP MGMT LLC
% MIDAL INTERNATIONAL CORP
1300 N ARLINGTON HEIGHTS RD
ITASCA, IL 601433174

NORTH STAR PROPERTIES LLC
1939 E MCDANIEL ST
SPRINGFIELD, MO 658022924

NORTH, STAR PROP LLC
1939 E MC DANIEL
SPRINGFIELD, MO 65802

RUBICON INVESTMENTS & DEV LP
2014 W CATALPA ST
SPRINGFIELD, MO 658071116

RUBLE, JIM
2161 E ELM ST
SPRINGFIELD, MO 658022922

SCHRECK COMMODITIES CO
PO BOX 4404
SPRINGFIELD, MO 658084404

TRASK, THOMAS E
5192 S AVIEMORE DR
SPRINGFIELD, MO 658094614

Zoning & Subdivision Report

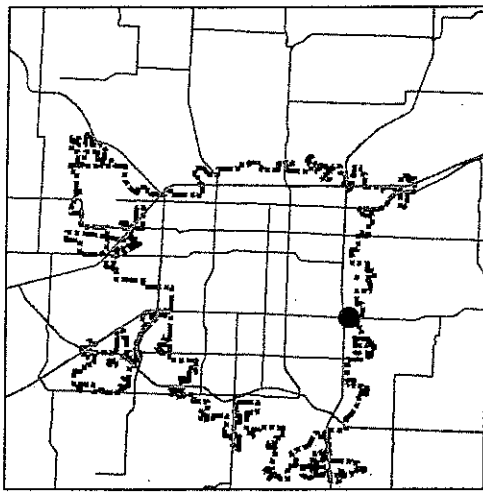
Planning & Development - 417/864-1611
840 Boonville - Springfield, Missouri 65801

Vacation 743

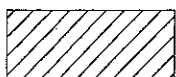
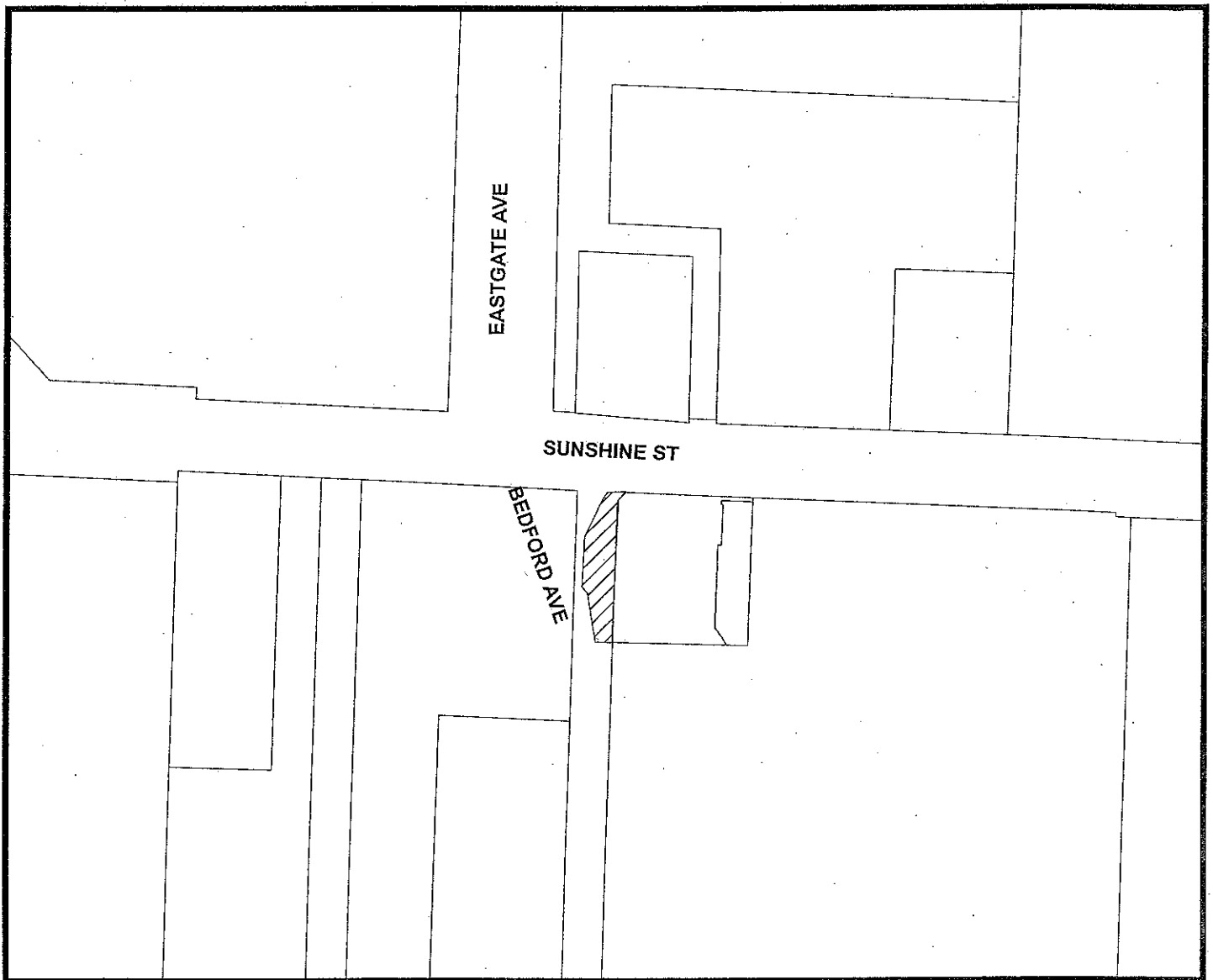
Location: 1800 block South Bedford

Current Zoning: N/A

Proposed Zoning: N/A



LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

Zoning & Subdivision Report

*Planning & Development Department ~ 417/864-1611
840 Boonville Avenue ~ Springfield, Missouri*

VACATION 743

DATE: December 21, 2011

PURPOSE: To vacate an alley generally located at the west side of the 200 block of South Dysart Avenue

BACKGROUND:

LOCATION: 1800 block South Bedford Avenue

APPLICANT: South Oaks Centre, Inc.

RECOMMENDATION:

Staff recommends **approval** of this request.

FINDINGS FOR STAFF RECOMMENDATION:

The requested Vacation 743 meets the approval criteria listed in Attachment B.

STAFF CONTACT PERSON:

Mike MacPherson, MPA
Principal Planner
864-1198

ATTACHMENTS:

Attachment A - Background Report
Attachment B - Approval Criteria
Exhibit A - Legal Description
Exhibit B - Street Vacation Sketch
Exhibit C - Adjacent Property Owner List

ATTACHMENT A
BACKGROUND REPORT
VACATION 743

APPLICANT'S PROPOSAL:

The applicant proposes to vacate a street remnant right-of-way of Old Bedford Avenue and develop the property for additional parking as part of the existing development. Existing easements will be retained and/or replaced.

TRAFFIC ENGINEERING COMMENTS:

1. The vacation request is acceptable with respect to traffic operations.

BUILDING DEVELOPMENT SERVICES COMMENTS:

No BDS issues with vacation

AT&T COMMENTS:

No Objections

CITY UTILITIES COMMENTS:

The description for the replacement easement shown on page 4 of 4 "Gas and Water Easement Exhibit", is required to be modified. The lines L17 and L21 need to be extended south approximately 80 ft south from the point where lines L21 and L18 intersect. The south end of the lines would be connected to make an easement 15 ft wide. For reference the south edge of the easement would be just north of the existing driveway entrance to the building to the east.

CU has forwarded copies of our as-built drawings to Lee Engineering for their use. When the revised easements are reviewed and approved CU will change the recommendation to approve.

STORM WATER COMMENTS:

1. No Stormwater issues with vacation of alley; however, please note:
 - a. Any increase in impervious area from 1983 aerial photo information will require the development to meet current detention and water quality requirements. Impervious surfaces in place prior to 1983 and currently in good condition can be credited as existing impervious surface.
 - b. Payment in lieu of construction of detention facilities may be approved on a case by case basis, depending on downstream and other conditions. Cost of downstream improvements may be credited towards the payment in lieu of constructing detention.
 - c. The proposed percent of impervious surfacing must not exceed the maximum impervious surfacing allowed for site by zoning, platting, and/or previous stormwater reports. If site is

located within a Planned Development District, stormwater requirements in PD language must be met.

d. Please be advised that the City of Springfield will have 12 months to prepare and implement a Stormwater Management Plan (SWMP) as part of its revised National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) stormwater permit. A public committee effort will be utilized to develop the SWMP, which will spell out specific requirements for new development and redevelopment projects. These requirements will be in addition to the current detention and water quality requirements, and may include such things as environmental site design and runoff reduction through infiltration, rainwater harvesting, etc.

No other stormwater issues with vacation of former Bedford Street right-of-way, provided that the drainage easement is filed. Minor changes have been requested separately as to the form but the legal description and exhibit both appear acceptable.

SANITARY SERVICE:

Sanitary services will need to retain easements for the sewer mains and manholes within Bedford. Easements need to be a min. of 15' wide centered on the main.

ADJACENT PROPERTY OWNER COMMENTS:

Sixteen (16) property owners are within three hundred (300) feet of this site and have been notified of this action. No one has objected to date.

STAFF COMMENTS:

1. The proposed vacation meets all of the criteria requirements as is described in Exhibit B of this report.
2. The applicant has provided all of the necessary easements, and those easements have been accepted by the recipient parties.

ATTACHMENT B
APPROVAL CRITERIA
VACATION 743

In order to approve the vacation of a public street or alley, the Planning and Zoning Commission must make the following findings.

1. All property owners adjacent to the street, alley or public way have access to another street, alley or public way.

STAFF RESPONSE:

All adjacent property owners have access to other public access ways.

2. The owners of two-thirds of the property adjacent to the street, alley or public way to be vacated have given their consent to the vacation.

STAFF RESPONSE:

All of the property owners have signed their consent to the vacation.

3. That the retention of the street, alley, public way or subdivision serves no useful purpose.

STAFF RESPONSE:

The proposed vacation should have no impact on traffic patterns or flows.

4. That the vacation will not affect the ability to use utilities, public or private.

STAFF RESPONSE:

The vacation will not affect the ability to use utilities, public or private.

EXHIBIT A
LEGAL DESCRIPTION
VACATION 743

All that part of the Northwest Quarter of Section 34, Township 29 North, Range 21 West of the Fifth Principal Meridian, City of Springfield, Greene County, Missouri, being more particularly described as follows:

Commencing at the Northeast corner of Lot One (1) of 3 Good Ole Boys Subdivision as recorded in Plat Book JJ at Page 59 of the Greene County Recorder's Office, said point lying on the South right-of-way of Sunshine Street (State Route "D"); thence along and with said South line the following three (3) courses and distances:

North 87°15'04" West, a distance of 457.47 feet; thence, South 01°41'43" West, a distance of 5.00 feet; thence, North 87°15'04" West, a distance of 141.44 feet to the intersection of said South right-of-way line with the East right-of-way line of Bedford Avenue as it now exists and the POINT OF BEGINNING; thence, along and with said East line, the following courses and distances:

South 47°13'13" West, a distance of 28.03 feet; thence South 01°41'43" West, a distance of 161.97 feet; thence North 87°14'41" West, along and with said East right-of-way line and the extension thereof, 30.47 feet thence, leaving said East line and its extension, North 12°14'47" West, a distance of 68.43 feet; thence, North 37°16'28" West, a distance of 12.72 feet to the original West right-of-way line of Bedford Avenue as shown on the aforementioned plat of 3 Good Ole Boys Subdivision; thence, North 01°42'18" East, along and with said original West line, a distance of 76.12 feet; thence, North 47°13'48" East, a distance of 42.04 feet; thence, South 87°15'04" East, a distance of 44.96 feet to the POINT OF BEGINNING, containing 0.23 acres, more or less and being subject to easements and rights-of-way, if any.



SUNSHINE ST

POINT OF COMMENCEMENT
NE COR LOT 1

N79°34'15"E
16.17'

N69°35'51"E
18.01'

N40°02'12"E
16.94'

N18°01'11"E
22.51'

N01°42'18"E
19.95'

N13°34'45"W
38.18'

N37°16'28"W
7.55'

N12°35'17"W
76.36'

N87°14'41"W
34.31'

P.O.B.

S87°15'04"E
38.63'

N87°15'04"W
141.44'

S01°41'43"W
5.00'

CITY OF SPRINGFIELD
9,970 SF +/-
(0.23 ACRES)

SOUTH OAKS
CENTRE, INC.
(BK 2397 PG 1262)

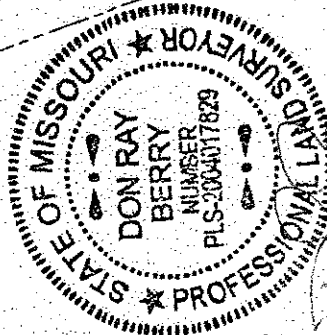
S01°41'43"W
161.97'

EXISTING R/W
BEDFORD AVE

BEDFORD AVENUE

3 GOOD OLE BOYS SUB
PLAT BOOK JJ PAGE 59

3 GOOD OLE BOYS SUB
PLAT BOOK JJ PAGE 59



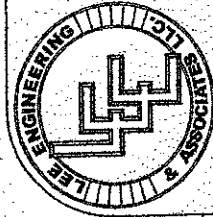
SCALE: 1"=60'

NOTE:
THIS DRAWING HAS BEEN PREPARED ONLY AS AN EXHIBIT TO ILLUSTRATE
NEW EASEMENTS TO BE DEDICATED BY RECORDED INSTRUMENTS AND IS
NOT TO BE CONSTRUED TO REPRESENT A PROPERTY BOUNDARY SURVEY.

DATE: 11/09/11

RIGHT OF WAY EXHIBIT **B**
SOUTH OAKS CENTRE

PROJECT NO.:
954



LEE Engineering & Associates, L.L.C.
2101 W. Chesterfield Blvd, Suite C202
Springfield, Missouri 65807
417-886-9100 (phone)
417-886-9336 (fax)
dlee@leeengineering.biz

"Engineering with Integrity"



EXHIBIT C

3521 E SUNSHINE LLC
8500 SHAWNEE MISSION PKWY
SHAWNEE MISSION, KS 66201

EASTGATE PLAZA INC
PO BOX 10327
SPRINGFIELD, MO 658080327

FENWOOD ASSOCIATES
PO BOX 8050
BENTONVILLE, AR 727128050

GARDNER HOLDINGS INC
205 W WALNUT ST
SPRINGFIELD, MO 65806

INTERNATIONAL CASINOS AND
PUBS INC
1480 S BRADFORD LN
SPRINGFIELD, MO 65807

MID MISSOURI BK
PO BOX 14740
SPRINGFIELD, MO 658140740

MORRIS LOAN & INVESTMENTS INC
3078 S DELAWARE AVE
SPRINGFIELD, MO 658046418

NEW SUNSHINE TECHNOLOGY
CENTER LLC
1411 E PRIMROSE ST
SPRINGFIELD, MO 65804

SITTON-GARDNER PROP LLC
205 W WALNUT ST
SPRINGFIELD, MO 65806

SOUTH OAKS CENTER INC
1414 E PRIMROSE
SPRINGFIELD, MO 65804

Affected Agency Notified: Yes
Emergency Required: No
Budget Adjust. Required: No
Board Rec. Required: Yes
Public Hearing: January 30, 2012
Sponsor: Compton
Date: December 21, 2012

EXPLANATION TO COUNCIL BILL NO. 2012 -

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 0.18 acres, generally located at 1925 S. South Avenue from a R-SF, Single-Family Residential District to a HC, Highway Commercial District; and establishing Conditional Overlay District No. 47.

ZONING CASE NUMBER Z-1-2012/CONDITIONAL OVERLAY DISTRICT #47

BACKGROUND INFORMATION:

The applicant is proposing to rezone approximately 0.18 acres of land from a R-SF, Single-Family Residential District to a HC, Highway Commercial District with a Conditional Overlay District No. 47 to restrict uses, restrict access, require a secondary access to the site, require additional buffering, require a lot combination with the surrounding properties within the proposed rezoning and require all stormwater runoff to be directed into the existing north – south drainage system traversing the property or a new drainage facility. This rezoning will have the same relevant conditions as the previous rezoning of the surrounding properties owned by Bass Pro in 2009.

Exhibit C contains the requirements and standards for development within this proposed Conditional Overlay District.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on January 12th and recommended _____, by a vote of ___ to __, of the proposed zoning on the tracts of land described on the attached sheet (see the attached Record of Proceedings).

The Planning and Development staff recommends **approval** of the proposed zoning with the requirements of Conditional Overlay District No. 47 (see the attached Zoning and Subdivision Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The Comprehensive Plan designates this area as an Activity Center and appropriate for high intensity retail, office and residential uses. The Highway Commercial District is one of the recommended zoning districts within an Activity Center.

2. The proposed conditional overlay district will mitigate the potential impact between the commercial and residential uses by restricting access to local residential streets, prohibiting potentially intrusive uses, and requiring additional buffering between uses. The proposed conditional overlay district will also restrict any additional stormwater runoff to the adjacent streets and neighborhood from these properties
3. The screening, fencing, bufferyard and lighting requirements of the Zoning Ordinance have been adopted to mitigate potential impacts between properties with differentiating uses. The Bulk and Intensity of Use Restrictions have been adopted within each zoning district to dictate appropriate intensity, height and setbacks adjacent to properties and uses.
4. The proposed zoning is consistent with the approved rezoning of surrounding properties owned by Bass Pro in 2009.

FINDINGS FOR COMMISSION TO RECOMMEND DENIAL:

1. None

Submitted by:

Approved by:

Planning and Development

City Manager

EXHIBITS:

Exhibit A, Legal Description

Exhibit B, Record of Proceedings

Exhibit C, Conditional Overlay District Provisions

Exhibit D, Location Map

ATTACHMENTS:

Attachment 1, Background Report

Attachment 2, Neighborhood Meeting Summary and Sign-In Sheet (4 pages)

EXHIBIT A
LEGAL DESCRIPTION
ZONING CASE Z-1-2012 & CONDITIONAL OVERLAY DISTRICT #47

ALL OF LOT ONE (1), BLOCK "D", IN THE AMENDED PLAT OF KILLIAN HOMES PLACE, AN ADDITION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND COVENANTS OF RECORD, IF ANY.

EXHIBIT B
RECORD OF PROCEEDINGS
ZONING CASE Z-1-2012 & CONDITIONAL OVERLAY DISTRICT #47

(The Record of Proceedings will be prepared for the City Council meeting)

EXHIBIT C
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-1-2012 & CONDITIONAL OVERLAY DISTRICT #47

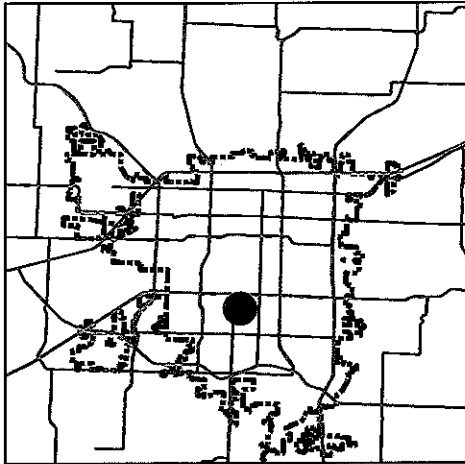
The requirements of *Section 4-3200* of the *Springfield Zoning Ordinance* shall be as modified herein for development within this district.

A. Use Limitations

1. No building permits shall be issued for development within this district until the property is combined with surrounding properties following the City's *Subdivision Regulations*.
2. All of the site stormwater runoff shall be directed into the existing north - south drainage system traversing the property or a new drainage facility as part of the redevelopment. Stormwater discharge (either above or below grade) to South Avenue or Washita Street shall not be permitted. Any development of the property shall satisfy the City's applicable stormwater design requirements at the time of development.
4. No vehicular ingress or egress from South Avenue shall be permitted.
5. The bufferyard requirements along South Avenue shall utilize fencing and/or solid screening within Five (5) feet of the interior portion of the bufferyard area and required plantings in the bufferyard area adjacent to South Avenue.
6. The bufferyard requirements along South Avenue shall be Bufferyard F.

B. Prohibited Uses

1. The following uses shall be prohibited within this district:
 - a. Ambulance services;
 - b. Cemeteries;
 - c. Bus stations;
 - d. Fairgrounds;
 - e. Household resource recovery collection centers;
 - f. Taxi dispatch yards and offices; and
 - g. Transitional Service Shelters.



Zoning & Subdivision Report

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

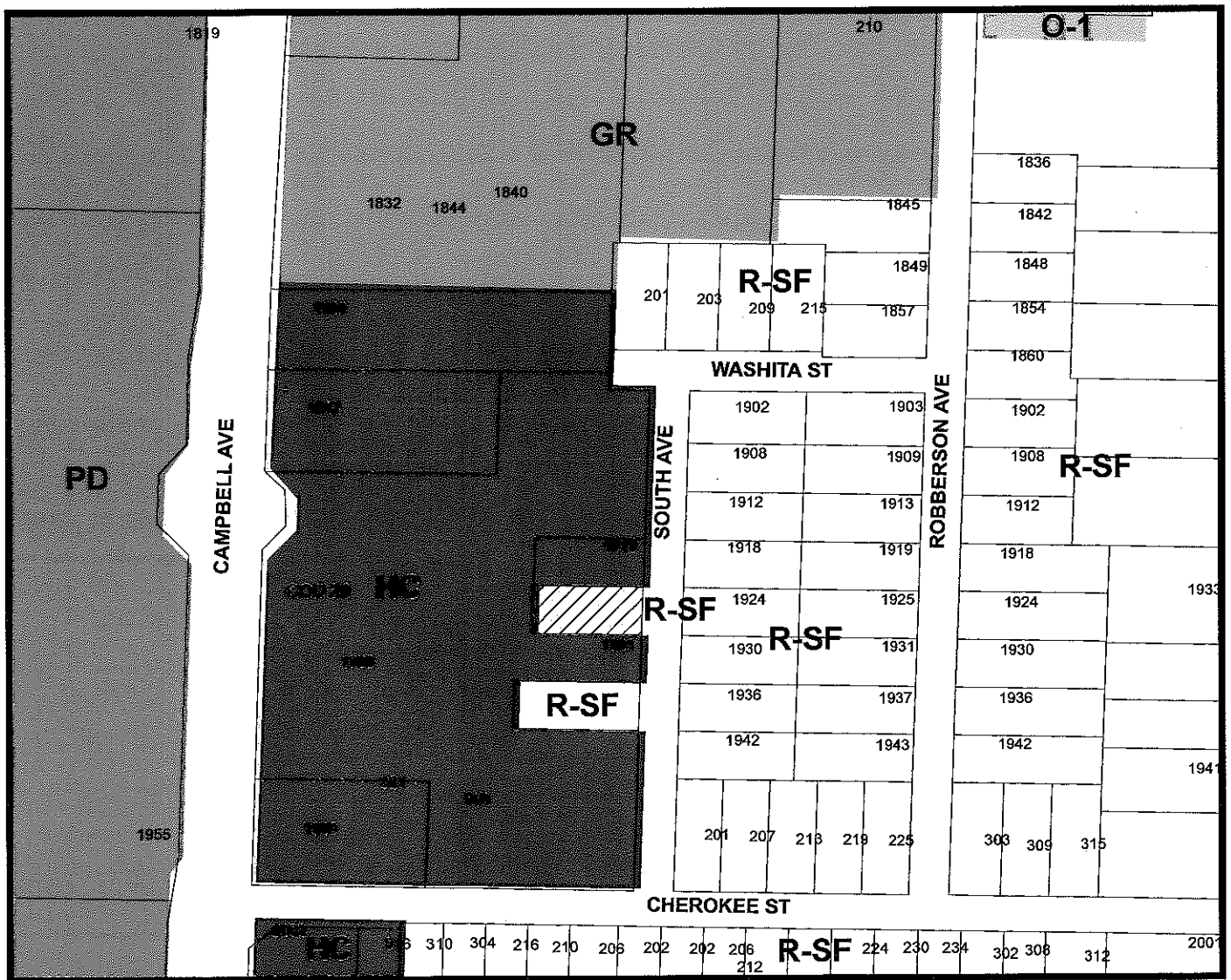
Z-1-2012 with Conditional Overlay District #47

Location: 1925 S. South Avenue

Current Zoning: R-SF, Single-Family Residential

Proposed Zoning: HC, Highway Commercial w/ COD #47

LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

ATTACHMENT 1
BACKGROUND REPORT
ZONING CASE Z-1-2012 & CONDITIONAL OVERLAY DISTRICT #47

DATE: December 21, 2012

LOCATION: 1925 S. South Ave.

APPLICANT: Bass Pro Outdoor World, LLC

TRACT SIZE: Approximately 0.18 acres

EXISTING USE: Vacant lot

PROPOSED USE: Highway Commercial uses

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	HC w/COD	Highway Commercial Uses
East	R-SF	Single-family residences
South	HC w/COD	Highway Commercial Uses
West	HC w/COD	Highway Commercial Uses

HISTORY:

The surrounding property was rezoned to Highway Commercial with a Conditional Overlay District #29 on October 12, 2009 by City Council (G.O. 5838).

COMPREHENSIVE PLAN:

The Growth Management and Land Use Plan of the City's Comprehensive Plan designates this area as appropriate for high intensity retail, office and residential uses. This high-intensity category is located near Activity Centers where density and intensity is expected to be greater. Mixed and multiple land uses are encouraged with strong consideration given to creating attractive pedestrian spaces and streetscapes, shared or public open spaces and links to the greenways. The Growth and Land Use Plan recommends GR, General Retail or HC, Highway Commercial, Office, Medium- and High-Density Multi-Family Residential Districts in these areas.

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

1. South Avenue is classified as a local residential street which requires 25 feet of right-of-way measured from the centerline. It appears that there is sufficient right-of-way.
2. A sidewalk will be required on the South Avenue frontage as part of the required lot combination.
3. The existing driveway must be closed and curb and gutter restored since vehicular ingress or egress from South Avenue is not allowed by the conditional overlay district.
4. The requested change in zoning would not cause a significant increase in number of trips generated by this property. No additional traffic study will be required.

STORMWATER COMMENTS:

1. No Stormwater issues with rezoning; however, please note:
 - a. Any increase in impervious area from 1983 aerial photo information will require the development to meet current detention and water quality requirements. Impervious surfaces in place prior to 1983 and currently in good condition can be credited as existing impervious surface.
 - b. A payment in lieu of construction of detention facilities would not be supported in this area without downstream drainage improvements being constructed.
 - c. Please be advised that the City of Springfield will have 12 months to prepare and implement a Stormwater Management Plan (SWMP) as part of its revised National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) stormwater permit. A public committee effort will be utilized to develop the SWMP, which will spell out specific requirements for new development and redevelopment projects. These requirements will be in addition to the current detention and water quality requirements, and may include such things as environmental site design and runoff reduction through infiltration, rainwater harvesting, etc.

SANITARY SERVICES COMMENTS:

No objection to rezoning. Public sewer and service lateral are currently available.

ADJACENT PROPERTY OWNER COMMENTS:

Eleven (11) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request. No one has objected to date.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting for owners and residents within five hundred (500) feet of the subject property on December 19, 2011 at Uncle Buck's Auditorium within the Bass Pro Shop facility. A summary of the meeting is attached (Attachment 2).

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 0.18 acres of property from a R-SF, Single-Family Residential District to a HC, Highway Commercial District. The applicant has proposed to combine this lot with surrounding properties and redevelop the site with Highway Commercial uses. The applicant is requesting a conditional overlay district that will restrict and add requirements to the proposed rezoning.
2. The Growth Management and Land Use Plan of the City's Comprehensive Plan designates this area as appropriate for high intensity retail, office and residential uses. This high-intensity category is located near Activity Centers where density and intensity is expected to be greater. The Growth and Land Use Plan recommends GR, General Retail or HC, Highway Commercial, Office, Medium- and High-Density Multi-Family Residential Districts in these areas. The Highway Commercial District is intended for commercial uses which depend on high visibility, generate high traffic volumes, or cater to the traveling public. The district is also intended to be located along arterial classified streets like Campbell Avenue. Staff believes the proposed properties, if combined as required by the overlay district, meet the recommendation of the City's Comprehensive Plan and intent of the Highway Commercial District.
3. In response to concerns expressed at the neighborhood and Planning Commission meetings during the previous rezoning request in 2009, the applicant requested a conditional overlay district to restrict and require additional items. Conditional Overlay District #47 reflects the same restrictions and reduces the impact of the proposed rezoning to the surrounding neighborhood and traffic circulation system. The condition for a lot combination of all rezoned properties will eliminate the possibility of any principal commercial access to South Avenue. The condition that requires all stormwater to be directed into the existing north-south drainage system traversing the property or a new drainage facility as part of the redevelopment will alleviate concerns that any additional stormwater runoff may have on the current condition of the adjacent stormwater system or street. The overlay district, also, restricts access to South Avenue. The applicant has requested a Bufferyard F which is additional landscaping and a fence along South Avenue. The Bufferyard F contains more plantings (trees and shrubs) than what is required by the Zoning Ordinance and the required fence or screening is an additional requirement that the applicant has requested to address neighborhood

concerns. The applicant has prohibited seven (7) permitted uses which include ambulance services, cemeteries, bus stations, fairgrounds, household resource recovery collection centers, taxi dispatch yards and offices and transitional service shelters. The conditional overlay district does not include a site plan or layout.

4. The original traffic study that was provided when the surrounding properties were rezoned in 2009 did not include this property; however, the requested property to be rezoned would not cause a significant increase in number of trips generated and would not have a significant impact on the original traffic study provided.
5. The Zoning Ordinance requires that all structures in the HC, Highway Commercial District, shall remain below a (30) degree bulk plane as measured from the boundaries of any residential districts.

FINDINGS FOR STAFF RECOMMENDATION:

1. The Comprehensive Plan designates this area as an Activity Center and appropriate for high intensity retail, office and residential uses. The Highway Commercial District is one of the recommended zoning districts within an Activity Center.
2. The proposed conditional overlay district will mitigate the potential impact between the commercial and residential uses by restricting access to local residential streets, prohibiting potentially intrusive uses, and requiring additional buffering between uses. The proposed conditional overlay district will also restrict any additional stormwater runoff to the adjacent streets and neighborhood from these properties
3. The screening, fencing, bufferyard and lighting requirements of the Zoning Ordinance have been adopted to mitigate potential impacts between properties with differentiating uses. The Bulk and Intensity of Use Restrictions have been adopted within each zoning district to dictate appropriate intensity, height and setbacks adjacent to properties and uses.
4. The proposed zoning is consistent with the approved rezoning of surrounding properties owned by Bass Pro in 2009.

FINDINGS FOR COMMISSION TO RECOMMEND DENIAL:

1. None

RECOMMENDATION:

Staff recommends **approval** of this request with the requirements of Conditional Overlay District No. 47.

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner
864-1036

NEIGHBORHOOD MEETING SUMMARY

1. Development Application:

November 23, 2011, Application for Zoning Classification Change submitted to the City of Springfield.

2. Meeting Date and Time:

December 19, 2011
4:30 pm to 6:00 pm

3. Meeting Location:

Bass Pro Shops, Springfield, Missouri
Uncle Buck's Auditorium

- | | |
|--|---|
| 4. Number of invitations that were sent: | Approximately 119 |
| How was the mailing list generated? | List furnished by the City of Springfield |

5. Number of property in attendance (attach a sign-in sheet):

Ten property owners attended the meeting and all attendees signed the sign-in sheet.

6. List the verbal comments and how you plan to address any issues:

See attached.

7. List or attach the written comments and how you plan to address any issues:

To our knowledge, no written comments have been submitted by any neighbors with respect to the pending zoning application.

Summary list of verbal comments from the neighborhood meeting:

1. What type of improvements will be constructed and when will the project be complete?

Response/Resolution: There are currently no plans in place for a hotel or any other type of improvements at this time. There is also no timeline in place for the development of the property. Any improvements that are constructed in the future must comply with the uses of the proposed zoning classification of Highway Commercial and will be subject to the restrictions set forth in the conditional overlay provisions.

2. What restrictions are set forth in the conditional overlay provisions?

Response/Resolution: We read through the prohibited uses and offered the homeowners copies of the proposed conditional overlay provisions.

3. What impact will the proposed rezoning have on the adjacent single family housing property values?

Response/Resolution: The answer to this question is unknown at this time.

4. Will the project area extend east of South Avenue?

Response/Resolution: There are currently no plans to expand any project beyond the proposed zoning area and the area rezoned in 2009.

5. What is the impact on runoff issues in the area?

Response/Resolution: A stormwater management plan was previously submitted to the City to reflect the impact that any development located on the property may have on adjacent properties. If additional stormwater improvements are needed, the City may require the developer to implement further improvements to address these issues.

6. What is the impact on traffic to Cherokee; will this create an increase in semi-truck traffic?

Response/Resolution: As part of the proposed conditional overlay provisions, no vehicular ingress and egress on South Street will be permitted. The City also previously required a traffic impact study with the previous rezoning application.

7. Will there be any other neighborhood meetings to discuss this?

Response/Resolution: No additional neighborhood meetings are planned at this time. The subject zoning application will be presented for a hearing before the Planning and Zoning Commission. This hearing is open to the public and interested parties are able to voice their opinion of the zoning application. If the Planning and Zoning Commission approve the zoning application it will then be presented for a hearing before the City Council. This hearing is also open to the public and interested parties are able to voice

their opinion of the zoning application. The City Council will then vote to approve or disapprove the subject application at the following City Council meeting.

8. Once plans to build are set in place, will the developer notify surrounding homeowners of the plans?

Response/Resolution: The development process is less public than the zoning process. The developer is not required to hold meetings to discuss the improvements that will be constructed or to provide notification of the development to the homeowners in the area. However, the developer will be required to comply with the City's Development Code.

Affected Agency Notified: Yes
Emergency Required: No
Budget Adjust. Required: No
Board Rec. Required: Yes
Public Hearing: January 30, 2012
Sponsor:
Date: December 22, 2011

EXPLANATION TO COUNCIL BILL NO. 2012 -

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To amend *Paragraph B. Public Areas* in *Subsection 5-1404. General Sign Provisions* in the *Springfield Zoning Ordinance*. (Staff recommends approval)

ZONING ORDINANCE TEXT AMENDMENT – SIGNS OVER FEDERAL AID URBAN RIGHTS-OF-WAY

BACKGROUND INFORMATION:

City Council approved a resolution (G.O. 9922) on December 12, 2011, to initiate amendments to the Zoning Ordinance regarding signs on the Federal Urban Aid roadway system.

Staff is proposing this paragraph be amended to allow signs to project over FAU-designated streets consistent with the signs that are allowed over streets that are not designated FAU in the rest of downtown and the City. This will only allow on-premise signs to project over the rights-of-way because the requirements for off-premise signs require the signs to be setback at least ten feet from the right-of-way.

Staff has not received any concerns from the Development Issues Input Group (DIIG) regarding this matter.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on January 12, 2012, and recommended _____, by a vote of __ to __, of the proposed changes to the Zoning Ordinance described in Attachment A (see the attached Record of Proceedings).

The Planning and Development Staff recommends approval of the proposed amendments (see the attached Zoning and Subdivision Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The City's requirements are more restrictive than the federal government's requirements because both on- and off-premise signs are prohibited.

Submitted by:

Approved by:

Planning and Development

City Manager

Zoning & Subdivision Report

Planning & Development Department ~ 417/864-1611
840 Boonville Avenue ~ Springfield, Missouri 65802

ZONING ORDINANCE AMENDMENT: SIGNS OVER FEDERAL AID URBAN RIGHTS-OF-WAY

DATE: December 22, 2011

PURPOSE: To amend *Paragraph B. Public Areas* in *Subsection 5-1404. General Sign Provisions* in the *Springfield Zoning Ordinance*.

STAFF COMMENTS:

City Council approved a resolution (G.O. 9922) on December 12, 2011, to initiate amendments to the Zoning Ordinance regarding signs on the Federal Urban Aid roadway system.

The sign ordinance contains a provision that does not allow signs to project over the rights-of-way of streets designated Federal Aid Urban (FAU). The sign ordinance prohibition does not distinguish between on-premise and off-premise (billboards) signs. This prohibition primarily impacts businesses in the downtown where buildings front directly on FAU-designated street right-of-way. Most streets in the downtown are designated FAU, so the businesses on FAU-designated streets are treated differently.

The federal government is only concerned about off-premise signs projecting over FAU-designated roadways. The City's requirements are more restrictive because both on- and off-premise signs are prohibited.

Staff is proposing this paragraph be amended to allow signs to project over FAU-designated streets consistent with the signs that are allowed over streets that are not designated FAU in the rest of downtown. This will only allow on-premise signs to project over the rights-of-way because the requirements for off-premise signs require the signs to be setback at least ten feet from the right-of-way.

Staff has not received any concerns from the Development Issues Input Group (DIIG) regarding this matter.

RECOMMENDATION: Staff recommends **approval**.

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner

ATTACHMENT A
PROPOSED POSTING OF NOTICES AMENDMENT

New text is underlined and deleted text is ~~overstruck~~

1 **Section 5-1400. Signs.**

2
3 5-1404. **General Sign Provisions.** The provisions of this section shall apply to all signs in the
4 city, without regard to their classification as a business or non-business sign.
5

6 B. **Public Areas.** No sign other than a government sign or a neighborhood
7 identification sign reviewed and approved by the Director of Public Works, shall
8 be allowed which is located within or projects over any public property, including
9 right-of-way, except where the building is located on or within three (3) feet of the
10 property line. ~~No such signs are allowed in the right of way of any thoroughfare~~
11 ~~designated as part of the Federal Aid Urban (FAU) system.~~ In no instance shall
12 signs project beyond a vertical plane two (2) feet inside the curb line from any
13 building and the bottom of said sign shall not be less than ten (10) feet above the
14 highest level of the ground under the sign's lowest point. (G.O. 4830, 09/08/98)

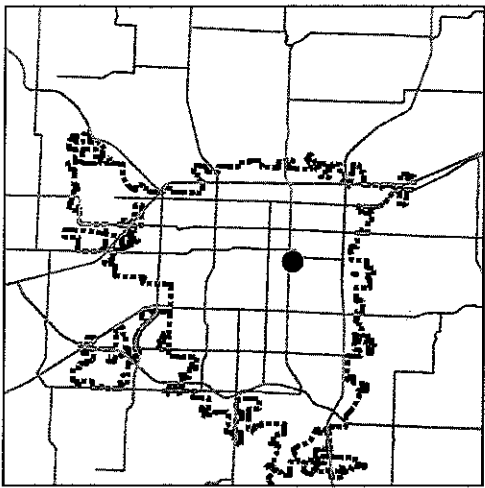
Zoning & Subdivision Report

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

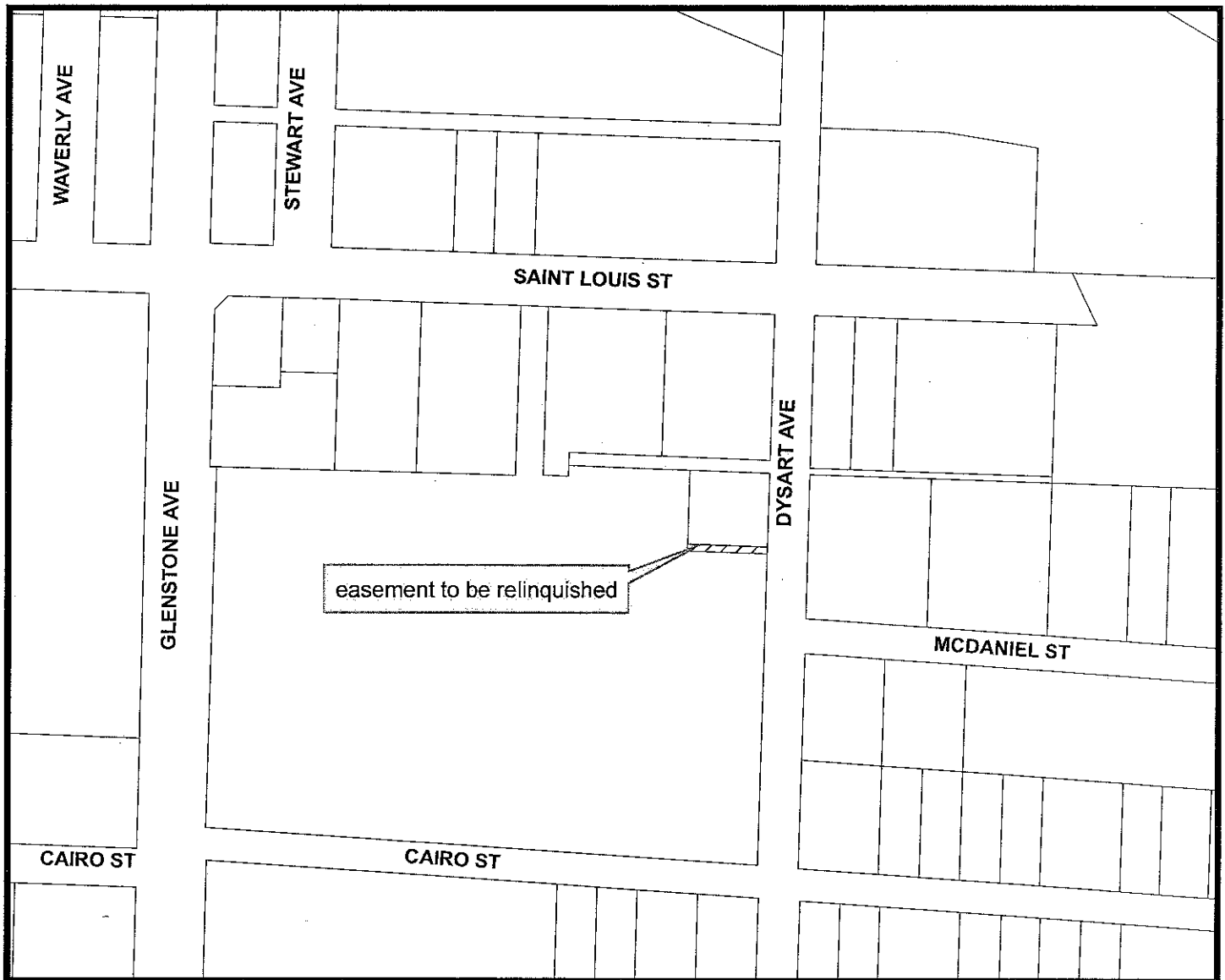
Relinquish Easement Number 770

Location: west side 200 block South Dysart Avenue

Current Zoning: HC. Highway Commercial



LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

Zoning & Subdivision Report

Planning & Development Department ~ 417/864-1611

840 Boonville Avenue ~ Springfield, Missouri 65801

REQUEST TO RELINQUISH EASEMENT NUMBER 770

DATE: November 14, 2011

PURPOSE: To relinquish a utility easement

LOCATION: West side of 200 block South Dysart Avenue

APPLICANT: Great Southern Bank

RECOMMENDATION:

The request be **approved**.

FINDING:

The request meets the approval criteria listed in Attachment B.

STAFF CONTACT PERSON:

Mike MacPherson, MPA
Principal Planner

Attachment A: Background report

Attachment B: Approval criteria

Exhibit 1: Legal description

Exhibit 2: Drawing

ATTACHMENT A
RELINQUISH EASEMENT 770
BACKGROUND REPORT

APPLICANT'S PROPOSAL:

The applicant proposes to construct a new building on the property. The size of the building will require that the existing easement be relinquished and a new easement be created in a different location to serve the new building. The new easement is not necessary until plans are developed to construct the new building

SANITARY SERVICES COMMENTS:

No issues with public sewer.

BUILDING DEVELOPMENT SERVICES COMMENTS:

No objections to the relinquishment.

PUBLIC WORKS TRAFFIC OPERATIONS:

Traffic Operations has no objections to this request.

PUBLIC WORKS STORMWATER COMMENTS:

1. No Stormwater issues with relinquishment of utility easement; however, please note:

- a. Any increase in impervious area from 1983 aerial photo information will require the development to meet current detention and water quality requirements. Impervious surfaces in place prior to 1983 and currently in good condition can be credited as existing impervious surface.
- b. Payment in lieu of construction of detention facilities may be approved on a case by case basis, depending on downstream and other conditions. Cost of downstream improvements may be credited towards the payment in lieu of constructing detention.
- c. The proposed percent of impervious surfacing must not exceed the maximum impervious surfacing allowed for site by zoning, platting, and/or previous stormwater reports. If site is located within a Planned Development District, stormwater requirements in PD language must be met.
- d. Please be advised that the City of Springfield will have 12 months to prepare and implement a Stormwater Management Plan (SWMP) as part of its revised National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) stormwater permit. A public committee effort will be utilized to develop the SWMP, which will spell out specific requirements for new development and redevelopment projects. These requirements will be in addition to the current detention and water quality requirements, and may include such things as environmental site design and runoff reduction through infiltration, rainwater harvesting, etc.

No Stormwater objections to relinquishing sanitary sewer easement.

CITY UTILITIES COMMENTS:

CU has a gas service line and overhead electric service located within the easement. These facilities serve the building proposed to be demolished. Since the utilities are serving a building to be demolished, CU has no objection to the relinquishment.

If the building is vacant, the applicant can request the utilities be retired now, or they can be retired at a future date.

STAFF COMMENTS:

1. The Planning and Zoning Commission has the authority to relinquish easements if the relinquishment does not affect public utilities.
2. No one has objected to this request.

ATTACHMENT B
RELINQUISH EASEMENT 770
APPROVAL CRITERIA

In order to approve a relinquishment of a public easement, the Planning and Zoning Commission must make the following findings:

1. No one has objected to the relinquishment of these easements.

STAFF RESPONSE:

No one has objected to relinquishing this easement.

2. The appropriate City agency has filed with the Planning and Development Department a statement that the easement is no longer needed to provide utility service.

STAFF RESPONSE:

The sanitary sewer easement is no longer needed to provide service to the subject lot as the lot is being combined with an adjacent lot through an administrative subdivision and will be served by a lateral line.

3. That the retention of the easement no longer serves any useful public purpose.

STAFF RESPONSE:

The retention of the subject easement no longer serves a public purpose because the current utilities will be removed and a new building will be constructed on the site. A new easement will be dedicated to provide service to the building.

RELINQUISH EASEMENT NO. 770
EXHIBIT 1

DESCRIPTION OF SANITARY SEWER EASEMENT TO BE RELINQUISHED:

Beginning 87.5 feet east of the northwest corner of Lot 11, Whaley and Kincaids Addition to the City of Springfield, Missouri, thence 10 feet on each side of a the line running south 50 feet, through said Lot 11.

**EXHIBIT PREPARED FOR THE
CITY OF SPRINGFIELD, MISSOURI**

(VACATED McDANIEL STREET)

BLOCK 9

DYSART AVENUE

LOT 9 LOT 10 LOT 11 LOT 12 LOT 13 LOT 14

EXISTING BUILDING

EXISTING BUILDING (TO BE DEMO'D)

EASEMENT TO BE RELINQUISHED

CONC PAD

POINT OF BEGINNING (BENT) 5/8"

ALLEYWAY

SW SURVEY

POINT OF COMMENCEMENT 1" PIPE

N00°07'02"E 10.00'

S89°32'17"E 10.00'

S00°03'57"E 88.20'

N89°24'28"E 100.05'

1001.1 SQ. FT.

S89°24'28"W 100.17'

EASEMENT DETAIL

STATE OF MISSOURI

MICHAEL WHITE

PROFESSIONAL LAND SURVEYOR

NUMBER PLS-002488

10/24/11

WHITE LAND SURVEYING, LLC

1154 BEAL ROAD

REPUBLIC, MISSOURI

PHONE: 417.732.0005 FAX: 417.732.0010

email: info@whitelandsurvey.com www.whitelandsurvey.com

WHITE
LAND SURVEYING, LLC

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