

1. Meeting Agenda (PDF)

Documents: [05-03-2012 AGENDA \(PDF\).PDF](#)

2. April 5, 2012 Minutes (PDF)

Documents: [APRIL 5, 2012 \(PDF\).PDF](#)

3. Relinquish Easement 775 (PDF)

Documents: [RELINQUISH EASEMENT 775 \(PDF\).PDF](#)

4. Relinquish Easement 779 (PDF)

Documents: [RELINQUISH EASEMENT 779 \(PDF\).PDF](#)

5. Z-9-2012 (PDF)

Documents: [Z-9-2012 \(PDF\).PDF](#)

6. Conditional Use Permit No. 398 (PDF)

Documents: [CONDITIONAL USE PERMIT 398 \(PDF\).PDF](#)

7. Shoppes At James River (PDF)

Documents: [SHOPPES AT JAMES RIVER \(PDF\).PDF](#)

8. Westport Woods Revised (PDF)

Documents: [WESTPORT WOODS REVISED \(PDF\).PDF](#)

9. GR Outdoor Activities Amendments (PDF)

Documents: [GR OUTDOOR ACTIVITIES AMENDMENTS \(PDF\).PDF](#)

10. Temporary Vendors Amendments (PDF)

Documents: [TEMPORARY VENDORS AMENDMENTS \(PDF\).PDF](#)

Planning & Zoning Commission Agenda

May 3, 2012 - 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: April 5, 2012

Communications

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. Walmart Real Estate Business Trust1. Relinquish Easement 775
(3536 W. Mt. Vernon)
2. Robert & Laura Weddle2. Relinquish Easement 779
(1231 E. Norton)
- 3.
- 4.

Hearings

Zoning

1. Wilson Properties Inc.3. Z-9-2012
(1832 S Campbell & 220 & 320 West Sunshine)

Conditional Use permits

1. Republic Road, LLC4. Conditional Use Permit 398
(4155 S Nature Center Way)

Other Public Hearings

Preliminary Plat

1. Republic Road, LLC5. Shoppes at James River
(2124 E. Republic)
2. Charles Chappell6. Westport Woods Revised
(200 block North Hilton)

zoning text amendments

1. City of Springfield7.GR Outdoor Activites Amendments
(City-Wide)
2. City of Springfield8. Temporary Vendors Amendments
(City-Wide)

Any Other Matters Under Commission Jurisdiction

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 your 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 scheduled meeting.

MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: April 5, 2012

TIME: 6:30 pm

The regular meeting and public hearing of the Planning and Zoning Commission was held on the above date and time in City Council Chambers, third floor of City Hall with the following members and staff in attendance: Matt Edwards (Vice Chair), Jay McClelland, Jim Hansen, Phil Young, Tom Baird, Jason Ray, King Coltrin; Ralph Rognstad, Director of Planning & Development, Mary Lilly Smith, Economic Development Director, Michael MacPherson, Principal City Planner; Thomas Rykowski, City Attorney; Dawn Gardner, Engineer, Public Works, Cody Marshall, Engineer, Public Works, Matt Schaefer, Senior Planner and Sandy Goddard, Administrative Assistant. ABSENT: Shelby Lawhon and Gloria Roling.

ROLL CALL:

APPROVAL OF MINUTES:

The minutes of March 8, 2012 of the Planning and Zoning Commission were approved unanimously.

COMMUNICATIONS:

Mr. MacPherson told Commission that the Planning and Zoning meeting for April 19, 2012 has been cancelled. There are no agenda items.

CONSENT ITEMS:

- | | |
|---|------------------------------------|
| 1. <u>Relinquish Easement 773</u>
(3030 S Campbell) | <u>National South, LLC</u> |
| 2. <u>Relinquish Easement 776</u>
(2805 N Kansas Expressway) | <u>Jack Pearce Revocable Trust</u> |
| 3. <u>Relinquish Easement 778</u>
(414 West Bryant Street) | <u>Griswald Enterprises, LLC</u> |
| 4. <u>Subdivision Variance 338</u>
(440 S Campbell) | <u>The Mark Craig Ward Trust</u> |

Mr. Baird motioned to **approve the Consent Agenda Items**. Mr. Coltrin **seconded the motion**. The motion **carried** as follows: Ayes: Edwards, McClelland, Hansen, Young, Baird, Ray, and Coltrin; **Nays**: None. **Abstain**: None. **Absent**: Lawhon, Roling

HEARINGS:

VACATIONS:

5. **Vacation 751**
(1520 East Atlantic)

Nattinger Block & Brick, LLC

Mr. MacPherson commented that the purpose of the proposal is to vacate a fifteen foot wide public alley generally located at 1520 East Atlantic Street. The alley was dedicated as part of the Prospect Place Addition in 1888. The proposed vacation will not adversely affect public or private utilities and serves no useful purpose to the public as the alley was never extended to the south any further and does not provide for access or circulation. The proposed vacation meets the approval criteria for vacating right-of-way, and staff recommends approval.

Mr. Edwards opened the public hearing.

Mr. Edwards closed the public hearing as there were no comments to the case.

Mr. Baird motioned to **approve Vacation 751**. Mr. Ray **seconded the motion**. The motion **carried** as follows: **Ayes:** Edwards, McClelland, Hansen, Young, Baird, Ray, and Coltrin; **Nays:** None. **Abstain:** None. **Absent:** Lawhon, Roling

ZONING:

6. **Z-4-2012**
(502, 518, & 520 West Walnut)

Keith Neal

Mr. MacPherson stated the purpose of the request is to rezone approximately 1.103 acres, generally located at 502, 518, and 520 West Walnut Street from CC, Center City District, to a CS, Commercial Services District. Dodson Williams Collision Center has been operating an automotive repair center with a Conditional Use Permit, and the owner is proposing an expansion to the business. An automotive repair service is no longer a permitted use with a Conditional Use Permit under the current zoning ordinance, which was adopted in 1995. The Administrative Review Committee has reviewed the issue and has recommended a rezoning to CS-Commercial Services, which allows the use as a permitted use. Approval will provide opportunities for this existing use to expand in its current location rather than having to relocate to expand the business. There were some requirements from Sanitary Services stated there are two public sewers on the property however no easements were found for either of them. If an easement is found through a title search for the sewer on the southwest corner of 518 W. Walnut, it has been requested that a copy of it be mailed to them. If none is found, they would like a new 10' easement dedicated for the public sewer, centered on the main. There is currently public sewer underneath the existing building and

Environmental Services would like to relinquish maintenance of that main to the property owner since it doesn't serve any other properties. Maintenance of that line will become the responsibility of the property owner.

Mr. MacPherson stated the second issue is that Traffic requested that they verify that a 15 foot by 15 foot sight triangle existed and a certification affidavit is in the file from the surveyor representing the applicant, which indicates that has been the case. Staff is recommending approval of this zoning request.

Mr. Edwards opened the public hearing.

Mr. Les Schultz, 1346 E Catalpa, Springfield, Missouri, architect for Dodson Williams commented that he is available to respond to questions or comments.

Mr. Edwards closed the public hearing.

Mr. Ray motioned to **approve** Z-4-2012. Mr. McClelland **seconded the motion**. The motion **carried** as follows: **Ayes:** Edwards, McClelland, Hansen, Young, Baird, Ray, and Coltrin; **Nays:** None. **Abstain:** None. **Absent:** Lawhon, Roling

7. **Z-5-2012**

Clairmont, Inc.

(1350 E Woodhurst)

Mr. MacPherson stated the purpose of the request is to rezone approximately 2.27 acres, generally located at 1350 E. Woodhurst Drive from PD-Planned Development 20, to a GR-General Retail District. The subject property has been vacant for several years and there is a potential buyer who wants to convert it into restaurant and retail space. The current PD does allow commercial use, but it limits the amount of restaurant and retail to only 15% of the building area on the lot. Traffic has recommended that no access to Fremont Avenue be allowed and all access be taken from Woodhurst Drive and the requested change in zoning would not cause a significant increase in the number of trips generated by this property, No traffic study will be required. The impervious surface will remain the same so there are no additional storm water issues that need to be addressed. Staff findings are that the proposed zoning would facilitate the redevelopment of an existing vacant building into uses that are compatible with adjacent properties.

Mr. Edwards opened the public hearing.

Mr. Geoff Butler, with Butler Rosenbury & Partners, 319 North Main representing the applicant. Mr. Butler commented that the property needs to be redeveloped. The property will have to be gutted for any use, which does not make the property cost effective for anyone to use, which is why it has been vacant for so long. It is a very good commercial location at the corner so the requested zoning would be appropriate for the location. Mr. Butler stated he is available to answer any questions.

Mr. Hansen asked about the entrance to the site.

Mr. Butler responded that the entry would have to remain on Woodhurst because of its proximity to Fremont, there is not a way to get an entrance on the side and the parking lot is laid out that way, and they will work with that. That is a limiting factor to its commercial use, but with the visibility and location of the

site, they believe it will not be a detriment.

Mr. Edwards closed the public hearing.

Mr. Baird asked what the reasoning is for not allowing an entrance from Fremont.

Ms. Gardner stated because of the proximity of the location to Montclair. There is not enough frontage to allow an entrance on Fremont with functional classification of Fremont with the current traffic that it carries, it would be a safety situation.

Mr. Rognstad referred to the map to elaborate, pointing out Erie on the South and Montclair on the north, adding you have a turn lane built in there, the one on the north going into Montclair and one going into Erie which takes up the space between the two streets. It would make it difficult to have traffic coming in and out.

Mr. Ray motioned to **approve** Z-5-2012. Mr. Coltrin **seconded the motion**. The motion **carried** as follows:

Ayes: Edwards, McClelland, Hansen, Young, Baird, Ray, and Coltrin; **Nays:** None. **Abstain:** None.

Absent: Lawhon, Roling

8. **Z-6-2012 w/Conditional Overlay District No. 50**

City of Springfield

(North east corner of East Swallow and South Harvard)

Mr. MacPherson stated that there are significant elements to the case and it would help in the decision process if Commission understood the whole picture. Mary Lilly Smith, Economic Development Director for the City will make a presentation to address those issues.

Ms. Smith stated she wanted to give background history on the property. The City purchased the property in 2006 to build a regional storm water detention basin. When it was purchased the City had to purchase a larger tract than what was needed for the basin. The intent has always been to dispose of at least part, if not all of the tract. Earlier in the year, the Commission reviewed a request to dispose of this property and took an action forward to City Council to authorize staff to request proposals for development of the property. One proposal was received from Republic Road, LLC and Green Circles Developments, LLC, is part of what Commission will see tonight. The development will incorporate the Shoppes at James River Development along Republic Road and while Mr. MacPherson will talk more about that, Commission as well as City Council will see other actions related to this in the future. There are a number of contingencies that were placed in the response to our request for proposals and we will be working our way through those in the next couple of months, commenting that she would be happy to answer any questions on the process issues, and adding Mr. MacPherson will specifically address the zoning issues.

Mr. MacPherson stated the purpose of the case, the particular part of this project is to rezone approximately 6.13 acres of land generally located at the northeast corner of Harvard Avenue and Swallow Street from an R-SF, Single Family Residential District to a GR, General Retail District, and establishing Conditional Overlay District Number 50. The larger portion of the subject property involved in this request is City-owned property. Also included in this request is an undeveloped residential lot to the east on the north side of Lark Street. City Council passed a Resolution on January 17, 2012 (Resolution 9925)

authorizing the solicitation of Requests for Proposal (RFP) for the sale and development of the City-owned property included in this request. The City acquired the land in 2006 for the purpose of providing regional stormwater detention. The City constructed the regional stormwater detention basin on the western 2.54 acres and it has been the City's intent to sell the remnant 3.13 acre tract or both the detention basin with restrictions and conditions and the remnant tract together. The City received one proposal and staff anticipates that a purchase agreement will be submitted to City Council later this month for consideration. In order to facilitate the timely development of the property, the City is processing this request concurrent with the purchase agreement. The rezoning of this property is contingent on the subject property being purchased by the proposed developer and being combined with the existing GR zoned property to the north. The Conditional Overlay District that accompanies this request requires that additional buffering be provided on the subject property adjacent to the existing residential development. The developer will provide a minimum one-hundred (150) foot wide bufferyard adjacent to the southern property line of the City-owned property on the north side of Swallow Street. A minimum sixty-five (65) foot wide bufferyard will be provided on the south property line of the residential lot on Lark Street. The existing regional stormwater detention basin will remain.

The only access permitted to the subject property will be through existing access points to Harvard, Nature Center Way and Reed through cross access easements on the existing GR-zoned property to the north. Therefore, traffic will not have to go through the residential area to gain access to this property. Additional non-residential development will be focused toward Republic Road and away from the existing residential development. Approval of this request will provide for additional development on the existing GR-zoned property. By rezoning and combining the subject property with the GR-zoned property to the north, the developer can increase the intensity of development on the property fronting on Republic while providing additional open space and increased bufferyards, and complying with the other development standards of the GR district (floor area ratio [FAR], bulk plane, etc.). This will allow for increased development where investment has already been made in infrastructure and public services. Republic is classified as a primary arterial roadway and the site is located near the intersection of Glenstone and James River Freeway which has been identified as an activity center. The additional buffering and internal circulation that will be provided along with the normal requirements of the GR district including height restrictions adjacent to the existing residential will help to minimize the impact additional development in this area could have on the adjacent residential property.

Approval of this rezoning is the first step in the sale and development of this City-owned property. Additional processes will be brought forward to combine the subject property with the existing GR zoned property and to separate the existing development to the north (Houlihan's and Hilton Garden Inn) from the undeveloped portion. It is anticipated that a preliminary plat will be submitted for approval by the Planning and Zoning Commission at an upcoming meeting. In addition, a Conditional Use Permit will be brought forward to permit the Hilton Garden Inn to exceed the normal floor area ratio limit within the GR, General Retail District which will be necessary on the resulting lot when the proposed subdivision is completed. The approval of this rezoning will require this property to be combined with the existing GR, General Retail zoned property to the north and will provide for further development of that property. This will allow for increased development where investment has already been made in infrastructure and public services. The requested Conditional Overlay District that accompanies this zoning case will provide for increased buffering adjacent to the adjacent residential properties. The additional buffering and internal circulation will minimize impacts additional development could have on the adjacent residential development. The only access permitted to the subject property will be through existing access points to Harvard, Nature Center Way and Reed through cross access easements on the existing GR-zoned property to the north.

Therefore, traffic will not have to go through the residential area to gain access to this property. Additional non-residential development will be focused toward Republic Road and away from the existing residential development. Thirty-four (34) people are within 185 feet of the subject property and were notified of this request. Staff has received several phone calls from surrounding property owners requesting more information about this request. The owner of property at 2131 E. Cardinal, Mr. and Mrs. Schouten, verbally provided the following comments: (1) They believe the proposed development will be detrimental to the value of adjacent properties and (2) Commercial development should be restricted to the existing GR, General Retail zoned property. The applicant held two neighborhood meetings. The first meeting was held on February 16, 2012. A follow-up neighborhood meeting was held on March 8, 2012. A summary of the meetings is attached (Attachment 2). At the February 16 neighborhood meeting, the proposed developer presented a site plan that depicts a typical office development on the subject property to provide a comparison to what is being proposed. It is important to note that a development such as that would be not be possible as a result of this rezoning with the proposed Conditional Overlay District that accompanies this application because of the bufferyard that is required along the south property line along Swallow Street. In addition, a development similar to what was shown on the site plan would not be permitted on the property under the existing zoning. Any development of the subject property, other than what would be permitted in the existing R-SF, Single Family Residential zoning district would require the property to be rezoned. It is likely that with any request to rezone the property, staff would require additional buffering or place other restrictions on the development of the property similar to what is being proposed in this application, which would prohibit or significantly alter development of the property from what is shown on the site plan. The approval of this rezoning will require this property to be combined with the existing GR, General Retail zoned property to the north and will provide for further development of that property. This will allow for increased development where investment has already been made in infrastructure and public services. The requested Conditional Overlay District that accompanies this zoning case will provide for increased buffering adjacent to the adjacent residential properties. The additional buffering and internal circulation will minimize impacts additional development could have on the adjacent residential development. The only access permitted to the subject property will be through existing access points to Harvard, Nature Center Way and Reed through cross access easements on the existing GR-zoned property to the north. Therefore, traffic will not have to go through the residential area to gain access to this property. Additional non-residential development will be focused toward Republic Road and away from the existing residential development. The applicant has proposed to build within the detention facility an internal trail system in lieu of building sidewalks along the perimeter as an amenity to the detention facility and propose it as a park-like arrangement. Staff is recommending approval of the zoning.

Derek Lee, Lee Engineering, 2101 W Chesterfield Blvd, representing the property owner. Mr. Lee presented exhibits which were used during the neighborhood meeting, to give a feel for the type of project they are proposing. He outlined the buildings, the roads surrounding the property and the existing entrance, and what they are proposing four (4) story buildings with the bottom floor being retail. They are 10,000 square foot buildings per floor. The upper floors will be offices in one of the buildings and retail in the other building and those will be Phase 1 of the project. Mr. Lee pointed to a structure on the exhibit stating it will be the farmer's market, pointing out the indoor facility to be used year round and pointed out an awning covered walkway for protection from the elements. Attention was directed to a future building on the exhibit that will be the next phase, when the Phase 1 buildings fill up. Mr. Lee pointed out the location of Houlihan's and Hilton Garden Inn on the map and presented another exhibit showing the project from a different view, and pointing out a future phase that is a conceptual design and reviewed the proposed trail system and how it was laid out. Mr. Lee stated that this is a unique project in that the City owns the land and the City prepared a request for proposal as Ms. Smith indicated. During the public meeting, one of the

most frequently expressed comments was that the neighborhood did not want any development on the land; they wanted it to remain undeveloped and made into a park. An alternative design was presented that would have met the requirements of the request for proposal, because it stated the highest and best use was an office, so they presented what could have been built in an area that would have met the City's comments, with access off of Harvard over the existing dam. When the two developments were presented, people wanted the development to be further away from them, and that was the goal of this, to show what could be build on the site, compared to what the developer was going to do. At a follow-up meeting, buffer zones were presented, with one buffer corresponding with the entrance off of Harvard, shown in the previous drawing, where if this were to be purchased by another developer and they used it, they would have to drive over the existing detention basin dam, that is how the 150' buffer zone line got there, just to show there would be no further driveways further down Harvard than what is being used right now for Houlihan's. The sixty-five foot buffer that came from working with an individual, asking to keep the trees in front of his fence and that line corresponds with his fence on his yard where all the trees in the front yard would be saved in the buffer. There are a lot of large old growth trees there and it is their intent to save all those within that buffer. Mr. Lee commented that Commission has been given a lot of information and he would be glad to answer any questions, and indicated the owner/developer, Matt O'Reilly is in attendance to answer any questions.

Mr. Edwards asked about the bufferyard; asking for a breakdown of the buffer, commenting there is a significant amount of property they are leaving in the bufferyard.

Mr. Lee commented approximately more than one-third.

Mr. Coltrin asked what is being done to buffer Gentry Street from the subdivision lands on Lark.

Mr. Lee said just the typical buffer that is required by the City of Springfield; it is a perimeter buffer that is fifteen (15) feet, that is not single-family residential in that section.

Mr. Rognstad commented that it is fifteen (15) feet, because it is less than seventy (70) feet of right-of-way. It is ten (10) feet if it is seventy (70) feet or more.

Mr. Coltrin asked about the overlay, commenting on the exhibit that was presented of the layout of the buildings, if that what is guaranteed by the overlay that that is what will be built.

Mr. Lee asked if the buildings were guaranteed by the overlay.

Mr. Coltrin said the conceptual rending of the buildings, is that guaranteed by the overlay of what the neighborhood will get.

Mr. Lee stated no.

Mr. Coltrin commented that what is being given the developer then is an approved zoning overlay that will allow you to build something in there, but not necessarily what has been presented this evening.

Mr. Lee stated that is exactly right.

Mr. McClelland said that according to the neighborhood letters, there seems to be a major concern about

dynamiting on the site. In order to build the buildings, is there going to be dynamiting as well as truck traffic and mud. His understanding is the entrances will not be off of Harvard, but off of the other streets which should deter the truck traffic into the residential area, asking if that is correct.

Mr. Lee commented they are not planning on there being any dynamiting. There are three (3) entrances; the only entrances allowed are the ones that are there now.

Mr. McClelland re-stated to clarify; one entrance is beside Houlihan's, and the other will be coming off Reed and Nature Center Way. There will be no need for truck traffic in the residential section of the area.

Mr. Lee said that is correct. He referred to a map showing the entrances. There is an existing entrance south of Houlihan's, an existing entrance off of Reed, and an existing entrance off of Nature Center Way, adding there will be no truck traffic there.

Mr. Hansen commented about the detention area and the 150' buffer, asking about the rest of the area up to the building. He asked about the space between the parking and the trail and the buffer zone and what will the buffer be like.

Mr. Lee said that they will be using half to one-third of that area for parking. The intent is to keep the buffer the way it is. The developer is proposing to build trails, picnic benches and keep it green, without any paving or building in the area. The developer's interest is to encroach on the land as little as possible and keep the trees rather than have more parking spaces. Green is the focus and the buffer is part of that.

Mr. Young referred to the RFQ, saying in the original plan with the three buildings they did a layout that satisfied the City's RFQ that had access to Harvard. Did the City's RFQ allow access to Harvard, because all the documentation states that it is not allowed.

Mr. Lee said that Mary Lilly Smith would speak to that, but continued by saying that you could have office development with access to Harvard or a GR development and keep the access where it is now that goes through the property to the north.

Ms. Smith clarified that staff commented they would support office development on the tract but access would only be allowed via Harvard, or they would support a higher intensity zoning if access to the retail zone tract was to the north, adding it is staff support on that.

Mr. Edwards opened the public hearing.

Mr. Ben Bader, 2147 East Swallow, commented that he is confused regarding the northwest corner at Harvard and Swallow. He was under the impression that nothing was going to be developed in the strip on that side between Houlihan's and Swallow. The other concern is the buffer zone. That hill is high and a four story building is going to need a pretty good buffer to cover all this up. An example is the Hilton. You have people looking in your back yard. Ten (10) feet is not going to do much of anything. There are a few trees in the field. It seems the City keeps making mistakes putting in apartment buildings in a residential area. It should be left as a park. It is trashing one more area that doesn't need that there, especially office building in the middle of the property. The buffer is a concern. Are you going to plant trees to block this, but when it is everybody's back yard it is getting old.

Mr. Schaefer asked for an explanation of the bulk plane to allay some of the fears on the bufferyard.

Mr. MacPherson stated the bulk plane requirement is, in this case, a general retail district adjacent to a residential district will require a 30 degree bulk plane, which means for every foot the building goes up, it has to be a foot away from the district boundary line; that is a basic requirement. The other protection in there is the additional bufferyard which as part of the Conditional Overlay District by far, exceeds what the typical bufferyard is.

Mr. Rognstad said the typical buffer of the GR across from the single-family residential is only 15 feet, if the right-of-way is less than 70 feet. There is fairly minimal planning required in the 15 feet they are putting in the additional width on the bufferyard. The bufferyard they are proposing does not require any additional landscaping to be put in, it only impacts the width, so they would need to put in the landscaping that is required in the 15 feet and they probably have that with the existing trees.

Mr. Robert Douglas, 2060 East Swallow Street, the second lot east of Harvard, stated he has several concerns. The first came up earlier this evening when the representative said he was not sure what they were going to build there. Between the 150 foot buffer and the back of the farmers market if it is rezoned it looks like no-man's land and there could be something else go in there in the future that no one would have anticipated. He does not want to look out his front window at apartment buildings. That is not the reason he purchased the house initially. He anticipated a strip mall being build between Houlihan's and the hotel, but this is a whole different issue. If you look at the map, your jutting a commercial property, apartment and retail, right in the middle of a residential area and that is not want any of them want. He asked if anyone had driven by and looked at the traffic situation addressing the proposed apartment buildings and the people and vehicles associated with the new development. Traffic will be a big issue because to avoid the heavy traffic, vehicles will come through the residential area and there is the concern of speeding vehicles, with children and pets in the residential area.

Ms. Linden Mueller, 2123 E Cardinal Street, stated that they own part of an easement that allows water to flow from the subject property through the drainage area. It was uncomfortable initially with the truck traffic, but the benefits out weight the initial discomfort, and they believe the new development will be good for the neighborhood and state they are supporting the development. She added that she is glad the developer supports green space while proposing to put in trail way access with future opportunity to walk to the nature center.

Mr. Robert Mueller, 2123 E Cardinal Street, said he wanted to add to his wife's comments. He spoke about neighborhood concerns that property values would go down, mentioning the current apartments and the mobile home community which he believes is an eye-sore. He believes a high end apartment complex isn't going to change any of that, but may increase the value. There is concern about the traffic, but overall, the whole project will bring value to the neighborhood. The farmers market and the retail stores are going to be a benefit and they are looking forward to the project.

Mr. Jeremy Bower, 2035 E Swallow, commented that he has three (3) children and when he bought the house, part of the appeal was the trees and the appearance that they lived out of town. He asked why the property could not be divided into two lots with the city maintaining ownership of the lower half. His driveway is across from the entry way of the subject property, and he is concerned about the traffic on Harvard and his children's safety. He believes the project is up in the air. He asked if the zoning is approved, who is to say it will not change in the future, and asking why they are being shown pictures if that

is not what is going to be constructed.

Mr. Edwards commented that he might be able to answer the question. What was trying to be demonstrated there, under the provisions the City has offered, that is one of the possibilities that could go in as opposed to what they are trying to do.

Mr. Bower said that is something he does not want. He asked why a part of the property could not be sold to O'Reilly, adding it could be rezoned with the lower portion of the property to remain the property of the City. He referred to the previous construction and how he believes it was misrepresented and doesn't understand why the development has to come down into the residential area and put large buildings in the center of the area.

Mr. Baird thanked Mr. Bowers for his comments, relaying that they want to hear from those who wish to speak to the case. He asked Mr. Bowers to show him where his home is located on the map.

Mr. Bowers pointed out the location stating it is on the corner of Harvard and Swallow, adding he looks out of his driveway to the drive way of the proposed site. He believes there will be more traffic and questions the safety of his children. He said that Harvard is already a busy street and even though there are speeds signs in the area, it does not seem to matter.

Mr. Rognstad commented that the proposal is that the drive access would be limited to the existing one on Harvard, if it is rezoned to the commercial. That will be done as part of the sale of the property to the developer. It is not covered in the overlay district, but that is the intent. Staff said they would only support the office; they would not support the commercial.

Mr. Baird asked staff, to ease Mr. Bowers's concerns, if there would not be another way for a drive to be placed further south on Harvard.

Mr. Rognstad said no. The developer would have to come back and get changes made by council as he could not make changes on his own.

Mr. Edwards added that the developer would have to come back and ask for something that they explicitly said they would not do which is a very difficult thing to do. He continued by saying there are some protections built in and when they vote on that they do consider those protections to be a very important part of what they will be voting on. As a body, they cannot vote on changing any of the submitted proposals, they only vote on the appropriateness of the zoning change. If the proposed zoning does go through, that is a question to be directed to City Council as a body that can actually do something about that.

Mr. Hansen asked staff if the bufferyard is part of the overlay district.

Mr. Rognstad said yes.

Mr. Hansen asked if Commission approves that, there would be 150 foot bufferyard which would exclude the use of the drive across from the burn.

Mr. Rognstad stated the drive will be limited when the plat is done. They will have to put the properties

together in the plat and they will put an access limitation in the plat, that is not an issue.

Matt O'Reilly, 4174 E. Canyon, stated he wishes to speak to some concerns and answer any questions of the proposal and how it related to the zoning. This is an interesting development, it is complicated and there are many steps to it and they are able to run several of them at the same time. The purchase of the property, the rezoning, the re-platting, and the conditional use overlay that is required is a lot of steps and it is confusing. The approach to the City and the neighborhood has been if that property is sold and rezoned, it would probably be rezoned as office. Any other user other than him or the property owners above that bought it would have no way of combining it with the development to the north which already exists. It would become office; they would probably grade it, blast it out as it is a big hill, cut down the trees and turn it into an office if it is sold. It could be made residential of course, but the land is far too valuable to buy and use for houses. The proposal has been to purchase the land and use it to increase the floor area ratio of the northern lots when they combine the two. The density needed on the north requires a certain amount of green space. The reason they can draw the line on the driveway is they have to have the green space to have the density that is needed. There is a FAR of .4 of the total area of the development lot. They see it as an opportunity to buy the property and preserve it as green space, improve it and make it more of a park space, whereas another developer might come in and build premium offices on the site.

Mr. O'Reilly discussed the occupancy of the offices and apartments, stating the office will not be used at night, so there isn't a site line with intrusive vision at night or an invasion of privacy. There are sixty (60) units and by requirement 1 ½ vehicle per unit. We believe one to two people will live in each unit; that is sixty (60) vehicles and there was the mention of traffic, but there is not a huge density of tenants and do not feel it will be a major concern. There is a middle area where people can circulate and gather together, a plaza type of area, where people can get coffee or go to the farmers market or stay and eat so it is definitely a community space. Some people feel that the use intended for their property has been diminished, and there is no question residential property values have dropped in the last four years, but there are studies that show that park space improvements with high end amenities do increase property values and that is true across the United States. Mr. O'Reilly went on to discuss the proposed trail system. He addressed the bufferyard area and the concern that something else could possibly be built, but when they complete the construction on the four buildings, they will have used almost all the floor area ratio of .4 and they would need to come back to ask for a conditional overlay to increase the FAR and doesn't believe they would be allowed to do that. He added he is available for comments and questions.

Mr. Young stated he has two questions; the first regarding the trail and the connection to the Y. How will that be done, will it go under or over Republic Road. Secondly, in the development phasing, building one (1) and two (2) are in Phase 1, is the farmers market in phase one and if there will be connectivity to Nature Center Way for Phase 1.

Mr. O'Reilly said people will still have to cross the street. There is an existing crosswalk, and suggested a possible flagging system for visibility. He pointed out on the map how access could be achieved through the future trail project. He pointed out on the map the two prime entrances, one being an access to Nature Center Way and they will use signage or a billboard to direct traffic because it is a good entrance to the property.

Mr. Coltrin said one of the concerns is the number of accesses and discussion on what will or won't be done in the future and that you could come back for more access. What we have before us now is a conditional overlay, which allows him to ask a question that becomes binding upon the project. As far as

your access to Harvard, are you willing to have that limited and tied to this property as that is the southern-most access to Harvard that will be allowed or done for this project.

Mr. O'Reilly said yes. If the zoning does not pass or if building plans are not approved, there could be an eventual use of office on that property.

Mr. Coltrin asked with what is being asked to be approved this evening, are you willing to put into the conditional overlay that that is the farthest connection south that you will go on Harvard for this project.

Mr. O'Reilly said yes, if that is general retail, they would not add any additional entrances to the property.

Mr. Edwards closed the public hearing.

Mr. Rognstad asked for clarification from Commission that they want to add to the conditional overlay district that all access would be through the property to the north.

Mr. Coltrin stated in order for him to be comfortable with the proposal that would be the addition to the zoning.

Mr. Rognstad said that they would need a motion to add a condition that all vehicular access would only be through the property to the north that would then allow the trail system with pedestrian access.

Mr. Young referred to the staff comments on page nine (9) where it states that Hilton Garden Inn will exceed the normal FAR. If all this happens, does anyone know how much this is going to exceed the ratio.

Mr. MacPherson said the current floor area ratio is .4 and believes this would raise it to .56.

Mr. Coltrin stated that it is difficult to mix zoning so close together and difficult to find a compromise that is fair to everyone. He appreciates Mr. O'Reilly's willingness to commit and back up what he is saying, in trying to provide some vehicular protection to the people in the residential area to the south. The conditional overlay gives Commission the ability to have this discussion at the meetings to get something put into it that will not set the project back as a compromise to everything else. He likes having the development there and the neighborhood market will be nice. It makes him more comfortable knowing as a Commissioner that as a resident of that neighborhood, he would not want traffic getting that far down on Harvard.

Mr. Edwards commented that accurately surmises the way he feels about the situation as well, being able to add some protection, especially with the traffic situation for those who live in that area.

Mr. Coltrin motioned to **approve** Z-6-2012 with the addition to the conditional overlay that restricts access farther south on Harvard Street. Mr. Young **seconded the motion**. The motion **carried** as follows: **Ayes:** Edwards, McClelland, Hansen, Young, Baird, Ray, and Coltrin; **Nays:** None. **Abstain:** None. **Absent:** Lawhon, Roling.

Mr. MacPherson said the purpose of this request is to rezone approximately 0.55 acres of property generally located at 637 West Tampa Street from a GM, General Manufacturing District, to a CS, Commercial Services District. The rezoning will facilitate the re-location of a Head Start program, which is not permitted in the General Manufacturing District. The subject property is situated along Tampa Street which is classified as a Downtown local commercial street. No additional right of way is required. The requested change in zoning would not cause a significant increase in number of trips generated by this property. No traffic study will be required. The subject property is adjacent to Heavy and General Manufacturing District uses to the south and east and Commercial Service District uses to the north and west. The proposed CS, Commercial Services District, is compatible with surrounding uses and districts.

This request is consistent with the recommendations of the Comprehensive Plan, which identifies this area as an appropriate location for greater downtown uses. The Plan recommends uses that promote high-intensity office. Since there are no other CC zoning districts in the immediate vicinity, staff believes the CS, Commercial Services District, will provide a more appropriate transition from the surrounding manufacturing districts and uses. The CS, Commercial Services District, is intended for business uses which provide essential commercial services and support activities but which do not necessarily require high visibility. This district is intended to function as a transition between industrial development and commercial development. Staff believes the subject property and proposed Head Start use fit the CS zoning districts' purpose. Staff findings for this request are that it is consistent with the recommendations of the Comprehensive Plan, which identifies this area as an appropriate location for high-intensity office uses. The proposed CS, Commercial Services District, is consistent and compatible with surrounding uses and districts. Staff is recommending approval.

Mr. MacPherson added that a neighborhood meeting with property owners within five hundred (500) feet of the subject property was held on March 12, 2012. There were no objections to the proposed rezoning. The applicant's summary of the meeting and sign-in sheet is attached (Attachment 2).

Mr. Edwards opened the public hearing.

Joe Costello, 4112 N Farm Road 189, Springfield, stated he is one of the managers of the property, adding he is available for questions.

Mr. Edwards closed the public hearing.

Mr. Hansen motioned to **approve** Z-7-2012. Mr. Ray **seconded the motion**. The motion **carried** as follows: **Ayes:** Edwards, McClelland, Hansen, Young, Baird, Ray, and Coltrin; **Nays:** None. **Abstain:** None. **Absent:** Lawhon, Roling

ZONING TEXT AMENDMENTS:

10. GR Outdoor Activities Amendments (City-Wide)

City of Springfield

Mr. MacPherson stated that staff has had on-going discussion with DIG about this and working to finalizing the amendments before bringing them before Commission and has requested the item be tabled till May 3, 2012.

Mr. Hansen motioned to **table** the GR Outdoor Activities Amendment to May 3, 2012. Mr. Baird **seconded the motion**. The motion **carried** as follows: **Ayes:** Edwards, McClelland, Hansen, Young, Baird, Ray, and Coltrin; **Nays:** None. **Abstain:** None. **Absent:** Lawhon, Roling

11. Temporary Uses Amendments
(City Wide)

City of Springfield

Mr. MacPherson commented that some significant code changes must occur consistent with the temporary uses amendments and because of that, staff is requesting the item be tabled indefinitely and it will need to be re-advertised when it is brought back before Commission.

Mr. Baird motioned to **table** the Temporary Uses Amendment indefinitely. Mr. Ray **seconded the motion**. The motion **carried** as follows: **Ayes:** Edwards, McClelland, Hansen, Young, Baird, Ray, and Coltrin; **Nays:** None. **Abstain:** None. **Absent:** Lawhon, Roling

CONDITIONAL USE PERMITS:

12. Conditional Use Permit 397
(3131 S Campbell)

AJMC, LLC

Mr. MacPherson said the purpose of the request is to approve a Conditional Use Permit to permit an auto body and fender repair and paint shop within an HC, Highway Commercial District. The applicant is requesting approval of a Conditional Use Permit to permit the expansion of an existing auto body and fender repair and paint shop within an HC, Highway Commercial District. City Council approved Conditional Use Permit 380 (Special Ordinance 25296) in November 2007 for the existing facility. The owner wishes to expand the facility which requires approval of a new Conditional Use Permit. Approval of this application will allow the existing facility to expand in its current location without the need to relocate. All requirements of the original Conditional Use Permit will be maintained including the requirement for the area west of the building to be green space. The outdoor storage of vehicles will not be permitted within the green space area. The applicant will provide a fire access lane to bring the site into compliance with the fire code and provide for fire coverage of the existing building and proposed addition. Staff has reviewed the applicant's request for a Conditional Use Permit and has determined that it satisfies the standards for Conditional Use Permits outlined in Section 3-3310 of the Zoning Ordinance. Staff findings are such that approval will provide opportunities for this existing use to expand in its current location rather than having to relocate to expand the business. This application meets the approval standards for a Conditional Use Permit and is in conformance with the Comprehensive Plan. Staff is recommending approval of the request.

Mr. Hansen asked about the gravel surface that is proposed. He asked if that is impervious gravel.

Mr. Marshall stated that the City drainage criteria allows for a partial credit, 50% credit, of gravel surfaces, recognizing them as impervious surfaces, but they do allow some storm water infiltration unlike concrete or asphalt or rooftop. Gravel surfaces would not be given a 100% credit, but a partial credit.

Mr. Hansen said that it does not make sense that gravel would be considered impervious, adding that he has never seen water pooling on a gravel surface.

Mr. Marshall stated that the applicant has proposed to remove the gravel surface and replace it with grass.

Mr. Edwards opened the public hearing.

Chris Ball with Jack Ball Architects, 444 S. Campbell, commented that the small addition will be in the rear on the asphalt. The rear portion is gravel and they will be returning it to green space. They have worked with the fire department and have reached an acceptable agreement for access. He added he is available to answer any questions.

Mr. Edwards closed the public hearing.

Mr. Ray motioned to **approve** Conditional Use Permit 397. Mr. Hansen **seconded the motion**. The motion **carried** as follows: **Ayes:** Edwards, McClelland, Hansen, Young, Baird, Ray, and Coltrin; **Nays:** None. **Abstain:** None. **Absent:** Lawhon, Roling.

OTHER PUBLIC HEARINGS:

13. Clair Corner Phase 1 Final Plat
Ward
(440 South Campbell)

Mark

Mr. MacPherson stated the purpose of this request is to approve the final plat for Clair Corner Phase 1 that could not be approved administratively due to the expiration of the approved preliminary plat. The Preliminary Plat for Clair Corner was approved by Commission on October 4, 2007 and accepted by City Council on June 1, 2009. The Preliminary Plat ordinance (Special Ordinance 25606) expired on June 1, 2011 when the property owners failed to file a Final Plat. The approved Preliminary Plat ordinance is attached. In the event the Director determines that the Final Plat does not substantially conform to Preliminary Plat, including the conditions of approval, the Director shall reject the plat. The applicant may appeal such decision to the Commission. The Commission shall review the Final Plat and supporting material, the recommendations of the Director of Planning and Development, recommendations from agencies or officials and testimony and exhibits submitted at the public hearing to determine if the Final Plat substantially conforms to the Preliminary Plat. The Final Plat could not be administratively approved because the approved Preliminary Plat has expired. The approved preliminary plat for Clair Corner included the subject property as well as the two lots to the north. The Preliminary Plat was approved by Commission on October 4, 2007 and was accepted by City Council on June 1, 2009. The applicant has two (2) years from the date of City Council's acceptance of the plat to submit a Final Plat. The applicant failed to submit a Final Plat within the two year timeframe and the Preliminary Plat for Clair Corner expired. A prospective buyer for the subject lot would like to move forward with a Final Plat at this time. All of the requirements contained in the approved Preliminary Plat for Clair Corner will be met, with the exception of the access limitation on Campbell Avenue. There is an existing driveway and the applicant has submitted a Subdivision Variance (Subdivision Variance 338) to permit the driveway to remain even though it does not meet the normal spacing requirements. The applicant does not intend to make any changes to the site and

the existing driveway on Campbell is needed for traffic circulation. All other requirements of the approved Preliminary Plat for the subject property will be met with the proposed Final Plat. Letters have been sent to the owners of the other two lots included in the expired Preliminary Plat of Clair Corner to notify them that the Preliminary Plat has expired and the City does not recognize the lots and certain improvements will be needed before they can redevelop or further develop their property. The Planning and Zoning Commission review is to determine if the proposed Final Plat merits approval despite the expiration of the approved Preliminary Plat. If the Planning and Zoning Commission finds that the proposed Final Plat merits approval, the Final Plat will complete the normal Final Plat review process. All conditions of the review of this proposed Final Plat must be satisfied prior to the recording of the Final Plat. The final plat cannot be approved administratively because the approved Preliminary Plat expired. Approval of this request would permit one of the proposed lots in the expired Preliminary Plat of Clair Corner to be Final Platted without the need to go through the Preliminary Plat process again. The proposed Final Plat is acceptable because all requirements of the expired Preliminary Plat will be met with the Final Plat. The other two proposed lots in the expired Preliminary Plat of Clair Corner will have to go through a similar process when they redevelop or further develop.

Mr. Edwards opened the public hearing.

Derek Lee, Lee Engineering, 2101 W Chesterfield Blvd, Springfield, representing the owner, commented he is available for questions.

Mr. Young motioned to **approve** Clair Corner Phase 1 Final Plat. Mr. Hansen **seconded the motion**. The motion **carried** as follows: **Ayes:** Edwards, McClelland, Hansen, Young, Baird, Ray, and Coltrin; **Nays:** None. **Abstain:** None. **Absent:** Lawhon, Roling.

1. **Springfield Tire Exchange Redevelopment Area**
(NW corner W McDaniel & S Market St)

Jason Murray

Mr. Schaefer stated that the purpose of the request is to approve the Redevelopment Plan for the Springfield Tire Exchange Redevelopment Area. The Redevelopment Plan for the Springfield Tire Exchange Redevelopment Area is in conformance with the Springfield-Greene County Comprehensive Plan. The Springfield Tire Exchange Redevelopment Corporation has filed an application requesting partial real property tax abatement pursuant to Chapter 353, Missouri Revised Statutes (RSMo) for a proposed redevelopment project located at the northwest corner of West McDaniel Street and South Market Avenue (*Exhibits 1 and 2*). The application includes a redevelopment plan, which the Springfield Planning and Zoning Commission shall review for conformance to the *Springfield-Greene County Comprehensive Plan* (*Exhibit 3*).

The Springfield Tire Exchange Redevelopment Area consists of a single 0.61 acre parcel, which is occupied by a former warehouse and automotive repair garage. According to the Redevelopment Plan, the Developer proposes to rehabilitate and convert the existing structure into a residential and commercial mixed-use development that will feature three commercial spaces and 23 residential loft apartments with indoor parking. The commercial spaces and indoor parking will be located on the ground and mezzanine levels facing South Market Avenue, and the residential loft apartments will be located on the upper levels with the exception of six apartments, which will be located on the ground level facing the alley on the west side of the building. The Redevelopment Plan specifically states that no residential loft apartments will be on the ground level facing South Market Avenue, thus encouraging a more active streetscape. The existing

structure was constructed in 1899. According to Sanborn Fire Insurance Maps and a recent Phase I Environmental Site Assessment, the structure has been occupied by a tire company, automotive repair facilities, distribution companies, retail shops, beverage companies, farm supply stores, and a lumber planning mill. The structure is currently vacant. The Springfield Tire Exchange Redevelopment Area is zoned CC, Center City, and will contain multi-family residential and commercial uses. The proposed redevelopment will also have a strong pedestrian orientation due to its location in downtown Springfield and its close proximity to retail shops, parks, restaurants, entertainment venues, and other downtown amenities. The proposed redevelopment plan is one component of the applicant's request to obtain tax abatement pursuant to Chapter 353, RSMo (Chapter 353 Tax Abatement). Chapter 353 Tax Abatement is an economic development incentive used to encourage redevelopment of blighted areas providing up to 25 years of partial real property tax abatement. To be eligible for the abatement, the subject property must meet the definition of blight contained in the statute. Additionally, the applicant must demonstrate that the project will provide a measurable public benefit and that it would not occur but for the abatement.

Mr. Coltrin asked about the abatement of 25 years.

Mr. Schaefer stated that the standard abatement is 25 years.

Mr. Schaefer commented that the applicant is required to submit a highly detailed application, as well as undergo a lengthy review process, which includes notifying the taxing jurisdictions (i.e. school district, county, library district, etc.) and attending public hearings before the LCRA, Planning and Zoning Commission, and City Council. The Land Clearance for Redevelopment Authority (LCRA) will review this project on April 3, 2012 and make a recommendation as to whether the Area should be declared a blighted area. The Planning and Zoning Commission's responsibility is to review the redevelopment plan for conformance with the Comprehensive Plan and make a recommendation regarding the same to City Council. Staff recommends the Redevelopment Plan for the Springfield Tire Exchange Redevelopment Area be approved.

Mr. Hansen asked if the building is currently occupied and what is upstairs. He also asked what the tax impact is.

Mr. Schaefer said the Applicants representative could answer that question. The Tax impact over a 25 year period is \$181,519.00; that is the difference of tax revenue without any development with the property remaining blighted.

Mr. Coltrin asked about the abatement awards, if there are requirements of fully compliant lofts, that make it a fully ADA compliant unit.

Mr. Schaefer stated there is nothing in the redevelopment plans. That may be addressed at the building stage.

Mr. Edwards opened the public hearing.

Mr. Shawn Whitney, 901 St. Louis, Springfield. Attorney with Husch Blackwell representing the applicant, and commented he is available for comments.

Mr. McClelland asked if there are any EPA concerns regarding the building.

Mr. Whitney stated there are issues, and during the construction those issues will be taken care of.

Mr. Edwards closed the public hearing.

Mr. Hansen motioned to **approve** Springfield Tire Exchange Redevelopment Area. Mr. Ray **seconded the motion**. The motion **carried** as follows: **Ayes:** Edwards, McClelland, Hansen, Young, Baird, Ray, and Coltrin; **Nays:** None. **Abstain:** None. **Absent:** Lawhon, Roling.

Mr. MacPherson communicated with Commission that the May 3rd, 2012 Planning and Zoning meeting will be held at the Busch Building in the Fourth Floor Conference Room which has television capability. Secondly, he asked Commission to mark their calendars for June 14, 2012, as the Planning and Zoning meeting is cancelled that evening and the suite at the Cardinals Game is reserved for Commission that evening.

Mr. MacPherson commented on the new I-pads and the convenience of use and asked for feed-back regarding the new I-pads and how they worked for Commissioners during the meeting.

Mr. Coltrin remarked that he had an error issue, but up to that point, it worked great.

Mr. Baird said that with the new I-pad they will be using, they have access to a great mapping application. He would like to see a more current up to date mapping system in chambers, adding that Mr. Lee was frustrated when he was trying to show some property and it was an outdated picture. He also expressed concern for himself and Mr. Young that when items are being presented behind them it is difficult to turn around and review the information and engage the speaker at the same time. He asked if there could be a monitor placed on the counter in front of them so they could see what was being presented.

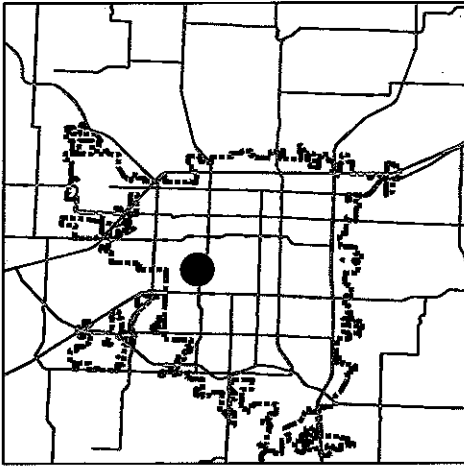
Mr. McClelland asked Mr. MacPherson if in the future he would reference the page numbers from the staff report when reviewing the cases, for convenience.

ANY OTHER MATTERS UNDER COMMISSION JURISDICTION:

There being no further business, the meeting was adjourned at approximately 8:40 p.m.

Michael MacPherson

Michael MacPherson
Principal Planner



Zoning & Subdivision Report

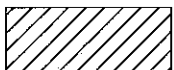
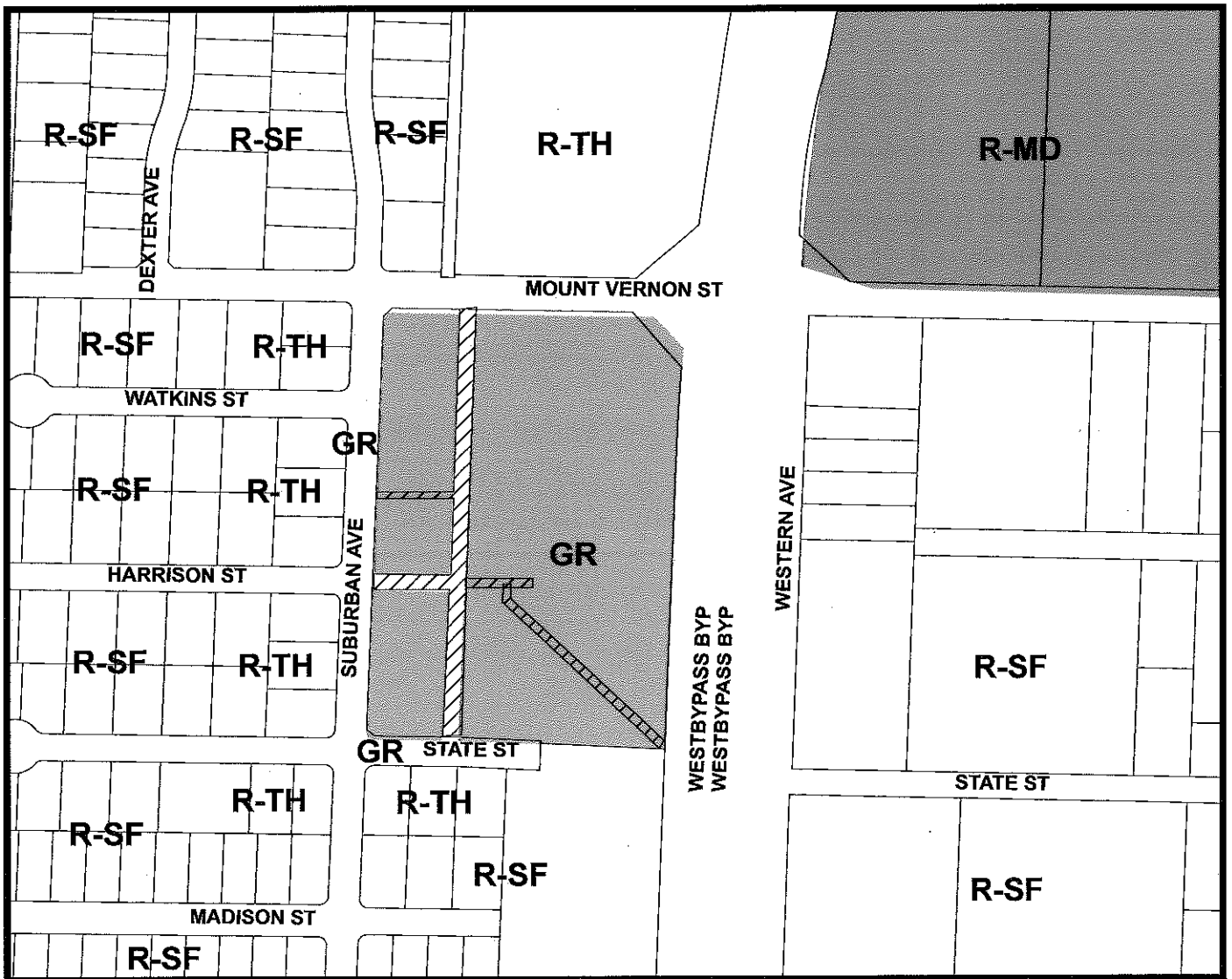
Planning & Development - 417/864-1031
840 Boonville - Springfield, Missouri 65802

Relinquish Easement 775

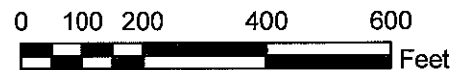
Location: 3536 W. Mount Vernon St.

Current Zoning: GR - General Retail

LOCATION SKETCH



- Area of Proposal



1 inch = 300 feet

Zoning & Subdivision Report

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

REQUEST TO RELINQUISH EASEMENT NUMBER 775

DATE: April 24, 2012

PURPOSE: To relinquish utility, sanitary sewer, and storm water easements.

LOCATION: 3536 W. Mount Vernon

APPLICANT: WalMart Real Estate Trust

RECOMMENDATION:

The request be **approved**.

FINDING:

The request meets the approval criteria listed in Attachment B.

STAFF CONTACT PERSON:

Michael G. Sparlin
Assistant Planner

Attachment A: Background report
Attachment B: Approval criteria
Exhibit 1: Legal descriptions
Exhibit 2: Drawings

ATTACHMENT A
RELINQUISH EASEMENT NO. 775
BACKGROUND REPORT

APPLICANT'S PROPOSAL:

The applicant is requesting to relinquish utility, sanitary sewer, and storm water easements. The relocation of the sanitary sewer easement will facilitate the development of the proposed building. A replacement sanitary sewer easement is being provided.

SANITARY SERVICES COMMENTS:

Applicant needs to provide a replacement easement. Otherwise, Sanitary Services has no objections to this request.

STORMWATER COMMENTS:

No objections to this request.

AT&T COMMENTS:

AT&T does not object to this request.

CITY UTILITIES COMMENTS:

No objection to relinquishment request. Additional easements may be acquired for future development, but that will not impact this request.

STAFF COMMENTS:

1. The Planning and Zoning Commission has the authority to relinquish easements if the relinquishment does not affect public utilities and any necessary replacement easements have been accepted.
2. The existing easements are not being used and any future public utilities will be provided with replacement easements. All utility providers have responded and have no objections.
3. No one has objected to this request to date.

ATTACHMENT B
RELINQUISH EASEMENT NO. 775
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 these easements.

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

STAFF RESPONSE:

All effected City agencies have filed statements that the easements are no longer needed to provide service, with dedicated replacement easements.

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

STAFF RESPONSE:

The retention of the subject easements no longer serves a public purpose.

RELINQUISH EASEMENT NO. 775
EXHIBIT 1

DESCRIPTION: Easements for Relinquishment

Utility Easement

A portion of a utility easement being part of Lot 10 of Westgate, as recorded in Plat Book EE, Page 21, in Section 20, Township 29 North, Range 22 West of the 5th P.M., City of Springfield, Greene County, Missouri, and being more particularly described as follows:

Commencing from the northwest corner of Lot 2 of West Bypass Properties Subdivision, as recorded in Book AAA, Page 192; thence S02°24'44"W 301.38 feet to the point of beginning; thence S89°15'12"E 5.00 feet; thence S02°24'44"W 10.00 feet; thence N89°15'12"W 5.00 feet; thence N02°24'44"E 10.00 feet to the point of beginning, also the following:

Commencing from the northwest corner of Lot 2; thence S02°24'44"W 301.38 feet; thence S89°15'12"E 15.00 feet to the point of beginning; thence S89°15'12"E 125.00 feet; thence S02°24'44"W 10.00 feet; thence N89°15'12"W 125.00 feet; thence N02°24'44"E 10.00 feet to the point of beginning.

And the following:

Sanitary Sewer, Storm Sewer, and Utility Easement

A portion of a sanitary sewer, storm sewer, and utility easement being part of Lots 9, 10, and 11 of Westgate, as recorded in Plat Book EE, Page 21, in Section 20, Township 29 North, Range 22 West of the 5th P.M., City of Springfield, Greene County, Missouri, and being more particularly described as follows:

Commencing from the northwest corner of Lot 1 of West Bypass Properties Subdivision, as recorded in Book AAA, Page 192; thence N89°12'20"W 20.01 feet to the point of beginning; thence S02°24'44"W 681.11 feet; thence N87°35'16"W 4.19 feet; thence N67°40'52"W 27.45 feet; thence N02°24'44"E 150.06 feet; thence N89°15'12"W 121.36 feet; thence N02°24'44"E 21.68 feet; thence N87°35'16"W 18.64 feet; thence N02°24'44"E 7.79 feet; thence S89°15'12"E 140.00 feet; thence N02°24'44"E 95.66 feet; thence S87°35'16"E 3.06 feet; thence N02°24'44"E 10.00 feet; thence N87°35'16"W 3.06 feet; thence N02°24'44"E 385.19 feet; thence S89°12'20"E 30.01 feet to the point of beginning, also the following:

Commencing from the southwest corner of Lot 2; thence N02°24'44"E 260.56 feet to the point of beginning; thence N02°24'44"E 7.22 feet; thence S87°35'16"E 3.64 feet; thence S02°24'44"W 7.11 feet; thence N89°15'12"W 3.64 feet to the point of beginning, also the following:

Commencing from the southwest corner of Lot 2; thence S43°25'31"E 14.55 feet; thence S89°15'12"E 129.56 feet to the point of beginning; thence N02°24'44"E 99.67 feet; thence S67°40'52"E 15.01 feet; thence S01°55'13"W 94.13 feet; thence N89°15'12"W 14.93 feet to the point of beginning.

And the following:

Sanitary Sewer Easement

A portion of a sanitary sewer easement being part of Lot 5 of Westgate, as recorded in Plat Book EE, Page 21, in Section 20, Township 29 North, Range 22 West of the 5th P.M., City of Springfield, Greene County, Missouri, and being more particularly described as follows:

Commencing at the northeast corner of Lot 2 of West Bypass Properties Subdivision, as recorded in Book AAA, Page 192; thence N87°35'17"W 137.60 feet; thence S23°26'11"W 330.43 feet; thence N87°35'16"W 2.89 feet to the point of beginning; thence S23°26'11"W 10.71 feet; thence N87°35'16"W 114.83 feet; thence N02°24'44"E 10.00 feet; thence S87°35'16"E 118.67 feet to the point of beginning.

And the following:

Storm Sewer Easement

A portion of a storm sewer easement being part of Lots 5, 6, and 7 of Westgate, as recorded in Plat Book EE, Page 21, in Section 20, Township 29 North, Range 22 West of the 5th P.M., City of Springfield, Greene County, Missouri, and being more particularly described as follows:

Beginning at the southeast corner of Lot 7 of said subdivision; thence N87°35'12"W 7.18 feet; thence N47°04'18"W 313.01 feet; thence N02°24'44"W 13.15 feet; thence S47°04'18"E 322.42 feet; thence S02°13'48"W 7.04 feet to the point of beginning, also the following:

Commencing from the southeast corner of said Lot 7; thence N87°35'12"W 7.18 feet; thence N47°04'18"W 339.32 feet to the point of beginning; thence N47°04'18"W 90.33 feet; thence N02°24'44"E 26.88 feet; thence S87°35'12"E 10.00 feet; thence S02°24'44"W 22.27 feet; thence S47°04'18"E 77.18 feet; thence S02°24'44"W 13.15 feet to the point of beginning.

Utility Easement Vacation
Springfield, Missouri (Mount Vernon)
Project No. 10-4540C
March 15, 2012

DESCRIPTION:

A portion of a utility easement being part of Lot 10 of Westgate, as recorded in Plat Book EE, Page 21, in Section 20, Township 29 North, Range 22 West of the 5th P.M., City of Springfield, Greene County, Missouri, and being more particularly described as follows:

Commencing from the northwest corner of Lot 2 of West Bypass Properties Subdivision, as recorded in Book AAA, Page 192; thence S02°24'44"W 301.38 feet to the point of beginning; thence S89°15'12"E 5.00 feet; thence S02°24'44"W 10.00 feet; thence N89°15'12"W 5.00 feet; thence N02°24'44"E 10.00 feet to the point of beginning, also the following:

Commencing from the northwest corner of Lot 2; thence S02°24'44"W 301.38 feet; thence S89°15'12"E 15.00 feet to the point of beginning; thence S89°15'12"E 125.00 feet; thence S02°24'44"W 10.00 feet; thence N89°15'12"W 125.00 feet; thence N02°24'44"E 10.00 feet to the point of beginning.

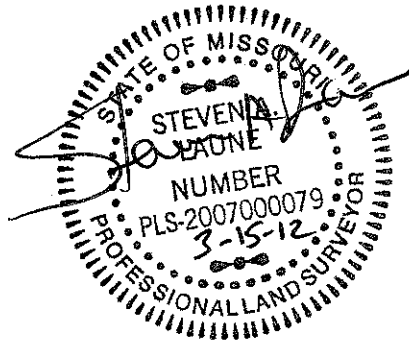
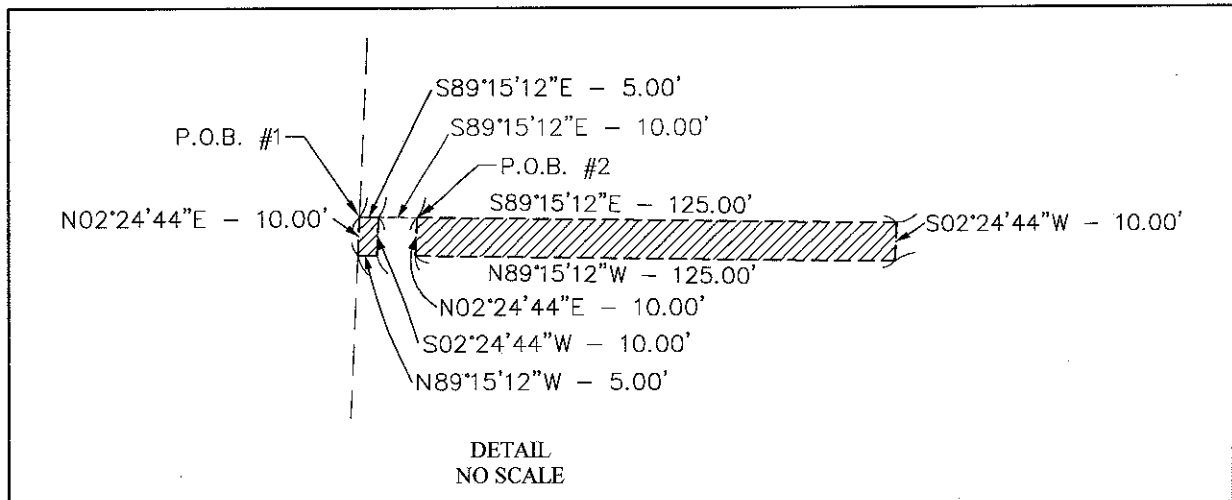
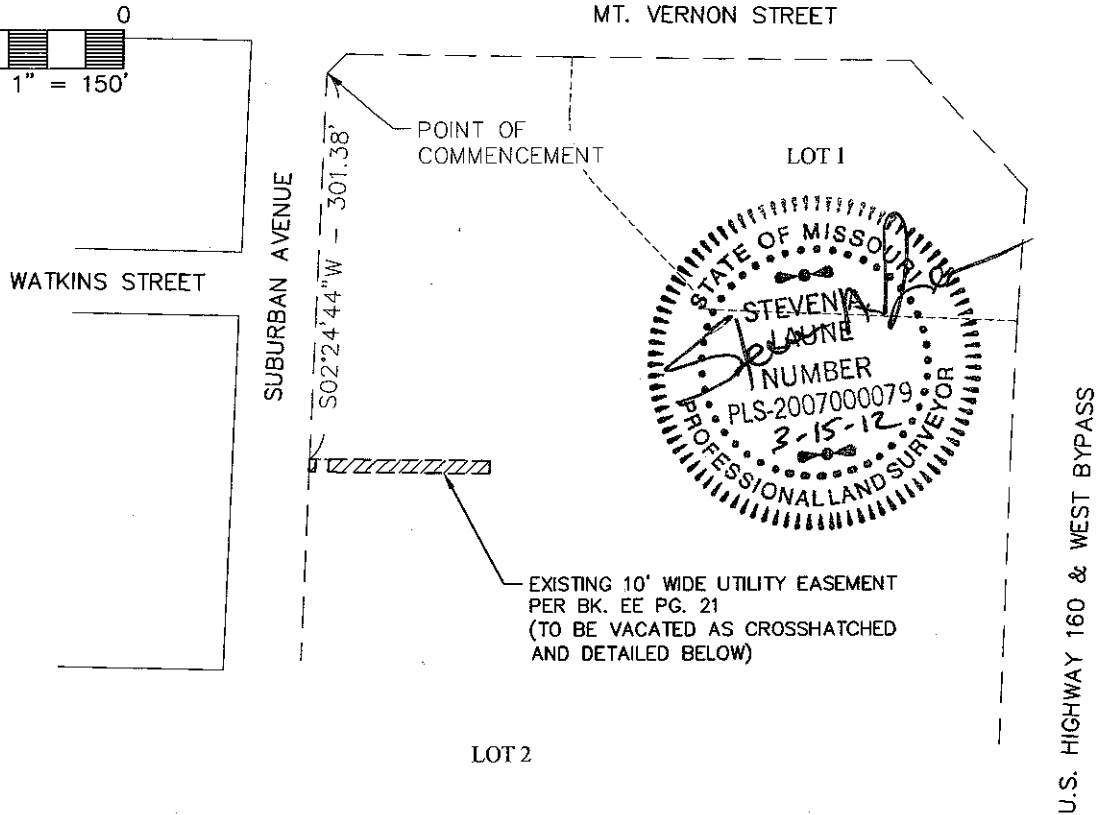
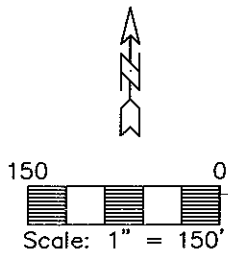


EXHIBIT "A"

PART OF LOT 2 OF WEST BYPASS PROPERTIES SUBDIVISION, AN ADMINISTRATIVE RE-PLAT OF LOTS 1 THROUGH 11 OF WESTGATE AS RECORDED IN BOOK EE PAGE 21, ALSO BEING PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 29 NORTH, RANGE 22 WEST OF THE 5TH P.M., CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI



		530a E. Independence Dr. Union, Missouri 63084 636-584-0540 (tel.) 636-584-0512 (fax) mail@cochroneng.com
DRN. BY SAL		DATE 3-14-12
PROJ. NO. 10-4540C		• Civil Engineering • Land Surveying • Architecture • Site Development • General Consulting • Master Planning

Sanitary Sewer, Storm Sewer, and Utility Vacation
Springfield, Missouri (Mount Vernon)
Project No. 10-4540C
March 15, 2012

DESCRIPTION:

A portion of a sanitary sewer, storm sewer, and utility easement being part of Lots 9, 10, and 11 of Westgate, as recorded in Plat Book EE, Page 21, in Section 20, Township 29 North, Range 22 West of the 5th P.M., City of Springfield, Greene County, Missouri, and being more particularly described as follows:

Commencing from the northwest corner of Lot 1 of West Bypass Properties Subdivision, as recorded in Book AAA, Page 192; thence N89°12'20"W 20.01 feet to the point of beginning; thence S02°24'44"W 681.11 feet; thence N87°35'16"W 4.19 feet; thence N67°40'52"W 27.45 feet; thence N02°24'44"E 150.06 feet; thence N89°15'12"W 121.36 feet; thence N02°24'44"E 21.68 feet; thence N87°35'16"W 18.64 feet; thence N02°24'44"E 7.79 feet; thence S89°15'12"E 140.00 feet; thence N02°24'44"E 95.66 feet; thence S87°35'16"E 3.06 feet; thence N02°24'44"E 10.00 feet; thence N87°35'16"W 3.06 feet; thence N02°24'44"E 385.19 feet; thence S89°12'20"E 30.01 feet to the point of beginning, also the following:

Commencing from the southwest corner of Lot 2; thence N02°24'44"E 260.56 feet to the point of beginning; thence N02°24'44"E 7.22 feet; thence S87°35'16"E 3.64 feet; thence S02°24'44"W 7.11 feet; thence N89°15'12"W 3.64 feet to the point of beginning, also the following:

Commencing from the southwest corner of Lot 2; thence S43°25'31"E 14.55 feet; thence S89°15'12"E 129.56 feet to the point of beginning; thence N02°24'44"E 99.67 feet; thence S67°40'52"E 15.01 feet; thence S01°55'13"W 94.13 feet; thence N89°15'12"W 14.93 feet to the point of beginning.

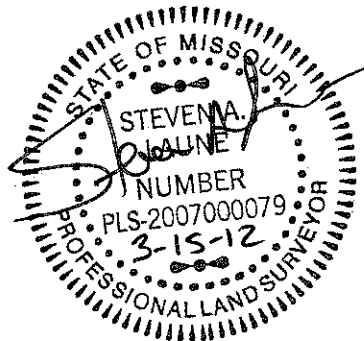
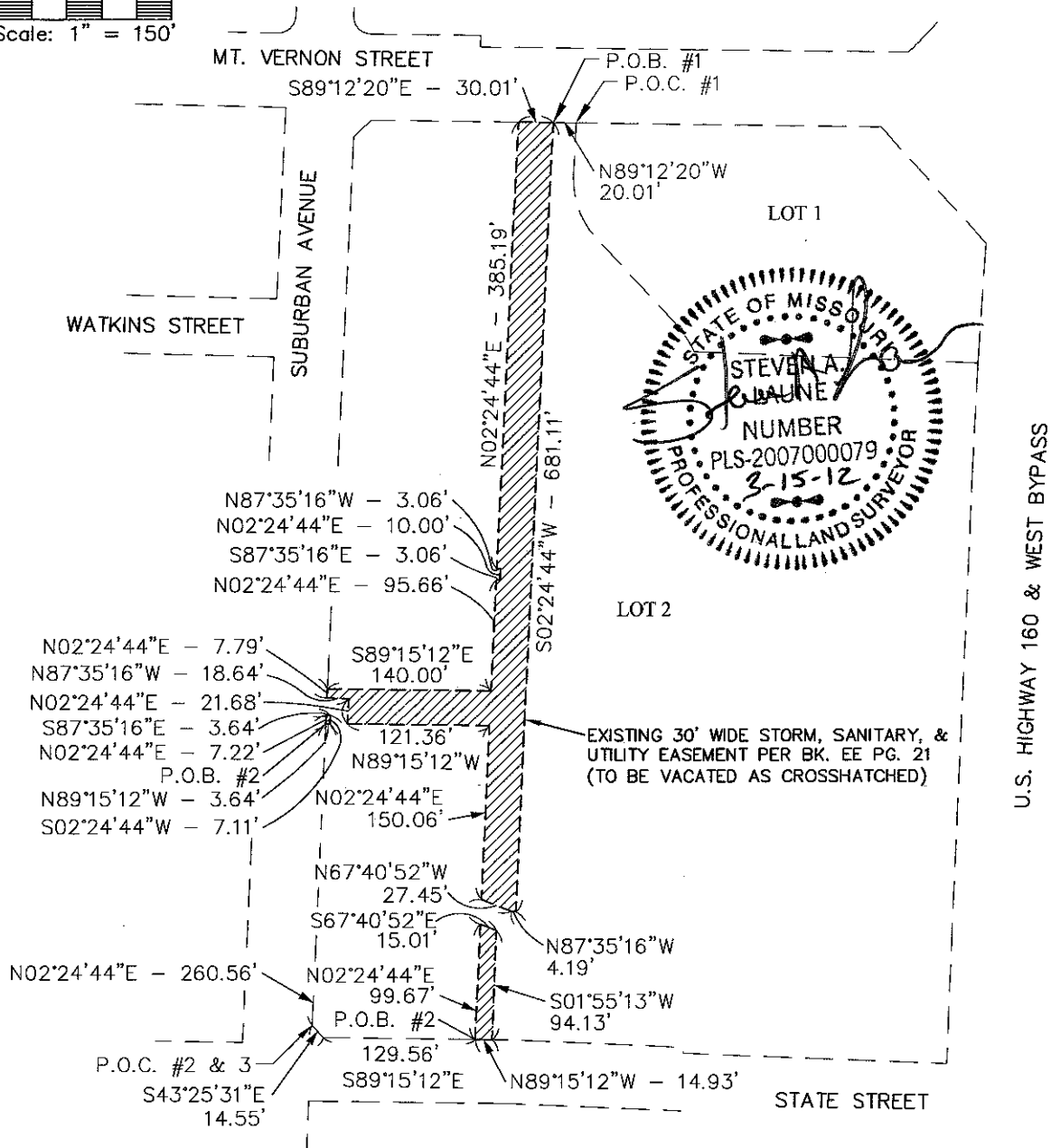


EXHIBIT "A"

PART OF LOT 2 OF WEST BYPASS PROPERTIES SUBDIVISION, AN ADMINISTRATIVE RE-PLAT OF LOTS 1 THROUGH 11 OF WESTGATE AS RECORDED IN BOOK EE PAGE 21, ALSO BEING PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 29 NORTH, RANGE 22 WEST OF THE 5TH P.M., CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI



150 0
Scale: 1" = 150'



COCHRAN
5300 E. Independence Dr.
Union, Missouri 63084
636-584-0540 (tel.)
636-584-0512 (fax)
mail@cochroneng.com

- Civil Engineering
- Land Surveying
- Architecture
- Site Development
- General Consulting
- Master Planning

OWN BY: SAL DATE: 3-14-12 PROJ. NO: 10-4540C

Sanitary Sewer Vacation
Springfield, Missouri (Mount Vernon)
Project No. 10-4540C
March 15, 2012

DESCRIPTION:

A portion of a sanitary sewer easement being part of Lot 5 of Westgate, as recorded in Plat Book EE, Page 21, in Section 20, Township 29 North, Range 22 West of the 5th P.M., City of Springfield, Greene County, Missouri, and being more particularly described as follows:

Commencing at the northeast corner of Lot 2 of West Bypass Properties Subdivision, as recorded in Book AAA, Page 192; thence N87°35'17"W 137.60 feet; thence S23°26'11"W 330.43 feet; thence N87°35'16"W 2.89 feet to the point of beginning; thence S23°26'11"W 10.71 feet; thence N87°35'16"W 114.83 feet; thence N02°24'44"E 10.00 feet; thence S87°35'16"E 118.67 feet to the point of beginning.

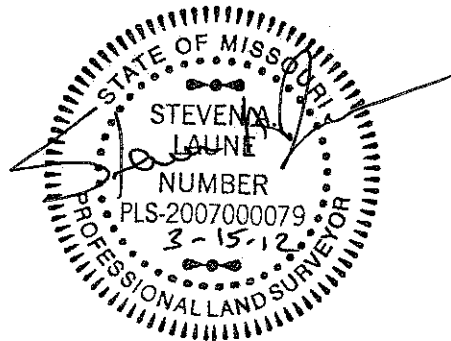
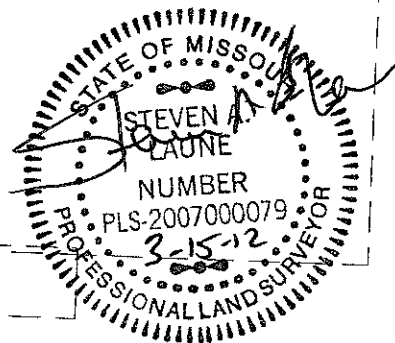
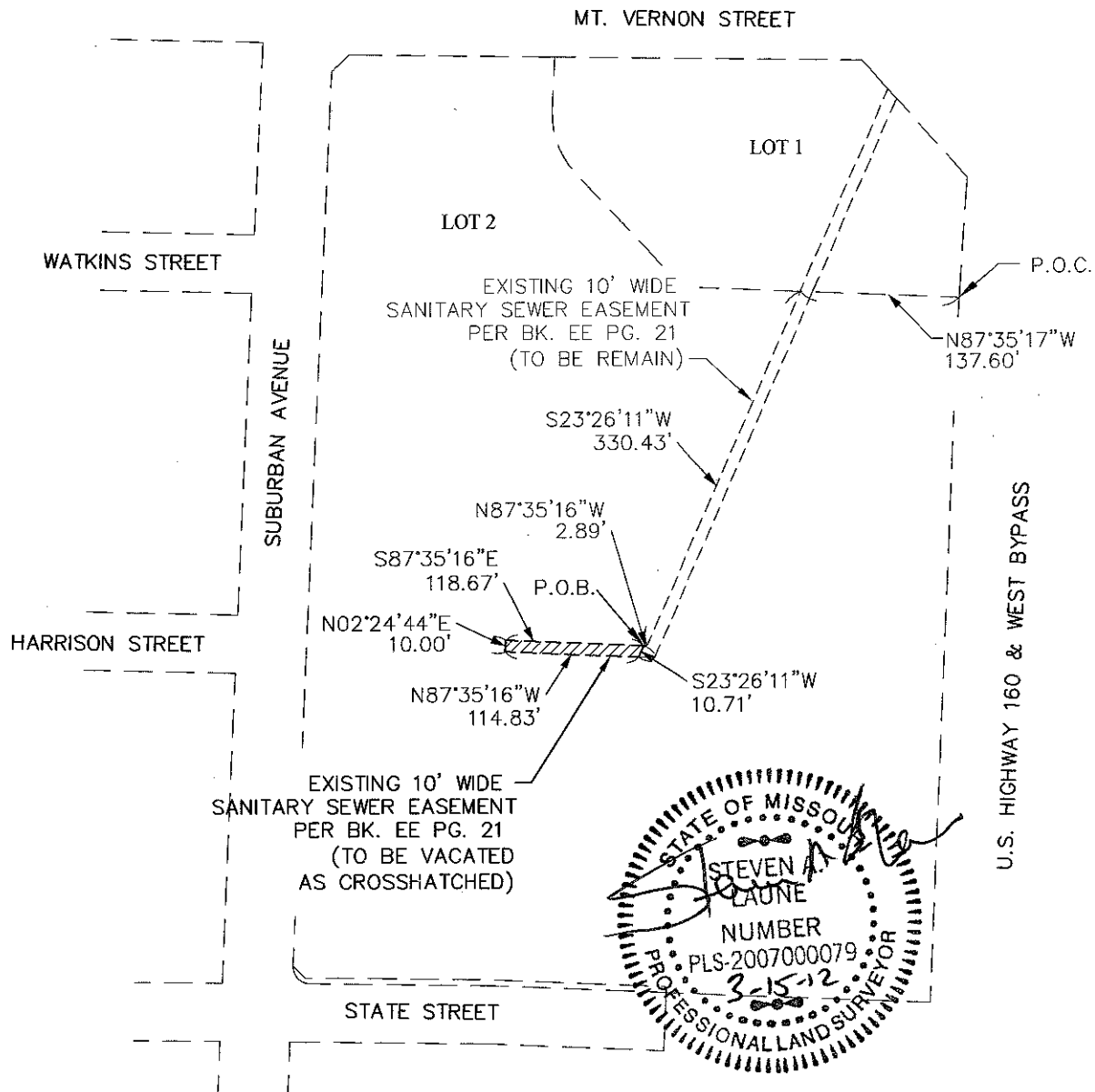


EXHIBIT "A"

PART OF LOT 2 OF WEST BYPASS PROPERTIES SUBDIVISION, AN ADMINISTRATIVE RE-PLAT OF LOTS 1 THROUGH 11 OF WESTGATE AS RECORDED IN BOOK EE PAGE 21, ALSO BEING PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 29 NORTH, RANGE 22 WEST OF THE 5TH P.M., CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI



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Scale: 1" = 150'



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Union, Missouri 63084

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636-584-0512 (fax)
mail@cochraneng.com

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- Civil Engineering
- Land Surveying
- Architecture
- Site Development
- General Consulting
- Master Planning

DRN. BY	DATE	PROJ. NO.
SAL	3-14-12	10-4540C

Storm Sewer Vacation
Springfield, Missouri (Mount Vernon)
Project No. 10-4540C
March 15, 2012

DESCRIPTION:

A portion of a storm sewer easement being part of Lots 5, 6, and 7 of Westgate, as recorded in Plat Book EE, Page 21, in Section 20, Township 29 North, Range 22 West of the 5th P.M., City of Springfield, Greene County, Missouri, and being more particularly described as follows:

Beginning at the southeast corner of Lot 7 of said subdivision; thence N87°35'12"W 7.18 feet; thence N47°04'18"W 313.01 feet; thence N02°24'44"W 13.15 feet; thence S47°04'18"E 322.42 feet; thence S02°13'48"W 7.04 feet to the point of beginning, also the following:

Commencing from the southeast corner of said Lot 7; thence N87°35'12"W 7.18 feet; thence N47°04'18"W 339.32 feet to the point of beginning; thence N47°04'18"W 90.33 feet; thence N02°24'44"E 26.88 feet; thence S87°35'12"E 10.00 feet; thence S02°24'44"W 22.27 feet; thence S47°04'18"E 77.18 feet; thence S02°24'44"W 13.15 feet to the point of beginning.

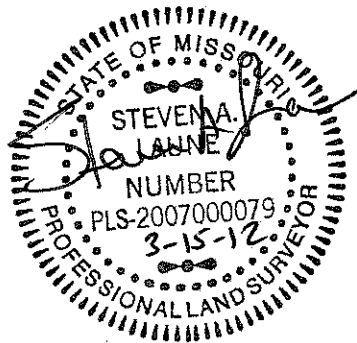
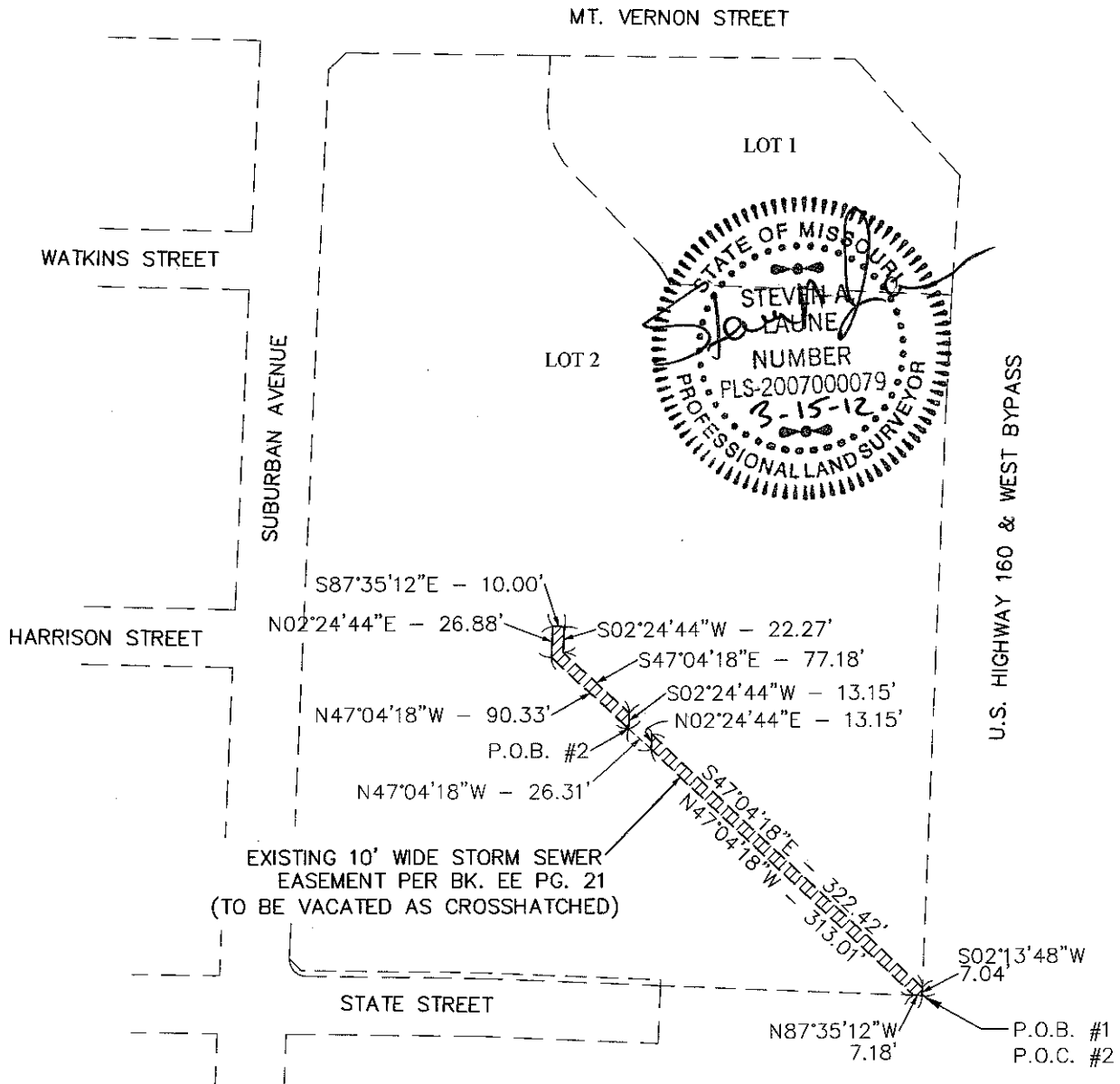


EXHIBIT "A"

PART OF LOT 2 OF WEST BYPASS PROPERTIES SUBDIVISION, AN
ADMINISTRATIVE RE-PLAT OF LOTS 1 THROUGH 11 OF WESTGATE AS
RECORDED IN BOOK EE PAGE 21, ALSO BEING PART OF THE
SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 29 NORTH, RANGE 22
WEST OF THE 5TH P.M., CITY OF SPRINGFIELD, GREENE COUNTY,
MISSOURI



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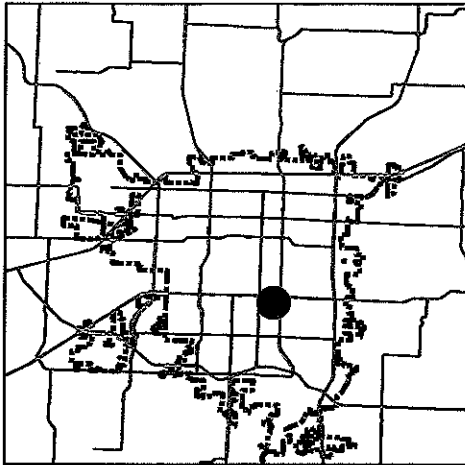
5304 E. Independence Dr.
Union, Missouri 63084

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mail@cochroneng.com

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- Civil Engineering
- Land Surveying
- Architecture
- Site Development
- General Consulting
- Master Planning

OWN. BY	DATE	PROJ. NO.
SAL	3-14-12	10-4540C



Zoning & Subdivision Report

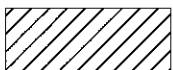
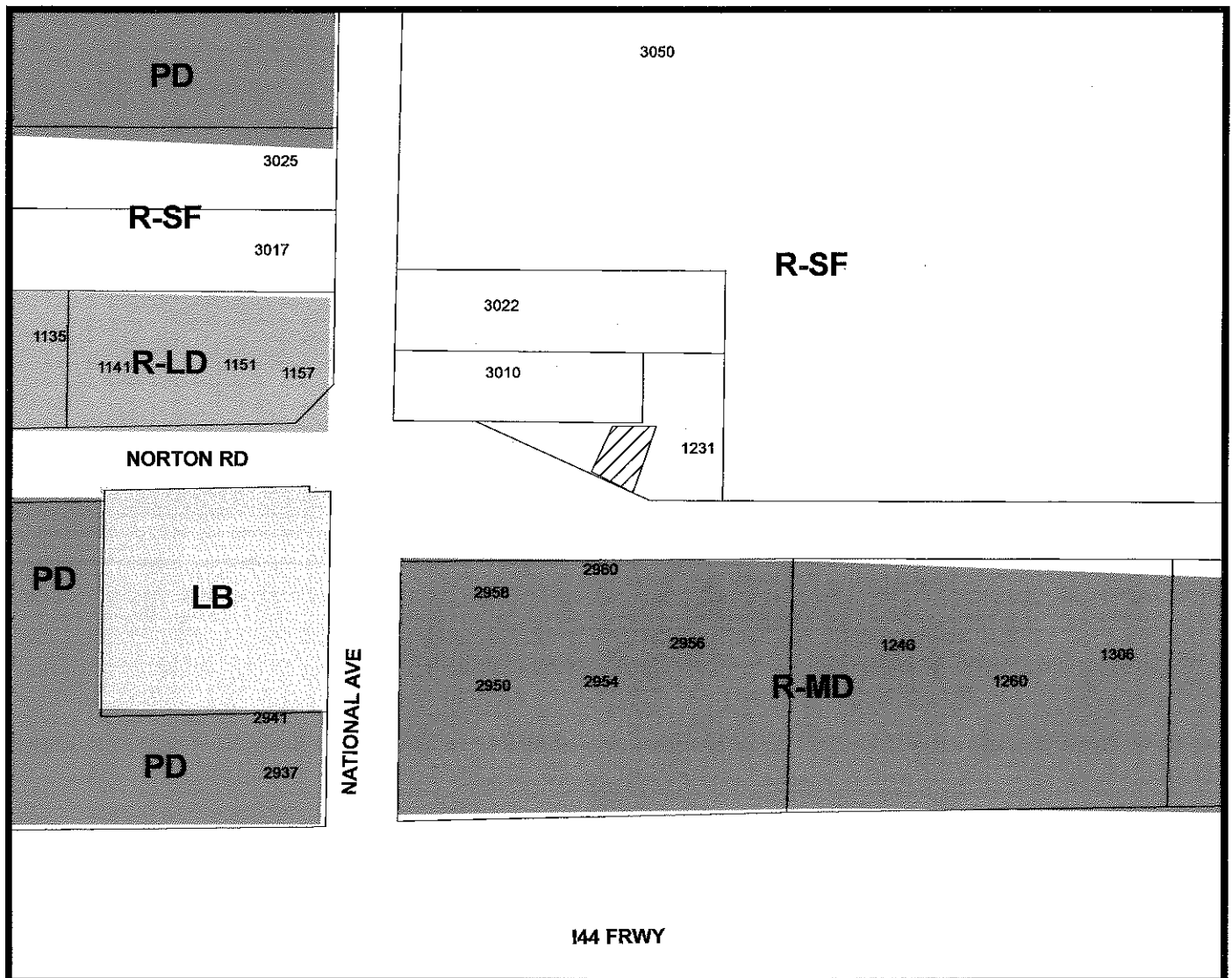
Planning & Development - 417/864-1031
840 Boonville - Springfield, Missouri 65802

Relinquish Easement 779

Location: 1231 E. Norton Rd

Current Zoning: R-SF, Residential Single-Family

LOCATION SKETCH



- Area of Proposal



1 inch = 150 feet

Zoning & Subdivision Report

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

REQUEST TO RELINQUISH EASEMENT NUMBER 779

DATE: April 24, 2012
PURPOSE: To relinquish a sanitary sewer easement
LOCATION: 1231 E. Norton Rd
APPLICANT: City of Springfield

RECOMMENDATION:

The request be **approved**.

FINDING:

The request meets the approval criteria listed in Attachment B.

STAFF CONTACT PERSON:

Michael Sparlin
Assistant Planner

Attachment A: Background report
Attachment B: Approval criteria
Exhibit 1: Legal descriptions
Exhibit 2: Drawings

ATTACHMENT A
RELINQUISH EASEMENT NO. 779
BACKGROUND REPORT

APPLICANT'S PROPOSAL:

Request to relinquish a sanitary sewer easement at the property 1231 E. Norton Road. This request is to correct a clerical error. The subject sanitary sewer easement should have been recorded as a Temporary Construction Easement.

SANITARY SEWER COMMENTS:

No objection to request to relinquish easement.

STAFF COMMENTS:

1. The Planning and Zoning Commission has the authority to relinquish easements if the relinquishment does not affect public utilities and any necessary replacement easements have been accepted.
2. The existing easements are not being used and any future public utilities will be provided with replacement easements. All utility providers have responded and have no objections.
3. No one has objected to this request to date.

ATTACHMENT B
RELINQUISH EASEMENT NO. 779
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 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 utility service.

STAFF RESPONSE:

The sanitary sewer easement is not needed to provide service to the property or adjacent properties.

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

STAFF RESPONSE:

The retention of the subject easements no longer serves a public purpose.

RELINQUISH EASEMENT NO. 779
EXHIBIT 1

Type of easement(s) to be relinquished: Sanitary Sewer Easement

Replacement easement(s): None required.

DESCRIPTION: Easement for Relinquishment

Commencing at the Southwest corner of Lot Two (2) in the Northwest Quarter (NW1/4) of Section 6, Township 29 North, Range 21 West; Thence East 255 feet along the South line of said Lot 2; Thence North 52.99 feet along a line running parallel with the west line of said Lot 2 to a point on the North right of way of Norton Road; Thence N62°49'43"W a distance of 26.80 feet to the westerly edge of an existing sanitary sewer easement and the True Point of Beginning; Thence continuing along said right of way N62°49'43"W a distance of 25.61 feet; Thence leaving said North right of way N14°38'20"E a distance of 49.73 feet to the North line of the Grantor's tract described in Book 2754 on Page 973 - Tract II; Thence along the said North line S88°16'52"E a distance of 25.65 feet to the westerly edge of an existing sanitary sewer easement; Thence along said westerly edge, S14°38'20"W a distance of 61.02 feet to the point of beginning. Containing 1,384 square feet, more or less.

"Exhibit B"

NOT IN
DISTRICT

Robert L. Weddle and
Laura A. Weddle
1231 E. Norton Road

BRUSH

PROPOSED
SEWER MAIN

HOUSE

CONCRETE
DRIVEWAY

SIDEWALK

CONCRETE
DRIVEWAY

EXISTING 15'
PERMANENT
SANITARY SEWER
EASEMENT

25' TEMPORARY
ACCESS EASEMENT

EXISTING 8-INCH
PVC SANITARY
SEWER MAIN

NORTON ROAD

HOUSE

3010 N. National Ave.



Affected Agency Notified: Yes
Emergency Required: No
Budget Adjust. Required: No
Board Rec. Required: Yes
Public Hearing: May 21, 2012
Sponsor:
Date: April 10, 2012

EXPLANATION TO COUNCIL BILL NO. 2012

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 2.7 acres of property located 210-230 W. Sunshine Street, and 1832, 1840 and 1844 S. Campbell from a GR-General Retail District, to an HC-Highway Commercial District, with Conditional Overlay District No. 51. (Staff recommends approval).

ZONING CASE Z-09-2012 with CONDITIONAL OVERLAY DISTRICT NO. 51

BACKGROUND INFORMATION:

This is a request to rezone approximately 2.7 acres from a GR-General Retail Zoning District to an HC-Highway Commercial Zoning District. This request would allow a prospective tenant to operate a flea market in a portion of the existing space. A flea market has occupied the building in the past, however, Building Development Services has advised the applicant that the property must be rezoned to HC-Highway Commercial to allow a flea market as a permitted use.

RECOMMENDATIONS

The Planning and Zoning Commission held a public hearing on May 3, 2012 and recommended _____, by a vote of __ to __, of the proposed zoning on the tracts of land described on Exhibit A (see the attached Record of Proceedings).

The Planning and Development staff recommends **approval** of the proposed zoning (see the attached Zoning and Subdivision Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. Approval of this request will permit a prospective tenant to operate a flea market in a portion of the existing space which has been vacant for some time. A flea market has occupied the building in the past, however it was recently discovered that the rezoning needed to occur to allow a flea market as a permitted use.
2. A Conditional Overlay District has been established to prohibit any inappropriate or more intense uses on the subject property. The Conditional Overlay District also

provides for a cross access easement to be provided along the frontage of the lot to the adjacent lot to the east and the adjacent lot to the west.

.3. The Growth Management and Land Use map of the *Comprehensive Plan* shows the subject site as being developed as high intensity retail, office, or housing. The Plan further identifies this site as an Activity Center located at the intersection of two primary arterial roadways.

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 No. 51 Requirements

Exhibit D, Location Map

ATTACHMENTS:

Attachment 1, Background Report

Attachment 2, Neighborhood Meeting Summary & Applicant Response Letter

Attachment 3, Neighborhood Correspondence

EXHIBIT A
LEGAL DESCRIPTION
ZONING CASE Z-09-2012 with CONDITIONAL OVERLAY DISTRICT NO. 51

Beginning at the Northeast Corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 36, Township 29, Range 22, thence south 500.00 feet, thence west 198.00 feet, thence south 71.19 feet; thence west along the north side of a tract described in Book 835 at 493, 467 feet 8 inches thence north 571.20 feet to the Northwest corner of said Section 36, thence east 666.80 feet to the point of beginning, except the west 264 feet of the north 284.2 feet and except that part used for road purposes in Springfield, Greene County, Missouri.

EXHIBIT B
RECORD OF PROCEEDINGS

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

EXHIBIT C
CONDITIONAL OVERLAY DISTRICT No. 51
REQUIREMENTS

The requirements of Section 4-3200 of the *Springfield Zoning Ordinance* shall be modified as herein for development within this (COD No. 51) district.

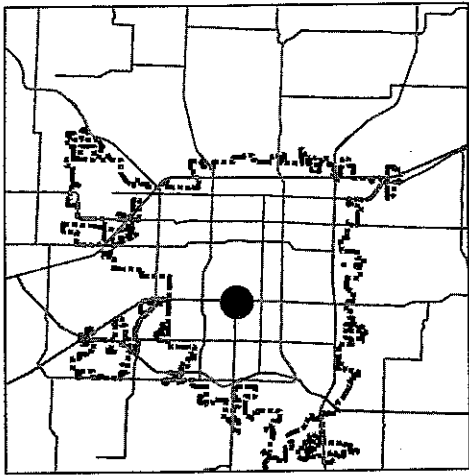
Uses: The following uses, normally allowed in the HC-Highway Commercial District as detailed in 4-3202 of the *Springfield Zoning Ordinance* are prohibited in this district.

Prohibited Uses:

- F. Automobile service garages
- G. Automobile service stations
- H. Automobile washing businesses, including automatic, coin-operated, and moving-line facilities
- M. Campgrounds and recreational vehicle parks
- O. Cemeteries
- T. Commercial Outdoor Recreation Use Group
- Z. Household resource recovery collection centers, screened from all residential districts and public-rights-of-way in conformance with *Section 6-1000, Screening and Fencing*
- AA. Manufactured housing (mobile homes) and trailer sales, leasing and service with no storage
- BB. Major Event Entertainment Use Group
- EE. Other towers other than wireless facilities, less than one-hundred (100) feet in height, And related facilities
- JJ. Public or private vehicle and boat storage garages, yards or lots
- KK. Public service and public utility uses, as follows:
 - 1. Tier I wireless facilities in accordance with *Section 5-2600, Telecommunication Towers*
 - 2. Tier III wireless facilities in accordance with *Section 5-2600, Telecommunication Towers*, provided wireless towers sixty (60) feet or greater in height allow collocation of at least one (1) additional provider's facilities
 - 3. Tier IV wireless facilities in accordance with *Section 5-2600, Telecommunication Towers*, provided wireless towers are setback from any residential district at least two (2) feet for every one (1) foot of tower height and allow collocation of at least one (1) additional provider's facilities or at least two (2) additional provider's facilities if the tower height is one hundred twenty (120) feet or greater.

Cross Access Agreement.

- 1. A cross access easement will need to be provided along the frontage of the lot to the adjacent lot to the east and the adjacent lot to the west.



Zoning & Subdivision Report

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

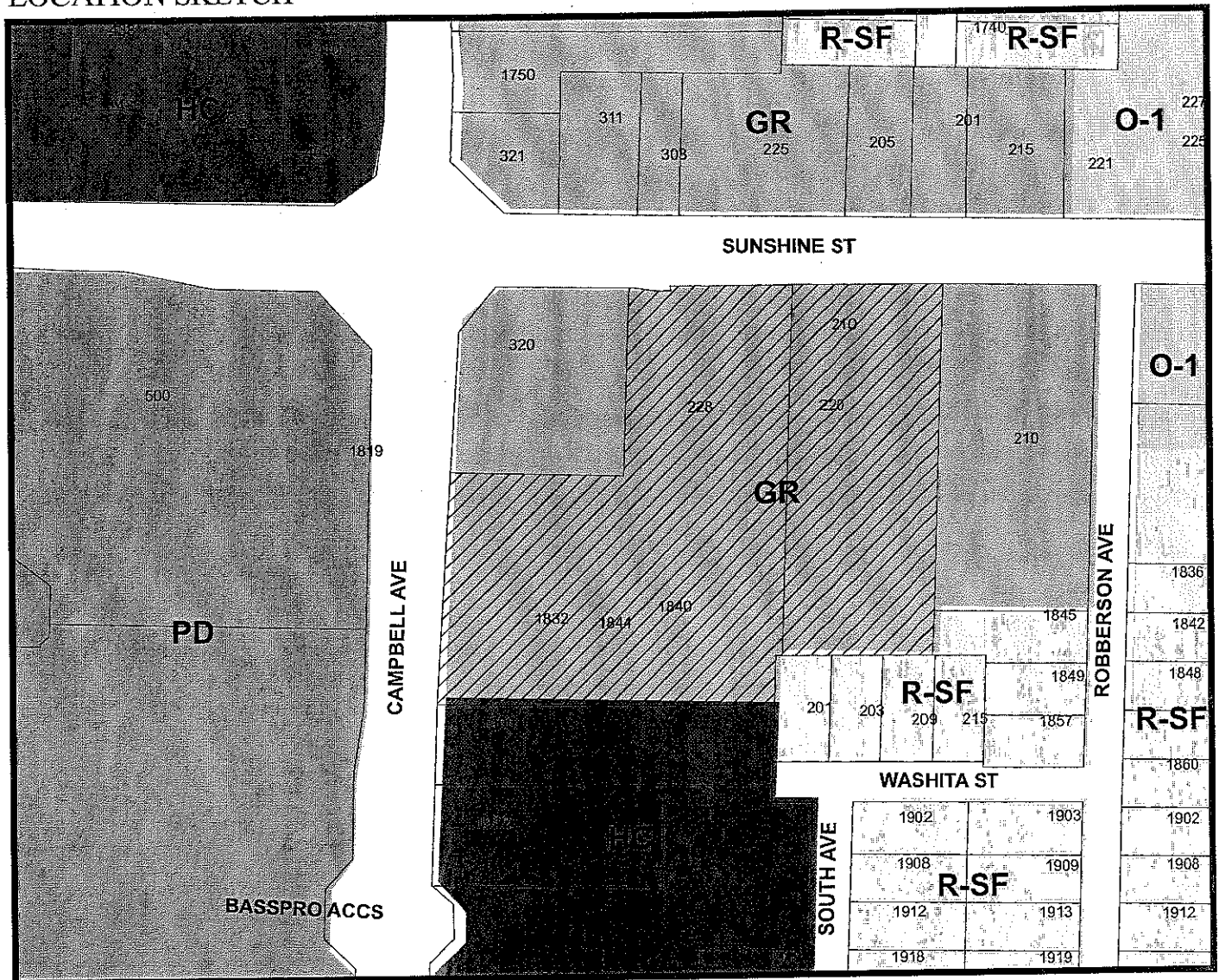
Zoning Case Z-09-2012

Location: 220, 228 West Sunshine
and 1832 South Campbell

Current Zoning: GR, General Retail

Proposed Zoning: HC, Highway Commercial

LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

LOCATION MAP

ATTACHMENT 1
BACKGROUND REPORT
ZONING CASE Z-09-2012 with CONDITIONAL OVERLAY
DISTRICT NO. 51

DATE: April 10, 2012

LOCATION: 220-320 W. Sunshine Street, and 1832, 1840, and 1844 S. Campbell

APPLICANT: Wilson Properties, Inc.

TRACT SIZE: Approximately 2.7 acres

EXISTING USES: General Retail permitted uses

PROPOSED USE: Some Uses Permitted in a Highway Commercial District

SURROUNDING LAND USES:

Area	Zoning	Land Use
North	GR	Restaurant, Veterinarian Office
South	HC	Electrical shop, vacant land
East	GR	Restaurant
West	Planned Development	Bass Pro

COMPREHENSIVE PLAN:

The Growth Management and Land Use map of the *Comprehensive Plan* shows the subject site as being developed as high intensity retail, office, or housing. The Plan further identifies this site as an Activity Center located at the intersection of two primary arterial roadways.

SANITARY SERVICES COMMENTS:

No issues with rezoning.

TRAFFIC COMMENTS:

1. If the applicant decides to request rezoning of just one lot at 228 W. Sunshine, and not all three lots, the access points can remain the same.
2. A cross access easement will need to be provided along the frontage of the lot to the adjacent lot to the east and the adjacent lot to the west.

STORM WATER COMMENTS:

No Stormwater issues with rezoning.

BUILDING DEVELOPMENT SERVICES COMMENTS:

No BDS issues with the proposed rezoning from GR to HC.

CITY UTILITIES COMMENTS:

No objections

NEIGHBORHOOD MEETING COMMENTS:

A neighborhood meeting with property owners within five hundred (500) feet of the subject property was held on April 12, 2012, at 228B, W. Sunshine. The applicant's summary of the meeting and sign-in sheet is attached (Attachment 2) as well as their proposed changes to reduce concerns.

STAFF COMMENTS:

1. Approval of this request will permit a prospective tenant to operate a flea market in a portion of the existing space which has been vacant for some time. A flea market has occupied the building in the past however, it was recently discovered that the rezoning needed to occur to allow a flea market as a permitted use.
2. A Conditional Overlay District has been established to prohibit any inappropriate or more intense uses on the subject property. The Conditional Overlay District also provides for a cross access easement to be provided along the frontage of the lot to the adjacent lot to the east and the adjacent lot to the west.
3. The Growth Management and Land Use map of the *Comprehensive Plan* shows the subject site as being developed as high intensity retail, office, or housing. The Plan further identifies this site as an Activity Center located at the intersection of two primary arterial roadways.

FINDINGS FOR COMMISSION TO RECOMMEND DENIAL:

None

RECOMMENDATION:

Staff recommends the request be **approved**.

STAFF CONTACT PERSON:

Mike MacPherson, MPA
Principal Planner

ATTACHMENT 2
NEIGHBORHOOD MEETING SUMMARY
ZONING CASE Z-09-2012 WITH CONDITIONAL OVERLAY
DISTRICT NO. 51

Wilson Properties
1840 S. Campbell
Springfield, MO 65807

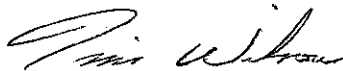
April 2, 2012

RE: Property to be Rezoned
1832 S Campbell
Sunshine Corners
Springfield, Missouri 65807

Dear Property Owner:

A neighborhood meeting will be held Thursday, April 12th, 2012 to discuss the rezoning of the property listed above. Currently the property is zoned General Retail. Our intention is to make application to the City of Springfield to rezone Highway Commercial. The neighborhood meeting will be held at 228 B W. Sunshine, Springfield, MO., between 4:00 and 6:30 pm. The owner's representative will be present to answer any questions you have concerning the rezoning application. Please feel free to come and go between 4:00 and 6:30 pm. If you have any questions prior to this meeting, please contact 417-839-2928.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tim Wilson".

Tim Wilson
Wilson Properties

Date Created: 3/29/2012

Results

	Parcel ID 	Owner	Property Address	City	Sec/Twp/Rng
	881325308049	HOLMES, HILLARY ETAL	1623 S SOUTH AVE ✓	SPRINGFIELD	25-29-22
	881325308050	LEE, JAMES S	209 W KINGSBURY ST ✓	SPRINGFIELD	25-29-22
	881325308051	HOLLAND, CALEB E	215 W KINGSBURY ST ✓	SPRINGFIELD	25-29-22
	881325308052	SASAKI, TOICHI	221 W KINGSBURY ST ✓	SPRINGFIELD	25-29-22
	881325308053	ONEAL, A L ETAL TR (ONEAL FAMILY TR)	303 W KINGSBURY ST ✓	SPRINGFIELD	25-29-22
	881325308054	DILLON, MARY E (DONNELL)	307 W KINGSBURY ST ✓	SPRINGFIELD	25-29-22
	881325308055	MOONEYHAM, TIMOTHY J	308 W KINGSBURY ST ✓	SPRINGFIELD	25-29-22
	881325308056	KERR, JIMMIE L	302 W KINGSBURY ST ✓	SPRINGFIELD	25-29-22
	881325308057	STELMACKI, MICHAEL	222 W KINGSBURY ST ✓	SPRINGFIELD	25-29-22
	881325308058	COOK, MARVIN L	216 W KINGSBURY ST ✓	SPRINGFIELD	25-29-22
	881325308059	LAMPE, FRANCES MILDRED TR	210 W KINGSBURY ST ✓	SPRINGFIELD	25-29-22
	881325308060	BRADLEY, CHRISTOPHER J	1635 S SOUTH AVE ✓	SPRINGFIELD	25-29-22
	881325308061	NORTON, KENNETH W	1639 S SOUTH AVE ✓	SPRINGFIELD	25-29-22
	881325308062	CHEEK, HAROLD J	1643 S SOUTH AVE ✓	SPRINGFIELD	25-29-22
	881325308063	EWING, LOIS M	1649 S SOUTH AVE ✓	SPRINGFIELD	25-29-22
	881325308064	BUCHANAN, KENNETH W	1657 S SOUTH AVE ✓	SPRINGFIELD	25-29-22
	881325308065	SCHNELLBACHER, G DAWN	1709 S SOUTH AVE ✓	SPRINGFIELD	25-29-22
	881325308066	LACKEY, DENA	1713 S SOUTH AVE ✓	SPRINGFIELD	25-29-22
	881325308067	JENKINS, LUCAS P	1719 S SOUTH AVE ✓	SPRINGFIELD	25-29-22
	881325308068	GOOCH, WILMA JANE TRUST	1723 S SOUTH AVE ✓	SPRINGFIELD	25-29-22
	881325308069	HILLME, KENNETH D	1729 S SOUTH AVE ✓	SPRINGFIELD	25-29-22
	881325308070	MASSEY, JOHN H	1733 S SOUTH AVE ✓	SPRINGFIELD	25-29-22
	881325308071	HAASE, THOMAS A	1739 S SOUTH AVE ✓	SPRINGFIELD	25-29-22
	881325308072	TRUEX, TIMOTHY R	1743 S SOUTH AVE ✓	SPRINGFIELD	25-29-22
	881325308073	TURNER RESIDENTIAL PROP LLC	1740 S SOUTH AVE ✓	SPRINGFIELD	25-29-22

Mailing Labels

Download Format:

☒ Comma Separated Values (.csv)

 Instructions

☐ Show parcel id on label

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Last Data Upload: 3/28/2012 11:29:17 PM

Greene County, MO



Date Created: 3/29/2012

Results

Parcel ID	Owner	Property Address	City	Sec/Twp/Rng
881325308026	P SMITH, TERESA ANN ✓	201 E SUNSHINE ST	SPRINGFIELD	25-29-22
881325308027	P CRABB, EDDIE M ✓	205 W SUNSHINE ST	SPRINGFIELD	25-29-22
881325308030	P GUNSLINGER GUN & PAWN INC ✓	303 W SUNSHINE ST	SPRINGFIELD	25-29-22
881325308031	P CARLSON, LIISA D ✓	311 W SUNSHINE ST	SPRINGFIELD	25-29-22
881325308032	P GLASSER, ELLIOTT J ✓	321 W SUNSHINE ST	SPRINGFIELD	25-29-22
881325308157	P JADE INVESTMENT CO % SAM HAMRA ✓	225 W SUNSHINE ST	SPRINGFIELD	25-29-22
881335101086	P AMERICAN NATL FISH & WILDLIFE ✓	500 W SUNSHINE ST	SPRINGFIELD	35-29-22
881335101088	P BASS PRO OUTDOOR WORLD LLC ✓	1909 S CAMPBELL AVE	SPRINGFIELD	35-29-22
881336205002	P PICKETT, JAMES A ✓	1902 S SOUTH AVE	SPRINGFIELD	36-29-22
881336206005	P BASS PRO OUTDOOR WORLD LP ✓	1900 S CAMPBELL AVE	SPRINGFIELD	36-29-22
881336206007	P BASS PRO OUTDOOR WORLD LP ✓	1912 S CAMPBELL AVE	SPRINGFIELD	36-29-22
881336206024	P SPFD CITY OF ✓	201 E WASHITA ST	SPRINGFIELD	36-29-22
881336206025	P CITY OF SPRINGFIELD ✓	203 E WASHITA ST	SPRINGFIELD	36-29-22
881336206026	P HAUGHT, DORRANCE ✓	209 E WASHITA ST	SPRINGFIELD	36-29-22
881336206040	P CAMPUS RENTALS LLC ✓	1938 S CAMPBELL AVE	SPRINGFIELD	36-29-22
881336206041	P WILSON, ROBERT E JR TRUSTEE ✓	220 W SUNSHINE ST	SPRINGFIELD	36-29-22
881336206043	P WILSON, ROBERT E JR TRUSTEE ✓	220 W SUNSHINE ST	SPRINGFIELD	36-29-22
881336206044	P WILSON PROP INC ✓	1832 S CAMPBELL AVE	SPRINGFIELD	36-29-22

Mailing Labels

Download Format:

Comma Separated Values (.csv)

Download

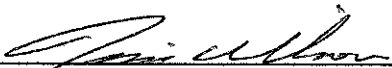
☐ Show parcel id on label

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Neighborhood Meeting Summary

1. Development application – Wilson Properties 1832 S. Campbell Springfield, MO
2. Meeting date – April 12th, 2012 Meeting time – 4:00 pm to 6:30 pm
3. Meeting location – 228 B W. Sunshine, Springfield Mo
4. Number of invitations sent – 27 List generated by Greene County Assessor's office
5. One neighbor in attendance (sign in sheet attached)
6. No issues or concerns
7. No action required on issues



Tim Wilson, Wilson Properties, Inc.

4/13/12

Date

Neighborhood meeting – Rezoning 1832 S Campbell,
Sunshine Corners – April 12, 2012 4:00 pm to 6:30 pm

<u>Name</u>	<u>Address</u>	<u>Comments</u>
1. <i>Mildred Lampe</i>	<i>210 W. Kensington</i>	
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		

Affected Agency Notified: Yes
Emergency Required: No
Budget Adjust. Required: No
Board Rec. Required: Yes
Public Hearing: May 21, 2012
Sponsor: Bailes
Date: April 23, 2012

EXPLANATION TO COUNCIL BILL NO. 2012 -

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To adopt an ordinance to approve a use permit to allow the floor area ratio to be increased from a maximum of 0.40 to 0.56 within a GR, General Retail District at 4155 South Nature Center Way (Staff recommends approval subject to conditions).

CONDITIONAL USE PERMIT NUMBER 398

BACKGROUND INFORMATION:

No conditional use permit shall be valid for a period longer than eighteen (18) months from the date on which the City Council grants the conditional use permit, unless within such eighteen (18) months period:

- A. A building permit is obtained and the erection or alteration of a structure is started; or
- B. An occupancy permit is obtained and the conditional use commenced.

The City Council may grant one (1) additional extension not exceeding eighteen (18) months, upon written application, without notice or hearing. No additional extension shall be granted without complying with the notice and hearing requirements for an initial application for a conditional use permit.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on May 3, 2012, and recommended , by a vote of to , of the proposed conditional use permit on the tract of land described on the attached sheet and if approved, the regulations and standards on the attached "Exhibit 1" shall govern and control the use and development of the land in Use Permit No. 398 in a manner consistent with "Exhibit III" (see the attached Record of Proceedings).

The Planning and Development staff recommends **approval** of the proposed use permit (see the attached Zoning and Subdivision Report).

Submitted by:

Approved by:

Attachments

Attachment 1 – Staff Background Report

Exhibits

Exhibit A – Legal Description

Exhibit B – Record of Proceeding

Exhibit C – Location Sketch

Exhibit I - Requirements for Conditional Use Permit

Exhibit II - Standards for Conditional Use Permit

Exhibit III - Site Plan

Exhibit IV - Applicant's response to Standards

Exhibit V - Summary of Public Meeting

Exhibit VI – Correspondence from adjacent property owners

EXHIBIT A
LEGAL DESCRIPTION
CONDITIONAL USE PERMIT NUMBER 398

All that part of the Northwest Quarter of Section 17, Township 28 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 13 of Hilltop Heights Subdivision; thence, North 87°13'51" West, along and with the North line of said Hilltop Heights, a distance of 422.06 feet; thence, North 02°47'12" East, leaving said North line, a distance of 349.28 feet to the South right-of-way line of Nature Center Way; thence, South 87°13'47" East, along and with said South line, a distance of 421.30 feet to the West right-of-way line of Reed Avenue; thence South 02°39'41" West, along and with said West line, a distance of 349.27 feet to the POINT OF BEGINNING, containing 3.38 acres, more or less and being subject to easements and rights-of-way, if any. Said parcel also shown as Lot 3 on the preliminary plat of the Shoppes at James River.

EXHIBIT B
RECORD OF PROCEEDING
CONDITIONAL USE PERMIT NUMBER 398

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

Zoning & Subdivision Report

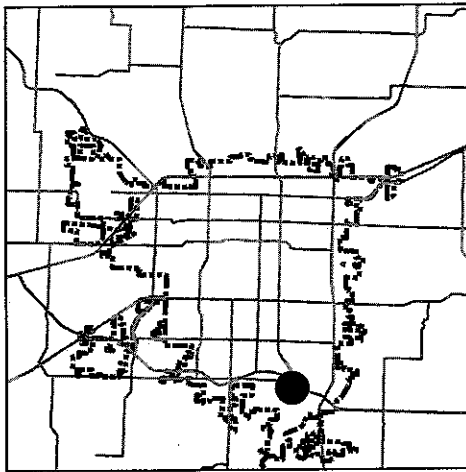
Planning & Development - 417/864-1031
840 Boonville - Springfield, Missouri 65802

Conditional Use Permit 398

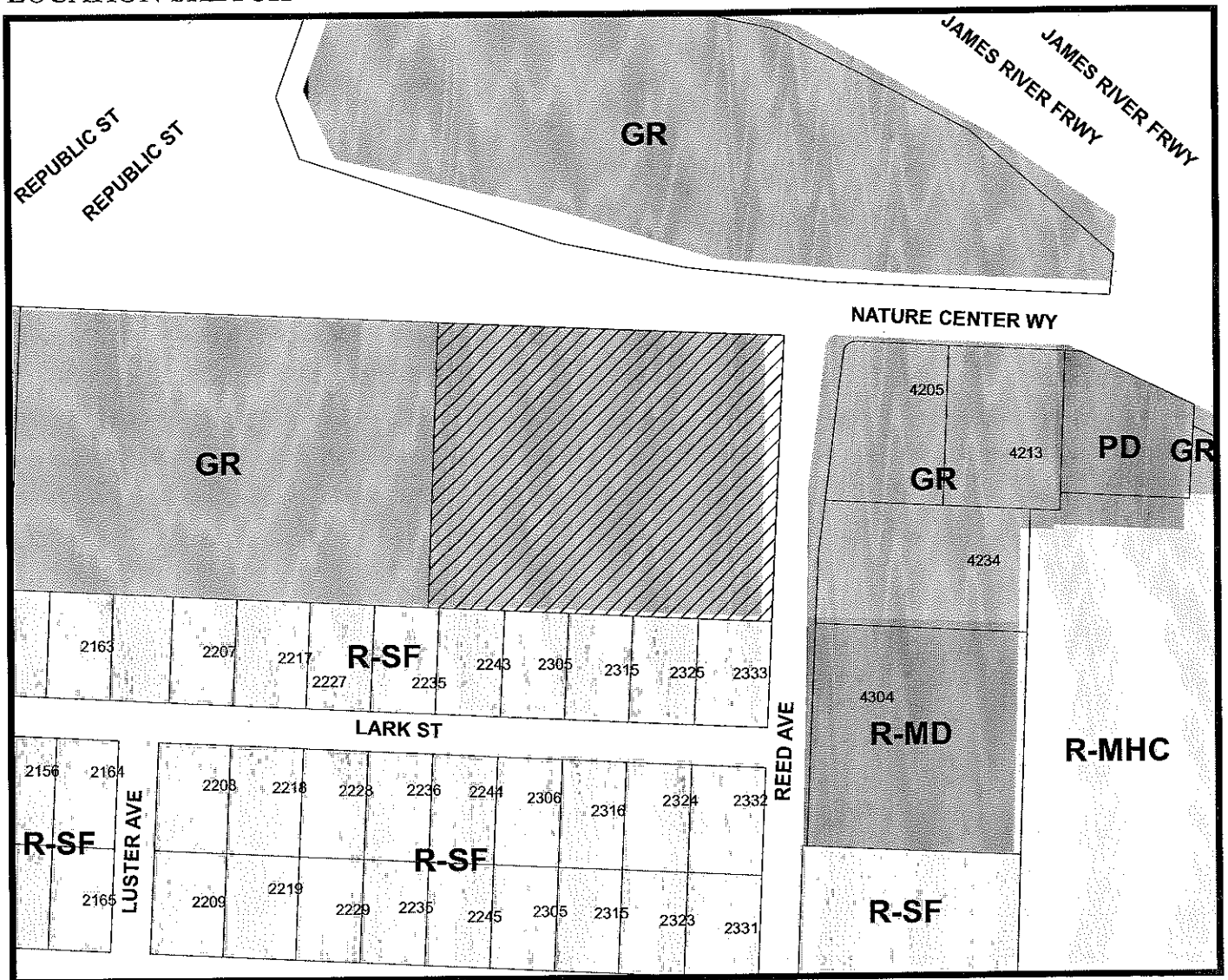
Location: 4155 S. Nature Center Way

Current Zoning: GR, General Retail

Proposal: To increase the permitted floor area to 1.0



LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

Zoning & Subdivision Report

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

CONDITIONAL USE PERMIT 398

DATE: April 23, 2012

PURPOSE: To approve a Conditional Use Permit to increase the permitted floor area ratio (FAR) for the existing hotel located within a GR, General Retail District from 0.40 to 0.56.

BACKGROUND:

LOCATION: 4155 South Nature Center Way

APPLICANT: Republic Road LLC

TRACT SIZE: Approximately 3.38 acres

EXISTING USE: Hilton Garden Inn

PROPOSED USE: Hilton Garden Inn

RECOMMENDATION:

Staff recommends the request be **approved**.

FINDINGS FOR STAFF RECOMMENDATION:

1. The subject property is already developed. Approval of this application will permit the existing hotel to remain as is and exceed the permitted FAR in the GR district once a separate lot is created. All other requirements of the GR district will be met.
2. The applicant is providing a six (6) foot solid wood fence south of the existing building and parking area to screen the adjacent residences from lights and noise.
3. This application meets the standards for approval of a Conditional Use Permit.

CONDITIONS:

The regulations and standards on the attached Exhibit I shall govern and control the use and development of the land in Use Permit Number 398 in a manner consistent with Exhibit III, except as modified by Exhibit I, and except any changes made by the Planning and Zoning Commission.

FINDINGS TO RECOMMEND DENIAL:

None

STAFF CONTACT PERSON:

Alana D. Owen, AICP
Senior Planner

ATTACHMENT A
BACKGROUND REPORT
CONDITIONAL USE PERMIT 398

APPLICANT'S PROPOSAL:

The applicant is requesting approval of a conditional use permit to allow an increase in the permitted floor area ratio for the existing Hilton Garden Inn located within a GR, General Retail District.

SURROUNDING LAND USES:

Direction	Zoning	Land Use
North	GR	Roadway and undeveloped land
South	R-SF	Single family homes
East	GR and R-MD	Commercial uses
West	GR	Undeveloped land, restaurant

ZONING ORDINANCE REQUIREMENTS:

1. The conditional use permit procedure is designed to provide the Planning and Zoning Commission and the City Council with an opportunity for discretionary review of requests to establish or construct uses or structures which may be necessary or desirable in a zoning district, but which may also have the potential for a deleterious impact upon the health, safety and welfare of the public. In granting a conditional use, the Planning and Zoning Commission may recommend, and the City Council may impose such conditions, safeguards and restrictions upon the premises benefited by the conditional use as may be necessary to comply with the standards set out in the Zoning Ordinance to avoid, or minimize, or mitigate any potentially adverse or injurious effect of such conditional uses upon other property in the neighborhood. The general standards for conditional use permits are listed in Exhibit II.
2. No conditional use permit shall be valid for a period longer than eighteen months from the date City Council grants the conditional use permit, unless within this eighteen months:
 - a. A building permit is obtained and the erection or alteration of a structure is started; or
 - b. An occupancy permit is obtained and the conditional use is begun.

STORMWATER COMMENTS:

No Stormwater issues with increasing the floor area ratio for this site.

The plat for this property will require both public and private stormwater improvements, as previously discussed with the design engineer.

SANITARY SERVICE COMMENTS:

Increase of permitted floor area ratio will have no affect on public sewer. If the Hilton Garden Inn site is separated by platting a separate lot, public sewer will have to be extended onto the proposed tract or the lot line will have to be moved to include existing public sewer.

TRAFFIC ENGINEERING COMMENTS:

The floor area ratio (FAR) is limited to 0.56. No traffic study will be required.

ADJACENT PROPERTY OWNER COMMENTS:

1. Seven (7) property owners are within 185 feet of the subject property and were notified of this request. Staff has received phone calls from surrounding property owners requesting information about this request. Staff also received correspondence from one adjacent owner (Exhibit VI).
2. The applicant held a neighborhood meeting on March 28, 2012 in conformance with City Council's policy. A summary of the meeting is attached (Exhibit V).

STAFF COMMENTS:

1. The Hilton Garden Inn is an existing hotel located on the subject property. Currently the hotel, Houlihan's and the undeveloped area between the two uses are all part of the same tract of land. The property owner would like to subdivide the tract of land and create a separate lot for the existing Hilton Garden Inn, Houlihan's and then a third lot which would consist of the undeveloped area and the City-owned property to the southwest. The maximum floor area ratio (FAR) permitted in the GR, General Retail district is 0.40. When the proposed new lot is created, the resulting FAR for the existing Hilton Garden Inn will be 0.56. Approval of this application will permit the existing hotel to remain as is and exceed the permitted FAR in the GR district once a separate lot is created. If any additional development is desired on the lot in the future approval of another Conditional Use Permit will be required. All other requirements of the GR zoning will be met including height, setbacks, and open space.
2. The applicant will provide a six (6) foot tall solid wood fence south of the building and parking area as shown on Exhibit III. The fence was requested by some of the adjacent property owners at the neighborhood meeting to shield the residences from lights, noise and to provide a visual screen between the uses. The fence will be placed at the edge of the parking area to provide for better screening for the residents. Because of the topography of the site, a fence at the property line would not effectively screen the lights and noise of the parking area. In addition, the normal bufferyard required between GR-zoned property and single-family residential will be maintained.
3. Staff has reviewed the applicant's request for a Conditional Use Permit and has determined that it satisfies the standards for Conditional Use Permits outlined in Section 3-3310 of the Zoning Ordinance.

EXHIBIT I
REQUIREMENTS FOR CONDITIONAL USE PERMIT 398

1. The maximum floor area ratio (FAR) for the hotel shall not exceed 0.56. All other uses as permitted in the GR, General Retail District shall adhere to the requirements of the Zoning Ordinance.
2. The location of the structures, green space, parking and drives shall be in substantial conformance with Exhibit III.
3. A minimum six (6) foot tall solid wood fence shall be provided as shown on Exhibit III.
4. All other standards of the Zoning Ordinance, and other applicable ordinances, shall be adhered to.

EXHIBIT II
STANDARDS FOR CONDITIONAL USE PERMITS
CONDITIONAL USE PERMIT 398

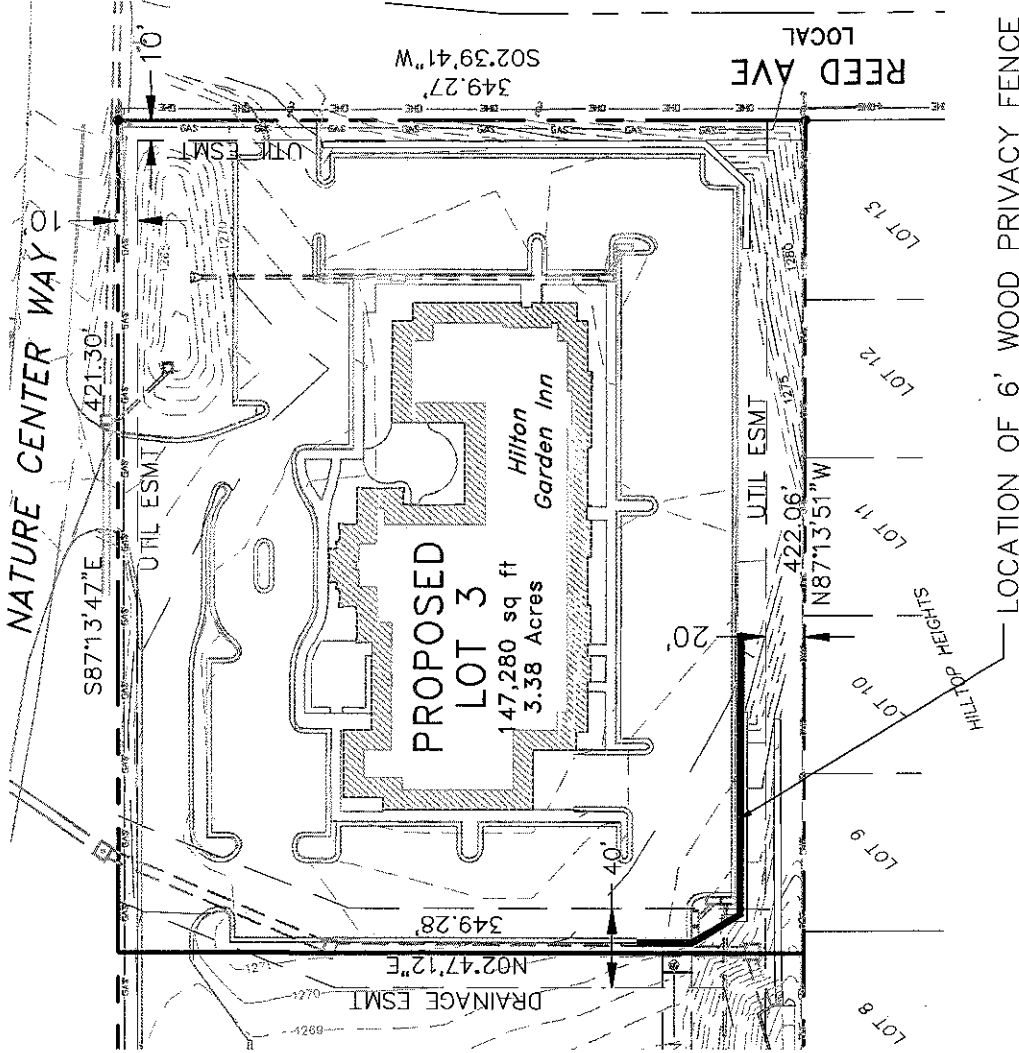
An application for a conditional use permit shall be granted only if evidence is presented which establishes the following (See Exhibit IV for the applicant's responses):

1. The proposed conditional use will be consistent with the adopted policies in the Springfield Comprehensive Plan;
2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;
3. The proposed conditional use will adequately provide for safety from fire hazards, and have effective measures of fire control;
4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage;
5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district;
6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent possible such lights will be visible from any residential district, measures to shield or direct such lights so as to eliminate or mitigate such glare as proposed;
7. The location, lighting and type of signs and the relationship of signs to traffic control is appropriate for the site;
8. Such signs will not have an adverse effect on any adjacent properties;
9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use;
10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking utility facilities, and other matters affecting the public health, safety and general welfare.
11. The proposed conditional use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of buildings, structures, walls and fences on the site; and
 - b. The nature and extent of landscaping and screening on the site;
12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site;

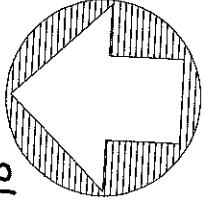
13. The proposed conditional use will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance;
14. The proposed conditional use otherwise complies with all applicable regulations of the Article, including lot size requirements, bulk regulations, use limitations and performance standards;
15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public;
16. Off-street parking and loading areas will be provided in accordance with the standards set out in 5-1500, 5-1600 and 6-1300 of this Article, and such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect.
17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel.
19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way;
20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield, and;
21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.

Exhibit III

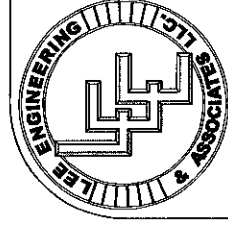
UP 398



SCALE 1" = 100'



CURRENT ZONING - GR GENERAL RETAIL
MAXIMUM FLOOR AREA RATIO - 0.4
PROPOSED FLOOR AREA RATIO - 0.56



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

Missouri State Certificate of Authority
Engineering #2003076804
Land Surveying #2005028060
Engineering with Integrity

LEE ENGINEERING AND ASSOCIATES, L.L.C.

CIVIL ENGINEERING & DESIGN

2101 W. CHESTERFIELD BLVD.

SUITE C202

SPRINGFIELD, MO 65807

dlee@leeengineering.biz

Exhibit IV
UP 398

TELEPHONE: (417) 886-9100

FACSIMILE: (417) 886-9336

Re: Hilton Garden Inn
4155 South Nature Center Way

March 26, 2012

Hilton Garden Inn was constructed two years ago. The land owners wish to subdivide the property which will create a floor area ratio higher than the 0.4 allowed in GR zoning. The proposed conditional use will allow the floor area ratio to change from 0.4 to 1.0.

With respect to all proposed conditional uses, to the extent applicable:

1. The proposed conditional use will be consistent with the adopted policies in the *Springfield Comprehensive Plan*;

The floor area ratio conditional use is required for most multi floor structures. The City changed the floor ratio for GR from 1.0 to 0.4 around four years ago. This change now causes a conditional use permit for most multi floor structures. The 0.4 floor area ratio is directly contrary to the Springfield Comprehensive Plan which promotes multi story structures on primary arterials.

2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;

The hotel is in place. The traffic generated by the hotel is less than typical GR zoning.

3. The proposed conditional use will adequately provide for safety from fire hazards, and have effective measures of fire control;

The hotel is in place and meets the fire code.

4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage;

The hotel is in place. No new impervious area will be constructed.

5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district;

The hotel is in place.

6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights so as to eliminate or mitigate such glare are proposed;

The hotel is in place and the required buffer yards were installed two years ago.

7. The location, lighting, and type of signs and the relationship of signs to traffic control is appropriate for the site;

The site does not have a sign.

8. Such signs will not have an adverse effect on any adjacent properties;

The site does not have a sign.

9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use;

No new construction will occur. The traffic will remain constant at levels below what is typically allowed in GR zoning.

10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking utility facilities, and other matters affecting the public health, safety and general welfare;

The building is in place. No changes will occur.

11. The proposed conditional use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to:

a. The location, nature and height of buildings, structures, walls and fences on the site; and

The building is in place. No changes will occur.

b. The nature and extent of landscaping and screening on the site;

The landscape buffer is in place. No changes will occur.

12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site;

The building is in place.

13. The proposed conditional use will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance;

The building is in place.

14. The proposed conditional use otherwise complies with all applicable regulations of the Article, including lot size requirements, bulk regulations, use limitations and performance standards;

LEE ENGINEERING AND ASSOCIATES, L.L.C.

2101 W. CHESTERFIELD BLVD. • SUITE C202 • SPRINGFIELD, MO 65807

FACSIMILE: (417) 886-9336 • dLee@leeengineering.biz • TELEPHONE: (417) 886-9100

The proposed conditional use complies with all the other standards.

15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public;

The hotel is in place. No additional contribution or promotion of convenience is expected.

16. Off-street parking and loading areas will be provided in accordance with the standards set out in 5-1500, 5-1600 and 6-1300 of this article, and such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect;

The site meets the parking standards. The existing parking provides more spaces than what are needed.

17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys;

The existing drives are in place.

18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel;

The existing vehicular circulation elements work well.

19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way;

The infrastructure is in place. No interference will occur.

20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield; and

The existing structures will not be changed. The size of the lot is the only change.

21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.

The existing facility is fully developed and located on a primary arterial with all utilities, roads, and services already existing.

LEE ENGINEERING AND ASSOCIATES, L.L.C.

2101 W. CHESTERFIELD BLVD. • SUITE C202 • SPRINGFIELD, MO 65807

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2101 W. CHESTERFIELD BLVD.

SUITE C202

SPRINGFIELD, MO 65807

dlee@leeengineering.biz

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FACSIMILE: (417) 886-9336

Exhibit V
UP 398

Neighborhood Meeting Report

April 2, 2012

Proposed Conditional Use Permit

4155 South Nature Center Way
Springfield, Missouri

Re: Conditional Use Permit to increase the floor ratio from 0.4 to 0.56.

The neighborhood meeting was held, Wednesday, March 28, 2012 between 4:00 and 6:30pm at The Library Center, 4653 S. Campbell, Springfield, Mo. In attendance were Derek Lee and Leslie Chrystal with Lee Engineering.

The property from Hilton Garden Inn to Houlihan's is currently one tract. The owners wish to divide the Hilton Garden off separately. This will create a floor area ratio that exceeds what is allowed by the zoning ordinance. An exhibit of the new property line was on display for the attendees, which is attached.

The number of invitations that were sent out was 63, with 6 being returned as not deliverable from the post office. A total of 5 people attended the meeting. The meeting sign in sheet and comment sheets prepared by the attendees are attached. The majority of the neighborhood comments were centered around the noise from delivery and trash trucks and also headlights from traffic shining in their windows. The neighborhood would like to see a wall sound barrier around the hotel parking lot. In response to the neighborhood's comments, the owner intends to add a 6 foot wood privacy fence adjacent to the existing parking lot at Hilton Garden Inn.

A copy of the property owner's list generated by The City of Springfield and a copy of the neighborhood meeting notification letter to the property owners are attached.

Sincerely,



Leslie K. Chrystal
Office Manager

FACSIMILE: (417) 886-9336

[illegible]

LEE ENGINEERING AND ASSOCIATES, L.L.C.

CIVIL ENGINEERING & DESIGN

2101 W. CHESTERFIELD BLVD.

SUITE C202

SPRINGFIELD, MO 65807

dlee@leeengineering.biz

TELEPHONE: (417) 886-9100

FACSIMILE: (417) 886-9336

COMMENT SHEET

Neighborhood Meeting

Wednesday, March 28, 2012

Re: Proposed Conditional Use Permit
4155 South Nature Center Way
Springfield, Missouri

NAME	ADDRESS	PHONE
Rick Salvato	2235 E Lark	885-9039

COMMENTS:

- 1.) Between 4:45 and 5:30 AM every morning we are disturbed by the noise of trash removal (dumpster) and delivery trucks at the Garden Hilton. The delivery trucks leave their motors running while unloading.
- 2.) Headlights from traffic at the Hotel are continually shining in our windows.
- 3.) We find trash frequently in our back yards
- 4.) We would like a sound barrier (10 ft fence) erected around the Hotel parking lot !!

LEE ENGINEERING AND ASSOCIATES, L.L.C.

CIVIL ENGINEERING & DESIGN

2101 W. CHESTERFIELD BLVD.

SUITE C202

SPRINGFIELD, MO 65807

dlee@leeengineering.biz

TELEPHONE: (417) 886-9100

FACSIMILE: (417) 886-9336

COMMENT SHEET

Neighborhood Meeting

Wednesday, March 28, 2012

Re: Proposed Conditional Use Permit
4155 South Nature Center Way
Springfield, Missouri

NAME	ADDRESS	PHONE
Ana Salvato	2235 E. Lark	(417) 885-9039

COMMENTS:

We need 10 feet barrier sound wall. - We have delivery trucks all morning from 2:00 a.m. until 6:00 a.m. every day. The trucks are running for hours until. Wake up the neighborhood. - Garbage trucks pick up around 5:00 making all kind of noise. Please help us and make us a barrier sound wall. -

LEE ENGINEERING AND ASSOCIATES, L.L.C.

CIVIL ENGINEERING & DESIGN

2101 W. CHESTERFIELD BLVD.

SUITE C202

SPRINGFIELD, MO 65807

dlee@leeengineering.biz

TELEPHONE: (417) 886-9100

FACSIMILE: (417) 886-9336

March 14, 2012

Re: Proposed Conditional Use Permit
4155 South Nature Center Way
Springfield, Missouri

Dear Property Owner:

A neighborhood meeting will be held Wednesday, March 28, 2012 to discuss a proposed conditional use permit on the property listed above. A conditional use permit is being sought for the property to increase the floor area ration from .04 to .56. The owner has no plans for new construction on the site. The property on which the Hilton Garden Inn sits is being subdivided causing the floor area ratio to exceed the city's zoning ordinance requirement. The neighborhood meeting will be held at The Library Center, 4653 S. Campbell, Springfield, Mo., between 4:00 and 6:30pm in the Story Hour Meeting Room, which is located in the back to the right towards the children's area. The owner's representatives will be present to answer any questions you may have concerning this conditional use permit. Please feel free to come and go between 4:00 and 6:30pm. An exhibit of the new property line is attached for your reference. If you have any questions prior to this meeting, please contact our office at 417-886-9100.

Sincerely,



Derek A. Lee, P.E.

MARTIN, SHANE WILLIAM
2306 E SWALLOW ST
SPRINGFIELD, MO 658046723

MASON, CHRISTOPHER R
2236 E SWALLOW ST
SPRINGFIELD, MO 658046722

MCKEE, HOUSING LLC
2112 W VISTA ST
SPRINGFIELD, MO 65807

MELVIN, JASON
2163 E LARK ST
SPRINGFIELD, MO 658046744

MISSOURI HWY & TRANS COMM
PO BOX 868
SPRINGFIELD, MO 658010868

MZP INVESTMENTS LLC
2512 E GERMAN IVY ST
SPRINGFIELD, MO 65804

OZBORN, TERRY A
4635 S STEWART AVE
SPRINGFIELD, MO 65804

PMR PROPERTIES LLP
722 W OLIVE ST
SPRINGFIELD, MO 65806

RENNER, LANCE P
2305 E LARK ST
SPRINGFIELD, MO 658046735

REPUBLIC ROAD LLC
2808 S INGRAM MILL RD
SPRINGFIELD, MO 65804

ROGERS, CAROL ANN
2236 E LARK ST
SPRINGFIELD, MO 658046713

SALVATO, RICHARD F
2235 E LARK ST
SPRINGFIELD, MO 658046715

TAYLOR, JAMES A
2244 E LARK ST
SPRINGFIELD, MO 658046713

THOMAS, DANNY J
2330 E SWALLOW ST
SPRINGFIELD, MO 658046723

WILLIAMS, RICHARD P JR
2315 E SWALLOW ST
SPRINGFIELD, MO 658046726

WOMBLES, DOUGLAS
2218 E LARK ST
SPRINGFIELD, MO 658046713

YANG, CHIA LIAN
2227 E LARK ST
SPRINGFIELD, MO 658046715

Current Resident
4217 NATURE CENTER WAY
SPRINGFIELD, MO 65804

Current Resident
4213 NATURE CENTER WAY
SPRINGFIELD, MO 65804

Current Resident
4406 S REED AVE
SPRINGFIELD, MO 65804

Current Resident
4205 NATURE CENTER WAY
SPRINGFIELD, MO 65804

Current Resident
4234 S REED AVE
SPRINGFIELD, MO 65804

Current Resident
4304 S REED AVE
SPRINGFIELD, MO 65804

Current Resident
4219 NATURE CENTER WAY
SPRINGFIELD, MO 65804

Current Resident
NATURE CENTER WAY
SPRINGFIELD, MO 65804

Current Resident
2243 E LARK ST
SPRINGFIELD, MO 65804

Current Resident
2207 E LARK ST
SPRINGFIELD, MO 65804

Current Resident
2332 E LARK ST
SPRINGFIELD, MO 65804

Current Resident
2324 E LARK ST
SPRINGFIELD, MO 65804

Current Resident
2219 E SWALLOW ST
SPRINGFIELD, MO 65804

list x
500

FOWLER, JAMES ETAL TR
4219 S NATURE CENTER WAY
SPRINGFIELD, MO 65804

CORN, DALE E
2164 E LARK ST
SPRINGFIELD, MO 658046712

EASLEY, JUNE E
2315 E LARK ST
SPRINGFIELD, MO 658046735

EDWARDS, JOHN W
2314 E SWALLOW ST
SPRINGFIELD, MO 658046723

FRIEND, JUDY A TR
2235 E SWALLOW ST
SPRINGFIELD, MO 658046727

FRIGERIO, AARON J
2156 E LARK ST
SPRINGFIELD, MO 658046712

GIBSON, J EDWARD
2209 E SWALLOW ST
SPRINGFIELD, MO 658046727

GOFF, KATHLEEN SHARON
3803 S FARM ROAD 223
ROGERSVILLE, MO 657428818

GOLDHOFF, JEFFREY N
1318 W SWALLOW ST
SPRINGFIELD, MO 658101669

H&B PROPERTIES LLC
4625 S BILOXI AVE
SPRINGFIELD, MO 658046732

HAMLET, JESSICA ETAL
2165 E SWALLOW ST
SPRINGFIELD, MO 658046728

HAWKINS, PAUL C ETAL TR
2195 S CELEBRATION AVE
SPRINGFIELD, MO 658093532

HEATON, JAMES E
2305 E SWALLOW ST
SPRINGFIELD, MO 658046726

HUGHES, ALAN L
2306 E LARK ST
SPRINGFIELD, MO 65804

JACKSON, TONYA SUE
2316 E LARK ST
SPRINGFIELD, MO 658046714

JRDC LLC
2105 W KEARNEY ST
SPRINGFIELD, MO 658031652

KIMBROUGH, JOHN THOMAS JR
2208 E LARK ST
SPRINGFIELD, MO 658046713

KLEMISH, JEREMIAH T
2217 E LARK ST
SPRINGFIELD, MO 658046715

LUXURY RENTAL HOMES INC
3032 S FREMONT AVE
SPRINGFIELD, MO 65804

500' Property Owners List

Dent, Eugene P
2155 E. Lark St
Spfd, Mo. 65804

Drennan, Jason A
4527 NW 34th Dr.
Gainesville, FL. 32605

Cooper, Brandon
2228 E. Shallow St
Spfd, Mo. 65804

Cole, Patricia A
2229 E. Shallow St
Spfd, Mo. 65804

Colbert, Albert G
2244 E. Shallow St
Spfd, Mo. 65804

Carter, William E Jr.
2331 E. Shallow St
Spfd, Mo. 65804

Cass, Jeremy
4703 N. 15th St.
Ozark, Mo 65721

Clauser, Barbara Ann
2228 E. Lark St.
Spfd, Mo. 65804

Carter, Jacqueline Jane
2325 E. Lark St.
Spfd, Mo. 65804

Brown, Myron T
2333 E. Lark St.
Spfd, Mo. 65804

Arthur, Richard E
4946 S. Buckingham Ln
Spds, Mo. 65810

Current Resident
2323 E. Shallow St
Spfd, Mo. 65804

Current Resident
2322 E. Shallow St
Spfd, Mo. 65804

Current Resident
2245 E. Shallow St
Spfd, Mo. 635804

*Already peeled
labels off
before
making a copy.*

From: RICHARD SALVATO [mailto:amission@sbcglobal.net]

Sent: Monday, April 23, 2012 9:11 AM

To: City

Subject: Hilton Garden Inn

Dear Alana Owen,

I am writing in response to your letter of April 16 concerning the rezoning of the property at 4155 South Nature Center Way. We live directly behind this property and have been continually annoyed by the lights and noise from the hotel. Between 4:45 and 5:30 AM the trash disposal truck empties the dumpster behind the hotel. The noise created by this disturb our sleep. Especially on weekends. During this same time period delivery trucks (especially Springfield Grocers) make their deliveries, often leaving there engines running. This also disturbs our sleep. Then we have to put up with headlights shining in our windows from cars and trucks in the back parking lot area. Our privacy has been compromised as well as our property values being adversely affected. We would like to see some consideration offered to us residents living behind the Hotel! A 8-10 foot fence erected at the top of the parking area would be very helpful in addressing the problems mentioned above. We have been promised such a fence in the past but to date no action has taken place. We truly hope that these issues will be addressed and the some definitive action will be taken to alleviate these annoyances.

Sincerely,

Richrad Salvato
2235 E. Lark

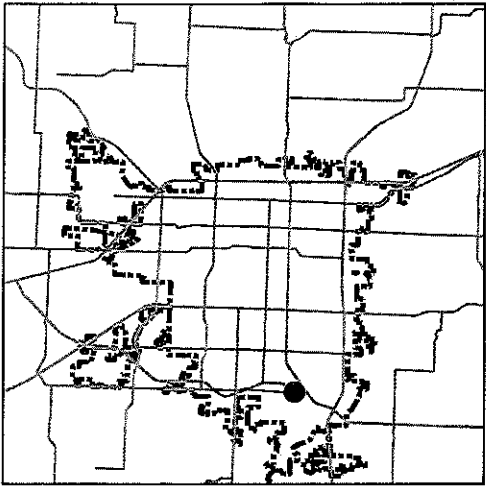
Exhibit VI
UP 398

Zoning & Subdivision Report

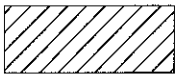
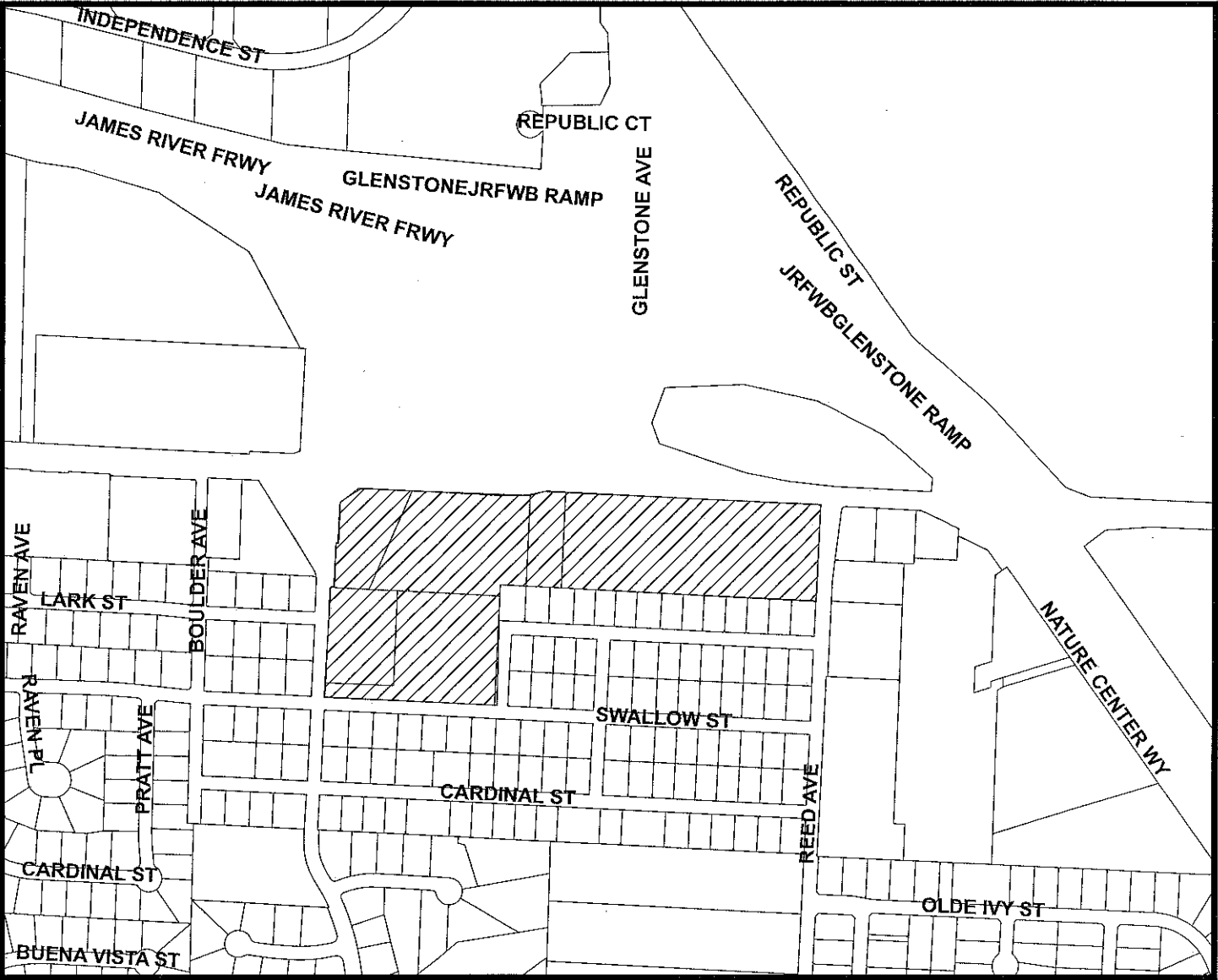
Planning & Development - 417/864-1031
840 Boonville - Springfield, Missouri 65802

Preliminary Plat of the Shoppes at James River

Location: 2124 East Republic Road



LOCATION SKETCH



- Area of Proposal



1 inch = 600 feet

Zoning & Subdivision Report

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

PRELIMINARY PLAT – SHOPPES AT JAMES RIVER

DATE: April 26, 2012

PURPOSE: To approve a preliminary plat to subdivide 20.51 acres into a three (3) lot commercial subdivision, including two subdivision variances.

BACKGROUND:

LOCATION: 2124 East Republic Road

APPLICANT: Republic Road LLC etal

TRACT SIZE: Approximately 20.51 Acres

EXISTING USE: Restaurant, hotel and undeveloped land

PROPOSED USE: Uses permitted in the GR, General Retail District

RECOMMENDATION:

The request be **approved**, provided that Planning and Zoning Commission finds that the standards for subdivision variance approval have been met and, if approved, the conditions listed below shall govern and control the subdivision of the land shown on Exhibit A. If Planning and Zoning Commission finds that the standards for subdivision variance approval have **not** been met, the plat needs to be revised.

FINDINGS:

1. The applicant's proposal, with the conditions listed below, is consistent with the City's Subdivision Regulations.

CONDITIONS:

1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.

- a. Sanitary sewer shall be provided to all lots.
 - b. In lieu of sidewalks located adjacent to the streets, sidewalks in conformance with the attached (Exhibit B) shall be provided. The final placement of the sidewalks through the development shall be approved by the Administrative Review Committee.
 - c. Public improvement plans will be required for the water quality improvements for Lots 1 and 3 since they are not located within their respective lots.
2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
 - a. Five (5) feet of additional right-of-way shall be dedicated for Harvard Avenue.
 - b. A ten (10) foot by ten (10) foot right-of-way triangle shall be dedicated at the corner of Harvard Avenue and Swallow Street and at the corner of Swallow Street and Gentry Avenue.
 - c. Access is limited to the existing driveways off Harvard Avenue, Nature Center Way and Reed Avenue. No additional access is allowed from Republic Road, Nature Center Way, Reed Avenue, Harvard Avenue, Swallow Street, Lark Street or Gentry Avenue as noted on the plat.
 - d. An irrevocable consent to dedicate right-of-way for Reed Avenue shall be given in lieu of dedicating an additional five (5) feet of right-of-way for Reed Avenue at this time.
3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
4. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush and overhanging tree limbs.
5. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

If the request is recommended for denial by the Commission and the applicant requests City Council consideration, all the above conditions, plus any amendments made by the Planning and Zoning Commission, shall be included in the Council Bill.

STAFF CONTACT PERSON:

Alana D. Owen, AICP
Senior Planner

ATTACHMENT A
BACKGROUND REPORT
PRELIMINARY PLAT – SHOPPES AT JAMES RIVER

APPLICANT'S PROPOSAL:

The applicant proposes to subdivide approximately 20.51 acres into a three (3) lot commercial subdivision.

CITY UTILITIES COMMENTS:

No objection to the preliminary plat. Additional easements could be required on the final plat as the design progresses. The primary electric lines running east-west through the property may have to be relocated. The relocation will be at the owner's expense.

TRAFFIC DIVISION COMMENTS:

The proposed preliminary plat is acceptable.

MISSOURI DEPARTMENT OF TRANSPORTATION:

Even with the proposed sidewalk system, MoDOT requests a sidewalk along the entire length of the northern boundary of the development from Harvard Avenue to Reed Avenue.

Staff Comments: The Subdivision Regulations(Section 410(6)(i) specifically do not require sidewalks to be constructed along that portion of a public street whose right-of-way directly abuts State Highway right-of-way and the State right-of-way is classified as a freeway by the Major Thoroughfare System.

STORMWATER COMMENTS:

No Stormwater issues with preliminary plat and preliminary engineering report. Detention is provided through the existing regional detention pond, and water quality will be provided on public improvement plans for Lots 1 and 3 as part of the plat process. Water quality for Lot 2 will be provided at the time of development as noted on the Preliminary Plat.

SANITARY SEWER COMMENTS:

The Preliminary Plat is acceptable.

FIRE DEPARTMENT COMMENTS:

No issues from the Fire Department regarding the proposed Preliminary Plat.

BUILDING DEVELOPMENT SERVICES:

Preliminary Plat is acceptable to Building Development Services.

STAFF COMMENTS:

1. The applicant's proposal is consistent with the City's *Subdivision Regulations* if the two requested Subdivision Variances are approved. If approved, the preliminary plat will be active for two (2) years. All City Departments support the proposed subdivision as shown with conditions.
2. The applicant is seeking approval of a Conditional Use Permit to allow an increase in the permitted floor area ratio (FAR) for the existing hotel on proposed Lot 3. The existing hotel will exceed the permitted FAR in the GR, General Retail District when the separate lot is created. That application accompanies this Preliminary Plat and must be approved in order for this Preliminary Plat to be in conformance.

ATTACHMENT B
APPROVAL CRITERIA
PRELIMINARY PLAT – SHOPPES AT JAMES RIVER

The applicant is requesting a subdivision variance from Section 403(9) of the Subdivision Regulations which establishes the required right-of-way widths for streets. The applicant is requesting a variance to waive the requirement for additional right-of-way to be dedicated for Reed Avenue. Reed Avenue is classified as a collector roadway which requires sixty (60) feet of right-of-way. An additional five (5) feet of right-of-way is required to be dedicated unless this subdivision variance is approved. The applicant is required to provide an irrevocable consent to dedicate the right-of-way.

Section 106 of the Subdivision Regulations states in part:

Conditions of Variance Approval. No variance shall be granted unless it is found that:

- (a) There are special and unusual circumstances affecting said property such that the strict application of the provisions of this Article would deprive the owner of the reasonable use of his land and is not the mere granting of a privilege, and

APPLICANT'S RESPONSE:

This variance is only regarding the required right-of-way on Reed Avenue. The City requires the owner to give up 5' of right-of-way on the existing Hilton Garden Inn site. The owner originally constructed the site assuming it would not be subdivided. A wall was placed 10' from the existing right-of-way. The site was graded at 3:1 to the wall and a new gas and water line were placed in the area which would become right-of-way. Lease and loan documents were signed based on the existing right-of-way. Due to the existing improvements, an irrevocable consent to dedicate the right-of-way is requested in lieu of dedicating the actual right-of-way.

- (b) The variance is necessary for the preservation and enjoyment of a substantial property right of the owner, and

APPLICANT'S RESPONSE:

The perimeter buffer would not meet the City's standards. The existing wall would be 5' from the right-of-way line. Any public improvements such as sidewalks or utility work would require additional expense due to raising or removing the wall.

- (c) The granting of the variance would not be detrimental to the public safety, convenience or welfare or be injurious to other property in the vicinity.

APPLICANT'S RESPONSE:

The City does not have any plans to improve Reed Avenue. An irrevocable consent to dedicate the right-of-way will be provided if plans are prepared where the right-of-way is required in the future.

The Planning and Zoning Commission must first decide if all of these conditions are met before this variance can be approved.

ATTACHMENT B (cont)
APPROVAL CRITERIA
PRELIMINARY PLAT – SHOPPES AT JAMES RIVER

The applicant is requesting a subdivision variance from Section 410(6) of the Subdivision Regulations which establishes the requirement for sidewalks. The Subdivision Regulations require sidewalks along Harvard Avenue, Swallow Street, Gentry Avenue, Lark Street, Nature Center Way and Reed Avenue. The applicant is requesting Commission approve a variance to allow an alternative sidewalk system be provided throughout the property.

Section 106 of the Subdivision Regulations states in part:

Conditions of Variance Approval. No variance shall be granted unless it is found that:

- (a) There are special and unusual circumstances affecting said property such that the strict application of the provisions of this Article would deprive the owner of the reasonable use of his land and is not the mere granting of a privilege, and

APPLICANT'S RESPONSE:

The owner intends to construct sidewalk throughout the interior of the development which would replace the need for sidewalks along the roads. See attached exhibit (Attachment C) for detailed explanations for each sidewalk.

- (b) The variance is necessary for the preservation and enjoyment of a substantial property right of the owner, and

APPLICANT'S RESPONSE:

The owner is going to provide an improved sidewalk system with the intent to tie into the greenway trail system. This will provide connectivity throughout the city, not just to the immediate neighborhood.

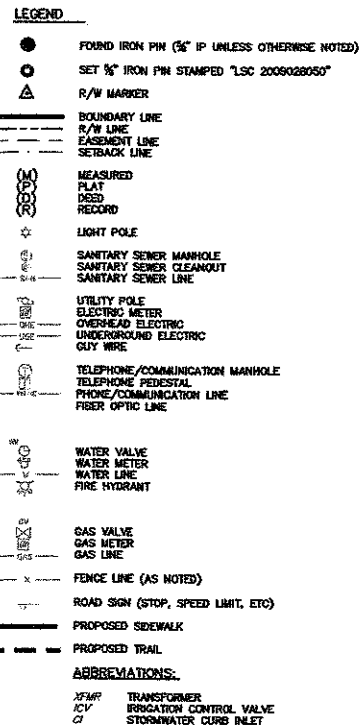
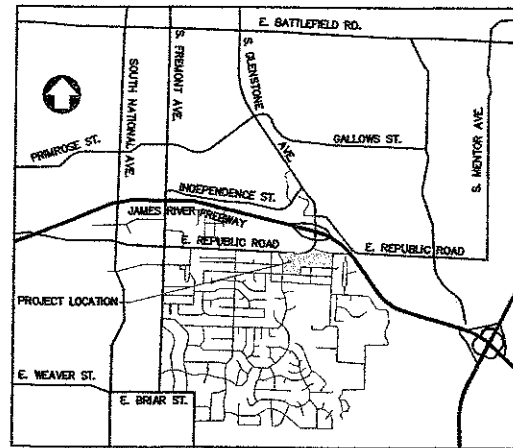
- (c) The granting of the variance would not be detrimental to the public safety, convenience or welfare or be injurious to other property in the vicinity.

APPLICANT'S RESPONSE:

The proposed internal system will provide more connectivity than the City's proposed sidewalks. The community will benefit more from the internal system than having the City's proposed system.

The Planning and Zoning Commission must first decide if all of these conditions are met before this variance can be approved.

Exhibit A



LEE Engineering & Associates, L.L.C.

2101 W. Chesterfield Blvd,
Suite C202
Springfield, MO 65807
417-886-9100 (phone)
417-886-9336 (fax)

Without State Certificate of Authority
Engineering #02000615594
Land Surveying #0000020055

lee@leeengineering.biz

"Engineering with Integrity"

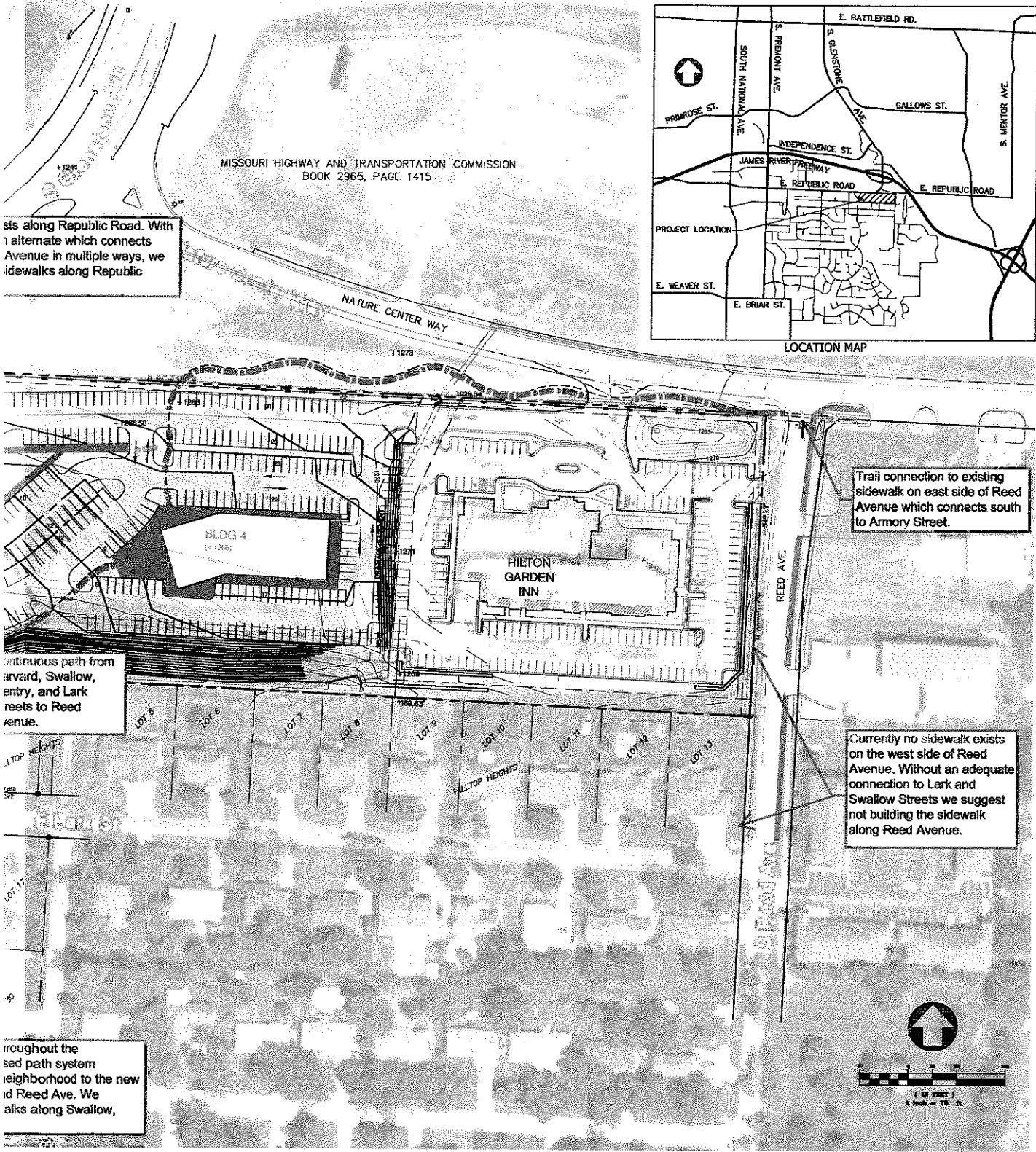
DWG: Shoppes at James River.dwg
DATE: 04/02/2012

PROJECT NO: 635

SURVEY BY TS	DESIGN N/A	SCALES	SHEET 1
FIELD BK	DRAWN DRB	HOR. 1"=100'	OF 1 SHEETS
LEVEL BK	CHECKED LEE	VERT. N/A	FILE NO. 635

AMES RIVER
DITIONS

Exhibit B



LEE Engineering & Associates, L.L.C.

2101 W. Chesterfield Blvd,
Suite C202
Springfield, MO 65807
417-886-9100 (phone)
417-886-9336 (fax)

Missouri State Certificate of Authority
Engineering #0000019524
Land Surveying #000000050

dee@leeengineering.biz

"Engineering with Integrity"

DWG: Shoppes at James River.dwg
DATE: 01/21/2011

PROJECT NO.: 635

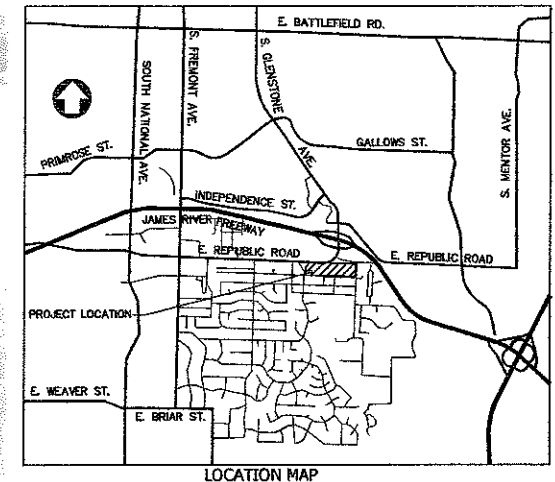
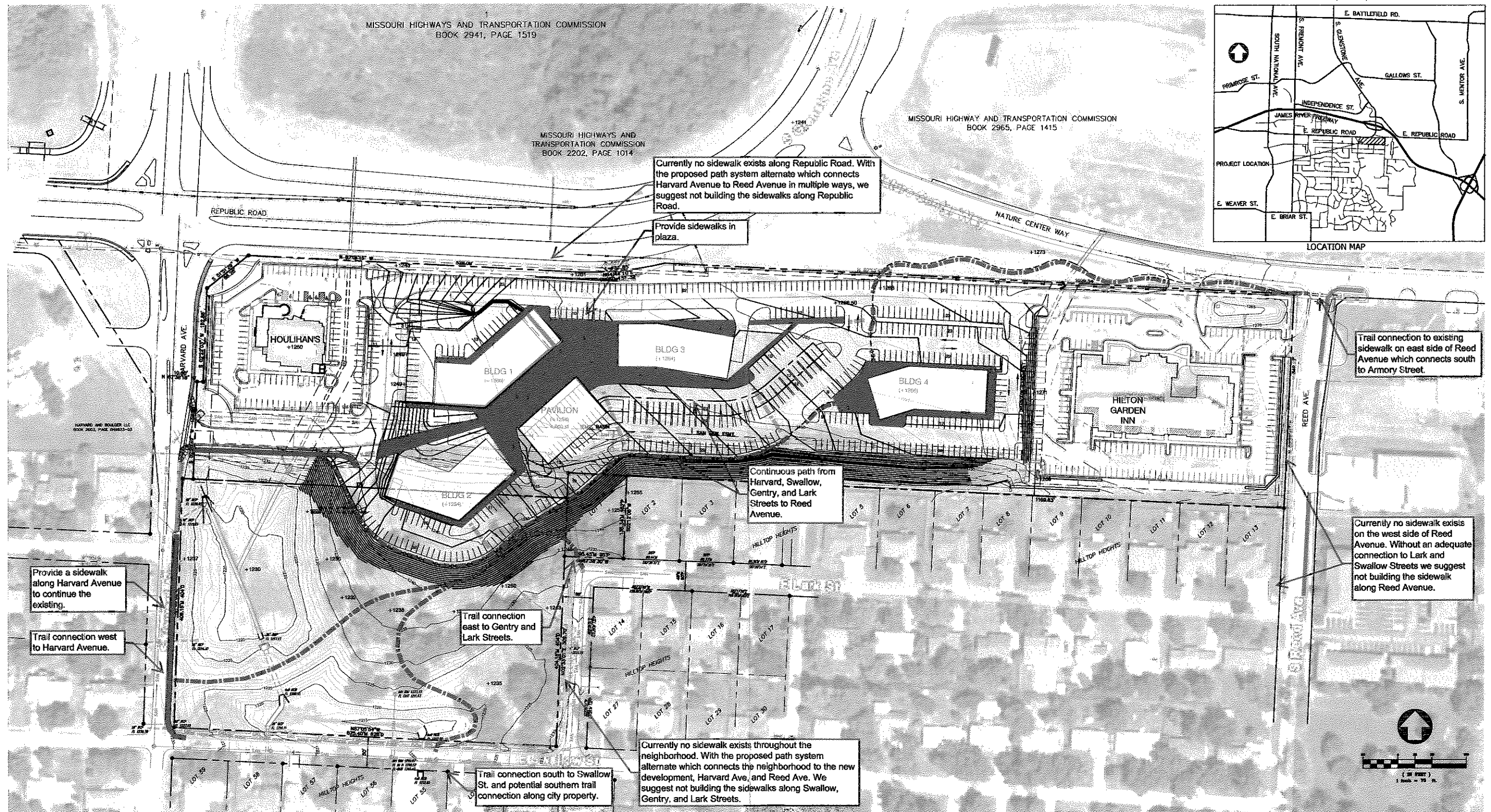
SITE CONDITIONS
SHOPPES AT JAMES RIVER

Shoppes at James River
Springfield, Greene County, Missouri

SURVEY BY TS	DESIGN N/A	SCALES HOR. 1"=75'	SHEET 2
FIELD BK	DRAWN DRB	VERT. N/A	OF 2 SHEETS
LEVEL BK	CHECKED LEE		FILE NO. 635

SHOPPES AT JAMES RIVER SITE CONDITIONS

Exhibit B



LEGEND

●	FOUND 5/8" IRON PIN (EXCEPT AS NOTED)	EXISTING SIDEWALK
○	SET 5/8" IRON PIN CAPPED "LS-2387"	PRE-SUBDIVISION REVIEW PROVISIONS
— x —	FENCE LINE	PROPOSED SIDEWALK
☆	LIGHT POLE	PATH ALTERNATIVE
— S —	SANITARY SEWER LINE	
— U —	UTILITY POLE	
— E —	OVERHEAD ELECTRIC	
— W —	WATER LINE	
— G —	GAS LINE	
⊙	SANITARY SEWER MANHOLE	



LEE Engineering & Associates, L.L.C.
2101 W. Chesterfield Blvd,
Suite C202
Springfield, MO 65807
417-886-9100 (phone)
417-886-9336 (fax)
Missouri State Certificate of Authority
Exp. 12/31/2014
Land Surveying #200002809
dlee@leeengineering.biz
"Engineering with Integrity"

SITE CONDITIONS SHOPPES AT JAMES RIVER

Shoppes at James River
Springfield, Greene County, Missouri

SURVEY BY TS	DESIGN N/A	SCALES HOR. 1"=75'	SHEET 2
FIELD BK	DRAWN DRB	VERT. N/A	OF 2 SHEETS
LEVEL BK	CHECKED LEE	FILE NO.	635

DWG: Shoppes at James River.dwg
DATE: 01/21/2011

PROJECT NO.: 635

PRELIMINARY PLAT
SHOPPES AT JAMES RIVER
REPUBLIC ROAD, L.L.C.
SPRINGFIELD, GREENE COUNTY, MISSOURI

OWNER/DEVELOPER:
VOLET ROSE PROPERTY INVESTMENTS, L.L.C.
11040 CAMAKIND
OVERLAND PARK, KS 66210
BK 2010 PG 14194-10
(% INTEREST LOT 1, HILLTOP HEIGHTS)

OWNER/DEVELOPER:
EDWARD E. & MARY L. SIEGER LIVING TRUST
EDWARD E. AND MARY L. SIEGER, TRUSTEES
1380 E. WOOD STREET
REPUBLIC, MO 65738
BK 2005 PG 17214-05
(% INTEREST LOT 1 HILLTOP HEIGHTS)

OWNER/DEVELOPER:
CITY OF SPRINGFIELD, MO
840 BOONVILLE AVE
SPRINGFIELD, MO
417-864-1000

OWNER/DEVELOPER:
REPUBLIC ROAD LLC
2808 S. INGRAM MILL, A100
SPRINGFIELD, MO
417-887-8826

BENCHMARK:
081 - GLENSTONE @ JAMES RIVER FREEWAY
ELEV = 1288.31
167 - CHARLESTON @ LARK,
ELEV = 1288.33

FLOOD NOTE:
This property lies in Flood Zone "X" (areas determined to be outside the 0.2% annual chance floodplain) according to Flood Insurance Rate Map Community Panel 29077C 0344 E, effective December 17, 2010.

DETENTION NOTE:
Detention will be provided in the existing regional detention basin. This basin was designed to accommodate fully developed conditions on these lots.

WATER QUALITY NOTE:
Water quality for Lots 1 and 3 will be provided as shown on the plat. Water quality for Lot 2 will be provided at the time of development via a treatment train consisting of BMPs such as green roofs, pervious pavement, water quality swales, cisterns, and large landscape buffers to Swallow Street.

SITE NOTES:
The structures shown on Lots 1 and 3 are existing structures.

SIDEWALK NOTES:
A variance has been submitted to provide internal sidewalks in lieu of constructing sidewalks along Swallow, Gentry, Lark, Reed, Nature Center Way and Republic Road.

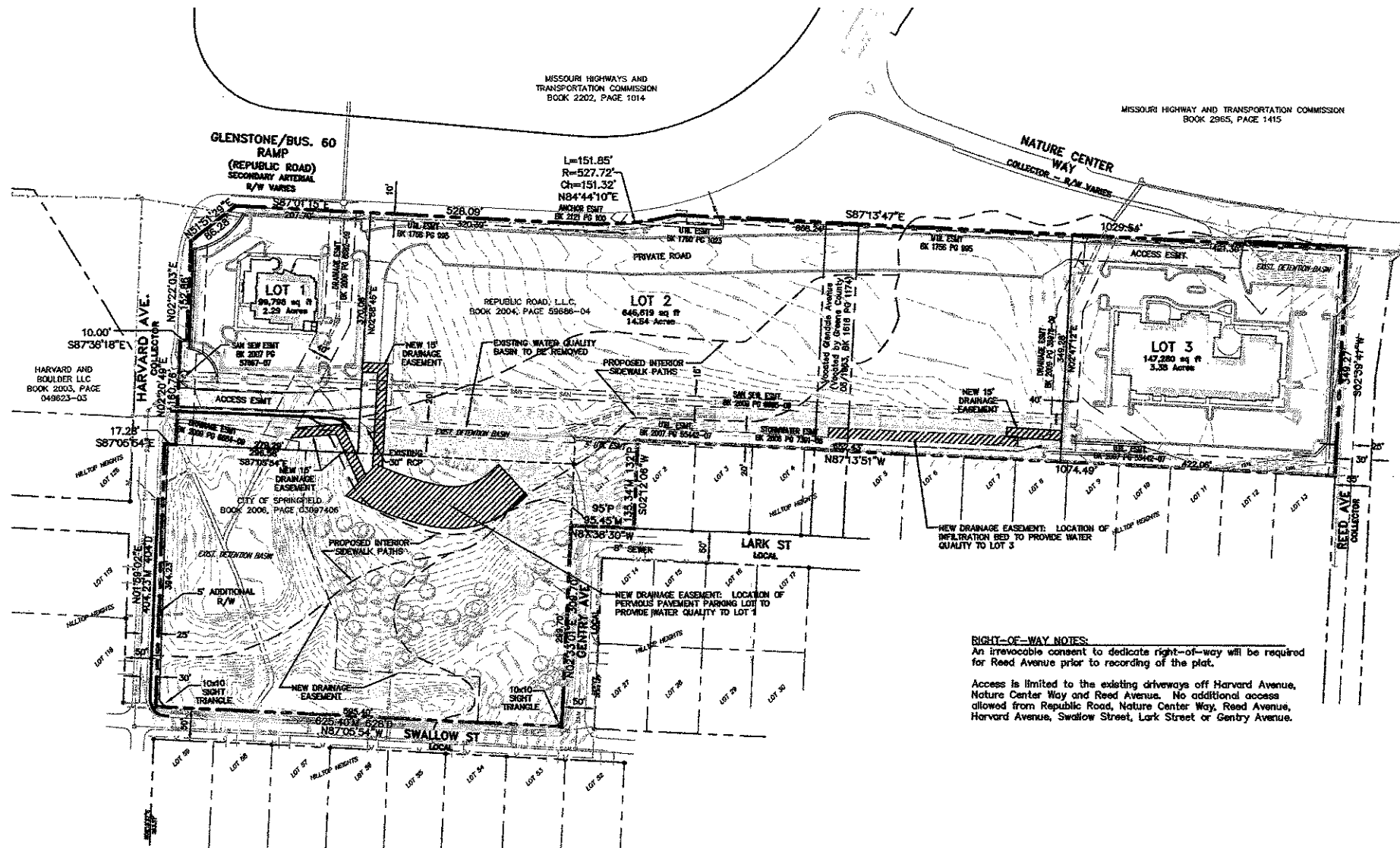
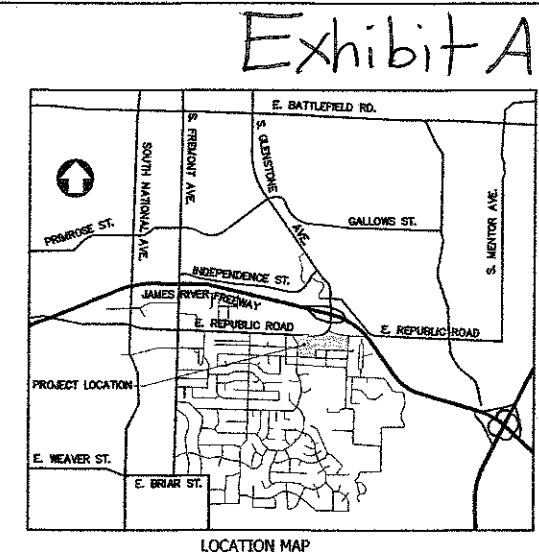
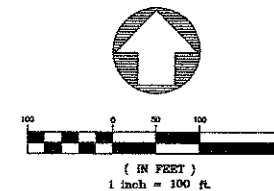
Connection points for the proposed trails will not differ significantly from those shown here. Trail easements will be determined at the time of development.

LOT INFORMATION:
Total Lots: 3
Smallest Lot: 1 99,798 sq ft. (2.29 Acres)
Largest Lot: 2 646,819 sq ft. (14.84 Acres)

SURVEYOR'S CERTIFICATE:
Know All Men By These Presents:

That I, Dan Ray Berry, do hereby certify that this plat was prepared under my supervision from an actual survey of the land herein described, prepared by Lee Engineering & Associates dated March 06, 2012, signed by me and that the corner monuments and lot corner pins shown as set herein were placed under my personal supervision in accordance with the Missouri Minimum Standards for Property Boundary Surveys and Section 410.5 of the Subdivision Regulations, Article II, of the City of Springfield, Greene County, Missouri.

DATE PREPARED
SIGNATURE
DON RAY BERRY, P.L.S.
MISSOURI L.S. NO. 2004017829



RIGHT-OF-WAY NOTES:
An irrevocable consent to dedicate right-of-way will be required for Reed Avenue prior to recording of the plat.
Access is limited to the existing driveways off Harvard Avenue, Nature Center Way and Reed Avenue. No additional access allowed from Republic Road, Nature Center Way, Reed Avenue, Harvard Avenue, Swallow Street, Lark Street or Gentry Avenue.

DESCRIPTION -
SOURCE OF TITLE: BK 2004 PG 59686-04, BK 2006 PG 30974-06, BK 2010 PG 14194-10, BK 2005 PG 17214-05
All that part of Hilltop Heights Subdivision and that part of the Northwest Quarter of Section 17, Township 28 North, Range 21 West of the Fifth Principal Meridian, City of Springfield, Greene County, Missouri, being more particularly described as follows:

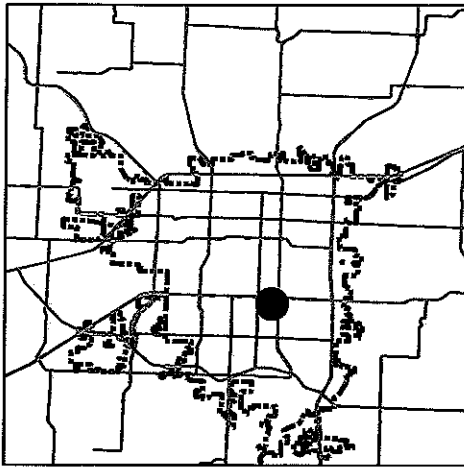
BEGINNING at the Northeast corner of Lot 1 of Hilltop Heights Subdivision, as shown on the recorded plat thereof, thence, South 02°12'06" West, along and with the East line of said Lot 1, a distance of 135.34 feet to the Southeast corner of said Lot 1; thence, North 87°38'30" West, along and with the South line of said Lot 1, a distance of 95.45 feet to the Southwest corner of said Lot 1, said point lying on the West right-of-way line of Gentry Avenue; thence, South 02°33'01" West, along and with said West line, a distance of 309.70 feet to the North right-of-way line of Swallow Street; thence, North 87°05'54" West, along and with said North line, a distance of 625.40 feet to the East right-of-way line of Harvard Avenue; thence, along and with said East right-of-way line, the following six (6) courses and distances:
North 01°59'02" East, a distance of 404.23 feet; thence, South 87°05'54" East, a distance of 17.28 feet; thence, North 02°20'49" East, a distance of 160.76 feet; thence, South 87°38'18" East, a distance of 10.00 feet; thence, North 02°22'03" West, a distance of 152.86 feet; thence, North 51°51'28" East, a distance of 86.28 feet to the South right-of-way line of Republic Road; thence, along and with said South right-of-way line, the following three (3) courses and distances:
South 87°01'15" East, a distance of 528.09 feet; thence, along and with a 527.72-foot radius curve to the left, having Chord bearing of North 84°44'10" East and a chord length of 151.32 feet, an arc distance of 151.85 feet; thence, South 87°13'47" West, a distance of 1,029.54 feet to the West right-of-way line of Reed Avenue; thence, South 02°39'41" West, along and with said West right-of-way line, a distance of 349.27 feet to the North line of Hilltop Heights Subdivision; thence, North 87°13'51" West, along and with the North line of said Hilltop Heights, a distance of 1074.49 feet to the Northeast corner of Lot 1 and the POINT OF BEGINNING, containing 20.56 acres, more or less, and being subject to easements, restrictions or rights-of-way, if any.

NOTES:
Accuracy Standard: Urban Property
Source Of Title: Book 2673, Page 2718

The utilities shown were compiled from existing mapping from City services, field locates, and from other mapping/plans such as highway plans. The utilities shown are only to the extent of the available mapping and may not represent all utilities on site. Any particular areas that become of concern during design/planning should be researched further. All buried utilities shown are approximate only.

LEE Engineering & Associates, L.L.C.
2101 W. Chesterfield Blvd,
Suite C202
Springfield, MO 65807
417-886-9100 (phone)
417-886-9336 (fax)
Missouri State Certificate of Authority
Engineering #2002910204
Land Surveying #2004028000
dlee@leeeengineering.biz
"Engineering with Integrity"
DWG: Shoppes at James River.dwg
DATE: 04/02/2012
PROJECT NO.: 635

PRELIMINARY PLAT SHOPPES AT JAMES RIVER			
Shoppes at James River Springfield, Greene County, Missouri			
SURVEY BY TS	DESIGN - N/A	SCALES	SHEET 1
FIELD BK	DRAWN - DBS	HOR. 1"=100'	OF 1 SHEETS
LEVEL BK	CHECKED - LEE	VERT. N/A	FILE NO. 635



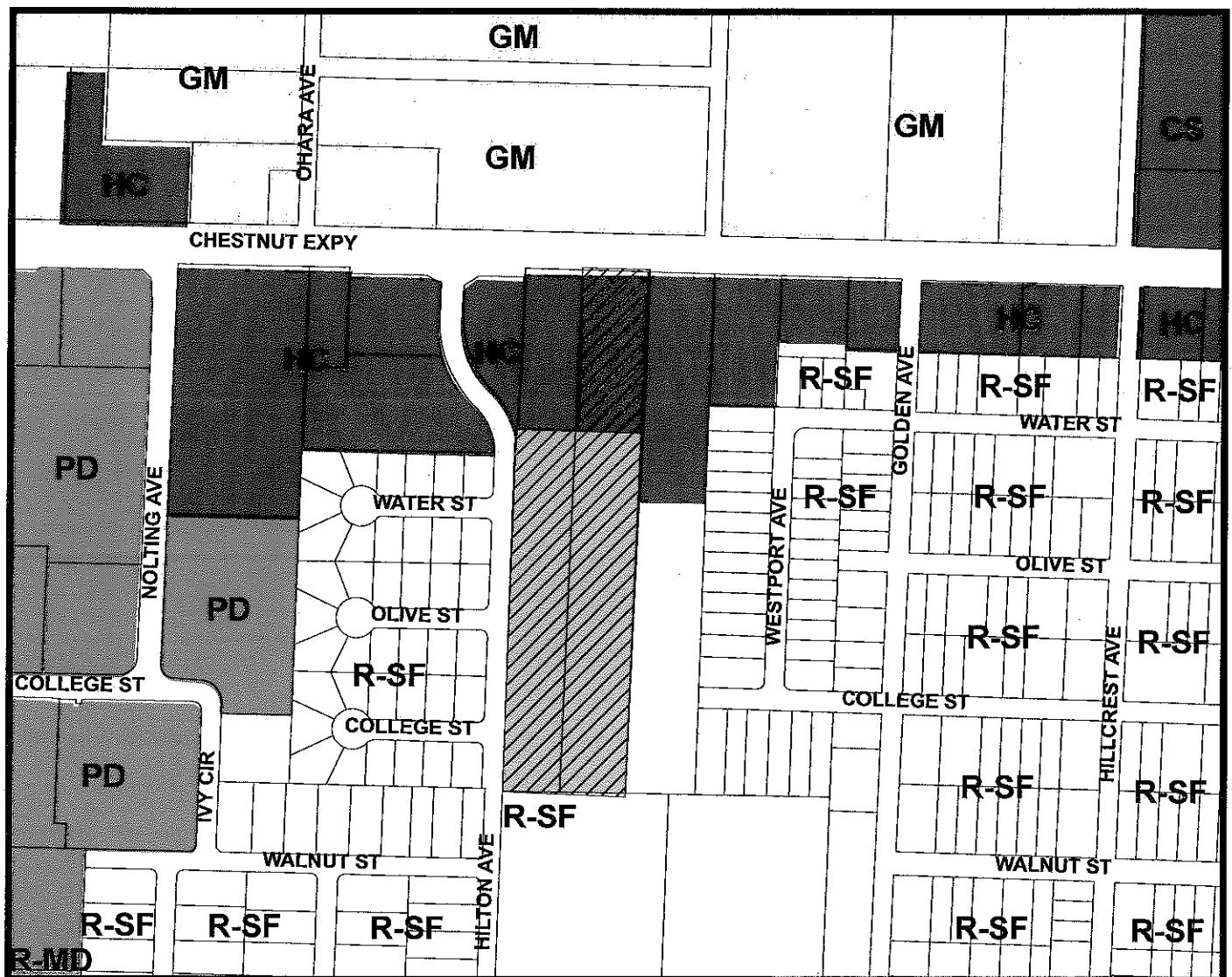
Zoning & Subdivision Report

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

Revised Preliminary Plat - Westport Woods

Location: 200 block e/s N. Hilton & 3206 W. Chestnut Exp.
Current Zoning: HC, Highway Commercial and
R-LD, Low-Density Multi-Family Residential

LOCATION SKETCH



- Area of Proposal



1 inch = 400 feet

Affected Agency Notified: Yes
Emergency Required: No
Budget Adjust. Required: No
Board Rec. Required: Yes
Public Hearing: No
Sponsor: Seifred
Date: April 25, 2012

EXPLANATION TO COUNCIL BILL NO. 2012 -

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To accept the dedication of the public streets and easements as shown on the Revised Preliminary Plat of **WESTPORT WOODS SUBDIVISION** generally located on the east side of the 200 block of North Hilton Avenue. (Staff recommends that City Council does not accept the public streets and easements.)

BACKGROUND INFORMATION:

- A. See the legal description set forth on the Revised Preliminary Plat of WESTPORT WOODS SUBDIVISION dated April 20, 2012, the original of which is on file in the Department of Planning and Development, a reduced version of which is included for general reference in Exhibit A.
- B. Planning Commission _____ a request for a subdivision variance to not provide a street connection of College Street across proposed Lot 2.
- C. The Planning and Zoning Commission held a public hearing on May 3, 2012 and _____ the preliminary plat by a vote of ___ to ___, subject to the following conditions:
 - 1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
 - a. Developer must submit public improvement plans for a sanitary sewer to provide gravity sewer service to each tract created and pay inspection fees and construct this sanitary sewer in accordance with approved plans. Public sanitary sewer must be extended to original Lot 5 and to any re-plated lots prior to filing the final plat. Plans for the public sanitary sewer extension must be submitted to Public Works for review prior to construction.
 - b. Sidewalks shall be constructed along Chestnut Expressway in accordance with MODOT standards.

2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
 - a. Chestnut Expressway is classified as an expressway which requires sixty-five (65) feet of right-of-way from centerline of the street.
 - b. Lot 1 shall be limited to one access onto Chestnut Expressway. The two existing driveways shall be consolidated into one in accordance with MoDOT standards.
3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Code.
5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush and overhanging tree limbs.

6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

All required improvements shall be the sole responsibility of the subdivider. As prescribed by Section No. 300 of the Subdivision Regulations, the improvements shall be made or guaranteed by means of bond or escrow agreement. Release of the final plat for recording shall be withheld until the subdivider has complied with this section.

Section No. 206 of the Subdivision Regulations requires that a final plat be submitted within two years of City Council's acceptance of the public streets and easements.

Attached for Council information is a sketch showing the location of the plat area, an exhibit showing the proposed plat, and a copy of the Planning and Development Department staff report to the Planning and Zoning Commission.

RECOMMENDATIONS:

Staff recommends that City Council does not accept the public streets and easements.

Submitted by:

Approved by:

Planning and Development

City Manager

Zoning & Subdivision Report

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

REVISED PRELIMINARY PLAT – WESTPORT WOODS

DATE: April 25, 2012

PURPOSE: To approve a preliminary plat to subdivide 7.74 acres into a two (2) lot subdivision

BACKGROUND:

LOCATION: East side of the 200 block N. Hilton Avenue and 3206 W. Chestnut Exp.

APPLICANT: Charles and Theresa Chappell c/o Joe Carmichael

TRACT SIZE: Approximately 7.74 Acres

EXISTING USE: Highway Commercial uses along Chestnut Exp. and undeveloped land

PROPOSED USE: Highway Commercial uses along Chestnut Exp. and multi-family residential uses along Hilton Ave.

RECOMMENDATION:

The request be **denied**, because standards for subdivision variance approval have **not** been met. If Planning and Zoning Commission finds that the standards for subdivision variance approval have been met, the conditions listed below shall govern and control the subdivision of the land shown on Exhibit A.

FINDINGS:

1. The applicant's proposal, with the conditions listed below, is not consistent with the City's Subdivision Regulations.
2. The Subdivision Regulations require the extension of College Street across the subject property.

CONDITIONS:

1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and

specifications and approved by the Director of Public Works.

- c. Developer must submit public improvement plans for a sanitary sewer to provide gravity sewer service to each tract created and pay inspection fees and construct this sanitary sewer in accordance with approved plans. Public sanitary sewer must be extended to original Lot 5 and to any re-plated lots prior to filing the final plat. Plans for the public sanitary sewer extension must be submitted to Public Works for review prior to construction.
 - d. Sidewalks shall be constructed along Chestnut Expressway in accordance with MODOT standards.
2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
 - a. Chestnut Expressway is classified as an expressway which requires sixty-five (65) feet of right-of-way from centerline of the street.
 - b. Lot 1 shall be limited to one access onto Chestnut Expressway. The two existing driveways shall be consolidated into one in accordance with MoDOT standards.
7. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
8. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Code.
9. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush and overhanging tree limbs.
10. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

If the request is recommended for denial by the Commission and the applicant requests City Council consideration, all the above conditions, plus any amendments made by the Planning and Zoning Commission, shall be included in the Council Bill.

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner

ATTACHMENT A
BACKGROUND REPORT
REVISED PRELIMINARY PLAT – WESTPORT WOODS

APPLICANT'S PROPOSAL:

The applicant proposes to subdivide approximately 7.74 acres into a two (2) lot subdivision. A new multi-family subdivision is planned for Lot 2 and Lot 1 would be used for the existing commercial development along Chestnut Expressway.

CITY UTILITIES COMMENTS:

No objection to approving preliminary plat. All utilities are available to provide service. Additional easements may be required at design stage for future electric transformers. Please be aware there is an existing water main at the outlet structure at the SW property corner. Any relocations due to the subdivision improvements will be at the customer's expense.

TRAFFIC DIVISION COMMENTS:

1. Place a note on the plat that only one drive will be allowed from Lot 1 to Chestnut Expressway.
2. Show the extension of College Street through the property aligning with existing College Street.
3. Show a 10 ft. x 10 ft. right of way sight triangle at Hilton and the new College Street.
4. Show the additional 15 feet of right-of-way to be dedicated on Chestnut Expressway.

MODOT COMMENTS:

MODOT recommends consolidating the two driveways into one and additional right-of-way to match the setbacks of properties at 3240 and 3226 E. Chestnut Expressway. They, also, recommended sidewalks to be constructed along the Chestnut Expressway property frontage.

STORMWATER COMMENTS:

1. The preliminary detention/water quality calculations appear to meet minimum criteria.
2. Public improvement plans will be required for the drainage improvements needed for the following items at a minimum:
 - a. to convey the offsite flows across the subdivision;
 - b. for drainage improvements carrying drainage from more than one lot; and
 - c. for the detention basin.
3. Drainage improvements must be constructed, inspected, approved and operational prior to acceptance of the final plat.
4. Drainage easements will be required to convey drainage from one lot across another lot, as well as for offsite flows crossing onto lots within this subdivision. It must be demonstrated that these

drainage easements are sized to convey 100-year peak runoff rates and meet the minimum freeboard requirements.

5. The preliminary plat submitted does not show a proposed College Street on the south side of the property as approved previously. If College Street will be dedicated as part of this subdivision, then the detention area should be located within a platted common area.

SANITARY SEWER COMMENTS:

Submit public improvement plans for public sewer extension to serve lot 1. Lot 2 will have to cross Hilton Ave. to access sewer.

STAFF COMMENTS:

1. The applicant's proposal has changed since it was approved in July of 2011. The applicant is requesting to eliminate the College Street connection across their proposed Lot 2.
2. If Planning and Zoning Commission approves the revised preliminary plat and subdivision variance, then the plat will be forwarded to City Council for acceptance of right-of-way and easements. If Planning and Zoning Commission denies the revised preliminary plat and subdivision variance, then the applicant has a choice to appeal the decision to City Council or utilize the existing Preliminary Plat of Westport Woods. An approved preliminary plat is active for two (2) years.
3. Staff does not support the proposed subdivision variance, because one of the goals of the City's Comprehensive Plan is to provide an adequate system of thoroughfares that will insure logical development of the community, safe and efficient movement of people and goods, and economical expenditure of public funds. Section 403.4 of the Subdivision Regulations requires that, when a new subdivision adjoins unsubdivided land susceptible to being subdivided, new streets shall be carried to the boundaries of such tract. It is important to provide interconnections between parcels as they develop to ensure logical, compact, contiguous development. In this case, the undeveloped lot to the east will need proper access in the future for development and the connection of College Street would provide that access. The applicant's proposal does not meet this requirement by eliminating the connection of College Street to the east property line. Also, there is no east-west local street connect between Hilton Avenue and Golden Avenue forcing all internal neighborhood vehicular, bicycle and pedestrian traffic to Chestnut Expressway and Mt. Vernon Street. This increases travel distances for internal neighborhood vehicular traffic (which in turn increases gas consumption and air pollution); puts pedestrians and bicyclists on streets that have more traffic volumes and higher speeds; and increases traffic congestion on the major streets. The extension of College Street would also facilitate access for emergency vehicles. If an emergency vehicle was responding to a call in the area via Chestnut Expressway or Mt. Vernon Street, and the street was blocked between Hilton Avenue and Golden Avenue, the emergency vehicle would have to travel ½ mile north or south to the other major street to continue on the call. This could waste valuable time in responding to an emergency situation. The extension of College Street would begin to provide the connection between subdivisions and the existing neighborhoods for internal neighborhood traffic and emergency vehicles. The connection would not be complete until

the land to the east develops. The College Street connection would primarily serve neighborhood traffic. There is no reason for external traffic to use the street, so there should not be a significant increase in traffic on existing College Street.

ATTACHMENT B
APPROVAL CRITERIA
REVISED PRELIMINARY PLAT – WESTPORT WOODS

The applicant is requesting a subdivision variance from Section 403(2), 403(3) and 403(4) of the Subdivision Regulations which requires the projection of streets to adjoining areas that are not subdivided and the continuation of existing streets in adjoining areas. The applicant is requesting a variance to waive the requirement for the dedication of right-of-way and construction of College Street.

Section 106 of the Subdivision Regulations states in part:

Conditions of Variance Approval. No variance shall be granted unless it is found that:

- (a) There are special and unusual circumstances affecting said property such that the strict application of the provisions of this Article would deprive the owner of the reasonable use of his land and is not the mere granting of a privilege, and

APPLICANT'S RESPONSE:

- The housing project is funded by Federal and State tax credits as well as loans from both the City and the State of Missouri and rents are strictly controlled. The cost of the extension will exceed \$60,000 and thus sap needed funds from the construction of the project that cannot be made up through rent increases.
 - The property to the east will not be developed in the foreseeable future; it is owned by a trust and attempts to reach the trustee(s) have been unsuccessful. Additionally, the size, configuration and zoning do not lend itself to future commercial or residential development.
 - The extension of College would only serve to connect a street with what is, in essence, a cul-de-sac.
 - The extension of the street through our parking lot would put special needs tenants and children living in the apartments at risk.
- (b) The variance is necessary for the preservation and enjoyment of a substantial property right of the owner, and

APPLICANT'S RESPONSE:

- The requirement for the extension of College is, in effect, the taking of property which would otherwise be used by the tenants and their families.
- The extension of College would create a barrier between the apartment buildings and the adjacent Westport Park (and pool) and Westport School which will be utilized by the tenants.
- The importance of green space around the apartment complexes cannot be overstated; the extension of College would lessen the green space for the housing project.

- (c) The granting of the variance would not be detrimental to the public safety, convenience or welfare or be injurious to other property in the vicinity.

APPLICANT'S RESPONSE:

- Although the purpose of "connectivity" is public safety, the requirement to extend College will in fact create a safety hazard because unnecessary traffic will be channeled into the housing project even though there is no outlet on the other side.
- The housing project is being developed in conjunction with the Southwest Center for Independent Living; the extension of College will make it more difficult and less safe for handicap individuals to access Westport Park.
- The extension of College, if permitted, will increase the depth of the detention basin on the property by 20% which is a hazard to children and small animals.

The Planning and Zoning Commission must first decide if all of these conditions are met before this variance can be approved.

AFFORDABLE HOMES DEVELOPMENT, INC.

2659 EAST NORMANDY STREET, SUITE 100
SPRINGFIELD, MISSOURI 65804
TELEPHONE: (417) 865-3321
FAX: (417) 864-8001

April 25, 2012

Planning and Zoning Commission
City of Springfield
840 Boonville
Springfield, MO 65802

RE: Application for Variance, Westport Woods Subdivision

Commission Members:

I am writing on behalf of Mr. Charles Chappell to provide additional information for our application for variance. We have been requested by the City to extend College Street across Hilton Avenue to the east property line of Westport Woods Subdivision. This extension would be approximately 300 feet, then stubbed at the property line with space for cars to turn around.

The project at Westport Woods is a low-density apartment complex with 46 units. It will provide housing for individuals and families making less than 60% of the median income in the Springfield MSA. It is also designed to serve special needs tenants in that income demographic.

The purpose of the City's requirement to extend College Street is connectivity. Connectivity will not be achieved anytime in the near future because the adjacent lot to the east is apparently not available for development. The requirement for the extension would put a hardship on the tenants and limit their use of the property.

The Planning and Zoning Commission should grant a variance provided the conditions set out in Section 106. (3) are satisfied. Below we have set out each of those conditions and the specifics as to how each is satisfied.

Section 106. (3)

(a) *There are special and unusual circumstances affecting said property such that the strict application of the provisions of this article would deprive the owner of the reasonable use of his land and is not the mere grant of a privilege.*

- The housing project is funded by Federal and State tax credits as well as loans from both the City and the State of Missouri and rents are strictly controlled. The cost of the extension will exceed \$60,000 and thus sap needed funds from the

construction of the project that cannot be made up through rent increases.

- The property to the east will not be developed in the foreseeable future; it is owned by a trust and attempts to reach the trustee(s) have been unsuccessful. Additionally, the size, configuration and zoning do not lend itself to future commercial or residential development.
- The extension of College would only serve to connect a street with what is, in essence, a cul-de-sac.
- The extension of the street through our parking lot would put special needs tenants and children living in the apartments at risk.

(b) *The variance is necessary for the preservation and enjoyment of a substantial property right of the owner.*

- The requirement for the extension of College is, in effect, the taking of property which would otherwise be used by the tenants and their families.
- The extension of College would create a barrier between the apartment buildings and the adjacent Westport Park (and pool) and Westport School which will be utilized by the tenants.
- The importance of green space around the apartment complexes cannot be overstated; the extension of College would lessen the green space for the housing project.

(c) *The granting of the variance would not be detrimental to the public safety, convenience or welfare or be injurious to other property in the vicinity.*

- Although the purpose of "connectivity" is public safety, the requirement to extend College will in fact create a safety hazard because unnecessary traffic will be channeled into the housing project even though there is no outlet on the other side.
- The housing project is being developed in conjunction with the Southwest Center for Independent Living; the extension of College will make it more difficult and less safe for handicap individuals to access Westport Park.
- The extension of College, if permitted, will increase the depth of the detention basin on the property by 20% which is a hazard to children and small animals

For the reasons above and those stated in our variance application, we urge the Planning and Zoning Commission to grant this variance and allow this project to proceed based on the revised plat submitted to the City.

Sincerely,



Lloyd J. Carmichael



(3)

Main Office: 2864 S. Nettleton Ave. | Springfield, MO 65807 | Fax 417.886.3619
Branson Branch: 610 S. 6th St., Suite 201 | Branson, MO 65616 | Fax: 417.239.2735
Voice/TTY: 417.886.1188 | Toll Free: 800.676.7245 | scil@swcil.org | www.swcil.org

Advocacy Information & Referral Peer Support Independent Living Skills Personal Care

04-25-2012

Planning and Zoning Commission
City of Springfield
840 Boonville
Springfield, MO 65802

RE: Application for Variance, Westport Woods Subdivision

Commission Members:

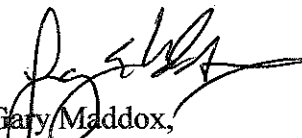
I am writing in support of the variance application for the Westport Woods Subdivision that has been submitted by Lloyd Carmichael.

The Southwest Center for Independent Living is collaborating with Affordable Homes Development, Inc. on the Westport Park project. Six of the units are being set aside in the development for persons with disabilities and our agency will provide referrals for those units. We will also be providing enrichment programs for all tenants residing at the property.

We strongly support the variance request because we believe the College Street extension would pose a hazard for our tenant population. If the street runs through the parking lot, traffic will flow into the parking lot even though there is no outlet to the east. The area where the street will be located also crosses the path that tenants will take to access the park and the school. Given the street proposed dead ends on the east side of the apartment project and dead ends into a cul-de-sac to the west, there would appear to be no reason to enforce the City's connectivity required in light of the hazard it would cause.

Therefore, we respectfully request that you grant this variance request.

Sincerely,

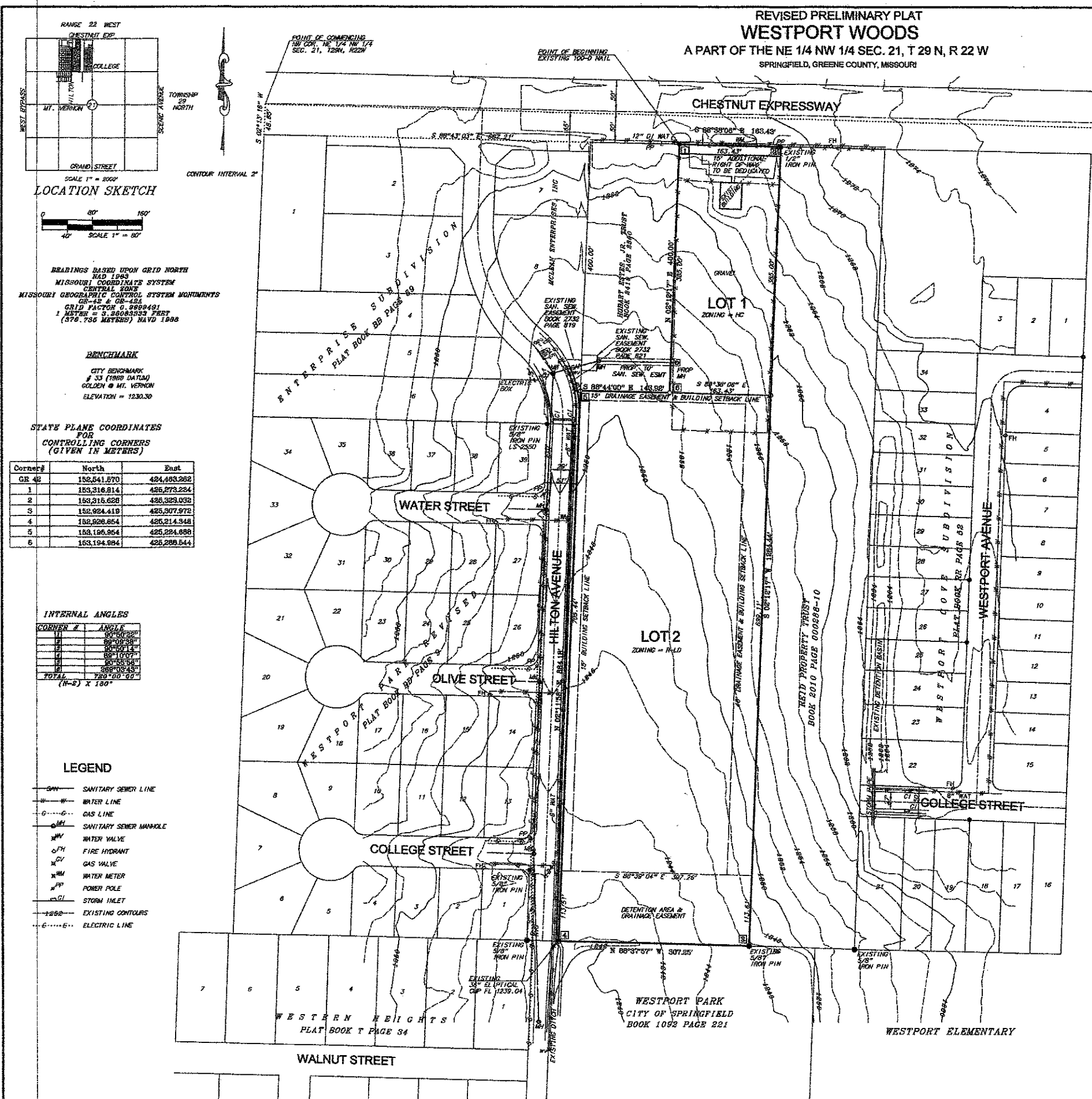


Gary Maddox,
Executive Director

Member of: American Association of People with Disabilities, National Council on Independent Living,
Association of Programs for Rural Independent Living, Missouri Association of Centers for Independent Living

SCIL is a non-profit 501(c)(3) organization. All proceeds benefit persons with disabilities.

Exhibit A



DEED DESCRIPTION - BOOK 2403 PAGE 1369

ALL OF THE WEST QUARTER (W 1/4) OF THE EAST HALF (E 1/2) OF THE NORTHWEST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION TWENTY-ONE (21), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-TWO (22) IN GREENE COUNTY, MISSOURI.

ALSO, ALL OF THE EAST EIGHT (8) RODS OF THE WEST ONE-HALF (W 1/2) OF THE NORTHWEST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION TWENTY-ONE (21), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-TWO (22) IN GREENE COUNTY, MISSOURI.

SURVEY DESCRIPTION

A TRACT OF LAND, SITUATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 29 NORTH, RANGE 22 WEST, CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH 02°13'10" WEST 48.65 FEET; THENCE SOUTH 88°43'03" EAST 687.21 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF CHESTNUT EXPRESSWAY; THENCE SOUTH 88°38'08" EAST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 163.43 FEET TO AN EXISTING 1/2" IRON PIN FOR CORNER; THENCE SOUTH 02°12'17" WEST A DISTANCE OF 1,264.44 FEET TO AN EXISTING 1/2" IRON PIN ON THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21 FOR CORNER; THENCE NORTH 88°37'57" WEST ALONG SAID SOUTH LINE A DISTANCE OF 307.25 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF HILTON AVENUE FOR CORNER; THENCE NORTH 02°11'56" EAST ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 884.18 FEET TO A POINT FOR CORNER; THENCE SOUTH 88°44'00" EAST A DISTANCE OF 143.92 FEET TO A POINT FOR CORNER; THENCE NORTH 02°12'17" EAST A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING, AND CONTAINING 7.739 ACRES OF LAND, MORE OR LESS, SUBJECT TO EASEMENTS AND/OR RIGHTS OF WAY.

General Notes:

Owner: Charles C. Chappell
3805 E. Turner Road
Springfield, Mo. 65809

Subdivider: Joe and Marie Carmichael
2639 East Normandy Street
Suite 103
Springfield, MO 65804

Source of Title: Book 2403 Page 1369

Current Zoning: Highway Commercial (HC) and Low-Density Multi-Family Residential District (R-LD)

Proposed Zoning: Lot 1 Remain Highway Commercial (HC)
Lot 2 Remain Low-Density Multi-Family Residential District

Total Area: 337,101 sq. ft. 7.739 (Ac.)

Proposed Number of Lots: 2

Lot Areas: Lot 1 = 82,912 sq. ft. (1.444 Ac.)
Lot 2 = 271,737 sq. ft. (6.238 Ac.)

Area of additional right of way to be dedicated = 2,451 sq. ft. (0.056 Ac.)

Utilities: A sanitary sewer public main extension will be constructed to serve Lot 1. Necessary easements will be obtained or sewer to be routed along North Line of Lot 2 and easement provided. Lot 1 will access the existing sanitary sewer located along the west side of Hilton Avenue. Existing water, gas, and electric services are adjacent to the property. Necessary easement will be provided at the request of City Utilities.

This property does not lie in a designated flood plain as identified by F.E.M.A. community panel number 25077C 0329 E (12-17-2010)

Drainage easements to be provided to convey the 100 year peak runoff rate.

No fences, plantings or obstructions other than mailboxes permitted within the limits of any right of way or drainage easement.

No structures are to be built between the right of way line and building setback line.

Maintenance of any area referred to as drainage easement is the responsibility of the property owner.

Only one drive will be allowed from Lot 1 to Chestnut Expressway.

KNOWN ALL MEN BY THESE PRESENTS: THAT I, LAWRENCE E. JANSEN L.S. 2385, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED AND THAT THE CORNER MONUMENTS AND LOT CORNER PINS SHOWN HEREIN WERE PLACED UNDER THE PERSONAL SUPERVISION OF LAWRENCE E. JANSEN L.S. 2385 IN ACCORDANCE WITH SECTION 110.5 OF THE SUBDIVISION REGULATIONS, ARTICLE II, CHAPTER 36, OF THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI; AND I DID ATTEMPT TO MEET THE CURRENT MINIMUM STANDARDS FOR PROPERTY SURVEYING, MISSOURI DEPARTMENT OF NATURAL RESOURCES, AND THE STANDARDS ADOPTED BY THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

Lawrence E. Jansen 4-20-17

LAWRENCE E. JANSEN PLAT 2385

CLASS "URBAN" SURVEY

EP - EXISTING IRON PIN
SP - SET IRON PIN
P - PLAT DISTANCE
M - MEASURED DISTANCE
D - DEED DISTANCE

Job No.: 1104-044

Date of Preparation: 3-28-2012

Drawn By: LEJ

Checked By: LEJ

THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA AS DETERMINED BY THE FLOOD INSURANCE RATE MAP # 25077C 0329 E DATED 12-17-2010

GLOBAL
PRECISION SURVEYING, L.L.C.
P.O. BOX 700, REPUBLIC, MO 65788
PHONE (417) 888-0900 FAX (417) 888-0335
CERTIFICATE OF AUTHORITY
NUMBER LS-901000603

Affected Agency Notified: Yes
Emergency Required: No
Budget Adjust. Required: No
Board Rec. Required: Yes
Public Hearing: May 21, 2012
Sponsor:
Date: April 25, 2012

EXPLANATION TO COUNCIL BILL NO. 2012 -

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To adopt an ordinance to amend *Section 4-3100, General Retail District*, in the *Springfield Zoning Ordinance*. (Staff recommends approval)

ZONING ORDINANCE TEXT AMENDMENT – GENERAL RETAIL DISTRICT OUTDOOR STORAGE AND ACTIVITIES AMENDMENTS

BACKGROUND INFORMATION:

City Council approved a resolution (Res. 9893) on July 25, 2011, to initiate amendments to the Zoning Ordinance regarding outdoor or activities in various zoning districts with appropriate restrictions.

Since the current Zoning Ordinance was adopted in 1995, one of the distinguishing differences between the GR, General Retail District, and HC, Highway Commercial District, zoning is the ability to permit outdoor storage, display and activities associated with a primary use. The GR zoning district restricts outdoor activities to a minimum. The only outdoor activities permitted in the GR District are automobile parking lots, permitted drive-in, pick-up window and drive-thru facilities and temporary accessory seasonal outdoor sales and related storage. In contrast the Highway Commercial District allows automobile display and sales to major event entertainment uses including, but not limited to, stadiums, sports arenas, race tracks and fairgrounds.

Staff is proposing fewer restrictions on outdoor activities when they are not adjacent to residential zoning districts. The proposed amendments will continue to prohibit new and used car display and sales that are conducted outdoors. It will allow other outdoor accessory uses that are not specifically permitted with a conditional use permit if the property abuts a residential zoning district such as, but not limited to, playgrounds, volleyball courts, swimming pools, etc. If the property only abuts non-residential zoning districts, the proposed outdoor activity may be permitted. For example, an outdoor swimming pool for a hotel in the GR District is currently not permitted, but with the proposed amendments this outdoor activity would be permitted by right next to non-residential districts and with a conditional use permit next to residential districts.

Public and private parks, day care centers, commercial gardens and/or farmers' markets, commercial off-street parking lots are examples of permitted uses that have outdoor activities that are specifically permitted and with the proposed amendments will clearly be allowed as an outdoor use or accessory use. Outdoor storage will continue to be prohibited except as provided in the permitted and conditional use permit uses of the GR District.

Staff discussed the proposed amendments to the Development Issues Input Group (DIIG) at their regular meeting in March and one concern was brought up. One member of DIIG felt the language was not clear enough in its intent and needed to be clarified which uses were allowed outdoor storage or activities and which were not. After that meeting, staff has made changes to clarify the language and notified DIIG. Staff has received no comments or objections to date.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on May 3, 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 proposed amendments will allow more accessory outdoor activities to be permitted unless located adjacent to a residential district, in which, a conditional use permit will be required to mitigate any compatibility issues.

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: GENERAL RETAIL DISTRICT OUTDOOR STORAGE AND ACTIVITIES AMENDMENTS

DATE: April 25, 2012

PURPOSE: To amend *Section 4-3100, General Retail District*, in the *Springfield Zoning Ordinance*.

STAFF COMMENTS:

City Council approved a resolution (Res. 9893) on July 25, 2011, to initiate amendments to the Zoning Ordinance regarding outdoor or activities in various zoning districts with appropriate restrictions.

The proposed amendments offer solutions that will allow outdoor activities in the GR District under certain conditions. The proposed amendments will provide more flexibility for outdoor activities in the GR District. The current language states that all uses shall be conducted within a completely enclosed building except automobile parking lots, permitted drive-in, pick-up window and drive-thru facilities and temporary accessory seasonal outdoor sales and related storage. Any other outdoor activities or storage are to be strictly prohibited. While some interpretations and amendments to the accessory uses section of the ordinance have been made over the years, staff would like to make permanent changes to this section that will give Building Development Services and Planning and Development Departments a practical approach when dealing with outdoor storage and activities in the GR District. The current use limitations don't cover enough of the issues and needs to be amended to be more effective when enforcing.

Since the current Zoning Ordinance was adopted in 1995, one of the distinguishing differences between the GR, General Retail District, and HC, Highway Commercial District, zoning is the ability to permit outdoor storage, display and activities associated with a primary use. The GR zoning district restricts outdoor activities to a minimum. The only outdoor activities permitted in the GR District are automobile parking lots, permitted drive-in, pick-up window and drive-thru facilities and temporary accessory seasonal outdoor sales and related storage. In contrast the Highway Commercial District allows automobile display and sales to major event entertainment uses including, but not limited to, stadiums, sports arenas, race tracks and fairgrounds.

Staff is proposing fewer restrictions on outdoor activities when they are not adjacent to residential zoning districts. The proposed amendments will continue to prohibit new and used car

display and sales that are conducted outdoors. It will allow other outdoor accessory uses that are not specifically permitted with a conditional use permit if the property abuts a residential zoning district such as, but not limited to, playgrounds, volleyball courts, swimming pools, etc.

If the property only abuts non-residential zoning districts, the proposed outdoor activity may be permitted. For example, an outdoor swimming pool for a hotel in the GR District is currently not permitted, but with the proposed amendments this outdoor activity would be permitted by right next to non-residential districts and with a conditional use permit next to residential districts.

Public and private parks, day care centers, commercial gardens and/or farmers' markets, commercial off-street parking lots are examples of permitted uses that have outdoor activities that are specifically permitted and with the proposed amendments will clearly be allowed as an outdoor use or accessory use. Outdoor storage will continue to be prohibited except as provided in the permitted and conditional use permit uses of the GR District.

Staff discussed the proposed amendments to the Development Issues Input Group (DIIG) at their regular meeting in March and one concern was brought up. One member of DIIG felt the language was not clear enough in its intent and needed to be clarified which uses were allowed outdoor storage or activities and which were not. After that meeting, staff has made changes to clarify the language and notified DIIG. Staff has received no comments or objections to date.

RECOMMENDATION: Staff recommends **approval**.

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner

ATTACHMENT A
GENERAL RETAIL DISTRICT OUTDOOR STORAGE
AND ACTIVITIES AMENDMENTS

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

4-3104. **Use Limitations.**

A. All outdoor automobile parking areas used for the purpose of retail or wholesale storage or sale of motorized or commercial vehicles shall be prohibited. Other outdoor activities that are not specifically permitted may only be allowed as an accessory use to the permitted uses as provided in Section 4-3102, Permitted Uses, as follows:

1. If any portion of the premise abuts any residential zoning district, the outdoor activities may be permitted, provided they meet the provisions of, and a conditional use permit is issued pursuant to Section 3-3300, Conditional Use Permits, of this Article. A building permit(s) showing compliance with all applicable codes and ordinances may be required as determined by the Director of Building Development Services.

2. If the premise abuts only non-residential zoning districts, the outdoor activities may be permitted. A conditional use permit will not be required. A building permit(s) showing compliance with all applicable codes and ordinances may be required as determined by the Director of Building Development Services.

~~All activities or permitted uses shall be conducted within a completely enclosed building, except:~~

- ~~1. Automobile parking lots~~
- ~~2. Permitted drive-in, pick-up window and drive-thru facilities; and~~
- ~~3. Temporary accessory seasonal outdoor sales and related storage.~~

B. No outdoor storage except as provided in Section 4-3102, Permitted Uses, and Section 4-3103, Conditional Uses.

BC. All uses shall operate in accordance with the noise standards contained in *Section 6-1500, Noise Standards.*

37 CD. No use shall emit an odor that creates a nuisance as determined by *Chapter 2A,*
38 *Article X, Springfield City Code.*

39
40 DE. Uses on parcels not served by public water and public sewer shall meet the
41 requirements of *Subsection 1-1322.*

42
43 EF. Streets through an adjacent residential areas shall not be used to provide principal
44 access for truck traffic to any non-residential use in this district except on streets
45 classified as expressways, arterials, or collectors.
46

Affected Agency Notified: Yes
Emergency Required: No
Budget Adjust. Required: No
Board Rec. Required: Yes
Public Hearing: May 21, 2012
Sponsor:
Date: April 25, 2012

EXPLANATION TO COUNCIL BILL NO. 2012 -

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To amend *Section 5-1200, Temporary Uses*, and add a new definition for a mobile vendor to *Section 2-1100, Definitions*, in the *Springfield Zoning Ordinance*. (Staff recommends approval)

ZONING ORDINANCE TEXT AMENDMENT – TEMPORARY VENDOR AMENDMENTS

BACKGROUND INFORMATION:

City Council approved a resolution (Res. 9899) on August 22, 2011, to initiate amendments to the Zoning Ordinance regarding the locations and standards for temporary vendors.

Staff is proposing amendments to the subsection of the Zoning Ordinance that pertains to temporary vendors. These amendments will include defining a mobile vendor and adding temporary and mobile vendor sites into additional zoning districts and adding the standards to which these sites are established.

Building Development Services, Health Department and the Fire Department have been directly involved in the discussions and support the proposed amendments.

The Urban District Alliance (UDA) has expressed concerns regarding unfair competition between temporary vendors and bricks and mortar businesses in the Center City District. Staff doesn't believe the same requirements for sidewalk vendors on public right-of-way (Three hundred (300) foot spacing requirement between another vendor and/or existing business selling the same merchandise or product) are appropriate for temporary vendors on approved private vendor sites. Staff further believes that the private property owner and free market should dictate whether a vacant lot is used for a new building, parking or a mobile vendor. The City would, also, have difficulty enforcing a spacing requirement for a mobile vendor for obvious reasons.

Development Issues Input Group (DIIG) and Environmental Advisory Board (EAB) were notified of these amendments. A couple members of DIIG had some concerns, but were ultimately satisfied with most of staff's responses (see attached Staff Report).

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on May 3, 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 proposed amendments will provide better clarification and more flexibility for temporary and mobile vendors to locate on private property within the City.

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: TEMPORARY VENDORS

DATE: April 25, 2012

PURPOSE: To amend *Section 5-1200, Temporary Uses*, and add a new definition for a mobile vendor to *Section 2-1100, Definitions*, in the *Springfield Zoning Ordinance*.

BACKGROUND:

There has been increased interest the last few years by from mobile food vendors to provide services in additional zoning districts in the City. The Zoning Ordinance, including the temporary vendors subsection, only addresses issues and requirements on private property. The City Code covers public right-of-way requirements for sidewalk vendors and is not included in these proposed amendments. This amendment proposes to permit these vendor sites on private property in the following zoning districts: Government and Institutional (GI), Center City (CC), Commercial Street (COM), Light Industrial (LI), General Manufacturing (GM), Heavy Manufacturing (HM) and Industrial Commercial (IC). Additionally, there is not a current definition or subsection regarding mobile vendors. The proposed definition classifies a mobile vendor as a food or vendor service operation that operates from a motorized vehicle. The proposed subsection will clarify that mobile vendors must be on an approved temporary vendor site and cannot be located at a particular site for a period of time greater than one hundred eighty (180) days in a calendar year. Since they are considered a temporary use or structure by ordinances and codes, this will limit the amount of time that any one temporary or mobile vendor can be located at an approved vendor site.

The proposed amendments add site plan standards to the current requirements which are the same site plan standards that are currently being used by Building Development Services to permit temporary vendor sites.

The Urban District Alliance (UDA) has expressed concerns regarding unfair competition between temporary vendors and bricks and mortar businesses in the Center City District. Staff doesn't believe the same requirements for sidewalk vendors on public right-of-way (Three hundred (300) foot spacing requirement between another vendor and/or existing business selling the same merchandise or product) are appropriate for temporary vendors on approved private vendor sites. Staff further believes that the private property owner and free market should dictate whether a vacant lot is used for a new building, parking or a mobile vendor. The City would, also, have difficulty enforcing a spacing requirement for a mobile vendor for obvious reasons.

Building Development Services, Health Department and Fire Department have been directly involved and support the proposed amendments.

The Development Issues Input Group (DIIG) and Environmental Advisory Board (EAB) were notified of these amendments. Two (2) members of DIIG had concerns and staff answered with the following responses.

DIIG MEMBER COMMENTS #1:

“The Site Plan requirement should be simplified. An accurate survey of the site might not be available. For example, the Taco wagon located at Fremont and Sunshine is on a site that has been cleared of the previous building. There is no survey of that site and this wording would require that they get one made and then draw up their situation. I think you can use a Google Earth of the City GIS map of the site and mark on it. Don't make this burdensome. KISS - Keep It Simple Stupid.

The parking schedule is also problematic on vacant lots. There is no parking required for a vacant lot and realistically the parking needs of the vendor is something the Vendor would make sure he could handle. On developed lots (like a shopping center), let the property owner decide if they can afford to let the vendor use some of their parking.

More and more, I am of the opinion that we should quit dictating parking requirements on all projects. We don't in the CBD and everyone just figures it out. Drop the parking concerns on this and let the property owner and the vendor deal with it.

It is impossible for a temporary vendor to make provisions for an accessible toilet within 500 feet of the site. Going back to the Taco wagon at Sunshine and Fremont. No HC toilet is possible unless they lease one of those fancy HC port potties. That is a burden. Temporary vendors are running on a shoestring, this will kill them. Drop it. A simple hot dog stand would fall under this burden. Drop that. Just accept the fact that there are no toilets available for temp vendors.

Let's start trying to address problems and not create roadblocks to business development.”

“I still have a problem with the "accessible toilets for each gender". These are not restaurants, they are quick pickup vendors. A drive through only food service vendor is only required to provide a toilet for staff. Construction sites can use portable toilets as do many events like concerts and Rock N Ribs. I would drop that toilet requirement. Do they require a signed agreement committing the use of the toilets?”

STAFF RESPONSE:

The language states, “a full site plan”, not “survey”. Staff uses and will accept a GIS aerial photo or Google Earth aerial. We can, and have furnished to the property owner, a copy of the GIS aerial for their use.

Staff reviews a vendor site on a vacant lot based upon data that does not typically require services of a design professional to prepare. While parking is not a problem on a vacant lot, if

the lot is paved, we do check the location for “sight triangle” and related safety issues.

The land owner is the responsible party for obtaining the vendor site permit. Once the vendor site permit is established, it remains a valid site permit, until the property owner wishes to cancel the permit. Building Development Services can revoke a permit if there are vendor site violations (not vendor violations). As a part of this review we discuss with the property owner how he plans on providing electrical to the vendor site, if he wishes to provide it. This can be a major safety issue if not done safely.

The restroom requirement is not for the patron. It is for the employee’s use if needed, so the usage is very low. The restroom can be on the adjoining lot, but not across the street.

The requirement for the toilet facility has been one of the requirements to establish a temporary vendor’s site for many years. The owner of the property states on his application that the site has the right to use the facilities located on his property. In the case of multiple tenants only one tenant has to agree. If the site does not have a structure with toilet facilities then the property owner must provide a letter from his neighbor. The letter must state that their facilities can be used to meet the temporary vendor site requirements. The requirement for toilet facilities has never been an issue.

DIIG MEMBER COMMENTS #2:

“The suggested revisions to the temporary uses outlined in the summary you provided make sense to me.

My only comment has to do with an issue I raised earlier in the year about enforcement. I have seen a couple situations where the temporary user is in violation of a regulation or requirement affecting the approved use. The problem is that the City’s procedure for curing such violations is too long given the fact that it is a temporary use that lasts no longer than 180 days. The scenario is that there is a violation. It takes the City a while to get notified of the violation. The City then sends a notice to the user to cease and desist the action/inaction. I can’t recall, but I think it gives them 45 days to cure the problem. If it is not cured, then there is a hearing set to take up the matter. That hearing is set for 30 to 45 days later. By that time, 120 days or so have likely passed. A day or two before the hearing the user simply packs up and leaves. However, they have been able to stay open in violation of the temporary use during the majority of the time that they were allowed anyway. Typically, those folks are selling a product that is seasonal and 120 days is more than enough.

It seems this would be a good time to resolve that issue. Can we shorten the time frames in which those events happen? Given that it is a temporary use, you should be able to give them shorter notices. You could put in the ordinance that the temporary permit can be revoked immediately without further notice or hearing if violations are not cured within ten (10) days of notice of the violation. That seems appropriate given the nature of the use.”

STAFF RESPONSE:

Staff agrees that the enforcement issue with temporary vendors is a problem. The process you have described appears to be based on the Dangerous, Blighted and Nuisance Building Code. This is the process that is normally used to demolish dangerous and nuisance buildings. There are other enforcement processes available in the Zoning Ordinance but they have time restraint issues as well. Staff will be reviewing processes, seeking to simplify them, however due process is a concern.

The Planning and Development staff recommends **approval** of the proposed zoning (see the attached Zoning and Subdivision Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendments will provide better clarification and more flexibility for temporary and mobile vendors to locate on private property within the City.

RECOMMENDATION: Staff recommends **approval**.

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner

ATTACHMENT A
PROPOSED TEMPORARY VENDOR AMENDMENTS

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

Section 2-1100. Definitions.

Mobile Vendor: A food or vendor service operation that operates from a motorized vehicle.

Section 5-1200. Temporary Uses.

5-1203. Temporary Uses Permitted.

B. The following uses of land are permitted in the specific zoning districts listed, subject to the restrictions in this section and the other applicable restrictions in the district or districts in which the temporary use is permitted.

2. In the GR, HC, and CS Districts. Temporary vendors sites in the GR, HC, CS, GL, CC, COM, LL, GM, HM and IC Districts, subject to the following restrictions:

- a. A site plan providing the following information shall be submitted to, and approved by, the Building Development Services Department showing conformance with the requirements and standards of the Zoning Ordinance and other City Codes;
 - a) The legal description of the site.
 - b) A full site plan showing the proposed location of the temporary vendor site and showing that the site does not encroach into the required setbacks of site triangles.
 - c) Show that the vendor site location will not encroach into the required parking spaces.
 - d) Submit a parking schedule indicating the total number of parking spaces for the site, the total spaces required for the permanent business and the use of the permanent business.
 - e) Show the location of the accessible restroom facilities for each gender. They must be located within five hundred (500) feet of the temporary vendor site and within a permanent structure.
- b. All temporary vendor uses shall be in compliance with all applicable codes and standards of the Springfield City Code;
and

e. ~~All temporary vendor uses shall be limited to those uses permitted in the district where the temporary vendor's business is located.~~

5-1204. Temporary and Mobile Vendor Requirements. All Temporary and Mobile Vendors must be located on an approved Temporary Vendor Site and shall not occupy an approved vendor site for a period of time greater than one hundred eighty (180) days in a calendar year.