

1. Meeting Agenda (PDF)

Documents: [08-09-2012 AGENDA \(PDF\).PDF](#)

2. July 12, 2012 Minutes

Documents: [JULY 12, 2012 \(PDF\).PDF](#)

3. Relinquish Easement 783 (PDF)

Documents: [RELINQUISH EASEMENT 783 \(PDF\).PDF](#)

4. Cottages At All Saints (PDF)

Documents: [COTTAGES AT ALL SAINTS \(PDF\).PDF](#)

5. Temporary Vendors Amendments (PDF)

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

6. UMHE Campus Housing Redevelopment Plan (PDF)

Documents: [UMHE CAMPUS HOUSING REDEVELOPMENT PLAN \(PDF\).PDF](#)

Planning & Zoning Commission Agenda

August 9, 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: July 12, 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. Relinquish Easement 783
(2640 West Republic Road) | Jeknie, LLC |
|---|-------------|

Other public hearings

Preliminary plats

- | | |
|--|----------------------------|
| 1. Cottages at All Saints
(2701 & 2751 East Galloway) | All Saints Anglican Church |
|--|----------------------------|

Zoning text amendments

- | | |
|---|---------------------|
| 1. Temporary Vendor Amendments
(City-Wide) | City of Springfield |
|---|---------------------|

Other business

- | | |
|---|-------------------------|
| 1. UMHE Campus Housing Redevelopment Plan
(SE corner East Cherry & South Florence) | UMHE Campus Housing Inc |
| 1. College Street Corridor Plan | City of Springfield5 |

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: July 12, 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: Shelby Lawhon, (Chair); Matt Edwards, (Vice-Chair); Jay McClelland, Jim Hansen, Phil Young, Tom Baird, Jason Ray, King Coltrin, Gloria Roling; Ralph Rognstad, Director of Planning; Michael MacPherson, Principal City Planner; Thomas Rykowski, City Attorney; Cody Marshall, Public Works, Dawn Gardner, Traffic Division; Sandy Goddard, Administrative Assistant.

ROLL CALL:

APPROVAL OF MINUTES:

The minutes of May 31, 2012 of the Planning and Zoning Commission were approved unanimously.

COMMUNICATIONS:

Mr. MacPherson commented that the first item on the agenda, Item #1, Relinquish Easement No. 782, we are requesting that case be tabled indefinitely.

Mr. Lawhon stated that they would review the consent item, then Z-10-2012 and Arvest Corners as these cases can be heard quickly and then take PD 340, as there appears to be a lot of interest in the case.

CONSENT ITEMS

1. Relinquish Easement 782
(2144 E Republic Road)

Republic Road, LLC

Mr. McClelland motioned to **table** Relinquish Easement 782 indefinitely. Ms. Roling **seconded** the motion. The motion **carried** as follows: Ayes: Lawhon, Edwards, McClelland, Hansen, Young, Baird, Ray, Coltrin and Roling. Nays: None. Abstain: None. Absent: None.

HEARINGS:

Zoning:

2. Z-10-2012 w/Conditional Overlay District No. 52
(1937 S South Street)

Campus Rentals, LLC

Mr. MacPherson stated the purpose of the request is to rezone approximately 0.21 acres, generally located at 1937 S. South Avenue from a R-SF, Single-Family Residential District to a HC, Highway Commercial District and establish Conditional Overlay District No. 52 to restrict uses, restrict access, require additional buffering, require a lot combination with the surrounding properties within the proposed rezoning and require all stormwater runoff to be directed into the existing north – south drainage system traversing the property or a new drainage facility. This rezoning will have the same relevant conditions as the previous rezoning of the surrounding properties owned by Bass Pro in 2009 and 2012.

Mr. MacPherson stated the findings are that the Comprehensive Plan designates this area as an Activities Center and appropriated for high intensity retail, office and residential uses. The proposed conditional overlay district will mitigate the potential impact between the commercial and residential uses by restricting access to local residential streets. The screening, fencing, bufferyard and lighting requirements of the Zoning Ordinance have been adopted to mitigate potential impacts between properties with differentiating uses. The proposed zoning is consistent with the approved rezoning of surrounding properties owned by Bass Pro in 2009 and 2010. Mr. MacPherson stated staff recommends approval of the request.

Mr. Lawhon opened the public hearing.

Ms. Sarah Wilson with Husch Blackwell, 901 St. Louis St. Ms. Wilson stated this is a continuation of the 2009 rezoning and the rezoning in February. The applicant recently acquired the property which is why it was not included in the recent applications. The rezoning mirrors the prior rezoning on both the district and the conditional overlay provisions.

Mr. Lawhon closed the public hearing.

Mr. Baird motioned to **approve** Z-10-2012 w/Conditional Overlay District No. 52. Mr. Young **seconded** the motion. The motion **carried** as follows: Ayes: Lawhon, Edwards, McClelland, Hansen, Young, Baird, Ray, Coltrin and Roling. Nays: None. Abstain: None. Absent: None.

OTHER PUBLIC HEARINGS:

Preliminary Plats:

4. **Arvest Corners**
(4140 S Fremont)

Rodney Shepard

Mr. MacPherson stated the purpose of the request is to approve a preliminary plat to subdivide 5.52 acres into a two (2) lot commercial subdivision, including one subdivision variance, located at 4140 South Fremont Avenue which is at the junction of Fremont and Republic Road. It is the location of a construction site for Arvest Bank and an out-lot. The recommendation for this request is that it be approved provided that Planning and Zoning Commission finds that the standards for subdivision variance approval have been met and, if approved, the required conditions shall govern and control the subdivision of the land shown on Exhibit A.

Mr. MacPherson added that if Planning and Zoning Commission finds that the standards for subdivision

variance approval have not been met, the plat needs to be revised. The subdivision includes a variance on the right-of-way triangles at street intersections based on the classification of the streets. The applicant is requesting to modify the required right-of-way as a Secondary Arterial and Republic Road is a Primary Arterial. Based on the street classifications, a one-hundred (100) foot by one-hundred (100) foot right-of-way triangle is required at the intersection. The applicant is providing a modified right-of-way triangle as shown on the Preliminary Plat. The road has already been approved and the site triangle has been developed. The modified site triangle has been reviewed by the Administrative Review Committee and they have found it is consistent with the requirements of the Subdivision Regulations and qualifies for a variance and recommend approval. Staff also recommends approval of the plat.

Mr. Lawhon opened the public hearing.

Mr. Derek Lee, Lee Engineering stated he and Mr. Shepard, President of the Bank, are available for any questions.

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

PLANNED DEVELOPMENTS:

3. **Planned Development 340**
(6300 block S Farmers Branch Ave w/s)

Duane & Jeannette Hesterly

Mr. Young recused himself from the hearing.

Mr. MacPherson stated the purpose of the request is to rezone approximately 2.54 acres of property generally located at 6300 block of South Farmers Branch Avenue from Planned Development District No. 201 to Planned Development District No. 340 to adjust the permitted floor area ratio, from .35 to .65, to reduce the buffer on the east side of the property from thirty (30) feet to fifteen (15) feet, and to move off-site detention on site. The existing Planned Development 201 was approved by City Council on January 22, 1996. The planned Development permits a mix of retail and office uses. The rezoning will allow for an expanded floor area ratio of .65 and provide for on-site detention. It will also reduce the eastern bufferyard from 30 feet to 15 feet to accommodate a requirement to dedicate 50 feet of right of way from the centerline of Farmers Branch Avenue. This is an increase of an additional 20 feet necessitated by the upgrade of the street classification of Farmers Branch Avenue to a primary arterial. The applicant proposes to build a motel on the site. Mr. MacPherson stated there are three (3) changes that are being requested; an adjustment in the FAR, Floor Area Ratio from .35 to .65; reduction of the bufferyard and to remove off-site detention to on-site detention. Mr. MacPherson reviewed the findings for staff recommendation from the staff report:

1. The subject site is located on a primary arterial on the east boundary and is bordered by a freeway (US Highway 65) on the western boundary.
2. The intersection of Highway 65 and Evans Road and surrounding properties has been identified as an activity center and is designated for commercial development in the Comprehensive Development Plan in July of 2002, and was reconfirmed as an *"emerging activity center"* in 2006.

3. The area will be the eastern entranceway to the east-west arterial which will eventually connect US Highway 65 to Kansas Expressway.
4. The proposed use on the site, a hotel, will serve Mercy's Orthopedic Hospital, Millwood Golf and Racquetball Club, Highland Springs Country Club, and Fremont Hills Country Club, as well as the general traveling public on US Highway 65.
5. The area is currently underserved by motels, with the closest motel approximately 3 miles from this site.
6. This application is consistent with the intent of the existing Planned Development and is not expected to have any adverse impacts.
7. The bufferyard on the east boundary of the property has been reduced from thirty (30) feet, as was required in PD 201, to a proposed fifteen (15) feet in this proposal to accommodate an additional twenty (20) feet of right-of-way dedication. The dedication is necessitated by a change in the road classification of Farmers Branch to a primary arterial. There are no plans or funding in place to develop the additional right-of-way so it should remain as green space for a considerable time into the future.
8. The applicant has proposed a bufferyard of fifteen (15) feet with intense plantings, and a berm of 42 inches in height to mitigate noise, lighting, and any other impacts of the development on the surrounding neighborhood.
9. The plantings and berm will be consistent with the existing landscaping in the Millwood Development and will be complimentary to the existing landscape.
10. The height of the proposed structure is in conformance with the bulk plane requirements of Exhibit 1 of the ordinance. That requirement is stated as,
"All structures shall remain below a thirty (30) degree bulk plane as measured from the boundary of any residential district and shall not otherwise exceed the height required for the construction of a five (5) story structure."

Mr. MacPherson stated what that means is for every foot the structure is to go up in height, it must be 1 ½ feet away from the residential district boundary line to meet the requirements of the ordinance. The finding for Commission to recommend denial is that the intensity of the proposed use is not appropriate for the site. There has been considerable input both pro and con to this issue and staff is pleased to say that because of technology, Commission has every bit of the information before them on the I-pad, and information has been forwarded as it has been submitted to staff. We have not received anything to date that Commission does not have in front of them today. There was the neighborhood meeting, as well as considerable energetic discussion on both sides, but based upon the findings, Staff is recommending approval of the request and is available for comments and questions.

Mr. Baird asked Mr. MacPherson about the discussion of the improvements along the road. The question is about there not being funding currently in place to do all the road work and would this section in front of the hotel be widened and then further north of that, would the road go back down before it gets to Evan's Road.

Mr. MacPherson commented that he could respond to what will happen; the following is addressed in the Planned Development language and that is fifty (50) foot of right-of-way as required from the center line of the road and there is thirty (30) feet from the existing center line so the new width of the road would be eighty (80) feet and as the project develops, a left-hand turn lane would be required to be constructed and sidewalks would be required along the property. There would only be one driveway access entry. Mr. MacPherson stated the development of the road is what he is referring to in relation to a surface area that

would be consistent with a primary arterial which will not happen for some time to come.

Mr. Edwards asked Mr. MacPherson if he had a list of the things that are already allowed, if Commission were to deny this tonight, that could be read within the existing PD for Commission that they would not have to come back before this group that they could build as is today.

Mr. MacPherson stated that in the staff report information, there is Exhibit 1 of PD 340 and PD 201; the permitted uses are the same. Mr. MacPherson read the permitted uses per Commission request; Under Planned Development District 201 permitted uses included Administrative and Professional Offices; Finance, Insurance and Real Estate Services; Medical and Medical Support Activities; Hospitals, Health Institutions and Clinics; Community Service Facilities; General Retail Services, Food and Beverage Sales, Convenience Sales and Personal Services, Eating and Drinking Establishments, Business Support Services; Hotels and Motels; and Motor Vehicle Sales.

Mr. Edwards stated, just to be clear, if we are to deny this, tomorrow an auto lot or a hotel with a smaller footprint could go in.

Mr. MacPherson stated that is correct.

Mr. Lawhon stated he wanted to make certain that everyone had a common understanding of some concepts, so he would like Mr. MacPherson to give a condensed version of FAR, Floor Area Ratio.

Mr. MacPherson said in this case the request is to increase the FAR to .65. The .65, or sixty-five (65) percent of the lot acreage could be used as a building footprint and that sixty-five (65) can occur on one level or be divided up on different levels and go up on different floors.

Mr. Lawhon asked about the bulk plane, the thirty (30) degree bulk plane, is measured from the residential district boundary line, asking to be shown on the display map where the boundary line is. Mr. Lawhon asked if that would be on the east side of Farmers Branch Road.

Mr. Rognstad turned the zoning display on and pointed out the single family zoning, and the zoning of Millwood is a plot assignment district which is similar to the PD, and we would consider this area (pointing the area out on the display) that is developed as single family and there would be a thirty (30) degree bulk plane from it as well.

Mr. Lawhon asked if someone from Traffic was present and if so was a traffic study done.

Ms. Dawne Gardner stated with the original PD a traffic study would have been required.

Mr. Lawhon stated that what he is hearing is there was not a traffic study done for this current PD340.

Ms. Gardner stated that is correct.

Mr. Lawhon asked why there was not a study done for PD 340, or what would trigger the necessity for a traffic study.

Ms. Gardner replied that if they were rezoning to a more intensive use than the current zoning, a traffic

study would be required. It is based on acreage, what they have now and the acreage they are going to rezone, and based on traffic generators on that zoning. Basically, they are going from a Planned Development to a Planned Development and they are changing the FAR, Floor Area Ratio, so that would not trigger a traffic study. Ms. Gardner stated there was a traffic study done for PD 201 which generated the need for the left turn lane.

Mr. Lawhon asked if there might be a trip count that might be anticipated with this or not.

Ms. Gardner stated the trip counts would have been anticipated in the original traffic study for the highest intensive use for what could be developed within the PD. A motel is not a high trip generator compared to a retail shopping center or a restaurant.

Mr. Lawhon inquired about an adjustment that had to be done for PD 340, the left turn lane and asked where the left turn lane would be located.

Ms. Gardner stated that was a requirement in the original PD, adding that it would be located along the property that is being developed currently. As each part of the PD develops that development would be required to extend the left turn lane across their frontage.

Mr. Hansen asked if an increase in the FAR would lead to more intensive use or trips.

Ms. Gardner commented that there would not be enough of an impact based on a motel to require an additional traffic study.

Mr. Hansen asked what was considered the most intensive use from the list of uses, or what the original traffic study was based on.

Ms. Gardner stated she did not have the traffic study with her from the original PD so she would not be able to answer that question, but they would have looked at everything Mr. MacPherson went over that is allowed in the PD.

Mr. Hansen said that the original study was done considering more intensive use than what is proposed tonight.

Ms. Gardner stated that is correct.

Mr. Rognstad said that what they typically look at as the most intensive use is a restaurant. They are usually the highest generator and it does allow for eating and drinking establishments. Mr. Rognstad then addressed Mr. Baird's earlier question about the road improvements, which was just discussed. That is what is required for this development, a left turn lane which is necessary to provide service to this tract. With the designation as a primary arterial this ultimately could be developed to a five (5) lane section, but the expansion to a five lane would occur through some public action. We would continue to have the left turn lane and there would be a three (3) lane section, but unless there was additional rezoning that would greatly increase the development that would not be a developer requirement.

Mr. McClelland asked Mr. MacPherson asked for clarification to the bulk plane issue. The beginning point on the bulk plane issue begins from the side yard of say, 3411 E Anne, or from the curb area.

Mr. MacPherson stated it would begin at the end of the right-of-way line of the road and that would be the location of the zoning district which would be residential single-family. It is right near the edge of the road.

Mr. McClelland commented that a five (5) story hotel is going to be somewhere between fifty-seven (57) feet and sixty-two (62) feet high asking if the thirty (30) degree bulk plane was going to fall under this degree of angle.

Mr. MacPherson said yes. In order to go up fifty-nine (59) feet, they would have to be a minimum of ninety (90) feet away from the residential district boundary line; one and one-half (1 ½) feet away from the boundary line for each foot that the structure goes up. In this particular case the right of way of the road will be eighty (80) feet before they get into the property line.

Mr. Lawhon opened the public hearing.

Mr. Rick Wilson with Wilson Surveying commented he is representing the owner and the co-applicant who would be the proposed developer. Mr. Wilson stated they started this process very simply and very innocently thinking they needed to increase the FAR to allow the business model for the hotel to work and have necessary room, so they want to build a five (5) story hotel with one-hundred six (106) keys or rental rooms. That was prior to them learning Farmers Branch had been re-classified from a secondary arterial to a primary arterial, which required additional adjustment. We believe we have been able to accommodate all of the requirements that staff made at the pre-design conference and that should be reflected in PD 340. It was originally zoned for a hotel in 1995 when in the county under PAD, Plot Assignment District 1092. Reading the notes for that action they restricted the FAR because at the time there was not sanitary sewer or public water available in the area. The property was annexed in 1995 and PD 201 came about in 1996. It still did not have public water or sewer available in the area so they followed the reduced FAR. The traffic study was discussed at pre-design because a hotel is the least intensive use for traffic because most of the residents will arrive late after rush hour, some seventy (70) to eighty (80) percent of them will be gone before 6:00 a.m. in the morning before rush hour, and the remainder will generally leave at approximately 9:00 a.m., after rush hour, so the impact on the rush hour is minimal with a hotel. An eating and drinking establishment is generally considered to be the most intensive use; this hotel will be a limited service hotel and will not have an eating or drinking establishment. You will hear from a number of residents who are concerned, and they have a reason to be concerned. With a change to a primary arterial, if you follow the OTO, or Ozarks Transportation Organization guidelines that would be a hundred foot wide right-of-way where today we will get up to eighty which means there would be more that would come off the east that encroach into their bufferyard and they have a beautiful bufferyard.

Mr. Wilson continued by stating that OTO profile shows the road to be a four-lane divided highway, the City profile shows it to be a five-lane highway. With the traffic increase, they have reason to be concerned, but that is not the fault of our proposed development. They have a concern about their privacy. Mr. Wilson showed a photograph looking east from the front of the proposed hotel from the fifth floor, so it could be determined how much they would intrude into the resident's privacy. They have done a wonderful job of buffering their property. The photo illustrates the fifth floor windows of the hotel looking at Millwood Park. It was a series of photos that were put together by Traders Printing to give a panoramic effect. Mr. Wilson commented that they do not believe there is going to be a huge impact on their privacy.

Mr. Lawhon asked when the photograph was taken.

Mr. Wilson said it was taken a month and a half ago.

The nearest house to the hotel in Millwood Park is two-hundred (200) feet, and the nearest house to Millwood Development is three-hundred (300) feet. Last September the Board approved Conditional Use Permit 395, which allowed the construction of five (5) story hotel with 105 keys to be built at National and Cherokee, with a Floor Area Ratio of 1.0. It also permits a zero setback from the right-of-way at National and allows the existing residential structures that are five (5) to fifteen (15) feet away from the property lines. Mr. Wilson stated he is out of time but would ask Commission to be consistent with their rulings.

Mr. Hansen asked that Mr. Wilson continue with his presentation.

Mr. Wilson continued by stating that the National and Cherokee project is related to Mercy. This is related to Mercy and in neither case is Mercy an owner of the property. It is a reaction to their needs. Every hospital needs a hotel, because of the family of patients who need temporary facilities. The tournaments that take place on the golf courses and the three that were listed need a place for their participants to stay. We feel like there is a neighborhood need, and we feel we can be a good neighbor. This hotel will be about fifty-five (55) feet tall. If you follow the bulk plane as calculated from Millwood Park property to our property that would allow about a one-hundred three (103) foot structure and we are going to be fifty-five (55) feet. Mr. Wilson said he would answer any questions.

Mr. Hansen stated that one of the variances that is being asked for is the bufferyard on the east side, and instead of thirty (30) feet you are requesting fifteen (15) feet so you can dedicate that other fifteen (15) feet to the right of way.

Mr. Wilson said yes.

Mr. Hansen asked what effect this would have if you simply moved the thirty (30) foot bufferyard in fifteen (15) feet from the plan.

Mr. Wilson said one of two things happens. They would have to take it out of the building in which case they are no longer 106 keys, or they take the structure higher, which would not meet with much public approval. It comes out of the building or the parking lot, and if it comes out of the parking lot, they would maintain the fire lanes as required, but that means they lose parking and would not meet parking requirements.

Mr. Hansen asked what would be the difference in the number of rooms between the forty-five (45) percent and the sixty-five (65) percent.

Mr. Wilson stated he could give an approximate of the .35 FAR, which would allow sixty-three (63) rooms and the .65 would allow approximately one-hundred twelve (112) or one-hundred fifteen (115) rooms. We are proposing one-hundred six.

Mr. Coltrin commented on Mr. Wilson's comparison of the National and Cherokee hotel to this proposed site stating it is like comparing apples and oranges. There is a highly urbanized area on National Street and pedestrian facilities across to the hospital and a major arterial sitting right on top of it already existing, so I don't feel bound by any decisions to compare those two. Mr. Coltrin asked to see the photograph Mr.

Wilson displayed earlier, asking if the existing trees are on the owner's property.

Mr. Wilson said yes.

Mr. Coltrin asked if the trees will stay.

Mr. Wilson said the trees will be in the right-of-way.

Mr. Coltrin asked if they would be marked and kept.

Mr. Wilson said they will be marked and kept till the right-of-way takes them out provided it doesn't interfere with their one point of access and he can't tell whether that one tree on the far left hand side does or not.

Mr. Coltrin stated to use the picture as a buffering example, that vegetation would have to stay there to be buffering, would it not.

Mr. Wilson stated they will utilize the existing trees to the extent they can then they will come back and put in a fifteen (15) foot buffer with a forty-two inch berm and a [Bufferyard] B level planting.

Mr. Coltrin asked if the site access is directly across from Anne Street.

Mr. Wilson stated access is nearly across from Hunter Street.

Mr. Lawhon opened the public hearing, giving some guidelines asking speakers to make certain they bring something new and different to what they have to say when they approach the podium. Don't reiterate what a previous speaker has said. Please, no clapping or laughing or booing; please stay civil during the proceedings.

Ms. Sarah Wilson, 901 East St Louis Street, commented she is representing approximately half of the home owners in Millwood Park Subdivision, which is located directly across from the proposed development. Since there are quite a few people in attendance tonight who oppose the rezoning but do not plan to speak, I would like to ask everyone who is against the rezoning to briefly stand so the Commission is aware of why they are here.

Mr. Lawhon said no thank you.....

Ms. Wilson stated the intensity of the proposed rezoning is not appropriate for the location. The two and one half (2 ½) acres that will be impacted by the rezoning is not an area not subject to a general zoning district that has been imposed decades ago. Instead it is subject to a planned development which was negotiated in the mid-nineties with a specific intent for the redevelopment of the area. In the Planning and Development Departments background report for the PD that is currently in place, it states that general Retail and office uses are proposed for the entire development. It also states the floor area ratio for the development of these sites is intended to be .35 and notes that this is more restrictive than the floor area ratio typically permitted under general retail and highway commercial districts. The PD also requires a thirty (30) foot bufferyard to the eastern side of the entire development to help shield nearby residential property from any commercial development. The FAR and the bufferyard requirements indicate the intent of the PD was to allow commercial property while protecting neighboring residential property. Since the current PD

was adopted several subdivisions have been developed adjacent to the PD and millions of dollars have been invested in single-family housing. This subdivision was developed and homes were constructed with the understanding that the neighboring PD allowed for certain commercial developments, but that such developments would be restricted to a height of approximately two, maybe three stories and there would be a thirty (30) foot bufferyard insulating the homes from any commercial property. When the findings for staff recommendation say that the application for the rezoning is consistent with the intent of the existing planned development and is not expected to have any adverse impact, this is not the case. The application is not consistent with the existing PD in that it strips away two of the requirements under the current planned development that protect adjoining residential property. First, as part of the rezoning the developers are required to dedicate additional right-of-way for Farmer Branch Avenue. To compensate for this additional right-of-way the rezoning reduces the required bufferyard from thirty (30) feet to fifteen (15) feet. This will cause the bufferyard to be further away from the residents which will result in a less effective blockage. Second, the rezoning allows for FAR to be more than doubled which will allow a significantly taller hotel to be built than permitted under the current PD. This increase in the FAR will negatively impact neighbors in many different ways. One way relates to privacy. The construction of a four (4) to five (5) story hotel directly across the street from Millwood Park will intrude on the homeowners privacy and in doing so, it will destroy the sense of privacy that so many of the residents currently enjoy with their homes. A taller hotel will also allow more guests to stay there who will cause somewhat of an increase in traffic and also an increase in the traffic noise resulting from it. Another way the rezoning will impact residents is that it will inhibit the views from the subdivision. Many of the residents enjoy spending evenings on their patios enjoying the sunset. Construction of a five (5) story building directly to the west of their subdivision will significantly impede this view. A four (4) to five (5) story building will also always be visible to the homeowners since there are no buffers that can be used to block it. Additionally, the height of the hotel coupled with the proximity to Millwood Park is going to increase light pollution at night which will further negatively impact the homeowners. The adverse impact from the rezoning will likely cause a decrease in property values and impede the marketability of resident's homes which for many people is one of their largest investments. These are just a few examples of how the rezoning will harm neighboring homeowners. The two and one half (2 ½) acres at issue has already been specifically rezoned at the request of the original property owner and allows for commercial development while protecting surrounding residents homes. Now with a proposal for a new construction, they want to un-due the protections that staff originally required and that were agreed upon. The current developer should not be allowed at the expense of the homeowners to un-due these protections that were put in place after they already invested in their homes with an understanding of what the development rules would be. Because of this, and for the other reasons discussed, the intensity of the proposed rezoning is not appropriate for the location. We ask that you vote to deny the request to rezone the property to Planned Development District 340 and instead maintain the current planned development.

Mr. Norbert Laengrich, 3411 East Anne Street, commented he is representing the Millwood Park Homeowners Association, adding he is the current President of the Association. He stated he wants to go on record to state that the Homeowners Association is opposing this rezoning. There are currently signed petitions from twenty-nine (29) of the thirty-four (34) homeowners in the property. In addition to that, there are other signed petitions from one hundred twenty-eight (128) people, non-binding petitions, in addition to the six (6) homes that have signed binding petitions. The support against this rezoning is quite wide. Mr. Laengrich commented that there were two homeowners who were unable to attend and asked him to speak for them, the first is Bob & Carol Hollaman who resides on Anne Street about four doors down and the second homeowner is Karl and Linda Quinn who also live on Anne Street. Both oppose the rezoning. Mr. Laengrich thanked the Commission for their time.

Mr. Coltrin asked Mr. Laengrich that when he purchased the house he was aware that the property was highway frontage and that it was zoned for commercial use of some kind.

Mr. Laengrich said they realized the property across the street was zoned for commercial, yes, but it was for a lower density commercial than what they are proposing at this point.

Mr. Coltrin asked Mr. Laengrich if he was opposed to commercial development on the properties across the street.

Mr. Laengrich said no of course not, adding that they are not asking that it be rezoned, but are simply asking that they stay with the current zoning. That is what they bought into and are happy to live within that context.

Ms. Roling asked how many signatures Mr. Laengrich had.

Mr. Laengrich stated on all of the non-binding petitions there are 128 signatures, and there might be some that came in late today. Those consist of people within Millwood Park and Millwood and the development at the end of Hunters Lane.

Ms. Roling said the information they received said there was eleven (11) property owners within the 185' feet.

Mr. Laengrich said he believes that is right, bearing in mind that the two parcels on either side of the property which are zoned commercial to the north and south would be part of that as well as the Millwood Golf Course itself. There are four homes within 185' feet and there has been binding petitions signed by each of those. As he understands it from reading, in order for those to have any effect it has to represent thirty (30) percent of the land mass, not thirty (30) percent of the owners. When you put those two plus Millwood Golf Course itself, there is no way everyone in the whole division could sign and it would not be thirty (30) percent of the total land mass. Because the golf course abuts the corner, the whole parcel gets included, which is basically more than half of the golf course itself.

Mr. David Harper, 6519 South Meadowview, stated he is the developer of Millwood Park and would like to speak to several items. Specifically, the explanation to Council Bill from Staff showing approximately ten (10) findings and the only one which he agrees with is the first, which is the location of the property. From there on down, he doesn't understand what they are talking about here. They spoke of serving the country clubs, and the hospital is only forty-eight (48) beds and he can't imagine that there would ever be one night when it would fill the hotel. It is 2.6 miles from the main gate of Highland Springs to the hotels on Highway M and Glenstone. It is 2.2 miles to the new proposed hotel, and he doesn't believe that staff finding to be reasonable or true. Item number eight (8) proposes a 42 inch berm to mitigate noise and light; that will not work. It doesn't fit their business model and we agree, it doesn't fit any business model and as someone said, it is a ten pound project that they are trying to put in a five pound bag. They said the FAR was put at .35 because there was no sewer, but you could not develop in Springfield without sewer since 1975, so that doesn't have anything to do with it. There was no water to the property, but as the developer, water was brought to the property when it was developed. I don't believe there is much here that is going to benefit us in our subdivision. It is a situation where they need to find a piece of ground that is appropriately zoned and there is some across the street at the new Mercy Hospital and Mercy would be glad to have the hotel on

their side and there is ground available there and we would like to see them go there and build.

Ms. Melody Elliott, 3429 East Ladue, thanked Commission for the opportunity to speak. Ms. Elliott commented that she has spent her whole life in the Springfield area and the one thing she loves about Springfield is that people here do the right thing and support what is right and good. She stated she speaking on behalf of herself and her family and her two sister's families, one of which lives in Millwood and the other in Millwood Park. There are three families who have bought into the area with the way that it was zoned previously. Ms. Elliott stated their homes are the biggest investment of their lives and that investment was based upon the surroundings at the time the home was built, and how the property was zoned. Ms. Elliott stated she does not dispute the current zoning, but would like it to stay as it is. She does not believe it is appropriate for one investor to come in and develop a hotel and change the entire zoning of the property, it is not right. There are other places in Springfield as was discussed previously, such as across the road, which are zoned specifically for hotels that are going to go up stories like that, not across from the neighborhood. Ms. Elliott commented that she is adamantly opposed to the planned development, as well as her family, and this will negatively affect the livelihood of her family based upon this being the biggest investment of their lives. It will negatively decrease the value of their home and the other residents of the neighborhood as well as Millwood; it is not right for her and the neighborhood and for the bigger scale with the City of Springfield to change zoning on something that has previously been done for something else. Ms. Elliott asked Commission to oppose the request and do the right thing in supporting the residents.

Mr. Doug Evans stated he and his wife live in Millwood on River Glen Road. Mr. Evans stated he wanted to point out some factors relating to the traffic in the area, which has increased substantially since moving to Millwood in 2004. It is not uncommon for the Highway 65 exit to have traffic backed up all the way to 65 on the south bound exit on Evans Road. The effect of the hospital and its several hundred employees and patients and their families on the traffic in that area has not been determined because the hospital is not completed and open. There is a quarry, a concrete mixing plant, and a pipe plant all located within approximately one third of a mile south on Farmers Branch Road. There are a lot of heavy trucks, dump trucks, concrete trucks, and sludge trucks that move up and down Farmers Branch Road and after living there for eight years, they are very aware of the truck traffic there. On Sunday and sometimes on Wednesday there is a lot of traffic from James River Assembly, in fact, there is so much traffic they have to station a police office at the corner of Evans Road and Farmers Branch to keep the traffic flowing there. It came out in the news paper today that the State is not going to have any money for road projects for at least five (5) years so there is not money available to improve the bridge at Evans Road over Highway 65, if the paper is correct. The noise from Highway 65 is incredible into Millwood, so more traffic, more noise. Mr. Evans stated he believes a hotel would increase the traffic load there. It is his understanding they are going to build a Holiday Inn on the west side of Highway 65 next to the hospital, and feels that would accommodate the hotel/motel needs of the patients at the hospital. Another issue is the height of the hotel, and if it is increased to five stories, what other projects are going to come in and increase their height to something more than reasonable for that area. Mr. Evans said that north of Evans Road on Farmers Branch Road the speed limit has been reduced to thirty (30) miles an hour, but feels it is because of the traffic pressure on the road and that is an issue that might be of concern.

Mr. Cameron Roy, 3459 East Anne commented that he appreciates the Commission's time. Mr. Roy stated he is a business owner, and owns Buckingham's in Nixa and on North Glenstone and Kearney and is very familiar with development, as he just completed a building in Nixa. He is aware that the City needs revenue and they want this project to happen based on the hotel/motel taxes and there is a lot of pressure to get

that done and he understands the need. Mr. Roy wanted to point out a couple of things, stating that he has been in talks with people for the west side of the highway to do a project for a restaurant of some type and understands there is a Double Tree Hotel going in there and that is almost fact. If there is a Double Tree and Holiday Inn going in there, he does not understand how there is an additional demand for a Hampton Inn over here. Secondly, from Mr. Wilson's picture, there are three or four yards in view there. Mr. Roy stated he has two sons, and the eight year old is constantly playing in the front yard of the Quinn' home, whose yard is completely exposed, regardless of whether the trees stay or not. There are a lot of unsavory people in the world, and they are going to end up in that hotel; they will end up in our neighborhood to walk or run or drive or they will end up in Millwood playing golf and they can be in out and a lot of bad things can happen. There are a lot of good people also. Mr. Roy said he feels it is very important that Commission understand the impact this will have on the families in the area, adding there are much better places for this project to happen, specifically west. Mr. Roy commented that he is aware that when the plan for Mercy was approved, there was knowledge that all four corners were going to be developed; completely understandable and expected. Retail would serve this community much better and in time would blend in when the road is developed and ready to handle the traffic that is there. The gentleman that just spoke made a good point with traffic; the traffic study that was done previously could not have been done since James River has been completed, but traffic that comes out on a Sunday is backed up for miles and that does not include what happens on the exit ramps. Mr. Roy asked that Commission keep in mind this is a very family oriented neighborhood and you cannot go into the neighborhood and not see children playing in a front yard especially the ones that will be exposed to this hotel.

Mr. Rick Hulett, 3430 East Hunter Lane, stated that even if a three (3) story hotel is developed in this area, and the bufferyard is being lowered; one of the things that people in the area enjoy is the four distinct seasons and the picture shown is during summer showing the trees leafed out, but in reality six (6) months of the year those leaves won't be there even if the trees are maintained.

Mr. Lawhon closed the public hearing.

Mr. Hansen commented that there is a lot to consider with an issue like this. The overriding consideration for him is that the vast majority of the people in the area are opposed the request. The present zoning seems to be appropriate to the location and to increase the intensity of that zoning in the face such opposition I think would be remiss, so I will be voting against the request.

Mr. McClelland commented that he has heard all of the comments from the public and has reviewed all the documentation sent in and it seems that one of the biggest issues is the depreciation in home values, regardless of what goes in the site. Mr. McClelland stated he checked with the Greene County Assessor who assured him that property values do not depreciate based upon new construction. It takes the residents to sell homes before property depreciates and it won't depreciate until it starts selling for less than what the value is. Mr. McClelland stated that he counted eighty-three (83) possible uses for this area tract, A, B, and C. The hotel would be the less intrusive for traffic, as someone mentioned people will stay at the hotel and then leave. If there is retail you will have people coming and going at all hours. The lighting is to be hooded so it does not bear upon the resident's property. Mr. McClelland commented that he was able to sit in on a meeting where a member of the City Council made the comment that between the year 2030 and 2040 the City of Springfield population will increase by forty (40) percent. Someone is going to develop the property there, whether it comes with the current PD or the new PD.

Mr. Edwards said his comments are based upon his experience with the Planning and Zoning Commission

over the past several years. Mr. Edwards stated they have dealt with issues just like this several times. The project across from Bass Pro Shops had residents come out the way residents have done tonight and they made the very same arguments and they were very valid and heartfelt. Ultimately this Commission decided to approve that PD based on what the zoning law says, what compels us as a Commission to decide if this is an appropriate zoning or not. Mr. Edwards said that when he looks back and sees what they did for those people there, then it must be applied evenly in this situation as well. Even though we might want to argue whether one is more urban than the other, this is an area that is on its way to being urbanized, so that is something that has to be considered, that this is a long term issue and it's not something that is going to end with this hotel. In fact when the next tracts of property eventually come up, we might be discussing similar issues. Mr. Edwards asked the residents to envision Reliable Imports parked at that spot and the light that is generated because that is another use that is already permitted and could go in this space. When you visualize some of the things that are already going to be possible in this space, you might come to the conclusion that this may not be as bad as you think. That is not for this Commission to judge nor is it for us to judge a developer on when it is the right time to spend his money or whether he is going to be successful if they put a hotel on the other side of the street. Mr. Edwards said that based upon what he has observed he will vote for it and very much appreciates all the concerns that were addressed because it matters to Commission. The law is the law and property rights work both ways and this developer bought the land and they own it. If someone else had purchased the land and wanted to donate it to a park, they could have done that, but no one has done that to this point, adding those are his thoughts and that is how he will vote.

Mr. Lawhon commented that to reiterate what Mr. Edwards said, as a Commission this case is nothing new to us as we have dealt with these issues time and time again. It is important to be consistent in the decisions made for the developer, the community, and for the citizens of Springfield. Mr. Lawhon stated that for him it comes down to a zoning issue; we deal with zoning issues and zoning cases. We do not deal with quality of life issues. That is for a different arena outside of the jurisdiction of this Commission. What is being presented with PD 340 is an appropriate zoning request and an appropriate use of that plot of land and with that in mind and from the perspective he brings as a Commissioner in dealing with zoning issues, his vote will be in favor of PD 340.

Mr. Edwards stated that the items that have been presented tonight by the residents need to be heard in front of City Council and City Council is your avenue to get the determination if this is right or wrong. When Commission votes tonight, it is not that we believe your concerns are not valid, but it is simply not in the purview of this body; however you will have that opportunity and we encourage each one of you to show up at City Council and let them know because that is a decision they have the ability to make.

Mr. Hansen reiterated that the law is the law and what we rule on here is the zoning ordinance. In this case the zoning ordinance is set, it is reasonable, and we are not compelled by any other obligation to intensify this zoning and wants that to be clear and to be clear to the Council when this goes on. Mr. Hansen stated that the present zoning is appropriate and is not difficult to the owner and he will be voting to keep the zoning the way it is now.

Mr. Ray commented that he tends to agree with Mr. Hansen and would argue that part of Commission's job is to consider quality of life issues, and looking at the current restrictions on this property that does take into consideration the quality of life for the residents in the area. I think that is very important for Commission to consider. Mr. Ray said that is primarily what his decision will be based on this evening.

Mr. Baird motioned to **approve Planned** Development No. 340. Mr. Coltrin **seconded** the motion. The motion **carried** as follows: Ayes: Lawhon, Edwards, McClelland, Baird, and Coltrin. Nays: Ray, Hansen and Roling. Abstain: Young. Absent: None.

Mr. Lawhon stated the next step is City Council and that will be on July 30, 2012 at 6:30 in Council Chambers. That will be the first hearing but will not be acted upon at that meeting.

Mr. MacPherson stated that if it moves on to a second reading that would occur on August 13, 2012.

Mr. Lawhon said that the first opportunity is July 30th, at 6:30 right here at City Council for a public hearing and the second meeting on August 13, there is no public hearing, they simply vote up or down.

Mr. Rykowski stated that is correct. The time line for any protest petitions will start today and that deadline is by voting, but the Council will hear public comments on July 30th, unless something were to change it would be tabled or out of the ordinary. Council will discuss and vote, but there will be no public hearing at the second reading of the bill on August 13.

Mr. Lawhon thanked the audience for being present at the meeting adding that Commission appreciated it very much.

ANY OTHER MATTERS UNDER COMMISSION JURISDICTION:

There being no further business, the meeting was adjourned at approximately 7:55 p.m.

Michael MacPherson
Principal Planner

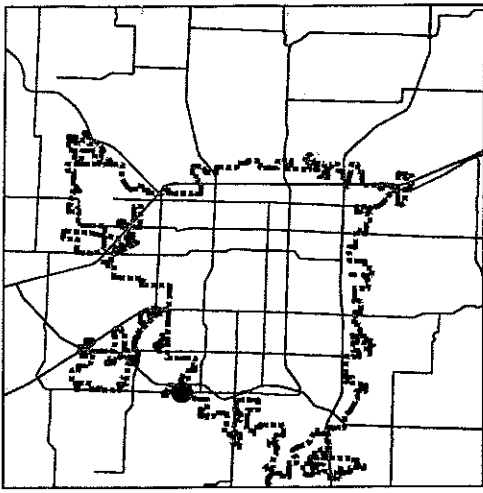
Zoning & Subdivision Report

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

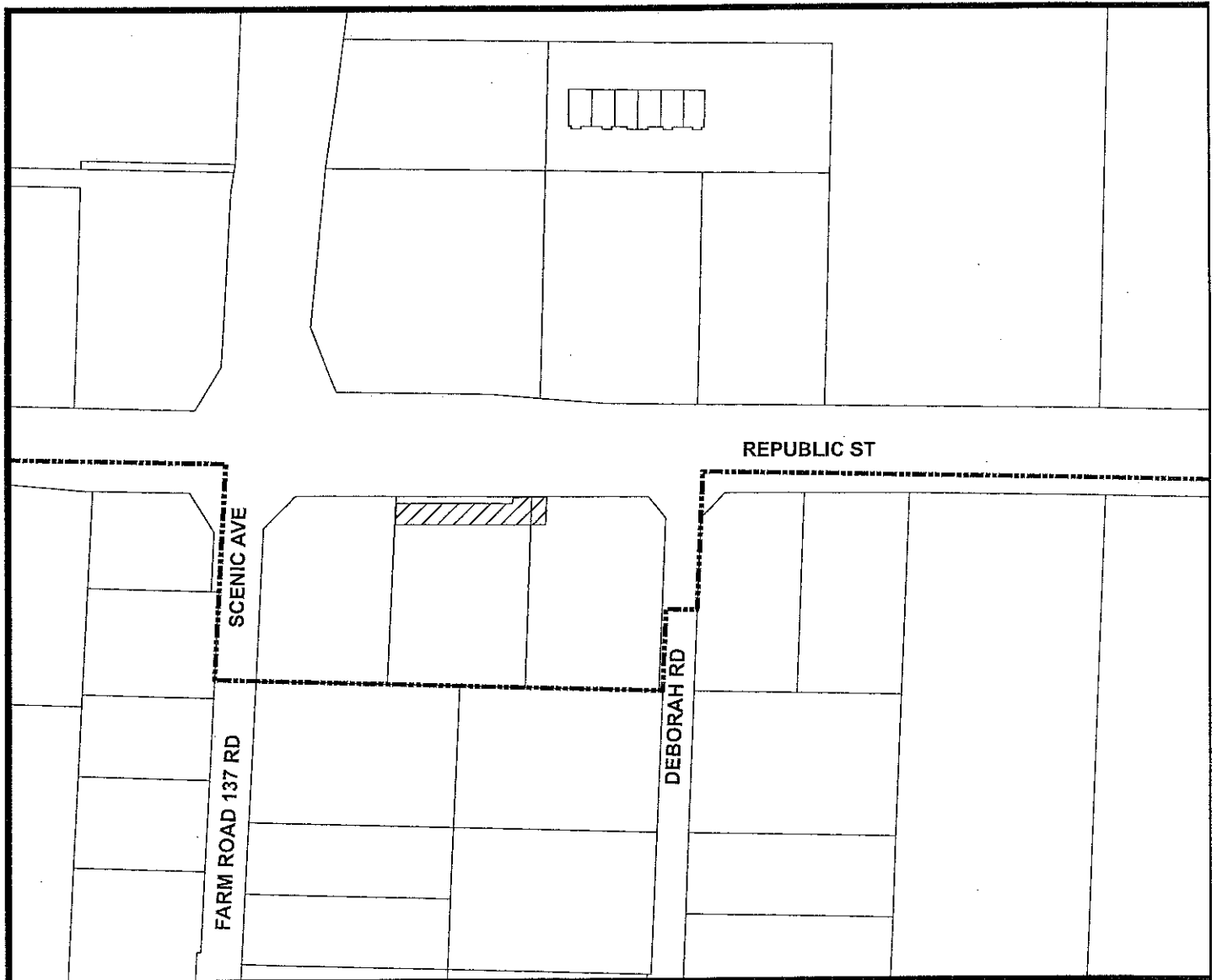
Relinquish Easement Number 783

Location: 2640 West Republic

Current Zoning: GR, General Retail District



LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

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

REQUEST TO RELINQUISH EASEMENT NUMBER 783

DATE: July 31, 2012

PURPOSE: To relinquish a cross access easement

BACKGROUND:

LOCATION: 2640 West Republic

APPLICANT: Jeknie LLC

RECOMMENDATION:

The request be **approved**.

FINDINGS:

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

STAFF CONTACT PERSON:

Alana D. Owen, AICP
Senior Planner

Attachment A: Background Report

Attachment B: Approval Criteria

Exhibit 1. Legal description

Exhibit 2. Site Plan

ATTACHMENT A
APPLICANTS PROPOSAL
RELINQUISH EASEMENT NUMBER 783

APPLICANT'S PROPOSAL:

The applicant is requesting the Planning and Zoning Commission relinquish a cross access easement.

PUBLIC WORKS CLEAN WATER SERVICES:

No comments regarding this request.

PUBLIC WORKS TRAFFIC OPERATIONS COMMENTS:

Public Works Traffic Operations does not have any issues with relinquishing the access easement. A replacement easement over the shared driveway is being provided as part of the Administrative Re-Plat of the property.

PUBLIC WORKS STORM WATER SERVICES DIVISION:

No Stormwater issues with the proposed access easement relinquishment.

CITY UTILITIES:

City Utilities does not have any objections to this request.

STAFF ANALYSIS:

1. The applicant is requesting to relinquish a cross access easement. The access easement was dedicated when the property was rezoned and the lots were combined. The applicant is in the process of doing an Administrative Re-Plat to subdivide the subject property and the property to the east. The applicant is requesting to relinquish the existing cross access easement and provide a replacement easement over the shared driveway between the subject property and the property to the east.
2. There have been no objections to this request.

ATTACHMENT B
RELINQUISH EASEMENT NO. 783
APPROVAL CRITERIA

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

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

STAFF RESPONSE:

No one has objected the relinquishment of this easement.

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

STAFF RESPONSE:

Public Works Traffic Engineering agrees with the relinquishment of the existing access easement provided the replacement easement for the shared driveway is dedicated as part of the Administrative Re-plat of the subject property and the property to the east.

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

STAFF RESPONSE:

The cross access easement is no longer necessary as long as the shared driveway easement is provided.

RELINQUISH EASEMENT 783
EXHIBIT 1

Description of Easement to be Relinquished:

A tract of land located in Section 15, Township 28 North, Range 22 West, all being in Springfield, Greene County, Missouri and being more particularly described as follows:

COMMENCING at an existing aluminum monument at the northwest corner of said Section 15;

THENCE along the North line of said Section 15, South 89 degrees 03 minutes 17 seconds East a distance of 187.94 feet to a point for corner;

THENCE South 02 degrees 11 minutes 04 seconds West a distance of 77.71 feet to the POINT OF BEGINNING;

THENCE South 89 degrees 19 minutes 12 seconds East a distance of 142.91 feet to a point for corner;

THENCE North 02 degrees 08 minutes 48 seconds East a distance of 10.00 feet to a point for corner on the existing south right of way of Republic Road;

THENCE along said south right of way, South 89 degrees 19 minutes 12 seconds East a distance of 40.01 feet to a point for corner;

THENCE leaving said south right of way, South 02 degrees 08 minutes 14 seconds West a distance of 36.01 feet to a point for corner;

THENCE North 89 degrees 19 minutes 12 seconds West a distance of 182.94 feet to a point for corner;

THENCE North 02 degrees 11 minutes 04 seconds East a distance of 26.01 feet to the POINT OF BEGINNING, and containing 5,156.18 square feet or 0.1184 acre(s) of land.

Exhibit 2
RE 783

Section Line

S 89°03' 17" E 187.94'

(R/W Varies)

existing 30' X40'
joint access easement
Project No. STP-5931 (803)
DPW Springfield, MO
Sheet 2 of 6

existing R/W

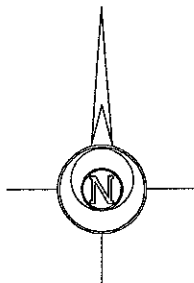
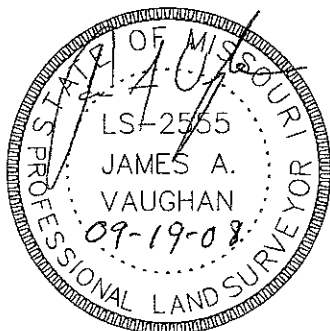
point of beginning

cross access easement

Tract 1
Mickey Owen Sub.

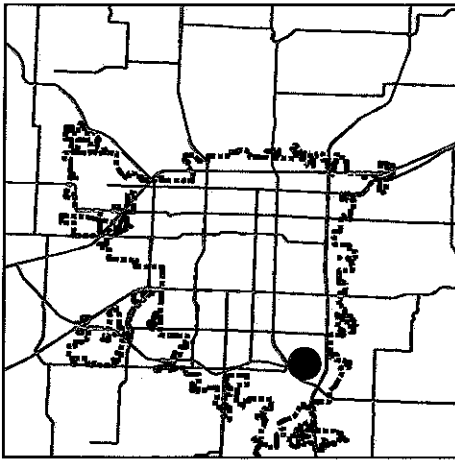


Tract 2
Mickey Owen Sub.


$$1'' = 50'$$

Course Table

COURSE	BEARING	DISTANCE
1	S 89°19' 12" E	142.91'
2	N 02°08' 48" E	10.00'
3	S 89°19' 12" E	40.01'
4	S 02°08' 14" W	36.01'
5	N 89°19' 12" W	182.94'
6	N 02°11' 04" E	26.01'



Zoning & Subdivision Report

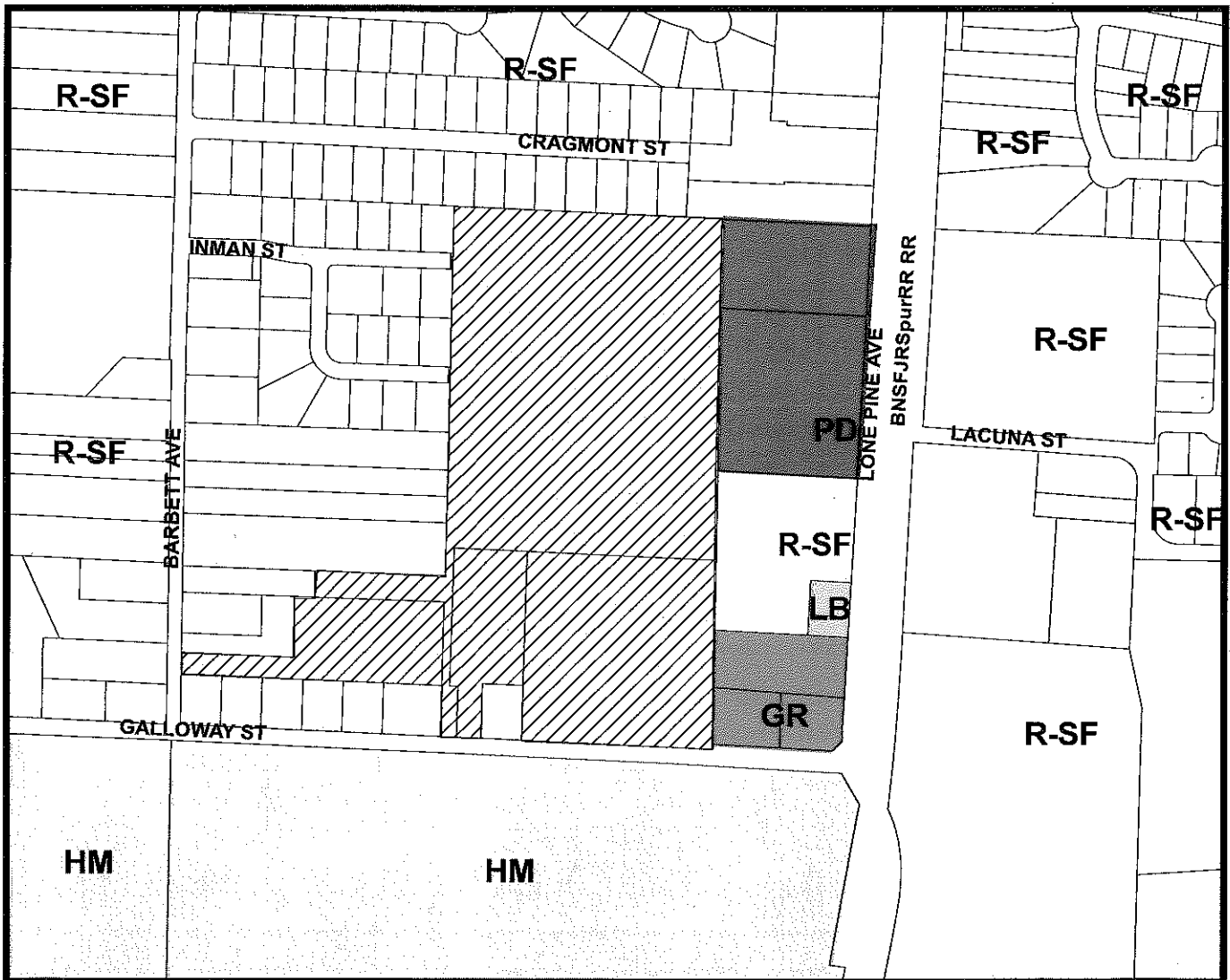
Planning & Development - 417/864-1031
840 Boonville - Springfield, Missouri 65802

Preliminary Plat - Cottages at All Saints

Location: 2701 & 2751 E. Galloway St.

Current Zoning: R-SF, Single-Family Residential

LOCATION SKETCH



- Area of Proposal



1 inch = 400 feet

EXPLANATION TO COUNCIL BILL NO: 2012-_____

FILED: _____

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To accept the dedication of the public streets and easements as shown on the Preliminary Plat of **COTTAGES AT ALL SAINTS** generally located at 2701 and 2751 East Galloway Street. (Staff recommends that City Council accept the public streets and easements.)

BACKGROUND INFORMATION:

- A. See the legal description set forth on the Preliminary Plat of **COTTAGES AT ALL SAINTS** dated July 30, 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. The Planning and Zoning Commission held a public hearing on August 9, 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. Public improvement plans will be required to extend sanitary sewer to serve each lot. Sewer must be constructed or escrowed before the final plat can be approved.
 - b. Detention and water quality requirements are to be met by the basin being constructed currently as a public improvement.
 - 2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
 - a. Place a note that the required right-of-way on Galloway and Barbett and the sight triangle easement will be dedicated with Phase 1. If the church chooses not to dedicate the right-of-way of Lot 1 on Galloway within the first phase, an irrevocable consent to dedicate will be required as part of the first phase. Show the existing right of way on Galloway and Barbett as well as the right of way to be dedicated.

- b. Drainage easements shall be based upon the final design of the drainage improvements.
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.

Submitted by:

Mike MacPherson, Principal Planner

Greg Burris, City Manager

Zoning & Subdivision Report

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

PRELIMINARY PLAT – COTTAGES AT ALL SAINTS

DATE: July 30, 2012

PURPOSE: To approve a preliminary plat to subdivide 17.05 acres into a fourteen (14) lot subdivision with common area

BACKGROUND:

LOCATION: 2701 & 2751 E. Galloway St.

APPLICANT: All Saints Anglican Church

TRACT SIZE: Approximately 17.05 Acres

EXISTING USE: Church and undeveloped land

PROPOSED USE: Single-Family residential, private school and church uses

RECOMMENDATION:

The request be **approved**.

FINDINGS:

1. The applicant's proposal, with the conditions listed below, is consistent with the City's Subdivision Regulations.
2. The applicant is proposing a private street system and will have the connection to Inman Street gated.
3. The applicant is proposing to final plat Lots 2-14 in the beginning and later Lot 1 as described on their phasing plan.
4. The applicant is proposing a large common area (approximately 8.26 acres) that will encompass the private street, stormwater detention area, and an area that does not have access to sanitary sewer. These common areas will be maintained by the established property owners association.

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. Public improvement plans will be required to extend sanitary sewer to serve each lot. Sewer must be constructed or escrowed before the final plat can be approved.
 - b. Detention and water quality requirements are to be met by the basin being constructed currently as a public improvement.
2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
 - a. Place a note that the required right-of-way on Galloway and Barbett and the sight triangle easement will be dedicated with Phase 1. If the church chooses not to dedicate the right-of-way of Lot 1 on Galloway within the first phase, an irrevocable consent to dedicate will be required as part of the first phase. Show the existing right of way on Galloway and Barbett as well as the right of way to be dedicated.
 - b. Drainage easements shall be based upon the final design of the drainage improvements.
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.

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner

ATTACHMENT A
BACKGROUND REPORT
PRELIMINARY PLAT – COTTAGES AT ALL SAINTS

APPLICANT'S PROPOSAL:

The applicant proposes to subdivide approximately 17.05 acres into a fourteen (14) lot subdivision with common area. The subdivision will be served by a private street that will be dedicated within common area and maintained by the homeowner's association. The applicant intends use the property for a church, private school and residential subdivision which are all permitted uses in the R-SF, Single-Family Residential District.

BUILDING DEVELOPMENT SERVICES COMMENTS:

The address will need to be changed for the existing development on lot 2. This will occur after the lot is final platted.

CITY UTILITIES COMMENTS:

All utilities are available to provide service to the residential development. Fire hydrant spacing will be determined by the Fire Code. Since the street is proposed to be private, the streetlights will be installed per CU's Outdoor Lighting policy. The developer will share in the cost of installation and there will be a monthly fee for electricity and maintenance.

TRAFFIC DIVISION COMMENTS:

1. Please place a note that the required right-of-way on Galloway and Barbett and the sight triangle easement will be dedicated with Phase 1. If the church chooses not to dedicate the right-of-way of Lot 1 on Galloway within the first phase, an irrevocable consent to dedicate will be required as part of the first phase.
2. Please show the existing right of way on Galloway and Barbett as well as the right of way to be dedicated.

AT&T COMMENTS:

AT&T requests a ten (10) foot utility easement on either the front or rear of all properties.

STORMWATER COMMENTS:

1. Detention and water quality requirements are to be met by the basin being constructed currently as a public improvement.
2. Drainage easements appear satisfactory as shown, but shall be based upon the final design of the drainage improvements.
3. Please note that a complaint has been received from the downstream property regarding the

detention basin outlet structure location. The plans were approved since the site demonstrated that the basin would outlet into an existing natural watercourse with a watershed of approximately 75 acres. This complaint has been relayed to the designer. A meeting will be held onsite between the downstream property owner, the City, and the designer to review the design and to determine what course of action shall be followed. More information will be known after that meeting occurs.

SANITARY SEWER COMMENTS:

1. Public improvement plans for sewer will be required to extend sewer to serve each lot. Sewer must be constructed or escrowed before the final plat can be approved.
2. There is a joint sewer district fee for the north 558 feet of the subdivision in the amount of \$0.1129/sq. ft. to be paid when the public improvement plans are filed. Show and label the area within the joint district on the sewer plans.
3. The existing SECR fee (sewer extension cost recovery) for 2705 E Galloway of approx. \$8200 has been waived since the house is no longer there.
4. The request to exclude the area of the turn-a-round ROW from the trunkline connection fee (Item #2 above) was reviewed by the City Attorney's office. They were unwilling to support the exception since the fees are defined and required by city ordinance no. 25312.

STAFF COMMENTS:

1. The applicant is proposing a fourteen (14) lot subdivision with private streets, common area and a gate at the end of the Inman Street turnaround. The applicant will dedicate and construct two (2) new public hammerhead turnarounds at Inman and Sequiota Streets. The applicant intends use the property for a church, private school and residential subdivision, which are all permitted uses in the R-SF, Single-Family Residential District. The applicant has already begun construction of a new church on Lot 1 along Galloway Street which is considered a lot of record.
2. The applicant is proposing a large common area (approximately 8.26 acres) that will encompass the private street, stormwater detention area, and an area that does not have access to sanitary sewer. The subdivision will be served by private streets (All Saints Lane and Inman Street) that will be dedicated within common area. All common areas will be maintained by the established property owners association.
3. The applicant is proposing a phasing plan that will allow Lots 2-14 to be platted, first, and Lot 1, second.
4. If Planning and Zoning Commission approves the preliminary, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.
5. As mentioned in Stormwater comments, a complaint has been received from the downstream property regarding the detention basin outlet structure location. The plans

were approved since the site demonstrated that the basin would outlet into an existing natural watercourse with a watershed of approximately seventy-five (75) acres. A meeting will be held onsite between the downstream property owner, the City, and the designer to review the design and to determine what course of action shall be followed.

6. The applicant has submitted two letters (Exhibit B) that were exchanged between the church and the neighborhood to explain their reasoning behind providing a gated entrance/exit at the end of the Inman turnaround. The proposed gate must meet all requirements of the Zoning Ordinance including a knox box for emergency access.

PRELIMINARY PLAT COTTAGES AT ALL SAINTS

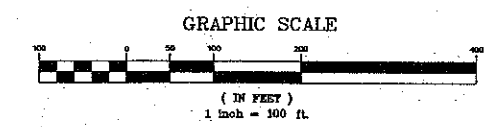
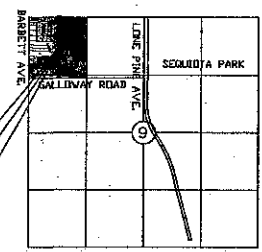
A 17.05 ACRE TRACT LOCATED IN THE NW1/4, NW1/4 OF SEC. 9
T.28 N., R.21 W., GALLOWAY, GREENE COUNTY, MO.

DEVELOPER:
NN LAND DEVELOPMENT L.L.C.
6439 S. FARM ROAD 203
ROGERSVILLE, MISSOURI 65742
PHONE: (417) 818-8384
CONTACT PERSON: BRIAN BECKER

OWNER:
ALL SAINTS ANGLICAN CHURCH
1309 E. MONTCLAIR STR.
SPRINGFIELD, MISSOURI 65804
PHONE: (417) 889-5800

GRID NORTH DETERMINED BY
MISSOURI STATE PLANE
COORDINATE SYSTEM 1983.
MISSOURI CENTRAL ZONE
GEOGRAPHIC REFERENCE MARKER:
GR-37 TO GR-37A-2

SITE



LOCATION MAP
SECTION 9
TOWNSHIP 28 RANGE 21
APPROX. SCALE: 1"=2000'

LEGEND

- EXISTING IRON PIN EXCEPT AS NOTED
- 5/8" IRON PIN SET CAPPED "LS-267D"
- STONE
- POWER POLE
- LIGHT POLE
- GAS METER
- GAS VALVE
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- SEWER MANHOLE
- SEWER
- BUSH
- DECIDUOUS TREE
- CONIFER TREE
- SAN. SEWER LINE
- ELECTRIC LINE
- TELEPHONE LINE
- CHAIN-LINK FENCE
- WIRE FENCE
- WOOD FENCE
- ASPHALT
- CONCRETE
- GRAVEL

PROPERTY DESCRIPTION

ALL OF THAT PART BEING IN BOOK 2011 AT PAGE 32919 IN THE RECORDER'S OFFICE, GREENE COUNTY, MISSOURI TO ALL SAINTS ANGLICAN CHURCH AND BEING MORE PARTICULARLY DESCRIBED WITH BEARING LISTED AS GRID NORTH AS DETERMINED BY STATE PLANE MONUMENTS GR-37 AND GR-37A AS FOLLOWS:

BEGINNING AT AN EXISTING STONE AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER 21/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 28, RANGE 21, THENCE S01°01'51"W, ALONG THE EAST LINE OF SAID QUARTER-QUARTER, A DISTANCE OF 845.14 FEET TO AN EXISTING IRON PIN THENCE N87°12'49"W, A DISTANCE OF 246.44 FEET TO AN EXISTING IRON PIN THENCE S01°05'19"W, A DISTANCE OF 327.36 FEET TO AN EXISTING IRON PIN THENCE S87°12'41"W, A DISTANCE OF 99.96 FEET TO AN EXISTING IRON PIN THENCE S01°01'33"W, A DISTANCE OF 134.57 FEET TO AN EXISTING IRON PIN AT THE NORTH RIGHT-OF-WAY LINE OF GALLOWAY ROAD, THENCE N87°14'33"W ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 96.56 FEET TO AN EXISTING IRON PIN MARKING THE EAST LINE OF THE WEST ONE (1/2) OF SAID QUARTER-QUARTER, THENCE N00°59'57"E, ALONG SAID EAST LINE AND LEAVING SAID RIGHT-OF-WAY, A DISTANCE OF 125.01 FEET THENCE N87°13'52"W, AND LEAVING SAID EAST LINE, A DISTANCE OF 648.63 FEET TO THE EAST RIGHT-OF-WAY LINE OF BARRETT AVENUE, A DISTANCE OF 50.01 FEET TO AN EXISTING IRON PIN THENCE S87°28'56"E, LEAVING SAID RIGHT-OF-WAY, A DISTANCE OF 275.16 FEET TO AN EXISTING IRON PIN THENCE N00°59'57"E, A DISTANCE OF 150.16 FEET TO AN EXISTING IRON PIN THENCE N00°53'25"E, A DISTANCE OF 150.16 FEET TO AN EXISTING IRON PIN THENCE S87°23'37"E, A DISTANCE OF 48.81 FEET TO AN EXISTING IRON PIN THENCE N00°59'57"E, A DISTANCE OF 65.50 FEET TO AN EXISTING IRON PIN THENCE S87°23'34"E, A DISTANCE OF 328.56 FEET TO THE EAST LINE OF THE AFORESAID WEST ONE-HALF (1/2) THENCE N00°59'57"E ALONG SAID WEST LINE, A DISTANCE OF 261.61 FEET TO THE SOUTH LINE OF THE EXCEPTION IN SEQUOIA HILLS SUBDIVISION, A SUBDIVISION IN SPRINGFIELD, GREENE COUNTY, MISSOURI, THENCE S87°41'33"W, ALONG SAID SOUTH LINE, A DISTANCE OF 6.65 FEET TO THE SOUTHWEST CORNER OF SAID SUBDIVISION THENCE N00°52'35"E, ALONG THE EAST LINE OF THE AFORESAID SUBDIVISION, A DISTANCE OF 214.57 FEET TO THE SOUTHWEST CORNER OF LOT 25 OF THE SAID SEQUOIA HILLS SUBDIVISION THENCE N87°41'33"W, ALONG THE SOUTH LINE OF SAID LOT 25, A DISTANCE OF 5.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 25, THENCE S87°41'37"E, A DISTANCE OF 5.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 25, THENCE N00°52'35"E, A DISTANCE OF 248.28 FEET TO THE SOUTHWEST CORNER OF LOT 24 OF THE AFORESAID SEQUOIA HILLS SUBDIVISION THENCE N87°30'16"W, A DISTANCE OF 5.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 24 THENCE N00°52'35"E, A DISTANCE OF 49.88 FEET TO THE NORTHEAST CORNER OF SAID LOT 24 THENCE S87°50'16"E, A DISTANCE OF 5.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 24 THENCE N00°52'35"E, A DISTANCE OF 116.39 FEET TO AN EXISTING IRON PIN AND THE NORTHEAST CORNER OF THE AFORESAID SEQUOIA HILLS SUBDIVISION AND THE SOUTH LINE OF VALLEY PARK SUBDIVISION, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, THENCE S87°10'46"E, ALONG THE SOUTH LINE OF SAID VALLEY PARK SUBDIVISION, A DISTANCE OF 658.06 FEET TO THE POINT OF BEGINNING, ALL BEING THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, CONTAINING 17.05 ACRES (742.634 SQ. FT.) AND,

A 4.56 ACRE TRACT OF LAND, BEING DESCRIBED IN BOOK 2011, AT PAGE 028795-11 AND LOCATED IN THE NW1/4 OF THE NW1/4 OF SECTION 9, T.28 N., R.21 W., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL BEGINNING AT THE NORTHEAST CORNER OF THE NW1/4 OF THE NW1/4 OF SECTION 9, T.28 N., R.21 W., THENCE SOUTH 1398 1/2 FEET, MORE OR LESS, TO THE NORTH LINE OF GALLOWAY ROAD FOR A BEGINNING POINT THENCE WEST 467 FEET, THENCE NORTH 462 1/2 FEET, THENCE EAST 457 FEET, THENCE SOUTH 462 1/2 FEET TO THE POINT OF BEGINNING, ALL BEING IN SPRINGFIELD, GREENE COUNTY, MISSOURI.

NOTES:

- 1.) PROPERTY IS SUBJECT TO THE TERMS AND CONDITIONS OF A SEWER EXTENSION RECOVERY AGREEMENT RECORDED IN BOOK 2006 AT PAGE 36707-08

SOURCE OF DESCRIPTION

BOOK 2011 PAGE 32919-11
BOOK 2011 PAGE 28795-11

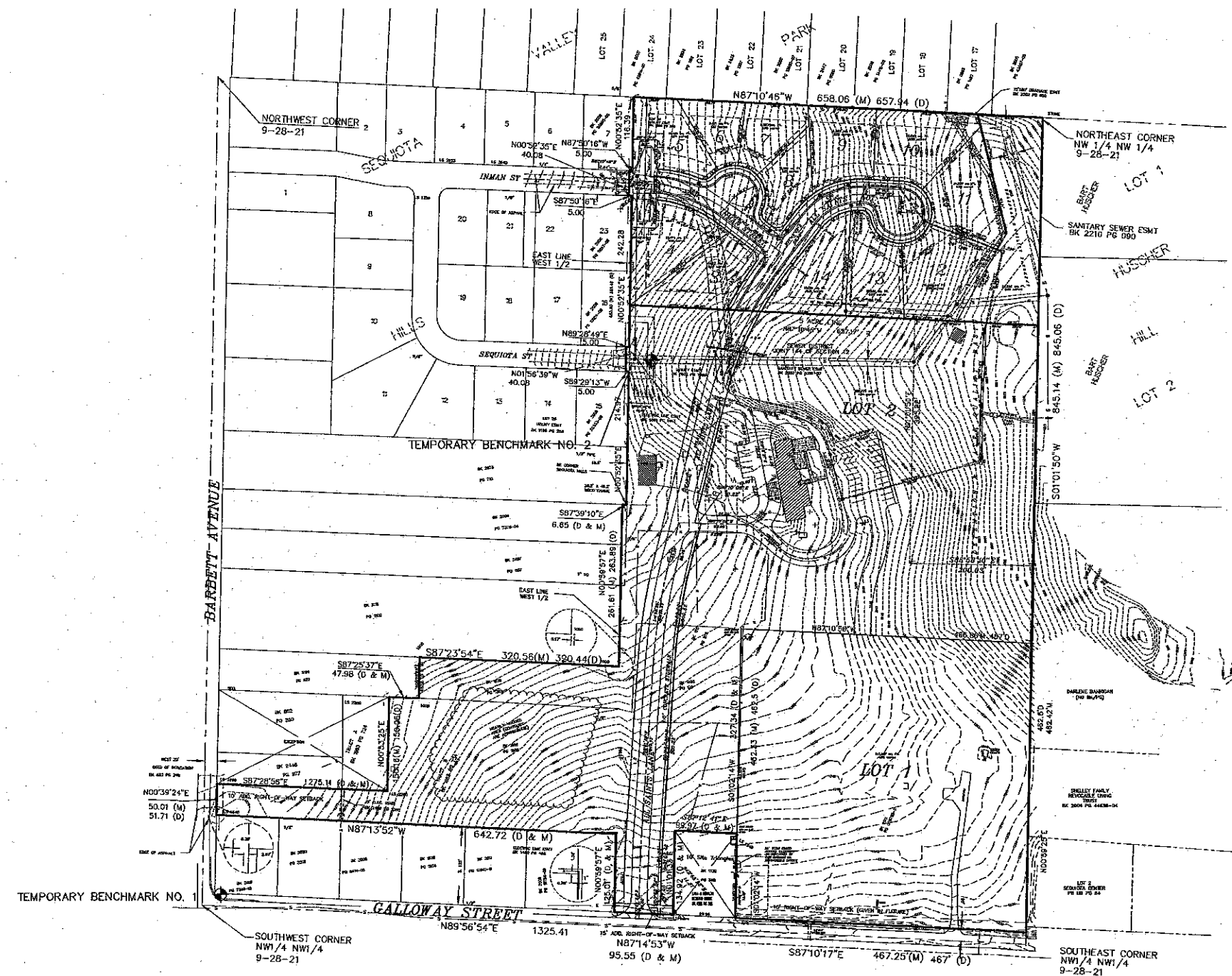
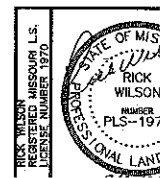
RESOURCE MATERIALS USED FOR BOUNDARY DETERMINATION

SURVEY BY WILSON SURVEYING DATED 1/27/1991
SURVEY BY WILSON SURVEYING DATED 5/12/1994
SURVEY BY DRENNAN SURVEYING DATED 5/24/2010
SURVEY BY WILSON SURVEYING DATED 7/20/2011
FINAL PLAT SEQUOIA HILLS
DEEDS AS SHOWN

PREPARED BY
WILSON SURVEYING CO., INC.

SURVEYING/ENGINEERING/LAND PLANNING
(417)-622-7870
2002 S. STEWART AVENUE
Springfield, Missouri 65804
DRAWING NO.: WD-104-346-7
JOB NO.: 11145-7
DRAWN BY: REG
DATE: JULY 18, 2012
SCALE 1" = 100'

AREA
22.01 ACRES
958,752 SQ. FT.



BENCHMARKS

- CITY BENCHMARK NO. 180
BARRETT AND CRAIGMONT
SE QUADRANT 2.0' SOUTH OF WALK
ELEV. 1296.27
- TEMPORARY BENCHMARK NO. 1
EXISTING IRON PIN CAPPED "LS184D"
NEAR SOUTHWEST CORNER OF PROPERTY
ELEV. 1278.24
- TEMPORARY BENCHMARK NO. 2
TOP RIM EXISTING MANHOLE 14.6" E.
OF END OF SEQUOIA STR. ON SITE
ELEV. 1268.50

PHASING SCHEDULE

- PHASE I - LOTS 2 THROUGH 14
- PHASE II - LOT 1

SHEET INDEX

- 1.) PRELIMINARY PLAT - 100 SCALE
- 2.) PRELIMINARY PLAT - 50 SCALE
- 3.) PRELIMINARY PLAT - 50 SCALE

LOT SUMMARY

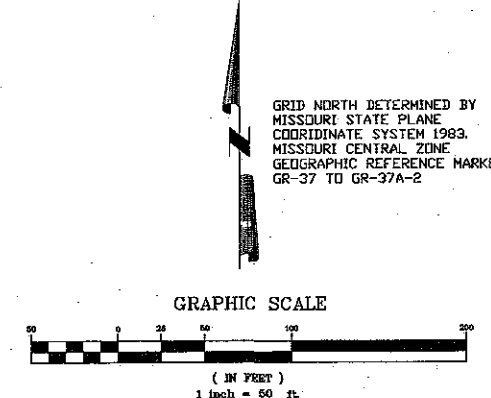
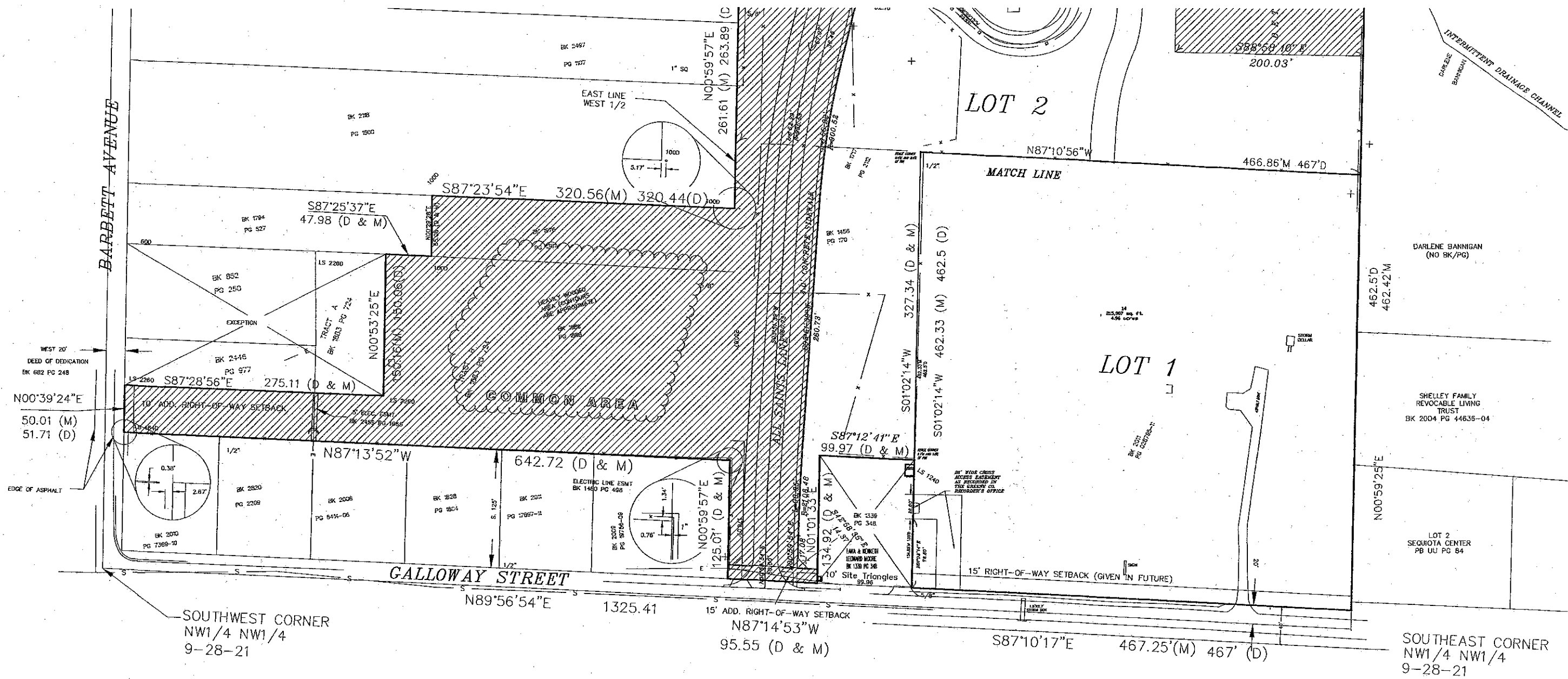
TOTAL AREA = 958,752 SF. (22.01 AC)
TOTAL LOTS = 14
LOT 1 = 215,907 SF. LARGEST LOT
LOT 6 = 7,461 SF. SMALLEST LOT
COMMON AREA = 359,681 SF. (8.26 AC)

THE SURVEY SHOWN HEREON WAS PERFORMED TO MEET OR EXCEED THE REQUIREMENTS FOR URBAN CLASS PROPERTY.

THE PROPERTY SHOWN HEREON LIES IN A FLOOD ZONE X ACCORDING TO FLOOD INSURANCE MAP 29077C0363E, EFFECTIVE DECEMBER 17, 2010.



CAUTION:
INFORMATION ON THIS DRAWING CONCERNING TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATION AS TO THE TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO.



CAUTION:

INFORMATION ON THIS DRAWING CONCERNING TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATION AS TO THE TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO.

LEGEND

- EXISTING IRON PIN EXCEPT AS NOTED
- 5/8" IRON PIN SET CAPPED "LS-2670"
- STONE
- POWER POLE
- LIGHT POLE
- GAS METER
- GAS VALVE
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- SEWER MANHOLE
- SIGN
- BUSH
- DECIDUOUS TREE
- CONIFER TREE
- SAN. SEWER LINE
- GAS LINE
- WATER LINE
- ELECTRIC LINE
- TELEPHONE LINE
- CHAIN-LINK FENCE
- WIRE FENCE
- WOOD FENCE
- ASPHALT
- CONCRETE
- GRAVEL

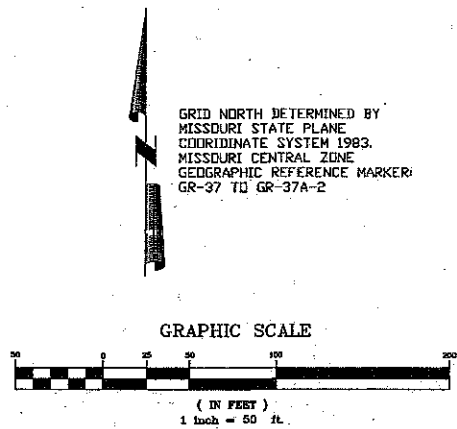
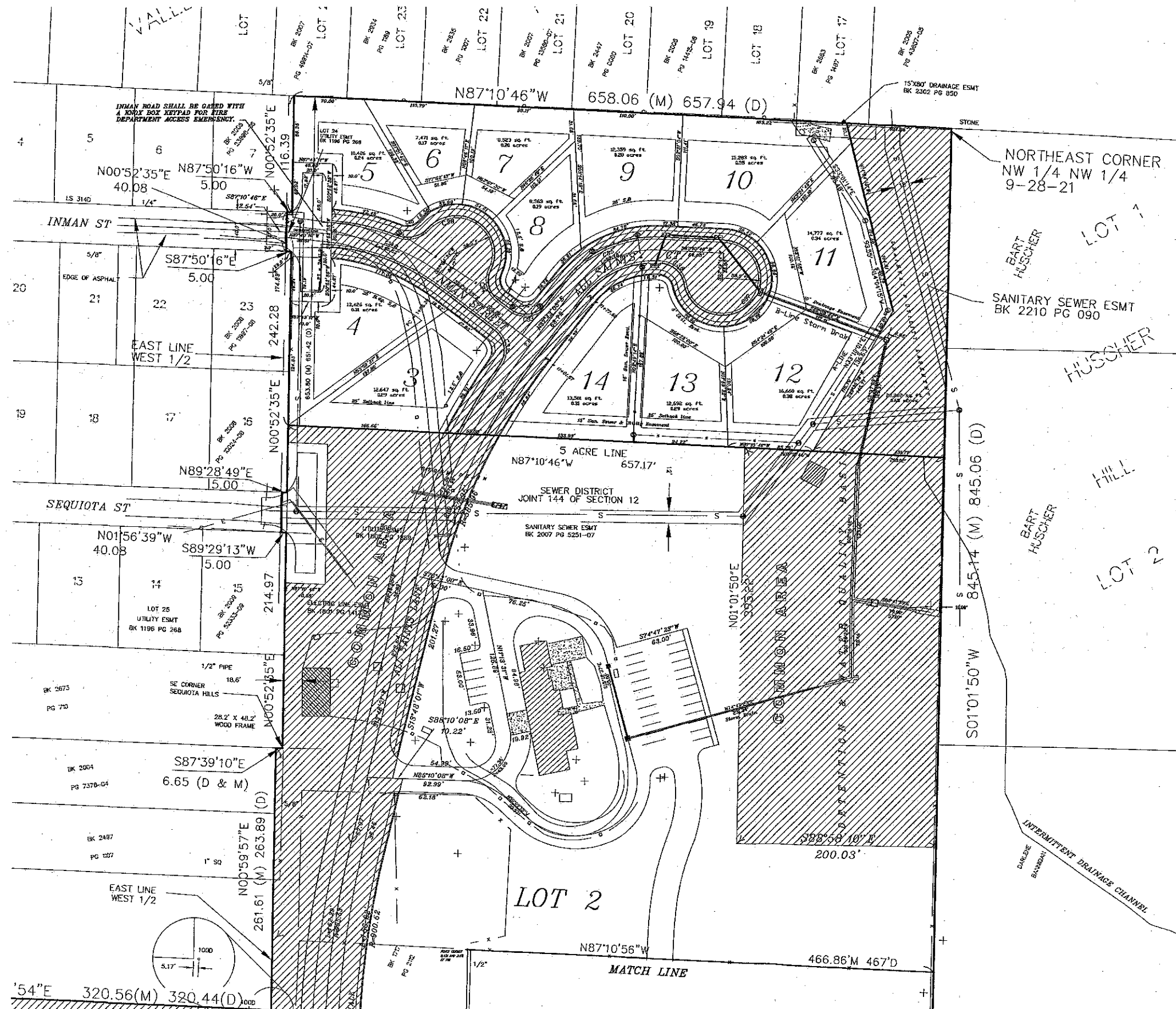
PREPARED BY
WILSON SURVEYING CO., INC.

SURVEYING/ENGINEERING/LAND PLANNING
(417)-522-7870
2002 S. STEWART AVENUE
Springfield, Missouri 65804
DRAWING NO.: WD-XXX-XXX
JOB NO.: XXXX
DRAWN BY: XXXX
DATE: MONTH DAY, YEAR

SHT. 2 OF 3

REGISTERED MISSOURI L.S.
LICENSE NUMBER 1970

OF MISSOURI
RICK WILSON
PLS-1970
QUAL LAND



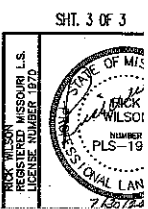
- LEGEND**
- EXISTING IRON PIN EXCEPT AS NOTED
 - 5/8" IRON PIN SET CAPPED "LS-2870"
 - STONE
 - POWER POLE
 - LIGHT POLE
 - GAS METER
 - GAS VALVE
 - WATER METER
 - WATER VALVE
 - FIRE HYDRANT
 - SEWER MANHOLE
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 - CONCRETE
 - GRAVEL

PREPARED BY
WILSON SURVEYING CO., INC.

SURVEYING/ENGINEERING/LAND PLANNING
(417)-622-7870
2002 S. STEWART AVENUE
Springfield, Missouri 65804
DRAWING NO.: WD-104-346-7
JOB NO.: 11145-7
DRAWN BY: REG
DATE: MAY 3, 2012



CAUTION:
INFORMATION ON THIS DRAWING CONCERNING TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATION AS TO THE TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THEREOF.





P.O. Box 10892
Springfield, MO 65808
417.881.1906
info@allsaintsspringfield.org

The Light of Christ

October 3, 2011

Dear Inman Street Resident,

Warm Greetings from your new neighbor, All Saints Anglican Church.

Recently I have received some concerns about the increased traffic our presence has generated on Inman Street as well as violations of the posted speed limit. I assure you that we at All Saints share your concern and thank you for bringing this to our attention. We very much seek to be your good neighbor!

I have three pieces of good news on this matter: (1) First of all, this should be a temporary issue. Within the next month or two we will be building a new road that will provide access to the recently renovated house in which we are now worshipping (now named Galloway House) from Galloway Street. That will mean that Inman will all but entirely cease to be the principal entrance to our facilities and your street will once again be quiet and peaceful. Within months we will be breaking ground for a new church building to face Galloway Street. Access to it will also be from Galloway.

(2) Renovations on Galloway House, are nearly completed, hence the traffic from contractors and other providers should soon be drastically reduced. Meanwhile I have taken steps to communicate our concerns for your safety to those of them still at work.

(3) Lastly, I spoke to our own congregation at this past Sunday's service to strongly request that they rigidly obey the speed limit on your street and keep a watchful eye for your children and your pets during the few weeks that we will still be using Inman Street.

Again, thank you for bringing this to our attention. As I stated above, we really want to be good neighbors. Come visit us sometime. You can make an appointment to visit Galloway House or to meet with me by calling 417-881-1906. Our Sunday service begins at 10:30 a.m.

Yours sincerely,

J. Douglas McGlynn
Rector (Senior Pastor)

Each of us should strive to help one another to build them up. Romans 15:2

(The Rev'd Canon) Douglas McGlynn, D.Min.
Rector

Brenda Treece
2623 E. Inman
Springfield, MO 65804
butterflybubbles@rocketmail.com

J. Douglas McGlynn, Rector (Senior Pastor)
All Saints Anglican Church
PO Box 10892
Springfield, MO 65808

Dear Rector McGlynn;

This letter is in response to your letter to Inman Street residents dated October 3, 2011.

Item #1: Thank you for the new road from Galloway – we do enjoy our quiet street and would like to keep it that way.

Item #2: Congratulations on the soon to be completed renovations to Galloway House

Item #3: If you can get your congregation to slow down and drive courteously – would you please talk to the Baptists, Methodists, Presbyterians,... whatever congregations and convince all of us that God expects us to drive safely and remember to protect his babies and furry creatures!

Item #4: (You didn't have an item 4 - I added another item) – **Welcome to the neighborhood!**

Sincerely,

Brenda Treece

Brenda Treece
Inman Street Resident

P.S. I'm sorry to hear that you have had complaints.

EXPLANATION TO COUNCIL BILL NO: 2012-_____

FILED: _____

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 of the original amendments in Attachment A).

BACKGROUND INFORMATION:

ZONING ORDINANCE TEXT AMENDMENT – TEMPORARY VENDOR AMENDMENTS

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 proposed amendments to the Temporary Vendor subsection of the Zoning Ordinance (Attachment A) to Planning and Zoning Commission on May 3, 2012. While there were some members of the public that opposed parts of the proposed language, the Planning and Zoning Commission voted unanimously (8-0) to recommend approval of the amendments to City Council.

City Council held a public hearing on the proposed Temporary Vendor Amendments on May 21st, in which, one member of the public spoke in favor of the amendments and the public hearing was closed. Prior to the final action, Councilman Bieker requested the ordinance be removed from the agenda and has added and removed language from the original amendments. Councilman Bieker is requesting Planning and Zoning Commission and City Council to review the substitute language (Attachment B).

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on August 9, 2012, and recommended _____, by a vote of ___ to __, of the proposed changes to the Zoning Ordinance described in _____ (see the attached Record of Proceedings).

The Planning and Development Staff recommends approval of the proposed amendments on Attachment A (see the attached Zoning and Subdivision Report). Staff believes that the temporary vendor use as originally proposed (Attachment A) is an appropriate use in all proposed districts including Center City. Staff does not see a clear distinction between the excluded area proposed in the substitute language nor do we see a compelling reason to exclude the downtown area as supported by testimony at the last Planning and Zoning Commission meeting (Attachment D).

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.
2. The substitute amendment language that Councilman Bieker has requested is included as Attachment B.

Submitted by:

Michael K MacPherson

Mike MacPherson, Principal Planner

Greg Burris, City Manager

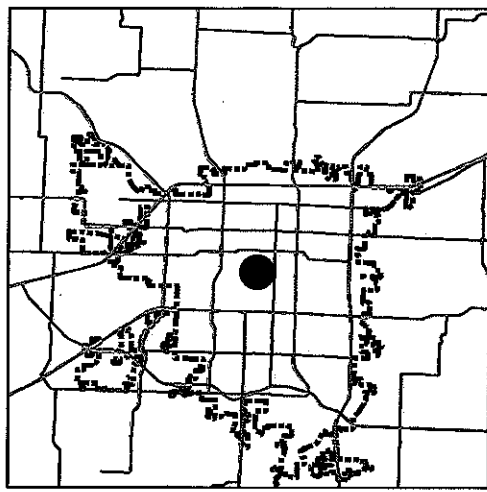
Zoning & Subdivision Report

Planning & Development - 417/864-1031

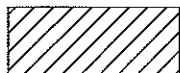
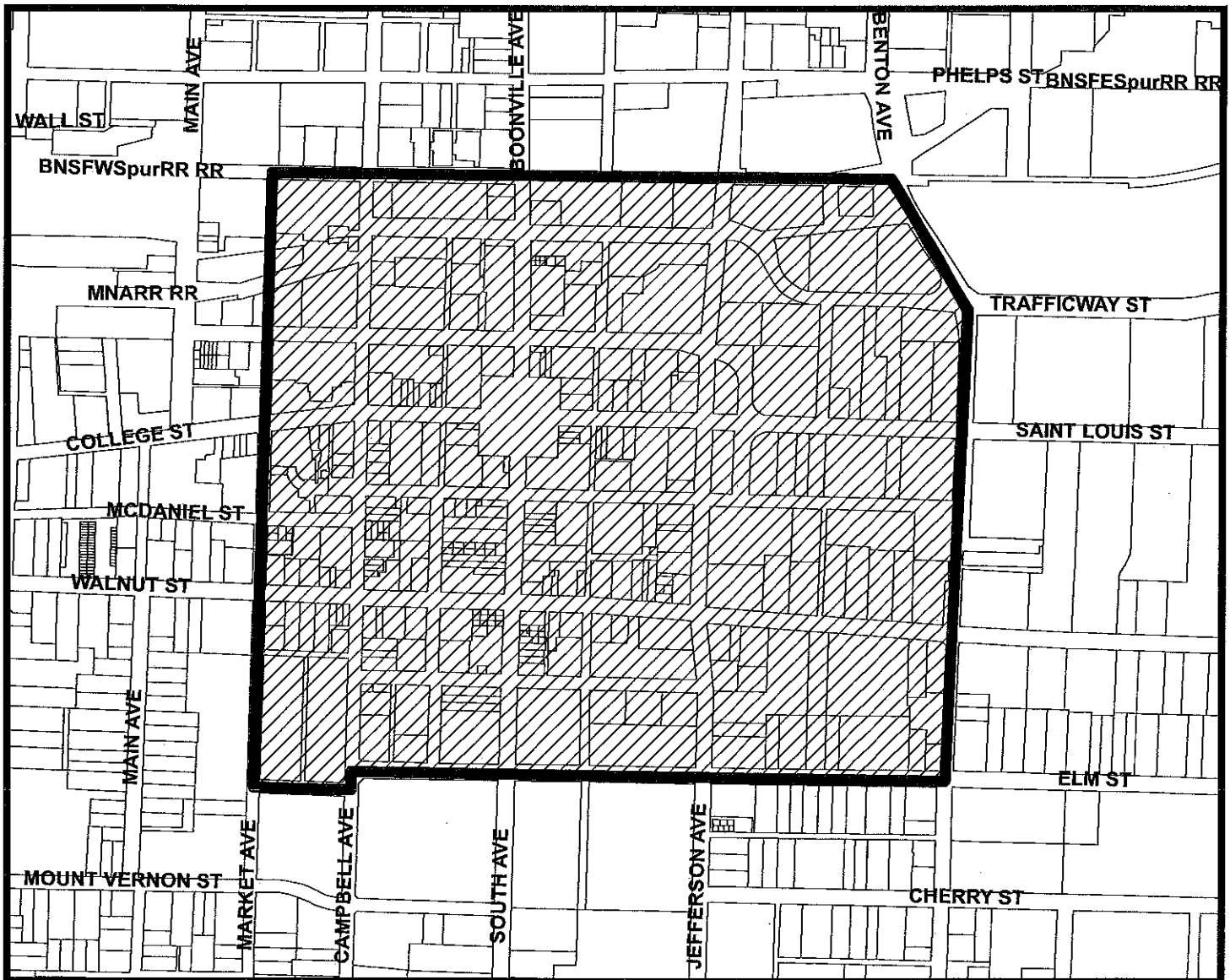
840 Boonville - Springfield, Missouri 65802

Temporary Vendor Substitute Amendments Map

Substitute language that excludes temporary vendors on private property from area bounded by Mill Street on the north, Elm Street on the south, Market Street on the west and Kimbrough Street on the east (Attachment B).



LOCATION SKETCH



- Area of Proposal



1 inch = 600 feet

Zoning & Subdivision Report

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

ZONING ORDINANCE AMENDMENT: TEMPORARY VENDORS

DATE: July 24, 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:

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 proposed amendments to the Temporary Vendor subsection of the Zoning Ordinance (Attachment A) to Planning and Zoning Commission on May 3, 2012. While there were some members of the public that opposed parts of the proposed language, the Planning and Zoning Commission voted unanimously (8-0) to recommend approval of the amendments to City Council.

City Council held a public hearing on the proposed Temporary Vendor Amendments on May 21st, in which, one member of the public spoke in favor of the amendments and the public hearing was closed. Prior to the final action, Councilman Biker requested the ordinance be removed from the agenda and has added and removed language from the original amendments. Councilman Biker is requesting Planning and Zoning Commission and City Council to review the substitute language (Attachment B).

The substitute Temporary Vendor amendments allows vendors in additional commercial and industrial districts; however, excludes an area bounded by Mill Street on the north, Elm Street on the south, Market Street on the west and Kimbrough Street on the east. This area is majority of the downtown area (see Attachment C). Another difference proposed in the substitute amendments gives clarification to the requirement for restroom facilities within five hundred (500) feet of a vendor site. The language has been clarified to reflect that the required restroom facilities are for vendor employees only and not for the general public's use. Lastly, the substitute amendments add a requirement for the vendor to provide a trash container and empty it daily. Otherwise, all text from the amendments proposed originally have been retained.

Staff believes that the temporary vendor use as originally proposed (Attachment A) is an appropriate use in all proposed districts including the Center City. Staff does not see a clear distinction between the excluded area proposed in the substitute language nor do we see a compelling reason to exclude the downtown area as supported by testimony at the last Planning and Zoning Commission meeting (Attachment D).

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.

Building Development Services, Health Department and Fire Department have been directly involved and support the originally proposed amendments (Attachment A).

The Development Issues Input Group (DIIG) and Environmental Advisory Board (EAB) were notified of the original 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.

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.

2. The substitute amendment language that Councilman Bieker has requested is included as Attachment B.

RECOMMENDATION: Staff recommends **approval** of the original amendment language on Attachment A.

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner

ATTACHMENT A
PROPOSED ORIGINAL 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, LI, 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;:
 - 1) The legal description of the site.
 - 2) 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.
 - 3) Show that the vendor site location will not encroach into the required parking spaces.
 - 4) 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.
 - 5) 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.

ATTACHMENT B
PROPOSED SUBSTITUTE 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, COM, GI, LI, GM, HM and IC District and CC district excluding that area bounded by Mill Street on the north, Elm Street on the south, Market Street on the west and Kimbrough Street on the east, 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;

- 1) The legal description of the site.
- 2) 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.
- 3) Show that the vendor site location will not encroach into the required parking spaces.
- 4) 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.
- 5) Show the location of restroom facilities for temporary vendor employees. The restroom facilities must be located

100 within five hundred (500) feet of the
101 temporary vendor site and within a
102 permanent structure.

103
104 b. All temporary vendor uses shall be in compliance with all
105 applicable codes and standards of the Springfield City Code;
106 and

107
108 c. All mobile food vendors and temporary food vendors shall
109 provide a trash container for patron use. The trash container
110 shall be emptied daily. ~~All temporary vendor uses shall be limited~~
111 ~~to those uses permitted in the district where the temporary~~
112 ~~vendor's business is located.~~

113
114
115 **5-1204. Temporary and Mobile Vendor Requirements.** All Temporary and Mobile Vendors must be
116 located on an approved Temporary Vendor Site and shall not occupy an approved vendor site for
117 a period of time greater than one hundred eighty (180) days in a calendar year.

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RECORD OF PROCEEDINGS

GENERAL INFORMATION: Temporary Vendors Amendment

The purpose of the request is to amend section 5-1200, Temporary Uses and add a new definition of a mobile vendor to Section 2-1100, Definitions, in the Springfield Zoning Ordinance.

COMMISSION HEARING: May 3, 2012

Mr. MacPherson expressed his appreciation of Mr. Hansen's comments about the Planning and Zoning Committee because the next issue to be reviewed was also discussed at that Committee. It deals with temporary vendors and the concept was to amend section 5-1200, Temporary Uses and add a new definition of a mobile vendor to Section 2-1100, Definitions, in the Springfield Zoning Ordinance. This too was initiated by City Council. There has been an increased interest the last few years 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.

Mr. MacPherson said he wanted to make the clear distinction at this point that this is a private contractual relationship between two private parties and it doesn't involve or use the public right-of-way. 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, certain standards have to be met, 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 amendment 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 does not 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. For example, a hotdog stand that operates on a public right-of-way. 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. Staff findings are the proposed amendments will provide better clarification and more

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flexibility for temporary and mobile vendors to locate on private property within the City. Staff is recommending approval of the amendment.

Mr. Hansen asked that the vendor sites be explained.

Mr. MacPherson apologized, stating he was going to review the standards and skipped them. In order for a temporary vendor to establish a site, they have to have an agreement or a private vendor who owns the site or a private person who owns that particular site. Then a site plan providing the following information should be submitted to Building Development Services showing conformance with the requirements and standards of the Zoning Ordinance and other city codes. The legal description, a 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, 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 as well as 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.

Mr. Hansen discussed some of the locations of the designated vendor sites such as Smilie's on Glenstone and Fremont and Sunshine adding that those vendor sites are known to the City and approved by the City; there won't be any springing up in the middle of the night.

Mr. MacPherson said that is correct.

Mr. Lawhon asked if what was being accomplished through the amendments was just expanding those places where these temporary vendors can set up business.

Mr. MacPherson said yes.

Mr. Lawhon opened the public hearing.

Rusty Worley, Urban District Alliance, 807 W. Walnut stated he had a few comments. They have been meeting with some of the business owners over the past several months and getting some feedback on this issue. Some of the comments are that downtown has a wide variety of food options and several are represented here today. We have 46 restaurants, 20 pubs and clubs down town and last year alone we did 20 million dollars in sales from food and beverage. We are not under served downtown for food options. Our patrons have lots of choices and options. Current opportunities from mobile vendors this weekend being a perfect example between Arts Fest and Arts Fiesta that will have lots of mobile food vendors on Walnut Street and Founders Park will have the Aviary's new mobile unit there. There is also the opportunity for temporary vendors on the sidewalk cafes and the Sidewalk Vendor Ordinance, Jeff helped prepare that several years ago; he has one of the hotdog vendors so we have the ordinance which is the only place in town where that is utilized. In our discussions, timing was an issue. Center City is often used as an opportunity for pilot projects. The latest project was the Taste of Springfield and being able to serve alcohol on the square. The Sidewalk Vendor Ordinance was originally a pilot project of Center City, in this particular case the feedback received from the businesses is there are other areas in town that are under served with food options and we would prefer those area be given this expanded option and hold off in Center City. The consensus was not necessarily no, but not now for Center City. Parking is always a premium and we are very appreciative the ordinance does not allow mobile food vendors on the street because we already have

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very limited parking options. We also have concerns about losing some of the parking spaces in the premium private lots. If the Planning and Zoning Commission feels that this is important to include mobile food trucks in Center City right now, we would ask the same distance requirements as the current Sidewalk Vendor Ordinance be included in this ordinance. This provides a buffer for our brick and mortar businesses who are there on site 365 days a year and have significant investments. St. Louis just recently passed a vendor ordinance with a 200 foot buffer that included both the public right-of-way and temporary vendors with 200 foot buffers. There is some precedence that underscores our concerns not too far away. The market in St. Louis has a lot more competition for the food trucks and they had to play out these wars on a bigger stage than we have and worked them out. He commented he is available for questions.

Mr. Lawhon commented that one of the statements Mr. Worley made was not necessarily that you object to this but it sounds like you are saying now is not a good time to do this. With that in mind, when would that time occur and how would you determine that.

Mr. Worley said part of the feedback received is there is still quite a bit of capacity in a lot of the restaurants; the Avairy is bursting at the seams, but if you look across the 46 restaurants at lunch or different times of the day, there is quite a bit of capacity. When there is growth in office for the lunch and there are loft apartments for the evening, that growth would bring about a point where we could add this more comfortably.

Mr. Lawhon noted there were comments about talking with the businesses on the Square. The impression is that was primarily restaurants or exclusively restaurants.

Mr. Worley said they have brought this up at DSA and CID meetings, a couple of our restaurant meetings and that's where we got the feedback.

Mr. Hansen asked if there is a problem with too many mobile vendors there now.

Mr. Worley said there were originally hotdog wars but that passed. Mr. Bear has two or three carts depending on activities in the area, but he is the main food vendor right now, but he does not see that as a problem.

Mr. Hansen commented that it is not a problem now, but you see the amendment as an opening that up to more activity.

Mr. Worley said that it is not a problem currently because of the distance requirements that are in place that helps give some protection between the brick and mortar and the mobile vendor. An example of that is South Street and McDaniel. You can have a mobile food vendor come in and have an Italian presence on the parking lot. There is the concern of trash and debris. They have had to ask that areas be picked up.

Ms. Roling said that basically the concern is the Center City area, not city-wide, but more concentration downtown.

Mr. Worley said mobile trucks are really the rage right now. There is a lot of activity nationally and we see there are a lot of areas in town that are under served, so we think there is a lot of opportunity across the city.

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Debra Burgess, 2549 E Ottawa, 65804 commented that she represents both sides of this issue. She and her husband own the Aviary on Jefferson and Walnut, right in the heart of downtown. We have been open for one year and Springfield really loves us. Recently we purchased a new food truck, very beautiful. We did it for three reasons. One was advertisement for the Aviary, it is a big mobile kitchen for catering jobs and wedding receptions and third, just to have a food truck. Crepes are street food and very social food. Her daughter lives in Portland where there are whole neighborhoods of food trucks. We really believe strongly that Springfield is up and coming and becoming very urban and food trucks are very right now. When they first got the truck, which is called "Aviary on the Fly", we looked around town for a location and we thought maybe where the court house is, government plaza, there aren't many restaurants in the area. We made arrangements with a Bail Bondsman to park in his parking lot across from the court house and pay him a certain amount every month. When we went to get a permit, we found that part of the area is Center City area and it wasn't allowed. We feel that if someone has private property and the owner agrees to allow us to be on their private property to sell food, we believe that should be allowed even if it was in a location down on the Square.

Mr. Lawhon asked if she would be in favor of that being allowed even if it was at a location downtown on the Square.

Ms. Burgess said yes, competition is a good thing. She sees Springfield as growing and Center City as growing and absolutely yes.

Mr. Jeff Bear, 916 E Canterbury, 65810 commented that he has a different opinion. There is a lot of empty, vacant buildings downtown. We downtown need to focus on filling these buildings. When it comes to food downtown, we are well served; therefore he is against bringing in more food trucks into the community. There are several concerns and issues that were addressed. Mr. Bear said that he personally contacted close to 40 restaurants and businesses, ranging from Hair Salons to the Shrine Mosque and overwhelmingly it was conditional or no for downtown at the current time. We do believe in the future there would be an opportunity for the amendment, but ask that downtown be removed at this point.

Mr. Lawhon asked Mr. Bear when he spoke to the businesses, if he could be more specific to what their objections were.

Mr. Bear commented the concerns were the trash accumulation, that CID taxes were paid properly, and the condition or the appearance of the units themselves. The current businesses have to pay utilities and these people can come in and roll right back out in our area downtown. Those were a lot of the conditionals.

Mr. Hansen asked Mr. MacPherson about the CID as it relates to any sub-renting of locations.

Mr. MacPherson said if they are operating in the district, they are subject to the tax, and when they come in for a business license they are supplied with the tax rate in the district where they are located. There is no guarantee that they pay it, but there is no guarantee that the others do either.

Mr. Sean Kisner, stated he is at 220 West Walnut and also own the empty lot at 304 West Walnut and he too is on both sides of the issue just as they are because we would have a lot that currently would be eligible. To address a couple of issues that he heard that he doesn't believe were cleared up. Someone asked if they were having a problem with vendor's downtown right now. Currently, downtown is not allowed

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to have them because it is not one of the zones that are allowed. That is part of what this amendment would do is open downtown. What the amendment is designed to do is open up all of the other zones within the City. He spoke with Chris Straw yesterday and he explained it so I will give you some of what he told us. One of the reasons the City sees this as important is it would allow someone to park at Mueller's, for example, and this would open this up and he can see where they are going on that. Chris Straw said that we have to have the same laws for the whole City. Center City is subject to all kinds of laws and regulations that no one else in the City is. The City knows what they have to deal with downtown, and when he looks at some things that is not included in this; I have 304 W Walnut and there is not a vendor in the City that would pass the Walnut Street regulations for their group and yet, are you going to make them subject to that. As far as the taxes that are generated one of the things currently in process is we are attempting to get downtown designated as a convention and visitors district, entertainment district which allows different financing options but it also allows the City to collect a extra cent in tax. If a mobile vendor comes in at breakfast or lunch and locates someplace else for dinner, is he really going to separate it out and pay that tax? Mr. Kisner discussed the accessibility of toilets and the 500 feet rule, stating it is not realistic. There are multiple restaurants going through tough time and there are so many empty building. He asked that the amendment be changed to exclude Center City.

Mr. Hansen said to be clear Mr. Kisner, you accept the amendment as is except you want Center City exempted from it.

Mr. Kisner said yes, and added that the amendment will be good when all the buildings are full and there is a line out the doors on businesses.

Mr. Mark Burgess, 2549 E Ottawa commented that he is on both sides of the issue. The only reason this issue came up for them was the opportunity to bring the food truck to Government Plaza. The demographics they got are there are 10,000 people within a block and no food service here, so we felt it would be a good opportunity. He does have concerns about the so called "Roach Coaches", and other rigs, but his price tag is up to \$95,000 for our truck. It is 30 feet long and it is completely wrapped, has a fire suppression hood system, a full kitchen, a generator, external power, and I understand when you open this can of worms up you can get all extreme situations. He understands the last gentleman's situation as well, because he would like to have his cake and eat it too, but he does not want someone outside his door at Aviary, but I would also like to have my truck next to you guys so people can come eat lunch. The situation with downtown is unique in that if I was trying to put my truck downtown, I don't think he could find some place to put it. Public parking is not part of this deal so I can't park it on public parking, it big enough that you are not going to want to go inside a parking garage on public property because no one will find you and if you are doing crappy work, they won't find you anyway. So I am not really concerned with a hotdog stand taking business from me. Could I set up across from his property, yes, but I'm not going to. It is a long way from where everybody is. I don't see that as a big issue, but I do see the issue of maintaining the standards that they are required to maintain through all downtown, Walnut Historic area. If you are going to put something up you are going to have to continue to meet those requirements in that situation once this passes down that direction. So that is the reason we looked at that situation in the first place. The location we were talking about with the bail bondsman across the street, we also have to pay them a fee, we are doing things above board, we are paying our taxes, we are paying our fees, we are jumping through the hoops and not everyone does that, again that is another area whether we do this or not. We are in favor of opening up this situation. We never thought of it as a competition for us downtown but we try to come in here and find out the Government Plaza is part of the area we couldn't get to. We can't get to certain areas because of the way the zoning and the current situation is, so we don't see it as competition. We want to

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be more urban, be more City, and this is the move of the future. It is added revenue if he can get his truck out; generate more revenue for the license fees, revenue, more employees for the City. Since they have opened their business, they have 25 employees working for them and the food truck will put 5 more employees to work.

Mr. Hansen asked how many places downtown within the Center City would actually be a viable vendor site.

Mr. Burgess said that Rusty could probably address that, but he believes there are very few. If the restrictions are still held as they are now, I can't see a food vendor having much luck trying to make that work in the downtown area right now. I feel you are limited downtown.

Mr. Worley said there are a limited number of sites. The most high profile would be at Walnut and McDaniel, next to Nonna's; down at the Great Southern lot on South Avenue and Pershing, that area. On Walnut Street, Sean's lot, across the street from Queen City Cycle; there is an L shape parking lot that fronts on to Walnut Street and the private parking lot across from Little Theatre on Walnut; the Sertoma lot that is on South Campbell, so around half a dozen. You don't have the parking restrictions elsewhere that you would in Center City.

Mr. Lawhon closed the public hearing.

Mr. Edwards commented that some of the remarks he heard were surprising, but the Burgesses have the right of the matter, that when it comes down to it, the market really is what should dictate here on what can fly and what can't fly. We heard a lot about businesses that have gone out; they didn't go out because a hotdog stand was across the street; they went out because some didn't pay their bills or run their business model right. Simply waiting on buildings to fill up before we start working the streets doesn't make a lot of sense to him. He commented that he has been to several large cities around the world and some of the best food he has had, has been in parking lots or on the streets. Personally, he looks forward to falafel wars, or pizza wars or whatever you want to call it for different vendors around here. Let's just let the market decide. It is a rare case for Commission to deregulate something, for us to make business easier and if it is easier for a young person to start a small business, perhaps they will move into a brick and mortar restaurant one day. The idea of making it more restrictive just to protect small interests here, I just don't think that works for me. I say let's just pass it as it is, let the market decide and go from there.

Mr. Lawhon commented he agrees with Mr. Edwards. He is a great believer of competition and the less regulation the better, and the market regulates itself in its own sort of way as time goes by. I am very much in favor of this.

Mr. Hansen thanked the audience for their comments; you approached this in a very professional manner which is greatly appreciated by Commission. Everyone presented valid points on both sides, and after hearing all the points he is in favor of the amendment.

Mr. Hansen motioned to **approve** the Temporary Vendors Amendments. Ms. Roling **seconded** the motion. The motion **carried** as follows: AYES: Lawhon, Edwards, Ray, Young, Roling and Hansen. NAYS: None. ABSTAIN: None. ABSENT: Baird, Coltrin and McClelland.

Attachment D

Michael MacPherson

Michael MacPherson

Principal Planner

ZONING & SUBDIVISION REPORT

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

Redevelopment Plan for the UMHE Campus Housing Redevelopment Area

DATE: July 31, 2012

PURPOSE: To approve the Redevelopment Plan for the UMHE (United Ministries for Higher Education) Campus Housing Redevelopment Area

LOCATION: Generally located at the southeast corner of East Cherry Street and South Florence Avenue (602 South Florence Avenue)

APPLICANT: UMHE Campus Housing, Inc.

STAFF RECOMMENDATION:

Staff recommends the Redevelopment Plan for the UMHE Campus Housing Redevelopment Area be **approved**.

FINDINGS:

The proposed Redevelopment Plan for the UMHE Campus Housing Redevelopment Area is in conformance with the *Springfield-Greene County Comprehensive Plan*.

STAFF CONTACT:

Matt D. Schaefer
Senior Planner
417-864-1100

ATTACHMENTS:

Attachment A: Background Report
Exhibit I: Legal Description
Exhibit II: Location Map
Exhibit III: Redevelopment Plan for the UMHE Campus Housing Redevelopment Area

ATTACHMENT A
BACKGROUND REPORT
REDEVELOPMENT PLAN FOR THE UMHE CAMPUS HOUSING REDEVELOPMENT AREA

APPLICANT'S PROPOSAL:

UMHE Campus Housing, Inc. has filed an application requesting approval of a redevelopment plan pursuant to Sections 99.300-99.660, RSMo, the Land Clearance for Redevelopment Authority Law, for a redevelopment project generally located at the southeast corner of East Cherry Street and South Florence Avenue (*Exhibits I&II*). The Planning and Zoning Commission is required by Statute to review the proposed Redevelopment Plan (*Exhibit III*) for conformance with the *Springfield-Greene County Comprehensive Plan*.

The purpose of the Redevelopment Plan for the UMHE Campus Housing Redevelopment Area is to redevelop the area to accommodate a new house for Theta Chi Fraternity. The Redevelopment Area consists of a one-quarter acre parcel of land that is currently occupied by a vacant residential structure not suitable for use by the Fraternity. The Redevelopment Plan proposes to demolish this structure and construct a new three-story house that will serve as the residence for approximately 40 students, as well a location for chapter meetings and activities.

COMPREHENSIVE PLAN:

1. The *Center City Plan Element of the Springfield-Greene County Comprehensive Plan* envisions the Greater Downtown District, which includes Park Central Square, University, Plaza, and parts of Walnut Street and Missouri State University, as an area that will be alive with business, shopping, and visitors. It will be the place to be for people of all ages – a well maintained, attractive, and inviting environment. The Redevelopment Plan supports this vision by providing additional housing within the Greater Downtown District.
2. The *Growth Management and Land Use Element of the Springfield-Greene County Comprehensive Plan* designates the land within and surrounding the Redevelopment Area for community and public uses, which includes schools and colleges. Missouri State University recognizes Theta Chi Fraternity as a student organization. Therefore, the proposed fraternity house is considered to be a conforming land use.
3. The *Growth Management and Land Use Element of the Springfield-Greene County Comprehensive Plan* also targets the Missouri State University Campus and surrounding area as a Major Activity Center. One of the Plan's objectives relating to Activity Centers is to promote additional or new employment, intensified retail business, higher density housing and convenient transit service. The Redevelopment Plan supports this objective by providing new housing that will accommodate approximately 40 students.

STAFF COMMENTS:

1. The proposed Redevelopment Plan is one component of the applicant's request to obtain partial real property tax abatement pursuant to the Land Clearance for Redevelopment Law ("Chapter 99, RSMo"). Chapter 99 tax abatement is an economic development incentive used to encourage redevelopment within blighted areas through partial real property tax abatement. Within Council-approved redevelopment areas, the Land Clearance for Redevelopment Authority may authorize partial real property tax abatement for projects that conform to an approved redevelopment plan. Real Property tax abatement is based on 100% of the assessed value of qualified new construction or rehabilitation for 10 years.

The applicant is typically required to submit a detailed blight report along with a redevelopment plan. However, in this case, a blight report was not necessary because the UMHE Campus Housing Redevelopment Area is already located within a blighted area. In 1966, City Council declared an area generally bounded by East Cherry Street to the north, East Grand Street to the south, South National Avenue to the east, and the South Central "A" Urban Renewal Area to the west as a blighted area in order to facilitate adoption of the Southwest Missouri State College Urban Renewal Plan. This blight designation remains in effect.

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.

2. The Redevelopment Plan is consistent with City policy, which encourages off-campus student housing be constructed near college and university campuses. This may help reduce vehicular traffic by allowing more students to walk and bike to class, as opposed to driving.
3. The majority of Missouri State University fraternities and sororities are located immediately north of the main campus along East Cherry Street and East Elm Street. The proposed fraternity house, which is also located in this area, will complement the existing fraternities and sororities and contribute to a more cohesive Greek community.
4. The City of Springfield and Missouri State University have worked collaboratively on plans to direct university and university-related growth to the northwest towards downtown. The Redevelopment Plan is consistent with those efforts.
5. The location of the proposed fraternity house will offer its residents convenient access to public transit and designated pedestrian and bicycle routes. The Redevelopment Area is located adjacent to a bus stop that is served by City Utilities Public Transit and Missouri State University Bear Line Shuttle routes. The Area is also located adjacent to a City-designated bicycle route along East Cherry Street that connects with the Missouri State University Bikeway.

EXHIBIT I
LEGAL DESCRIPTION
REDEVELOPMENT PLAN FOR THE UMHE CAMPUS HOUSING REDEVELOPMENT AREA

ALL OF THE NORTH 75 FEET OF LOTS SEVEN (7) AND EIGHT (8), IN BIGGS
AND GRAY'S ADDITION, IN THE CITY OF SPRINGFIELD, GREENE COUNTY,
MISSOURI.

EXHIBIT II
LOCATION MAP
REDEVELOPMENT PLAN FOR THE UMHE CAMPUS HOUSING REDEVELOPMENT AREA



Exhibit III

**REDEVELOPMENT PLAN
FOR THE
UMHE CAMPUS HOUSING
REDEVELOPMENT AREA

SPRINGFIELD, MISSOURI**

July 17, 2012

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Redevelopment Plan

I. Introduction

UMHE Campus Housing, Inc., a Missouri non-profit corporation (the “*Developer*”) has prepared the following plan (the “*Redevelopment Plan*”) for the development of housing for the Missouri State University Iota Beta Chapter of Theta Chi Fraternity (“*Theta Chi*”). The Redevelopment Plan proposes to completely redevelop the Redevelopment Area (as hereinafter defined) by constructing a three-story residence with a basement and on-site parking lot (the “*Project*”). Upon completion, the Developer will lease the Redevelopment Area for use by Theta Chi.

In 1966, pursuant to Resolution No. 4513, the Springfield City Council blighted an area generally bounded on the south by E. Grand St., on the east by S. National Ave., on the north by E. Cherry St., and on the west by the South Central “A” Project boundary which generally is the back lot lines of properties that face S. Kimbrough Ave. (the “*Blighted Area*”). The Redevelopment Area (as defined below) is included within the Blighted Area. In 1972, City Council passed Resolution No. 5495 approving an Urban Renewal Plan for the area identified as the Southwest Missouri State College Urban Renewal Project (Mo. R-75), which area is a part of the Blighted Area. However, this Urban Renewal Plan does not apply to the Redevelopment Area. A map identifying the Blighted Area and the Southwest Missouri State College Urban Renewal Project area is attached hereto and incorporated herein as Exhibit “A.” There are no known resolutions or ordinances later adopted by City Council revoking the 1966 blight designation or approving a redevelopment plan for the Redevelopment Area. As such the Redevelopment Area remains blighted, but there is currently no plan governing the redevelopment of the Redevelopment Area.

II. Description of the Project

A. Boundaries of the Redevelopment Area

The area being redeveloped is approximately .25 acres situated on the southeast corner of S. Florence Ave. and E. Cherry St. in the City of Springfield, Missouri (the “*Redevelopment Area*”). A map identifying the Redevelopment Area is attached hereto and incorporated herein as Exhibit “B” and the Redevelopment Area is legally described on Exhibit “C” attached hereto and incorporated herein.

B. Need for Redevelopment

The Redevelopment Area and other surrounding property were first blighted in 1966 by the Springfield City Council pursuant to Council Resolution No. 4513 due to a predominance of deteriorating conditions. The prosecution of this Redevelopment Plan will eliminate such conditions and create a desirable living environment for students while increasing the taxable revenues to the City of Springfield. Additionally, the building located in the Redevelopment Area is vacant and not suited for use as student housing.

C. Redevelopment Plan Objectives and Strategies

1. Goals of the Springfield - Greene County Comprehensive Plan.

The Redevelopment Area is located in within the Center City Study Area (as defined by the City of Springfield’s Center City Plan Element (the “*CCPE*”), which is a component of the Vision 20/20 Springfield-Greene County Comprehensive Plan). The CCPE is a long-term guide for private

investments and public improvements for a major part of central Springfield.¹ One of the goals of the CCPE that Center City will continue to be the focal point for higher education and technology development and that Springfield and Center City shall be known as “an education and communications city” fulfilling the needs of businesses and students of tomorrow.²

Additionally, the City of Springfield and Missouri State University (formerly Southwest Missouri State University) executed an agreement establishing direction for the future physical growth of the University.³ This agreement evolved from the desire to redirect the physical expansion of the campus away from the neighborhoods located to the south and east and to direct it instead toward Greater Downtown’s core area around Park Central Square.⁴

The Redevelopment Area is also within the vicinity of Missouri State University, which has been identified as an Activity Center by the Growth Management and Land Use Plan (“*Land Use Plan*”) (which is another component of the Vision 20/20 Springfield-Greene County Comprehensive Plan).⁵ The Land Use Plan states that one of its objectives for areas identified as Activity Centers is that plans should promote additional or new employment, intensified retail business, higher density housing, and convenient transit service.⁶ Additionally, the Springfield Area Land Use Plan map indicates that the property within the vicinity of the Redevelopment Area should be used for community and public land uses, which includes schools and colleges.⁷

2. Redevelopment Plan Objectives and Conformance with the Goals of the Springfield - Greene County Comprehensive Plan.

The primary objective of the Redevelopment Plan is to remove blight and redevelop the area for use by Theta Chi. The Project involves the construction of a three-story house with a basement that will serve as a residence for approximately forty (40) students as well as a location for meetings and other activities. The Project will have an office, chapter room, parlor/lounge, bedrooms, and public restroom on the first floor. The second and third floors will be dedicated to bedrooms with a bathroom on each floor. There will be additional bedrooms in the basement along with laundry facilities, a kitchenette, and a meeting room. The Project will also include an elevator, so all floors will be handicap accessible.

The Project is anticipated to be built using certain “green” building standards to maximize energy savings and water efficiency. The Project will also offer a variety of different types of programming relating to spirituality and life management.

The Project will further the objectives of the Springfield - Greene County Comprehensive Plan in several different ways. It will provide for additional student housing in Center City which will help to further the CCPE’s goal that Center City be a focal point for higher education and fulfill the needs of students. It also complies with the City’s goals for Missouri State University’s growth since the Redevelopment Area is located to the north of the University. The Project will provide for higher density housing within the Missouri State University Activity Center, which advances one of the Land Use Plan’s goals for Activity Centers. Finally, the Project is compatible with the Land Use Plan’s community and

¹ See page 1-1 of the CCPE.

² See page 1-2 of the CCPE.

³ See page 3-38 of the CCPE.

⁴ See page 3-38 of the CCPE.

⁵ See page 18-34 of the Land Use Plan.

⁶ See page 18-28 of the Land Use Plan.

⁷ See pages 18-47 and 18-50 of the Land Use Plan.

public use designation for the area since the Project will be used by a Missouri State University recognized organization.

III. Land Use Plan

A. *Former and Existing Land Use*

Chi Alpha Christian Fellowship of Springfield, Inc. previously owned the Redevelopment Area and used it for its campus ministry. United Ministries in Higher Education (“*UMHE*”) purchased the Redevelopment Area in June of 2005 and used it as the headquarters for its campus ministry until UMHE relocated in 2011 to The Monroe Redevelopment Area located at northeast corner of S. Florence Avenue and E. Monroe Street in the City of Springfield. UMHE will transfer title to the Redevelopment Area to the Developer (which is a subsidiary of UMHE) prior to the end of 2012. The Redevelopment Area currently consists of a vacant residential structure.

B. *Proposed Land Use*

The proposed land use for the Redevelopment Area is as a three-story house that will serve as a residence and meeting location for Theta Chi. Land use plans showing proposed site plans for the Redevelopment Area are attached as Exhibit “D” and incorporated herein. The Project shall substantially conform to the attached proposed plans.

C. *Existing and Proposed Zoning*

The existing zoning for the Redevelopment Area is Government and Institutional Use District (GI). There is no new zoning proposed for the Redevelopment Area.

D. *Regulations and Controls*

Redevelopment of the Redevelopment Area shall be subject to all applicable Springfield, Missouri Codes and Ordinances.

IV. Execution of the Project

A. *Execution*

The Developer or its successors in interest shall be responsible for executing the redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan.

B. *Land Acquisition*

There will be no land acquisition required to implement the Redevelopment Plan, as the Developer owns the land within the Redevelopment Area.

C. *Financing*

The Developer is utilizing private donations and conventional financing to finance the Project.

D. *Disposition of Property*

No property is proposed to be disposed of within the Redevelopment Area.

E. *Plan for Relocation Assistance*

There are no residents living within the Redevelopment Area, so the Project will not require anyone to be relocated.

F. *Redevelopment Schedule and Estimated Dates of Completion*

The Developer estimates that each stage of the Project will be completed in accordance with the following schedule:

- Pre-Construction (Inspections/Permits): Completed by August 2012
- Site Work (Demolition): Completed by October 2012
- Construction of Building: Completed by July 2013

G. *Taxation*

The Developer or its successors in interest may apply to the Land Clearance for Redevelopment Authority for tax relief pursuant to Sections 99.700 to 99.715 of the Missouri Revised Statutes, 2000.

H. *Covenants*

The Redevelopment Plan shall run with the land and require the Developer and any successors in interest to redevelop the real property within the Redevelopment Area in accordance with the specified uses in the Redevelopment Plan if they wish to benefit from tax relief available under Sections 99.700 to 99.715 of the Missouri Revised Statutes, 2000.

V. Other Provisions

A. *Compliance with State and Local Law*

The Redevelopment Plan shall be implemented in conformance with the requirements of state and local law.

B. *Population Density*

The Project will provide housing for an estimated forty (40) students.

C. *Public Facilities*

The Project will not require any additional public facilities or utilities.

VI. Procedure for Changes or Modification of Plan

The Redevelopment Plan may be amended or modified by the Land Clearance for Redevelopment Authority with the consent of the Planning and Zoning Commission and the Developer, and if such amendment or modification is after the sale or lease of property in the Redevelopment Area, with the consent of any redeveloper or successors in interest whose property is affected by such amendment or modification. When the proposed amendment or modification substantially changes the Redevelopment Plan, City Council must also approve the amendment or modification.

EXHIBIT A

Map of Blighted Area and the Southwest Missouri State College Urban Renewal Project Area

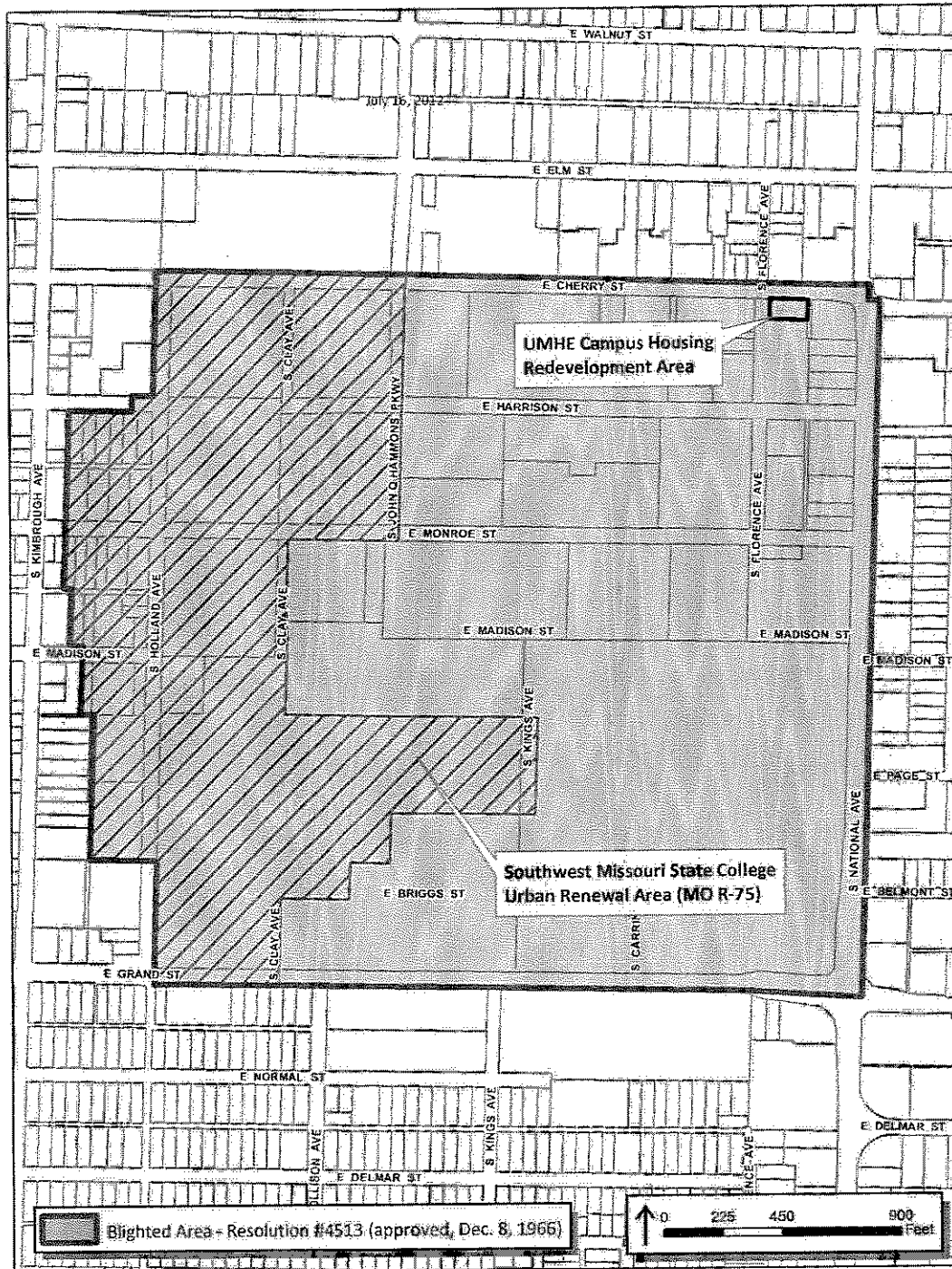


EXHIBIT B

Map of Redevelopment Area



EXHIBIT C

Legal Description of the Redevelopment Area

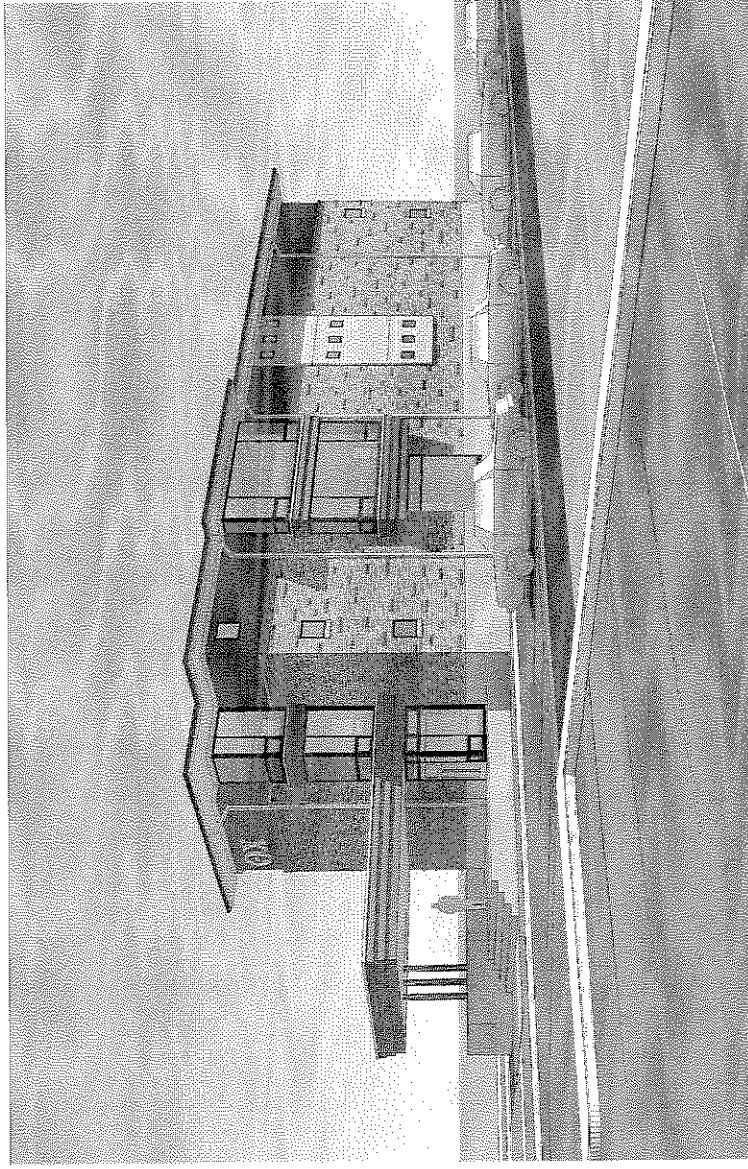
ALL OF THE NORTH 75 FEET OF LOTS SEVEN (7) AND EIGHT (8), IN BIGGS AND GRAY'S
ADDITION, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

EXHIBIT D

Land Use Plan

[Attached]

NEW CHAPTER HOUSE FOR THE
THETA CHI FRATERNITY AT MISSOURI STATE UNIVERSITY
602 SOUTH FLORENCE AVENUE
SPRINGFIELD, MISSOURI 65807



SHEET INDEX



GENERAL NOTES

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO THE START OF CONSTRUCTION.

THE CONTRACTOR SHALL PAY FOR ALL PERMITS, GOVERNMENTAL FEES, LICENSES AND INSURANCES.

THE CONTRACTOR SHALL CAREFULLY STUDY AND COMPREHEND ALL DOCUMENTS AND SPECIFICATIONS.

THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION.

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NEW
FRATERNITY
HOUSE for:

THETA-CHI
FRATERNITY

802 SOUTH FLORENCE
SPRINGFIELD, MO 65807

CONSULTANTS

PROJ. ARCHITECT: RBS

DRAWN BY: RBS

CHECKED: RBS

ISSUE DATE: 07/13/12

REVISIONS

PROJ. NO.

BKD-1713

SHEET NO.

T1-0

PRELIMINARY PRICING SET

CODE: 2006 IBC, IFC, IPC, 2002 NEC, ICC/ANSI 1 1998
USE GROUP: R-2
CONSTRUCTION TYPE: 5-B
ZONING: G1
TOTAL BUILDING AREA (SF): 9,800
ALLOWABLE HEIGHT & AREA LIMITATIONS (TABLE 503):
21,000 SQUARE FEET
3-STORIES (95 FEET)
OCCUPANT LOAD (TABLE 1004.1.1): NONE
PARKING SPACES REQUIRED: NFPA 13R
FIRE SPRINKLER SYSTEM: NFPA 13R

01 CODE COMPLIANCE

**NEW
FRATERNITY
HOUSE for:
THETA-CHI
FRATERNITY**

402 SOUTH FLORENCE
SPRINGFIELD, MA 01103

■ CONSULTANTS

PROJ. ARCHITECT: RBS

DRAWN BY: RBS

CHECKED: RBS

ISSUE DATE: 07/13/12

REVISIONS

DATE: 07/13/12

BY: RBS

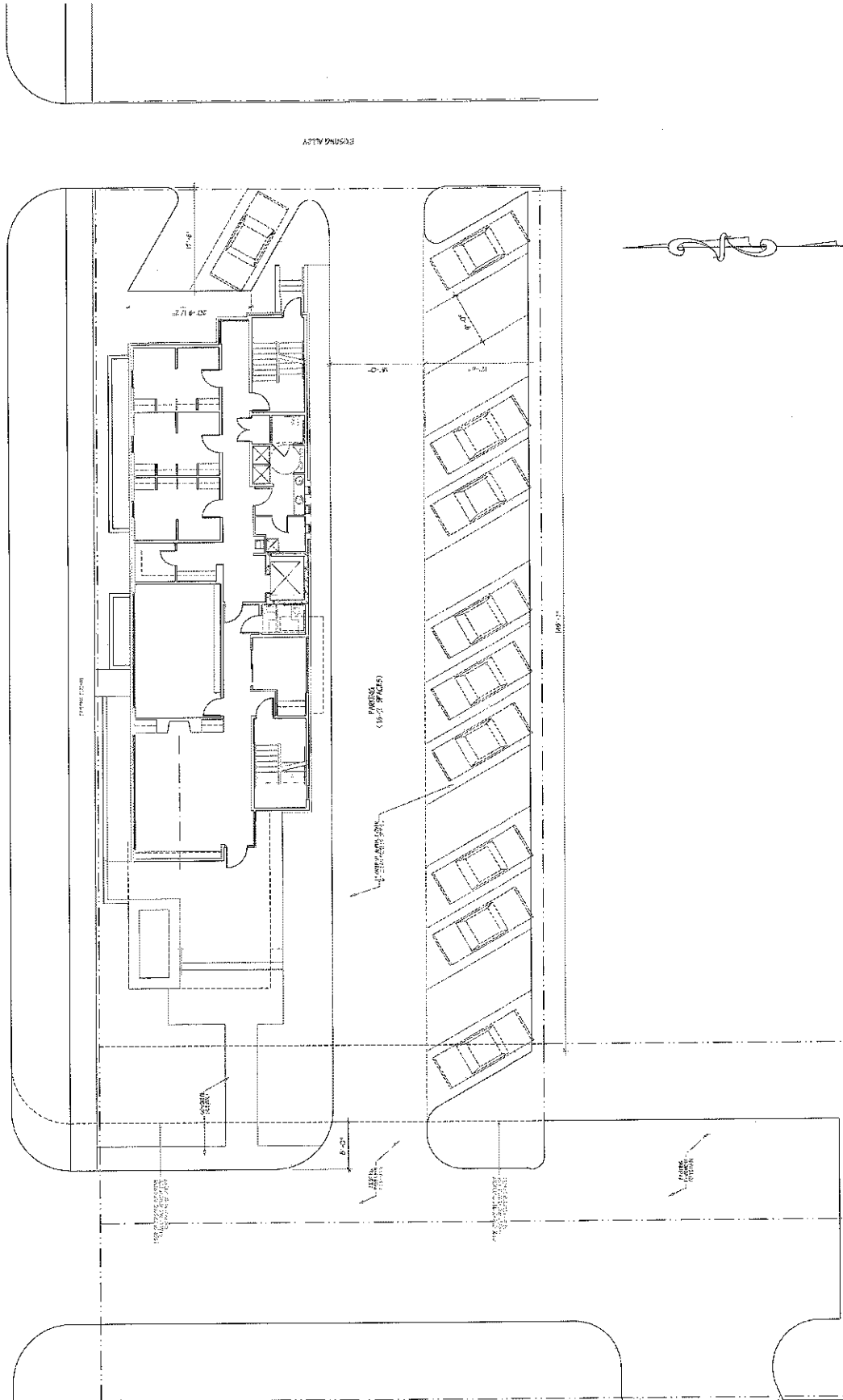
FOR: THETA-CHI FRATERNITY

PROJ. NO. BKD-1713

SHEET NO. A1-0

PRELIMINARY PRICING SET

C. B. J. & COMPANY, STREET & CO., INC.



13 SITE LAYOUT PLAN
SCALE: 1/8" = 1'-0"