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4. Planned Development 271 Amended FDP Battery Outfit (PDF)

Documents: [PLANNED DEVELOPMENT 271 AMENDED FDP BATTERY OUTFIT \(PDF\).PDF](#)

5. Z-11-2012 (PDF)

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6. Conditional Use Permit No. 399 (PDF)

Documents: [CONDITIONAL USE PERMIT 399 \(PDF\).PDF](#)

7. Emergency Shelters Revised Amendment (PDF)

Documents: [EMERGENCY SHELTERS REVISED AMENDMENT \(PDF\).PDF](#)

8. Bears Crossing Apartments Redevelopment Plan (PDF)

Documents: [BEARS CROSSING APARTMENTS REDEVELOPMENT PLAN \(PDF\).PDF](#)

9. Major Thoroughfare Plan Amendment (PDF)

Documents: [MAJOR THOROUGHFARE PLAN AMENDMENT \(PDF\).PDF](#)

Planning & Zoning Commission Agenda

September 6, 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: August 23, 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 782
(2144 E Republic Road) | Republic Road, LLC |
| 2. Planned Development 271 Amended FDP Battery Outfit
(414 West Bryant) | Lane Shumaker2 |

Hearings

Zoning:

- | | |
|-------------------------------------|---------------------|
| 3. Z-11-2012
(4800 West Kearney) | Harvey Flacks Trust |
|-------------------------------------|---------------------|

Conditional use permit

- | | |
|--|-------------|
| 4. Conditional Use Permit 399
(661 South New) | Robert Ross |
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Other public hearings

Zoning text amendments

- | | |
|--|---------------------|
| 5. Emergency Shelters Revised Amendment
(City-Wide) | City of Springfield |
|--|---------------------|

Other business

- | | |
|---|---------------------|
| 6. Bears Crossing Apartments Redevelopment Plan
(920 South National, in Rountree Neighborhood Association) | Mark Wicks |
| 7. Major Thoroughfare Plan Amendment
(East Republic Road Connector) | City of Springfield |

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: August 23, 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); Jay McClelland, Jim Hansen, Tom Baird; Jason Ray; Michael MacPherson, Principal City Planner; Matt Schaefer, Planner; Thomas Rykowski, City Attorney; Cody Marshall, Public Works, Dawn Gardner, Traffic Division; Judy White, Executive Secretary. Absent: Matt Edwards, Gloria Roling, King Coltrin, and Phil Young.

ROLL CALL:

APPROVAL OF MINUTES:

The minutes of August 8, 2012, of the Planning and Zoning Commission were approved with a correction.

COMMUNICATIONS:

Mr. MacPherson stated that the applicant for Relinquish Easement 783, Consent Item Number 1 on the agenda, has requested the item be tabled indefinitely. There was an e-mail sent to Commission with regard to the American Planning Association Bi-State Conference which will be held on October 10th through the 12th at the Marriott Country Club Plaza in Kansas City, Missouri. It has been quite some time since anyone has attended but those who have attended in the past have said it is a very worthwhile experience and educational and an enjoyable experience seeing what other communities do. The City is prepared to send all members of Commission for those who are interested and the cost of registration and lodging would be provided and all members are invited to attend. Mr. MacPherson encouraged all members to attend.

CONSENT ITEMS

1. **Relinquish Easement 783**
(2640 West Republic Road)

Jeknie, LLC

Mr. Baird **motioned to table** Relinquish Easement 783 indefinitely. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Ayes: Lawhon, Baird, Ray, McClelland and Hansen. Nays: None. Abstain: None. Absent: Edwards, Roling, Coltrin, and Young.

HEARINGS:

2. **Hickory Hills Market Place Phase 1, FP Conformity Review**
(NE Corner US Hwy 65 and Chestnut Expressway)

Larino Properties, LLC

Mr. MacPherson stated the purpose of the case is to approve the final plat for Hickory Hills Marketplace Phase 1 that could not be approved administratively due to its lack of conformity to the approved preliminary plat. The Final Plat could not be administratively approved because the final plat is not in substantial conformance with the approved preliminary plat. The approved preliminary plat showed a common area/detention basin (approximately 2 acres in size) on the northeast corner of the subdivision. The approved preliminary plat, also, showed a Lot 1 that was only 16 acres in size. The applicant has submitted a Final Plat (Exhibit A) that would create a Lot 1 that

encompasses the common area/detention basin which increases its lot area to approximately 17.98 acres. The applicant is proposing an off-site regional detention basin that will satisfy the stormwater requirements for the entire subdivision. This allows the common area/detention basin that was shown on the approved Preliminary Plat to be combined with Lot 1 to form a larger lot. The Planning and Zoning Commission review is to determine if the proposed Final Plat (Exhibit A) merits approval despite its lack of conformity to the approved Preliminary Plat (Exhibit B). If the Planning and Zoning Commission finds that the proposed Final Plat merits approval, the Final Plat will complete the normal Final Plat review process. All conditions of the review of this proposed Final Plat, including any required public improvement plans, must be satisfied prior to the recording of the Final Plat. Mr. MacPherson pointed out the previous detention area on the overhead display map and the proposed 1.98 acres that would be added to the Lot 1. The detention basin would be located off-site and would be a regional detention and would use a certified drainage channel as a conveyance to get the water to it. Mr. MacPherson pointed out the difference in the original preliminary plat that was filed and the current proposal. Findings for staff recommendations are the final plat lacks substantial conformity to the Preliminary Plat because the proposed common area/detention basin is located off-site and the excess area is being added to Lot 1 on the approved Preliminary Plat. The proposed Final Plat is acceptable because the proposed change does not have any impacts over what was proposed on the Preliminary Plat. All conditions that result from the staff review of the Final Plat, including any required public improvement plans, must be met before the final plat can be recorded. Staff is recommending approval.

Mr. Baird asked for an arial map display so Commission could get a good overhead view of the site and asked to be shown where the proposed detention would be.

Mr. MacPherson pointed out the detention area.

Mr. Lawhon commented that you are calling this a regional detention basin so will it serve properties in addition to this one site and the previous detention basin that was on the north side of the property, where was that elevation wise from Chestnut Expressway.

Mr. Marshall stated that yes it will, it will serve approximately 94 acres total. It was elevated considerably from the site so they were going to have to excavate twenty (20) foot or better to be able to provide the volume.

Mr. Lawhon opened the public hearing.

Mr. Paul Larino, 1508 Melton, Ozark, Missouri.

Mr. Hansen asked Mr. Larino asked if he owned the property the detention is located on owned by someone else.

Mr. Larino stated that would be done through a public easement through public works so it will be owned by another property owner who will also be a beneficiary of the runoff water.

Mr. Hansen commented that if the final plat is approved, then you will get an easement from the owner of this property.

Mr. Larino said yes, they are working through Public Works and the Law Department to get all the necessary easements to make it a regional detention that qualifies under Public Works.

Mr. Hansen asked about the certified channel stating that there is none that exists there except the one that is going directly north and south, the certified channel that conveys the water from your property to the detention.

Mr. Marshall corrected that this is the easement that Mr. Larino will be obtaining and you can see it, it is very faint on the picture, that area where the arrow is right now is where the drainage easement will be obtained from the third party.

Mr. Hansen asked how it would be conveyed.

Mr. Marshall stated underground.

Mr. Hansen asked if this will detain 90 plus acres of area to the north.

Mr. Marshall stated that is correct; Hickory Hills Marketplace has approximately forty-eight (48) acres and this will collect some area from the freeway, also some area to the north, and slightly to the north east. The basin would be designed for a fully developed ninety-four (94) acre watershed.

Mr. Hansen asked where the water flows to from the detention.

Mr. Marshall said it flows south under Chestnut, that's Farm Road 132, through a box culvert and then continues down to the south to Pearson Creek.

Mr. Larino stated that as opposed to having multiple detentions in the area and doing multiple holes to collect the water from the region it worked good for them economically and worked good for the neighbors and through this process we are collecting water from several locations and many will benefit from this regional detention. It is also designed in a way to make certain there are no flooding issues downstairs. They are held to a higher restrictive standard because they worked with the county in releasing water and the detention size is a little bit bigger because of that because they have to pay special attention and make certain they release water at a slower rate than what normally would be accepted under the City of Springfield standards.

Mr. Marshall stated the County felt that based on rainfall observations and looking at the downstream condition that there was very little runoff on a normal one to two inch rain so essentially it held the development to one cubic foot per second discharge rate on those size storms. It exceeds the ordinary requirements but it was based on the observations of actual rain events.

Mr. Lawhon closed the public hearing.

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

ZONING TEXT AMENDMENTS:

3. Emergency Shelters Revised Amendment (City-Wide)

City of Springfield

Mr. MacPherson stated the purpose of this is a Text Amendment to amend certain portions of the Emergency and Transitional Service Shelter ordinances through varying chapters from the various zoning districts. The City Council approved a resolution (G.O. 9921) on December 12, 2011, initiating amendments to the Zoning Ordinance regarding the operation and location of emergency shelters. A primary concern was what happened in Joplin, Missouri with regard to the tornado that occurred. It was determined that we were not prepared to be able to respond to that type of need quickly so one of the items that is mentioned in this amendment to Replace the term "emergency" shelter with "overnight" shelter to distinguish a shelter used in time of natural disaster or fire emergency shelter (which Red Cross or Greene County Emergency Management would respond to) and a short-

term cold weather shelter. The term "overnight" is a standard term used by other entities for a shelter that provides meals and lodging for less than thirty (30) days. It also adds and requires a minimum distance of one thousand (1,000) feet between any new emergency and transitional service shelter or soup kitchen and an elementary or secondary school as measured from property which will be discussed in greater detail. It would also remove the existing requirement for fifty (50) or less residents at an emergency/overnight and transitional service shelter and allow City Council the ability to review and set the number of residents allowed based on the characteristics of the site and surrounding neighborhood; the availability of services and infrastructure; and a review, by the appropriate departments, to determine the application of the various City codes including, but not limited to, fire, health, zoning and building codes. The Planning and Zoning Commission will review and make a recommendation to the City Council regarding the maximum number of residents permitted which would make it specific to the site being proposed as opposed to some arbitrary figure that was chosen. In the staff report information, there is a graph that shows the sites of the six Service and Transitional Shelters. Each shelter has a two-thousand foot distance requirement between them and the reason for that is that when you have too many of those particular services in the same areas causes stress and other issues in that area. That was one of the issues that occurred with establishing the Commercial Street Zoning District to get that distance established and also dispersal and this is also an effort to move those throughout the city. This would expand the Emergency Overnight Shelters that are allowed by right with a maximum occupancy of the fifty (50) beds in the general manufacturing, HM Districts. With this amendment the new emergency shelters would also be allowed by Conditional Use Permit in the HC, Highway Commercial, CS, Commercial Services, RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial, Districts if applicable spacing requirements are met. Staff is not requesting to expand these uses to any other districts. A key element of this was a Joint Resolution (Res. 9574) was made and adopted by the Board of Education of the School District of Springfield R-12, the City Council for the City of Springfield and Greene County Commission in April of 2008, and resolved, in part, that the McKinney-Vento Homeless Assistance Act and the applicable regulations set forth pursuant to federal law being amended to prohibit the location of a homeless program or homeless shelter at a location within one thousand (1000) feet of a secondary, postsecondary or elementary school and the local governing bodies enact legislation to place into effect such restrictions. There was considerable research done with benchmark cities throughout the country to and found there are these types of restrictions in some form as evidenced in the staff report. You can see from the map attached to the staff report in light blue the distance from the schools and you can also see all the areas throughout the city where these types of services can occur. There are orange areas on the map where a conditional use permit would be required because of the less intensity of the zoning district, meaning that it's one of the commercial districts that require a conditional use permit. It expands the ability to create a rapid response recognizing that if there was a situation similar to Joplin, to have that ability to react in such an emergency and that the Red Cross and the Greene County Emergency Management teams would be able to respond to that immediately without having to go through conditional use permits. They would be able to use the fast regulations they have to implement that. Instead of having a fifty (50) bed rule the actual limitation on the facility would be based upon the ability and infrastructure of the site to determine the number of people that can be served. This particular amendment has been run through the Continuum of Care (COC), Development Issues Input Group (DIIG), Environmental Advisory Board (EAB) and all registered Neighborhood Associations were notified of these amendments. Staff has not received any concerns from any of these organizations regarding these amendments to date and Staff is recommending approval.

Mr. McClelland asked to clarify that the portion of the map in orange is where there could be possible places these people could go in case of emergency, is that correct. Will there be some kind of a standing order in place that states this is now in effect.

Mr. MacPherson stated yes, but in order to establish those there it would require going through the conditional use permit process. The Continuum of Care and another group has been working on that and they have established a lot of this already in churches and the Salvation Army and Greene County Emergency Management would be able to respond to those. They have churches and other places that have already been pre-approved for this type of thing.

Mr. Hansen asked what the background is for increasing the maximum occupancy at these sites. Have they had problems of there not being enough capacity with the fifty bed maximum limit.

Mr. MacPherson stated that several months ago representatives from the Kitchen and the Continuum of Care spoke that because of the economy that they had significant shortages of places available. This is a proactive venture to try and make sure that there are ways to deal with those issues in a much more rapid fashion than there is currently available.

Mr. Hansen stated that increasing the maximum to whatever the situation will bear, would seem to have the effect of centralizing instead of dispersing like we have been doing so far. If you can increase the amount to any great degree in one spot then that is what is going to happen.

Mr. MacPherson stated that what potentially would happen is by disbursement throughout the city that a more open opportunity is created because there are churches throughout the city and other places of assembly that could be used and the Greene County Emergency Management Center as well as the Red Cross is much better suited to handle these things and they have the rules and restrictions to be able to handle those issues and move forward. It is important to note that what the capacity might be is unknown. This hopefully will help speed that time up.

Mr. Hansen commented that what we are talking about now then is not the established overnight facilities, but the emergency facilities, like in case of weather emergency.

Mr. MacPherson stated in part, yes. We are talking about adding to the Emergency and Natural Disaster issue. There is already an amendment for the Economic Calamity where they can allow that. There is one geared toward temperature and there are those that are transitional service shelters that are available for over thirty (30) days. The restrictions on that are as they develop these new facilities they have to be 2000 thousand feet from one another and 1000 feet from a school. The map was created to show you what that would look like and how much area of the city would be available for that and it's a significant amount.

Mr. Hansen said this is talking about at least two or three sorts of different facilities.

Mr. MacPherson commented is it confusing with all the different facilities available, and reviewed the types of facilities and the types of service provided at each.

Mr. Hansen asked if all these different facilities fit into this amendment and if this would apply to permanent places and emergency places.

Mr. MacPherson said yes; 1000 feet from the school and 2000 feet from each other.

Mr. Baird commented that this would be better served to separate out the emergency natural disaster and such places as the Victory Mission, Missouri Hotel, and the Kitchen for Commission and the Community to have them as two separate items, because a natural disaster is something completely different than someone who is having a difficult time in a transitional stage. Was there any thought given to making these two separate ordinances.

Mr. MacPherson said it is the ease of establishing a facility of this nature if an emergency occurs, that we are able to move very quickly if it is in any of these zoning districts. It can be set up through the management of the Red Cross, Greene County Emergency Management, and they are specifically mentioned. The codes are somewhat relaxed but under the inspections by the appropriate people, they can determine occupancy numbers and move more rapidly than a zoning case than you would have with the transitional shelters like you are talking about. That would take seventy (70) to ninety (90) days. That is where the distinction lays.

Mr. Baird asked in a natural disaster fire situation where you need to open up shelters, would those have the same distance restrictions; could you have two facilities within 1000 feet of each other.

Mr. MacPherson said no, there is 1000 feet between schools and asked Mr. Rykowski if the 2000 feet apply for these also.

Mr. Rykowski stated that when they went through this they found that over the years they had defined a lot of shelters and there were conflicting definitions. One of the reasons this was done was because of the Missouri Hotel fire when faced with fifty (50) or sixty (60) displaced families. The director of Building Development Services asked what they were going to do with them and Red Cross said they have two-hundred (200) shelters in the City, which surprised them because they are not zoned to have that many shelters. What the City discovered was they had been doing this on their own, and they had a list of approximately two-hundred (200) locations in the City that could be available at times of disaster, so that is where sub-section eight (8) for the emergency natural disaster came from. It was not put at thirty (30) days because they learned from the Joplin experience that sometimes it takes a lot longer than thirty (30) days to relocate. The emergency shelter could operate within the 1000 feet if it was deemed appropriate in the measure. This is the one you are asking about how do we respond and we are not getting involved in it and not going to have to worry about the zoning as Building Services would get out quickly. One of the listings for example was Parkview High School, and how many people could be put there. It would have to be inspected, get there quickly with an emergency team and say yes, you can put six-hundred (600) people there or whatever is appropriate in the location. It would be flexible and responsive to a disaster and could be used to house people who come up from a natural disaster. In that regard there is some flexibility in that because it is short term and we have separated those out. That is why we have all the definitions. The definitions we have for overnight soup kitchens are not topped down. Mr. Neal with the Planning Department met with the Red Cross and several shelter operators to find out what they do. We found that some of them, by their own plans, expect for these people to move on within thirty (30) days. That is why there is the thirty (30) day cut off. The definitions are based upon what was found existing in the community after working with the Continuum of Care and their various participants. There is some flexibility in the Emergency Natural Disaster as a general rule they will follow the limits, but if there is a situation for example, there is a private school and facility that would allow a temporary shelter, an exception has been built in which would allow the shelter to come in even though they are technically within the 1000 feet, a private school would not be prohibited from participating, but we do allow with the consent of the governing body that exception to protect the schools. That is very limited only in the short term emergency shelter type deal. We have tried to clean it up which is why you see so many sections of the ordinance being dealt with because there are these shelters available in many zoning districts. It is designed to be very responsive, short term and well monitored by Building Development Services and the Health Department will be involved in getting the temporary certificates of occupancy. The American Red Cross which will give us that first list, they have one-hundred sixty-seven (16) criteria points that these facilities have to satisfy to get on their list, that far exceed according to the Building Development Services Director what the City requires and are comfortable working with them hand in hand in the event of these disasters and maximum flexibility is built into this in several sub-sections.

Mr. Lawhon asked what steps would need to be taken to get approval or a permit to become a registered facility to be prepared in such an event.

Mr. MacPherson stated they would have to meet the standards set out in the zoning ordinance.

Mr. Lawhon asked if this is a disaster that has to be declared by City Council; what is the trigger that makes these overnight shelters available.

Mr. Rykowski said the emergency shelter you are talking about would vary considerably. This ordinance right now would automatically allow the City to start working in conjunction with the American Red Cross Disaster Services to place people. These are basically limited short term shelters so there is discretion there as to how to use it. If

you want to be a host facility for a short term disaster and you call the City, we will tell you to get in touch with the American Red Cross Disaster team. They are the ones to approve you to be on the short term list. Some churches are already on the list and are also calamity shelters. Once you have made their list essentially, the City is letting the Red Cross handle that because that is what they do and we learned in our meetings they do it very well.

Mr. Lawhon commented that it can be a rapid, quick response, because it is already set in place.

Mr. Rykowski said yes.

Mr. Hansen said his concern would be that this includes the permanent facilities like the Salvation Army, Missouri Hotel, and Victory Mission. The tension between these facilities and the surrounding neighborhoods is to keep that centralization from happening. If this amendment includes the permanent facilities they would be tempted to increase their capacity and it becomes the same argument they have had in the past, and I think that would be a step backwards. Mr. Hansen commented that he wants to confirm what particular facilities and what type of facilities these refer to; not to transitional shelters but to emergency facilities.

Mr. MacPherson stated what the amendment actually proposes is removing the requirement for fifty or less residents at an emergency overnight and transitional service shelter and allow the City Council the ability to review and set the number of residents allowed based upon the characteristics of the site and surrounding neighborhood, the availability of the services and infrastructure and a review by an appropriate departments to determine the application of the various city codes including but not limited to fire and health. What you are talking about, Mr. Hansen is a conditional use permit and that is exactly what was done on Commercial Street. If one of the existing facilities wanted to expand they would have to go through a conditional use permit process and pass all the criteria.

Mr. Hansen said the emergency shelters make perfect sense, and would encourage that, but would not vote on this amendment the way it is stated because it has the opposite affect that we are seeking.

Mr. Rykowski said the fifty (50) bed number when away in some of the discussions because it was a little arbitrary. You could put fifty-five (55) or in other places forty-five (45). The control mechanism is the conditional use permit. Someone might come forward and say we have been approved for fifty (50) and we want to have seventy-five (75), but if it does not fit it would come before proper review boards to get approval of the conditional use permit. The arbitrary number of fifty (50) was replaced with a more flexible standard. It gives us more control to set standards as appropriate based on the character of the neighborhood.

Mr. Hansen said that if this is passed the scenario he sees is that someone with a transitional facility would come before us and say we need one hundred (100) beds because the demand is so great and we end up compromising at seventy-five (75) beds and then the next year we get that again. There is the real possibility of one facility growing over time into something that none of us wanted us to see. What is called the arbitrary number of fifty (50) would just as easily be described as the compromise number of fifty (50) coming out of all the past discussions with the transitional facilities that have come before Commission and Council; the endless battling over the centralization that the facilities want because it is economical and the dispersion that the City and the community want because it is more aesthetic.

Mr. Rykowski said where this leads is the opportunity for someone to ask, and it would be up to Commission and Council to say no. It will not happen unless there is an approval. It allows us the ability to look at a situation two or three years from now and say yes, fifty-five works here. If the facts change or the environment changes maybe it is appropriate in the future that that facility be at one hundred, or not at all.

Mr. Lawhon said they are not given carte-blanche to anyone because there is an established process that has to

be followed and Commission and Council will have to give approval as well as other interested parties before any of that could happen.

Mr. MacPherson read through the standard requirements from the report.

Mr. Lawhon opened the public hearing.

There being no further discussion, Mr. Lawhon closed the public hearing.

Mr. Hansen commented that he feels like he understands the amendment and what it applies to, and to include the transitional facilities in this would not make sense in keeping with the rest of the purpose of this amendment in keeping the facilities dispersed throughout the community. If the transitional facilities are included in this that there is the real possibility they will want to increase their capacity and there have been many heated discussions, and community discussions in the newspaper about these facilities and it seems it was settled by having this fifty (50) bed maximum. To do away with that would open this issue up again. Mr. Hansen stated he would not vote for this amendment as written. If it excludes the permanent transitional facilities, then he would vote his approval.

Mr. Lawhon asked if the transitional shelters are included in this.

Mr. MacPherson stated the transitional shelters have more than fifty (50) beds. The words that are deleted are on the emergency shelters and a lot of the emergency shelters in addition to the transitional service shelters, which is what is confusing, are the ones with the limitations. The emergency shelters, not to be confused with the transitional shelters, in this proposal, have been expanded to include not just the cold weather, not just the economic calamity, but include a natural disaster or fire. That is why the definitions were reviewed to distinguish the difference.

Mr. Baird referred to section 3-3310, line 127 and 128, appears to be a distinction and asked where the transitional does not have to adhere to the fifty (50) beds, is that correct.

Mr. MacPherson said that is correct.

Mr. Rykowski said when reviewing this they found that just about everything was called an emergency shelter because everyone brought their own emergency so that's why even though this is in the conditional use permit for overnight and transitional, which used to be called emergency, we had to distinguish and redefine that. That is why it reads fifty (50) beds for emergency shelters in all districts, but if you look at the title of 3-3310, emergency has been crossed through and replaced with overnight. Emergency should be short term, restrictive thing. This would be for the conditional use permit to be issued. Previously, everything was called emergency but the fifty bed requirement that was previously there as a condition of the conditional use permit has been removed for overnight and transitional service shelters. That limitation has been removed but there is no carte-blanche as to what will be given.

Mr. Baird stated he is not certain he is prepared to vote to approve this at this time. It seems like we are trying to put too many things under one ordinance. Several people have said this is confusing and it has muddied the waters somewhat so he is not prepared to pass this.

Mr. Lawhon said that there are two things that he is comfortable with which is a positive move of trying to establish a mechanism so an immediate response can happen without having to go through the bureaucracy. The other issue is the safety net, because if an existing facility wants to increase their capacity they have to go through the process.

Mr. MacPherson commented that since there are a couple of Commission who are not comfortable with what they

are seeing in the amendment, to table the issue till the next meeting and staff can provide clarification in a memorandum and build a matrix of what is allowed and list each option and define it more clearly.

Mr. McClelland commented that he is quite impressed with the amount of thought that has gone into this through the American Red Cross and the criteria that is required to meet Red Cross standards. The five locations of the Kitchen, Harbor House and the others in his opinion have nothing to do with this amendment to the ordinance and commented that they should vote it in, but there are others who are against it, so it should be tabled till there is a larger quorum on hand.

Mr. Ray stated that if there will not be enough votes to pass the case this evening, it should be tabled and get more clarification in the process.

Mr. Hansen motioned to table the Emergency Shelters Revised Amendment until September 6, 2012, for further clarification. Mr. Baird seconded the motion. The motion carried as follows: Ayes: Lawhon, Baird, Hansen, McClelland, and Ray. Nays: None. Abstain: None. Absent: Young, Roling, Edwards, and Coltrin.

Mr. Lawhon asked Commissioners what kind of direction they can give to staff so they can come back with clarifications that will be helpful because he does not want Commission caught in an impasse when the case comes back to them again.

Mr. Baird stated he wants to know how the existing transitional shelters would be impacted by the changing of the ordinance, and an explanation of what their current capacity allowances are.

Mr. Lawhon asked for a more precise explanation of exactly what this refers to.

Mr. Hansen asked what the requirements would be after this amendment for the expansion of the transitional facilities and what would keep them from increasing the capacity standards.

Mr. McClelland commented that you cannot keep out the Kitchen, Harbor House, Missouri Hotel, Lifehouse, The Salvation Army, and Victory Mission in the amendment as an exemption to the adjustment.

OTHER BUSINESS:

4. **Lantz Housing Redevelopment Plan**
(1137 and 1141 East Elm)

Lantz Housing, LLC

Mr. Schaefer stated that Lantz Housing, LLC has filed an application for approval of a redevelopment plan pursuant to Sections 99, RSMo, of the Land Clearance for Redevelopment Authority Law located at 1136 and 1141 East Elm Street. To give you a refresher, Chapter 99 provides incentives for redevelopment of blighted areas and the incentive it offers is 100% abatement on new improvement for ten years; that would be property taxes. It required the area be blighted and a redevelopment plan be approved. The purpose of the Redevelopment Plan for the Lantz Housing Redevelopment Area is to clear blight and redevelop the area to accommodate a new house for a Missouri State University sorority. The Redevelopment Area consists of two parcels of land (0.46 acres) that are currently occupied by three vacant residential structures. The Redevelopment Area currently consists of two (2) two-story houses and one (1) one-bedroom studio. Mr. Schaefer referenced a photograph which was taken in April 2012, showing the houses he is discussing. The Redevelopment Plan proposes to demolish the existing structures and construct a new three-story sorority house that will serve as the residence for approximately 42 students, as well a location for chapter meetings and activities. Mr. Schaefer showed the proposed site layout and discussed the access of the site. Staff findings for recommendation are that the Growth Management and Land Use Element of the comprehensive plan designates this area for medium and high density housing which is consistent with the plan, and also identified Missouri State

University and the vicinity as a Major Activity Center. Mr. Schaefer discussed the benefits of the redevelopment plan. Staff is recommending approval of the plan.

Mr. Hansen asked if there is a rendering of the proposed sorority house.

Mr. Schaefer said no. What was provided in the redevelopment plan was a preliminary site sketch and if approved, when they go to redevelop they would have to redevelop in a manner that is consistent with that site plan as well as the use.

Mr. Lawhon opened the public hearing.

Ms. Sarah Wilson, 901 St. Louis commented she is representing the developer, and stated she has not seen an actual picture of the building, or actual plans. That is something the client is working on with the architect. More detailed plans will have to be submitted to the LCRA for review and approval before they can go forward.

Mr. Lawhon closed the public hearing.

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

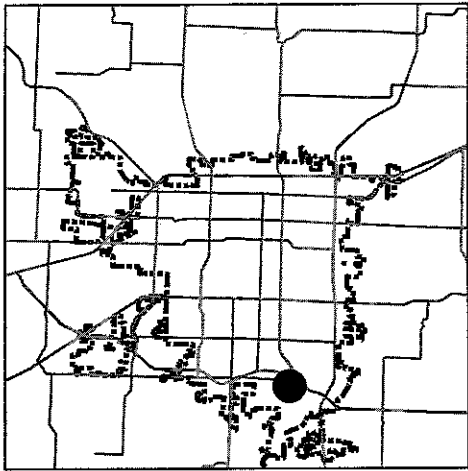
Mr. Baird asked if there could be a separate meeting, since several Commission members are absent, maybe a luncheon to discuss the emergency shelter meeting and get everyone on the same page.

Mr. MacPherson commented that would be a good idea to have an informal discussion and will instruct staff to develop a matrix to distinguish the differences between the different shelters and the distance requirements, because we want to make certain that everyone is clear on what is being sent forward. Mr. MacPherson said he wants the information to more precise before sending it on to Council as there were more questions than staff had answers for.

ANY OTHER MATTERS UNDER COMMISSION JURISDICTION:

There being no further business, the meeting was adjourned at approximately 8:12 p.m.

Michael MacPherson
Principal Planner



Zoning & Subdivision Report

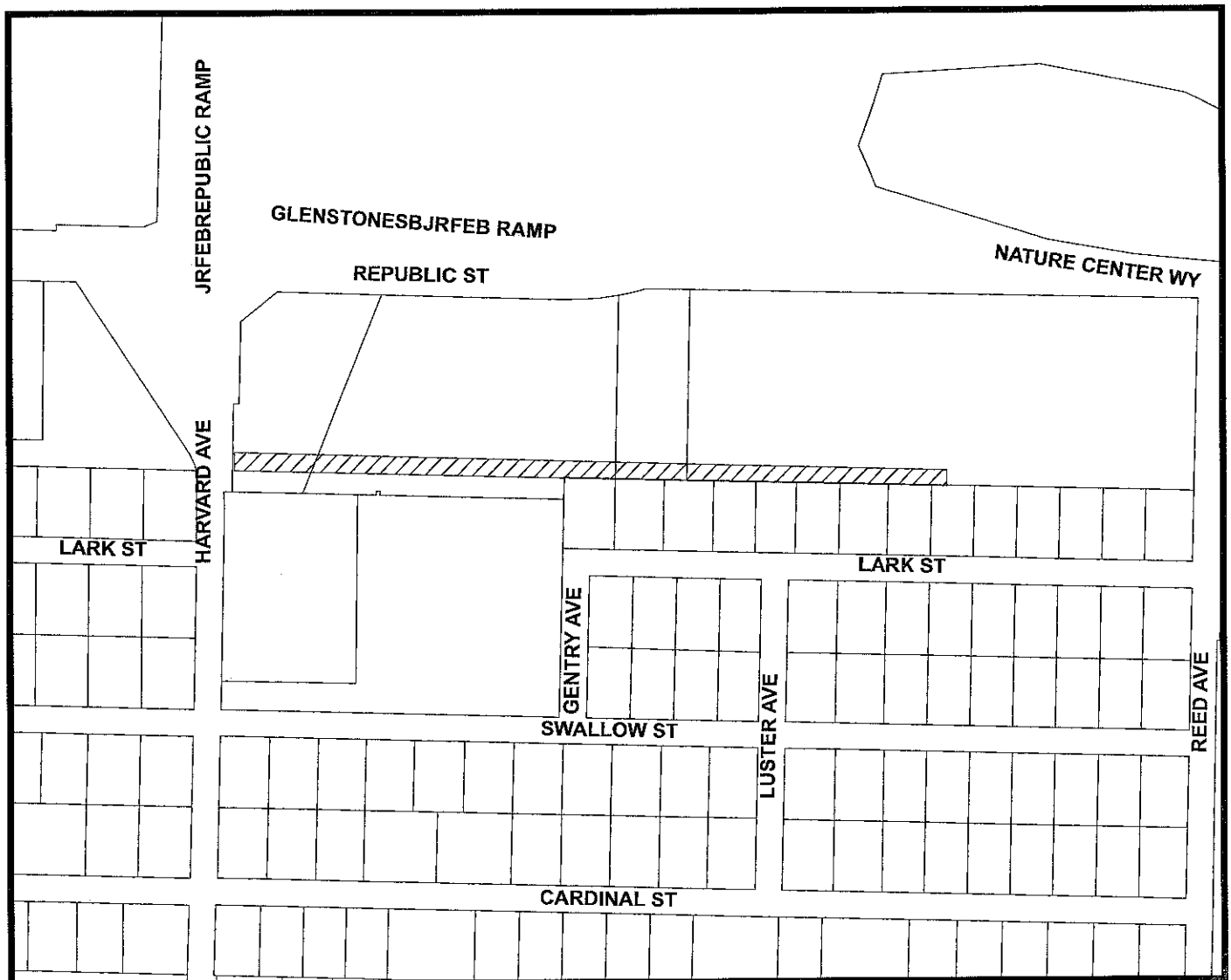
*Planning & Development - 417/864-1031
840 Boonville - Springfield, Missouri 65802*

Relinquish Easement Number 782

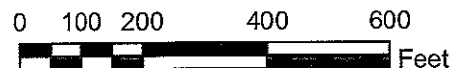
Location: 2144 E Republic Rd.

Current Zoning: GR, General Retail District

LOCATION SKETCH



- Area of Proposal



1 inch = 300 feet

Zoning & Subdivision Report

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

REQUEST TO RELINQUISH EASEMENT NUMBER 782

DATE: August 27, 2012

PURPOSE: To relinquish a utility and sanitary sewer easement

LOCATION: 2144 E. Republic Rd.

APPLICANT: Republic Rd, LLC

RECOMMENDATION:

The request be **approved**.

FINDING:

The request meets the approval criteria listed in Attachment B.

STAFF CONTACT PERSON:

Michael Sparlin
Assistant Planner

Attachment A: Background report
Attachment B: Approval criteria
Exhibit 1: Legal description
Exhibit 2: Drawing

ATTACHMENT A
RELINQUISH EASEMENT NO. 782
BACKGROUND REPORT

APPLICANT'S PROPOSAL:

The applicant is requesting to relinquish a sanitary sewer easement and utility easement. Replacement easements for both the sanitary sewer and utility easement are being provided.

SANITARY SERVICES COMMENTS:

Sanitary Sewer has no objections to relinquishing the easement. A replacement easement has been provided.

CITY UTILITIES COMMENTS:

CU has no objection to the relinquishment of the easement in question. The replacement easement for the electric line to be relocated has been reviewed and is acceptable. The developer of the property has made payment to CU for the relocation of the electric facilities. CU is in the process of relocating the electric line at this time and the existing easement is no longer necessary.

STAFF COMMENTS:

1. The Planning and Zoning Commission has the authority to relinquish easements if the relinquishment does not affect public utilities.
2. AT&T has previously objected to relinquishing the utility easement. It has been reviewed and determined by City Law Department staff that AT&T has no legal standing to object to the easement. There are no other objections to relinquishing these easements.
3. City Utilities has the rights to the utility easement and have consented to relocating their facilities to the replacement easement. AT&T has facilities within the existing easement and operates there by a Joint Use Agreement with City Utilities.

ATTACHMENT B
RELINQUISH EASEMENT NO. 782
APPROVAL CRITERIA

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

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

STAFF RESPONSE:

AT&T has previously objected to relinquishing the utility easement. It has been reviewed and determined by City Law Department staff that AT&T has no legal standing to object to the easement.

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

STAFF RESPONSE:

The sanitary sewer easement and the utility easement are no longer needed to provide service because replacement easements have been provided to maintain service.

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

STAFF RESPONSE:

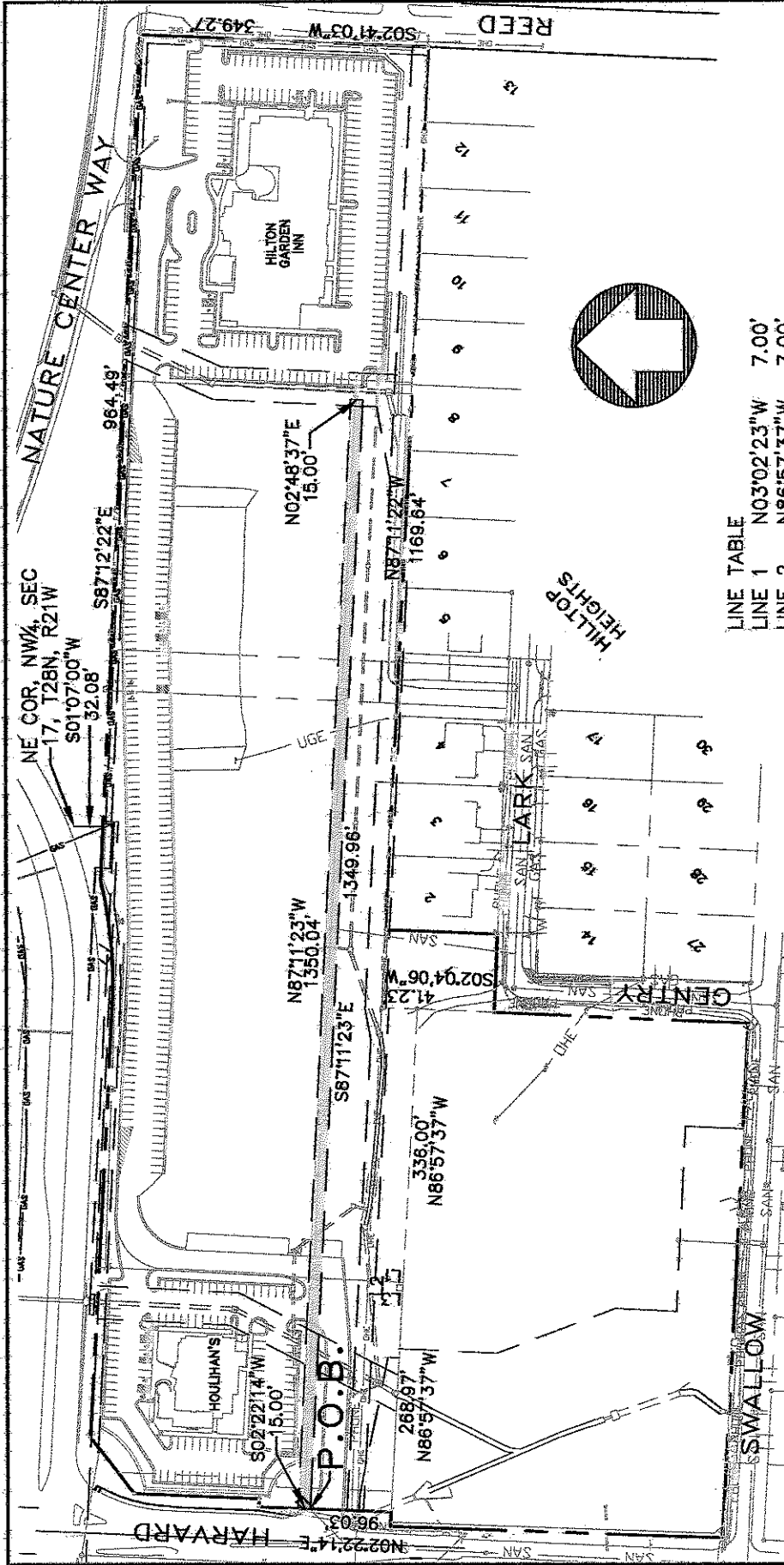
Once the replacement easements are provided, the retention of the subject easements no longer serves a public purpose.

RELINQUISH EASEMENT NO. 782
EXHIBIT 1

SANITARY SEWER EASEMENT TO BE RELINQUISHED
(BOOK 2009 PAGE 6685-09)

A UTILITY EASEMENT ON, OVER, AND ACROSS A PARCEL OF LAND IN THE NORTHWEST AND NORTHEAST QUARTERS OF SECTION 17, TOWNSHIP 28 NORTH, RANGE 21 WEST IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI AND PART OF THE GRANTOR'S LAND AS DESCRIBED IN BOOK 2004, PAGE 059686-04 AT THE GREENE COUNTY RECORDER'S OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT AN ALUMINUM MONUMENT AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 28 NORTH, RANGE 21 WEST; THENCE S01°07'00"W, A DISTANCE OF 32.08 FEET TO THE SOUTH RIGHT-OF-WAY OF REPUBLIC ROAD AS IT NOW EXISTS; THENCE S87°12'22"E ALONG SAID SOUTH RIGHT-OF-WAY A DISTANCE OF 964.49 FEET TO A 100D NAIL MARKING THE NORTHEAST CORNER OF THE GRANTOR'S LAND; THENCE S02°41'03"W, A DISTANCE OF 349.27 FEET TO AN EXISTING 5/8" IRON PIN CAPPED LS267D MARKING THE NORTHEAST CORNER OF LOT 13 OF HILLTOP HEIGHTS; THENCE N87°11'22"W ALONG THE NORTH LINE OF SAID SUBDIVISION, A DISTANCE OF 1169.64 FEET TO AN EXISTING 3/8" IRON PIN MARKING THE NORTHWEST CORNER OF LOT 1 OF SAID SUBDIVISION; THENCE S02°04'06"W, A DISTANCE OF 41.23 FEET TO AN EXISTING 100 D NAIL ON THE SOUTH LINE OF GRANTOR'S LAND; THENCE N86°57'37"W, ALONG SAID SOUTH LINE, A DISTANCE OF 336.00 FEET; THENCE N03°02'23"E, A DISTANCE OF 7.00 FEET; THENCE N86°57'37"W, A DISTANCE OF 7.00 FEET; THENCE S03°02'23"W, A DISTANCE OF 7.00 FEET; THENCE N86°57'37"W, A DISTANCE OF 268.97 FEET TO THE WEST LINE OF GRANTOR'S LAND; THENCE N02°22'14"E ALONG SAID WEST LINE, A DISTANCE OF 96.03 FEET TO THE SOUTHWEST CORNER OF AN EXISTING SANITARY SEWER EASEMENT; THENCE S87°11'23"E, ALONG AND WITH THE SOUTH LINE OF SAID EASEMENT, A DISTANCE OF 415.97 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S87°11'23"E, ALONG AND WITH SAID SOUTH LINE, A DISTANCE OF 281.72 FEET; THENCE, N02°48'37"E, LEAVING SAID SOUTH LINE, A DISTANCE OF 15.00 FEET TO THE NORTH LINE OF SAID EASEMENT; THENCE N87°11'23"W, ALONG AND WITH SAID NORTH LINE, A DISTANCE OF 281.72 FEET; THENCE S02°48'37"W, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING, CONTAINING 4,226 SQUARE FEET MORE OR LESS, ALL IN SPRINGFIELD, GREENE COUNTY, MISSOURI AND SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD.

Sewer



LINE TABLE

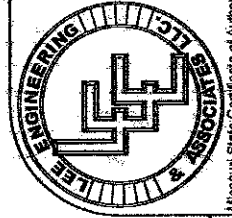
LINE 1	N03°02'23\"W	7.00'
LINE 2	N86°57'37\"W	7.00'
LINE 3	S03°02'23\"W	7.00'

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

DATE: 05/30/2012

SHOPPES AT JAMES RIVER
RELINQUISHMENT EXHIBIT

PROJECT NO.:
635



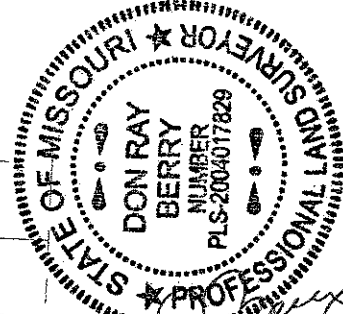
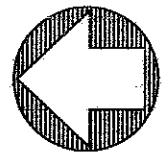
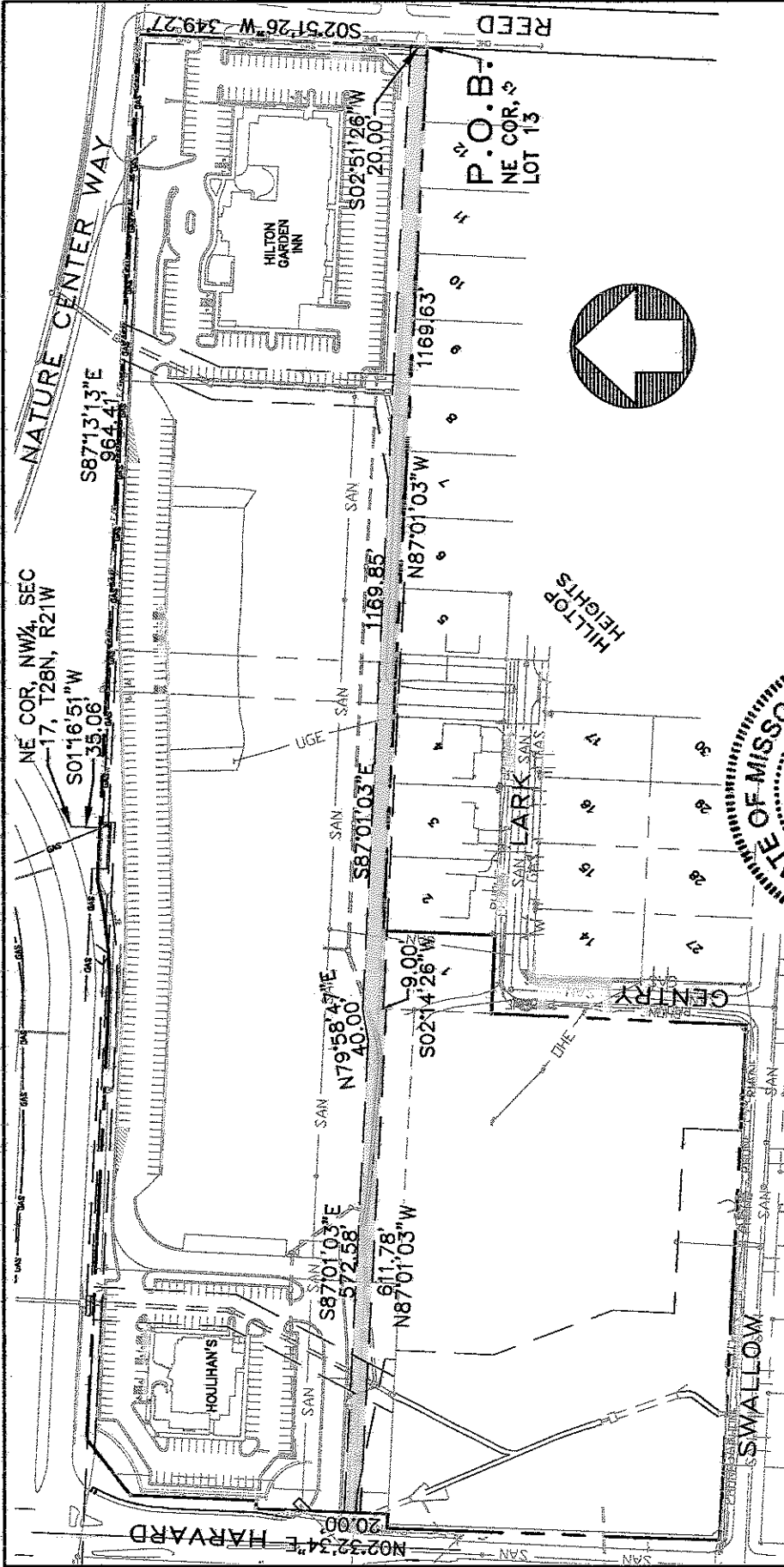
LEE Engineering & Associates, L.L.C.
2101 W. Chesterfield Blvd, Suite C202
Springfield, Missouri 65807
417-886-9100 (phone)
417-886-9336 (fax)

Missouri State Certificate of Authority
Engineering #2008016004
Land Surveying #2008028550

"Engineering with Integrity"

UTILITY EASEMENT TO BE RELINQUISHED
(BOOK 2007 PAGE 55442-07)

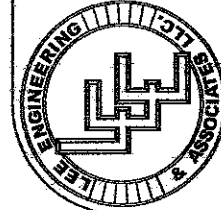
A UTILITY EASEMENT ON, OVER, AND ACROSS A PARCEL OF LAND IN THE NORTHWEST AND NORTHEAST QUARTERS OF SECTION 17, TOWNSHIP 28 NORTH, RANGE 21 WEST IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI AND PART OF THE GRANTOR'S LAND AS DESCRIBED IN BOOK 2004, PAGE 059686-04 AT THE GREENE COUNTY RECORDER'S OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT AN ALUMINUM MONUMENT AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 28 NORTH, RANGE 21 WEST; THENCE S01°16'51"W, A DISTANCE OF 35.06 FEET TO THE SOUTH RIGHT-OF-WAY OF REPUBLIC ROAD AS IT NOW EXISTS; THENCE S87°13'13"E ALONG SAID SOUTH RIGHT-OF-WAY A DISTANCE OF 964.41 FEET TO A 100D NAIL MARKING THE NORTHEAST CORNER OF THE GRANTOR'S LAND; THENCE S02°51'26"W, A DISTANCE OF 349.27 FEET TO AN EXISTING 5/8" IRON PIN CAPPED LS267D MARKING THE NORTHEAST CORNER OF LOT 13 OF HILLTOP HEIGHTS SUBDIVISION FOR A POINT OF BEGINNING; THENCE N87°01'03"W ALONG THE NORTH LINE OF SAID SUBDIVISION, A DISTANCE OF 1169.63 FEET TO AN EXISTING 3/8" IRON PIN MARKING THE NORTHWEST CORNER OF LOT 1 OF SAID SUBDIVISION; THENCE S02°14'26"W, A DISTANCE OF 9.00 FEET; THENCE N87°01'03"W, A DISTANCE OF 611.78 FEET; THENCE N02°32'34"E, A DISTANCE OF 20.00 FEET; THENCE S87°01'03"E, A DISTANCE OF 527.58 FEET; THENCE N79°58'47"E, A DISTANCE OF 40.00 FEET; THENCE S87°01'03"E, A DISTANCE OF 1169.85 FEET TO THE EAST LINE OF THE GRANTOR'S LAND; THENCE S02°51'26"W, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING, CONTAINING 35,805 SQUARE FEET MORE OR LESS ALL IN SPRINGFIELD, GREENE COUNTY, MISSOURI AND SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD.



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

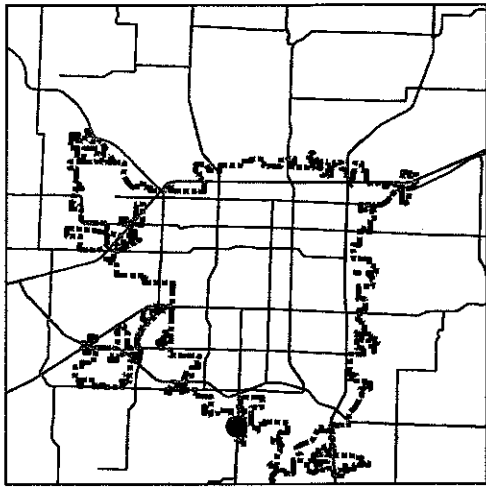
DATE: 05/30/2012	SHOPPES AT JAMES RIVER RELINQUISHMENT EXHIBIT	PROJECT NO.: 635
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LEE Engineering & Associates, L.L.C.
2101 W. Chesterfield Blvd, Suite C202
Springfield, Missouri 65807
417-886-9100 (phone)
417-886-9336 (fax)



Missouri State Certificate of Authority
Engineering #2005013504
Land Surveying #200902690

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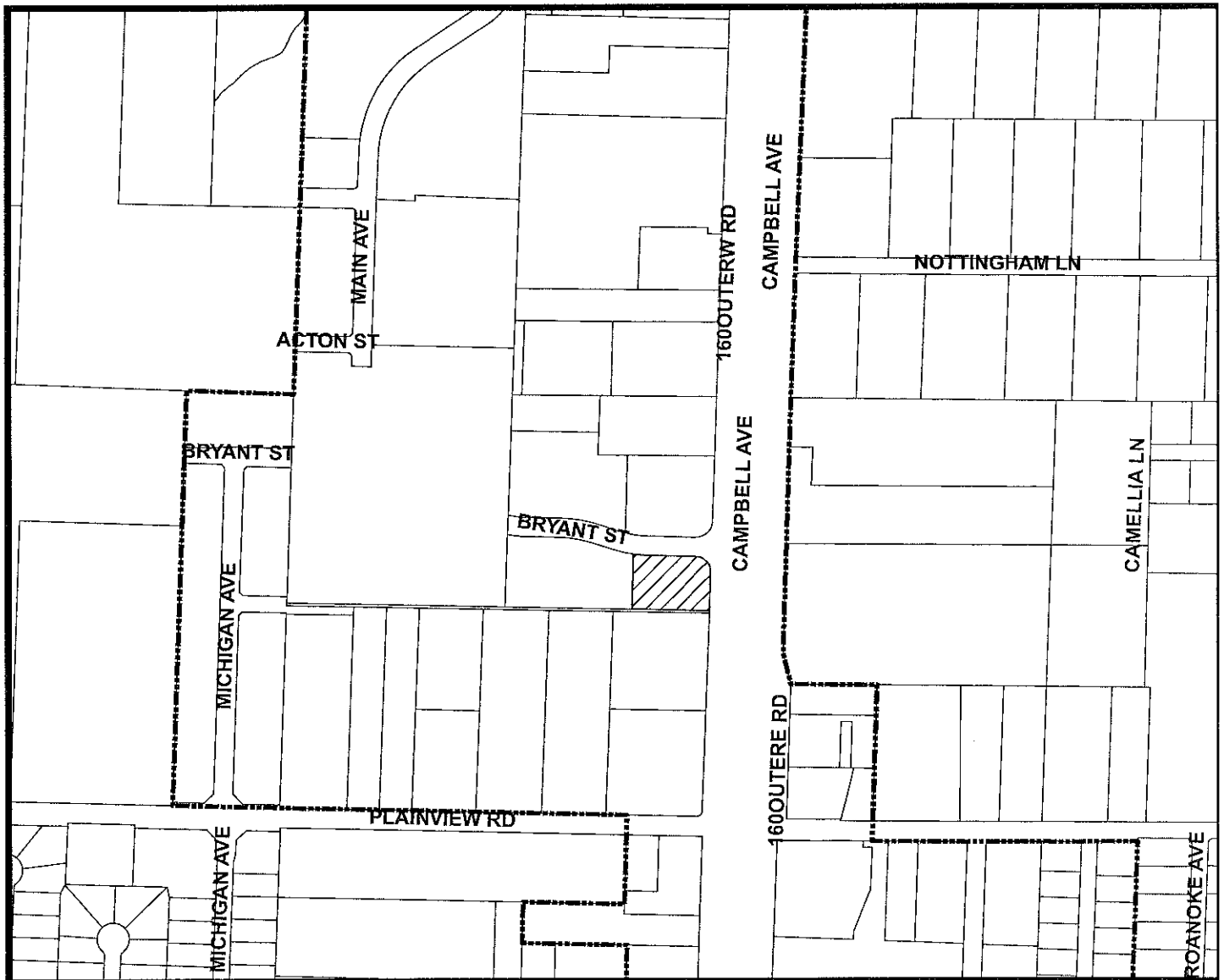
Zoning & Subdivision Report

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

Final Development Plan 271 Amended - Battery Outfitters

Location: 414 West Bryant Street

LOCATION SKETCH



- Area of Proposal



1 inch = 500 feet

Zoning & Subdivision Report

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

FINAL DEVELOPMENT PLAN - PLANNED DEVELOPMENT 271 AMENDED (BATTERY OUTFITTERS)

DATE: August 24, 2012

PURPOSE: To review and approve the final development plan for a new retail establishment as required by the approved planned development ordinance

BACKGROUND:

LOCATION: 414 West Bryant Street

APPLICANT: Lane Shumaker

RECOMMENDATION:

The request be **approved**.

FINDINGS FOR STAFF RECOMMENDATION:

1. The final development plan meets all requirements of the approved planned development ordinance.

STAFF CONTACT PERSON:

Alana D. Owen, AICP
Senior Planner

ATTACHMENT A
BACKGROUND REPORT
FINAL DEVELOPMENT PLAN -
PLANNED DEVELOPMENT 271 AMENDED

HISTORY:

Planned Development 271 Amended was approved by City Council on October 12, 2009. The requirements and standards for Planned Development 271 Amended are attached (Exhibits 1 and 2). The ordinance requires any final development plan to be reviewed and approved by Planning and Zoning Commission.

STAFF COMMENTS:

1. Planned Development 271 Amended was approved by City Council in October of 2009. It requires the Final Development Plan (Exhibit 3) to be approved by the Planning and Zoning Commission provided it is in substantial conformance with the approved Planned Development ordinance.
2. The Administrative Review Committee has reviewed the proposed Final Development Plan (Exhibit 3) and found that it met the requirements of Planned Development 271 Amended.

EXHIBIT 1
Requirements and Standards Applicable to
Planned Development District No. 271 Amended

A. APPLICATION

Building or other permits may not be issued for development permitted by this planned development nor can any changes be made to this property until the final development plan has been approved in the manner described at the end of this exhibit.

All requirements of the *Springfield Zoning Ordinance* shall apply unless modified by the requirements and standards that follow.

B. INTENT

This planned development will allow for a mixed used residential and commercial development, providing a unified architectural theme throughout, and providing for appropriate bufferyards to adjoining neighbors to enhance property values.

C. DEFINITIONS

The definitions contained in the *Zoning Ordinance* shall apply to this ordinance.

D. USES PERMITTED

The following uses shall be permitted in Area A:

The following uses as permitted in the HC, Highway Commercial District:

- A. Accessory Uses, as permitted by *Section 5-1000*.
- B. Ambulance services.
- C. Art galleries, libraries and museums.
- D. Athletic clubs, fitness centers and indoor sports facilities.
- E. Auction sales and flea markets entirely within enclosed buildings.
- F. Automobile parts and accessory stores, including sales, service, installation and repair.
- G. Automobile service garages.

- H. Automobile service stations.
- I. Automobile washing businesses, including automatic, coin-operated, and moving-line facilities.
- J. Automotive sales, service (including body and fender repair and paint shops as accessory uses) and rental of new or used cars and trucks.
- K. Awning and canvas sales and rental.
- L. Banks and financial institutions, including automatic teller machines and drive-thru facilities.
- M. Bed and breakfasts.
- N. Boarding, rooming and lodging houses.
- O. Boat and marine sales and service.
- P. Building materials supply stores with outdoor storage provided it is screened from view, in accordance with *Section 6-1000*.
- Q. Bus stations.
- R. Camper sales and camper trailer sales and service, lease and rental.
- S. Campgrounds and recreational vehicle parks.
- T. Cemeteries.
- U. Churches and other places of worship, including parish houses, Sunday schools and emergency shelters. (G.O. 4852, 11/23/98)
- V. Civic, convention and cultural centers.
- W. Commercial amusements, including bowling alleys, dance halls, video game arcades, billiard parlors, roller skating and ice skating arenas, and movie theaters, including drive-in theaters.
- X. Commercial off-street parking lots and structures.
- Y. Convenience stores with or without gas pumps.
- Z. Day care centers in accordance with *Chapter 36, Article XI, Springfield City Code*.

- AA. Fairgrounds.
- BB. Furniture and appliance stores.
- CC. Governmental buildings and uses.
- DD. Hardware and home improvement stores.
- EE. Home and general equipment rental agencies except heavy equipment.
- FF. Hotels, motels and inns.
- GG. Household resource recovery collection centers, screened from all residential districts and public rights-of-way in conformance with *Section 6-1000*.
- HH. Locksmiths.
- II. Manufactured housing (mobile home) and trailer sales, leasing and service with no storage.
- JJ. Nurseries, greenhouses and garden stores.
- KK. Offices, administrative, business, finance and professional.
- LL. Offices, medical and dental.
- MM. Outdoor commercial amusements such as athletic fields, drive-in movie theaters, golf driving ranges, miniature golf courses and archery ranges, but not including go-cart tracks.
- NN. Bed and Breakfast. (G.O. 5127, 10/29/01)
- OO. Package liquor stores.
- PP. Personal service establishments including beauty parlors, barber shops, dry cleaning and laundry pick-up, shoe repair, self-service laundromats, express or mailing offices and hearing aid and eye glass shops.
- QQ. Pet stores and pet grooming.
- RR. Photo processing, including drive-thru facilities.
- SS. Police and fire stations.

- TT. Private clubs and lodges.
- UU. Public and private parks, playgrounds and golf courses, including miniature golf courses and driving ranges.
- VV. Public or private vehicle and boat storage garages, yards or lots.
- WW. Public service and public utility uses, as follow: (G.O.5094, 7/9/2001)
1. Tier I wireless facilities in accordance with *Section 5-2600*.
 2. Tier III wireless facilities in accordance with *Section 5-2600* provided wireless towers sixty (60) feet or greater in height allow collocation of at least one (1) additional provider's facilities.
 3. Tier IV wireless facilities in accordance with *Section 5-2600* provided wireless towers are setback from any residential district at least two (2) feet for every one (1) foot of tower height and allow collocation of at least one (1) additional provider's facilities or at least two (2) additional providers' facilities if the tower height is one-hundred-twenty (120) feet or greater.
 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- XX. Recording studios.
- YY. Restaurants, including drive-in, pick-up and drive-thru facilities.
- ZZ. Restricted production and repair establishments (for retail sale on the premises only), including the following types of activities: Custom tailoring and alteration of clothing, jewelry from precious metals, watches, dentures and optical lenses.
- AAA. Retail establishments for the following types of uses: bakery, package liquor, books, candy, dairy products, drugs, groceries, flowers, gifts, jewelry, hobby materials, meat, fish and poultry, newsstands, wearing apparel, shoes, clothing, toys, pipe and tobacco, and video rental.
- BBB. Schools and studios for art, dancing, drama, music, photography, interior decorating or similar courses of study.
- CCC. Schools or development centers for persons with handicaps or development disabilities.
- DDD. Self-service storage facilities.

- EEE. Swimming pool sales and displays.
- FFF. Taverns and cocktail lounges.
- GGG. Taxi dispatch yards and offices.
- HHH. Taxidermists.
- III. Television and radio studios.
- JJJ. Temporary uses, as permitted by *Section 5-1200*.
- KKK. Upholstery shops.
- LLL. Veterinary clinics, animal hospitals and kennels, with no outside activities.
- MMM. Any residential dwellings existing at the time the district is mapped. As conforming uses, such a dwelling can be expanded or, if destroyed, replaced with another dwelling of the same type within eighteen (18) months of being destroyed. (G.O. 5127, 10/29/01)
- NNN. Transitional Service Shelters provided that no transitional service shelter shall locate within a two thousand (2000) foot radius of another transitional service shelter, soup kitchen or emergency shelter. (G.O. 4763, 12/15/97)
- OOO. Temporary vendors as permitted under *Section 5-1203.B.2*. (G.O. 4925, 9/27/99)
- PPP. Other towers other than wireless facilities, less than one-hundred (100) feet in height, and related facilities. (G.O. 5094, 7/9/2001)
- QQQ. Construction equipment storage yards. (G.O. 5127, 10/29/01)

The following uses shall be permitted in Area B:

- A. Multifamily dwellings
- B. Multifamily elderly housing facilities: Living facilities for the elderly designed as a multifamily dwelling in which the living units may or may not contain kitchen facilities. Other uses which may be permitted if they are clearly incidental to such facilities may include central dining rooms, activities centers, commissary, nursing care, beauty and barber shops, and other similar uses. Typical uses include retirement homes.

- C. Accessory uses incidental to residential development designed for and available to residents but not open to the public on a common basis. Typical uses include administrative offices for project management not exceeding one thousand (1000) square feet, model units, carports, garages, maintenance buildings, and gate houses.
- D. Community and recreational facilities incidental to residential development designed for and available to residents but not open to the public on a commercial basis. Typical uses include community centers, swimming pools, tennis and basketball courts, health clubs, etc.

The following uses shall be permitted in Area C:

- 1. Residential uses
 - 1. Semidetached dwellings, such as patio homes
 - 2. Two family dwellings, such as duplexes
 - 3. Attached dwellings such as townhouses

E. USE LIMITATIONS

- 1. No dust, particulate matter or noxious or toxic matter of any sort shall be emitted or discharged at any time.
- 2. All uses shall operate in accordance with the noise standards contained in *Section 6-1500 of the Springfield Zoning Ordinance*.
- 3. In Areas B and C all activities and permitted uses, except off-street parking/ loading facilities, swimming pools, and volleyball courts, shall be conducted wholly inside a building, or buildings.
- 4. Screening and fencing shall be provided in accordance with Section 6-1000 of the *Springfield Zoning Ordinance*.
- 5. No soil disturbance shall occur as a part of this development within one hundred (100) feet of the Ward Branch Creek as measured from the centerline without written permission from the Director of Public Works.

2. INTENSITY OF DEVELOPMENT

- 1. The maximum floor area ratio for development within Area A shall not exceed 1.0.
- 2. The maximum gross residential density for development within Area B is twenty-nine (29) dwelling units an acre.

3. The maximum gross residential density for development within Area C is eleven (11) dwelling units an acre.

3. BULK, AREA AND HEIGHT REQUIREMENTS

1. All buildings shall have a minimum setback of ten (10) feet from abutting streets' rights-of-way. Garage doors for residential development shall be at least twenty (20) feet from these rights-of-way.
2. No structure shall exceed a height of three (3) stories above grade.
3. The maximum impervious surface ratio shall not exceed 0.80 for each buildable lot with Areas A, B, and C.
4. The minimum open space ratio shall be at least 0.20 for each buildable lot within Areas A, B, and C.

H. DESIGN REQUIREMENTS

1. Structures within this planned development for non-residential uses shall display a similar level of quality on all building facades. Entry doors shall be provided from both the street and the parking lots to the businesses and multifamily dwellings. These entryways shall be differentiated from the rest of the building to define the entry and avoid a hole in the flat face of the building.
2. Building elevations, showing compliance with these requirements and detailing the architectural elements, shall be submitted with the final development plan.

I. OPEN SPACE, LANDSCAPING & SCREENING

1. The landscape and bufferyard provisions of Section 6-1200 of the *Springfield Zoning Ordinance* in effect at the time of development shall apply for different types and intensities of development within the planned development as well as adjacent to surrounding properties outside of the planned development.
2. An area of no soil disturbance shall be provided one hundred (100) feet from the centerline of Ward Branch Creek in conformance with Section 6-1200 of the *Springfield Zoning Ordinance* unless written permission from the Director of Public Works is provided otherwise.
3. Screening and fencing, and landscaping requirements for off-street parking and vehicular use areas is required in accordance with Sections 6-1000 and 6-1200 of the *Springfield Zoning Ordinance* in effect at the time of development. Where perimeter landscaping is

required, the following is required in addition to the required plantings to create an edge along street rights-of-way:

A decorative wall or fence at least thirty (30) inches high. Solid decorative walls shall not exceed a height of forty-two (42) inches, although railings and decorative elements are permitted above the solid wall or fence provided they contain at least fifty (50) percent open voids and the overall height does not exceed seven (7) feet. Walls and fences shall also be designed and constructed to ensure adequate visibility of pedestrian and vehicular traffic at all driveways.

4. No structures, signs, mechanical equipment, vehicular use areas (except those drives required to provide access to adjoining public thoroughfares and the pedestrian connection to the greenway trail) are permitted within these bufferyards. The surface of these bufferyards, or other required landscaped areas, shall be maintained with a living ground cover.
5. All other areas not shown as buildings or other form of impervious surface on Exhibit 2 and which are not designated as a bufferyard shall be required to be maintained with a living ground cover.
6. Waste cans, dumpster units, or other forms of litter control and refuse disposal devices shall be placed within the district where they are least visible from a public street or adjoining properties. Screening of these devices, in the form of a sight-proof fence or wall, shall be provided. These devices may not occupy parking spaces required by this exhibit.
7. A landscape plan, showing conformance with these requirements, shall be submitted with the final development plan.

J. EXTERIOR LIGHTING

The requirements and standards of *Section 6-1400* of the *Springfield Zoning Ordinance*, in effect at the time of development shall apply.

K. ACCESS TO PUBLIC THOROUGHFARES

1. Access to Weaver Road shall be in conformance with the requirements in the *Springfield Subdivision Regulations* for secondary arterials.
2. Access to the Campbell Avenue outer road shall conform to the requirements in the *Springfield Subdivision Regulations* for collector streets.
3. All access to the internal collector streets shall be in conformance with the requirements in the *Springfield Subdivision Regulations* for a collector street classification.

L. OFF-STREET PARKING

Sections 5-1500, 5-1600 and 6-1300 of the Springfield Zoning Ordinance in effect at the time of development shall apply.

M. SIGNS

1. All signage within the Planned Development shall be monument type signs.
2. Off-premise signs, as defined by the City sign code, are prohibited.
3. All other requirements and standards of *Section 5-1400 of the Springfield Zoning Ordinance*, in effect at the time of development shall apply.

N. REQUIRED IMPROVEMENTS

1. Public improvements to be completed. Public and private improvements necessary to adequately accommodate the intensity of development proposed in this District shall be constructed prior to or concurrently with the development of the property. If the development of the property is phased, the construction of the improvements may also be phased provided there is a logical relationship between each phase of the development and the construction of the required improvements. Prior to building permits being issued to the applicant, or subsequent owners shall:
 - a. construct the required improvements; or
 - b. provide assurances satisfactory to the Director of Public Works guaranteeing that all required improvements will be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department shall be provided to the City.
2. Certificate of occupancy. No certificate of occupancy shall be issued for any structure within this District, or phase of the development, unless:
 - a. the required improvements are completed prior to occupancy of the structures; or
 - b. the Director of Public Works has determined that:
 - (1) any incomplete required improvements have little or no effect on the occupancy of the facility; or
 - (2) conditions beyond the control of the contractor, *i.e.*, strikes, weather, etc., have delayed the completion of the improvements.

If one of these conditions occurs, the Director of Building Development Services may permit occupancy under conditions satisfactory to the Director of Public Works that the required improvements will be completed as required by this ordinance within a reasonable time.

3. Required improvements. Improvements necessary to adequately accommodate the intensity of development in this District include the following.
 1. Sixty (60) feet of right-of-way shall be dedicated for the collector streets shown on Exhibit 2. The developer shall construct the street to collector street standards installed as generally shown on Exhibit 2. Other streets to the west will be required to provide access for future residential development and shall generally be located as shown on Exhibit 2.
 2. Four (4) foot sidewalks shall be constructed on both sides of the internal roadway. Internal sidewalks or clearly identified pedestrian ways shall connect the permitted uses to the public sidewalks wherever possible to provide for safe pedestrian access within this development.
 3. Other public streets or vehicular access easements will be required to adjoining properties to provide cross access between this property and the others.
 4. A pedestrian trail connection shall be provided by the developer from near the intersection of Main Avenue and Weaver Road generally following the north and west toe of the slope of the existing detention basin to a point where it would turn west and cross the existing thirty foot access easement, enter the stream buffer and intersect the existing greenway trail easement. The exact location shall be approved by the Springfield-Greene County Parks Department and Ozark Greenways, Inc.

O. MAINTENANCE OF COMMON AREAS AND FACILITIES

The maintenance of common areas and facilities within the District shall remain the responsibility of the developer(s) or shall be assumed by a duly constituted property owners association meeting all legal requirements prescribed by the City Attorney.

P. PHASING

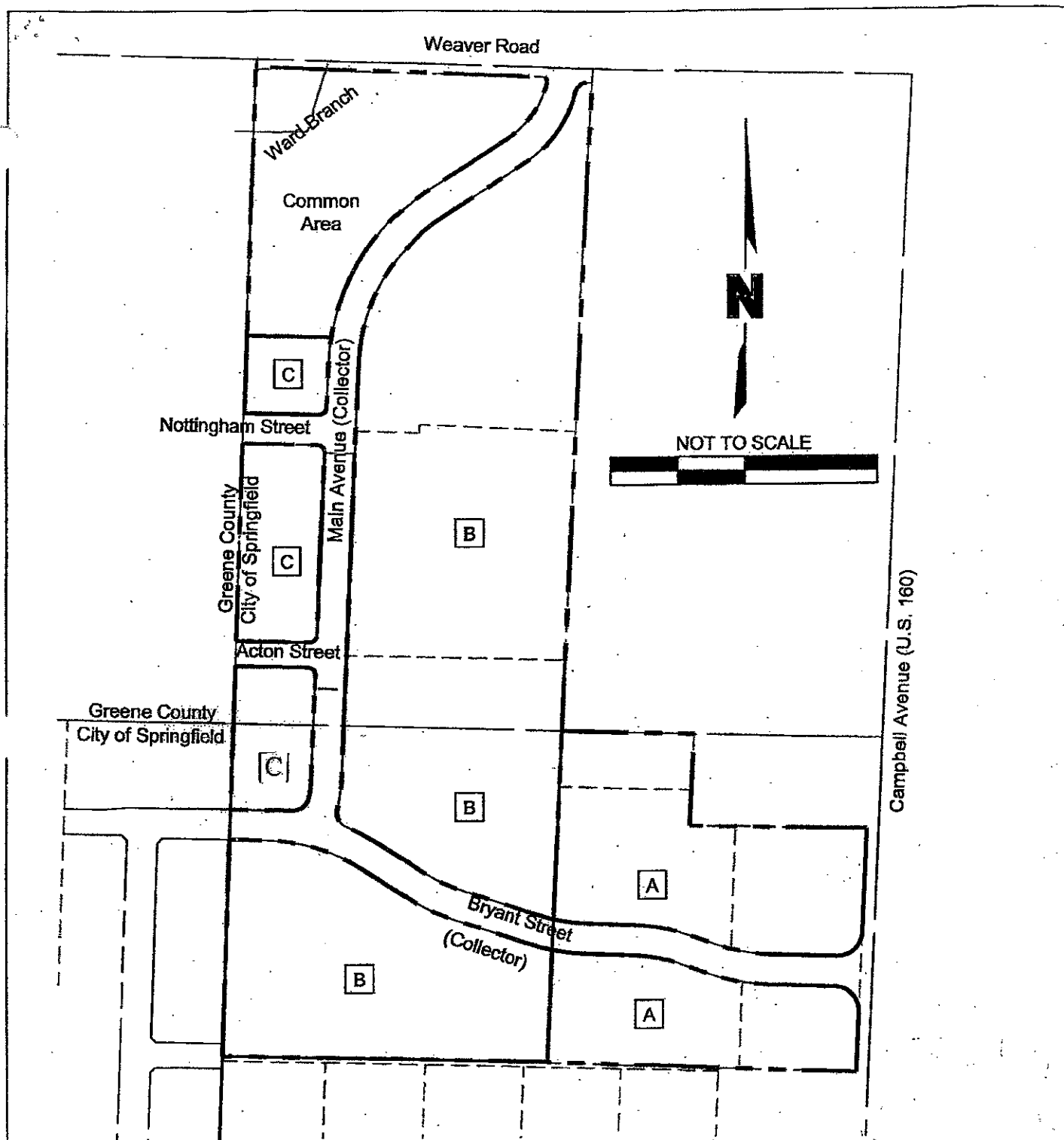
Development may be phased provided that all public improvements directly related to each phase are completed at the time of its development and that improvements serving the District as a whole and the adjoining area are completed in a sequence assuring full utility of the District as a whole and all areas within the District and so that future public improvements required by this ordinance or other applicable ordinances of the City are not compromised or rendered unduly difficult.

Q. FINAL DEVELOPMENT PLAN

A final development plan, showing conformance with the requirements of this Exhibit, shall be submitted to the Planning and Development Department and approved in the manner described below prior to the issuance of any building permits or prior to the commencement of any of the permitted uses or improvements permitted or required by this exhibit. The final development plan may be submitted in the form of a preliminary plat, provided the plat is

prepared in accordance with the requirements, standards, and intent of this Exhibit. Development of this District shall be in accordance with the approved final development plan.

1. The final development plan shall be submitted to the Planning and Zoning Commission for review and final action, either as a whole or in phases. The Planning and Zoning Commission is hereby authorized, at its discretion, to approve minor adjustments and modifications to the site plan. Such authority shall not, however, be construed to permit:
 - A. Any uses within the District other than those specifically prescribed by the ordinance.
 - B. Any increase in the intensity of use permitted within the District.
2. Subdivision approval may constitute the final development plan(s) for residential development in Area C. The Planning and Zoning Commission is hereby authorized to accept the preliminary plat provided all provisions of this ordinance are satisfied and that all requirements of the Subdivision Regulations not specifically modified by this ordinance are met. The Planning and Zoning Commission is hereby authorized at their discretion to approve minor adjustments and modifications to the site plan(s). Such authority shall not, however, be construed to permit:
 - a. Any uses within this tract other than those specifically prescribed by ordinance.
 - b. Any increase in the intensity of use permitted within this tract.
 - c. Any deviation from provisions specifically prescribed by this ordinance.



LEGEND

	Zone Boundary
	Zone Classification
	Section Line

**PD271AMENDED
EXHIBIT 2**

drawn by: DRM
surveyed by: KAO
checked by: NSS
approved by: KAO
project no.: 009-0230
file.name: 90230_Sketch

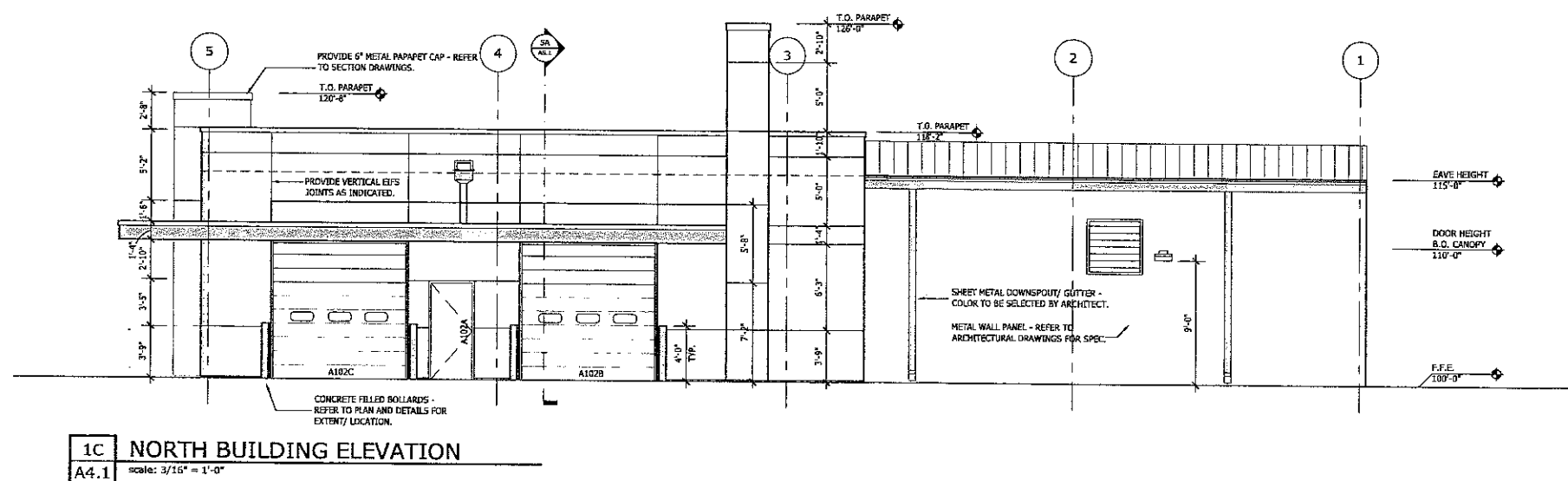
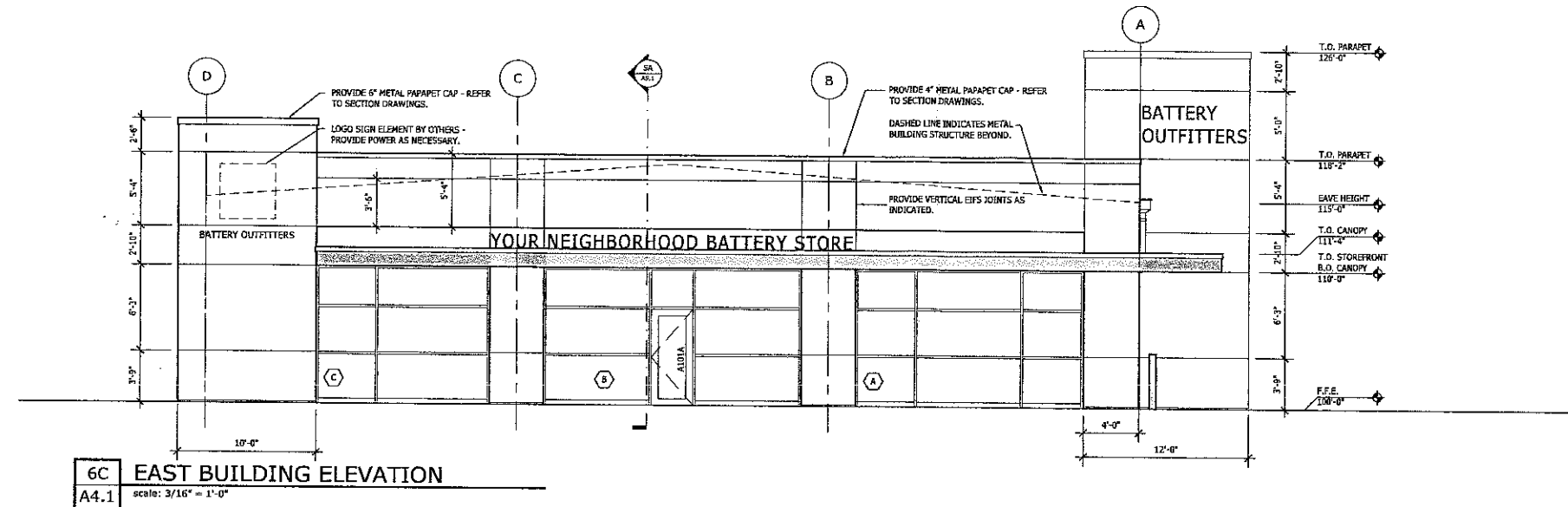
DATE	REVISION	BY
	27 of 27	
09.22.09	Original Preparation	DRM

MOLSSON
ASSOCIATES

1525 East Republic Road, Building B,
Suite 100
Springfield, MO 65804

TEL 417.890.8802
FAX 417.890.8805

www.oaconsulting.com



5051 SOUTH NATIONAL AVE SUITE 7A
 SPRINGFIELD, MISSOURI 65810
 417 887 6595 417 887 6921 FAX

WWW.HDESIGNGROUP.COM

Client:

Lane Shumaker
 Battery Outfitters
 Hwy 86 PO Box 215
 Golden, MO 65858
 (417) 271-3801 Phone

Consultants:

Civil Engineer:
 CMW Transportation Consultants, LLC
 5051 South National, Suite 4-110
 Springfield, MO 65810
 (417) 889-3400 Phone
 (417) 889-3402 Fax

Structural Engineer:
 Pinnacle Design Consultants
 2025 W. Sunshine, Suite 124
 Springfield, MO 65807
 (417) 731-3001 Phone
 (417) 865-3033 Fax

MEP Engineer:
 LaRose & Schober Engineering
 3015 S. Fort Suite D
 Springfield, MO 65807
 (417) 881-1586 Phone
 (417) 881-8390 Fax

Exhibit 3
 sheet 1 of 3

Professional Seal

Bryan Todd Bole - Architect
 MO # A-007855

Revisions

NO.	DESCRIPTION

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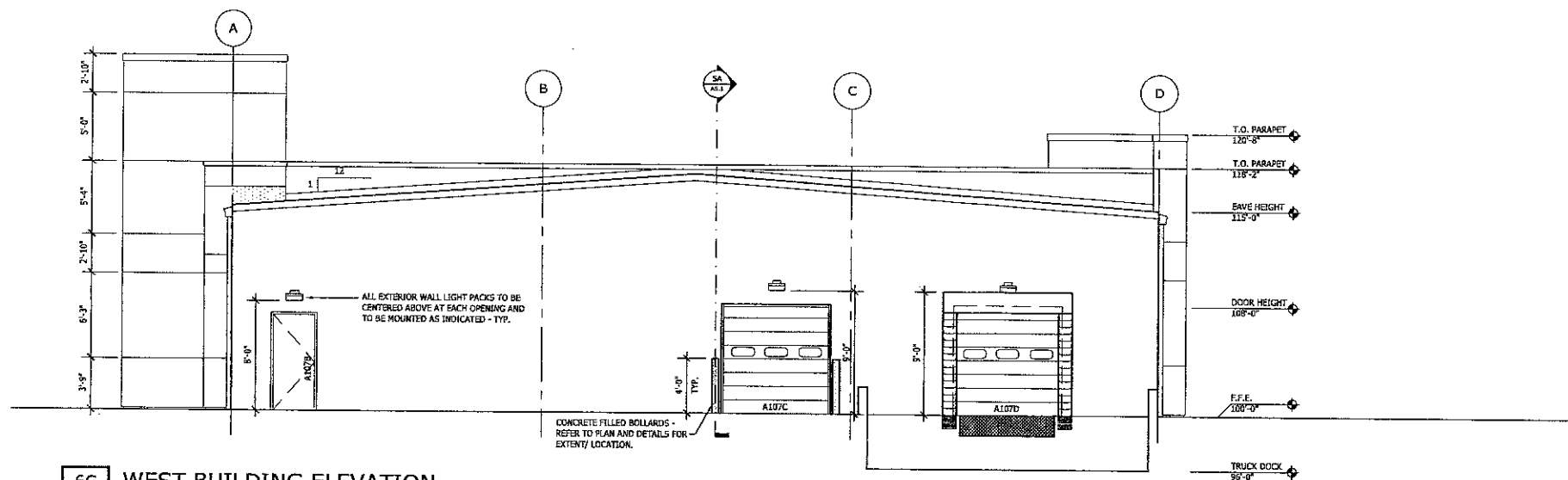
New Facility for:
Battery Outfitters
 414 West Bryant Street
 Springfield, MO 65810

EXTERIOR ELEVATIONS

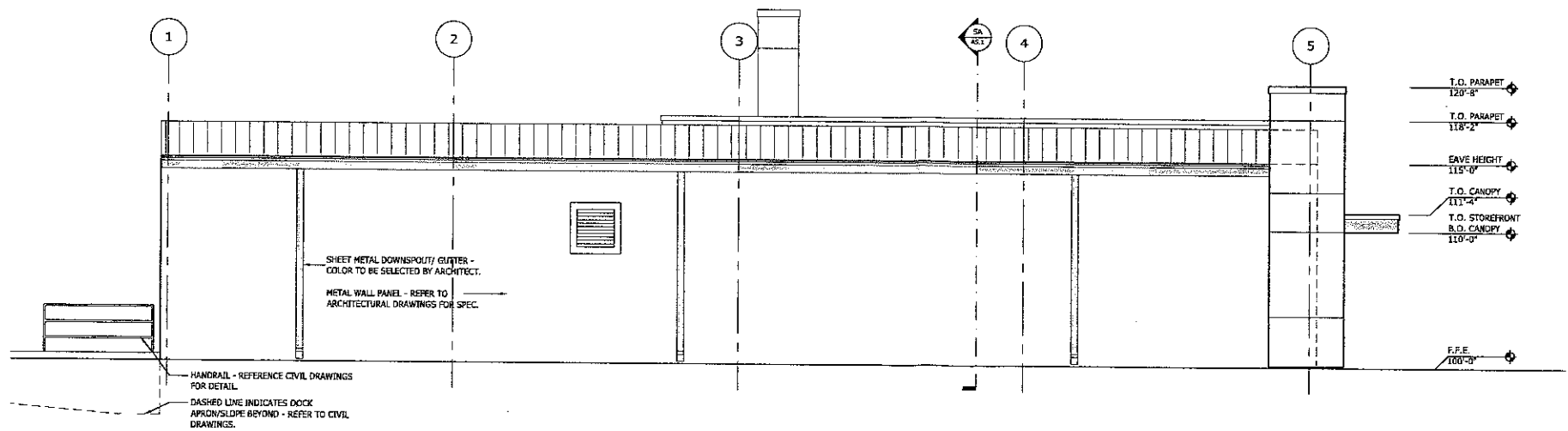
Project Number: 12-012 Sheet Number:
 Drawn By: SAO
 Reviewed By: BTB
 Date: 07-23-2012

A4.1

CONSTRUCTION DOCUMENTS



6C WEST BUILDING ELEVATION
A4.2 scale: 3/16" = 1'-0"



1C SOUTH BUILDING ELEVATION
A4.2 scale: 3/16" = 1'-0"



5051 SOUTH NATIONAL AVE SUITE 7A
SPRINGFIELD, MISSOURI 65810
417 887 6995 417 887 6921 FAX

WWW.HDESIGNGROUP.COM

Client:

Lane Shumaker
Battery Outfitters
Hwy 86 PO Box 215
Golden, MO 65858
(417) 271-3801 Phone

Consultants:

Civil Engineer:
CJW Transportation Consultants, LLC
5051 South National, Suite 4-110
Springfield, MO 65810
(417) 889-3400 Phone
(417) 889-3402 Fax

Structural Engineer:
Pinnacle Design Consultants
2025 W. Sunshine, Suite 124
Springfield, MO 65807
(417) 731-3001 Phone
(417) 865-3033 Fax

MEP Engineer:
LaRose & Schroder Engineering
3015 S. Fort Suite D
Springfield, MO 65807
(417) 881-1586 Phone
(417) 881-8390 Fax

Professional Seal

Bryan Todd Saba - Architect
MO # A-007885

Revisions

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New Facility for:
Battery Outfitters
414 West Bryant Street
Springfield, MO 65810

EXTERIOR ELEVATIONS

Project Number: 12-012 Sheet Number:

Drawn By: BAO

Reviewed By: BTS

Date: 07-23-2012

A4.2

CONSTRUCTION DOCUMENTS

Exhibit 3
Sheet 2 of 3

EXPLANATION TO COUNCIL BILL NO. 2012 -

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 0.55 acres of property generally located at 4800 W. Kearney Street from a IC, Industrial Commercial District, to a HM, Heavy Manufacturing District (Staff recommends approval).

ZONING CASE Z-11-2012

BACKGROUND INFORMATION:

This is a request to rezone approximately 2.07 acres of property generally located at 4800 West Kearney Street from a IC, Industrial Commercial District, to a HM, Heavy Manufacturing District. The rezoning will allow a towing business with temporary outdoor storage, which is not permitted in the Industrial Commercial District.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on September 6, 2012 and recommended _____, by a vote of ___ to __, of the proposed zoning on the tracts of land described on Exhibit A (see the attached Record of Proceedings).

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

FINDINGS FOR STAFF RECOMMENDATION:

1. This request is consistent with the recommendations of the *Comprehensive Plan*, which identifies this area as an appropriate location for manufacturing, transportation, and utility uses.
2. The proposed HM-Heavy Manufacturing District, is consistent and compatible with surrounding uses and districts.

FINDINGS FOR COMMISSION TO RECOMMEND DENIAL:

1. None.

Submitted by:

Approved by:

Planning and Development

City Manager

EXHIBITS:

Exhibit A, Legal Description

Exhibit B, Record of Proceedings

Exhibit C, Location Map

ATTACHMENTS:

Attachment 1, Background Report

Attachment 2, Neighborhood Meeting Summary

Attachment 3, 500 ft. Neighborhood List and 185 ft. Property Owners List

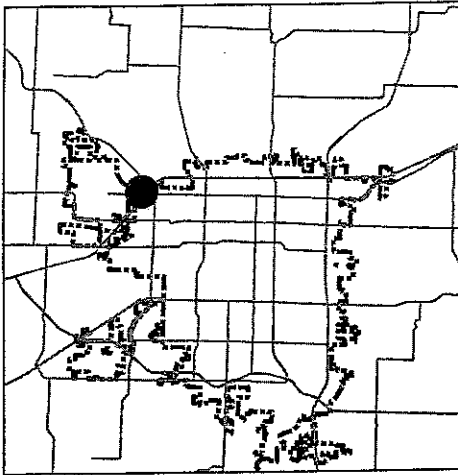
EXHIBIT A
LEGAL DESCRIPTION
ZONING CASE Z-11-2012

All beginning 460 feet west of the intersection of the south right-of-way of Highway "OO" and the east line of Lot One (1) northwest quarter (NW1/4) of section 7, township 29, range 22, thence south parallel with the east line of Lot One (1) , 250 feet; thence west 120 feet, thence north 250 feet to the south right-of-way line of said highway; thence east to the beginning, in Greene County, Missouri, except any part thereof taken, deeded or used for road or highway purposes.

Also, all of Lots Seven (7) and Eight (8), in Plainview Addition, Greene County, Missouri.

EXHIBIT B
RECORD OF PROCEEDINGS

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



Zoning & Subdivision Report

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

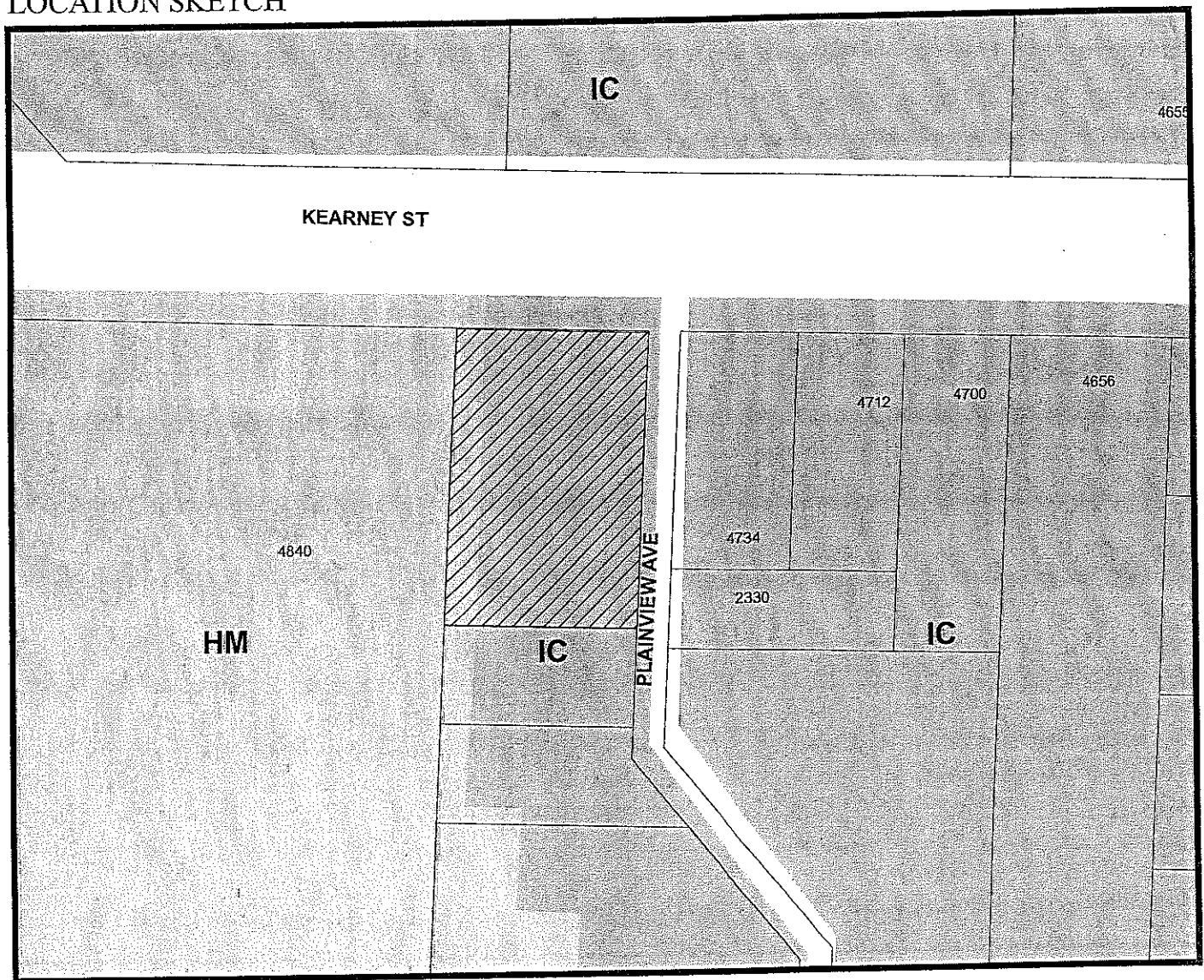
Zoning Case Z-11-2012

Location: 4800 W Kearney

Current Zoning: Industrial Commercial, IC

Proposed Zoning: Heavy Manufacturing, HM

LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

ATTACHMENT 1
BACKGROUND REPORT
ZONING CASE Z-11-2012

DATE: August 9, 2012

LOCATION: 4800 W. Kearney Street

APPLICANT: Harvey A. Flacks, trust

TRACT SIZE: Approximately 2.07 acres

EXISTING USES: Commercial building

PROPOSED USE: Towing business with temporary outside storage

SURROUNDING LAND USES:

Area	Zoning	Land Use
North	IC	Manufacturing uses
South	IC	Vacant land
East	IC	Car rental business
West	HM	Manufacturing uses

COMPREHENSIVE PLAN:

The Growth Management and Land Use map of the *Comprehensive Plan* shows the subject site as being developed for manufacturing, transportation and utility uses.

CLEAN WATER SERVICES COMMENTS:

No objections to the rezoning however we do have the following comments;

1. Property is already connected to sewer however it is covered by a special connection agreement which says that it is subject to participate in any future sewer districts. The property is currently not in a sewer district but is part of a future tax bill district which will extend sewer to the properties to the east and south of it. The owners would be required to pay a prorated cost of that sewer district.
2. If any new structures are added an additional sewer connection fee may be required if there is an increase in water meter size.

TRAFFIC COMMENTS:

There are no Traffic issues with the proposed rezoning. However, the driveway on Plainview Ave needs to be addressed as follows:

1. Need to construct a defined driveway off Plainview Ave that meets current ST-9 standards.

STORM WATER COMMENTS:

1. There are no stormwater issues with rezoning this property; however, please note that development (or re-development) of the subject property will be subject to the following conditions at the time of development:

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

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

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

BUILDING DEVELOPMENT SERVICES COMMENTS:

No objections to the rezoning.

CU COMMENTS:

City Utilities has no objections to the rezoning.

NEIGHBORHOOD MEETING COMMENTS:

A neighborhood meeting with property owners within five hundred (500) feet of the subject property was held on August 15, 2012. There were no objections to the proposed rezoning. The applicant's summary of the meeting and sign-in sheet is attached (Attachment 2).

ADJACENT PROPERTY OWNER COMMENTS:

Six (6) property owners are within one hundred eighty-five (185) feet of this site and have been notified of the public hearing. No one has objected to date.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 2.07 acres of property generally located at 4800 West Kearney Street from a IC, Industrial Commercial District, to a HM, Heavy Manufacturing District. The rezoning will allow a towing business with temporary outdoor storage, which is not permitted in the Industrial Commercial District.
2. The Growth Management and Land Use map of the *Comprehensive Plan* shows the subject site as being developed for manufacturing, transportation and utility uses.

FINDINGS FOR STAFF RECOMMENDATION:

3. This request is consistent with the recommendations of the *Comprehensive Plan*, which identifies this area as an appropriate location for manufacturing, transportation, and utility uses.
4. The proposed HM-Heavy Manufacturing District, is consistent and compatible with surrounding uses and districts.

FINDINGS FOR COMMISSION TO RECOMMEND DENIAL:

1. None.

RECOMMENDATION:

The request be **approved**.

STAFF CONTACT PERSON:

Michael K. MacPherson, MPA
Principal Planner

RICHARD M GOZIA
4009 N. Briarcliff Road
Kansas City, Missouri 64116
(816) 398-9585 Home Office
(816) 787-7858 Cell
rmgozia@gmail.com

August 4, 2012

Re: Rezoning Application for 4800 W. Kearney Street
Applicant: Richard M Gozia

Dear Neighbor:

This letter is to invite you to an informal neighborhood meeting concerning the proposed rezoning of 4800 W. Kearney Street from Industrial Commercial to Heavy Manufacturing District. The proposed use of the property will be for the headquarters of a local light duty vehicle towing company and for the short term storage of vehicles towed by the company.

The meeting will be held on Wednesday, August 15, 2012, from 5:00 PM to 6:00 PM at 4800 W. Kearney Street.

If you are unable to attend the meeting but would like to discuss the rezoning application, please feel free to contact me directly at (816) 787-7858 or (816) 398-9585. If I am unavailable, please leave a message and I will return your call promptly.

Thank you for your time.

Sincerely,


Richard M Gozia

NOTICE

Enclosed you have received a notice of a neighborhood meeting, submitted by the applicant to discuss a change in zoning status. In addition to the neighborhood meeting, Planning and Development Staff are available to meet with you or your neighborhood association representative(s) at City offices to discuss the proposed zoning changes, answer questions, and receive input directly from the neighborhood.

Staff submits a report with a recommendation to the Planning and Zoning Commission one week prior to the date of the Public Hearing before the Commission. If you have questions or desire to submit input for consideration we would request that you do so at the earliest opportunity so your views can be included in the staff report.

Cordially,

Mike MacPherson, Principal Planner
Development Review Division

NEIGHBORHOOD MEETING SUMMARY

REZONING OF 4800 W KEARNEY STREET

1. Development Application

Rezoning of 4800 W. Kearney St from Industrial Commercial to Heavy Manufacturing

2. Meeting Date & Time

August 15, 2012 from 5 PM to 6 PM (Representatives were on sight from 4:00 PM to 6:00 PM)

3. Meeting Location

4800 W. Kearney Street, Springfield, MO

4. Number of invitations that were sent

23 (twenty-three)

How was the mailing list generated?

List generated by the City of Springfield Planning and Development Department Staff (Michael Sparlin)

5. Number of neighbors in attendance (Copy of sign-in sheet attached)

Two (2)

Keith Bucher – Finance Director of Tuthill Manufacturing – the business located directly west of 4800 W. Kearney Street

Troy Ruff representing William B. White, owner of several lots adjacent to 4800 W. Kearney Street to the Southeast.

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

I first provided a briefing on the intended use of the property as a Towing and Storage facility and then asked for comments or questions.

Mr. Bucher asked why the change to Heavy Manufacturing was required and I showed him the City of Springfield Zoning Regulations that required Heavy Manufacturing designation for a company that will be using the property for a Towing and Storage facility. Mr. Bucher further commented that Tuthill Manufacturing (the Tuthill location is already zoned HM) did not have any issues with the rezoning.

Mr. Ruff did not have any questions and stated that his company did not have any issues with the rezoning of 4800 W. Kearney St. to Heavy Manufacturing.

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

There were no written comments presented at the meeting or otherwise.

8. Other communications from property owners outside the Neighborhood Meeting

Subsequent to sending out the letters announcing the Neighborhood Meeting to the neighbors within 500 feet of 4800 W Kearney Street I have also received the following inquiries by phone:

- A. Brad Middlemas who owns the property at 4655 W Kearney Street - Mr. Middlemas requested a briefing on the intended use of the property once rezoned and I explained our intended use as a Towing and Storage Facility in detail. After my explanation, Mr. Middlemas stated that he was not opposed to the change in zoning to HM.
- B. Ronnie D Goodwyn who I believe owns the property at 4656 W Kearney St. requested a briefing on the intended use of the property once rezoned and I explained our intended use as a Towing and Storage Facility in detail. After my explanation, Mr. Goodwyn stated that he was not opposed to the change in zoning to HM.
- C. Representatives of our Towing & Storage Company have also received an informal inquiry from the owner of the property at 4734 W Kearney Street who stated that he is not opposed to the rezoning of the property at 4800 W Kearney Street.

As of this date, August 16, 2012, we have received no other inquiries regarding the rezoning of 4800 W Kearney Street, Springfield, MO

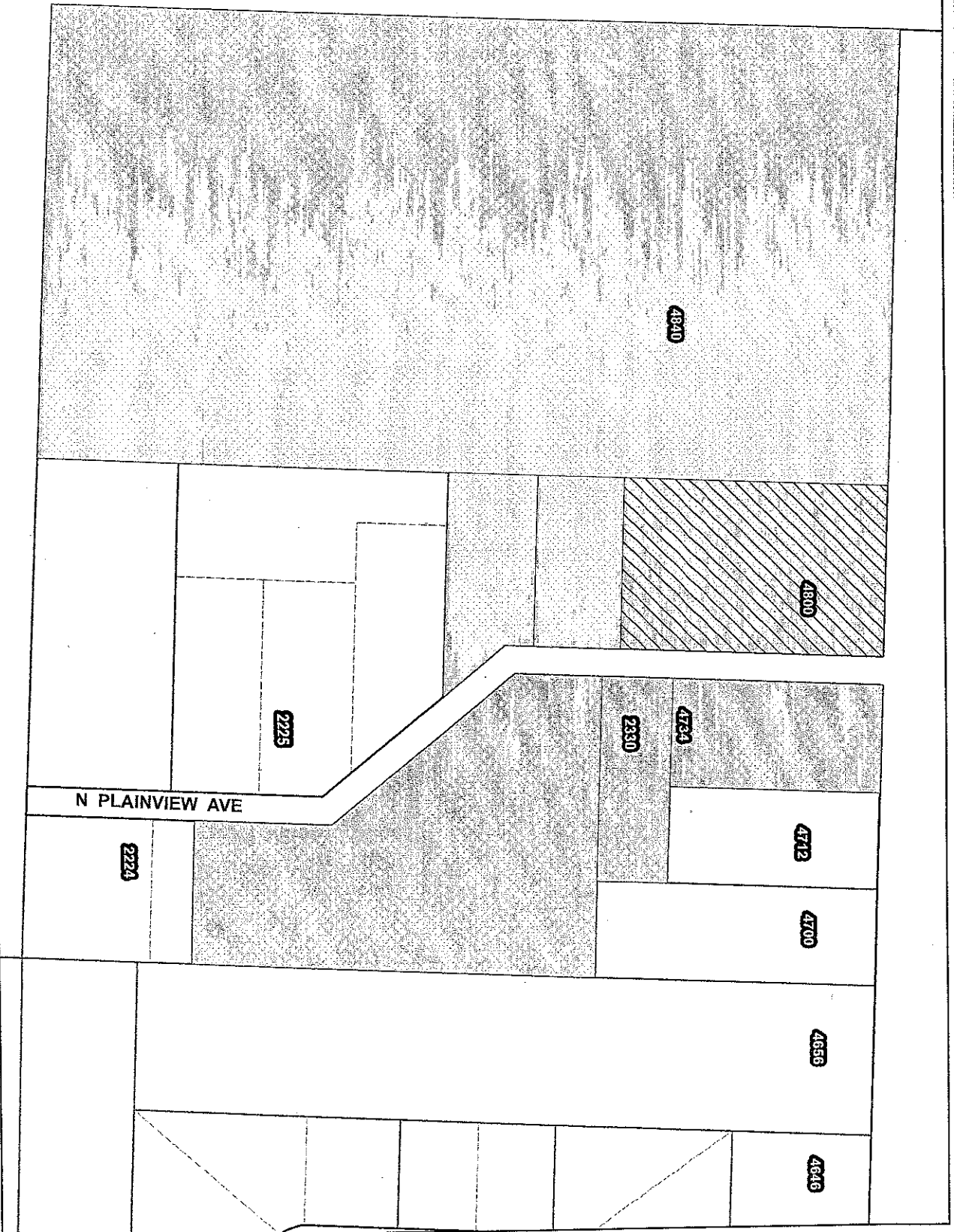


NEIGHBORHOOD MEETING

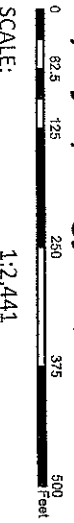
AUGUST 15, 2012

	<u>NAME</u>	<u>ADDRESS</u>
1.	Keith Bucher	4840 W. Kearney
2.	Troy Runk for W.B. WHITE	2051 E. Kearney
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		

185 ft. Property Owners List - 4800 W Kearney



City of Springfield, Missouri



SCALE:

1:2,441



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ROACH, WILLIAM D JR ETAL TR
1433 S GINGER BLUE AVE
SPRINGFIELD, MO 658092260

BOB'S RENTALS INC
2300 N AIRPORT BLVD
SPRINGFIELD, MO 658027537

TUTHILL CORP INC
8500 S MADISON ST
BURR RIDGE, IL 605276284

WHITE, WILLIAM B JR TR
PO BOX 4224
SPRINGFIELD, MO 658084224

FLACKS, HARVEY A TRUST
11915 PAWNEE LN
LEAWOOD, KS 662092125

EMPIRE BK
PO BOX 3397
SPRINGFIELD, MO 658083397

WHITE, WILLIAM B JR TR
PO BOX 4424
SPRINGFIELD, MO 658084424

SPRINGFIELD, MO 658084424

PO BOX 4424

WHITE, WILLIAM B JR TR

SPRINGFIELD, MO 658084224

PO BOX 4224

WHITE, WILLIAM B JR TR

SPRINGFIELD, MO 658092260

1433 S GINGER BLUE AVE

ROACH, WILLIAM D JR ETAL TR

SPRINGFIELD, MO 658083397

PO BOX 3397

EMPIRE BK

BURR RIDGE, IL 605276284

8500 S MADISON ST

TUTHILL CORP INC

LEAWOOD, KS 662092125

11915 PAWNEE LN

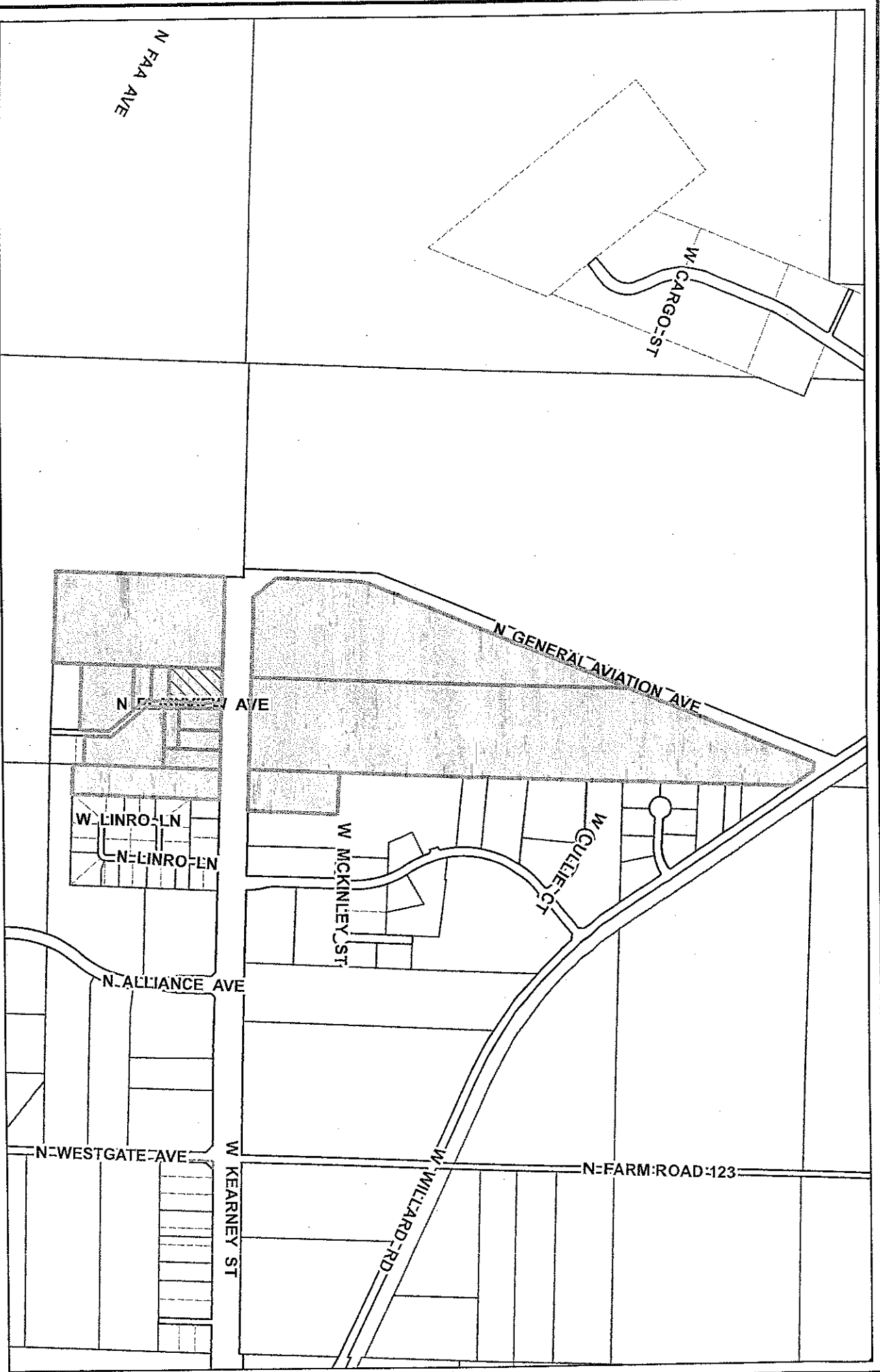
FLACKS, HARVEY A TRUST

SPRINGFIELD, MO 658027537

2300 N AIRPORT BLVD

BOB'S RENTALS INC

500 ft. Property Owners/Renters List - 4800 W Kearney



City of Springfield, Missouri

SCALE: 1:10,957



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LITTON PRECISION PRODUCTS INC
PO BOX 17319
BALTIMORE, MD 21203

GOODWYN, RONNIE D
7656 W WYNWOOD DR
SPRINGFIELD, MO 658028415

ROACH, WILLIAM D JR ETAL TR
1433 S GINGER BLUE AVE
SPRINGFIELD, MO 658092260

WHITE, WILLIAM B JR TR
PO BOX 4224
SPRINGFIELD, MO 658084224

WHITE, WILLIAM B JR TR
PO BOX 4424
SPRINGFIELD, MO 658084424

Current Resident
4656 W KEARNEY ST
SPRINGFIELD, MO 65803

Current Resident
4734 W KEARNEY ST
SPRINGFIELD, MO 65803

Current Resident
4800 W KEARNEY ST
SPRINGFIELD, MO 65803

LITTON INDUSTRIES INC
PO BOX 17319
BALTIMORE, MD 21203

FEDERAL NATL MORTG ASSOC
14221 DALLAS PRKWY
DALLAS, TX 75254

BOB'S RENTALS INC
2300 N AIRPORT BLVD
SPRINGFIELD, MO 658027537

FLACKS, HARVEY A TRUST
11915 PAWNEE LN
LEAWOOD, KS 662092125

YORK, DONALD
2225 N PLAINVIEW AVE
SPRINGFIELD, MO 658038713

Current Resident
4700 W KEARNEY ST
SPRINGFIELD, MO 65803

Current Resident
2330 N PLAINVIEW AVE
SPRINGFIELD, MO 65803

Current Resident
2225 N PLAINVIEW RD
SPRINGFIELD, MO 65803

MIDDLEMAS, WILMA J TRUST
4655 W KEARNEY ST
SPRINGFIELD, MO 658039517

NEUENSCHWANDER, ROBERT F
2300 N AIRPORT BLVD
SPRINGFIELD, MO 65802

TUTHILL CORP INC
8500 S MADISON ST
BURR RIDGE, IL 605276284

EMPIRE BK
PO BOX 3397
SPRINGFIELD, MO 658083397

Current Resident
4811 W KEARNEY ST
SPRINGFIELD, MO 65803

Current Resident
4712 W KEARNEY ST
SPRINGFIELD, MO 65803

Current Resident
4840 W KEARNEY ST
SPRINGFIELD, MO 65803

EXPLANATION TO COUNCIL BILL NO. 2012 -

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To adopt an ordinance to approve a use permit to permit a non-profit community center within an R-SF, Single Family Residential District at 661 South New Avenue (Staff recommends approval).

BACKGROUND INFORMATION:

CONDITIONAL USE PERMIT NUMBER 399

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

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

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The building is currently being used as a church which is illegal non-conforming because the off-street parking requirements are not met for the use.
2. Approval of a non-profit community center use would permit the continued use of the structure for religious services. Other uses would also be permitted including social, educational and recreational activities.
3. Approval of this request provides the opportunity for productive use of this existing building which could otherwise deteriorate and become a blight on the neighborhood.

The proposed restrictions on the hours of operation and the occupancy of the structure will help to reduce the potential for negative impacts on the surrounding neighborhood due to noise, parking and congestion.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on October 18, 2012, and recommended , by a vote of to , of the proposed conditional use permit on the tract of land described on the attached sheet and if approved, the regulations and standards on the attached "Exhibit 1" shall govern and control the use and development of the land in Use Permit No. 399 in a manner consistent with "Exhibit III" (see the attached Record of Proceedings). The City Council will hold a public hearing on this case on November 5, 2012.

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

Submitted by:

Approved by:

Attachments

Attachment 1 – Staff Background Report

Exhibits

Exhibit A – Legal Description

Exhibit B – Record of Proceeding

Exhibit C – Location Sketch

Exhibit I - Requirements for Conditional Use Permit

Exhibit II - Standards for Conditional Use Permit

Exhibit III - Site Plan

Exhibit IV - Applicant's response to Standards

Exhibit V - Summary of Public Meeting

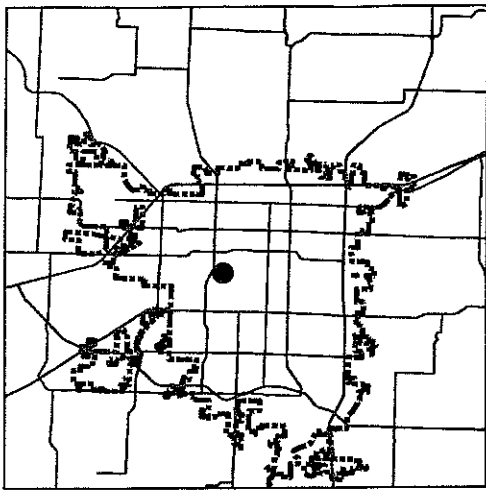
Exhibit VI – Correspondence from adjacent property owners

EXHIBIT A
LEGAL DESCRIPTION
CONDITIONAL USE PERMIT NUMBER 399

All of Lot 36 in J.B.B. Evans Subdivision of Lots 12 and 13 in D.L. and J.L. Fulbright's Addition to the City of Springfield, Greene County, Missouri.

EXHIBIT B
RECORD OF PROCEEDING
CONDITIONAL USE PERMIT NUMBER 399

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



Zoning & Subdivision Report

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

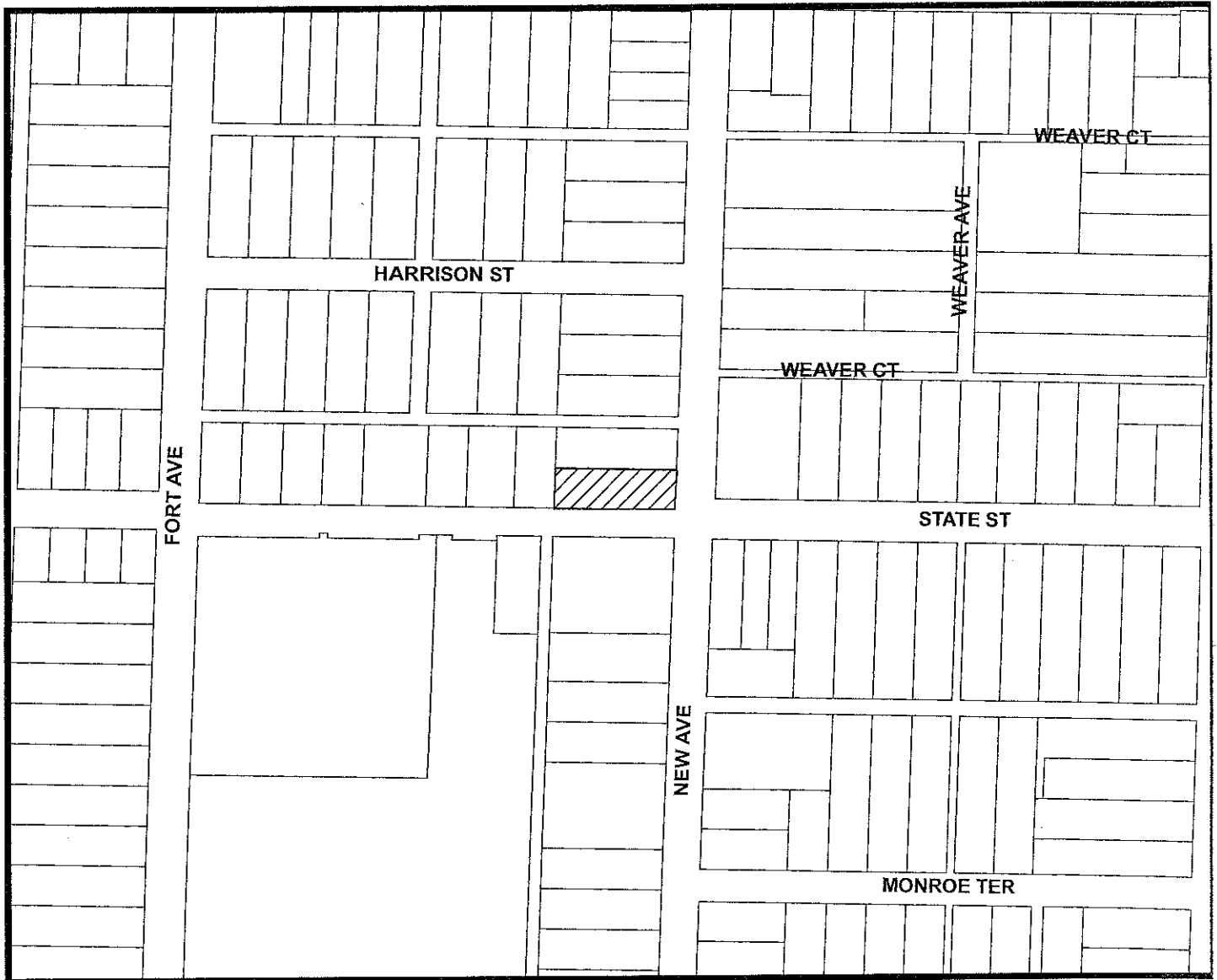
Conditional Use Permit #399

Location: 661 South New Avenue

Current Zoning: R-SF, Single Family Residential District

Proposed Use: Community Center

LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

Zoning & Subdivision Report

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

CONDITIONAL USE PERMIT 399

DATE: October 11, 2012

PURPOSE: To approve a Conditional Use Permit to permit a non-profit community center within an R-SF, Single Family Residential District.

BACKGROUND:

LOCATION: 661 South New Avenue

APPLICANT: Robert Ross

TRACT SIZE: Approximately 0.17 acres

EXISTING USE: Church

PROPOSED USE: Non-profit Community Center

RECOMMENDATION:

Staff recommends the request be **approved**.

FINDINGS FOR STAFF RECOMMENDATION:

1. The building is currently being used as a church which is illegal non-conforming because the off-street parking requirements are not met for the use.
2. Approval of a non-profit community center use would permit the continued use of the structure for religious services. Other uses would also be permitted including social, educational and recreational activities.
3. Approval of this request provides the opportunity for productive use of this existing building which could otherwise deteriorate and become a blight on the neighborhood.
4. The proposed restrictions on the hours of operation and the occupancy of the structure will help to reduce the potential for negative impacts on the surrounding neighborhood due to noise, parking and congestion.

CONDITIONS:

If approved, the regulations and standards on the attached Exhibit I shall govern and control the use and development of the land in Use Permit Number 399 in a manner consistent with Exhibit III, except as modified by Exhibit I, and except any changes made by the Planning and Zoning Commission.

FINDINGS TO RECOMMEND DENIAL:

1. Approval of this application will permit the existing church use to continue without providing the required off-street parking to serve the use and does not ensure that other neighborhood serving activities will be provided.

STAFF CONTACT PERSON:

Alana D. Owen, AICP
Senior Planner

ATTACHMENT A
BACKGROUND REPORT
CONDITIONAL USE PERMIT 399

APPLICANT'S PROPOSAL:

The applicant is requesting approval of a conditional use permit to permit a non-profit community center within an R-SF, Single Family Residential District.

SURROUNDING LAND USES:

Direction	Zoning	Land Use
North	R-SF	Single family homes
South	R-SF	Single family homes; school
East	R-SF	Single family homes; small retail
West	R-SF	Single family homes

HISTORY:

City Council approved Special Ordinance 25804 on August 9, 2010 for a Conditional Use Permit (UP 389) for the adaptive use of a non-residential structure within an R-SF, Single Family Residential District for a semi-precious gem retailer and residential use on the subject property. The gem retailer operated at this site for only a short time. When the gem store closed, the property owner spoke with Planning staff regarding options for the structure. Conditional Use Permit 389 was very specific in the uses that it permitted and the owner was concerned that a new Conditional Use Permit would need to be approved each time a new user was found for the building. Planning staff told the owner that if another use of similar intensity as the gem retailer was interested in locating there that the Administrative Review Committee could review the proposed use and make an interpretation to allow the use. Planning staff was not contacted about another use of the building following that discussion.

Staff became aware of the church use after a complaint was received from a nearby property owner. The church is illegal non-conforming because the site does not have adequate off-street parking for the church use. The property owner worked with Building Development Services staff to determine if there was a way to continue the existing use of the building. The non-profit community center was suggested as an option because religious services are permitted to be held within a community center and community centers do not require any off-street parking.

City Council passed a Resolution on August 27, 2012 to waive the application fee for this project.

ZONING ORDINANCE REQUIREMENTS:

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

STORMWATER COMMENTS:

1. There are no Stormwater issues with the proposed Conditional Use Permit; however, please note that the subject property will be subject to the following conditions at the time of development:

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

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

SANITARY SERVICE COMMENTS:

No problems regarding the use permit however we have the following comments regarding sewer service;

Sewer is available near the northeast corner of the tract however there is no apparent service lateral and no record of a connection permit. If property is not connected, a lateral will have to be extended to serve the property. If the property cannot be served from the northeast corner, public sewer may have to be extended to serve which would require public improvement plans be submitted to Public Works for review and approval.

TRAFFIC ENGINEERING COMMENTS:

There are no Traffic issues with the proposed conditional use permit. At the time of development, we will need to address:

1. Access will be taken off of State St. Access currently exists on State Street, however the driveway will need to be brought up to current city standard. No access to New Ave.

ADJACENT PROPERTY OWNER COMMENTS:

1. Twenty-one (21) property owners are within 185 feet of the subject property and were notified of this request. Staff received several phone calls from nearby property owners requesting more information about the requested use. One caller expressed concern regarding the existing church with respect to noise. Staff received a letter from a nearby property owner and a protest petition (Exhibit VI) prior to the September 6, 2012 public hearing for this application. The applicant has since met with the property owner to prepare some agreed on hours of operation for the use.
2. The applicant held a neighborhood meeting on August 14, 2012 in conformance with City Council's policy. A summary of the meeting is attached (Exhibit V).

STAFF COMMENTS:

1. City Council approved Special Ordinance 25804 on August 9, 2010 for a Conditional Use Permit (UP 389) for the adaptive use of a non-residential structure within an R-SF, Single Family Residential District for a semi-precious gem retailer and residential use on the subject property. The gem retailer is no longer operating at this location and a church is being operated from this site. The church is illegal non-conforming because the site does not have adequate off-street parking for the church use. Staff became aware of the church use after a complaint was received from a nearby property owner.
2. The property owner is seeking this Conditional Use Permit for a non-profit community center. A community center is defined as "A place, structure, area, or other facility for social, educational, and recreational activities of a neighborhood or community or subdivision, provided any such use is not operated for commercial gain." Non-profit community centers are not required to provide off-street parking because the intent is that they are located in the immediate areas they serve and many of those served by the facility will walk or ride bikes. With the approval of this use permit the community center could offer meeting space or other activities or services for the neighborhood and community groups but it would not be required. Religious services would also be permitted to be held in the community center. The existing, or any other, church could hold services there regularly without the need to provide the necessary parking.
3. Planning and Zoning Commission held a public hearing on this application at their September 6, 2012 meeting and recommended the applicant meet with the neighboring property owners and staff to develop some limits on hours of operation and occupancy to address the noise complaints and possible future parking issues. The applicant met with

Mr. Perry Elkins, the neighbor who spoke at the September 6, 2012 Commission meeting and some hours of operation for the church use were agreed on. The operation hours for the church include service times on Sunday morning (9:00 a.m. and 11:00 a.m.) and Sunday evening service two times at month (6:00 p.m.). In addition, the office hours for the church are set from 10:00 a.m. to 5:00 p.m. on Tuesday and Friday and Wednesday from 10:00 a.m. to 12:00 p.m. The facility will have operational hours at various other times including a Bible study and prayer time on Tuesday evening from 7:00 p.m. to 9:00 p.m., Wednesday from 12:00 p.m. to 2:00 p.m. and Friday from 6:00 p.m. to 9:00 p.m. Music lessons at the facility would be limited to Tuesday, Friday and Saturday between 11:00 a.m. and 1:30 p.m. There would be other various special events held throughout the year on a limited basis. In addition to the limited hours of operation proposed in this application the noise standards in the Zoning Ordinance apply to the site as well.

4. In addition to the noise concerns expressed at the public hearing, there was concern from Commission that while the lack of off-street parking is not a problem at this time because of the availability of on-street parking that it could become an issue as the congregation grows. Based on the size of the structure and the limited toilet facilities the maximum occupancy at this time is approximately fifteen (15) people. The maximum occupancy of the building would significantly increase should additional restroom facilities be added. Staff is recommending the occupancy of the building be restricted to a maximum of fifty (50) people to reduce the potential for parking and congestion issues to arise.
5. Staff had previously recommended against this application due to concern of the potential impact on the surrounding neighborhood. With the conditions that are proposed regarding the hours of operation and restriction on the occupancy of the building staff is recommending approval of this application. Approval of this application will provide the opportunity for the productive use of this existing structure which could otherwise deteriorate and become a blight on the neighborhood. In addition to the religious services that are planned, the facility will provide a place for neighborhood serving activities.
6. City Council approved an ordinance (GO 5882) in July 2010 to allow non-profit community centers as a conditional use within all residential zoning districts. At that time the amendment was processed to accommodate a youth facility near McGregor School to provide after school services. Staff recommends that City Council initiate a Zoning Text Amendment to better define a non-profit community center and to determine if off-street parking should be required for this use.

EXHIBIT I
REQUIREMENTS FOR CONDITIONAL USE PERMIT 399

1. The existing structure may be used for a non-profit community center.
2. The location of the structures and parking shall be located in substantial conformance with Exhibit III.
3. Any signage shall conform to the standards set forth in Section 5-1400 of the Zoning Ordinance.
4. The hours of operation for the building shall be as stated below:

Regular Service:

Sunday: Sunday School 9AM / Sunday Worship 11AM / Sunday Evening 6PM (2x Per Month)

Tuesday: Office Hours 10AM – 5PM / Bible Study 7PM – 9 PM

Wednesday: Office Hours 10AM / Prayer 12NOON – 2PM

Friday: Office Hours 10 AM – 5PM / Evening Prayer 6PM – 9 PM

Music School:

Tuesday / Friday / Saturday

Times: 11AM – 1:30 PM

Special Events to be held at the facility are generally as follows and dates given are approximate:

Anniversary Services:

Pastor & Wife Appreciation Service: November 1st or 2nd weekend of the month (time TBA)

Church Appreciation Service: May 1st or 2nd weekend of the month (time TBA)

Annual Specialty Services:

Men's Day / Women's Day / Usher's Board Day / Youth Day / Choir Day

Yearly Revivals ~ Scheduled as speakers are available (about "5" per year)

5. The maximum occupancy of the building shall be restricted to a maximum occupancy of fifty (50) people unless further restricted by other applicable codes and ordinances.
6. All other standards of the Zoning Ordinance, and other applicable ordinances, shall be adhered to.

EXHIBIT II
STANDARDS FOR CONDITIONAL USE PERMITS
CONDITIONAL USE PERMIT 399

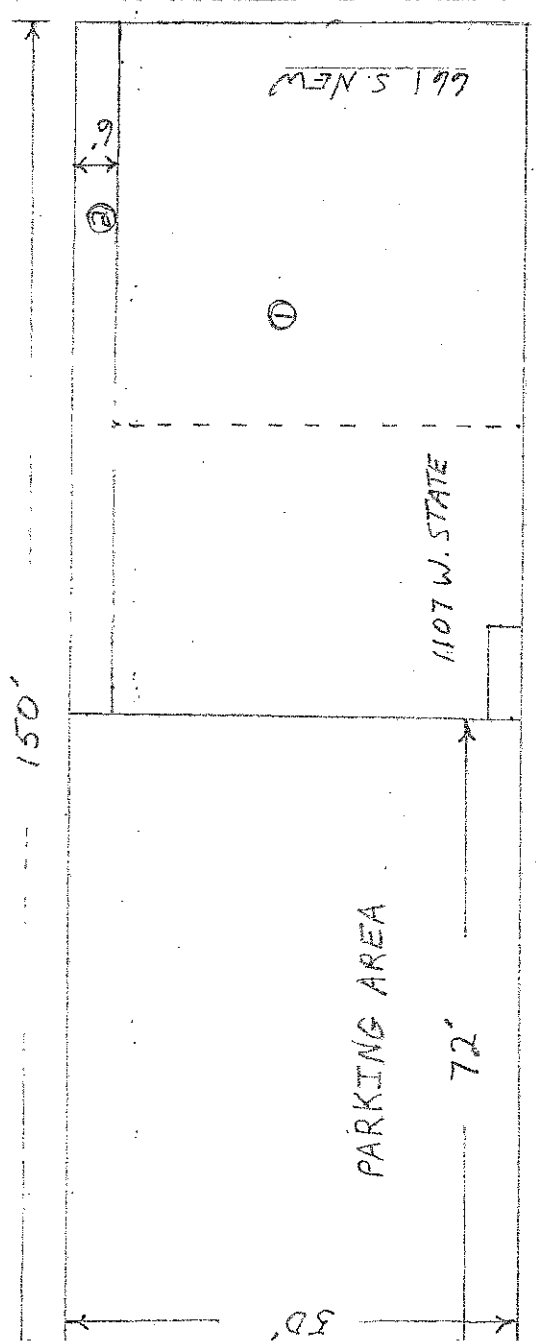
An application for a conditional use permit shall be granted only if evidence is presented which establishes the following (See Exhibit IV for the applicant's responses):

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

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

USE PERMIT SKETCH PLAN

↑ N



① EXISTING BLDG.

② LOCATION - GAS METER

③ EXISTING MANHOLE

PREPARED BY SKETCH
John Ross
5186 E. FR. 192
Rogersville, MO. 65742
Email: njross20@yahoo.com

ZONING R-SF

TOTAL ACRES 7.500 SQFT

CONVENTIONAL USE REQUEST

4. ADAPTIVE USE OF

NON-RESIDENTIAL

STRUCTURES IN RESIDENTIAL
DISTRICTS

City Community Center

Exhibit III
UP 399

EXHIBIT IV
RESPONSES TO STANDARDS FOR CONDITIONAL USE PERMITS
CONDITIONAL USE PERMIT 399

The proposed use for the building at 661 South New is ideal for what it was built. The building was originally a grocery store and through the years was used for various retail and service businesses with three points of entry which will work very well for a Community Center. The building has had some modest repairs made and needs to be used to keep from falling into disrepair again.

In regards to Subsection 3-3310 of the Zoning Ordinance Items #1 through #21 the location does and always met these requirements.

As to any affects to the value, use and reasonable enjoyment the proposed use will have on the neighborhood; it should improve the values in the area and make it safer as a result.

There should be no adverse affect to a Community Center in this neighborhood rather; it will give the area a heightened sense of involvement.

I believe only good things can come from this improvement to the neighborhood and hope for a positive outcome to this application.

EXHIBIT V
NEIGHBORHOOD MEETING SUMMARY
CONDITIONAL USE PERMIT 399

August 14th 2012

The meeting at 661 S. New went according to plan but there were no concerned parties attending. The building has been in use, so any questions neighbors may have had were more than likely answered as they came up. Also, it was not that long ago we had a similar meeting for a different use and the few questions that came up at the time were more of a generic nature and eased any concerns.

*John Ross
On behalf of
Robert Ross*

July 31st 2012

Hello Neighbor,

This letter is to advise you that the building at 661 S. New is in the process of application for a Community Center.

One of the conditions of this process is to invite all neighbors within a specified distance to the property to stop by the location and ask any questions they might have as to the proposed use of the property.

To this end, you are invited August 14th 2012 from 4pm to 6pm to stop by and ask any questions you might have.

Sincerely,

Robert Ross
417 889 4103

Exhibit VI
UP 399

Billie Follensbee
701 S New Ave
Springfield, MO 65806

27 August 2012

Alana Owen, AICP
Department of Planning and Development
840 Boonville Avenue
Springfield, MO 65801-8368

RE: Conditional Use Permit 399

Dear Commissioners,

I am a property owner immediately affected by this proposed zoning change and would be grateful if you would note my objection to the use of 661 South New Ave as a community center – at least without restrictions or conditions.

I would first point out that the community center styles itself as a church and has been holding services on Sundays and also during the week for several months now – apparently in knowing violation of the zoning ordinances.

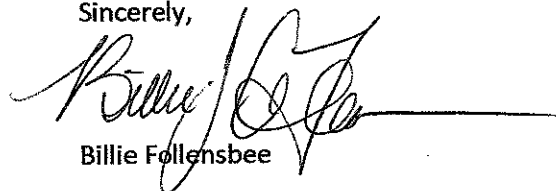
My primary concern with the current use is the noise generated. Services are loud and no effort is made to mitigate the disturbance to neighbors. The building is not sound proofed in any way and the current occupants play loud music with the doors standing wide open. Their music and shouting and banging on drums can be heard throughout the house with the windows and doors shut. Signs on the building also advertise music lessons. How much noise are we to be subjected to in the future?

I also own two rental properties immediately behind the proposed community center at 1117 West State and 1120 West State and worry that the noise will impact my ability to rent these houses.

In summary, I stand opposed and ask at least that operating hours be established and that the issue of improving the sound proofing of the building be addressed.

Thank you for your time and consideration.

Sincerely,



Billie Follensbee

RECEIVED

AUG 29 2012

City of Springfield
Planning Development Review

8:52 AM MO

TO THE CITY COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI

Please take notice that the undersigned, being the owners of property within an area of 185 feet from the property or district proposed to be rezoned by the Planning and Zoning Commission No. 399, Council Bill No. _____, do protest and object to said proposed rezoning. This protest is given in contemplation of the provisions of City Code and applicable laws.

Larry R. Colclazier
Printed Name

Larry R. Colclazier
Signature

634 S. New
Address Spfld, MO

Sondra K. Colclazier
Printed Name

Sondra K. Colclazier
Signature

Address

Printed Name

Address

Signature

PLEASE NOTE:

ALL OWNERS OF RECORD MUST SIGN THE PETITION EXACTLY AS SHOWN ON THE DEED IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).

THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.

STATE OF MISSOURI
COUNTY OF GREENE ss.

On this 24th day of August, 2011, before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

Jana Latourette
Notary Public

My Commission expires: 8/3/2015



JANA LATOURETTE
My Commission Expires
August 3, 2015
Christian County
Commission #11386805

**PLANNING AND DEVELOPMENT DEPARTMENT
DEVELOPMENT REVIEW SERVICES
MEMORANDUM**

DATE: August 29, 2012

TO: Planning and Zoning Commission

FROM: Daniel Neal 
Senior Planner

SUBJECT: Emergency and Transitional Service Shelter Amendments

Staff will provide a supplemental report and revised amendments prior to the Planning and Zoning Commission meeting.

EXPLANATION TO COUNCIL BILL NO: 2012-_____

FILED: _____

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To amend *Subsections 1-1333, 2-1100, 3-3310, 4-3200, 4-3300, 4-3400, 4-3500, 4-4000, 4-4100, 4-4200, 4-4300 and 4-4400* regarding Emergency and Transitional Service Shelters in the *Springfield Zoning*.

BACKGROUND INFORMATION:

ZONING ORDINANCE TEXT AMENDMENT – EMERGENCY AND TRANSITIONAL SERVICE SHELTER AMENDMENTS

City Council approved a resolution (G.O. 9921) on December 12, 2011, initiating amendments to the Zoning Ordinance regarding the operation and location of emergency shelters.

The proposed draft amendments make three major changes to the existing language (Attachment A).

1. Require a minimum distance of one thousand (1,000) feet between any new emergency and transitional service shelter or soup kitchen and an elementary or secondary school as measured from property.
2. Replace the term “emergency” shelter with “overnight” shelter to distinguish a shelter used in time of natural disaster or fire emergency shelter (which Red Cross or Greene County Emergency Management would respond to) and a short-term cold weather shelter. The term “overnight” is a standard term used by other entities for a shelter that provides meals and lodging for less than thirty (30) days. Remove emergency shelters as an excluded use in the residential and commercial districts.
3. Remove the requirement for fifty (50) or less residents at an emergency/overnight and transitional service shelter and allow City Council the ability to review and set the number of residents allowed based on the characteristics of the site and surrounding neighborhood; the availability of services and infrastructure; and a review, by the appropriate departments, to determine the application of the various City codes including, but not limited to, fire, health, zoning and building codes. The Planning and Zoning Commission will review and make a recommendation to the City Council regarding the maximum number of residents permitted.

All other changes are clarifications and clean up items have been addressed in the amendments.

The Continuum of Care (COC), Development Issues Input Group (DIIG), Environmental Advisory Board (EAB) and all registered Neighborhood Associations were notified of these amendments. Staff has not received any concerns from any of these organizations regarding these amendments to date.

RECOMMENDATION: Staff recommends **approval**.

Submitted by:

Michael K MacPherson

Mike MacPherson, Principal Planner

Greg Burris
Greg Burris, City Manager

Zoning & Subdivision Report

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

ZONING ORDINANCE AMENDMENT: EMERGENCY AND TRANSITIONAL SERVICE SHELTERS AMENDMENTS

DATE: August 30, 2012

PURPOSE: To amend *Subsections 1-1333, 2-1100, 3-3310, 4-3200, 4-3300, 4-3400, 4-3500, 4-4000, 4-4100, 4-4200, 4-4300 and 4-4400* regarding Emergency and Transitional Service Shelters in the *Springfield Zoning Ordinance*. (Staff recommends approval)

STAFF COMMENTS:

City Council approved a resolution (G.O. 9921) on December 12, 2011, initiating amendments to the Zoning Ordinance regarding the operation and location of emergency shelters.

City Council approved an ordinance (G.O. 5978) on March 26, 2012, adding definitions of an Economic and Housing Access Calamity and Economic and Housing Access Calamity Shelter. A new subsection in the Zoning Ordinance was created to allow structures that are not usually intended, zoned or equipped for overnight stays of extended nature to be used during times of economic distress as declared by City Council. The amendments required a Certificate of Occupancy to be issued for the operation of any Economic and Housing Access Calamity Shelter after review of health and life safety codes has been conducted. They also required any Economic and Housing Access Calamity Shelter to be located at least one thousand (1,000) feet away from any elementary or secondary school property.

Planning and Zoning Commission conducted a special public meeting on August 29th and discussed the proposed amendments. Continuum of Care, American Red Cross and Greene County Emergency Management participated in the discussion. Commission appeared to have consensus with most of the proposed amendments. They did debate the maximum fifty (50) resident requirement. Some members believed that removing the maximum fifty (50) resident requirement on overnight and transitional service shelters would put the Commission and neighborhoods at a disadvantage when opposing a large overnight or transitional service shelter proposal. Some other members cited the Continuum of Care's message that there may be a need for a mixture of shelters both large and small in the community. They believed that the proposed amendments would provide more flexibility for shelters in the community. The meeting

concluded with Commissioners agreeing that they had philosophical differences and would need to continue the discussion regarding the fifty (50) resident cap at the next Planning and Zoning Commission meeting. Staff has highlighted the text in red that has changed since the last Planning and Zoning Commission meeting.

None of the service providers currently have plans for a new overnight shelter that would require removing or increasing the 50 resident cap, however the *10-year Plan to End Homelessness*, prepared by the Continuum of Care, identifies the need for additional overnight shelter beds. Removal of the 50 resident cap would allow flexibility for providing a new overnight shelter in a single location that meets the need of the community for additional beds if it is determined the larger facility would not create adverse impacts. A single, larger facility is more efficient for service providers to operate than two dispersed facilities. If a facility is limited to 50 beds, a service provider may not be willing to build two facilities to meet the community's need.

An emergency/overnight shelter is defined by ordinance as a shelter whose services are available for up to thirty (30) days at any one time to residents. Basically, it is a facility that is continuously open for residents that need short-term (thirty (30) days or less) shelter and meals.

A transitional service shelter is defined by ordinance as a shelter whose services are available for longer than thirty (30) days at any one time to a resident, and which provides additional services to other than lodging and meals, or lodging alone, in a group setting on the same premises, including, but not limited to, job counseling, life or parenting skill courses, drug or alcohol rehabilitation, money management, or job training. Such shelter may include office for staff of the providers and for counselors. Basically, it is a facility that is continuously open for residents that need long-term (over thirty (30) days) shelter, meals and services.

Overnight and transitional service shelters and soup kitchens run by private organizations serve an important purpose and need in this and other communities in providing a safety net for individuals and families in breaking the cycle of poverty when participants are able to follow a continuum of services. Therefore, to the greatest extent possible, such uses should be located in districts with similar uses throughout the City.

Currently, new emergency/overnight shelters are allowed by right and with a maximum occupancy of fifty (50) residents in the GM, General Manufacturing, and HM, Heavy Manufacturing, Districts if applicable spacing requirements are met. New emergency/overnight shelters are allowed by Conditional Use Permit in the HC, Highway Commercial, CS, Commercial Services, RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial, Districts if applicable spacing requirements are met. Staff is not requesting to expand these uses to any other districts.

Currently, new transitional service shelters are allowed by right in the HC, Highway Commercial, and CS, Commercial Services, Districts if applicable spacing requirements are met. New transitional service shelters are allowed by right with a maximum occupancy of fifty (50) beds in

the GM, General Manufacturing, and HM, Heavy Manufacturing, Districts if applicable spacing requirements are met. New transitional service shelters are allowed by Conditional Use Permit in the R-MD, Medium-Density Multi-Family Residential, R-HD, High-Density Multi-Family Residential, CC, Center City, COM, Commercial Street, RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial, Districts if applicable spacing requirements are met. Staff is not requesting to expand these uses to any other districts.

There are six (6) recognized emergency and transitional service shelters and soup kitchens in the City. The two largest emergency and transitional service shelters and soup kitchens (Missouri Hotel and The Kitchen) are within eight hundred (800) feet of each other on Commercial Street in the COM District.

The proposed amendments make three major changes to the existing language (Attachment A).

4. Require a minimum distance of one thousand (1,000) feet between any new emergency and transitional service shelter or soup kitchen and an elementary or secondary school as measured from property.
5. Replace the term “emergency” shelter with “overnight” shelter to distinguish a shelter used in time of natural disaster or fire emergency shelter (which Red Cross or Greene County Emergency Management would respond to) and a short-term cold weather shelter. The term “overnight” is a standard term used by other entities for a shelter that provides meals and lodging for less than thirty (30) days. Remove emergency shelters as an excluded use in the residential and commercial districts.
6. Remove the requirement for fifty (50) or less residents at an emergency/overnight and transitional service shelter and allow City Council the ability to review and set the number of residents allowed based on the characteristics of the site and surrounding neighborhood; the availability of services and infrastructure; and a review, by the appropriate departments, to determine the application of the various City codes including, but not limited to, fire, health, zoning and building codes. The Planning and Zoning Commission will review and make a recommendation to the City Council regarding the maximum number of residents permitted.

Otherwise, only clarifications and clean up items have been addressed in the amendments.

A Joint Resolution (Res. 9574) was made and adopted by the Board of Education of the School District of Springfield R-12, the City Council for the City of Springfield and Greene County Commission in April of 2008, and resolved, in part, that the McKinney-Vento Homeless Assistance Act and the applicable regulations set forth pursuant to federal law being amended to prohibit the location of a homeless program or homeless shelter at a location within one thousand

(1000) feet of a secondary, postsecondary or elementary school and the local governing bodies enact legislation to place into effect such restrictions.

The proposed spacing restriction that Springfield City Council jointly resolved in 2008 has been added to the proposed Emergency and Transitional Service Shelter amendments except the prohibition from postsecondary schools (colleges, universities, trade schools, etc.), which would severely limit the locations of such shelters in the City. A map (Attachment B) showing the location of existing transitional service shelters and existing public and private schools has been created and will be available for review by the public and shown at the public meetings. The map shows that most of the existing transitional service shelters will be unaffected by the new spacing requirements. Those that are within the new spacing requirements will be considered legal, nonconforming and would be limited on any expansion in the future.

Staff has researched Benchmark Cities and their codes and ordinances for spacing requirements and/or alternative methods in providing compatibility between shelter and school uses in their communities. While many Benchmark Cities required an emergency or transitional service shelter to be approved by a Conditional or Special Use Permit, many established few, if any, other standards such as spacing requirements or use limitations. The City of Waco, Texas, required five hundred (500) foot spacing between a shelter and any lot used for a school, day care center, or another shelter, community home, transitional service shelter, halfway house or property zoned R-1A (low-density single family residential) or R-1B (medium-density single-family residential). The City of Savannah, Georgia, does not allow a shelter adjacent to or across the street from any residential use. The City of Kansas City, Missouri, requires a shelter to be located and rezoned in a LBD, Limited Business District which is essentially a type of Planned Development. The City's (Springfield) Zoning Ordinance has a spacing requirement of five hundred (500) feet from any residential district as a threshold for a shelter to be permitted or require a conditional use permit in the GM, General Manufacturing and HM, Heavy Manufacturing zoning districts. Through research and analysis, staff would recommend a one thousand (1,000) foot spacing requirement between shelters and any public or private school uses. It is also consistent with the new Economic and Housing Access Shelter spacing requirements.

The Continuum of Care (COC), Development Issues Input Group (DIIG), Environmental Advisory Board (EAB) and all registered Neighborhood Associations were notified of these amendments. Staff has not received any concerns from any of these organizations regarding these amendments to date.

RECOMMENDATION: Staff recommends **approval**.

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner

ATTACHMENT A
EMERGENCY AND TRANSITIONAL SERVICE SHELTERS
AND SOUP KITCHENS AMENDMENTS

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

1-1333. **Overnight Emergency Shelters.** (G.O. 4763, 12/15/97)

- A. Overnight Emergency shelters may exceed their bed capacity as permitted under *Chapter 36 of the Springfield City Code*, when the Springfield-Greene County Health Department issues a heat or cold advisory or warning provided that said shelters shall not permit an occupancy for sleeping greater than permitted by City of Springfield building and safety codes.
- B. Any overnight emergency shelter, soup kitchen, transitional service shelter or combination of these three uses may exercise a *transfer of development right* to relocate all overnight emergency shelter, soup kitchen or transitional service shelter uses from one location to another location that would be within the separations of such uses called for in said ordinance provided that City Council finds, following a recommendation by Planning and Zoning Commission, that:
1. Such relocation is not being made to the Center City District; and
 2. The relocation of said use or uses will reduce the intensity of similar uses in the area of the original location; and
 3. That the relocation will not pose any greater impact on the area to be relocated to than is present at the original location from such uses; and
 4. The use will be no closer to a soup kitchen, overnight emergency shelter, or transitional shelter or any combination thereof than said use is presently to such facilities.

Section 2-1100. Definitions.

Overnight Emergency Shelter: A shelter that provides lodging and meals; whose services are available for up to thirty (30) days at any one time to any one residents. (G.O. 4763, 12/15/97)

Shelter: A building or other structure where lodging, or lodging and meals, are provided to a person or persons, unrelated by family to the provider, at no cost or at a charge that is less than the full cost of providing same, whether or not additional services are provided at that location. Such additional services may include, but are not limited to, counseling and drug or alcohol rehabilitation, except that "shelter" shall not include any of the following (G.O. 4763, 12/15/97):

- (1) Residential or custodial group homes as defined in this section of the Zoning Ordinance;
- (2) Temporary lodging for non-Greene County resident families of patients, or patients themselves, of State-licensed health facilities within Greene County;
- (3) University or educational institution residence halls;
- (4) Fraternity or sorority houses;
- (5) State and city licensed nursing homes and day care centers;
- (6) Foster homes licensed under Chapter 210, RSMo;
- (7) Hospitals, mental institutions, residential care facility or institution that is licensed by the State of Missouri under Chapters 197, 198, and 630, RSMo.;
- (8) Emergency shelters in time of as certified and identified by the American Red Cross, Regional Mass Care Provider, that may provide lodging, meals and services related to relocation and are available during or after a fire or natural disaster for a limited duration or calamity. Any spacing requirements and maximum occupancies in this Article do not apply to emergency shelters; and
- (9) Facilities for victims of domestic violence.

Soup Kitchen: An establishment where prepared meals are provided to a person or persons unrelated by family to the provider at no cost or at a charge that is less than the full cost of providing same and that the provision of such meals is the principal service of the establishment, whether or not additional services are provided; however, lodging is prohibited. (G.O. 4763, 12/15/97)

Transitional Housing: A shelter which provides only lodging, or lodging and meals, for longer than thirty (30) days at any one time for residents, but does not provide other services on a continuing basis. (G.O. 4763, 12/15/97)

Transitional Service Shelter: A shelter whose services are available for longer than thirty (30) days at any one time to a resident, and which provides additional services in addition to other

than lodging and meals, or lodging alone, in a group setting on the same premises, including, but not limited to, job counseling, life or parenting skill courses, drug or alcohol rehabilitation, money management, or job training. Such shelter may include office for staff of the providers and for counselors. (G.O. 4763, 12/15/97)

3-3310. **Standards.** An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following.

B. With respect to conditional use permit applications for the uses listed below, the proposed conditional use will, in addition, comply with the restrictions following each use.

5. **Overnight Emergency and Transitional Service Shelters and Soup Kitchens.**

a. **Purpose.** The purpose of these regulations is to:

1. Provide opportunities for operation of overnight emergency and transitional service shelters and soup kitchens while dispersing such facilities in order to avoid concentration of uses that can have a negative effect on adjoining property values and uses and to avoid stigma to the clients of such facilities based on a perception of any particular location of the City;
2. Avoid locating such facilities in close proximity to incompatible or hazardous land uses; and
3. Ensure that such facilities are operated in a responsible manner for the needs of the clients and surrounding land uses by minimizing any possible adverse effects on the surrounding neighborhood.

b. **Approval Standards.** All applications for a conditional use permit for overnight emergency and transitional service shelters and soup kitchens shall describe the type of service intended to be delivered at that location and comply with the following requirements.

1. The use shall front on a primary or secondary arterial street, if the property is zoned Restricted Industrial (RI), Light Industrial (LI), General Manufacturing (GM), or

Heavy Manufacturing (HM), or on a collector street or a street with a higher functional classification as designated by the *Major Thoroughfare Plan* in any other district where permitted.

2. ~~There shall be a maximum occupancy of 50 beds for emergency shelters in all districts.~~ The occupancy for any proposed shelter shall be established based on: the characteristics of the site and surrounding neighborhood; the availability of services and infrastructure; and a review, by the appropriate departments, to determine the application of the various City codes including, but not limited to, fire, health, zoning and building codes.
3. Only residents of the shelter shall be served meals unless a soup kitchen is specifically approved as an activity at the time of the application for a use permit.
4. A business license shall be obtained annually and the owner shall verify that the conditions of the conditional use permit are still being met.
5. No overnight ~~emergency~~ shelter or soup kitchen shall be located within two thousand (2,000) feet of another overnight ~~emergency~~ shelter, soup kitchen, substance abuse treatment facility, or community corrections facility, or two thousand (2,000) feet from any transitional service shelter as measured from property lines. (G.O. 4792, 4/13/98) (G.O. 5343, 01/12/04)
6. No transitional service shelter shall be located within two thousand (2,000) feet of transitional service shelters, overnight ~~emergency~~ shelters, or soup kitchens, substance abuse treatment facilities, or community corrections facilities as measured from property lines. (G.O. 5343, 1/12/04)
7. The proposed conditional use shall not be operated so as to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed use will dominate

the immediate neighborhood, consideration shall be given to:

- (a) The functional classification of the street on which the site is located; and
- (b) The surrounding residential districts; and
- (c) The location, nature and height of buildings, structures, walls and fences on site; and
- (d) The amount of parking needed for the proposed use and the amount of parking provided on site; and
- (e) The nature and extent of landscaping and screening on the site; and
- (f) The number of visitor trips anticipated each day to the site for services other than lodging, or lodging and meals for clients of the shelter; and
- (g) The number of meals that will be served at a soup kitchen.

8. At least one (1) off-street parking space for every three (3) beds a shelter is to be licensed or approved for or for every three seats a soup kitchen is authorized for the serving of meals except in those districts where there is no parking requirement.
9. That adjacent uses do not involve the manufacture, storage, or use of explosive compounds or combustibles which will pose a threat of bodily harm to the clients and visitors of the shelter or soup kitchen.
10. Any structure is set back from adjoining land in other districts by the rear yard setback required in the adjoining district.
11. Existing on-site trees and shrubs shall be preserved to the maximum extent possible.

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12. There will be no outside storage of equipment or materials or outdoor operations except as specifically authorized by the conditional use permit.
13. In no event shall a Certificate of Occupancy be issued for an overnight shelter, transitional service shelter or soup kitchen herein if it is less than one thousand (1,000) feet from an elementary or secondary school as measured from property lines.

- 220
221 4-1002. **Permitted Uses.** (*R-SF, Single-Family Residential*)
222
223 E. Churches and other places of worship, including parish houses and Sunday
224 schools, but excluding ~~emergency shelters and~~ temporary outdoor revivals.
225 (G.O. 4852, 11/23/98) (G.O. 5471, 06/27/05)
226
- 227 4-1003. **Conditional Uses.**
228
229 D. Churches and other places of worship, including parish houses and Sunday
230 schools, but excluding ~~emergency shelters and~~ temporary outdoor revivals,
231 unless allowed as a permitted use by *Subsection 4-1002*, on a minimum of
232 two (2) acres of land, to provide sufficient land area for off-street parking,
233 bufferyards and proper site design to lessen impact on adjoining residential
234 neighborhoods. Churches and other places of worship on less than two (2)
235 acres of land at the time the district is mapped shall be considered
236 conforming uses. (G.O. 5127, 10/29/01)
237
- 238 4-1102. **Permitted Uses.** (*R-TH, Residential Townhouse*)
239
240 E. Churches and other places of worship, including parish houses and Sunday
241 schools, but excluding ~~emergency shelters and~~ temporary outdoor revivals.
242 (G.O. 4852, 11/23/98) (G.O. 5471, 06/27/05)
243
- 244 4-1103. **Conditional Uses.**
245
246 D. Churches and other places of worship, including parish houses and Sunday
247 schools, but excluding ~~emergency shelters and~~ temporary outdoor revivals,
248 unless allowed as a permitted use by *Subsection 4-1002*, on a minimum of
249 two (2) acres of land, to provide sufficient land area for off-street parking,
250 bufferyards and proper site design to lessen impact on adjoining residential
251 neighborhoods. Churches and other places of worship on less than two (2)
252 acres of land at the time the district is mapped shall be considered
253 conforming uses. (G.O. 5127, 10/29/01)
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- 255
256 4-1202. **Permitted Uses.** (*R-LD, Low-Density Multi-Family Residential*)
257
258 H. Churches and other places of worship, including parish houses and Sunday
259 schools, but excluding ~~emergency shelters and~~ temporary outdoor revivals.
260 (G.O. 4519, 06/12/95) (G.O. 4852, 11/23/98) (G.O. 5471, 06/27/05)
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- 263 4-1302. **Permitted Uses.** (*R-MD, Medium-Density Multi-Family Residential*)
 264
 265 H. Churches and other places of worship, including parish houses and Sunday
 266 schools, but excluding ~~emergency shelters and~~ temporary outdoor revivals.
 267 (G.O. 4519, 06/12/95) (G.O. 4852, 11/23/98) (G.O. 5471, 06/27/05)
 268
- 269 4-1303. **Conditional Uses.**
 270
 271 K. Transitional Service Shelters. (G.O. 4763, 12/15/97)
 272
 273
- 274 4-1402. **Permitted Uses.** (*R-HD, High-Density Multi-Family Residential*)
 275
 276 J. Churches and other places of worship, including parish houses and Sunday
 277 schools, but excluding ~~emergency shelters and~~ temporary outdoor revivals.
 278 (G.O. 4519, 06/12/95) (G.O. 4852, 11/23/98) (G.O. 5471, 06/27/05)
 279
- 280 4-1403. **Conditional Uses.**
 281
 282 H. Transitional Service Shelters. (G.O. 4763, 12/15/97)
 283
- 284 4-1502. **Permitted Uses.** (*R-MHC, Manufactured Home Community*)
 285
 286 F. Churches and other places of worship, including parish houses and Sunday
 287 schools, but excluding ~~emergency shelters and~~ temporary outdoor revivals.
 288 (G.O. 4852, 11/23/98) (G.O. 5471, 06/27/05)
 289
- 290 4-1503. **Conditional Uses.**
 291
 292 C. Churches and other places of worship, including parish houses and Sunday
 293 schools, but excluding ~~emergency shelters and~~ temporary outdoor revivals,
 294 unless allowed as a permitted use by *Subsection 4-1002*, on a minimum of
 295 two (2) acres of land, to provide sufficient land area for off-street parking,
 296 bufferyards and proper site design to lessen impact on adjoining residential
 297 neighborhoods. Churches and other places of worship on less than two (2)
 298 acres of land at the time the district is mapped shall be considered
 299 conforming uses. (G.O. 5127, 10/29/01)
 300
- 301 4-2002. **Permitted Uses.** (*O, Office*)
 302
 303 D. Churches and other places of worship, including parish houses and Sunday
 304 schools ~~and emergency shelters for fifty (50) or fewer residents and soup~~
 305 kitchens as accessory uses. (G.O. 4763, 12/15/97)

- 4-2102. **Permitted Uses.** *(GI, Government and Institutional Use)*
- F. Churches and other places of worship, including parish houses and Sunday schools ~~and emergency shelters for fifty (50) or fewer residents~~ and soup kitchens as accessory uses. (G.O. 4763, 12/15/97)
- 4-3002. **Permitted Uses.** *(LB, Limited Business)*
- C. Churches and other places of worship, including parish houses, and Sunday schools ~~but excluding emergency shelters~~. (G.O. 4852, 11/23/98)
- 4-3102. **Permitted Uses.** *(GR, General Retail)*
- F. Churches and other places of worship, including parish houses and Sunday schools ~~but excluding emergency shelters~~. (G.O. 4852, 11/23/98) (G.O. 5127, 10/29/01)
- 4-3203. **Permitted Uses.** *(HC, Highway Commercial)*
- VV. Overnight shelters or Transitional Service Shelters for fifty (50) or fewer residents, which are located at least five hundred (500) feet from a residential district, as measured from property lines provided that no overnight shelter or transitional service shelter shall locate within a two thousand (2,000) foot radius of another transitional service shelter, soup kitchen, overnight emergency shelter, substance abuse treatment facility or community correctional facility as measured from property lines, in accordance with Subsection 3-3310.B.5. In no event shall a Certificate of Occupancy be issued for a transitional service shelter herein if it is less than one thousand (1,000) feet from an elementary or secondary school as measured from property lines. (G.O. 4763, 12/15/97) (G.O. 5343, 01/12/04)
- 4-3204. **Conditional Uses.**
- B. Overnight Emergency shelters or transitional service shelters for more than fifty (50) or fewer residents, which are located within five hundred (500) feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within two thousand (2,000) feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility as measured from property lines, in accordance with Subsection 3-3310.B.5. (G.O. 4763, 12/15/97)
- F. Soup kitchens. (G.O. 4763, 12/15/97)

J. Overnight shelters or transitional service shelters or soup kitchens for more than fifty (50) residents, which are located at least five hundred (500) feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within two thousand (2,000) feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility as measured from property lines, in accordance with Subsection 3-3310.B.5.

4-3302. **Permitted Uses.** (CS, Commercial Services)

DDD. Overnight shelters or transitional service shelters for fifty (50) or fewer residents, which are located at least five hundred (500) feet from a residential district, as measured from property lines provided that no overnight shelter or transitional service shelter shall locate within a two thousand (2,000) foot radius of another transitional service shelter, soup kitchen, ~~overnight emergency~~ shelter, substance abuse treatment facility or community correctional facility as measured from property lines, in accordance with Subsection 3-3310.B.5. In no event shall a Certificate of Occupancy be issued for a transitional service shelter herein if it is less than one thousand (1,000) feet from an elementary or secondary school as measured from property lines. (G.O. 4763, 12/15/97) (G.O. 5343, 01/12/04)

4-3303. **Conditional Uses.**

A. ~~Overnight Emergency shelters~~ or transitional service shelters for more than fifty (50) or fewer residents, which are located within five hundred (500) feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within two thousand (2,000) feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility as measured from property lines, in accordance with Subsection 3-3310.B.5. (G.O. 4763, 12/15/97)

D. Soup kitchens. (G.O. 4763, 12/15/97)

I. Overnight shelters or transitional service shelters or soup kitchens for more than fifty (50) residents, which are located at least five hundred (500) feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within two thousand (2,000) feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility as measured from property lines, in accordance with Subsection 3-3310.B.5.

4-3402. **Permitted Uses.** (CC, Center City)

S. ~~Overnight Emergency~~ shelters and soup kitchens legally conforming at the time of the passage of said ordinance provided that a use permit is obtained for any expansion of said use. (G.O. 4763, 12/15/97)

4-3403. **Conditional Uses.**

G. Transitional service shelter. (G.O. 4763, 12/15/97)

4-3502. **Permitted Uses.** (COM, Commercial Street)

A. The following uses are permitted on any floor unless the development project is greater than ten thousand (10,000) square feet in total floor area, which requires a conditional use permit.

12. ~~Overnight Emergency~~ shelters and soup kitchens legally conforming at the time of the passage of said ordinance provided that a use permit is obtained for any expansion of said use.

4-3503. **Conditional Uses.**

A. The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, *Section 3-3300, Conditional Use Permits*, of this Article and the requirements of this *Subsection 4-3503*.

22. Transitional service shelter.

4-4003. **Conditional Uses.** (RI, Restricted Industrial)

428 A. ~~Overnight Emergency shelters or~~ and transitional service shelters for fifty
429 ~~(50) or fewer residents in accordance with Subsection 3-3310.B.5.~~ (G.O.
430 4763, 12/15/97) (G.O. 5516, 01/23/06)

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432 B. Soup kitchens. (G.O. 4763, 12/15/97)
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434
435 4-4103. **Conditional Uses.** (*LI, Light Industrial*)
436

437 A. ~~Overnight Emergency shelters or~~ and transitional service shelters for fifty
438 ~~(50) or fewer residents in accordance with Subsection 3-3310.B.5.~~ (G.O.
439 4763, 12/15/97) (G.O. 5516, 01/23/06)

440
441 C. Soup kitchens. (G.O. 4763, 12/15/97)
442

443 4-4202. **Permitted Uses.** (*GM, General Manufacturing*)
444

445 M. ~~Overnight Emergency shelters or~~ transitional service shelters for fifty (50)
446 or fewer residents, or soup kitchens, which are located at least five
447 hundred (500) feet from a residential district, as measured from property
448 lines provided that no ~~overnight emergency~~ shelter, transitional service
449 shelter or soup kitchen may locate within two thousand (2,000) feet of any
450 other ~~overnight emergency~~ shelter, transitional service shelter, soup
451 kitchen, substance abuse treatment facility or community corrections
452 facility as measured from property lines, in accordance with *Subsection 3-*
453 *3310.B.5.* In no event shall a Certificate of Occupancy be issued for an
454 overnight shelters, transitional service shelters or soup kitchens herein if it
455 is less than one thousand (1,000) feet from an elementary or secondary
456 school as measured from property lines. (G.O. 4763, 12/15/97) (G.O.
457 4792, 04/13/98) (G.O. 5343, 01/12/04) (G.O. 5516, 01/23/06)
458

459 4-4203. **Conditional Uses.**
460

461 B. ~~Overnight Emergency shelters or~~ transitional service shelters for fifty (50)
462 ~~or fewer residents,~~ or soup kitchens, which are located within five hundred
463 (500) feet from a residential district, as measured from property lines
464 provided that no ~~overnight emergency~~ shelter, transitional service shelter
465 or soup kitchen may locate within two thousand (2,000) feet of any other
466 ~~overnight emergency~~ shelter, transitional service shelter, soup kitchen,
467 substance abuse treatment facility or community corrections facility as
468 measured from property lines, in accordance with *Subsection 3-3310.B.5.*
469 (G.O. 4763, 12/15/97) (G.O. 5343, 01/12/04) (G.O. 5516, 01/23/06)
470

I. Overnight shelters or transitional service shelters or soup kitchens for more than fifty (50) residents, which are located at least five hundred (500) feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within two thousand (2,000) feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility as measured from property lines, in accordance with Subsection 3-3310.B.5.

4-4302. **Permitted Uses.** (HM, Heavy Manufacturing)

Q. ~~Overnight Emergency~~ shelters or transitional service shelters for fifty (50) or fewer residents, or soup kitchens, which are located at least five hundred (500) feet from a residential district, as measured from property lines provided that no ~~overnight emergency~~ shelter, transitional service shelter or soup kitchen may locate within two thousand (2,000) feet of any other ~~overnight emergency~~ shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility as measured from property lines, in accordance with Subsection 3-3310.B.5. In no event shall a Certificate of Occupancy be issued for an overnight or transitional service shelter herein if it is less than one thousand (1,000) feet from an elementary or secondary school as measured from property lines. (G.O. 4763, 12/15/97) (G.O. 4792, 04/13/98) (G.O. 5343, 01/12/04) (G.O. 5516, 01/23/06)

4-4303. **Conditional Uses.**

C. ~~Overnight Emergency~~ shelters or transitional service shelters for ~~fifty (50) or fewer residents~~, or soup kitchens, which are located within five hundred (500) feet from a residential district, as measured from property lines provided that no ~~overnight emergency~~ shelter, transitional service shelter or soup kitchen may locate within two thousand (2,000) feet of any other ~~overnight emergency~~ shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with Subsection 3-3310.B.5. (G.O. 4763, 12/15/97) (G.O. 5343, 01/12/04) (G.O. 5516, 01/23/06)

M. Overnight shelters or transitional service shelters or soup kitchens for more than fifty (50) residents, which are located at least five hundred (500) feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within two thousand (2,000) feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment

514 facility or community corrections facility as measured from property lines,
515 in accordance with Subsection 3-3310.B.5.
516

517 4-4403. **Conditional Uses.** (*IC, Industrial Commercial*)
518

519 A. ~~Overnight Emergency shelters or and transitional service shelters for fifty~~
520 ~~(50) or fewer residents, in accordance with Subsection 3-3310.B.5. (G.O.~~
521 ~~4763, 12/15/97) (G.O. 5516, 1/23/06)~~
522

523 E. Soup kitchens. (G.O. 4763, 12/15/97)

Emergency and Transitional Service Shelter Amendments Table				
	Zoning Ordinance Requirement Categories			
Use Categories	2,000 Foot Spacing From Shelters	1,000 Foot Spacing From Schools	Maximum Residents (current)	Maximum Residents (proposed)
Emergency Shelters	None	None (Current and not changing)	None	None, maximum occupancy will be based on Mass Care Provider (American Red Cross) requirements.
Overnight Shelters	Other overnight shelters, transitional service shelters, soup kitchens, substance abuse treatment facilities or community corrections facilities.	Overnight shelter, transitional service shelter or soup kitchen must be located at least one thousand (1,000) feet from an elementary or secondary school. (proposed)	1. GM and HM permitted by right with a fifty (50) bed limit and five hundred (500) foot setback from residential districts. 2. HC, CS, RI, LI and IC require a CUP with a fifty (50) bed limit.	1. HC, CS, GM and HM permitted by right with a <i>fifty (50) bed limit</i> and five hundred (500) foot setback from residential districts. 2. RI, LI and IC with a maximum bed limit based upon facility, infrastructure and neighborhood constraints as established by CUP.
Transitional Service Shelters	Other transitional service shelters, overnight shelters, soup kitchens, substance abuse treatment facilities or community corrections facilities.	Overnight shelter, transitional service shelter or soup kitchen must be located at least one thousand (1,000) feet from an elementary or secondary school. (proposed)	1. HC and CS with no maximum bed limit. 2. R-MD, R-HD, CC, COM, RI, LI, GM, HM and IC require a CUP with a fifty (50) bed limit.	1. HC, CS, GM and HM permitted by right with a <i>fifty (50) bed limit</i> and five hundred (500) foot setback from residential districts. 2. R-MD, R-HD, HC, CS, CC, COM, RI, LI and IC with a maximum bed limit based upon facility, infrastructure and neighborhood constraints as established by CUP.
Soup Kitchens	Other soup kitchens, overnight shelters,transitional service shelters, substance abuse treatment facilities or community corrections facilities.	Overnight shelter, transitional service shelter or soup kitchen must be located at least one thousand (1,000) feet from an elementary or secondary school. (proposed)	None, based on current Building Codes.	No changes proposed.
Economic and Housing Calamity Shelters	None	Economic and Housing Access Calamity Shelter if it is less than one thousand (1,000) feet from an elementary or secondary school unless said shelter is operated by and on the premise or contiguous property to such school and with the consent of the governing body of such school. (Current and not changing)	None, maximum occupancy will be based on the Director of Building Development Services together with the Departments of Fire and Health evaluating existing Codes after due consideration for (including but not limited to) venue, density of population, intensity of use, ingress-egress, exit travel, fire safety, hours of operation, sanitary services and adjacent properties.	No changes proposed.
Transitional Housing	None	None	None	No changes proposed.

**PLANNING AND DEVELOPMENT DEPARTMENT
DEVELOPMENT REVIEW SERVICES
MEMORANDUM**

DATE: September 5, 2012

TO: Planning and Zoning Commission

FROM: Daniel Neal
Senior Planner

SUBJECT: Emergency and Transitional Service Shelter Amendments

In response to Mr. Hansen's questions in an e-mail on September 4th, the original Emergency and Transitional Service Shelter ordinance was approved on December 15, 1997, (see attached ordinance and minutes from public hearing on November 23, 1997) while subsequent amendments were made in 1998 and 2004. The bulk of the changes including the bed limit and two thousand (2,000) foot spacing requirement were approved in 1997.

As stated at the Planning and Zoning Commission luncheon, last week, there have not been any recent requests to the Planning and Development Department for an overnight or transitional service shelter with over fifty (50) beds. The most recent zoning case involving an overnight or transitional service shelter occurred in 2011 (G.O. 5940) when Salvation Army was approved for a Planned Development (PD 167 Amended) that allowed more than fifty (50) beds.

The difference in City processing fees between a Planned Development (\$2010) including the Final Development Plan review (\$483) as opposed to a Conditional Use Permit (\$1,272) is approximately \$1,221. These costs do not factor the costs from the private side of processing these applications. The Planned Development has the potential of taking longer to process because a final development plan is required to be approved prior to permitting.

The Springfield City Council met November 24, 1997, in the Council Chambers at City Hall. The meeting was called to order by Mayor Gannaway. A prayer was given by Mr. Gibson.

Present: Gary Gibson, Thomas J. Carlson, Teri Hacker, Charlie Denison, Russell Rhodes, Conrad Griggs, Bob Vanaman, Shelia Wright, and Leland L. Gannaway. Absent: None.

There being no additions or corrections, the minutes of November 10, 1997, were approved as presented.

The Consent Agendas were finalized by unanimous consent.

Mayor Gannaway moved to add Council Bill 97-390 to the agenda under Council Bills for Public Hearing. The motion was seconded by Mrs. Hacker and carried unanimously.

Mrs. Hacker moved to table Council Bill 97-371 at the request of the applicant and Council Bill 97-372 at the request of staff. The motion was seconded by Mr. Denison and carried unanimously.

Sponsor: Griggs. Council Bill 97-367. Resolution No. 8510. A resolution recognizing the Fixing Broken Windows Committee for their diligent efforts in researching, studying, and proposing solutions to the problems that are caused by the overcrowding and concentration of services provided by rooming houses and temporary shelters in specific areas.

Council Bill 97-367 was adopted by the following vote: Ayes: Gibson, Carlson, Hacker, Denison, Rhodes, Griggs, Vanaman, Wright, and Gannaway. Nays: None. Absent: None.

Mayor Gannaway presented resolutions to Chet Dixon, Randy Ebrite, Mark Phelan, John Rush, and Pastor Gene Wyssmann, members of the Committee. Dr. Jim Blaine, Cathy Schane, and Tom Slaight were not present.

Mayor Gannaway expressed appreciation to Mr. Griggs who chaired this Committee.

Tom Finnie, City Manager, responded to questions from the previous meeting. He stated that former mayor Paul Redfearn raised questions about the proposed referendums. Dr. Redfearn has met with Tracy Kimberlin and he now believes this is an excellent proposal and has agreed to help any way he can. Mr. Finnie said the cost of the study regarding the Park Central Square closing was \$6,000. He advised that the number of people annexed in the last Quail Creek annexation was approximately 150 people.

Sponsor: Gannaway. Council Bill 97-368. A general ordinance amending Section 1-8 of the Springfield City Code, City Limits, by annexing 5.95 acres of land adjacent to the existing City limits, described generally as just north of East Sunshine Street in the 1700 block of South Ranch Drive, and amending Chapter 11A of the Springfield City Code, Election Wards, Precincts and Councilmanic Zones, Section 11A, Ward Boundaries, by adding this property to the ward and precinct assigned by the County Clerk.

Andy Furedy, Zoning Administrator, said all City services can be provided to this property within a reasonable time and the annexation will be a logical extension of the City's boundaries. He said the Planning Commission and staff recommend approval.

A public hearing was announced on Council Bill 97-368. There being no appearances, the public hearing was declared closed.

Sponsor: Denison. Council Bill 97-369. A general ordinance amending Urban Conservation District No. 3 (Mid-Town Urban Conservation District) by creating an Area C consisting of approximately 3/4 acre of land generally located at the northeast corner of Benton Avenue and Calhoun Street and establishing regulations and restrictions with respect to the land use in Area C. (By: Drury College; 1312 N. Benton; Zoning Case Z-33-97.) (Planning and Zoning Commission recommends denial. Planning Department staff recommends approval.)

Mr. Furedy said Area C that would be created by this bill is an existing church and parsonage. The request is to allow Drury College to use this church building for classrooms, offices, and meeting facilities and to use the parsonage as housing for guests of the College. He said Planning and Zoning Commission's recommendation included one condition which the College did not agree to and that is restricting the hours of operation for the classes, offices, and meeting facilities from 7 a.m. to 8 p.m. The College agrees to restricting the hours of operation for the classes but not the other uses.

Mr. Furedy stated that Exhibit 1 is the applicant's request. The Planning and Zoning Commission recommended approval, however, that approval included a condition which the applicant does not agree to. This Exhibit 1 would only restrict the hours of operation for the classes, therefore, Commission did not recommend approval of this bill. Mr. Furedy said staff recommends approval.

A public hearing was announced on Council Bill 97-369.

Stan Robinson, 1325 N. Summit Avenue, spoke in favor of Council Bill 97-369. He did not believe there would be noise or parking problems that would disturb the neighborhood.

Brenda Eyman, 1316 N. Benton, and Ralph Plank, representing the Mid-Town Neighborhood, spoke in opposition to Council Bill 97-369. They stated they would like the time of use of the facility moved back to 6 p.m. or 7 p.m. They were concerned about noise, some of which came from trash being picked up at 4:30 a.m. Mr. Plank said this zoning is inconsistent with the Mid-Town Plan.

Dr. John Moore, President of Drury College, 1234 N. Benton, spoke in favor of the zoning, stating the only change they asked Council to consider is the insertion of two words, "for classes." Dr. Moore responded to questions from Council and said Drury will follow the City standards for landscaping and they will look into the problem with trash pickup.

There being no further appearances, the public hearing was declared closed.

Mr. Carlson said he lives at Benton and Calhoun and asked if that was within 185 feet. He said there is another bill that affects the neighborhood and he is on the board of The Kitchen. He asked Howard Wright, City Attorney, to advise him before the next meeting if this constitutes a conflict.

Mr. Wright said he would respond and Mr. Carlson stated he would abstain on voting on anything in regard to these bills until he is advised whether there is a conflict.

Sponsor: Hacker. Council Bill 97-370. A general ordinance amending Chapter 36, Article I, Zoning, of the Springfield City Code, Section 1-1600, Zoning Maps, by rezoning 22 acres of land generally located on the west side of North Eldon Avenue north of Kearney Street, more particularly described in this ordinance, from a Single Family Residential District to Planned Development District No. 212. (Planning and Zoning Commission recommends denial and Planning and Development staff recommends denial.)

Mr. Furedy said this bill will allow 199 dwelling units to locate on this property in single family, duplexes, and apartments and this request exceeds the housing density recommended by the Comprehensive Plan. He said 156 dwelling units could be put on this property if it were developed as single family. He said the sinkhole report prepared for this case does not address whether this proposal is feasible because of the sinkhole. Mr. Furedy said the attached Exhibit A is the applicant's request and it does not include the need for sidewalks and setbacks adjacent to the project's boundaries or to the internal streets.

A public hearing was announced on Council Bill 97-370.

Wylie Comp, 1700 S. Campbell, representing the applicant, explained the project and presented exhibits showing the location of the apartments, duplexes, and single-family housing. He contended that affordable housing is needed in this area. Mr. Comp stated the question of the sinkhole was explained in their sinkhole report.

The following people spoke in opposition to Council Bill 97-370: Calvin Redfearn, 2516 N. Eldon; Tommy Liles, 3725 W. San Fernando; Bob Bender, 2436 N. Rural Avenue; Barbara Wright, 2530 N. Eldon; and Laura McCann, 2544 N. Rural.

The speakers were primarily concerned about the sinkhole. They also expressed concern about traffic which they said is a major problem, and they believed this development would cause overcrowding in the schools. They said the community does not want this many houses and the lots are too small for apartments.

There being no further appearances, the public hearing was declared closed.

There being no objections, Council considered Substitutes 1, 2, and 3 to Council Bill 97-331 together.

Sponsor: Griggs. Council Bill 97-331 Substitute No. 1. A general ordinance amending Chapter 36 of the Springfield City Code, Article I, Zoning, Section 3-3300, Conditional Use Permits, Division I, Intent, Purpose and General Provisions, and Division IV, District Regulations, to provide for the location of Emergency Shelters, Soup Kitchens, and Transitional Services Shelters.

Sponsor: Vanaman. Council Bill 97-331 Substitute No. 2. A general ordinance amending Chapter 36 of the Springfield City Code, Article I, Zoning, Section 3-3300, Conditional Use Permits, Division I, Intent, Purpose and General Provisions, and Division IV, District Regulations, to provide for the location of Emergency Shelters, Soup Kitchens, and Transitional Services Shelters.

Sponsor: Griggs. Council Bill 97-331 Substitute No. 3. A general ordinance amending Chapter 36 of the Springfield City Code, Article I, Zoning, Section 3-3300, Conditional Use Permits, Division I, Intent, Purpose and General Provisions, and Division IV, District Regulations, to provide for the location of Emergency Shelters, Soup Kitchens, and Transitional Services Shelters.

Mr. Vanaman moved to amend Substitute No. 2 to read, "2000 feet" where it presently reads, "one mile and one-half mile." The motion was seconded by Mr. Denison and carried by the following vote: Ayes: Gibson, Hacker, Denison, Rhodes, Griggs, Vanaman, Wright, and Gannaway. Nay: None. Abstain: Carlson. Absent: None.

Mr. Vanaman moved to amend Substitute No. 2, to add Section 33(b) which shall read as follows: "(b) Any emergency shelter, soup kitchen, transitional service shelter or combination of these three uses may exercise a transfer of development right to relocate all emergency shelter, soup kitchen or transitional service shelter uses from one location to another location that would be within the separations of such uses called for in this ordinance provided that City Council finds, following a recommendation by Planning and Zoning Commission, that

- (1) such relocation is not being made to the Center City District; and
- (2) the relocation of said use or uses will reduce the intensity of similar uses in the area of the original location; and
- (3) that the relocation will not pose any greater impact on the area to be relocated to than is present at the original location from such uses; and
- (4) the use will be no closer to a soup kitchen, emergency shelter, or transitional shelter or any combination thereof than said use is presently to such facilities.

The motion was seconded by Mr. Denison and carried by the following vote: Ayes: Gibson, Hacker, Denison, Vanaman, and Gannaway. Nays: Rhodes, Griggs. Abstain: Wright and Carlson. Absent: None.

Mary Smith, Principal Planner in the Planning and Development Department, explained the differences between the three bills. She said Substitute No. 1 requires a half mile spacing between emergency shelters and soup kitchens; a half mile is 2,640 feet. Substitute No. 2, as amended, has a 2,000 foot spacing, and Substitute No. 3 is one-quarter mile which is 1,320 feet.

Mrs. Smith said the transitional service shelter spacing is 1,320 feet in Substitute No. 1, 2,000 feet in Substitute No. 2, and 1,320 in Substitute No. 3.

Mrs. Smith advised that the emergency shelter bed limit in Substitutes 1 and 3 is 50 beds in all districts except Heavy Manufacturing (HM) and General Manufacturing.(GM). Substitutes No. 1 and No. 3 would permit 100 beds in HM and GM. Substitute No. 2 would permit 50 beds in all districts.

Mrs. Smith presented a map which showed the areas in which the various services could be located.

Nancy Yendes, Assistant City Attorney, said there is a legal issue with respect to capping beds aside from even comparing them to the correctional facility. She said a court will look at the other uses in that zone as well as zones that have similar intensity. She said Substitute No. 3 is 100 beds

which was recommended by the Fixing Broken Windows Committee and she thought they based it on 100 beds because of the correctional facility. She said in New Jersey you have a state statute with a 50-bed capacity having been struck down as being too restrictive when compared to other uses.

Mr. Vanaman stated that a committee will be looking at correctional facilities soon. He asked if looking at the bed size of those facilities will come into discussion. Mrs. Yendes advised what issues the Committee will be looking at in regard to correctional facilities and stated that bed size will be one of the issues.

Mr. Vanaman commented that Denver used 2,000 feet between shelters. Mrs. Yendes said Denver is much larger in land area and population. The courts strike various distances down in different size communities. She said 1,500 feet was struck in New Jersey because the cities are smaller. Mrs. Yendes said Denver has not yet been challenged on 2,000 feet.

Mr. Griggs asked Mrs. Yendes to give the history on Substitute No. 3 and the reason he sponsored the bill.

Mrs. Yendes stated that there are groups in the United States that follow ordinances of all types, including homeless ordinances, and there are some in our community that follow development of these ordinances. She said she had received information from the National Poverty Law Center and the California Chapter of Protection Advocacy. She said in reviewing those it became apparent that we could not support any distance in any zoning ordinance unless we had a very distinct factual basis to support that separation. Mrs. Yendes said the Planning Department could not provide one for a mile or one-half mile. She said the Eighth Circuit upheld a quarter of a mile for residential separations for group homes which is the most protected handicapped living arrangement under the law. She said the court looks at what is the least restriction that you can have to achieve your goal and that would be a quarter mile together with the use permit process. Mrs. Yendes said we would have a much better opportunity to defend the ordinance under a Fair Housing Act attack. She estimated it would cost the City \$100,000 to defend a lawsuit.

Mrs. Yendes explained the transfer of all services versus partial transfer at the request of Mr. Gibson. She said you move all the uses under Substitute No. 2 at one time. Under Substitute No. 3 you would not have to move all the uses.

A public hearing was announced on Council Bills 97-331 Substitute No. 1, No. 2, and No. 3.

The following persons expressed their views on the three proposed council bills: Debora Rainey, 2234 N. Linro; Norma Duncan, 1221 N. Sherman; Dan Chiles, 1972 S. Oak Grove; Virginia Wood, Parkwood Subdivision; Bob Dixon, resident of Zone 1; Katy Spangler, resident of Mid-Town; Jim Harriger, 1307 W. LaSalle; Jim Downing, resident of Mid-Town; Paul Rollinson, 1105 E. Linwood Terrace; Ralph Plank, resident of Mid-Town Historic District, member of the Good Neighbor Coalition, former The Kitchen board member; Pam Bailey, 1905 N. Main; Virgil Hill, 2013 W. Water; Christine Schilling, artist with a studio and business on Commercial Street; Brian Fogle, 1111 E. Kingsbury; Ken Williams, 1337 N. Benton Avenue, president of the Mid-Town Neighborhood Association; Darrell Bailey, 1905 N. Main.

Issues addressed by the speakers included the impact that allowing shelters as “by right” uses in Heavy Manufacturing areas would have on neighborhoods and schools in these areas; the need to regulate and monitor the business of meeting the needs of the homeless; the continued problem of the concentration of services; the need to treat the homeless as neighbors and see they have food and shelter; the necessity of balancing the needs of the homeless with the needs of the residents and businesses; the need to provide shelters in all areas of Springfield, not just the north side; and the need to treat the disease, not just the symptoms.

Several of the speakers stated their support of the bill sponsored by Councilman Vanaman, which is Substitute No. 2.

There being no further appearances, the public hearing was declared closed. (Detailed comments by citizens and Council are on file in the office of the City Clerk.)

Sponsor: Gannaway. Council Bill 97-390. A special ordinance amending Special Ordinance No. 23045 to allow motor freight transportation terminal properties to participate in Enterprise Zone benefits and authorizing tax abatement under Section 135.215.1, RSMo Supp. 1996.

Mayor Gannaway announced that Council will take public comment tonight and also at the next meeting.

A public hearing was announced on Council Bill 97-390. There being no appearances, the public hearing was declared closed.

The following bills appeared on the agenda under First Reading Bills.

Sponsor: Gibson. Council Bill 97-371. A special ordinance approving the preliminary plat of REPUBLIC PLAZA, generally located at the northwest corner of Republic Street and Kansas Expressway, as an addition to the City of Springfield, Greene County, Missouri, and authorizing the Director of Planning and Development to accept the dedication of land or easements to the City of Springfield upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat. (Planning and Zoning Commission has not reviewed this and Planning and Development staff recommends denial.)

Council Bill 97-371 was tabled at the request of the applicant.

Sponsor: Griggs. Council Bill 97-372. A special ordinance authorizing the City Manager, on behalf of the City of Springfield, to enter into a license agreement with Springfield Land and Capital, LLP, and the Ironbridge Homeowners Association, Inc. whereby the City will transfer ownership of a parcel of land (0.27 acres) in the northwest quadrant of the intersection of National Avenue and Weaver Road, to Springfield Land and Capital, LLP, and in return the Ironbridge Homeowners Association, Inc. will install and maintain landscaping in the remaining portion of this and the three traffic islands, located in the northwest, northeast, and southeast corners of the intersection subject to conditions set forth in the licensing agreement.

Council Bill 97-372 was tabled at the request of staff.

Mayor Gannaway said Council has read the explanations and if staff does not feel the necessity to explain, the bills will just be read.

Sponsor: Gannaway. Council Bill 97-373. First Reading. A special ordinance authorizing the City Manager, on behalf of the City of Springfield, to enter into an agreement with the Missouri Department of Health to provide funding for implementation of a home visitor program, and amending the budget for the City of Springfield, Missouri, in the Health Department for the fiscal year 1997-1998 in the amount of \$48,727.

An opportunity was given for interested citizens to express their views. There being no appearances, the discussion was closed.

Sponsor: Gannaway. Council Bill 97-374. First Reading. A special ordinance authorizing the City Manager, on behalf of the City of Springfield, to enter into an agreement with the Missouri Department of Health to provide funding for sanitation inspections for child care facilities, and amending the budget for the City of Springfield, Missouri, in the Health Department for the fiscal year 1997-1998 in the amount of \$18,290.

An opportunity was given for interested citizens to express their views. There being no appearances, the discussion was closed.

Sponsor: Gannaway. Council Bill 97-375. First Reading. A special ordinance authorizing the City Manager, on behalf of the City of Springfield, to enter into an intergovernmental agreement with Greene County, Missouri, for the cooperative provision of emergency preparedness for the citizens of the City and County.

An opportunity was given for interested citizens to express their views. There being no appearances, the discussion was closed.

The following bills appeared on the agenda under Second Reading and Final Passage.

Sponsor: Griggs. Council Bill 97-351. General Ordinance No. 4760. A general ordinance amending Planned Development District No. 12, 11th Amendment, approximately 1 1/2 acres generally located on the north side of Kingsley Street between National and Fremont Avenues, by adopting a new set of Rules and Regulations in lieu thereof, marked Exhibit 1, to provide for a detached on-premises sign on Kingsley Street. (By: Extended Stay America, Inc.; 1333 E. Kingsley Avenue; PD 12, 17th Amendment.) (Planning and Zoning Commission and Planning and Development staff recommend approval.)

Council Bill 97-351 was passed by the following vote: Ayes: Gibson, Carlson, Hacker, Denison, Rhodes, Griggs, and Gannaway. Nays: Vanaman and Wright. Absent: None.

Sponsor: Gannaway. Council Bill 97-352. Special Ordinance No. 23266. A special ordinance calling a special election in the City of Springfield, Missouri, to be held on Tuesday, February 3, 1998, in said City for the purpose of testing the sense of the qualified voters of said City on a proposition to continue the one-quarter of one percent Capital Improvement Sales Tax for a period of three years.

Council Bill 97-352 was passed by the following vote: Ayes: Gibson, Carlson, Hacker, Denison, Rhodes, Griggs, Vanaman, Wright, and Gannaway. Nays: None. Absent: None.

Sponsor: Gannaway. Council Bill 97-353. General Ordinance No. 4761. A general ordinance calling a special election in the City of Springfield, Missouri, to be held on Tuesday, February 3, 1998, for the purpose of testing the sense of the qualified voters of the City on a proposition to increase the tax paid by guests using hotels, motels and tourist courts for sleeping accommodations from two (2) percent to four and one-half (4 1/2) percent to promote recreation, education, tourism and the local economy in order to carry out the recommendations of the Vision 20/20 Citizen's Committee and the Commission on Travel and Tourism by developing Civic Park, constructing an indoor ice facility and making capital grants available for projects to assist not-for-profit organizations who promote these activities with the tax increase to end on the last debt service payment; and amending Article V of Chapter 20, Motels, Hotels and Tourists Courts of the Springfield City Code to conform to the vote.

Mr. Carlson commented that he wanted to make sure his understanding was correct that we might set aside one-fourth cent for four different groups that was illustrative, and that it does not necessarily mean the mere passage of this automatically means these people are entitled to the money. The groups have to come forward with a project that the Council feels is feasible and withstands public scrutiny.

Mayor Gannaway said all of those things are correct plus the organization has to have matching funds.

Council Bill 97-353 was passed by the following vote: Ayes: Gibson, Carlson, Hacker, Denison, Rhodes, Griggs, Vanaman, Wright, and Gannaway. Nays: None. Absent: None.

The following bills appeared on the Consent Agenda - First Reading Bills.

Sponsor: Gannaway. Council Bill 97-376. First Reading. A general ordinance amending the provisions of Section 31-26.5 of the Springfield City Code to allow, upon petition by the Director of Public Works, the Planning and Zoning Commission to vacate a street or alley that has not been open and contains public or private utilities that will be protected by adequate easements. (Both Planning and Zoning Commission and Planning and Development staff recommend approval.)

Sponsor: Gannaway. Council Bill 97-377. First Reading. A special ordinance authorizing the City Manager, on behalf of the City of Springfield, to enter into an agreement with Ozark Technical Community College for the installation and maintenance of fiber optic cable within City rights-of-way.

Sponsor: Vanaman. Council Bill 97-378. First Reading. A special ordinance authorizing the City Manager, on behalf of the City of Springfield, to enter into an agreement with Hiland Dairy for the installation and maintenance of fiber optic cable within City rights-of-way.

Sponsor: Carlson. Council Bill 97-379. First Reading. A special ordinance approving the preliminary plat of KAY POINTE PHASE VI, generally located on the east side of South Orchard Crest south of Mt. Vernon Street, as an addition to the City of Springfield, Greene County, Missouri, and authorizing the Director of Planning and Development to accept the dedication of

land or easements to the City of Springfield upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat.

Sponsor: Wright. Council Bill 97-380. First Reading. A special ordinance approving the preliminary plat of FOX GRAPE 6TH ADDITION, generally located on East Manitoo Street east of Ingram Mill Road, as an addition to the City of Springfield, Greene County, Missouri, and authorizing the Director of Planning and Development to accept the dedication of land or easements to the City of Springfield upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat. (Planning and Zoning Commission recommends approval and Planning and Development staff recommends approval.)

Sponsor: Gannaway. Council Bill 97-381. First Reading. A special ordinance approving the preliminary plat of CARRIAGE PLACE, generally located on Carriage Avenue north of Regent Street, as an addition to the City of Springfield, Greene County, Missouri, and authorizing the Director of Planning and Development to accept the dedication of land or easements to the City of Springfield upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat. (Planning and Zoning Commission recommends approval and Planning and Development staff recommends approval.)

Sponsor: Vanaman. Council Bill 97-382. First Reading. A special ordinance approving the preliminary plat of COBBLESTONE VILLAGE, generally located on the west side of South Ingram Mill north of Battlefield and south of Glendale High School, as an addition to the City of Springfield, Greene County, Missouri, and authorizing the Director of Planning and Development to accept the dedication of land or easements to the City of Springfield upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat. (Planning and Zoning Commission recommends approval and Planning and Development staff recommends approval.)

Sponsor: Griggs. Council Bill 97-383. First Reading. A special ordinance to establish and define the boundaries of a Sanitary Sewer District located in the general vicinity of the 4400 block of South Cox Road to be constructed by The Church of Jesus Christ of Latter Day Saints at no cost to the City and known as Sanitary Sewer District No. 27 of Section No. 22; approving the plat, profile, and specifications; and providing for acceptance after construction is completed and tendered to the City.

Sponsor: Rhodes. Council Bill 97-384. First Reading. A special ordinance to establish and define the boundaries of a Sanitary Sewer District located in the general vicinity of the 2000 block of South Forrest Heights Avenue to be constructed by Forrest Heights Inc. at no cost to the City and known as Sanitary Sewer District No. 19 of Section No. 19; approving the plat, profile, and specifications; and providing for acceptance after construction is completed and tendered to the City.

Sponsor: Rhodes. Council Bill 97-385. First Reading. A special ordinance to establish and define the boundaries of a Sanitary Sewer District located in the general vicinity of the 5200 block of South Holland Avenue to be constructed by Alva McCullough at no cost to the City and known as Sanitary Sewer District No. 117H of Section No. 15; approving the plat, profile, and specifications; and providing for acceptance after construction is completed and tendered to the City.

Sponsor: Griggs. Council Bill 97-386. First Reading. A special ordinance to establish and define the boundaries of a Sanitary Sewer District located in the general vicinity of the 1800 block of West Bennett Street to be constructed by U.S. Postal Service at no cost to the City and known as Sanitary Sewer District No. 96 of Section No. 8; approving the plat, profile, and specifications; and providing for acceptance after construction is completed and tendered to the City.

Sponsor: Griggs. Council Bill 97-387. First Reading. A special ordinance to establish and define the boundaries of a Sanitary Sewer District located in the general vicinity of the 4400 block of South Western Avenue to be constructed by Morelock-Ross Properties Inc. at no cost to the City and known as Sanitary Sewer District No. 126 of Section No. 17; approving the plat, profile, and specifications; and providing for acceptance after construction is completed and tendered to the City.

Sponsor: Griggs. Council Bill 97-388. First Reading. A special ordinance to establish and define the boundaries of a Sanitary Sewer District located in the general vicinity of the 1000 block of South Kansas Expressway to be constructed by Ramey Supermarkets at no cost to the City and known as Sanitary Sewer District No. 56 of Section No. 7; approving the plat, profile, and specifications; and providing for acceptance after construction is completed and tendered to the City.

Sponsor: Rhodes. Council Bill 97-389. First Reading. A special ordinance approving plan, profile, and specifications for the construction of additional sanitary sewers by Jerral W. Jones at no cost to the City in Sanitary Sewer District No. 141 of Section No. 15 in the general vicinity of the 3700 block of South Harvard Avenue; approving the plat, profile, and specifications; and providing for acceptance after construction is completed and tendered to the City.

The following bills appeared under Consent Agenda - Second Reading Bills.

Sponsor: Gannaway. Council Bill 97-354. Special Ordinance No. 23267. A special ordinance amending the budget for the City of Springfield, Missouri, Convention and Visitors Bureau for the fiscal year 1997-1998 in the amount of \$270,947 to accommodate additional revenues and expenses for cooperative marketing programs produced in partnership with the Missouri Division of Tourism and Springfield area attractions, and making adjustments to certain other line items in the budget to reflect current and projected operational changes.

Sponsor: Wright. Council Bill 97-358. Special Ordinance No. 23268. A special ordinance to establish and define the boundaries of a Sanitary Sewer District located in the general vicinity of the 1000 block of South Mumford Road to be constructed by Turnberry Estates Development Co. LLC at no cost to the City and known as Sanitary Sewer District No. 18 of Section No. 19; approving the plat, profile, and specifications; and providing for acceptance after construction is completed and tendered to the City.

Sponsor: Griggs. Council Bill 97-359. Special Ordinance No. 23269. A special ordinance to establish and define the boundaries of a Sanitary Sewer District located in the general vicinity of the 3500 block of West Cardinal Drive to be constructed by Morelock-Ross Inc. at no cost to the City and known as Sanitary Sewer District No. 130 of Section No. 17; approving the plat, profile,

and specifications; and providing for acceptance after construction is completed and tendered to the City.

Sponsor: Vanaman. Council Bill 97-360. Special Ordinance No. 23270. A special ordinance to establish and define the boundaries of a Sanitary Sewer District located in the general vicinity of the 1000 block of South Colgate Avenue to be constructed by Morelock-Ross Inc. at no cost to the City and known as Sanitary Sewer District No. 98 of Section No. 16; approving the plat, profile, and specifications; and providing for acceptance after construction is completed and tendered to the City.

Sponsor: Rhodes. Council Bill 97-361. Special Ordinance No. 23271. A special ordinance to establish and define the boundaries of a Sanitary Sewer District located in the general vicinity of the 3700 block of South Delaware Avenue to be constructed by Father and Daughters L.P. at no cost to the City and known as Sanitary Sewer District No. 54V of Section No. 15; approving the plat, profile, and specifications; and providing for acceptance after construction is completed and tendered to the City.

Sponsor: Rhodes. Council Bill 97-362. Special Ordinance No. 23272. A special ordinance approving plan, profile, and specifications for the construction of additional sanitary sewers by Glenstone I Limited Partnership at no cost to the City in Sanitary Sewer District No. 141 of Section No. 15, in the general vicinity of the 1800 block of East Independence Avenue; approving the plat, profile, and specifications; and providing for acceptance after construction is completed and tendered to the City.

Sponsor: Rhodes. Council Bill 97-363. Special Ordinance No. 23273. A special ordinance approving plan, profile, and specifications for the construction of additional sanitary sewers by Jack Hoke Companies Inc. at no cost to the City in Sanitary Sewer District No. 130 of Section No. 15, in the general vicinity of the 1400 block of East Bradford Parkway; approving the plat, profile and specifications; and providing for acceptance after construction is completed and tendered to the City.

The appointment of Mike J. Woody was confirmed to the Springfield Convention and Visitor's Bureau, Inc.

The reappointments of Randy Ebrite, Frank Evans, and Sharon Faulkner, and the appointments of Jim Fossard and Wayne Scheer were confirmed to the Board of Public Utilities.

Council Bill 97-354. Special Ordinance No. 23267 was passed by the following vote: Ayes: Gibson, Carlson, Hacker, Denison, Rhodes, Griggs, Vanaman, Wright, and Gannaway. Nays: None. Absent: None.

Council Bill 97-358. Special Ordinance No. 23268 was passed by the following vote: Ayes: Gibson, Carlson, Hacker, Denison, Rhodes, Griggs, Vanaman, Wright, and Gannaway. Nays: None. Absent: None.

Council Bill 97-359. Special Ordinance No. 23269 was passed by the following vote: Ayes: Gibson, Carlson, Hacker, Denison, Rhodes, Griggs, Vanaman, Wright, and Gannaway. Nays: None. Absent: None.

Council Bill 97-360. Special Ordinance No. 23270 was passed by the following vote: Ayes: Gibson, Carlson, Hacker, Denison, Rhodes, Griggs, Vanaman, Wright, and Gannaway. Nays: None. Absent: None.

Council Bill 97-361. Special Ordinance No. 23271 was passed by the following vote: Ayes: Gibson, Carlson, Hacker, Denison, Rhodes, Griggs, Vanaman, Wright, and Gannaay. Nays: None. Absent: None.

Council Bill 97-362. Special Ordinance No. 23272 was passed by the following vote: Ayes: Gibson, Carlson, Hacker, Denison, Rhodes, Griggs, Vanaman, Wright, and Gannaway. Nays: None. Absent: None.

Council Bill 97-363. Special Ordinance No. 23273 was passed by the following vote: Ayes: Gibson, Carlson, Hacker, Denison, Rhodes, Griggs, Vanaman, Wright, and Gannaway. Nays: None. Absent: None.

The Public Involvement Committee recommended the appointment of Albert Decker, and Warren Findley, terms to expire October 1, 2000, and the appointment of Denis Anderson, term to expire October 1, 1998, to the Springfield/Greene County Environmental Advisory Board.

The Public Involvement Committee recommended the appointment of Tim Woodworth to the Cable Television Advisory Commission, term to expire September 1, 2000.

The Public Involvement Committee recommended the appointment of Craig Hacker and the reappointment of Michael Pentecost and Ron Conway to the Landmarks Board, terms to expire November 1, 2000.

The Public Involvement Committee recommended the appointment of Ron Reynaud and George Chapman, and the reappointment of Ralph Manley to the Planning and Zoning Commission, terms to expire January 1, 2001.

There being no further appearances, the meeting adjourned at 10:50 p.m.

Brenda M. Cirtin, CMC
City Clerk

12/10/97
ig

Pub. Imp. _____
Govt. Grnt. _____
Emer. _____
P. Hrngs. 12-15-97
Pgs. 13
Filed: 12-9-97

*12-18-97 - amended
prior to
public hearing*

Sponsored by: Vanaman

First Reading: November 24, 1997
Amended Substitute No. 2
COUNCIL BILL NO. 97 - 331

Second Reading: December 15, 1997
GENERAL ORDINANCE NO. 4763

AN ORDINANCE

1 AMENDING Chapter 36 of the Springfield City Code, Article I,
2 Zoning, Section 3-3300, Conditional Use Permits,
3 Division I, Intent, Purpose and General Provisions, and
4 Division IV, District Regulations, to provide for the
5 location of Emergency Shelters, Soup Kitchens, and
6 Transitional Services Shelters.
7

8
9
10
11
12
13 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI,
14 as follows:
15

16 Section 1 - The City of Springfield City Council hereby
17 declares and finds as follows with respect to the placement, access
18 to and land use requirements for emergency and transitional
19 homeless shelters and soup kitchens within Springfield, Missouri
20 based on public comment received over the past year through public
21 hearing, written communications, the Fixing Broken Windows
22 Committee and community experience with provision of services to
23 the homeless:
24

25 1. That the two largest emergency homeless shelters and
26 combined soup kitchens are within 800 feet of each other on
27 Commercial Street in the Center City district and that this
28 concentration of use is located in a fragile, historically
29 significant commercial area, and have been so located for a number
30 of years. Two other emergency shelters or soup kitchens are
31 located within one-half mile of Commercial Street.
32

33 2. That homeless emergency and transitional service shelters
34 run by private organizations serve an important purpose and need in
35 this and other communities in providing a safety net for

36 individuals and in breaking the cycle of poverty when participants
37 are able to follow a continuum of services. Therefore, to the
38 greatest extent possible, such uses should be located in districts
39 with similar uses throughout the City, or permitted in additional
40 districts where residential services are not allowed or severely
41 restricted.
42

43 3. Despite the important need such facilities fill, a
44 concentration of shelters in the Commercial Street area has
45 resulted in adverse impacts on surrounding land use due to
46 loitering, littering, blockage of public sidewalks, sleeping in
47 cars and similar ordinance violations. Council finds that any
48 greater concentration of shelters or soup kitchens in the
49 Commercial Street or immediate downtown area will have an adverse
50 impact on the vitality of those areas and may result in the loss of
51 historically significant businesses and buildings.
52

53 4. That a concentration of homeless services, including soup
54 kitchens that did not restrict service to persons residing in the
55 emergency shelters, in the Commercial Street area itself had been
56 detrimental to the continued vitality of that area and resulted in
57 the need to open a police substation on that street itself.
58

59 5. That the dispersal to some degree of emergency shelters
60 would assist in the provision of meaningful services to the
61 homeless, avoid a stigmatization of such person by location,
62 distribute children residents of shelters throughout the
63 Springfield R-12 school district, and avoid adverse impacts
64 associated with a concentration of shelters themselves on adjacent
65 land use. This dispersal should be accomplished by a separation
66 between shelters and in placement in zoning districts where
67 experience indicates the shelter will not be impeded in its ability
68 to serve the homeless while reducing any adverse impact on any
69 adjacent land uses. At present, overnight shelters are not allowed
70 in General Manufacturing or Heavy Manufacturing, and permitting
71 this use in these two zones will allow more flexibility in the
72 location of future shelters.
73

74 6. That the requirement for a use permit in other districts
75 where emergency shelters and soup kitchens may be located under
76 this ordinance will allow for the reduction of adverse impact on
77 adjacent land uses.
78

79 7. That at present all emergency shelters feed their
80 clientele on the premises and do not feed persons who are not
81 clientele. Council further finds that soup kitchens not associated
82 with an existing emergency shelter provide a needed service to
83 persons who are not homeless or in need of emergency or
84 transitional service assistance. Therefore, such soup kitchens
85 need not be in close proximity to emergency shelters, or each
86 other, to provide service and a separation of some distance is
87 desirable to disperse this use through out the community.
88

89 8. That soup kitchen operations have a distinct and different

10 impact on adjacent land use from a restaurant or a theater where
11 patrons gather to attend or dine as the patrons of soup kitchens
12 gather before the meal as much as one hour in advance, and remain
13 on or near the property for various lengths of time following the
14 meal. Soup kitchens serve meals at specified times, with the
15 potential of concentrating the arrival and departure of patrons.
16

17 9. That it is in the public safety, health and general
18 interest that transitional service shelters be main streamed to the
19 greatest extent possible into the general uses of land within the
20 City similar in intensity and general impact on adjacent uses and
21 that to that extent, they should be an allowed use in some
22 commercial areas where other residential uses are not allowed and
23 in those districts where shelter and additional services are
24 offered to persons in profit making institutional settings.
25

26 10. That transitional housing itself should be permitted in
27 all zones where the same type of housing is available for
28 compensation to allow for a final stage of integration into the
29 mainstream for homeless persons and their families who are
30 completing the continuum of services that is indistinguishable from
31 other living arrangements in this community.
32

33 Section 2 - That Chapter 36 of the Springfield City Code,
34 Article I, Zoning, Section 2-1100 Definitions, is hereby amended by
35 enacting five new definitions, which new definitions shall read as
36 follows:
37

38 "Emergency Shelter - A shelter whose services are available
39 for up to thirty days at any one time to residents.
40

41 Shelter - A building or other structure where lodging, or
42 lodging and meals, are provided to a person or persons, unrelated
43 by family to the provider, at no cost or at a charge that is less
44 than the full cost of providing same, whether or not additional
45 services are provided at that location. Such additional services
46 may include, but are not limited to, counseling and drug or alcohol
47 rehabilitation, except that "shelter" shall not include any of the
48 following:
49

50 (1) Residential or custodial group homes as defined in
51 this Section of the Zoning Ordinance;
52

53 (2) Temporary lodging for non-Greene County resident
54 families of patients, or patients themselves, of State
55 licensed health facilities within Greene County;
56

57 (3) University or educational institution residence
58 halls;
59

60 (4) Fraternity or sorority houses;
61

62 (5) State and city licensed nursing homes and day care
63 centers;
64

145 (6) Foster homes licensed under Chapter 210, RSMo;

146
147 (7) Hospitals, mental institutions, residential care
148 facility or institution that is licensed by the State of
149 Missouri under Chapters 197, 198, and 630, RSMo.

150
151 (8) Shelters in time of natural disaster or calamity; and

152
153 (9) Facilities for victims of domestic violence.

154
155 Soup Kitchen - An establishment where prepared meals are
156 provided to a person or persons unrelated by family to the provider
157 at no cost or at a charge that is less than the full cost of
158 providing same and that the provision of such meals is the
159 principal service of the establishment, whether or not additional
160 services are provided.

161
162 Transitional Housing - A shelter which provides only lodging,
163 or lodging and meals, for longer than thirty (30) days at any one
164 time for residents, but does not provide other services on a
165 continuing basis.

166
167 Transitional Service Shelter - A shelter whose services are
168 available for longer than thirty (30) at any one time to a
169 resident, and which provides additional services other than lodging
170 and meals, or lodging alone, in a group setting on the same
171 premises, including, but not limited to, job counseling, life or
172 parenting skill courses, drug or alcohol rehabilitation, money
173 management, or job training. Such shelter may include office for
174 staff of the providers and for counselors."

175
176 Section 3 - That Chapter 36 of the Springfield City Code,
177 Article I, Zoning, Section 3-3300, Use Permits, is hereby amended
178 by enacting one new subsection 3-3310.B.6, Emergency and
179 Transitional Service Shelters and Soup Kitchens, which new
180 subsection shall read as follows:

181
182 "6. Emergency and Transitional Service Shelters and Soup
183 Kitchens.

184
185 a. Purpose. The purpose of these regulations is to:

186
187 (1) To provide opportunities for operation of emergency
188 and transitional service shelters and soup kitchens while
189 dispersing such facilities in order to avoid concentration of uses
190 that can have a negative effect on adjoining property values and
191 uses and to avoid stigma to the clients of such facilities based on
192 a perception of any particular location of the City;

193
194 (2) Avoid locating such facilities in close proximity to
195 incompatible or hazardous land uses; and
196

27 (3) Ensure that such facilities are operated in a
28 responsible manner for the needs of the clients and surrounding
199 land uses by minimizing any possible adverse effects on the
200 surrounding neighborhood.
201

202 B. Approval Standards. All applications for a conditional
203 use permit for emergency and transitional service shelters and
204 soup kitchens shall describe the type of service intended to be
205 delivered at that location and comply with the following
206 requirements.
207

208 (1) The use shall front on a primary or secondary arterial
209 street, if the property is zoned Restricted Industrial (RI), Light
210 Industrial (LI), General Manufacturing (GM), or Heavy Manufacturing
211 (HM), or on a collector street or a street with a higher functional
212 classification as designated by the *Major Thoroughfare Plan* in any
213 other district where permitted.
214

215 (2) There shall be a maximum occupancy of 50 beds for
216 emergency shelters in all districts.
217

218 (3) Only residents of the shelter shall be served meals unless
219 a soup kitchen is specifically approved as an activity at the time
220 of the application for a use permit.
221

222 (4) A business license shall be obtained annually and the
223 owner shall verify that the conditions of the conditional use
224 permit are still being met.
225

226 (5) No emergency shelter or soup kitchen shall be located
227 within Two Thousand (2000) feet of another emergency shelter or
228 soup kitchen, or Two Thousand (2000) feet from any transitional
229 service shelter as measured from property lines.
230

231 (6) No transitional service shelter shall be located within
232 Two Thousand (2000) feet of transitional service shelters,
233 emergency shelters, or soup kitchens as measured from property
234 lines.
235

236 (7) The proposed conditional use shall not be operated so as
237 to dominate the immediate vicinity or to interfere with the
238 development and use of neighboring property in accordance with the
239 applicable district regulations. In determining whether the
240 proposed use will dominate the immediate neighborhood,
241 consideration shall be given to:
242

243 (A) The functional classification of the street on which the
244 site is located; and
245

246 (B) The surrounding residential districts; and
247

248 (C) The location, nature and height of buildings, structures,
249 walls and fences on site; and
250

251 (D) The amount of parking needed for the proposed use and the
252 amount of parking provided on site; and

253
254 (E) The nature and extent of landscaping and screening on the
255 site; and

256
257 (F) The number of visitor trips anticipated each day to the
258 site for services other than lodging, or lodging and meals
259 for clients of the shelter; and

260
261 (G) The number of meals that will be served at a soup kitchen.

262
263 (8) At least one off-street parking space for every three beds
264 a shelter is to be licensed or approved for or for every three
265 seats a soup kitchen is authorized for the serving of meals except
266 in those districts where there is no parking requirement.

267
268 (9) That adjacent uses do not involve the manufacture, storage
269 or use of explosive compounds or combustibles which will pose a
270 threat of bodily harm to the clients and visitors of the shelter or
271 soup kitchen.

272
273 (10) Any structure is set back from adjoining land in other
274 districts by the rear yard setback required in the adjoining
275 district.

276
277 (11) Existing on-site trees and shrubs shall be preserved to
278 the maximum extent possible.

279
280 (12) There will be no outside storage of equipment or
281 materials or outdoor operations except as specifically authorized
282 by the conditional use permit."

283
284 Section 4 - That Chapter 36 of the Springfield City Code,
285 Article I, Zoning, 4-1002, Permitted Uses, R-SF - Single Family
286 District, is hereby amended by enacting one new subsection 4-
287 1002.O, which new subsection shall read as follows:

288
289 "Subsection 4-1002.O. Transitional housing for single family
290 use."

291
292 Section 5 - That Chapter 36 of the Springfield City Code,
293 Article I, Zoning, 4-1102, Permitted Uses, R-TH - Residential
294 Townhouse District, is hereby amended by enacting one new
295 subsection 4-1102.Q, which new subsection shall read as follows:

296
297 "Subsection 4-1102.Q. Transitional housing for single family
298 or low to moderate residential density."

299
300 Section 6 - That Chapter 36 of the Springfield City Code,
301 Article I, Zoning, 4-1202, Permitted Uses, R-LD - Low-Density
302 Multi-Family District, is hereby amended by enacting one new
303 subsection 4-1202.R, which new subsection shall read as follows:

5 "Subsection 4-1302.R. Transitional housing for multi-family
6 use or for single family use if existing at the time the district
7 was mapped."

8
9 Section 7 - That Chapter 36 of the Springfield City Code,
10 Article I, Zoning, 4-1302, Permitted Uses, R-MD - Medium-Density
11 Multi-Family District, is hereby amended by enacting one new
12 subsection 4-1302.P, which new subsection shall read as follows:

13
14 "Subsection 4-1302.P. Transitional housing for multi-family
15 use."

16
17 Section 8 - That Chapter 36 of the Springfield City Code,
18 Article I, Zoning, 4-1303, Conditional Uses, R-MD - Medium-Density
19 multi-Family District, is hereby amended by enacting one new
20 subsection 4-1303.J., which new subsection shall read as follows:

21
22 "Subsection 4-1303.J. Transitional Service Shelters."

23
24 Section 9 - That Chapter 36 of the Springfield City Code,
25 Article I, Zoning, 4-1402, Permitted Uses, R-HD - High-Density
26 Multi-Family District, is hereby amended by enacting one new
27 subsection 4-1402.R, which new subsection shall read as follows:

28
29 "Subsection 4-1302.R. Transitional housing for multi-family
30 use."

31
32 Section 10 - That Chapter 36 of the Springfield City Code,
33 Article I, Zoning, 4-1403, Conditional Uses, R-HD - High-Density
34 multi-Family District, is hereby amended by enacting one new
35 subsection 4-1403.H., which new subsection shall read as follows:

36
37 "Subsection 4-1403.H. Transitional Service Shelters."

38
39 Section 11 - That Chapter 36 of the Springfield City Code,
40 Article I, Zoning, 4-1502, Permitted Uses, R-MHC - Manufactured
41 Home Community, is hereby amended by enacting one new subsection 4-
42 1502.O, which new subsection shall read as follows:

43
44 "Subsection 4-1502.O. Transitional housing for single family
45 use."

46
47 Section 12 - That Chapter 36 of the Springfield City Code,
48 Article I, Zoning, 4-2002, Permitted Uses, Office Districts, is
49 hereby amended by repealing subsection 4-2002.E., and enacting a
50 new subsection 4-2002.E, which new subsection shall read as
51 follows:

52
53 "Subsection 4-2002.E. Churches and other places of worship,
54 including parish houses and Sunday schools, and overnight emergency
55 shelters for fifty (50) or fewer residents and soup kitchens as
56 accessory uses."

57
58 Section 13 - That Chapter 36 of the Springfield City Code,

Article I, Zoning, 4-2102, Permitted Uses, GI - Government and Institutional Use District, is hereby amended by repealing subsection 4-2102.F., and enacting a new subsection 4-2102.F, which new subsection shall read as follows:

"Subsection 4-2102.F. Churches and other places of worship, including parish houses and Sunday schools, and overnight emergency shelters for fifty (50) or fewer residents and soup kitchens as accessory uses."

Section 14 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-3202, Permitted Uses, HC - Highway Commercial District, is hereby amended by enacting a new subsection 4-3202.NNN, which new subsection shall read as follows:

"Subsection 4-3202.NNN. Transitional Service Shelters provided that no transitional service shelter shall locate within a Two Thousand (2000) foot radius of another transitional service shelter, soup kitchen or emergency shelter."

Section 15 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-3203, Conditional Uses, HC-Highway Commercial District, is hereby amended by enacting a new subsection 4-3203.F, which new subsection shall read as follows:

"Subsection 4-3203.F. Emergency shelters for fifty (50) or fewer residents."

Section 16 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-3203, Conditional Uses, HC-Highway Commercial District, is hereby amended by enacting a new subsection 4-3203.G, which new subsection shall read as follows:

"Subsection 4-3203.G. Soup kitchens."

Section 17 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-3302, Permitted Uses, CS - Commercial Services District, is hereby amended by enacting a new subsection 4-3302.UUU, which new subsection shall read as follows:

"Subsection 4-3302.UUU. Transitional Service Shelters provided that no transitional service shelter shall locate within a Two Thousand (2000) foot radius of another transitional service shelter, soup kitchen or emergency shelter."

Section 18 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-3303, Conditional Uses, CS - Commercial Services District, is hereby amended by enacting a new subsection 4-3303.D, which new subsection shall read as follows:

"Subsection 4-3303.D. Emergency shelters for fifty (50) or fewer residents."

Section 19 - That Chapter 36 of the Springfield City Code,

Article I, Zoning, 4-3303, Conditional Uses, CS-Commercial Services District, is hereby amended by enacting a new subsection 4-3303.E, which new subsection shall read as follows:

"Subsection 4-3303.E. Soup kitchens."

Section 20 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-3402, Permitted Uses, CC - Center City District, is hereby amended by repealing Subsection 4-4302.JJ, and enacting a new subsection 4-3402.JJ, which new subsection shall read as follows:

"Subsection 4-3402.JJ. Emergency shelters and soup kitchens legally conforming at the time of the passage of this ordinance provided that a use permit is obtained for any expansion of said use."

Section 21 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-3403, Conditional Uses, CC - Center City District, is hereby amended by enacting a new subsection 4-3403.G, which new subsection shall read as follows:

"Subsection 4-3403.G. Transitional service shelter."

Section 22 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-4003, Conditional Uses, RI - Restricted Industrial District, is hereby amended by enacting a new subsection 4-4003.B, which new subsection shall read as follows:

"Subsection 4-4003.B. Emergency shelters for fifty (50) or fewer residents."

Section 23 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-4003, Conditional Uses, RI - Restricted Industrial District, is hereby amended by enacting a new subsection 4-4003.C, which new subsection shall read as follows:

"Subsection 4-4003.C. Soup kitchens."

Section 24 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-4103, Conditional Uses, LI - Limited Industrial District, is hereby amended by enacting a new subsection 4-4103.C, which new subsection shall read as follows:

"Subsection 4-4103.C. Emergency shelters for fifty (50) or fewer residents."

Section 25 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-4103, Conditional Uses, LI - Light Industrial District, is hereby amended by enacting a new subsection 4-4103.D, which new subsection shall read as follows:

"Subsection 4-4103.D. Soup kitchens."

467 Section 26 - That Chapter 36 of the Springfield City Code,
468 Article I, Zoning, 4-4202, Permitted Uses, GM - General
469 Manufacturing District, is hereby amended by enacting a new
470 subsection 4-4202.GG, which new subsection shall read as follows:
471

472 "Subsection 4-4202.GG. Emergency shelters for fifty (50) or
473 fewer residents, or soup kitchens, and located at least five-
474 hundred (500) feet from a residential district, as measured from
475 property lines provided that no emergency shelter or soup kitchen
476 may locate within Two Thousand (2000) feet of any other emergency
477 shelter or soup kitchen, or Two Thousand (2000) feet of any
478 transitional service shelter as measured from property lines."
479

480
481 Section 27 - That Chapter 36 of the Springfield City Code,
482 Article I, Zoning, 4-4302, Permitted Uses, HM - Heavy Manufacturing
483 District, is hereby amended by enacting a new subsection 4-4302.UU,
484 which new subsection shall read as follows:
485

486 "Subsection 4-4302.UU. Emergency shelters for fifty (50) or
487 fewer residents, or soup kitchens, and located at least five-
488 hundred (500) feet from a residential district, as measured from
489 property lines provided that no emergency shelter or soup kitchen
490 may locate within Two Thousand (2000) feet of any other emergency
491 shelter or soup kitchen, or Two Thousand (2000) feet of any
492 transitional service shelter as measured from property lines."
493

494 Section 28 - That Chapter 36 of the Springfield City Code,
495 Article I, Zoning, 4-4303, Conditional Uses, HM - Heavy
496 Manufacturing District, is hereby amended by enacting a new
497 subsection 4-4303.G, which new subsection shall read as follows:
498

499 "Subsection 4-4303.G. Emergency shelters for fifty (50) or
500 fewer residents, or soup kitchens, which are located within five-
501 hundred (500) feet from a residential district, as measured from
502 property lines provided that no emergency shelter or soup kitchen
503 may locate within Two Thousand (2000) feet of any other emergency
504 shelter or soup kitchen, or Two Thousand (2000) feet from any
505 transitional service shelter as measured from property lines."
506

507 Section 29 - That Chapter 36 of the Springfield City Code,
508 Article I, Zoning, 4-4203, Conditional Uses, GM - General
509 Manufacturing District, is hereby amended by enacting a new
510 subsection 4-4203.E, which new subsection shall read as follows:
511

512 "Subsection 4-4203.E. Emergency shelters for fifty (50) or
513 fewer residents, or soup kitchens, which are located within than
514 five-hundred (500) feet from a residential district, as measured
515 from property lines provided that no emergency shelter or soup
516 kitchen may locate within Two Thousand (2000) feet of any other
517 emergency shelter or soup kitchen, or Two Thousand (2000) feet from
518 any transitional service shelter as measured from property lines."
519
520

521 Section 30 - That Chapter 36 of the Springfield City Code,
522 Article I, Zoning, 4-4403, Conditional Uses, IC - Industrial
523 Commercial District, is hereby amended by enacting a new subsection
524 4-4403.E, which new subsection shall read as follows:
525

526 "Subsection 4-4403.E. Emergency shelters for fifty (50) or
527 fewer residents.
528

529 Section 31 - That Chapter 36 of the Springfield City Code,
530 Article I, Zoning, 4-4403, Conditional Uses, IC - Industrial
531 Commercial District, is hereby amended by enacting a new subsection
532 4-4403.F, which new subsection shall read as follows:
533

534 "Subsection 4-4403.F. Soup kitchens."
535

536 Section 32 - That Chapter 36 of the Springfield City Code,
537 Article I, Zoning, Division I - Intent, Purpose and General
538 Provisions, is hereby amended by enacting a new section 1-1332,
539 which new subsection shall read as follows:
540

541 "Section 1-1332 **Transitional Housing**. Transitional housing
542 is permitted in any district that allows residential uses provided
543 it meets the same criteria for residential use permitted in the
544 district."
545

546 Section 33 - That Chapter 36 of the Springfield City Code,
547 Article I, Zoning, Division I - Intent, Purpose and General
548 Provisions, is hereby amended by enacting a new Section 1-1333,
549 which new subsection shall read as follows:
550

551 "Section 1-1333 **Emergency Shelters**.
552

553 (A) Emergency shelters may exceed their bed capacity as
554 permitted under Chapter 36 of the Springfield City Code, when the
555 Springfield-Greene County Health Department issues a heat or cold
556 advisory or warning provided that said shelters shall not permit an
557 occupancy for sleeping greater than permitted by City of
558 Springfield building and safety codes."
559

560 (B) Any emergency shelter, soup kitchen, transitional service
561 shelter or combination of these three uses may exercise a *transfer*
562 *of development right* to relocate all emergency shelter, soup
563 kitchen or transitional service shelter uses from one location to
564 another location that would be within the separations of such uses
565 called for in this ordinance provided that City Council finds,
566 following a recommendation by Planning and Zoning Commission, that
567

568 (1) such relocation is not being made to the Center City
569 District; and

570 (2) the relocation of said use or uses will reduce the
571 intensity of similar uses in the area of the original
572 location; and

573 (3) that the relocation will not pose any greater impact on
574 the area to be relocated to than is present at the

//

original location from such uses; and
(4) the use will be no closer to a soup kitchen, emergency shelter, or transitional shelter or any combination thereof than said use is presently to such facilities.

Section 34 - Savings Clause. Nothing in this ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

Section 35 - Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 36 - This ordinance shall be in full force and effect from and after passage.

Passed at meeting: December 15, 1997

Leland L. Drumaway
Mayor

Attest: Brenda M. Citi, City Clerk

Approved as to form: [Signature], City Attorney

Approved for Council action: [Signature], City Manager

N:\SHARE\CBILLS\SHELTER2.ORD

Aff. Agcy. Noticed _____
Emergency Required _____
P. Hrngs. Required _____
Fiscal Note Required _____
Board Rec. Required _____

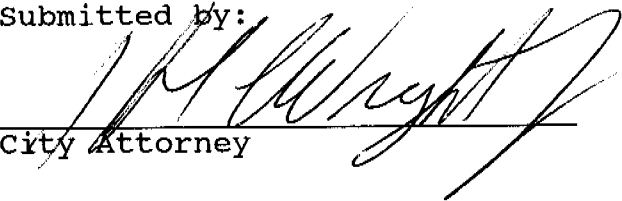
EXPLANATION TO AMENDED SUBSTITUTE NO. 2
TO COUNCIL BILL NO. 97 -

ORIGINATING DEPARTMENT: Law

PURPOSE: To amend the Springfield Zoning Ordinance to add certain provisions to Chapter 36, Article I, Section 3-3300, and Division 4 which relates to District Regulations, with regard to the location of Emergency Shelters, Soup Kitchens, and Transitional Service Shelters.

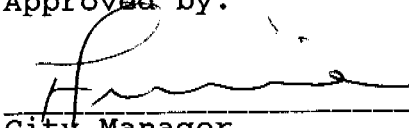
REMARKS: Council member Vanaman's Substitute No. 2 for Council Bill 97-371 was amended during the November 24, 1997 meeting to change the separation distances between emergency shelters, soup kitchens and transitional service shelters of one mile and one-half mile to Two Thousand (2000) feet and to provide for an opportunity for pre-existing shelters, soup kitchens and transitional service shelters to exercise a transfer of development rights to move all services/uses from one location to another location within the Two Thousand (2000) foot distance if certain criteria are met. In all other respects, this bill is identical to Substitute No. 2.

Submitted by:



City Attorney

Approved by:



City Manager

N:\SHARE\CBSHELLS\SHELTER2.EXP

ZONING & SUBDIVISION REPORT

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

Redevelopment Plan for the Bears Crossing Apartments Redevelopment Area

DATE: August 28, 2012

PURPOSE: To approve the Redevelopment Plan for the Bears Crossing Apartments Redevelopment Area

LOCATION: Generally located at the northeast corner of the intersection South National Avenue and East Belmont Street (920 South National Avenue)

APPLICANTS: Wicks-Wise, LLC

STAFF RECOMMENDATION:

Staff recommends the Redevelopment Plan for the Bears Crossing Apartments Redevelopment Area be **approved**.

FINDINGS:

The proposed Redevelopment Plan for the Bears Crossing Apartments 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: Blight Report and Redevelopment Plan for the Bears Crossing Apartments Redevelopment Area

ATTACHMENT A
BACKGROUND REPORT
REDEVELOPMENT PLAN FOR THE BEARS CROSSING APARTMENTS REDEVELOPMENT AREA

APPLICANT'S PROPOSAL:

Wicks-Wise, LLC has filed an application requesting approval of a redevelopment plan pursuant to Sections 99.300-99.715, RSMo, the Land Clearance for Redevelopment Authority Law, for a redevelopment project generally located at northeast corner of the intersection of South National Avenue and East Belmont Street (*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 Bears Crossing Apartments Redevelopment Area is to remove blight and redevelop the area into a multi-family residential apartment building that will be located adjacent to the Missouri State University campus. The Redevelopment Area consists of a single 0.37 acre parcel of land. It is currently occupied by a dilapidated apartment building that was originally constructed in 1893 as a single-family residential structure. The Plan proposes to demolish the existing structure within the Redevelopment Area in order to facilitate construction of a new four-story apartment building containing eight four-bedroom units.

COMPREHENSIVE PLAN:

1. The *Growth Management and Land Use Element* of the *Springfield-Greene County Comprehensive Plan* designates the land within and surrounding the Redevelopment Area for Medium- or High-Density Residential Housing. This land use designation includes all types of multi-family residential housing with densities greater than six dwelling units per acre. The Plan recommends this type of land use be located where there is good traffic access, preferably along arterials and collectors. It also recommends that it be located between low-density housing and non-residential land uses, as well as near high-amenity areas.
1. 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 multi-family housing that will accommodate approximately 32 residents.

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 required to submit an application that includes a detailed blight report and redevelopment plan. 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 proposed redevelopment 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 Redevelopment Area is currently zoned R-HD, High-Density Multi-Family Residential. It is also located inside the Rountree Urban Conservation District (UCD No. 2), which imposes additional requirements intended to help maintain neighborhood character and integrity, as well as to help foster harmonious, orderly, and efficient development and redevelopment within the Rountree Neighborhood. Prior to the issuance of building permits, the Administrative Review Committee (ARC) shall review and approve a site plan of the proposed redevelopment, based on certain prescribed criteria.
4. The location of the proposed apartment building will offer its tenants convenient access to public transit and pedestrian facilities. It is served by public sidewalks and a City Utilities bus route, which runs along South National Avenue. The proposed apartments are also located within a short walking distance of several Missouri State University Bear Line shuttle routes that serve the Missouri State University campus and surrounding areas, including University facilities located in downtown and IDEA Commons.

EXHIBIT I
LEGAL DESCRIPTION
REDEVELOPMENT PLAN FOR THE BEARS CROSSING APARTMENTS REDEVELOPMENT AREA

A TRACT OF LAND AS BEING A PART OF LOT 8 OF GEORGE M. JONES FIRST ADDITION AS DESCRIBED IN THE GREENE COUNTY, MISSOURI RECORDER'S OFFICE IN PLAT BOOK A, PAGE 37 AND ALSO DESCRIBED IN BOOK 2012, PAGE 004431-12 AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF BELMONT STREET AND NATIONAL AVENUE; THENCE ALONG THE EASTERLY RIGHT-OF-WAY OF NATIONAL AVENUE, NORTH 01°44'14" EAST, 107.94 FEET; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY, SOUTH 88°44'50" EAST, 149.81 FEET; THENCE SOUTH 01°44'14" WEST, 108.07 FEET TO A POINT LYING ON THE NORTH RIGHT-OF-WAY OF BELMONT STREET; THENCE ALONG SAID NORTH RIGHT-OF-WAY, NORTH 88°41'48" WEST, 149.81 FEET TO THE POINT OF BEGINNING. CONTAINING 0.37 ACRES, MORE OR LESS. ALL LYING IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 29 NORTH RANGE 21 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE. DATE OF ADJUSTMENT 2007.

EXHIBIT II
LOCATION MAP
REDEVELOPMENT PLAN FOR THE BEARS CROSSING APARTMENTS REDEVELOPMENT AREA



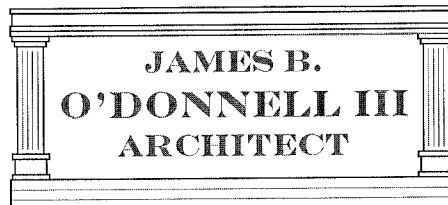
EXHIBIT III

**BLIGHT REPORT
AND REDEVELOPMENT PLAN
FOR THE BEARS CROSSING APARTMENTS**

920 S. NATIONAL
SPRINGFIELD, MISSOURI

July 19, 2012

Revised August 28, 2012



203 North Main Avenue
Republic, Mo 65738
(417) 732-9697

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Addenda

Map of Redevelopment Area	Exhibit A
Legal Description of Redevelopment Area	Exhibit B
Photographs of Blighted Area	Exhibit C
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Blight Report

BEARS CROSSING APARTMENTS

I. General:

The Land Clearance for Redevelopment Authority Law (the "LCRA Law") is set forth in Sections 99.300 through 99.660 of the Missouri Revised Statutes and was enacted in 1951 to help local municipalities eradicate "blighted areas" in the community and to encourage rehabilitation and redevelopment of those areas by private enterprise. Through the LRCA Law, municipalities and private citizens are able to work together to achieve the goal of fostering economic opportunities and improving property values in cities throughout Missouri.

The LRCA Law defines "blighted area" as an area which, by reason of the predominance of (1) defective or inadequate street layout, (2) insanitary or unsafe conditions, (3) deterioration of site improvements, (4) improper subdivision or obsolete platting, or (5) the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, (a) hinders the provision of housing accommodations, (b) constitutes an economic or social liability, or (c) constitutes a menace to the public health, safety, morals, or welfare in its present condition and use. *See* Mo. Rev. Stat. § 99.320(3). Missouri courts have determined that a finding of blight is proper where, when considering an area in its present condition and use, a predominance of factors listed in the first half of Section 99.320(3) above results in one of the circumstances named in the second half of the Section. *See Land Clearance for Redevelopment Auth. of City of St. Louis v. Insert*, 284 S.W.3d 641, 647-48 (Mo. Ct. App. 2009)

II. Introduction:

This Blight Report for the Bears Crossing Apartments Area (the "Blight Study") is being submitted by Wicks-Wise, LLC, a Missouri limited liability company (the "Developer"), for the purpose of demonstrating that the Redevelopment Area (as defined below) should be declared blighted pursuant to the LCRA Law. This Blight Study will demonstrate that the Redevelopment Area is a "blighted area" under the LCRA Law due to the predominance of (1) deterioration of site improvements, (2) insanitary and unsafe conditions, (3) the existence of conditions which endanger life and property by fire and other causes, and (4) because of the aforementioned conditions, the Redevelopment Area hinders the provision of housing accommodations and constitutes an economic and social liability and a menace to the public health, safety, morals, and welfare in its present use and condition.

III. Background:

Greg Wise ("Developer") acquired the property in June 2011. Due to the deteriorated condition of the existing building a decision was made to demolish the existing building and to redevelop and construct a new updated modern apartment building meeting the latest codes and locally adopted ordinances.

IV. Redevelopment Area Description:

The Redevelopment Area consists of approximately **0.3719** acres of real property located at 920 South National Street at the northeast intersection of East Belmont Street in the City of Springfield, Missouri (the "Redevelopment Area"). The Redevelopment Area is currently zoned R-HD, High-Density Multi-Family Residential District, and is located in the Rountree Urban Conservation District, UCD#2. It is also just east and adjacent to the main campus of Missouri State University.

The Redevelopment Area's current use is a residential apartment building three stories with eleven rental units. A map identifying the Redevelopment Area is attached hereto and incorporated herein as Exhibit "A" and the Redevelopment Area is legally described on Exhibit "B", and also a Lot Survey by Anderson Engineering Exhibit "F" attached hereto and incorporated herein.

V. Evidence in Support of Blight:

The Redevelopment Area is a prime example of blight that can be found in the Springfield community area. As set forth in greater detail below, due to age and deferred maintenance, the apartment building and related site improvements have suffered from much physical deterioration. Substantial capital investment is required to rehabilitate and revitalize the Redevelopment Area.

The key factors evidencing the Redevelopment Area as a "blighted area" under section 99.320(3) of the Missouri Revised Statutes are discussed below. Photographs demonstrating these factors are attached hereto and incorporated herein as Exhibit "C."

A. Deterioration

The Redevelopment Area as a whole suffers from deterioration. Due to lack of normal building maintenance minor defects and deterioration is evident over the entire structure, such as lack of painting, loose or missing floor tiles, carpet missing, holes in the floor and ceiling, broken windows, broken doors, roof shingles missing and damaged, and cracks over large areas.

Deterioration is not easily curable, however, and cannot be accomplished in the course of normal maintenance, as evident in primary structural and secondary building components requiring either replacement or renovation. Cracks are prevalent in the foundation of the apartment building and, in some places the foundation is beginning to crumble. The central structure of the apartment building has settled and the floor is severely sloped. The wooden porches and fascia materials are cracking, rotting, and beginning to deteriorate. The paint on the exterior and interior of the apartment building is peeling and chipping extensively, and sections of the interior walls in the apartment building are missing and, in places, expose insulation, wiring, and other building components. There are also holes and cracks in the walls and ceilings. Water has infiltrated the roof, intermediate ceilings, walls, and basement area further weakening the structure.

The deteriorated conditions are also documented in "920 S. National Service Calls" Exhibit "E" including and not limited to roof and wall leaks, holes in floor, roof caving in, floor caving in, fire escape missing, and exposed wiring.

A grass parking area, sidewalks and curbs are cracked, crumbling, uneven and/or otherwise dilapidated. Weeds have infested many parts of the yards and are growing over the concrete paths.

B. *Insanitary/Unsafe Conditions.* In addition to the general physical deterioration discussed above, the Redevelopment Area is also afflicted with insanitary and unsafe conditions.

1. Insanitary Conditions.

Many conditions exist that contribute to the insanitary nature of the Redevelopment Area. Dirt, dust, and grime have accumulated throughout the interior of the apartment building in the Redevelopment Area due to lack of regular maintenance. The accumulation of filth on and around the sinks, toilets, and bathtubs increase the risk of illness and creates an insanitary living environment. The carpeted areas are stained and imbedded with dirt.

The deteriorated conditions are documented in "920 S. National Service Calls" Exhibit "E" including and not limited to Roaches, broken toilets, mice, sewage backup, and mold in an apartment making tenants sick.

2. Unsafe Conditions.

Several factors demonstrate the existing apartment building suffers from unsafe conditions. The apartment building was built with knob and tube electrical wiring and portions of this outdated wiring are still being used. This type of electrical system is inadequate and dangerous compared to modern standards and could lead to an electrocution or an unintended electrical fire. Additionally, there are electric wires that are loose and exposed on the interior and exterior of the houses. The floors inside the house are unsafe in that parts of the floor are torn away, exposing open holes that can create a falling or tripping hazard.

The central structure of the apartment building has settled more than 8" and is severely sloped. Previous attempts to repair the structure were inadequate and did not solve the problem.

C. Conditions that Endanger Life or Property by Fire or other Causes

Emergency egress from upper rental units have been modified and/or deteriorated and are no longer functional. Existing exits stairways are not fire rated and could possibly trap upper level tenants in case of a fire in the lower levels. Outdated knob and tube wiring is active and in use. Fire escapes are missing, egress very unsafe as documented attached "920 S. National Service Calls" Exhibit "E."

Endangerment by fire and other causes is typically due to the presence of structures below minimum code standards. Such code standards include building, property maintenance, fire, and environmental or other governmental codes applicable to a particular property. The principal purpose of such codes is to require buildings to be constructed and maintained so that they will have the capacity to support the type of occupancy and necessary fire and similar hazard protection or to establish the minimum standards essential for safe and sanitary use, occupation, and/or habitation.

The Redevelopment Area exhibits several conditions that may endanger life or property, due to the age and condition of the structure lead paint and Asbestos may be present. An Asbestos report is pending.

VI. Impact of the Redevelopment Area's Blighted Conditions:

Due to the predominance of blighting factors discussed above, the Redevelopment Area in its present condition and use constitutes (1) an economic and social liability and (2) a menace to the public health, safety, morals, and welfare. In its current condition, the existing apartment building is incapable of supporting its highest and best use, or any use, and hinders the provision of decent, safe, and adequate housing accommodations.

A. Economic/Social Liability.

The existence of the deteriorated conditions contained within the Redevelopment Area, being in the Rountree neighborhood and adjacent to the main campus of Missouri State University, constitutes an economic liability to the City of Springfield, and presents a hazard to the well-being of its citizens, and has a negative effect on the public perception of the entire area in its current condition. The existing apartment building suffers from obvious deferred maintenance and lack of investment.

Comprehensive redevelopment of the Redevelopment Area will be required to foster much needed economic activity and contribute to the benefit of the Rountree neighborhood and Missouri State University. Due to the state of the Redevelopment Area, substantial capital investment will be necessary to remove the blight and improve the redeveloped area. Without the City's approval of economic development incentives, it is unlikely that a private developer will invest in the Redevelopment Area due to the prohibitive costs associated with its renovation. Without such an investment, the Redevelopment Area will continue to deteriorate and its economic efficiency will continue to decrease.

B. Menace to Public Health, Safety, Morals, and Welfare.

In its present condition and use, the Redevelopment Area exhibits many factors that constitute a menace to public health, safety, morals, welfare. The deteriorated and insanitary site conditions described above are a threat to public health, and the unsafe site conditions coupled with the vacant state of the units is a menace to public safety. The presence of hazardous conditions, such as possible asbestos or lead based paint, and outdated wiring, also pose a serious menace to public health and safety. Furthermore, the general conditions of the Redevelopment Area and its underutilization diminish the public morale and welfare with respect to the perception of this portion of the City.

VII. Conclusion:

Due to the predominance of insanitary and unsafe conditions, deterioration of site improvements, and the existence of conditions that endanger life and property by fire and other causes, the Redevelopment Area constitutes an economic and social liability and a menace to the public health, safety, morals, and welfare in its present condition and use. The Redevelopment Area qualifies as a "blighted area" as defined in section 99.320(3) of the Missouri Revised Statutes. Accordingly, the City of Springfield should declare the Redevelopment Area to be blighted. These conditions hinder the provision of housing accommodations.

Redevelopment Plan

I. Introduction:

WICKS-WISE, LLC, a Missouri limited liability company (the "*Developer*"), has prepared the following plan (the "*Redevelopment Plan*") to redevelop the Redevelopment Area (as hereinafter defined) into a neighborhood compatible apartment complex in Springfield, Missouri (the "*Project*").

II. Description of the Project

A. Boundaries of the Redevelopment Area.

The area being redeveloped is approximately 0.3719 acres and consists of one (1) parcel of property located on the northeast corner of South National Avenue and East Belmont Street located in the City of Springfield, Missouri (the "*Redevelopment Area*"). The boundaries of the Redevelopment Area are reflected on the map attached hereto and incorporated herein as Exhibit "A," and the Redevelopment Area is legally described on Exhibit "B," which is also attached hereto and incorporated herein.

B. Redevelopment Plan Objectives and Strategies.

The primary objective of the Redevelopment Plan is to remove blight and redevelop the area as a neighborhood compatible apartment complex within its current use. Construction of the Project will require demolition of the existing apartment building in the Redevelopment Area, which will also serve to remediate the blight in the area.

The Project will be known as "BEARS CROSSING APARTMENTS" and is projected to consist of a four story residential apartment buildings, with eight four bedroom rental units, wood framed, sprinklered, with on site parking.

The project will comply with all the latest and applicable city codes and ordinances, including the latest zoning regulations, including open space requirements, building setbacks including residential setbacks, parking setbacks, landscaping, parking, building height and related requirements.

A buffer yard will be provided along the east residential boundary, including a 6 foot high wood screen fence and plantings. See Exhibit "G"

The apartment Project is anticipated to be built using energy efficient appliances with a focus maximizing energy savings, water efficiency, reducing carbon dioxide emission, indoor environmental quality, and stewardship of resources.

C. Need for Redevelopment.

The Neighborhoods Element of the Springfield and Greene County Vision 20/20 Comprehensive Plan identifies "dilapidated, vacant and abandoned buildings as an increasing problem confronting neighborhoods. Vacant buildings have a blighting effect on the neighborhood in which they are located. They are an attractive nuisance to minors, transients and other trespassers. Vacant property is also attractive to the criminal element for drug transactions and other illegal activity." A vacant building not only causes blight on the surrounding properties but also is a disinvestment in the neighborhood.

The Redevelopment Area is a prime example of deterioration and economic obsolescence that can happen even within the Rountree Neighborhood and the Missouri State University area.

The current conditions of the Redevelopment Area, due to age, deferred maintenance, physical deterioration, and vacant units, promotes vandalism and future criminal activity, which also compounds the negative perceptions about public safety and the overall condition of the neighborhood. Furthermore, the Redevelopment Area is currently not capable of providing housing accommodations to its utmost potential.

III. Land Use:

A. Land Use.

The Redevelopment plan conforms to the Growth Management and Land Use Plan Element of the Springfield-Greene County Comprehensive Plan, which also designates the area in and around the Redevelopment Area for Medium or High Density Housing. Existing land use Lot Survey by Anderson Engineering Exhibit "F", and proposed land use, Site Plan Exhibit "G" attached hereto and incorporated herein.

B. Zoning.

Redevelopment Area is zoned R-HD, High-Density Multi-Family Residential District, and is located in the Rountree Urban Conservation District, UCD#2. No zoning change will be needed to implement the Redevelopment Plan.

C. 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.

No land acquisition is needed to implement the Redevelopment Plan.

C. Financing.

The Developer will attempt to utilize 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.

Relocation assistance will be required as there are 3 residents living within the Redevelopment Area.

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 September 2012
- Site Work/Demo: Completed by November 2012
- Construction of building: Completed by March 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 General Plans.

As discussed above, the Redevelopment Plan for the Redevelopment Area conforms to the Springfield-Greene County Comprehensive Plan.

B. *Compliance with State and Local Law.*

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

C. *Population Density*

The Project is projected to provide housing for an estimated thirty two people, or approximately 86 people per acre.

D. *Public Facilities.*

This Project will require a sewer main extension and a water main extension as coordinated and approved by City Utilities and City of Springfield Public Works.

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 after the sale or lease of the 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 Redevelopment Area

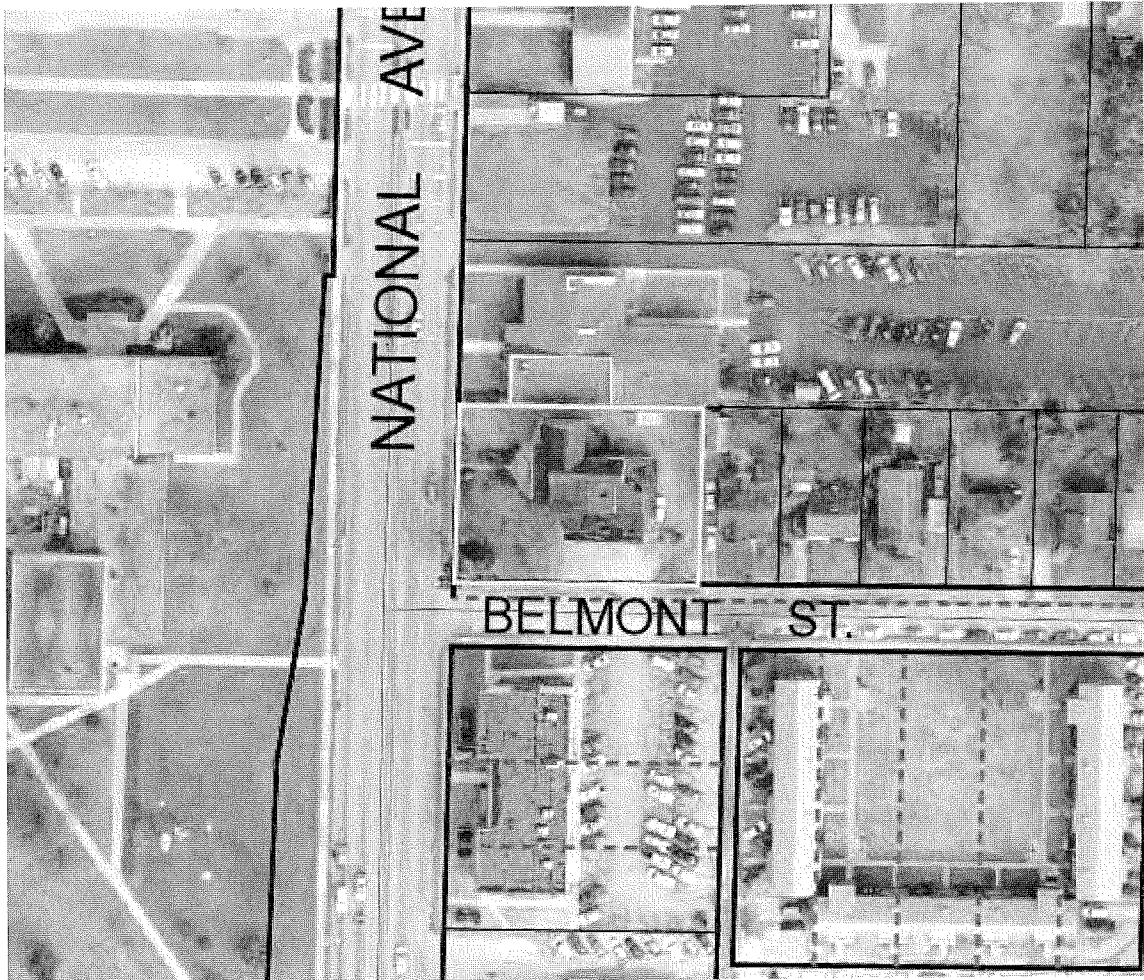


EXHIBIT B
LEGAL DESCRIPTION OF REDEVELOPMENT AREA

920 S. National Avenue

A TRACT OF LAND AS BEING A PART OF LOT 8 OF GEORGE M. JONES FIRST ADDITION AS DESCRIBED IN THE GREENE COUNTY, MISSOURI RECORDER'S OFFICE IN PLAT BOOK A, PAGE 37 AND ALSO DESCRIBED IN BOOK 2012, PAGE 004431-12 AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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DATE OF ADJUSTMENT 2007.

Exhibit C
Photos of Blighted Area



920 S. National – Front (East)



920 S. National – Front (West) Damaged, unsafe stairs



920 S. National – Back (East) Exposed wiring



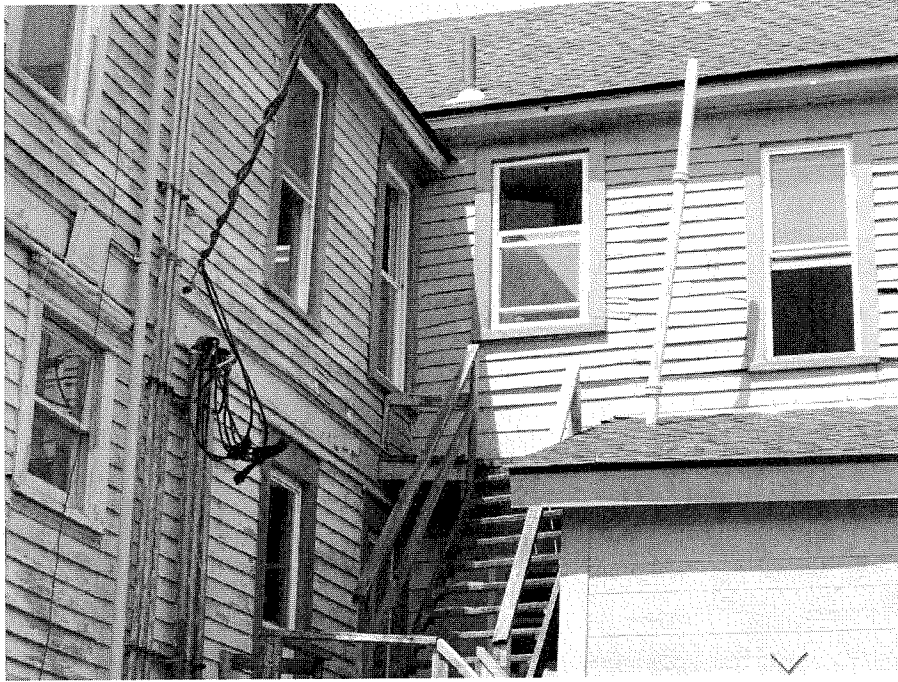
920 S. National – Back (East) Unsafe stairs



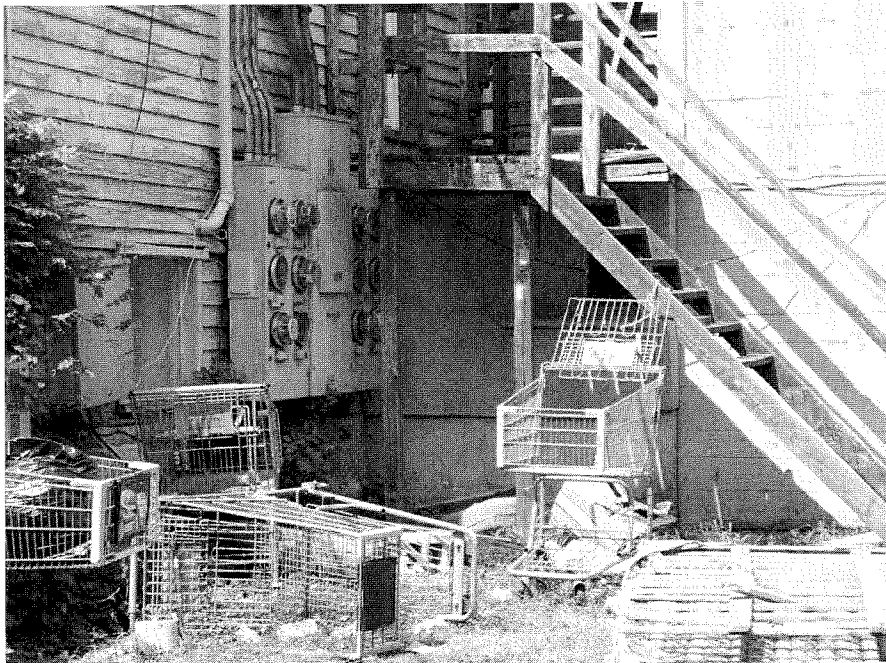
920 S. National – South side



920 S. National – Back (East)



920 S. National – Back (North-East) Exposed wiring, unsafe stairs, broken windows, peeling paint.



920 S. National – Back (North-East) Peeling paint, boarded up windows.



920 S. National – Back (East) Paint peeling, exposed wiring, damage soffit and fascia.



920 S. National – Basement debris, peeling paint, Previous structural repairs



920 S. National – Broken floor joist, damaged pipes, exposed plumbing



920 S. National – Damage to floor, hole to basement

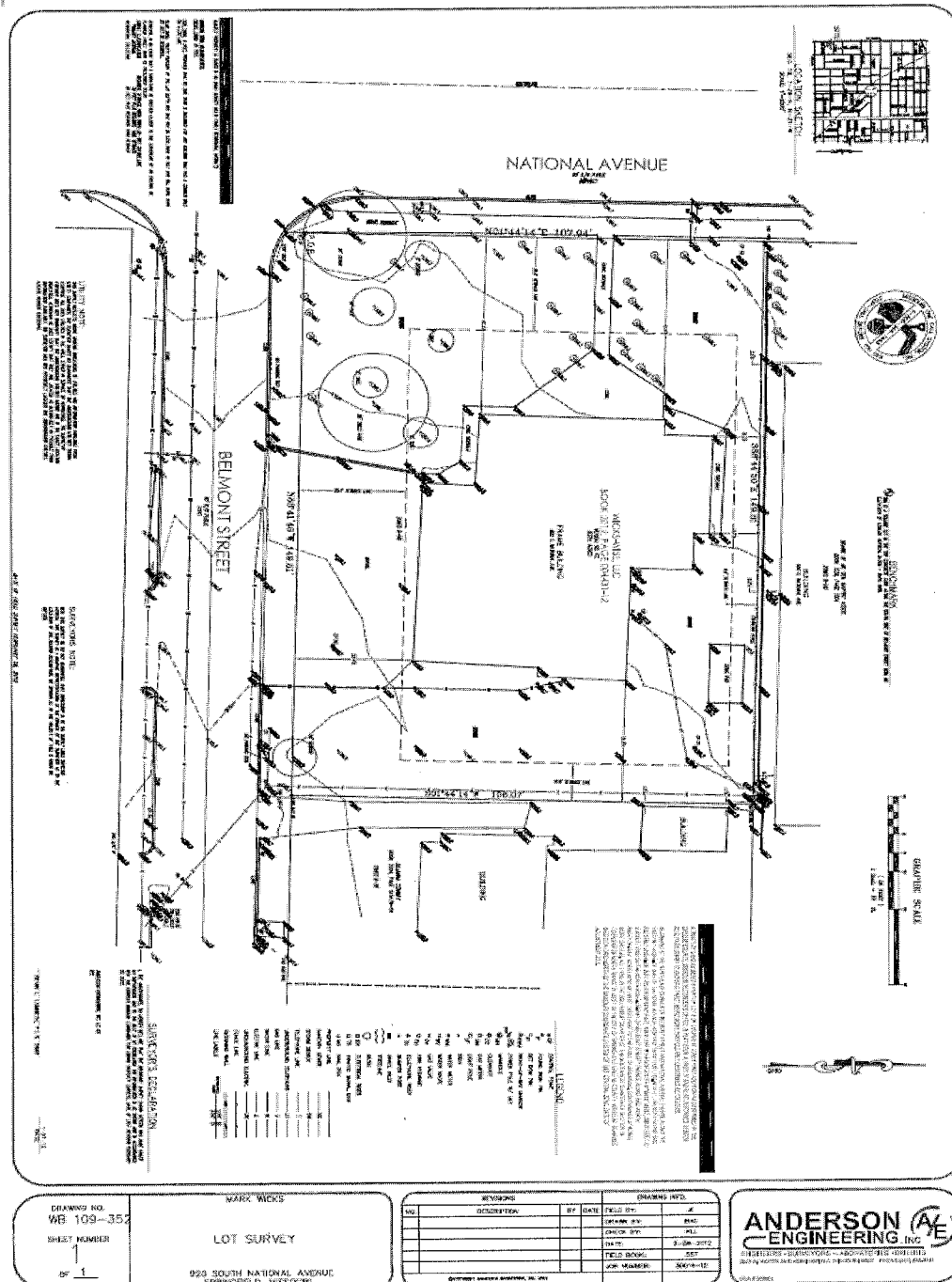
EXHIBIT E

920 S. National Ave Service Calls

Permit #	Date	Description
SVC97-01429	4/8/97	no smoke detectors, smell gas, no oven, No kitchen windows and no back exit.
SVC97-05759	10/2/97	ROACHES
SVC98-00881	2/18/98	Public area - exposed wiring, roof leaking, No smoke detectors, broken windows.
SVC98-01039	2/25/98	Structure does not appear to have appropriate fire exits; Outside structure needs painting and major repairs.
SVC98-06177	8/26/98	Gentry Apt. There is an old "out" building adjacent to the main structure, no roof, weeds covering the structure with piles of trash and garbage. This has been reported before at the neighborhood team meeting.
SVC98-06393	9/3/98	IV has been there 2 or 3 weeks
SVC98-07237	10/13/98	Shed behind apartment building is open of door, windows and roof.
SVC99-00132	1/15/99	#3 - leak in bathroom coming from the ceiling and into the wiring, roach infestation, hot water is not properly controlled, in places, molding on plaster, not properly
SVC99-04964	7/16/99	roach infestation
SVC99-05927	8/26/99	toilet broken, roach infestation
SVC99-07771	12/6/99	no smoke detector, walls or roof leaks, kitchen and living room flooded.
SVC2000-01760	4/12/00	Inoperable vehicle in yard adjacent to 1215 East Belmont.
SVC2001-05235	8/1/01	LA cut of water.(20 unit complex)
SVC2002-03393	5/31/02	No screens on window, roach and mice infestation, broken window, plumbing problems, electrical problems and roof leaks.
SVC2003-08380	11/25/03	Letter received - accumulation of debris, appliances and IV filled with junk harboring rodents.
SVC2004-00765	2/19/04	Refrigerator not working, holes in floor, electrical problems and exposed wiring.
SVC2004-01205	3/11/04	Holes in floor, electrical problems and exposed wiring, plumbing problems,
SVC2004-01740	4/12/04	Sewage backing up in her bathtub. She reported it to her landlord and he called her back and told her it was fixed, but it is not.
SVC2004-07715	11/15/04	Daughter lives in an upstairs apartment. She does not have a phone, so her mother called. There is mold in the apartment, they have been sick and have colds. Landlord just covered up, but did nothing to get rid of it.

SVC2004-07716	11/15/04	Roach infestation.
SVC2005-04256	6/22/05	Trash in back and furniture on porch
SVC2005-06023	8/31/05	Caller reports having no water to bathe with and landlord hasn't fixed yet. It's been this way for 2 1/2 weeks now.
SVC2005-06761	9/30/05	drains not draining properly and leaking, bug problem
SVC2007-05512	6/29/07	Cockroaches, roof leaking and windows are broken.
SVC2007-07057	8/9/07	An independent electrician viewed apartments # 3 and 7 and reports that there is exposed wiring and that conduit is hanging down to the floor.
SVC2008-04866	7/9/08	Trash and discarded furniture.
SVC2009-06560	10/9/09	mattress, furniture and junk in back
SVC2010-07561	12/1/10	Renter had electric meter put in his name to better control his finances. He has now had the maintenance man come in and adjust the breaker box to assist in other apts. Was wiring okay? Landlord refuses to change it back.
SVC2011-01491	4/1/11	Home divided into triplex. Manger in lower level and Controls thermostat. He will not turn on heat for tenant
SVC2011-03587	6/14/11	weeds and trash on porch
SVC2012-00164	1/13/12	Roof caving in. Floor caving in from second floor. Fire escape missing some boards
SVC2012-00390	1/31/12	Exterior stairs, egress very unsafe
SVC2012-00534	2/9/12	Cannot control the heat in her apartment. Another apartment Controls the heat for her unit and 4 others. She said they keep it at 75 degrees or more and everyone is getting sick because of it. They told her the City said they had to keep it at 75 degrees. Are apartments required to have their own controls for heat, etc?

EXHIBIT F



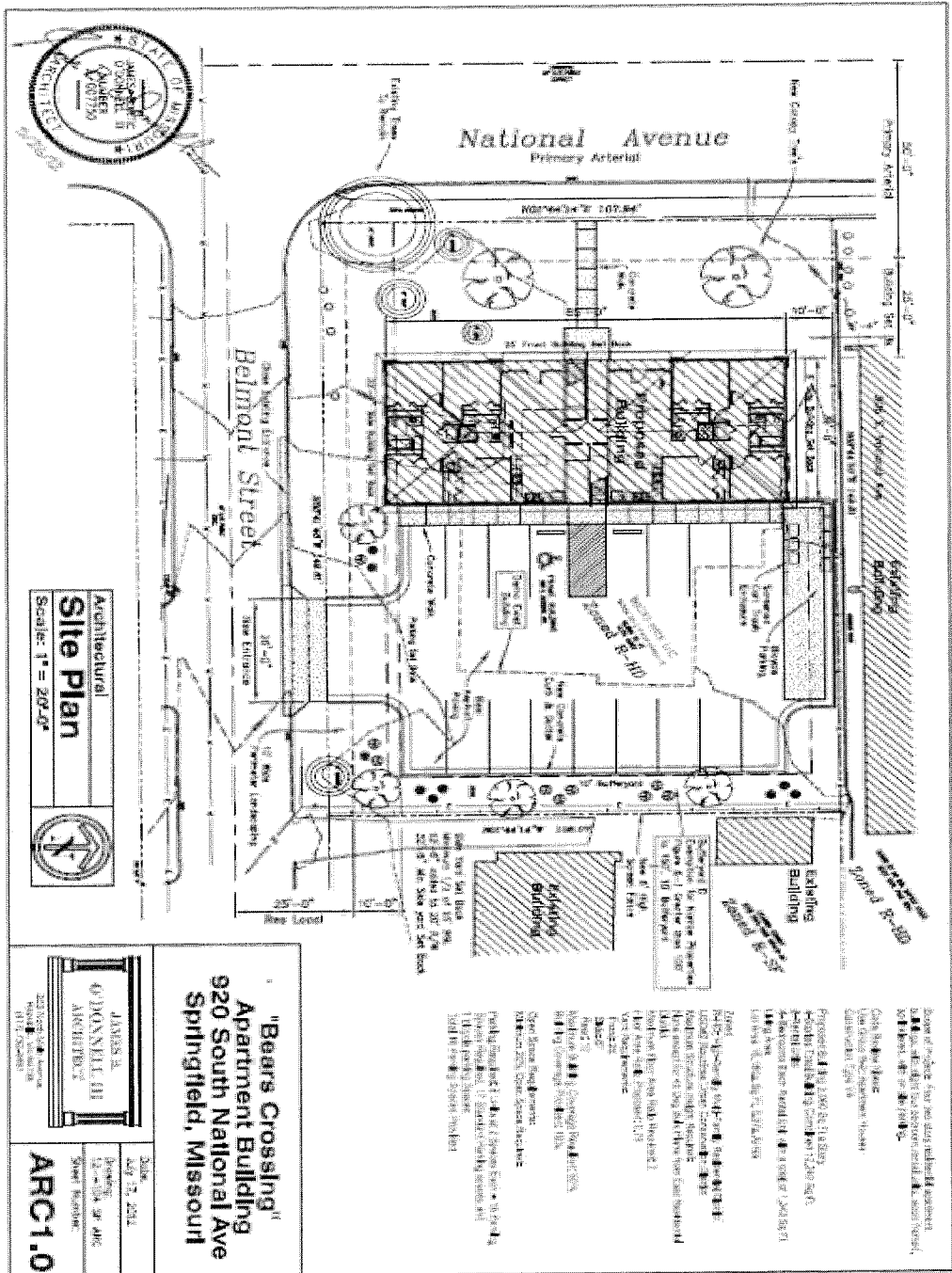


EXHIBIT G

REQUEST TO AMEND THE MAJOR THOROUGHFARE PLAN

DATE: August 27, 2012

PURPOSE: To amend Springfield's Major Thoroughfare Plan to show the preferred alignment for the East Republic Road Connector between Glenstone Avenue and U.S. 65.
(Staff recommends approval.)

BACKGROUND INFORMATION:

A public meeting to discuss possible alternative alignments for the extension of East Republic Road to US 65 was held January 19, 2010. Citizens were shown maps of the area and were asked to comment on three possible alignments presented by city staff. Citizens were also asked to suggest other alternatives.

In 2010, the Springfield Planning & Zoning Commission approved a request to amend Springfield's Major Thoroughfare Plan to show a future realignment of Republic Road beginning at Glenstone Ave and extending west of US 65 based on input received at the public hearing. This alignment included a new interchange at US 65. The proposal was removed from City Council Agenda and did not go any further.

Development inquiries have been made from property owners within the alignment of the future corridor. Property owners need to know how to plan for future usage of their property and the city needs to be able to preserve the right of way if properties along the proposed alignment subdivide or rezone. Therefore, the city felt it was necessary to prepare a revised amendment to the Major Thoroughfare plan and move forward with defining this future corridor.

This amendment does not include the proposed interchange nor does it extend east of US 65, but it does still reflect the preferred alternative based on comments received at the public meeting in 2010. The proposed alignment for the major arterial street starts at Glenstone Avenue (which is the nearest major arterial street to the west) south of the James River Freeway bridge, and ends just west of US 65. The new alignment should cross the railroad, Galloway Creek, and Lone Pine on a separate grade (overpass structure). Alternatives A, B, and C meet these criteria (see Exhibit A).

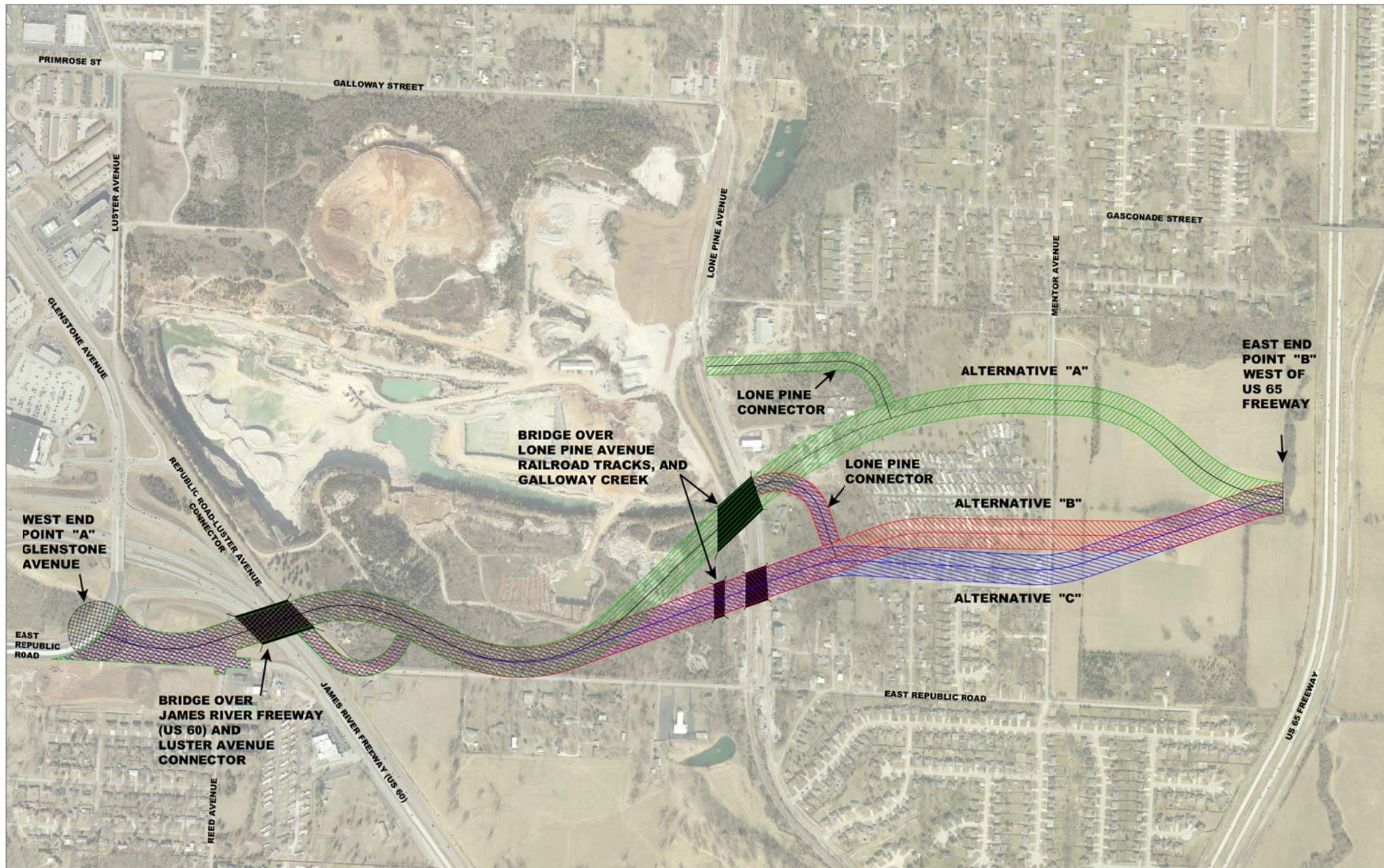
RECOMMENDATIONS:

The Public Works staff recommends **approval** of an amendment to the Major Thoroughfare Plan showing Alternative A (see Exhibit A) as an extension of East Republic Road from Glenstone to US 65.

FINDINGS FOR STAFF RECOMMENDATION:

1. Public Works provided the following information on each of the three alignments:
 - a. Alternative A (see Exhibit A)
 - Affects 17 properties
 - Crosses one stream
 - Displaces one existing business - an industrial use on Long Pine.
 - Displaces 4 permanent houses.
 - Is the longest and least direct alternative.
 - Crosses the railroad tracks and Lone Pine at the greatest angle.
 - b. Alternative B (see Exhibit A)
 - Affects 10 properties.
 - Crosses one stream.
 - Displaces two existing businesses.
 - Displaces 4 permanent houses and 42 mobile homes.
 - Is short and direct.
 - Crosses Lone Pine at a slight angle.
 - Is immediately adjacent to Galloway Village.
 - c. Alternative C (see Exhibit A)
 - Affects 18 properties.
 - Crosses one stream
 - Displaces two businesses.
 - Displaces 10 permanent homes.
 - Is short and direct.
 - Crosses Lone Pine at a slight angle.
 - Is immediately adjacent to Galloway Village.
2. At the January 19, 2010 public meeting, fifteen people handed in survey forms choosing Alternative A, primarily because it affected fewer homes and had the least impact on Galloway Village. Five people preferred alternative B. Only one person listed the reason for preferring Alternative B, the existence of a sinkhole. Ten people preferred alternative C, none provided a reason. Selection of Alternative A was also expressed in conversations with staff.
3. Republic Road west of Glenstone is currently classified as a primary arterial on the Major Thoroughfare Plan.

EAST REPUBLIC ROAD CONNECTOR ALTERNATIVE ALIGNMENTS



Prepared by: City of Springfield
Traffic Operations Department
City of Springfield, Missouri

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