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9. Initiate Zoning Text Amendment, Existing Residential Dwellings In Industrial Districts (PDF)

Documents: [INITIATE ZONING TEXT AMENDMENT EXISTING RESIDENTIAL DWELLINGS IN INDUSTRIAL DISTRICTS \(PDF\).PDF](#)

10. Initiate Zoning Text Amendment, Veterinary Clinics In CC And COM Districts (PDF)

Documents: [INITIATE ZONING TEXT AMENDMENT VETERINARY CLINICS IN CC AND COM DISTRICTS \(PDF\).PDF](#)

Planning & Zoning Commission Agenda

February 28, 2013 - 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: January 24, 2013

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.)

Vacations:

- | | |
|--|-------------------------|
| 1. Relinquish Easement 789
(3050 N. Kentwood) | Glen 44 Investments LLC |
| 2. Subdivision Variance 341
(2715 N. Airport Commerce Avenue) | McIntosh Holdings LLC |

Hearings:

Vacations:

- | | |
|---|-----------------------|
| 3. Vacation 752
(200 block N. Hayden Avenue and adjacent alleys) | JMEC LLC |
| 4. Vacation 753
(2715 N. Airport Commerce Avenue) | McIntosh Holdings LLC |

Other Public Hearings:

Zoning Text Amendments:

- | | |
|--|---------------------|
| 5. Flea Market and Second Hand Store
(City-Wide) | City of Springfield |
| 6. Landscaping-Water Shortage Amendment
(City-Wide) | City of Springfield |

Other Business:

- | | |
|--|---------------------|
| 7. Initiate Zoning Text Amendment
Existing Residential Dwellings in Industrial Districts
(City-Wide) | City of Springfield |
| 8. Initiate Zoning Text Amendment
Veterinary Clinics in CC and COM Districts
(City-Wide) | 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 your 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: January 24, 2013

TIME: 6:30 pm

The regular meeting and public hearing of the Planning and Zoning Commission was held on the above date and time in City Council Chambers, third floor of City Hall with the following members and staff in attendance: Matt Edwards (Chair); King Coltrin (Vice-Chair), Jay McClelland, Tom Baird, Jim Hansen, Jason Ray, Shelby Lawhon; Michael MacPherson, Principal Planner; Thomas Rykowski, City Attorney; Martin Gugel, Public Works; Cody Marshall, Public Works; Judy White, Executive Secretary. Absent: Young.

ROLL CALL:

APPROVAL OF MINUTES: The minutes of January 10, 2013, were approved unanimously.

COMMUNICATIONS:

HEARINGS:

Vacations:

1. Vacation 754
(Pythian Street & alley between Clay and Sherman)

City of Springfield

Mr. MacPherson commented the purpose of this request is to vacate Pythian Street between Clay and Sherman and one-hundred-twenty-five feet (125) of a perpendicular alley. The reason the City is doing this is the street intersects with Sherman and the railroad tracks which causes a safety concern. We have been upgrading and improving safety crossings when we can throughout the City and closing the street will enable the signals to be readjusted with Sherman Street on both sides and this particular street would be closed. The other issue is when we vacate the street the property would then be maintained by the owners. In this particular case Drury University is the owner on both sides of the street so they would be the recipient of the property. They would not be able to build a building on the property because there are a number of easements on the property; Commission was sent signed copies of all the easements which include sanitary sewer, cross access easements, fire access easements, a number of easements that would facilitate this vacation. In addition to that no one has objected to the vacation. Neighbors were notified within three-hundred (300) feet of the property. There were several calls but no one objected to it and staff is recommending approval of the request.

Mr. Edwards opened the public hearing.

Mr. Peter Radecki, 1215 N. Benton, Vice-President for Campus Operations with Drury University, stated that he is available to answer questions. From the perspective of the University, in addition to the safety issue with the railroad track, we think the vacation will enhance the safety of the students who are often traversing coming across from the main campus across Clay and then Pythian. Cars zip in and out of there quite often, so it will be a benefit. He also thanked City Staff for their work commenting this is a

complicated arrangement of easements and Ms. Stob worked with them to get this done. He commented that he received a question via e-mail from a neighbor off of Sherman Street inquiring about it and her concern was if the alley would be blocked such as they would not be able to get out the south end of the alley. Among the easements is an access to where the alleyway between Clay and Sherman would be accessible from across their parking lot. He has not heard anything else negative about the request, canvassed the Campus and many people are interested in it.

Mr. Baird clarified they are talking about Pythian Street and a little bit of the alley that goes north, is that correct so it goes to your parking lot. Will there still be access to your parking lot on that alley.

Mr. Radecki said that is correct. Currently the parking lot is an L shape and it doesn't extend to the alleyway because there is a fence in-between. What we will be doing is taking down the fence and providing the access, so you would drive across the parking lot and then drive right on to the alley.

Ms. Aqualan Finley, 1316 N. Texas stated she has lived in the area for forty-five (45) years, and does not understand the reasoning why the street should be blocked. When the weather is bad between those areas it doesn't get cleared and the ice can get thick. There will be more traffic on Clay Street, down to Sherman and she believes it will create problems. When students are traveling from OTC, they have a straight shot to get to division. Now they will have to go down Central, turn up to hit Clay or travel National. Ms. Finley said she lives on Texas and when she wants to go to Central, she will have to go down and through the alley to the stadium to get to Central rather than travel a straight path. There have been no problems or accidents there. She does not see the purpose in it and wants to know why.

Mr. Edwards asked if she is primarily concerned about the bad weather conditions or in general.

Ms. Finley commented that it creates an inconvenience.

Mr. Hansen asked Ms. Finley to point out where she lives.

Ms. Finley referred to the map.

Mr. Hansen said that it looks like a fairly straight path from Webster to Sherman or Clay and then Sherman or Clay to Central.

Ms. Finley commented that if you block off the railroad tracks, she will have to go through the alley, hit Clay, then Central and she is going around and around.

Mr. Hansen clarified they are not going to block off the railway they are only vacating the alley. You can go from Sherman all the way to Central.

Mr. MacPherson stated it was not going to cross Sherman.

Ms. Finley said ok, she is good.

Ms. Kathie Ryan-Garcia, 626 E Catalpa, commented she has lived in the Drury neighborhood and went to school at Central. She too is concerned about the future. In the MSU area years ago they have did street blocking and it continued to grow and now it is a real challenge for people who live in the neighborhood to

get to National or different areas to the neighborhood. She would ask when you start considering closing a street, that you keep that in mind.

Mr. Edwards closed the public hearing.

Mr. Hansen motioned to approve Vacation 754. Mr. Lawhon seconded the motion. The motion carried as follows: Ayes: Edwards, Coltrin, McClelland, Ray, Lawhon, Baird, and Hansen. Nays: None. Abstain: None. Absent: Young.

Zoning:

2. Z-17-2012 w/Conditional Overlay District No. 54
(444 W. Grand; 427,433,441,501,505,509, & 515 West Normal)

Calvary Temple Assembly of God

Mr. Edwards stated that before they start the hearing, this case was heard previously and denied by Commission in December. Tonight, the applicant is going to be presenting an amended plan and what this Commission will be listening to and discussing will be the amended plan only. We will not be going back on the original arguments that were made, but everyone will need to understand if it should go through tonight, the entire case will heard by City Council on February 11, 2013. Mr. Edwards also thanked the public for the letters that have been submitted adding that Commission has read them as well as looked at the Facebook page that is going around and read some of the agreements. Mr. Edwards reiterated they will only be dealing with the amendments to the original plan.

Mr. MacPherson commented that he will do some framing to bring us to where we are today. The purpose of this application is to rezone 5.98 acres of property generally located at 444 West Grand and 427, 433, 441, 501, 505, 509, and 515 West Normal Street from an R-HD, High-Density Multi-Family Residential District and an R-SF, Single-Family Residential District to a GR, General Retail District, and establishing Conditional Overlay District No. 54. The background of this case is the Planning and Zoning Commission, at their December 6th, 2012 meeting held a public hearing on the original proposal. Following the public hearing the Commission recommended denial of the application by a vote of three (3) to four (4). Subsequent to the December 6th public hearing the applicant appealed Commission's recommendation to the City Council, however, prior to the scheduled public hearing with City Council, the applicant proposed some changes to the application and requested the Major remand the application back to the Planning and Zoning Commission. The application thus proposes changes regarding the access to Normal Street. Those changes are as follows. Again there was a significant discussion at the December 6th, 2012, Planning and Zoning Commission public hearing regarding the proposed driveway access to Normal Street. The applicant has developed three (3) options to address the concerns regarding additional traffic on Normal Street. The applicant's preferred option is option "A" and the representatives will elaborate much further than he will. Option "A" is to essentially break the street into two sections by closing the street just west of the proposed driveway to Normal from this development. The eastern portion of the street including the driveway to this site would only have access from Campbell Avenue. The residential development to the west would need to access this development, and Campbell Avenue, using an alternate route. With this option, a six (6) inch tall raised stamped red concrete island would be placed over the existing pavement of Normal Street. There would be mountable curb on the east and west side of the island that would allow emergency vehicles to traverse over the island if necessary. There would be three pipe bollards placed on the west side of the island to prevent non-emergency vehicles from driving over the

island. At least one of the pipe bollards would be on a locked hinge that emergency personnel can unlock and drop the bollard if necessary. The concrete island would be constructed three feet away from the curb and gutter on each side of the street to accommodate bicycle and pedestrian traffic. In addition to preventing traffic from traveling westbound on Normal, this option would also prevent vehicular traffic from the neighborhood to travel east on Normal to access this development or Campbell Avenue. This option would alleviate any potential cut-through traffic generated from this development as well as any existing cut-through traffic that currently uses Normal while still providing the additional access to this development the applicant desires and believes is necessary to accommodate development of the site.

Mr. MacPherson stated the applicant has prepared two additional options for addressing the concerns regarding access to Normal Street. Option "B" proposes the construction of a landscaped island west of the proposed driveway to Normal Street. This option would create a one-way street in this area whereas traffic could travel eastbound on Normal but would be prohibited from traveling westbound on Normal Street. The landscape island would discourage through traffic on Normal, but would still allow the residential area to the west to conveniently access the retail development and Campbell Avenue. This is similar to the islands that were constructed on Summit Avenue north of Calhoun and south of Division that resulted from a rezoning by Drury University to discourage cut-through traffic on Summit. The final option, Option "C", would involve modifying the design of the proposed driveway to create a right-in/left-out driveway from this development to Normal Street. This option would discourage traffic from traveling westbound on Normal Street to Grant or through the neighborhood. This option would make it difficult for vehicles traveling from the west on Normal Street to access this development because of the design of the driveway, but would permit through traffic both directions on Normal Street. Normal Street is classified as a local roadway. The zoning at the east end of Normal, east of Market Avenue, near Campbell Avenue is multi-family and retail. The character of the roadway east of Market is identifiably different than Normal west of Market which is residential in character. The proposed driveway to Normal from this development is appropriate given the character of the roadway in the area it is located and the minimal impact to the roadway as determined by the traffic impact study. The driveway provides a needed additional access point for the development and provides for connectivity with the neighborhood. Staff would prefer that Normal remain open its entire length, however, staff is agreeable to preferred Option A because the street is not being vacated and the proposed modifications to the street could be removed and the street opened up again at some time in the future. The residential properties to the south and west would be able to access this development using the major street system via Grand or Campbell. Residents wishing to have access to or from Campbell Avenue would be able to utilize alternate routes including Loren, Catalpa and Meadowmere Streets. The Fire and Police Departments have reviewed the options, including preferred Option A, and do not have any concerns regarding the proposal. Staff findings are as follows: The subject property, at the intersection of Grand and Campbell, two arterial roadways, is an appropriate location for GR, General Retail zoning. This request to expand the existing GR zoning will provide for the redevelopment of this site and is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure and will serve new student housing in the area. The proposed conditional overlay district will restrict uses and provide for security cameras and lighting on the subject property as requested by the adjacent neighborhood and will provide for additional right-of-way and sidewalks on adjacent roadways and provide for screening of any loading or unloading areas adjacent to Normal Street. The standard development requirements in the proposed GR District are otherwise adequate for mitigating potential impacts of the proposed grocery store, or other potential GR uses, on the adjoining residential properties. In response to concern expressed by nearby residents and Planning and Zoning Commission members regarding access to Normal Street, the applicant is proposing several options to mitigate potential traffic impact from the

development. The applicant's preferred option would close the street west of the driveway to this development. The representatives have a significant presentation to make with regard to this and explain how all this would work and staff continues to recommend approval of this proposal.

Mr. Lawhon opened the public hearing.

Mr. Keith Hazelwood, Hazelwood & Weber, LLC, 200 North Third Street, St. Charles, Missouri, 63301. Mr. Hazelwood stated that he would speak and they have a civil engineer, Elliott Reed, and Traffic Consultant Lee Cannon. Their presentation under Commission Rules would be fifteen (15) minutes, if each of the three of them spoke for five (5) minutes. Mr. Hazelwood stated he would make a couple of remarks and then ask if Mr. Reed to use a very short span of time to speak to some civil engineering aspects of the changes to the site plan and if it would please the Commission, we would ask that Mr. Cannon be allowed to take the remaining time because the traffic discussion about the access to Normal Street is the most significant thing that has brought them back before Commission. Mr. Hazelwood said he would reiterate what was said in the staff report and that is this was remanded at the request of the applicant for consideration of the new traffic configurations. There are a couple of other changes, but the main thing we offer this evening is some revisions to the access to Normal.

Mr. Edwards asked if Commission is in agreement to suspend the rules to let them combine their time to give their presentation; are there any objections.

There was no objection and the presentation continued.

Mr. Elliott Reed, 530 A East Independence Drive, Union, Missouri; commented they are the civil engineers on the project. He wanted to review two items that have changed one clarification and one change. Walmart has removed the outlot on the west side of the property. That will now be green space, so the existing parking lot will be removed and covered with grass. They would be open in future if an organization were to come by and they would donate that as a charitable contribution, but at this time it will be grass. For clarification, there will be all new sidewalks along the entire length of the property; Grand, Campbell, and Normal adjacent to the property. This is a clarification from the last site plan they had. Mr. Cannon will cover the traffic issues on Normal.

Mr. Lee Cannon, 1830 Craig Park Ct., Suite 209, St. Louis, Missouri, a Traffic Engineer with Crawford, Bunte, Bremmeier. He would direct attention to and watch for a moment the screen; in order to identify traffic flows along Normal Street, they have video running in real time. They took over eight (8) hours worth of video to document traffic flows. Directing attention to the screen, Mr. Cannon described what they were looking at, down Normal, east bound, at the Campbell intersection with the tire shop on the right and the Credit Union on the left. Mr. Cannon stated that as you will see, during the entire presentation of about fifteen (15) minutes, you might see about six (6) cars. The traffic flows on Normal are extraordinarily low. As far as existing conditions go, this site is currently surrounded by three (3) arterial roadways, very heavily traveled roads which make a lot of sense with respect to its identification as a commercial property. Mr. Cannon reviewed the number of cars being carried by each of the arterial roadways, Grand, Campbell, and Grant, south of Grand. Grant north of Grand actually carries a substantially higher volume towards downtown. As far as Normal Street goes, it connects to these arterials on both ends and while it seemed to be a local street, and it is, it has a very high volume, high functional use roads on both of its ends. The neighbors, as was discussed at the previous meeting, perceive there to be a cut through traffic issue, so they wanted to specifically address the cut through issue with respect to traffic volumes. That is one of the

things the video is trying to bear out here, what are the real volumes. On the east end, as Mr. MacPherson mentioned, the character of the area is commercial and multi-family and on the west end it is residential. There is approximately a dozen homes that access Normal directly to the west of this site which will remain and the entire neighborhood has about ninety homes north of the high school, bound by Grand, Grant, and Campbell. One of the things they did as part of this video is take another look at traffic counts over eight (8) hours and if you look at the chart, you will see from 7:00 a.m to 10:00 a.m. in the morning and then from 2:00 p.m to 7:00 p.m. in the evening we counted traffic. The peak traffic flow on Normal at the Campbell end was thirty-seven (37) cars per hour. To put that in relative terms, that is about two (2) cars every three (3) minutes on average, so if you watch this video, you should see on average, in fifteen (15) minutes about six (6) cars, so it is a very low number of cars that we would anticipate. Mr. Cannon reviewed the model that they were asked to run by the developer to illustrate the traffic flows in real time. The model illustrates Grand Avenue across the top here, Campbell to the right, Grant to the left; you can see the signals operating at the major intersections, the traffic congestion on Campbell as it approaches Grand, but down here, referring to the video model, on Normal as this video runs for a few minutes, you see very little traffic on Normal which was borne out by these videos and the additional counts they have done. They have actually counted the traffic on both ends of Normal now twice and we have seen less than forty (40) cars per hour each time we have done the counts, so in general, very low traffic here. Mr. Cannon went on to explain this model is more than a cartoon, this is the most sophisticated traffic modeling software that their firm uses to look at traffic flows and while existing conditions doesn't show a whole lot, he would like to come back to one the models for the proposed conditions that will show the traffic change as the proposed "Alternative A" would be implemented.

Mr. Cannon reviewed the site location with the difference being that we are proposing to close Normal, immediately adjacent to west of the driveway. The idea is that the Walmart traffic is routed to Campbell and the residential traffic is routed to Grant along Normal. However there are other alternatives for the access to the neighborhood. Reviewing the site display showing the primary arterials, Mr. Cannon stated that when they focus in on the neighborhood, in the immediate vicinity of the site at Grand and Campbell and extended over to Grant, what you see are three (3) major connections to Grant and they will not count Lauren Street to Grant as much of a connection, it is more of an alley. There are four (4) connections to Campbell from the neighborhood, so the twelve homes that remain on Normal will indeed have to use another access if Normal is blocked off near the Walmart driveway. However, the majority of the neighborhood all the way down to the high school has six (6) remaining access points to the arterial road system and for ninety (90) homes to have six (6) access points, that is plenty for them to be able to get out onto the roadway system especially when you take into account that the focus they heard last time was number one (1) cut-through traffic is a problem on Normal and number two (2) we don't want the development trips in their neighborhood and this proposal allows both of those issues to be addressed, but it still allows the access to remain. On the current site plan the outlot has been deleted so traffic is fifteen (15) percent lower to this site than when the outlot was included. Normal Street has been bi-sected by the installation of the median. We met with staff and the fire marshal to go through the plan and they have indicated they find it acceptable. With the site plan the major component here the addition is the island which the intent is to take the Walmart traffic and the commercial area traffic and multi-family and orient it towards Campbell and have the neighborhood traffic and Normal Avenue oriented towards Grant on the northern end. Mr. Cannon reviewed the previous plan proposal and the alternative of doweling on the median with the pipe bollards being installed to insure that regular motorists couldn't drive through here, but providing an option for the fire and emergency responders to come through. Mr. Cannon showed on the display an example of something that was done similar to this as well as showing the Sam's Club on Sunshine. Mr. Cannon then referred back to the model analysis and reviewed the traffic. The plan

effectively eliminates cut-through trips and does not allow Walmart traffic to get to the residential neighborhood. Mr. Cannon briefly reviewed alternatives "B" and "C", and stated that all the alternatives were intended to take the Walmart traffic, push it to Campbell and take the residential traffic and encourage it to use Grand. The applicant is fine with either alternative; the intent from the traffic engineer is to eliminate the cut-through traffic and to eliminate the impact of Walmart, the commercial development, on the residential neighborhood while still allowing those residents access to the arterial road system in a convenient manner. Mr. Cannon said he would answer any questions.

Mr. Baird asked how much more traffic will a Walmart generate that what is there currently,

Mr. Cannon stated in general terms the existing church facility that's on the corner has a low utilization. During an average weekday they hold a few meetings and they may have a dinner or group meeting, but they hold their services and other activities in the evenings and weekends, so from the perspective of added traffic, if we say the church is effectively a zero during most of the day, the Walmart would have about two hundred (200) trips in and out in a day at full occupancy. Now you compare those four hundred (400) cars to the thirty-five thousand (35,000) cars that are on Grant and Campbell and that is one or two percent maybe of an impact. It is a very low change in total traffic and the reason Walmart wants to locate on two arterials with thirty-five thousand (35,000) adjacent vehicles per day, is because of the existing traffic. To some extent they pull that traffic into the store because this is not a Walmart, it is a Walmart brand. It is not a normal Walmart or supercenter; it is a Walmart Neighborhood Market. It is a forty thousand (40,000) square foot supermarket. Some of your bigger supermarkets in urban areas might be say fifty (50,000) or sixty thousand (60,000) square feet, so as supermarkets go, this is not huge, but is a decent sized market.

Mr. Lawhon asked the date and time of the video.

Mr. Cannon said he believes it was the second week in January, from 7:00 a.m. to 11:00 a.m. and 2:00 p.m. to 7:00 p.m. on a Tuesday or Wednesday.

Mr. Hansen discussed there being more than three (3) options, one being there would be no exit to Normal; why not talk about that.

Mr. Cannon asked if he was talking about completely eliminating access to Normal.

Mr. Hansen said yes.

Mr. Cannon stated Walmart has proposed to build this site at the intersection of two arterial roadways and reviewed the number of cars each arterial carries per day. City staff and Walmart has indicated and he agrees, that this access point doesn't really work well as full access because of the traffic congestion that happens between the signal and this driveway, pointing to the display. Walmart believes strongly that they needed a full access point to Campbell, again pointing to the display where traffic moves and how it is turning. The original intent by Walmart was based on the fact that they are a neighborhood market. They wanted the ninety (90) homes down the way to have a side door to come in to the facility. He discussed why access is so important to Walmart. They do wish to propose a site that does not include some sort of full access to Campbell.

Mr. Hansen asked if it was possible to have two (2) public exits from Grand, instead of one dedicated to

truck traffic.

Mr. Cannon said in his opinion he does not believe it would be a good thing to add another driveway between the drive and the signal with the reason being there is stacking from the signal in this vicinity heading east, pointing out a separation on the display, allows them to get the left to turn in. At best they would be talking about a right-in, right-out here and the staff would not be keen on that. It would not really help that whole thought process of having these vehicles from the south having to turn left through the signal and left in. They are trying to distribute the traffic to the road system and use Campbell to their advantage. Unless they get full access and what he means by that is the ability turn left in and left out to Campbell then they do not effectively use Campbell as a second significant point of entry.

Mr. McClelland asked to review the display where they are blocking Normal off stating he sees only one driveway to the apartment complex, what happened to the second drive.

Mr. Cannon discussed the access points using the overhead display.

Mr. McClelland asked if Normal was going to be one-way street going into the Walmart parking lot.

Mr. Cannon said it would be a two-way street, but it terminates at the Walmart driveway.

Mr. McClelland asked why they needed four (4) entrances.

Mr. Cannon said number one, the Grand entrance is the main entrance to the store; number two (2) because of the layout and the width of the site, the west Grand entrance is for trucks only. Mr. Cannon pointed out the third site access point on the display saying it provides full access to Campbell and the fourth access point provides only right-in and right-out. Again, this is what Walmart believes they need to be successful at the site and it is supposed to be addressing the current plan and the other alternatives. The key issue was to illuminate the perception of cut-through traffic, which this will no longer allow, and to eliminate the commercial traffic from traversing into the neighborhood.

Mr. McClelland asked if they have checked any other traffic patterns for any of the other Walmart Market places.

Mr. Cannon stated that he believes that CVV has been involved in other Walmart Market place projects in Springfield, yes.

Mr. McClelland stated he does not understand the need for four (4) entrances.

Mr. Cannon stated the access to the West Bypass Walmart is not constrained; there are no signals that are in close proximity and congestion in close proximity. If you require Walmart to access their property primarily from Grand with the potential exception of the right-in, right-out, that will create traffic problems on Grand that will not be an advantage to the City. Eliminating this access is going to add more traffic to this, and this is an extraordinarily important system road that carries forty thousand (40,000) cars a day. From traffic planning land use perspective it is always best to access individual properties from the side street verses a direct driveway connection. This is not an additional driveway; it is an existing public street. The Credit Union is a commercial use here today; the tire show is an existing use today, two multi-families and then the single family home. We are not going to impact a major traffic flow on Normal. We believe it would

make sense to take advantage of the commercial end of the local street to connect to the arterial roadway system at a useful location to offset the traffic impacts on Grand.

Mr. Hansen referred to another entrance on Grand; if the store were facing north it seems there could be a truck entrance could be on Campbell.

Mr. Cannon deferred to the engineer as he does not do site layouts.

Mr. Elliott commented that if the building was turned towards the north you would have two entrances off Grand, but then you would not have a parking field; it would be to the side of the building and that would not be preferred for a grocery store.

Mr. Eric Honeycutt, 1018 S. New, commented on the proposed amendments to the plan; if you start blocking streets, where does it stop? Who will enforce the right-in, right-out? Will the one way streets really keep people from cutting through if the alternative adds ten (10) minutes all the way around to get back to Campbell and go south? What about the traffic congestion on Grand and Campbell? There was no data provided for the noon rush hour. Where are the independent studies; we have only seen studies from Walmart. They also stated that there was not going to be a measurable increase in traffic so why do they need a third exit.

Mr. Hansen asked Mr. Honeycutt what he wanted to happen here.

Mr. Honeycutt stated that he does not want another Walmart in the City of Springfield. He would rather have no access to Normal Street.

Mr. Don Underwood, 1060 S Market Avenue stated that he had a question before his presentation. The bollards, how far apart will they be? Mr. Underwood stated he has traffic concerns as a home owner who is less than one-third of a block from the proposed development. Of the alternatives presented, only one fully addressed their concerns about fully isolating Walmart traffic from impacting their daily lives. Mr. Underwood reminded Commission the neighborhood streets to the south are narrow and Normal and Lauren are both in poor condition. He is concerned about interaction with heavy traffic; street lighting is limited decreasing nighttime visibility. He would like to see the permanent closing of Normal Street so there will not be the option to re-open it in future.

Mr. Edwards asked, hypothetically, if option "A" was approved, and Walmart wanted to come back and ask to remove that, would it come before Commission or would that be an administrative issue.

Mr. Gugel said that would be an administrative issue through the traffic operations division of Public Works, stating that as the City Traffic Engineer, he would look more strongly any requests that would come from fire, police, emergency services, or the neighborhood to open more than a request from Walmart to reopen the street.

Ms. Heather Kennedy, 509 West Catalpa expressed her concerns for the area and the three proposals. They live adjacent to Fasnigh Park where there is a swimming pool with the entire neighborhood crawling with children in summer that are wearing little more than bathing suits and flip flops; she is concerned for their safety. She would be in favor of option "A", but feels there is the potential for the barrier to be removed and feels it should remain as a permanent structure. There is concern about traffic coming on to

Catalpa and Lauren Street and accessing the Walmart from Normal Street. Catalpa Street is already used as a cut-through from Campbell to Grant. The east end of Catalpa floods where there is a heavy rain, and current residents are forced to travel west on Catalpa in order to exit the area. The fire station at the corner of Catalpa and Campbell is a training facility and several times a year, for three (3) or four (4) days, the entire east end of Catalpa is lined with fire engines, huge ladder trucks, and it appears that part of that training is driving. This is a matter of their public safety. She asked that if this goes through, she would like to see speed limit signs and signs warning of children at play on Catalpa, Lauren, and Market Streets.

Mr. Lawhon asked to see a map showing where Catalpa is in relation to the area, asking Ms. Kennedy where the increased traffic would be.

Ms. Kennedy said it would be entire length of Catalpa. There is a lot of traffic from Campbell which goes to Catalpa, goes through a parking lot at Fassnight Park to gain access to Grant Street and is used as a way to get from Campbell to Grant. This is a concern for the kids because a lot of them are unsupervised.

Mr. Hansen asked Ms. Kennedy which of the four (4) options she would prefer if proposal is approved.

Ms. Kennedy said option "A", if it is a permanent structure.

Mr. Doug Smart, Smart Buy Tire, 1045 S. Campbell, commented he is the owner located on the corner of Campbell and Grand. He has been at that location for twenty years and was raised in that neighborhood. He understands Walmart's need for access on Normal Street; as a business owner, they load and unload trucks daily at his business on the north side of the building which use Normal Street. He understands the neighbors' concerns, but it would be nice for the trucks that unload on Normal to be able to get through Normal. There are one or two trucks that come twice a month to take scrap tires. If Normal is blocked off completely, it makes it difficult for the trucks to get in there to load or unload. He feels that Normal can support the traffic that would be generated there. He believes it would be an advantage to have a Walmart store in the area. He would like to see option "B" or "C".

Mr. Coltrin asked Mr. Smart if the parking lot of Walmart is configured the way they have it, if your trucks come into the Walmart parking lot off of Grand and proceed south so they are set up to pull out, would that be functional for him.

Mr. Smart said that would be no problem.

Mr. Hansen asked Mr. Smart what option he would prefer.

Mr. Smart said he wants everyone to be happy on this. If there are sidewalks put in then the children would be off the street. They were talking about widening the street and having an easement. He feels option "B" or "C" is better than option "A", or leave it as is and put in sidewalks and widen the street. He is looking at this as a business owner. Smart Buy Tires could live with Option "A" as long as he can get a truck in through there and not block Campbell.

Mr. Hansen asked if there are sidewalks going in on Normal.

Mr. Gugel said there will be sidewalks along Normal across the Walmart property, so wherever Walmart is adjacent to Normal, that is where the sidewalks are going.

Mr. David Patrick, 865 S Market Avenue, commented that he lives north of the project on Market about two blocks north of Grand Street. His concern is getting out of Market, turning left, or eastward onto Grand and the left turn lane which will mean slowed down or stopped traffic. He is concerned about traffic trying to turn west on to Grand out of the exit. He suggested they put a light in at Market and Grand as he mentioned at the previous meeting. That will provide a safe turn in and out of the store for everyone concerned. He suggested bringing the drive from Market and Grand southward around the south end of the building to provide a drive around the south side. Perhaps the building could be reoriented. He will have to drive a mile out of the way which is not a positive thing. If there is going to be huge increase from tax revenues, then he believes that a portion of the funds should be earmarked for the immediate neighborhoods to have a percentage for infrastructure improvements such as sidewalks, streets, curbs, and enforcing city codes on basically slum lords that have invaded the neighborhoods and rule the neighborhoods.

Mr. Scott Youngkin, 802 W. Seminole commented he is representing the "Stand Up to Walmart" group here. He feels that not being able to say what they want is breaking their freedom of speech. Mr. Youngkin's concerns are the dangerous sidewalks, the increased traffic, the children's safety, asking how this will effect emergency response time and if an economic impact study was not done, has can an informed decision be made on the proposals. Mr. Youngkin suggested a community center at the location instead.

Mr. Dorrell Schank, 441 W. Normal, commented on concerns for children's safety, and is in favor of option "A", closing off the street because of that.

Mr. Randy Rosebrough, 1815 S. Farm Road 245, Rogersville, Missouri, commented he grew up in that neighborhood and is concerned that local residents of the area are not being considered in this issue. Who decides how many Walmart's Springfield needs.

Ms. Vickie Kepling, 3319 E. Lombard Street, expressed her opinion on the options and would choose not having an entrance to Normal Street or not having any entrances to any Walmart there. Ms. Kepling referred to the Comprehensive Plan relative to Commission's role and quoted a portion of the plan. Ms. Kepling reviewed a map of historic downtown discussing the possible impact and Commission's role to protect downtown.

Ms. Jessica Honeycutt, 1018 S. New Avenue, commented her concern is the environmental impact of having a big store in the area, the concrete and flooding. Currently there is a large area of black topped area that fills this area. A previous speaker referred to flooding. The City is working on replacing the sewer systems which has directly impacted her home.

Mr. Keith Wolf, 6050 S. Brightwater, commented they own the home at 515 Normal, one of the homes that would be purchased if this is approved. Mr. Wolf believes this is a good thing for the neighborhood and believes option "A" would be best as there would be less traffic on Normal. There is concern about the traffic impact, but with option "A" there will be less traffic than there is currently because of cut-through traffic.

Mr. David Klotz, 638 S. Campbell, commented that he too represents the "Stand Up to Walmart" group and the first thing they saw this evening was Commission suspending the rules for Walmart to make their presentation. He stated he would like to ask for a little latitude. Economic impact is primary to their group. This facility location can only further decimate the incomes of the working families of the people of Springfield. He asked how you can claim about the interests of the future of Springfield's residents, working families who are really suffering now and we are going to roll over for Walmart. We do not feel this is beneficial to the future of Springfield, working families, area businesses and Downtown Market or any of the neighborhoods south. There are obvious safety concerns, traffic concerns, and environmental issues. Who is to benefit from this other than Walmart, and it is important to them that their Council represents our City as opposed to mega-corporations. When do we start investing in the futures we want for our children.

Mr. Baird asked Mr. Klotz if this were a different company proposing this grocery store of similar size, would you be opposed to it as well or is this based on the company that is presenting the information.

Mr. Klotz said he would oppose any other business. This is going to create a hardship on the Downtown Market and other businesses. We are proud of downtown and want to see the investment continue and see if flourish. Elections are coming up; we are going to be at work in your neighborhoods.

Mr. Edwards noted that Commission members are not elected.

Mr. Lawhon told Mr. Klotz he appreciated his impassioned presentation, but to get to the point of what they are hearing tonight, option "A", "B", or "C", what would be your choice.

Mr. Klotz said none of the above.

Mr. Lawhon stated that for the years he has been on Commission the only comments that really make any difference to him are what are made at the podium. Any comments from the audience are totally disregarded.

Mr. Klotz stated that can we not at least recognize the democratic response of the people in this room and are you going to ignore the citizens about their own futures.

Ms. Michelle Carroll, 433 W. Grand, which is Four Paws Grooming Salon, directly across the street from Calvary Temple stating they welcome Walmart. The church has become an eyesore with graffiti and the parking lots are very dark with things going on in the parking lots at night.

Mr. Edwards asked Ms. Carroll her opinion of the options that have been presented.

Ms. Carroll said probably option "A".

Ms. Michelle Manweiler, 609 W. Normal said she is very excited about them coming in. If she had to pick an option it would be "A" because of her children and likes the idea of the street being blocked off. After hearing Mr. Smart speak she understands his preference for option "B".

Ms. Sophie Parker, 410 W. Walnut, commented she comes with a slightly different perspective of a young person. She is aware of the implications of how this zoning decision would affect downtown. She is nervous about the increase in traffic on Campbell because she feels it is a dangerous street already. The

proposed options don't really address the increase in traffic flow well. She would like to see this proposal postponed and the City not choose any of the options till they conduct their own independent study because the City has a responsibility to the people who live here. When we introduce a major retail force into our neighborhoods we completely change the dynamics of our market place.

Ms. Darlene Steele, 1451 N. Broadway, Apt. 3, commented she lives in the Grant Beach area and feels compassion for the people who live in this neighborhood. She can see this issue coming their way someday and would like to put a stop to it before it comes to that point. She is concerned about big truck traffic being routed down Grant, traffic congestion, pedestrian safety, young drivers, safety for children, and people cutting through the neighborhood.

Mr. Erick Taylor, 1257 S. Post Oak, commented he is the President and CEO of Price Cutter Supermarket discussed the customer count, cars in and out, and discussed financial figures and stated that their store is projected to do over four-hundred-thousand (400,000) dollars a week in sales. The traffic study does not make sense. Turn the property facing Grand Street and not have Normal Street affected with traffic impacting children's safety. They need only two entries. Mr. Taylor said he is pro-business and growth. He appreciates the competition of Walmart. This is a neighborhood location and you are squeezing a commercial project into a tight area which creates problems. There are other locations. Mr. Taylor said that of the three (3) options, he doesn't know if none of the above is one of those tonight or if the zoning is one of those issues. Mr. Taylor discussed the impact Walmart would have at that location. They built Bistro Market downtown because the community asked them for a grocery store downtown, wanting to bring downtown Springfield back. They did not build it for profit and the store lost approximately four-hundred-thousand (400,000) last year. We keep it open to help downtown Springfield thrive. If Walmart comes to that location, they cannot take another hit so that store closes automatically. The store at Campbell and Sunshine has an eighty percent chance of failure. The store at Kansas and Grand has a fifty-fifty chance. The economics has opened four neighborhood stores, one-hundred-sixty-thousand square footage in Springfield market. Mr. Taylor discussed the economics of what is going on in the city relative to the grocery store business. This impacts jobs. Mr. Taylor said he would say no on options A, B, and C, and go with the residents and if you had the choice to say none of the above.

Mr. Nathan Anders, 427 W. Normal Street, commented he votes for option "A", as Walmart is fantastic and believes it is a good thing for the neighborhood. Plan A is great for the neighborhood and it keeps them safe and traffic will not go through there.

Mr. Edwards closed the public hearing.

Mr. Hansen asked for clarification of what they are voting on tonight.

Mr. MacPherson stated the public hearing was just about the amended alternatives; however the purpose of this is to rezone that property with all the conditions that are listed in the Conditional Overlay to move this back to City Council.

Mr. Edwards asked Mr. Rykowski if Commission needs to choose our best option here of the presented ones and then choose an up or down on the zoning after that.

Mr. Rykowski said that technically that is a question for the applicant. The way he understands it is they preferred option is option "A", so to be consistent with their desires that you would present the zoning case

with option "A" for a vote. If you vote it down, there are the other options to consider. There is not a motion before the floor at this point and once again if the applicant would like to allow you to pick between the three (3), that would be something that would need to be discussed exactly how to make the motion. It would go forward with option "A" as a primary as he understands it.

Mr. Hazelwood stated that the application that you have relates to the zoning. The site plan has come forward because the thought is for Commission to be informed on zoning you would want to know information that was shown on the site plan. On December 6, 2012, the site plan issue of access to Normal became a critical issue and many of the comments you shared before your vote which caused the applicant to go back and put in the time to re-think how the site plan should be presented. The applicant's request at this point would be to allow Commission to pick which of the plans you favor; we are comfortable with any of the three. He would say in accordance with both what the staff has said and what the Commission has picked up on, we think Plan A accomplishes the purposes that were expressed at that December 6th meeting about stopping the cut through traffic. To the extent that he has been invited to comment what motion you should entertain if you wanted to entertain a motion to deal with Plan A verses Plan B, verses Plan C, make that decision then move to a second decision about the zoning. You need to do something with respect to the zoning this evening because hopefully the site plan has given you a different perspective than the one that created the disapproval vote on December 6. A different motion could be to just go ahead and incorporate both the zoning and Plan A if you were so inclined.

Mr. McClelland said personally, he does not feel it is the job of this Commission to pick and choose. He believes the Walmart representative should have come forward and said what item they wanted us to vote on. It is not the job of this Commission to make a choice between one, two, and three, and Mr. Rykowski and Mr. MacPherson can correct him and he will not be offended.

Mr. Rykowski said the applicant if he understood Mr. Hazelwood correctly have entered a motion going forward with zoning considering option "A", which would be preferable to them. To allay the fears and concerns that were raised by Commission, they wanted to make sure that by presenting you with one option for a street, they did not have to come back in two weeks because now they had to have a slightly different one. If Commission would go with option "C", he is of the opinion the applicant would go with that because they are trying to alleviate the problem that seemed to be the central issue stated by Commission members at the last hearing of this matter and the reasons for denial.

Mr. Edwards commented that the way he sees it is they have presented "A" as their preferred option. I would be in favor of going forward as that being their application and if anyone has an objection to that he would like to hear it.

Mr. Hansen said he cannot support any of the three options. It is not helping the neighborhood or the surrounding area by shutting off Normal Street. It is not a good precedent to close off City streets to accommodate businesses. To close streets to accommodate traffic patterns for commercial developments is bad.

Mr. Baird asked when an applicant comes forward with a development proposition, what type of study or research does the City traffic department do with regards to the development and how is the applicant's traffic study evaluated as well.

Mr. Gugel stated anytime a rezoning case comes before City staff, we do a preliminary look at the

differences, the existing zoning as compared to the requested zoning. We look from a basic standpoint of looking at general intense uses and the trip generation rates that go with those uses. If you are going from a single-family residential to an office, it is based off the size of the property being rezoned. If that increase in trips goes over a particular threshold, which typically is one-thousand (1000) trips a day, or an increase of one-hundred (100) trips over a peak hour period, we will request a traffic study from the applicant which goes into more in-depth study to the traffic patterns and the trip distributions amongst the different street networks. It is not just necessarily the street surrounding the properties, but anything we feel, and we help guide those study limits; we work with the applicant to say this is the areas you need to look at; these are the streets and the intersections we expect to see at a minimum in the study. They hire a traffic engineer to take a look at that. They present the traffic study to our staff and we review that. We don't take it at face value we look at and make sure the assumptions that are being made in the study meets with our experience here in Springfield. Every area is different in regards to how businesses operate and how trips are generated and how they are predicting or how they are saying the traffic will be distributed based coming and going from the site. We look at that to make certain its reasonable and stays within industry accepted practices and standards and we do a review of their calculations to determine if we feel it is an accurate representation or if we have comments we will give those to tweak that study or make changes if we feel they haven't caught something or they haven't addressed. Sometimes the applicant will do their own traffic counts, but we do make those available to any developer. We have a program that does those on an annual basis rotating because we can't get to every street every year, but we do those counts over the course of several years.

Mr. Edwards stated he separates the corporation that is asking for this request from the request because that is what we do here. He believes it would be a negative impact on the community and on the business community here if this body in our capacity were to judge corporations based on whatever merit you want to say. Mr. Edwards said his decision will be based on the zoning appropriation of this case. We are looking at a dilapidated building that the owner wants to sell. Much of the property has been vacant and is ugly. When he looks at the Comprehensive Plan, what he sees is a request for infill development to combat urban sprawl and there is a developer who wants to come in and build a building in an existing location that isn't on the south side of town or the far north and does not require highways and he sees something that meets what he deems to be an appropriate use. I have listed to the testimony today, for the second time from the previous meeting, all the speakers and they have some very legitimate points and those points need to be brought up to City Council because that is the responsive, elected officials who may the determination on whether this is a good or bad idea, not whether it is a good zoning idea, or whether it fits the law, but if it is good or bad for the community. Because of Commission's position they have to remain neutral to many of the things that if they were citizens speaking in front of this body that we would maybe believe. Whether Walmart is a good corporation or not that can't be a part of what they do here. That would lead Government down the road of getting into things it shouldn't. Mr. Edwards stated he will be voting in favor of this tonight because the applicant has addressed the traffic concerns which seem to be the crux of what the neighborhood is concerned about at the last meeting. But when he looks at this as a zoning issue for that piece of land they have met the requirements to move forward to City Council.

Mr. Coltrin stated he remembers the previous meeting well and at the end of the meeting again, trying to do their job and decide whether or not a zoning is proper for a piece of property and not whether a person is proper for a piece of property. The traffic on Normal was a contentious point and it is for him. There have been several of these developments come up on arterial roads backing to residential areas and we have consistently kept the traffic from impacting the neighborhood by direct access. I do not consider this blocking a public road for the developer I consider blocking a public road at the request of the citizens as a

good thing for the citizens. Mr. Coltrin said he would support option "A" because it does the best to protect the people living next to this while providing a proper zoning for a piece of property that sets on a major arterial street in the city of Springfield.

Mr. McClelland stated his values since appointment to Commission has been if an applicant comes before us, and has met all the requirements they have the right to pursue their agenda. The applicant's agenda is to build this store and have met all requirements and he will vote in the affirmative for option "A".

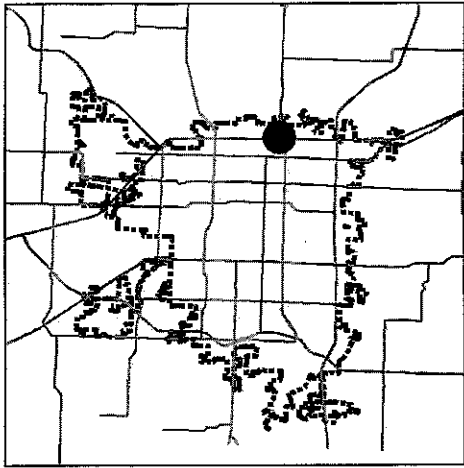
Mr. Edwards noted to chambers a reminder for the point of order and a point of politeness.

Mr. Lawhon motioned to **approve** Z-17-2012 w/Conditional Overlay District No, 54 with option "A". Mr. Coltrin **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Lawhon, and Baird. Nays: Ray and Hansen. Abstain: None. Absent: Young.

ANY OTHER MATTERS UNDER COMMISSION JURISDICTION:

There being no further business, the meeting was adjourned at approximately 9:15 p.m.

Michael MacPherson
Principal Planner



Zoning & Subdivision Report

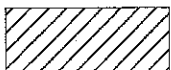
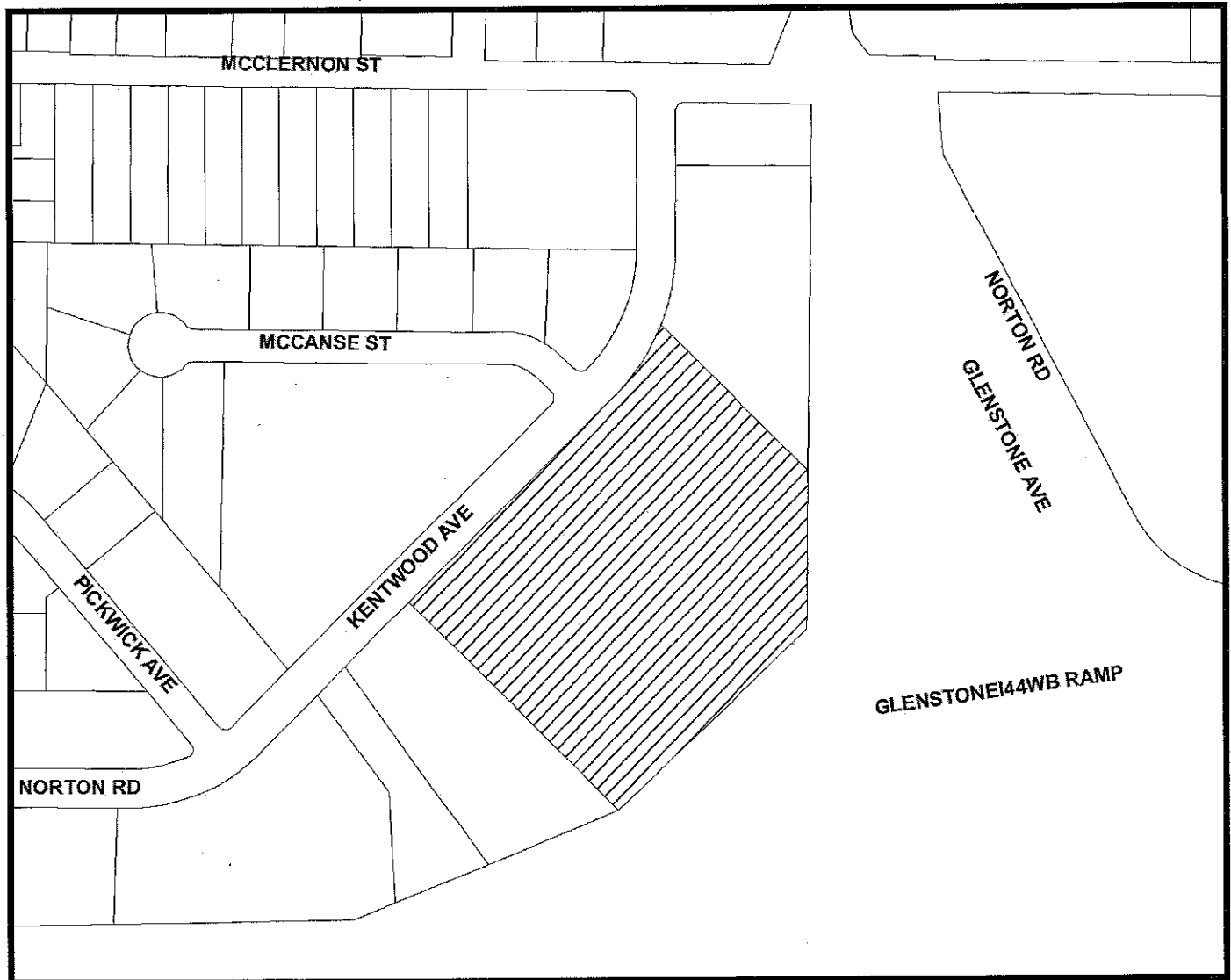
Planning & Development - 417/864-1031
840 Boonville - Springfield, Missouri 65802

Relinquish Easement 789

Location: 3050 N. Kentwood

Current Zoning: HC, Highway Commercial

LOCATION SKETCH



- Area of Proposal



1 inch = 250 feet

Zoning & Subdivision Report

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

REQUEST TO RELINQUISH EASEMENT NUMBER 789

DATE: January 29, 2013
PURPOSE: To relinquish utility easements
LOCATION: 3050 N. Kentwood
APPLICANT: Tim Roth

RECOMMENDATION:

The request be **approved**.

FINDING:

The request meets the approval criteria listed in Attachment B.

STAFF CONTACT PERSON:

Michael G. Sparlin
Assistant Planner

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

ATTACHMENT A
RELINQUISH EASEMENT NO. 789
BACKGROUND REPORT

APPLICANT'S PROPOSAL:

The applicant is requesting two (2) utility easements be relinquished. The subdivision creating these easements was vacated. This request is to accommodate the development of the property.

CITY UTILITIES COMMENTS:

No objection to the requests. CU has facilities on the property but not within these easements

STAFF COMMENTS:

1. The Planning and Zoning Commission has the authority to relinquish easements if the relinquishment does not affect public utilities.
2. No one has objected to this request to date.
3. The previous subdivision, Killarney Heights, created the subject utility easements. That subdivision was vacated in 1974, however the easements were retained on the property. The subject easements are requested to be relinquished to accommodate development of the property.

ATTACHMENT B
RELINQUISH EASEMENT NO. 789
APPROVAL CRITERIA

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

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

STAFF RESPONSE:

No one has objected to relinquishing the utility easement to date.

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

STAFF RESPONSE:

All interested City agencies have filed a statement and do not object to the relinquishment of the subject easement.

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

STAFF RESPONSE:

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

RELINQUISH EASEMENT NO. 789
EXHIBIT 1

UTILITY EASEMENT TO BE RELINQUISHED:

All that part of Lots 5 and 6 of Grandview Plaza, a subdivision in the City of Springfield, Greene County, Missouri, being originally a part of the now vacated Killarney Heights subdivision, and being more particularly described as follows:

COMMENCING at the Northeasterly corner of Lot 5 of Grandview Plaza, a subdivision in the City of Springfield, Greene County, Missouri, said point being on the Northwesternly right of way of Interstate 44 as it now exists; thence North 43°35'06" West, along the Northerly line of Lot 5, a distance of 16.04 feet, to the POINT OF BEGINNING; thence leaving said Northerly line South 06°16'16" East, a distance of 10.10 feet; thence North 88°02'15" West, a distance of 120.04 feet, thence North 01°57'45" East, a distance of 10.00 feet, thence South 88°02'15" East, a distance of 118.59 feet to the POINT OF BEGINNING, containing 1,193 square feet or 0.03 acres, more or less.

The intent of this description being to vacate a platted easement shown between Lots 5 and 6 in the now vacated Killarney Heights subdivision.

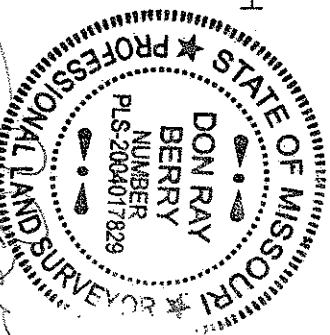
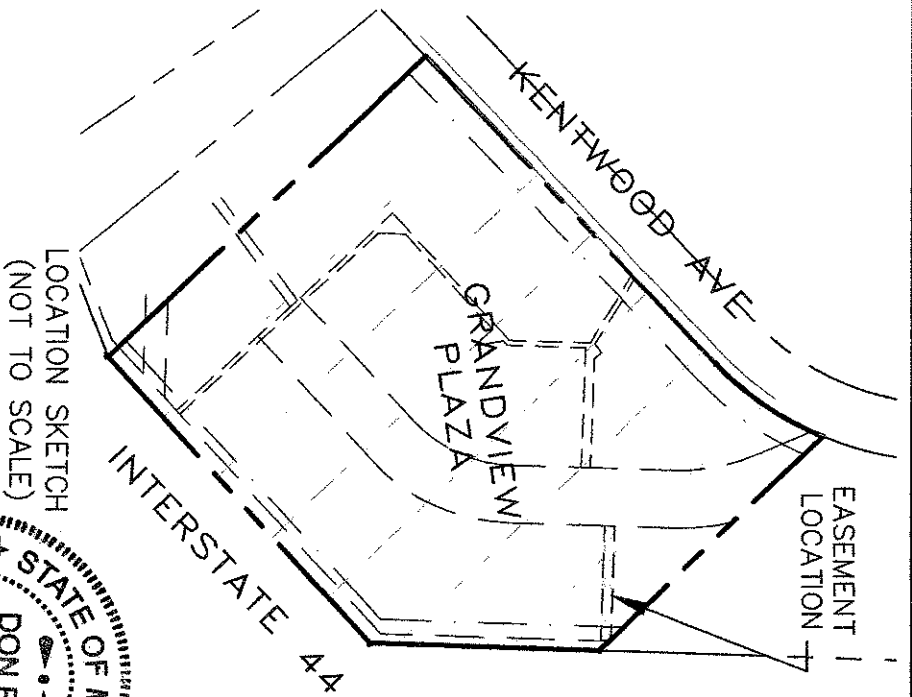
UTILITY EASEMENT TO BE RELINQUISHED:

All that part of Lots 6 through 10 of Grandview Plaza, a subdivision in the City of Springfield, Greene County, Missouri, being originally a part of the now vacated Killarney Heights subdivision, and being more particularly described as follows:

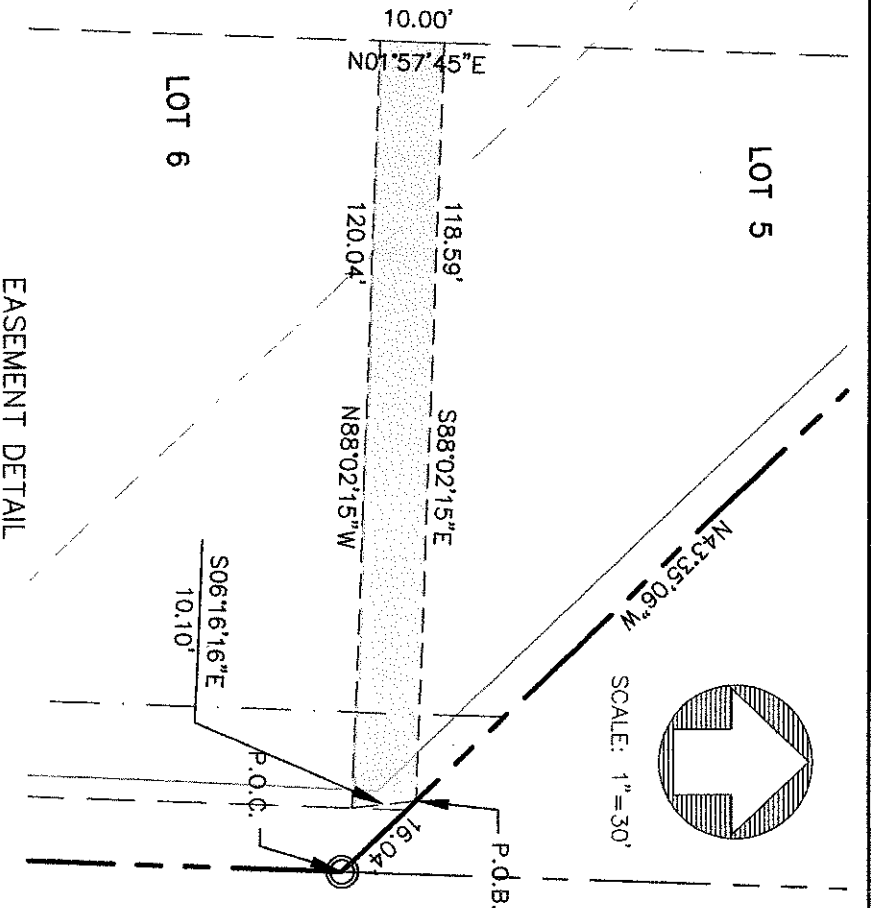
COMMENCING at the Southwesterly corner of Lot 11 of Grandview Plaza, a subdivision in the City of Springfield, Greene County, Missouri, said point being on the Northwesternly right of way of Interstate 44 as it now exists; thence North 47°32'33" East, along the Northwesternly right of way of Interstate 44, a distance of 89.61 feet; thence leaving said Northwesternly right of way of Interstate 44 North 42°27'27" West, a distance of 15.00 feet to the POINT OF BEGINNING; thence continuing North 42°27'27" West, a distance of 305.00 feet; thence North 47°32'33" East, a distance of 180.55 feet, thence North 01°57'52" East, a distance of 84.84 feet, thence North 58°31'01" West, a distance of 83.62 feet, to a point on the Southeasterly right of way of Kentwood Avenue as it now exists; thence North 46°33'18" East, along said Southeasterly right of way, a distance of 5.18 feet; thence South 58°31'01" East, leaving said Southeasterly right of way, a distance of 80.86 feet; thence North 50°09'04" East, a distance of 11.11 feet; thence South 39°50'56" East, a distance of 10.00 feet; thence South 88°02'18" East, a distance of 113.82 feet; thence

South 01°57'52" West, a distance of 10.00 feet; thence North 88°02'18" West, a distance of 125.00 feet; thence South 01°57'52" West, a distance of 81.94 feet; thence South 47°32'33" West, a distance of 5.98 feet; thence South 08°46'03" East, a distance of 30.05 feet; thence North 42°27'27" West, a distance of 25.00 feet; thence South 47°32'33" West, a distance of 135.00 feet; thence South 02°32'33" West, a distance of 28.28 feet; thence South 42°27'27" East, a distance of 280.00 feet; thence South 47°29'29" West, a distance of 5.00 feet to the POINT OF BEGINNING, containing 4,985 square feet or 0.11 acres, more or less.

The intent of this description being to vacate the platted easements shown along Lots 11 through 16 and Lot 18 in the now vacated Killarney Heights subdivision.



12/20/2012

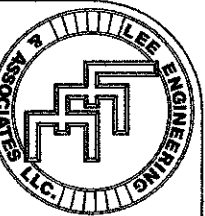


NOTE:
THIS DRAWING HAS BEEN PREPARED ONLY AS AN EXHIBIT TO ILLUSTRATE
NEW EASEMENTS TO BE DEDICATED BY RECORDED INSTRUMENTS AND IS
NOT TO BE CONSTRUED TO REPRESENT A PROPERTY BOUNDARY SURVEY.

DATE: 12/20/2012

EASEMENT RELINQUISHMENT
FOR GRANDVIEW PLAZA

PROJECT NO.: 144



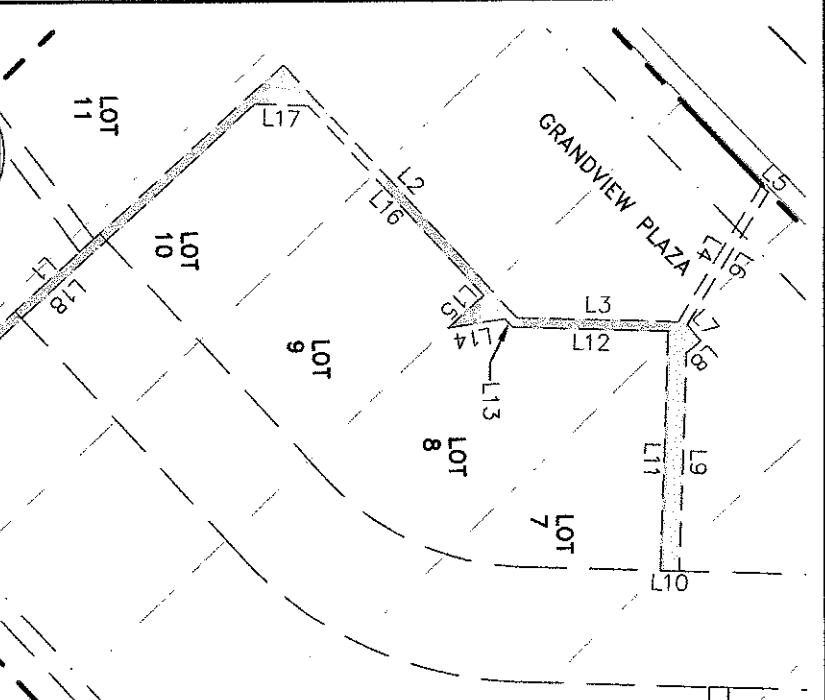
Missouri State Certificate of Authority
Engineering #2005015504
Land Surveying #2005028050

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

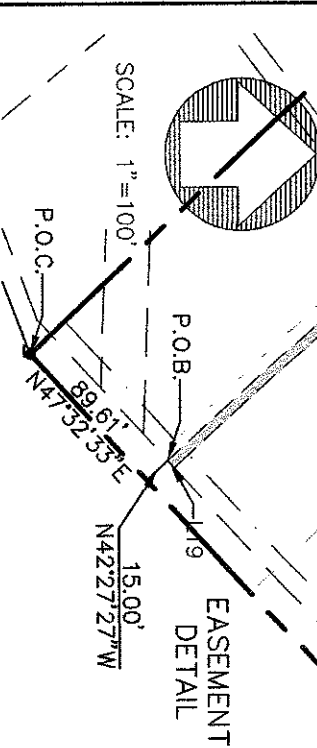
417-886-9100 (phone)
417-886-9336 (fax)

dlee@leeengineering.biz

"Engineering with Integrity"



LINE TABLE		
LINE	LENGTH	BEARING
L1	305.00	N42°27'27"W
L2	180.55	N47°32'33"E
L3	84.84	N01°57'52"E
L4	83.62	N58°31'01"W
L5	5.18	N46°33'18"E
L6	80.86	S58°31'01"E
L7	11.11	N50°09'04"E
L8	10.00	S39°50'56"E
L9	113.82	S88°02'18"E
L10	10.00	S01°57'52"W
L11	125.00	N88°02'18"W
L12	81.94	S01°57'52"W
L13	5.98	S47°32'33"W
L14	30.05	S08°46'03"E
L15	25.00	N42°27'27"W
L16	135.00	S47°32'33"W
L17	28.28	S02°32'33"W
L18	280.00	S42°27'27"E
L19	5.00	S47°29'29"W

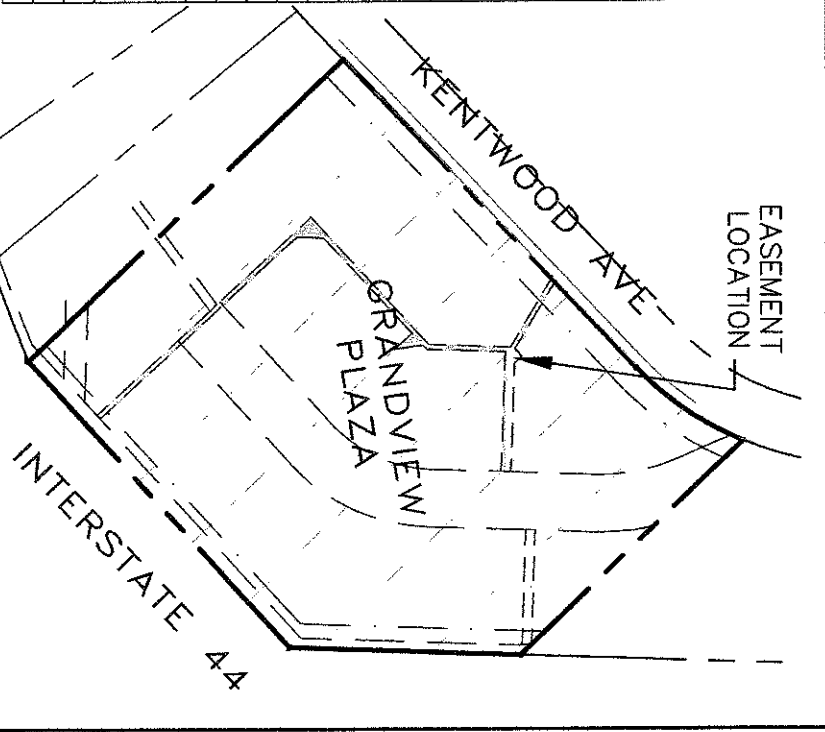
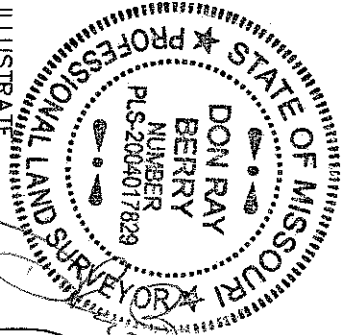


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DATE: 12/20/2012

EASEMENT RELINQUISHMENT
FOR GRANDVIEW PLAZA

PROJECT NO.:
144



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

"Engineering with Integrity"

Missouri State Certificate of Authority
Engineering #20350/1504
Land Surveying #200028030

ZONING & SUBDIVISION REPORT

PLANNING & DEVELOPMENT DEPARTMENT ~ 417-864-1611
840 BOONVILLE AVENUE ~ SPRINGFIELD, MISSOURI 65801

SUBDIVISION VARIANCE NUMBER 341

DATE: January 28, 2013

PURPOSE: The applicant is requesting a variance from Section 410(6)(a) of the Subdivision Regulations so that a payment may be made in lieu of constructing a sidewalk the frontage of Airport Commerce Avenue.

BACKGROUND:

LOCATION: 2715 N. Airport Commerce Avenue

APPLICANT: McIntosh Holdings, LLC

TRACT SIZE: Approximately 13.19 acres

EXISTING USE: Manufacturing uses

PROPOSED USE: Expansion of existing manufacturing uses

RECOMMENDATION:

Staff recommends the subdivision variance be **approved**.

FINDINGS:

1. The requested subdivision variance satisfies the conditions for variance approval outlined in Section 106(3) of the Subdivision Regulations.

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner

ATTACHMENTS:

Attachment A – Staff Background Report

Attachment B – Approval Criteria

Attachment C – Proposed Administrative Re-plat of Airport Commerce Center 6th Addition

ATTACHMENT A
BACKGROUND REPORT
SUBDIVISION VARIANCE NUMBER 341

APPLICANT'S PROPOSAL:

The applicant is requesting a subdivision variance to pay a fee-in-lieu of constructing sidewalks along the frontage of Airport Commerce Avenue.

TRAFFIC ENGINEERING COMMENTS:

Airport Commerce Drive is in an industrial area which does not experience a high volume of pedestrian traffic. The Traffic Division supports a fee in lieu of construction of sidewalks along the property frontage of Airport Commerce Drive.

STAFF COMMENTS:

1. The applicant is requesting a subdivision variance to pay a fee-in-lieu of constructing sidewalks along the frontage of Airport Commerce Avenue. The required sidewalk would not connect to any adjacent sidewalks or pedestrian facilities. Staff believes the sidewalk improvements can be placed in a more appropriate location. The sidewalk fees will go to a fund that will be used for future sidewalk projects benefiting elementary schools in the area.
2. The applicant has also proposed vacating lots from Airport Commerce Center 2nd and 3rd Additions, as well as, vacating the street, Cullie Court. The vacation and variance will be immediately followed by the recording of a new administrative re-plat that will consolidate the property into one lot. The *Subdivision Regulations* require sidewalk on one (1) side of all local streets in the Heavy Manufacturing District.

ATTACHMENT B
APPROVAL CRITERIA
SUBDIVISION VARIANCE NUMBER 341

Section 106 of the Subdivision Regulations states in part:

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

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

Applicant's Response:

There are no sidewalks in the area and the construction of these sidewalks would not serve any purpose.

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the owner, and;

Applicant's Response:

This is not applicable.

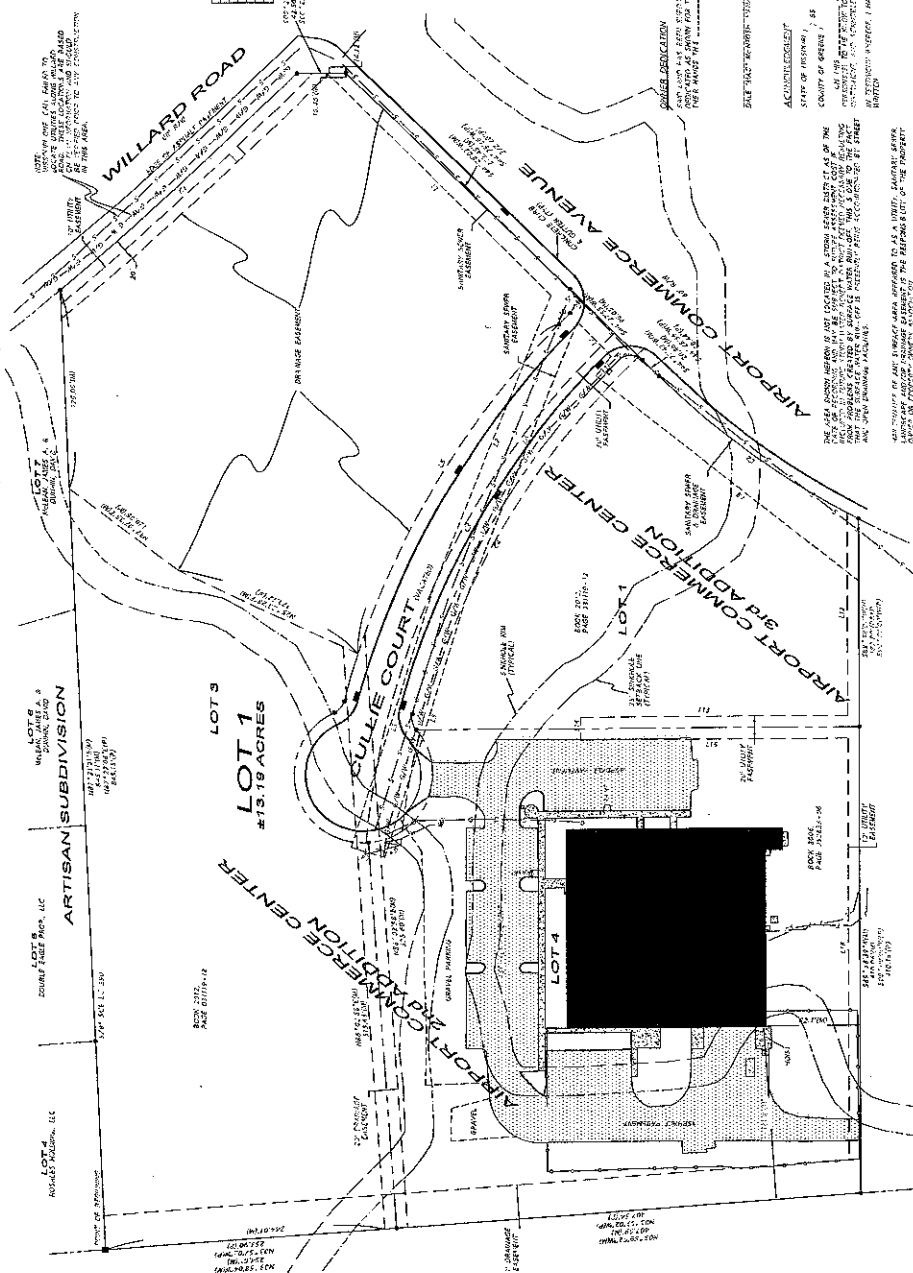
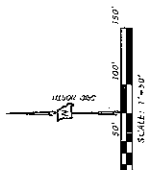
3. The granting of the variance would not be detrimental to the public safety, convenience or welfare or be injurious to other property in the vicinity.

Applicant's Response:

This statement is true.

Exhibit C

AIRPORT COMMERCE CENTER
6th ADDITION
OF
THE NOW VACATED LOT 3 AND LOT 4 OF
AIRPORT COMMERCE CENTER 2nd ADDITION &
LOT 1 OF AIRPORT COMMERCE CENTER 3rd ADDITION
IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI



RECAPITULATE - ACREAGE

LOT	ACREAGE
LOT 1	13.19
LOT 3	1.00
LOT 4	1.00
LOT 5	1.00
TOTAL	16.19

VICINITY MAP

SECTION	TOWNSHIP	RANGE	SECTION
36	36N	12E	36
35	36N	12E	35
34	36N	12E	34
33	36N	12E	33

DEED RECORD

BOOK	PAGE	DATE	RECORD
100	100	10/1/19	100
101	101	10/1/19	101
102	102	10/1/19	102
103	103	10/1/19	103
104	104	10/1/19	104
105	105	10/1/19	105
106	106	10/1/19	106
107	107	10/1/19	107
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112	112	10/1/19	112
113	113	10/1/19	113
114	114	10/1/19	114
115	115	10/1/19	115
116	116	10/1/19	116
117	117	10/1/19	117
118	118	10/1/19	118
119	119	10/1/19	119
120	120	10/1/19	120

DESCRIPTION OF REPLAT

THE REPLAT OF THE AIRPORT COMMERCE CENTER 2nd ADDITION & LOT 1 OF THE AIRPORT COMMERCE CENTER 3rd ADDITION, GREENE COUNTY, MISSOURI, TO THE CITY OF SPRINGFIELD, MISSOURI, FOR THE PURPOSE OF RE-PLATING THE SAME INTO LOT 1, LOT 3, LOT 4 AND LOT 5, AS SHOWN ON THE RECAPITULATE ATTACHED HERETO, IS HEREBY CERTIFIED TO BE TRUE AND CORRECT BY THE CITY CLERK OF THE CITY OF SPRINGFIELD, MISSOURI, THIS 10th DAY OF OCTOBER, 2019.

NOTICE: THE CITY OF SPRINGFIELD, MISSOURI, HAS BEEN ADVISED BY THE CITY CLERK THAT THE RECAPITULATE ATTACHED HERETO IS TRUE AND CORRECT, AND THAT THE RECAPITULATE IS A TRUE AND CORRECT REPRESENTATION OF THE ACTUAL SITUATION ON THE GROUND.

STATE OF MISSOURI, ss:
COUNTY OF GREENE, ss:
I, the undersigned, being a duly qualified and sworn Notary Public for the State of Missouri, do hereby certify that the foregoing is a true and correct copy of the original instrument filed for record in my office on the 10th day of October, 2019.

WITNESS MY HAND AND SEAL OF OFFICE, this 10th day of October, 2019.

NOTARY PUBLIC
STATE OF MISSOURI

ADMINISTRATIVE REPLAT
PROJECT LOCATION: 2715 N. AIRPORT COMMERCE AVENUE
SPRINGFIELD, GREENE COUNTY, MISSOURI
PREPARED FOR:
MCINTOSH HOLDINGS, LLC
PROJECT NO: 2012-146

RECAPITULATE OF AIRPORT COMMERCE CENTER 2nd ADDITION & LOT 1 OF THE AIRPORT COMMERCE CENTER 3rd ADDITION, GREENE COUNTY, MISSOURI, TO THE CITY OF SPRINGFIELD, MISSOURI, FOR THE PURPOSE OF RE-PLATING THE SAME INTO LOT 1, LOT 3, LOT 4 AND LOT 5, AS SHOWN ON THE RECAPITULATE ATTACHED HERETO, IS HEREBY CERTIFIED TO BE TRUE AND CORRECT BY THE CITY CLERK OF THE CITY OF SPRINGFIELD, MISSOURI, THIS 10th DAY OF OCTOBER, 2019.

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EXPLANATION TO COUNCIL BILL NO: 2013-_____

FILED: _____

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To adopt an ordinance to vacate a portion of Hayden Avenue and adjacent alleys generally located at the 200 block North Hayden Avenue. (Staff recommends approval with conditions).

BACKGROUND INFORMATION:

VACATION NO. 752

The Planning and Zoning Commission is typically the final authority on requests for the vacation of public right-of-way. However, if there are requirements that must be met before the vacation becomes effective, the request must then be forwarded to City Council, as is the case with the subject property.

The applicant is requesting to vacate a portion of Hayden Avenue and adjacent alleys generally located at the 200 block N. Hayden Avenue. The vacation will require replacement easements to be dedicated before the property can be vacated. The proposed vacation meets the approval criteria for vacating right-of-way with the required conditions.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on March 7, 2013, and recommended _____, by a vote of ___ to __, of the proposed vacation with conditions described in _____ (see the attached Record of Proceedings).

The Planning and Development Staff recommends **approval** of the proposed vacation with conditions as described on Exhibit A.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed vacation meets the approval criteria for vacating public right-of-way with conditions.

Submitted by:

Mike MacPherson, Principal Planner

Greg Burris, City Manager

Zoning & Subdivision Report

*Planning & Development Department ~ 417/864-1031
840 Boonville Avenue ~ Springfield, Missouri*

VACATION #752

DATE: February 25, 2013

PURPOSE: To vacate a portion of Hayden Avenue and adjacent alleys.

BACKGROUND:

LOCATION: 200 block N. Hayden Ave.

APPLICANT: Cherry Properties, LTD, SWDFOR, LLC, JM EC LORE, LLC and
Marguerite Lee Trust and The Kitchen, Inc.

RECOMMENDATION:

Staff recommends **approval** of this request with the following condition:

CONDITIONS:

A Final Plat is recorded which includes all necessary replacement easements.

If this condition is not met within two (2) years of City Council's approval, then that approval is null and void and the property is not vacated.

FINDINGS FOR STAFF RECOMMENDATION:

The requested Vacation #752 meets the approval criteria listed in Attachment B. The proposed condition will require this to be forwarded to City Council for review and approval.

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner

ATTACHMENTS:

Attachment A - Background Report
Attachment B - Approval Criteria
Exhibit A - Legal Description
Exhibit B - Location Map & Sketches

ATTACHMENT A
BACKGROUND REPORT
VACATION #752

APPLICANT'S PROPOSAL:

The applicant is requesting to vacate a portion of Hayden Avenue, a public street, and adjacent public alleys. This will facilitate the redevelopment of the site into a new CU bus transfer station.

TRAFFIC ENGINEERING COMMENTS:

Traffic does not oppose the vacation. A turn around will need to be provided on Hayden Avenue per city standard ST-20.

AT&T COMMENTS:

Pending customer reimbursed cost of removal of copper and fiber facilities on property. Conduit or easements will need to be provided for future access to structure as needed.

CITY UTILITIES COMMENTS:

Any necessary easements will need to be replaced as part of the final plat of the property.

STORM WATER COMMENTS:

Okay with vacations shown contingent upon the following actions occurring with the platting process:

1. Must provide public improvement plans and construct or escrow public improvements to convey offsite drainage across the new bus transfer facility lot. This includes flows from the existing east-west alley, the printing press company lot, and Hayden Ave.
2. Drainage easements must be provided for any conveyance systems (pipes, channels, etc) conveying public stormwater across lot lines or from offsite across any lot. These easements must be sized to carry the 100 year peak flow rates.

POLICE DEPARTMENT:

The Police Department does not have any issues with this request.

SANITARY SERVICE:

The vacation cannot take place before the final plat is filed to maintain easements for the existing sewer unless conditions are placed on the vacation stating that it will not be effective until after the final plat is filed.

ADJACENT PROPERTY OWNER COMMENTS:

Twenty-two (22) property owners are within three hundred (300) feet of this site and have been notified of this action. No one has objected to date.

STAFF COMMENTS:

1. The applicant is requesting to vacate a portion of Hayden Avenue, a public street, and adjacent public alleys. This will facilitate the redevelopment of the site into a new CU bus transfer station. The preliminary plat of Pioneer School Addition accompanies this vacation and a final plat will need to be recorded at the same time as the vacation.
2. The proposed vacation meets the approval criteria for vacating the right-of-way. The proposed condition will require City Council to approve this vacation. The applicant is requesting a condition that will require a final plat to be recorded with any necessary replacement easements. If this condition is not met within two (2) years of City Council's approval, then that approval is null and void and the property is not vacated.

ATTACHMENT B
APPROVAL CRITERIA
VACATION #752

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

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

STAFF RESPONSE:

All adjacent properties have access to other public streets after the final plat has been recorded.

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

STAFF RESPONSE:

All three (3) of the adjacent property owners are requesting the vacation.

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

STAFF RESPONSE:

With the reconfiguration of these lots into one, Hayden Avenue or the adjacent alleys serve no useful purpose.

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

STAFF RESPONSE:

The proposed vacation will not adversely affect properties the ability to use utilities, public or private. All necessary utilities will be protected or replaced in easements as part of the final plat.

EXHIBIT A
LEGAL DESCRIPTION
VACATION #752

AREA TO BE VACATED:

HAYDEN AVENUE VACATION:

A TRACT OF LAND AS LYING IN PHELPS 2ND ADDITION AS DESCRIBED IN PLAT BOOK A, PAGE 81 AND LYING IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 29 NORTH, RANGE 22 WEST AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 27 OF PHELPS 2ND ADDITION AS DESCRIBED IN PLAT BOOK A, PAGE 81; THENCE ALONG THE WEST RIGHT-OF-WAY OF HAYDEN AVENUE AND ALONG THE EAST LINE OF LOTS 27, 28, 29 AND 30 OF PHELPS 2ND ADDITION, NORTH 04°15'31" WEST, 208.20 FEET TO A POINT LYING ON THE CENTER OF A VACATED ALLEY AS DESCRIBED IN ORDINANCE NUMBER 5989 DATED OCTOBER 29, 1910; THENCE LEAVING SAID WEST RIGHT-OF-WAY AND ALONG SAID CENTER LINE, SOUTH 87°33'22" EAST, 50.12 FEET TO A POINT LYING ON THE EAST RIGHT-OF-WAY OF HAYDEN STREET; THENCE LEAVING SAID CENTER LINE AND ALONG SAID EAST RIGHT-OF-WAY, SOUTH 04°11'04" EAST, 208.53 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY, NORTH 87°08'49" WEST, 49.89 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 29 NORTH, RANGE 22 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 2000.

CONTAINING 10,344 SQUARE FEET OR 0.237 ACRES AND 209 LINEAR FEET, MORE OR LESS.

SOUTH ALLEY VACATION:

A TRACT OF LAND AS LYING IN PHELPS 2ND ADDITION AS DESCRIBED IN PLAT BOOK A, PAGE 81 AND LYING IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 29 NORTH, RANGE 22 WEST AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 27 OF PHELPS 2ND ADDITION AS DESCRIBED IN PLAT BOOK "A", PAGE 81 SAID POINT ALSO LYING ON THE WEST RIGHT-OF-WAY OF HAYDEN AVENUE; THENCE ALONG SAID WEST RIGHT-OF-WAY, SOUTH 04°15'31" EAST, 15.12 FEET TO A POINT LYING ON THE SOUTH LINE OF A PLATTED 15.00 FOOT WIDE ALLEY; THENCE LEAVING SAID WEST RIGHT-OF-WAY AND ALONG SAID SOUTH LINE, NORTH 87°08'49" WEST, 174.82 FEET TO A POINT LYING ON THE WEST LINE OF SAID ALLEY; THENCE LEAVING SAID SOUTH LINE AND ALONG SAID WEST LINE, NORTH 03°33'35" WEST, 15.09 FEET TO A POINT LYING ON THE NORTH LINE OF SAID ALLEY; THENCE LEAVING SAID WEST LINE AND ALONG SAID NORTH LINE, SOUTH 87°08'49" EAST, 174.64 FEET TO THE POINT OF BEGINNING. ALL LYING IN

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 29 NORTH, RANGE 22 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 2000.

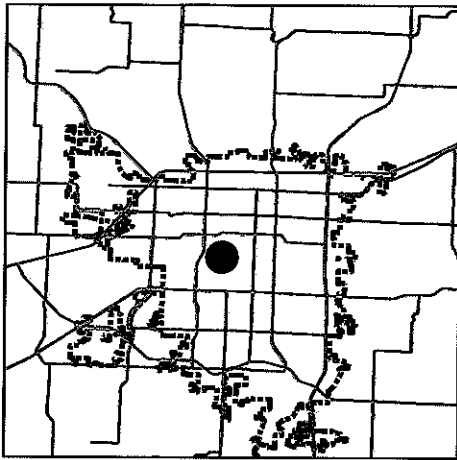
CONTAINING 2,621 SQUARE FEET OR 0.060 ACRES AND 175 LINEAR FEET, MORE OR LESS.

LOT "A" VACATION

A TRACT OF LAND AS LYING IN PHELPS 2ND ADDITION AS DESCRIBED IN PLAT BOOK A, PAGE 81 AND LYING IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 29 NORTH, RANGE 22 WEST AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 27 OF PHELPS 2ND ADDITION AS DESCRIBED IN PLAT BOOK "A", PAGE 81; THENCE ALONG THE NORTH LINE OF A 15.00 FOOT PLATTED ALLEY, NORTH 87°08'49" WEST, 7.55 FEET TO A POINT LYING ON THE WEST LINE OF LOT "A"; THENCE LEAVING SAID NORTH LINE AND ALONG SAID WEST LINE, NORTH 03°33'35" WEST, 206.67 FEET TO A POINT LYING ON THE CENTER OF A VACATED ALLEY AS DESCRIBED IN ORDINANCE NUMBER 5989, DATED OCTOBER 10, 1910; THENCE ALONG SAID CENTERLINE, SOUTH 87°33'22" EAST, 7.54 FEET; THENCE LEAVING THE CENTER OF SAID ALLEY AND ALONG THE EAST LINE OF LOT "A", SOUTH 03°33'35" EAST, 108.50 FEET; THENCE LEAVING SAID EAST LINE, AND ALONG THE NORTH LINE OF A DEED EXCEPTION FOR STREET PURPOSE AS DESCRIBED IN BOOK 2003, PAGE 085634-03, ALSO BEING THE NORTH LINE OF LOT 28, SOUTH 87°33'09" EAST, 10.00 FEET; THENCE LEAVING SAID NORTH LINE AND ALONG THE EAST LINE OF SAID DEED EXCEPTION, SOUTH 03°33'35" EAST, 50.48 FEET TO A POINT LYING ON THE SOUTH LINE OF LOT 28; THENCE ALONG SAID SOUTH LINE, NORTH 87°33'09" WEST, 10.00 FEET TO A POINT LYING ON THE EAST LINE OF THE AFOREMENTIONED LOT "A"; THENCE ALONG SAID EAST LINE, SOUTH 03°33'35" EAST, 47.75 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 29 NORTH, RANGE 22 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 2000.

CONTAINING 2,055 SQUARE FEET OR 0.047 ACRES AND 207 LINEAR FEET, MORE OR LESS.



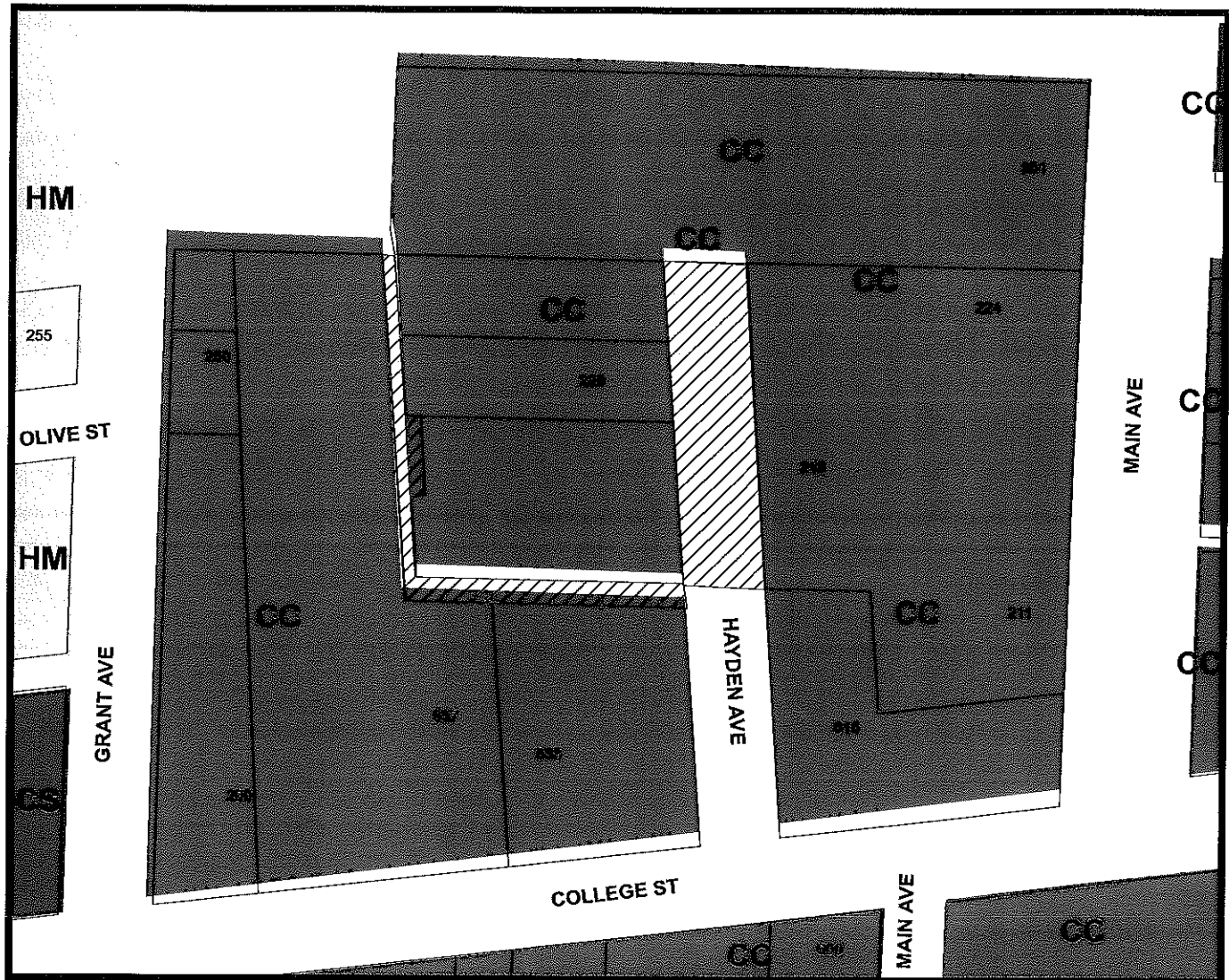
Zoning & Subdivision Report

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

Vacation 752

Location: 200 block N. Hayden Ave. and adjacent alleys
Current Zoning: CC, Center City

LOCATION SKETCH



- Area of Proposal

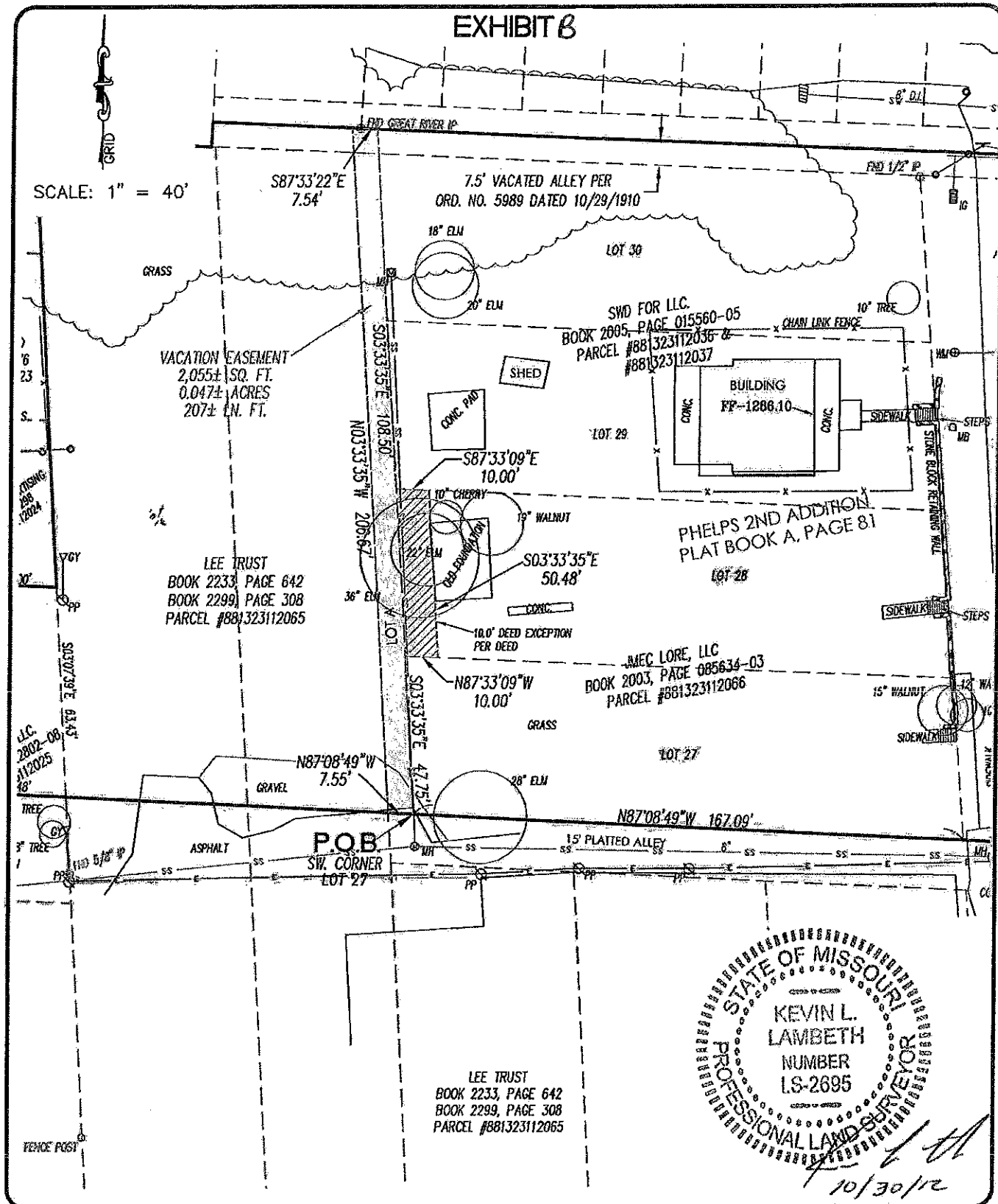


1 inch = 100 feet

JAMES W. & DEBORAH MEIN
BOOK 2003, PAGE 056821--
PARCEL #881323112067

EXHIBIT B

SCALE: 1" = 40'



ANDERSON ENGINEERING, INC
ENGINEERS • SURVEYORS • LABORATORIES • DRILLING
 2045 W. WOODLAND • SPRINGFIELD, MISSOURI 65807 • PHONE (417) 656-2741

CITY UTILITIES OF SPRINGFIELD
VACATION EASEMENT SKETCH
 COLLEGE AVE. & GRANT ST., SPRINGFIELD, MO.

109547.DWG
 DRAWN BY: BAC
 DATE: 10-29-2012
 CLIENT NO: 30161-12

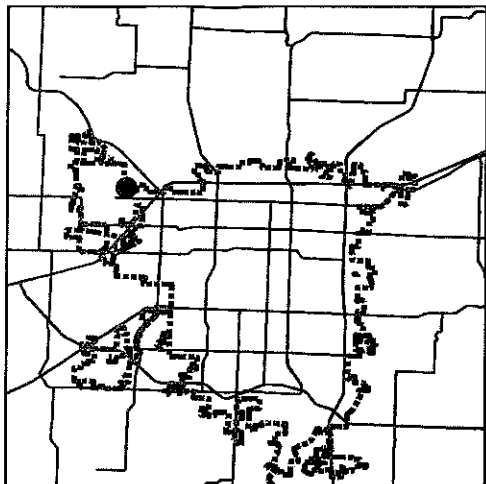
Zoning & Subdivision Report

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

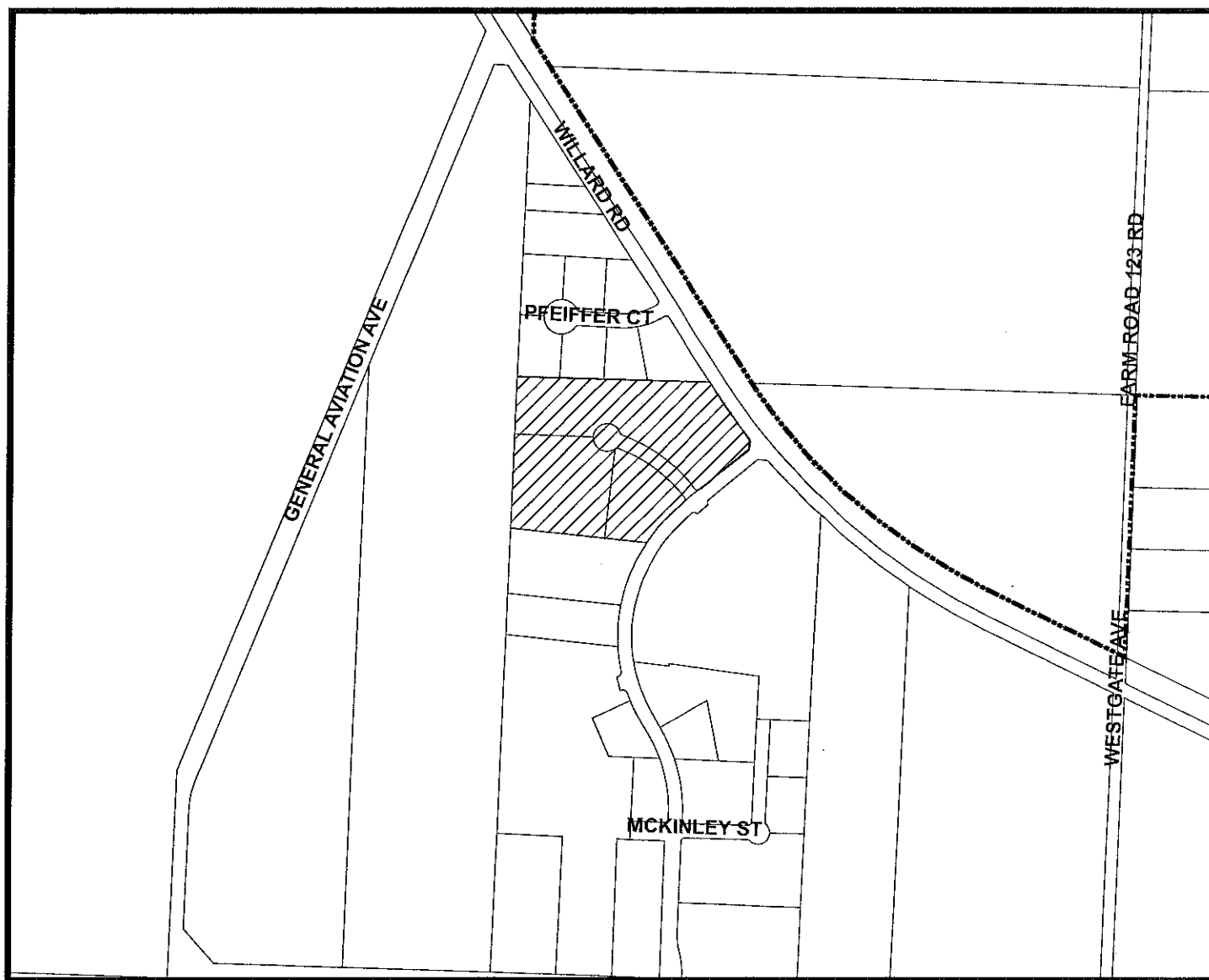
Vacation # 753

Location: 2715 N Airport Commerce Center Drive

Current Zoning: HM, Heavy Manufacturing District



LOCATION SKETCH



- Area of Proposal



1 inch = 700 feet

Zoning & Subdivision Report

*Planning & Development Department ~ 417/864-1031
840 Boonville Avenue ~ Springfield, Missouri*

VACATION #753

DATE: January 28, 2013

PURPOSE: To vacate three (3) lots in a platted subdivision and a public street (Cullie Court).

BACKGROUND:

LOCATION: 2715 North Airport Commerce Drive

APPLICANT: McIntosh Holdings LLC

RECOMMENDATION:

Staff recommends **approval** of this request with the following condition:

CONDITIONS:

An Administrative Re-Plat is recorded which includes all necessary replacement easements.

If this condition is not met within one (1) year of City Council's approval, then that approval is null and void and the property is not vacated.

FINDINGS FOR STAFF RECOMMENDATION:

The requested Vacation #753 meets the approval criteria listed in Attachment B. The proposed condition will require this to be forwarded to City Council for review and approval.

STAFF CONTACT PERSON:

Alana D. Owen, AICP
Senior Planner

ATTACHMENTS:

Attachment A - Background Report
Attachment B - Approval Criteria
Exhibit A - Legal Description

ATTACHMENT A
BACKGROUND REPORT
VACATION #753

APPLICANT'S PROPOSAL:

The applicant is requesting to vacate three lots within a platted subdivision and a public street (Cullie Court).

TRAFFIC ENGINEERING COMMENTS:

Traffic has no issues with this vacation request

CITY UTILITIES COMMENTS:

Any necessary easements will need to be replaced as part of the Re-Plat of the property.

STORM WATER COMMENTS:

1. Okay with vacation of subdivision (including the vacation of the existing drainage easements and right of way) contingent upon the replat of these properties into one lot.
2. The replat of the properties into one lot will require drainage easements. The exact location and size of these easements shall be based upon stormwater reports to be prepared, which will include sinkhole studies/reports.
3. Based upon the findings of these reports public improvements may be required prior to filing the final replat, and depending on the recommendations of these reports, it may be possible to escrow those public improvements in/around the sinkhole areas.
4. Water quality requirements must be met for the proposed increase in impervious surface; however that requirement can be met after the subdivision is replatted, provided it is done before any building permits are issued.

POLICE DEPARTMENT:

The Police Department does not have any issues with this request.

SANITARY SERVICE:

Need to retain sewer easements wherever right-of-way is vacated.

ADJACENT PROPERTY OWNER COMMENTS:

Six (6) property owners are within three hundred (300) feet of this site and have been notified of this action. No one has objected to date.

STAFF COMMENTS:

1. Two of the three lots and the public Street (Cullie Court) within the area to be vacated were platted as part of Airport Commerce Center 2nd Addition. The third lot was platted as Airport Commerce Center 3rd Addition. All three lots have common ownership. The owner of the property is in the process of doing an Administrative Re-Plat to combine the properties into one lot. When the lots are combined into one lot, the existing street, Cullie Court, will no longer be needed to serve the individual lots. As part of the Administrative Re-plat, all existing easements will be replaced with new easements if necessary.
2. The proposed vacation meets the approval criteria for vacating the subdivision and right-of-way. The proposed condition will require City Council to approve this vacation.

ATTACHMENT B
APPROVAL CRITERIA
VACATION #753

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

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

STAFF RESPONSE:

All adjacent property has access to other public access ways.

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

STAFF RESPONSE:

There is one adjacent owner and they are requesting the vacation.

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

STAFF RESPONSE:

The proposed vacation should have no impact to vehicular traffic patterns as the public street only serves the three lots within the subject area and the lots will be combined into one lot with an Administrative Re-Plat.

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

STAFF RESPONSE:

The proposed vacation will not adversely affect the ability to use utilities, public or private. All necessary easements will be replaced as part of the Administrative Re-Plat.

EXHIBIT A
LEGAL DESCRIPTION
VACATION #753

AREA TO BE VACATED:

THAT CERTAIN PARCEL OR TRACT OF LAND BEING ORIGINALLY PLATTED AS ALL OF LOT 3 AND ALL OF LOT 4 OF AIRPORT COMMERCE CENTER 2nd ADDITION, A RECORDED SUBDIVISION IN SPRINGFIELD, GREENE COUNTY, MISSOURI AND ALL OF LOT 1 OF AIRPORT COMMERCE CENTER 3rd ADDITION, A RECORDED SUBDIVISION IN SPRINGFIELD, GREENE COUNTY, MISSOURI AND THAT PORTION OF CULLIE COURT AS SHOWN ON THE FINAL PLAT OF SAID AIRPORT COMMERCE CENTER 2nd ADDITION, A RECORDED SUBDIVISION IN SPRINGFIELD, GREENE COUNTY, MISSOURI, THE TOTAL AREA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING STONE AT THE NORTHWEST CORNER OF SAID LOT 3;

THENCE, N87°21'01"E, ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 845.11 FEET TO AN EXISTING 5/8" IRON PIN CAPPED "DRENNON LS 2260" AT THE NORTHEAST CORNER OF SAID LOT 3, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLARD ROAD;

THENCE, ALONG SAID RIGHT-OF-WAY LINE, ALONG A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 2894.20 FEET, A CENTRAL ANGLE OF 05°34'17", AN ARC DISTANCE OF 281.43 FEET, ALONG A CHORD BEARING S42°16'30"E TO AN EXISTING 5/8" IRON PIN CAPPED "DRENNON LS 2260" ON THE WESTERLY RIGHT-OF-WAY LINE OF AIRPORT COMMERCE AVENUE;

THENCE, ALONG SAID RIGHT-OF-WAY LINE FOR THE FOLLOWING FIVE (5) DESCRIBED COURSES:

THENCE, S00°27'39"E, A DISTANCE OF 42.50 FEET TO AN EXISTING 5/8" IRON PIN CAPPED "DRENNON LS 2260";

THENCE, S44°26'02"W, A DISTANCE OF 272.45 FEET TO AN EXISTING 5/8" IRON PIN CAPPED "DRENNON LS 2260";

THENCE, S44°27'55"W, A DISTANCE OF 90.03 FEET TO AN EXISTING 5/8" IRON PIN CAPPED "DRENNON LS 2260";

THENCE, S44°27'42"W, A DISTANCE OF 20.46 FEET TO AN EXISTING 5/8" IRON PIN CAPPED "DRENNON LS 2260" AND A POINT OF NON-TANGENT CURVATURE TO THE LEFT;

THENCE, ALONG SAID NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 730.00 FEET, A CENTRAL ANGLE OF 17°00'17", AN ARC DISTANCE OF 216.65 FEET, ALONG A CHORD BEARING S35°56'47"W TO AN EXISTING 5/8" IRON PIN CAPPED "DRENNON LS 2260" AT THE SOUTHEAST CORNER OF SAID LOT 1;

THENCE, S89°58'07"W, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 182.89 FEET TO AN EXISTING 5/8" IRON PIN CAPPED "DRENNON LS 2260" AT THE SOUTHEAST CORNER OF SAID LOT 4;

THENCE, S89°58'39"W, ALONG THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 410.06 FEET TO AN EXISTING 5/8" IRON PIN CAPPED "DRENNON LS 2260" AT THE SOUTHWEST CORNER OF SAID LOT 4;

THENCE, N03°59'52"W, ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 407.59 FEET TO AN EXISTING 5/8" IRON PIN CAPPED "DRENNON LS 2260" AT THE SOUTHWEST CORNER OF SAID LOT 3;

THENCE, N03°58'04"W, ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 254.01 FEET TO THE POINT OF BEGINNING.

TOTAL AREA CONTAINING 13.19 ACRES (MORE OR LESS)

EXPLANATION TO COUNCIL BILL NO: 2013-_____

FILED: _____

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To amend *Sections 4-3100, General Retail District, 4-3200, Highway Commercial District and 4-3500, Commercial Street District*, in the *Springfield Zoning Ordinance*. (Staff recommends approval).

BACKGROUND INFORMATION:

ZONING ORDINANCE TEXT AMENDMENT – FLEA MARKET AND SECOND HAND STORE AMENDMENTS

Planning and Zoning Commission initiated the Flea Market and Second Hand Store Amendments at their meeting on January 10, 2013.

Planning and Development staff has recently received several land development inquiries where owners of flea markets or second hand stores have expressed interest in locating in a General Retail (GR) District.

In November of 2012, Planning and Zoning Commission and City Council reviewed and approved amendments to remove pawn shops as a specifically listed use and add it to the Retail Sales Use Group. Staff is requesting similar considerations be given to the second hand store use which are only permitted in the Highway Commercial (HC) and Commercial Street (COM) Districts. The limitations of each district will restrict the floor area or permitted outdoor activities. The Retail Sales Use Group is characterized as firms involved in the sale lease or rent of new or used products to the general public. They may also provide personal services or entertainment or provide product repair or services for consumer and business goods. Staff submits that second hand stores offer similar products and activities that are consistent with the characteristics of the Retail Sales Use Group and trying to distinguish between the sales of second hand items from new items is difficult to enforce.

Currently, flea markets entirely within an enclosed building are permitted in the Highway Commercial (HC), Commercial Services (CS), Center City (CC) and Commercial Street (COM) Districts. Flea markets with outdoor activities are permitted in all Industrial Districts (RI, LI, GM, HM and IC). Staff initially intended to propose removing flea markets from all zoning districts and adding it to the Retail Sales Use Group. However, such a change would create issues for flea markets in the industrial zoning districts where retail sales are limited to products related to the principal use. Staff is now proposing to simply add the flea market use entirely within an enclosed building to the GR District. Staff submits there is not an identifiable distinction between a flea market within an enclosed building in the HC and one in the GR.

Development Issues Input Group (DIIG), Urban Districts Alliance (UDA), Environmental Advisory Board (EAB), Commercial Club and all registered neighborhood associations were notified of these amendments and have made no objections to date.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on February 7, 2013, and recommended _____, by a vote of ___ to __, of the proposed changes to the Zoning Ordinance described in Attachment A.

The Planning and Development Staff recommends **approval** of the proposed amendments on Attachment A.

FINDINGS FOR STAFF RECOMMENDATION:

1. Flea markets and second hand stores have similar characteristics to the General Retail District and Retail Sales Use Group.

Submitted by:

Mike MacPherson, Principal Planner

Greg Burris, City Manager

ATTACHMENT A
FLEA MARKET AND SECOND HAND STORE AMENDMENTS

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

Section 4-3100. GR - General Retail District.

4-3102. Permitted Uses. (G.O. 5879, 7/26/10)

- A. Accessory Uses, as permitted by *Section 5-1000, Accessory Structures and Uses*.
- B. 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)
- C. Art galleries, libraries, and museums.
- D. Bed and Breakfast. (G.O. 5127, 10/29/01)
- E. Catering businesses. (G.O. 5585, 07/24/06)
- 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)
- G. Commercial Gardens and/or Farmers Markets with retail and/or wholesale sales on-site. (G.O. 5843, 11/09/09) (G.O. 5880, 7/26/10)
- H. Commercial off-street parking lots and structures.
- I. Community Gardens without retail or wholesale sales on-site in accordance with the performance standards of *Section 5-3000, Community Gardens*. (G.O. 5843, 11/09/09)
- J. Day care centers in accordance with *Chapter 36, Article XI, Springfield City Code*.
- K. Eating and Drinking Establishments Use Group.
- L. Entertainment-oriented Use Group.
- M. Flea Markets entirely within enclosed buildings
- ~~M.N.~~ Funeral homes and mortuaries (crematoriums are permitted as accessory uses).
- N.O. General Office Use Group
- ~~O.P.~~ Household resource recovery collection centers, screened from all residential districts and public rights-of-way in conformance with *Section 6-1000, Screening*

and Fencing.

P-Q. Medical Office Use Group

Q-R. Personal Services Use Group

R-S. Police and fire stations.

S-T. Private clubs and lodges.

T-U. Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

U-V. Public service and public utility uses, as follow: (G.O. 5094, 07/09/01)

1. Tier I wireless facilities in accordance with *Section 5-2600, Telecommunication Towers*;
2. Tier III wireless facilities in accordance with *Section 5-2600, Telecommunication Towers*, provided wireless towers sixty (60) feet or greater in height allow collocation of at least one (1) additional provider's facilities;
3. Tier IV wireless facilities in accordance with *Section 5-2600, Telecommunication Towers*, provided wireless towers are setback from any residential district at least two (2) feet for every one (1) foot of tower height and allow collocation of at least one (1) additional provider's facilities or at least two (2) additional providers' facilities if the tower height is one hundred twenty (120) feet or greater.; and
4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

V-W. Residential uses provided such uses are located above the first floor or behind non-residential uses so as to promote continuous non-residential uses on the first-floor level along all street frontages. (G.O. 4570, 11/27/95)

W-X. Retail Sales Use Group

X-Y. Schools or development centers for persons with handicaps or development disabilities.

Y-Z. Schools, business. (G.O. 5585, 07/24/06)

Z-AA. Seasonal outdoor sales and related storage as permitted by *Section 5-1200, Temporary Uses*.

AA-BB. Taxidermists.

BB-CC. Temporary Lodging Use Group.

~~CC-DD.~~ Temporary uses, as permitted by *Section 5-1200, Temporary Uses*.

~~DD-EE.~~ Temporary vendors as permitted under *Subsection 5-1203.B.2.* (G.O. 4925, 09/27/99)

~~EE-FF.~~ Towers other than wireless facilities, less than one hundred (100) feet in height, and related facilities provided telecommunication towers comply with *Section 5-2600, Telecommunication Towers.* (G.O. 5094, 07/09/01)

~~FF-GG.~~ Veterinary clinics, animal hospitals, pet daycare services, pet grooming facilities and kennels. No outside activities shall be permitted for kennels. Veterinary clinics, animal hospitals, pet daycare services and pet grooming facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six (6) foot tall barrier that is in conformance with *Subsection 6-1003.* No outside activity spaces shall be located within twenty-five (25) feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis. (G.O. 5744, 03/24/08)

Section 4-3200. HC - Highway Commercial District.

4-3202. Permitted Uses. (G.O. 5879, 7/26/10)

- E. Auction sales and flea markets entirely within enclosed buildings, ~~and second hand stores.~~ (5585, 07/24/06) (G.O. 6026, 12/17/12)

Section 4-3500. COM – Commercial Street District. (G.O. 5866, 3/22/10)

4-3502. Permitted Uses.

- 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. (G.O. 6025, 12/17/12) (G.O. 6026, 12/17/12)
1. Accessory Uses, as permitted by *Section 5-1000, Accessory Structures and Uses.*
 2. Athletic clubs, fitness centers, and indoor sports facilities.
 3. Auction sales and flea markets entirely within enclosed buildings.
 4. Banks and financial institutions, including automatic teller machines.
 5. Catering businesses.
 6. Colleges, universities, and business colleges.

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7. Commercial amusements, including bowling alleys, dance halls, video game arcades, billiard parlors, roller skating and ice skating arenas, and motion picture theaters, excluding drive-in theaters.
 8. Day care centers in accordance with Chapter 36, Article XI, Springfield City Code.
 9. Educational, cultural, public, or nonprofit institutions such as museums, art galleries, and libraries, but not including elementary and secondary schools and correctional institutions.
 10. 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.
 11. Glass and mirror sales.
 12. Governmental buildings and uses.
 13. Offices, administrative, business, finance, and professional.
 14. Offices, medical and dental.
 - ~~15. Second hand stores.~~
 - ~~16-15.~~ Personal service establishments including beauty parlors, barber shops, dry cleaning and laundry pick-up window, shoe repair, self-service laundromats, express or mailing offices and hearing aid and eye glass shops. (G.O. 5881, 7/26/10)
 - ~~17-16.~~ Pet stores and pet grooming.
 - ~~18-17.~~ Police and fire stations.
 - ~~19-18.~~ Recording studios.
 - ~~20-19.~~ Restaurants, excluding drive-in, vehicular pick-up window, and drive-thru facilities. (G.O. 5881, 7/26/10)
 - ~~21-20.~~ Retail Sales Use Group excluding convenience stores with gas pumps.
 - ~~22-21.~~ Schools and studios for art, dancing, drama, music, photography, interior decorating, or similar courses of study.
 - ~~23-22.~~ Schools, business.
 - ~~24-23.~~ Taverns and cocktail lounges.
 - ~~25-24.~~ Temporary uses, as permitted by *Section 5-1200, Temporary Uses*.

EXPLANATION TO COUNCIL BILL NO: 2012-_____

FILED: _____

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To amend *Section 6-1200*, Landscaping and Bufferyards, in the *Springfield Zoning Ordinance*. (Staff recommends approval).

BACKGROUND INFORMATION:

ZONING ORDINANCE TEXT AMENDMENT – WATER SHORTAGE AMENDMENTS

City Council approved a resolution (Res. 9998) on October 8, 2012, to initiate amendments to the Zoning Ordinance.

Staff has prepared amendments to allow the Director of Building Development Services more flexibility to relieve private development of landscaping and bufferyard requirements during a drought, excessive heat or rain, or a declared water shortage. The amendments will allow the installation of landscaping and bufferyards on new development and the replacement of dead landscaping on existing development to be delayed until the prevailing weather condition (drought, heat, rain) ends.

Development Issues Input Group (DIIG), Urban Districts Alliance (UDA), Environmental Advisory Board (EAB), Commercial Club and all registered neighborhood associations were notified of these amendments and have made no objections to date.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on February 7, 2013, and recommended _____, by a vote of __ to __, of the proposed changes to the Zoning Ordinance described in _____ (see the attached Record of Proceedings).

The Planning and Development Staff recommends **approval** of the proposed amendments on Attachment A.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendments provide the Director of Building Development Services more flexibility to relieve new and existing development from the Landscaping and Bufferyard requirements during times of drought, heat, rain or declared water shortages.

Submitted by:

Mike MacPherson, Principal Planner

Greg Burris, City Manager

ATTACHMENT A
PROPOSED WATER SHORTAGE AMENDMENTS

New text is underlined and deleted text is ~~everstruck~~

Section 6-1200. Landscaping and Bufferyards.

6-1204. **Permits.**

- A. No permits shall be issued for the improvement of any site, the construction of any building, or the establishment of any use for which a Landscaping Plan is required by this Article until such Plan has been submitted to and approved by the Director of Building Development Services.
- B. Prior to the issuance of a Certificate of Occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the Landscape Plan required in *Subsection 6-1205*.
- C. In any case in which a Certificate of Occupancy is sought at a season of the year or at any time the prevailing weather conditions (including but not limited to drought, heat, rain) in which the Director of Building Development Services determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, or a water emergency exists as set forth in Chapter 110, Article IV, Division 2, sections 110-131 through 110-139 Springfield City Code; a Temporary Occupancy Certificate may be issued, notwithstanding the fact that the landscaping required by the Landscape Plan has not been completed, provided the applicant posts a letter of credit or deposits cash in an escrow account in the amount of the estimated cost of such landscaping. Such letter of credit or escrow deposit shall be conditioned upon the installation of all landscaping required by the Landscape Plan within six (6) months of the date of the application, as determined by the City, and shall give the City the right to draw upon the letter of credit or escrow deposit to complete the said landscaping if the applicant fails to do so. Such period may be extended once at the sole discretion of the Director of Building Services, provided that the letter of credit or escrow deposit likewise be extended.

6-1206. **Maintenance.** The owner of the property shall be responsible for maintaining, in a neat and orderly manner at all times, the landscaping required by this Article. Plant materials shall be maintained in a healthy and growing condition that is appropriate for the season of the year. Plant materials which die shall be replaced with healthy plant material of similar variety and meeting the size requirement of this section.

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

DATE: January 29, 2013

TO: Planning and Zoning Commission

FROM: Daniel Neal 
Senior Planner

SUBJECT: Initiate Existing Residential Dwellings in Industrial Districts Amendments

Staff is proposing to add language to all Industrial Districts to allow residential dwellings that existed prior to being rezoned to the RI, LI, GM, HM or IC Districts to be expanded or rebuilt within eighteen (18) months, if destroyed. This provision is currently permitted in most commercial districts, because many residential dwellings were rezoned to commercial districts during the city-wide rezoning in 1995. In the event the dwelling is converted, demolished or destroyed without being replaced within eighteen (18) months, then the residential use cannot be re-established and only permitted uses in that district can replace it.

Staff has noticed in the last few years that lending institutions have tightened their rules and do not lend to nonconforming uses, as they once did. In some cases it is more appropriate for the property owner to rezone; however, many times the rezoning to a residential district is incompatible with surrounding districts and uses. Staff believes that these amendments will allow owners that have not been able to expand or sell their home in recent years due to these restrictions.

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

DATE: January 28, 2013

TO: Planning and Zoning Commission

FROM: Daniel Neal 
Senior Planner

SUBJECT: Initiate Veterinary Clinics in CC and COM Amendments

The veterinary clinic use has not been permitted in the CC District since its inception in 1995, but there has been recent interest in establishing a clinic in the downtown area. Staff believes that this use can be compatible with the district with limitations on outdoor activities. The veterinary clinic use is currently permitted in the GR, HC, CS, RI, LI, GM, HM and IC Districts. The current veterinary clinic definition in the Zoning Ordinance specifically states that these are establishments for examination and treatment where animals are not lodged overnight. Staff is proposing to add veterinary clinics in the Center City and Commercial Street Districts.