

1. Meeting Agenda (PDF)

Documents: [10-31-2013 AGENDA \(PDF\).PDF](#)

2. October 3, 2013 Minutes (PDF)

Documents: [OCTOBER 3, 2013 \(PDF\).PDF](#)

3. Subdivision Variance 345 (PDF)

Documents: [SUBDIVISION VARIANCE 345 \(PDF\).PDF](#)

4. Relinquish Easement 796 (PDF)

Documents: [RELINQUISH EASEMENT 796 \(PDF\).PDF](#)

5. Acquire 500 (PDF)

Documents: [ACQUIRE 500 \(PDF\).PDF](#)

6. Acquire 501 (PDF)

Documents: [ACQUIRE 501 \(PDF\).PDF](#)

7. Brewery District Lofts Subdivision (PDF)

Documents: [BREWERY DISTRICT LOFTS SUBDIVISION \(PDF\).PDF](#)

8. Planned Development 271 Amended FDP (PDF)

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

9. Z-21-2013 W/Conditional Overlay District No. 65 (PDF)

Documents: [Z-21-2013 W CONDITIONAL OVERLAY DISTRICT NO. 65 \(PDF\).PDF](#)

10. Planned Development 344 (PDF)

Documents: [PLANNED DEVELOPMENT 344 \(PDF\).PDF](#)

11. Conditional Use Permit 406 (PDF)

Documents: [CONDITIONAL USE PERMIT 406 \(PDF\).PDF](#)

12. Energy Place Subdivision (PDF)

Documents: [ENERGY PLACE SUBDIVISION \(PDF\).PDF](#)

13. WC-1 Changes Zoning Text Amendment (PDF)

Documents: [WC-1 CHANGES ZONING TEXT AMENDMENT \(PDF\).PDF](#)

14. Sidewalks, Traffic Studies, FAR And ROW Zoning And Subdivision Text Amendment (PDF)

Documents: [SIDEWALKS, TRAFFIC STUDIES, FAR AND ROW ZONING AND SUBDIVISION TEXT AMENDMENT \(PDF\).PDF](#)

Planning & Zoning Commission Agenda

October 31, 2013 - 6:30 p.m.

Members

Matt Edwards (Chair), King Coltrin (Vice-Chair), Jay McClelland, Jim Hansen, Jason Ray, Gabrielle White, Phil Young, Tom Baird, IV, Shelby Lawhon

i. Roll Call

ii. Approval of Minutes: October 3, 2013

iii. Communications

iv. Finalization and Approval of Consent Items

(These consent cases will be approved by Commission unless a Commissioner or someone else wished to speak to them. If so, those cases will be moved to the appropriate place on the agenda and they may be spoken to, and voted on, at that time.)

Consent Items:

- | | |
|--|---------------------------------------|
| 1. Subdivision Variance 345
(2027 E. Sunset Street) | Blanca Roper |
| 2. Relinquish Easement 796
(3050 N. Kentwood Avenue) | Glen44 Investments, LLC |
| 3. Acquire 500
(3326 N. Farm Road 143) | Springfield-Greene County Parks Dept. |
| 4. Acquire 501
(215 W. Plainview Road) | City Utilities |
| 5. Brewery District Lofts Subdivision
(500 blk W. Walnut Street & W. McDaniel Street) | EMLOTT, LLC |
| 6. Planned Development 271 Amended FDP
(431 W. Bryant St.) | Cameron Wells |

V. Public Hearings:

- | | |
|--|---------------------------------------|
| 7. Z-21-2013 w/Conditional Overlay District No. 65
(634 East Bear Boulevard) | Tan Bros, LLC & E & F Financial, Inc. |
| 8. Planned Development 344
(934 E. Webster Street) | Timmons Temple Church of God |
| 9. Conditional Use Permit 406
(1543 West Republic Road) | Greg Jacobs |
| 10. Energy Place Subdivision
(3809 E. Energy Place) | Joe Manzardo |
| 11. WC-1 Changes Zoning Text Amendment
(College Street) | City of Springfield |
| 12. Sidewalks, Traffic Studies,
FAR & ROW Zoning & Subdivision Text Amendment (City-Wide) | City of Springfield |

vi. Adjourn

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: October 3, 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: King Coltrin (Vice-Chair), Jay McClelland, Jim Hansen, Phil Young and Gabrielle White; Staff in attendance: Bob Hosmer, Principal Planner; Ralph Rognstad, Director, Nancy Yendes, City Attorney; Dawne Gardner and Ron Colson, Public Works; Sandy Goddard, Administrative Assistant. Absent: Matt Edwards and Tom Baird IV.

ROLL CALL:

APPROVAL OF MINUTES: The minutes of September 5, 2013 were approved unanimously.

COMMUNICATIONS:

Mr. Hosmer reminded Commission of the APA Conference in Branson on October 18th and 19th and informed Commission that the Planning and Zoning meeting regularly scheduled for October 17th has been cancelled.

CONSENT ITEMS:

1. Preliminary Plat Kifer Corner Rick Wilson
(300 block West Pershing, s/s)
2. Initiate Front Yard Parking Exception for Disabled Text Amendment City of Springfield
(City-Wide)
3. Initiate WC-1 District Changes Text Amendments City of Springfield
(City-Wide)

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

V. PUBLIC HEARINGS:

4. Z-18-2013 w/Conditional Overlay District No. 64 Brent Stevens
(400-500 block East Sunset Street)

Mr. Hosmer stated the purpose of this request is to rezone approximately 4.4 acres of property generally located on the south side of the 400-500 blocks of East Sunset Street from an R-SF, Single-Family Residential District to an R-LD, Low-Density Multi-Family Residential District; and establishing Conditional

Overlay District No. 64. The applicant is proposing to rezone the property from an R-SF, Single Family Residential District to an R-LD, Low-Density Multi-Family Residential District with a Conditional Overlay District #64. The applicant is requesting a conditional overlay district that will restrict the maximum density to eleven (11) dwelling units per acre. This restriction will reduce the projected traffic impact of the site and will not require a traffic study. This is the density of an R-TH, Residential Townhouse District developed on a single lot as opposed to individual townhouse lots. The conditional overlay district will require sidewalks along Kimbrough Avenue and a six (6) foot privacy fence in the bufferyard along the south property line in response to neighborhood concerns. The maximum height of any multi-family dwelling will be restricted to a forty-five (45) degree bulk plane as measured from the boundaries of any R-SF districts. The standard requirements for bufferyards, noise, lighting, odor and signage will be covered by the Zoning Ordinance. Mr. Hosmer discussed the bulk plane requirements. Staff recommends approval.

Mr. Coltrin opened the public hearing.

Mr. Brent Stevens with H. Design Group, 5051 S. National Avenue #7A, Springfield, commented he is representing the developer on this rezoning. Mr. Stevens stated the R-TH was the original intent which requires a public street and determined they did not want to bisect that property with a public street system and it's very particular about lot width so it helped free them up and they have no intention of being more dense than R-TH zoning which is why they added the conditional overlay. Mr. Stevens discussed the types of districts in area stating they feel this is a good transitional step-down zoning between the commercial and the residential areas and went on to describe the location of the development and the amenities.

Mr. Hansen asked the location of the entrances for the proposed development.

Mr. Stevens commented they have not figured that out yet, realizing they are restricted by the distances from the intersections, so in initial conversations with traffic, they will be along Jefferson and Kimbrough toward the backside, or south side of the site.

Mr. Gary Deaver, 201 W. Morningside, Springfield stated he is concerned about the neighborhood, the density, the uses and the multiple other things that are allowed by the zoning ordinance. This is a very light overlay. The neighbors have no idea of what would be allowed by this change. The explanation is seven (7) pages long with thirty-two (32) references to other subsections of the zoning ordinance. If the applicant wanted to be clear about what they were planning, they would do a Planned Development, showing where the road will be; the bulk plane issue is easy to obtain because there will likely be a road built on the back of the property. We don't know because there is no site plan to look at. A reference was made about the higher levels of use on the other end; that is highly restricted uses in that area. There was a proposal before Commission and Council ten (10) years ago to develop this, but it did not happen so now we are back for an up zone. Mr. Deaver asked Commission to reject this request because a Planned Development is the fair way to approach this property. The applicant, over the last fifteen (15) years has had fifty-seven (57) complaints about the land that he owns on Sunset; it never gets mowed or taken care of without a call. On the opposite side of the Campbell, a similar large tract of property, in the same period of time, zero complaints; different land owner.

Mr. Hansen asked about the development to the west.

Mr. Deaver stated it was single-family residential and was up zoned to fairly high use; quadrupled the value of the land and for that the neighbors asked that they push the buildings away from the neighborhood by

nearly one-hundred (100) feet. There is a huge bufferyard required that is very dense. They dug the detention basin before the land ever changed hands and there is a mound of dirt, which is where all the complaints have come from for all these years and it is an eyesore. There are dozens of restrictions on this PD regarding the hours of operation for the businesses and the distances so the business is toward the street with parking on the back so the scale of the building is in harmony with the single family residences. Again, because they will likely have to build an access road on the back of the property, this could be a three (3) story building. The neighbors don't have an idea of what could be built here. Mr. Deaver stated he believes it should be developed, but in the appropriate way.

Mr. Coltrin closed the public hearing.

Mr. Hansen asked staff about the protest petition that was submitted for this case.

Ms. Yendes stated that there is not a protest provision that Planning and Zoning Commission addresses; it will go forward with Commission recommendations and if thirty (30) percent of the property owners within one hundred eighty-five (185) feet sign a petition in accordance with how their names are recorded on their deeds, then that triggers a need for six (6) votes of Council to pass this. That is what a protest petition does. Ms. Yendes said they brought it in advance, before second reading of Council.

Mr. Hosmer stated they do not have thirty (30) percent for a protest.

Mr. Hansen stated it would be good to have some idea of what is going to be developed at the location and does not have much of an idea of what can go in there either and is not confident about approving the request.

Mr. McClelland read from a document on Zoning Districts of Springfield Missouri; after reviewing the requirements for R-LD, he finds that nothing going in that location, or the possibility of a development to be offensive to the neighbors and he attends to vote in the affirmative.

Mr. Lawhon motioned to **approve** Z-18-2013 with Conditional Overlay District No. 64. Mr. McClelland **seconded** the motion. The motion **carried** as follows: Ayes: Coltrin, McClelland, Ray, Lawhon, White, and Young. Nays: Hansen. Abstain: None. Absent: Edwards and Baird.

5. Z-19-2013
(3839 S. Lone Pine Street)

Geoffrey Butler

Mr. Hosmer stated the purpose of this request is to rezone approximately 1.71 acres of property generally located at 3938 South Lone Pine Street from a GM, General Manufacturing District to a GR, General Retail District. The applicant is proposing to rezone the property from a GM, General Manufacturing District to a GR, General Retail District. The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for medium intensity retail, office or housing. General Retail (GR) district is one of the zoning districts recommended in these areas. The subject property is located at the intersection of Lone Pine Street, a secondary arterial roadway, and Allen Drive, a local commercial roadway. The subject site with the proposed GR, General Retail District will have to adhere to the requirements and restrictions contained within the district including those for buffering and building height in meeting the recommendations and intent of the City's Comprehensive Plan. Approval of this request will provide for a decrease in intensity in this area where investment has already been made in public services

and infrastructure. The proposed development will be required to meet the bufferyard requirements adjacent to less-intense zoning districts. The Zoning Ordinance requires a Bufferyard "F" between the GR district and adjacent R-SF, Single Family Residential zoning to the south. The GR district contains development standards and requirements to mitigate the potential impacts of development when located adjacent to less intense zoning districts. In addition to the required bufferyards, all structures developed on this property must remain below a thirty (30) degree bulk plane measured from the boundary of the R-SF district to the south. If approved, the new zoning is not effective until: A final subdivision plat is approved and recorded creating a lot over the proposed zoning boundary. If these conditions are not completed within two (2) years from date of City Council approval, then that approval is null and void and the zoning will remain GM, General Manufacturing District. Staff recommends approval.

Mr. Coltrin opened the public hearing.

Mr. Geoff Butler, 3109 N. Main commented he is representing the applicant. Mr. Butler stated that the structures on the property will be removed and this property has a buyer who wants to put in a restaurant and possibly another small retail spot if there is room available. It is a down zoning from General Manufacturing which would be good for the area to bring it to what it has become which is a quaint little commercial type of district and believe this will be a plus for the community.

Mr. Coltrin asked about the ingress/egress on Lone Pine.

Mr. Butler commented that Public Works and Traffic Services have already been on top of that; between the edge of Lone Pine we will clear that and it will become green space and possibly two (2) entrances to the site off of Lone Pine and probable none from Allan Street. We are willing to make all the public improvements to make that stretch nice.

Mr. Steve Johnson, 3951 S. Mentor #54, Springfield commented he wanted to point out, after talking to staff, that this is right in the middle of what has previously been approved as new Republic Road.

Mr. Hosmer related there were three (3) alternatives that were proposed to the Planning and Zoning Commission and they never came to fruition. There is a collector proposed to go through the quarry site linking up through the property, but that is as far as it has gotten. Mr. Hosmer said there is nothing official on record that has been adopted.

Mr. Johnson stated that Commission has approved that route in the past that would be going right through this retail area.

Mr. Hosmer commented Commission is a recommending body and it has to go to City Council for approval.

Mr. Coltrin closed the public hearing.

Mr. Lawhon commented he likes what has been proposed along Lone Pine and a restaurant would be a great fit for that piece of land and he intends to support the request.

Mr. Lawhon motioned to **approve** Z-19-2013. Ms. White **seconded** the motion. The motion **carried** as follows: Ayes: Coltrin, McClelland, Ray, Lawhon, White, Young and Hansen. Nays: None. Abstain: None. Absent: Edwards and Baird.

6. Z-20-2013 w/Conditional Overlay District No. 63
(1713 S. Saint Charles Ave. and 3233 E. Sunshine St.)

Morris Springfield, LLC

Mr. Hosmer commented the purpose of this request is to rezone approximately 0.94 acres of property generally located at 1713 South Saint Charles Avenue and 3233 East Sunshine Street from an O-1, Office District and GR, General Retail District to a GR, General Retail District; and establishing Conditional Overlay District No. 63. This will allow for the property at 1713 South Saint Charles to be rezoned for retail development and combined with the existing GR zoned property at 3233 East Sunshine. The accompanying Conditional Overlay District will require a six (6) foot tall fence along the north property line adjacent to the residential development. In addition, the Conditional Overlay District requires a sidewalk to be constructed along Saint Charles Avenue and Sunshine Street and restricts access on Saint Charles to one driveway which shall be aligned with the existing driveway on the east side of Saint Charles. Approval will expand the existing GR, General Retail zoning an additional one-hundred-sixty (160) feet to the north consistent with the existing GR zoning to the east and west. Approval of this request is not expected to have any negative impact on the surrounding properties. A bufferyard will be provided on the north property line adjacent to the residential development. Staff recommends approval of the request.

Mr. Coltrin opened the public hearing.

Mr. Jared Rasmussen, 550 S. Louis, Springfield said he is representing the applicant. This is not a big change in the zoning from what is there to the east and west. The property to the north is office, but the property to the south is zoned GR, so we are looking to combine these two pieces to be consistent with what is along Sunshine.

Mr. Coltrin closed the public hearing.

Mr. Lawhon motioned to **approve** Z-19-2013. Ms. White **seconded** the motion. The motion **carried** as follows: Ayes: Coltrin, McClelland, Ray, Lawhon, White, Young and Hansen. Nays: None. Abstain: None. Absent: Edwards and Baird.

7. Planned Development 343
(3800 West Sunshine Street)

Derek Lee

Mr. Hosmer commented the purpose of this request is to rezone approximately 96.31 acres of property generally located at 3800 West Sunshine Street from an HC, Highway Commercial District and Conditional Overlay Districts # 1 and #13 to Planned Development District No. 343. This area is located at the intersection of a two Expressways (West Bypass and Sunshine Street). The Comprehensive Plan recommends the location of Regional-Scale Commercial Centers (over 500,000 square feet) on major arterials near a freeway or expressway. The proposed Planned Development is consistent with the intent of the existing HC, Highway Commercial zoning and the recommendations of the Comprehensive Plan. The Planned Development is proposing the same uses that are currently permitted with the existing zoning district. The Planned Development will prohibit Auction Sales and flea markets, Boat and marine sales and service, Bus stations, Camper sales and camper trailer sales and service, lease and rental, Campgrounds and recreational vehicle parks, Public or private vehicle and boat storage garages, yards or lots and Construction equipment yards. The same uses excluded within the Planned Development are the same uses prohibited within the existing Conditional Overlay Districts. The existing Conditional Overlay District limits the maximum floor area ratio to 0.25 except under certain conditions. Approval of this Planned

Development would increase the permitted floor area ratio to 0.40 which is what is permitted in the HC, Highway Commercial District. The Planned Development proposes two development identification signs. The signs will be located in common area, one at proposed McCurry Avenue and Sunshine and another one at Seminole and West Bypass. The signs will have a maximum size of six-hundred (600) square feet of effective area and will be a maximum of forty (40) tall. As part of the Planned Development the applicant proposes to modify the open space requirements within the development. The existing zoning requires a minimum of twenty (20) percent open space on each individual lot. This proposal requires a minimum of ten (10) percent on each individual lot with the twenty (20) percent required cumulatively for the entire development. This open space requirement is consistent with what has been required in other developments including the Planned Development (PD 336) for the old Hickory Hills School site. The proposed Planned Development contains design requirements for buildings within the development. The exterior façade of buildings facing the street or designated open space will be finished with brick, simulated or natural stone, cement masonry units, insulated glass, concrete panels finished with a permanent surface, textured stucco or exterior insulation and finish systems (EIFS). The proposed Planned Development prohibits the use of vinyl siding and metal wall panels the sides of buildings highly visible to the public. The existing zoning does not have any design requirements. Approval of the Planned Development will include the same bufferyard requirements that exist under the current zoning. In addition, the Planned Development includes a provision for preserving the existing tree line along the southern property boundary to the extent possible and requires a berm or fence or combination thereof which is a minimum of six (6) feet tall along the south property line. The limitations of access and improvements to the surrounding street system identified by a Traffic Impact Study and required under the existing Conditional Overlay Districts are included in this proposal. At their May 6, 2013 meeting City Council approved the Springfield Plaza Tax Increment Financing Plan, established a redevelopment area, designated the redevelopment area as a blighted area and directed staff to implement the redevelopment plan for this area. Approval of this Planned Development will help to facilitate the development of this area in conformance with the approved redevelopment plan. Staff recommends approval.

Mr. Hansen asked for clarification on what the changes were from the previous PD to the proposed besides the less open space and the Floor Area Ratio being increased sixteen times.

Mr. Hosmer commented it is not less open space, it will not have the twenty (20) percent open space per lot, but it will be twenty (20) percent on the entire development overall. They are also changing the maximum floor area from 0.25 to 0.40. That is the current requirement under the HC District. It is going back to the original HC requirement. There are more bufferyards and exterior facades and design guidelines that they did not have before and a Traffic Impact Study with additional requirements there.

Mr. Young expressed interest in the architectural materials asking for clarification on the metal wall panels.

Mr. Hosmer stated that the applicant is the one who provided the description of materials and if they are comfortable with it then staff is comfortable with it.

Mr. Coltrin opened the public hearing.

Mr. Derek Lee, 2101 W. Chesterfield Blvd, Springfield, commented he is representing the owner. The Floor Area Ratio that is increasing from 0.25 to 0.40 is not the actual language in the original conditional overlay. It allows them to exceed 0.25 with a traffic study without going to Council or Commission. The reason they put the 0.25 FAR in this request is because at that time the Traffic Department at the City of Springfield

required a traffic study to design the roads and the FAR was 1 for Highway Commercial, and even though you can't build a hundred acres worth of land with a floor area ratio of 1, that was the number they wanted to put in the traffic study so we adjusted that in such a way that we put in the 0.25 language. The developments that have higher FAR typically have smaller traffic counts; hotels, multiple story office buildings, furniture stores. It will not affect the development. The uses and the roads in this development are not changing. The neighborhood will not see any change in the things they are requesting in the PD. They wanted the commercial signs access in the interior of a one hundred (100) acre development and everybody wants signage on Sunshine and West Bypass so that is the primary reason to do this. There are very large regional detention basins; one of them is three to four acres, the other two to three acres and that is a lot of green space they would like to spread out on some of the bigger lots. Mr. Lee discussed the buffer and the architectural controls.

Mr. Hansen asked about the open space requirements.

Mr. Lee said the City Ordinance requires perimeter landscaping and a landscape area would be between lots and buildings typically have grass around the center so that twenty (20) percent on the smaller lots is rarely an issue. The reason they wanted this is because when you have a large lot, a twenty (20) acre lot, that's where it becomes an issue. In this situation, we have the large regional detention basins to cover those big lots.

Mr. McClelland stated he is glad to see something happening at that location asking if the individual who had requested to have a left turn fixed into the church was going to have that request met.

Mr. Lee pointed out the location of the entry way for the proposed development, stating they will be doing a full signalized intersection, so this development will not affect the church property. Mr. Lee stated he has communicated with the individual about this issue.

Mr. McClelland motioned to **approve** Planned Development District No. 343. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Coltrin, McClelland, Ray, Lawhon, White, Young and Hansen. Nays: None. Abstain: None. Absent: Edwards and Baird.

8. Planned Development 311 Amended
(3057 N. Fremont Avenue)

Les Schulz

Mr. Hosmer said this request is to rezone approximately one acre of property generally located at 3057 North Fremont Avenue from a Planned Development 311 to Planned Development District No. 311 Amended. The applicant is proposing to rezone the subject property to a Planned Development 311 Amended to allow up to four duplexes to be constructed. The current Planned Development 311 only permits the construction of townhouses. The Comprehensive Plan designates this area as appropriate for medium or high density housing. Townhouses and all various forms of apartment buildings are included in this category, which has been located where there is good traffic access, between Low-Density Housing and non-residential land uses, and at high-amenity locations such as the greenways or parkways. The density is expected to be greater than six (6) housing units per net acre. The proposed PD district land uses and densities are consistent with the adjacent zoning districts along Fremont Avenue. The intensity of development is reduced with the proposed amendment. The development requirements in the proposed PD district are adequate for mitigating potential impacts of the proposed development on the adjoining properties. Staff recommends approval.

Mr. Coltrin opened the public hearing.

Mr. Les Schulz, 1346 E Catalpa St, Springfield commented he is representing the owner. This property initially became a Planned Development between December 2006 and January 2007. The original proposal was for town homes, but will be downsizing the property with duplex units; each unit is a one bedroom unit reducing the density in the area. Mr. Schulz stated he was available for questions.

Mr. McClelland asked about the ingress/egress as it does not appear on the drawing provided.

Mr. Schulz stated there is a drive off of Fremont, goes across the south side of the property and there are plans to develop these in phases. There will be four buildings. The initial drive will come in just past the first duplex.

Mr. J.J. Hetherington, 4959 Cherry Circle, Springfield, commented he also represents Mr. Chadwick and is assisting with the development of the property and is available for questions.

Mr. Coltrin closed the public hearing.

Mr. Ray motioned to **approve** Planned Development 311 Amended. Mr. Young **seconded** the motion. The motion **carried** as follows: Ayes: Coltrin, McClelland, Ray, Lawhon, White, Young and Hansen. Nays: None. Abstain: None. Absent: Edwards and Baird.

9. Text Amendment Temporary Uses/Special Events Amendments
(City-Wide)

City of Springfield

Mr. Hosmer commented the purpose of this request is to amend *Sections 5-1000, Accessory Structures and Uses*, and *5-1200, Temporary Uses*, in the *Springfield Zoning Ordinance* regarding special events. City Council approved a resolution (Res. 9899) on August 22, 2011, to initiate amendments to the Zoning Ordinance regarding the locations and standards for temporary promotional activities and events. City staff has tried to identify a way to streamline the permitting process for various special events held inside the city limits. The ultimate goal is to provide citizens with a clear understanding of what events require a permit while also creating a more organized system for accepting and reviewing applications, and issuing permits. The permitting process involves approximately eight city departments and four different chapters in the City Code. The departments involved with the changes are Building Development Services, Public Works, Planning and Development, Police, Fire, Finance, Health and Parks. Each of these departments provided input and supports the proposed amendments. City staff is proposing to clearly establish Codes that apply to special events by creating one section that contains all city Codes governing approval of special events. The new section will be added to Chapter 2 as Article VII, Special Events. The majority of the regulations in the new article already existed but were scattered throughout the City Code. Since the Planning and Zoning Commission's purview is limited, staff has only included those changes that affect the Zoning Ordinance. The changes include removing a majority of *Section 5-1200, Temporary Uses*, and adding those as accessory uses in *Section 5-1000, Accessory Structures and Uses*. The remaining details will be addressed in the City Code amendments which will be sent to City Council for review. The Development Issues Input Group (DIIG), Urban Districts Alliance (UDA), Environmental Advisory Board (EAB), Commercial Club and all registered neighborhood organizations were notified of these amendments and have made no objections to date. The proposed amendments will streamline the

permitting process for temporary events and make it easier for the public to understand and follow the requirements. Staff recommends approval.

Mr. McClelland asked 5-1203.A.1 asking about cooking accommodations and how this will affect carnival workers.

Mr. Hosmer stated they are moving a lot of this around to city code, and this is affecting the zoning code. It is covered.

Mr. Coltrin opened the public hearing. As there were no speakers to the issue, the public hearing was closed.

Mr. McClelland motioned to **approve** Text Amendment Temporary Uses/Special Events Amendments. Mr. Lawhon **seconded** the motion. The motion **carried** as follows: Ayes: Coltrin, McClelland, Ray, Lawhon, White, Young and Hansen. Nays: None. Abstain: None. Absent: Edwards and Baird.

10. Brewery District Lofts Redevelopment Plan
(507-535 West Walnut Street)

Brewery District Lofts Redev Corp.

Mr. Matt Schaefer, Senior City Planner stated that the Brewery District Lofts Redevelopment Corporation has filed an application requesting partial real property tax abatement pursuant to Chapter 353 of the Missouri Revised Statutes. Chapter 353 encourages redevelopment of blighted areas and does so by offering real property tax abatement for a period of twenty-five (25) years. The applicant must demonstrate that the redevelopment area is blighted and there would be a significant public benefit that would occur as a result of it and that it would not occur but for the abatements. The abatement is offered for twenty-five years and for the first ten (10) it is one hundred (100) percent abatement on the improvements and the increase in the value of the land. During that period in order to keep the taxing jurisdictions full, there will be payments in lieu of taxes that are equal to the taxes on the improvements prior to redevelopment. During the later fifteen (15) years, the abatement is based on fifty (50) percent of the assessed value of the land and improvements at that time. Commission's responsibility is to review the plan and determine if it conforms to the Comprehensive Plan for the City of Springfield. The redevelopment area is located along the north side of West Walnut Street between South Market Avenue and South Main Avenue and consists of four parcels, which comprise approximately 1.06 acres. It is currently zoned Center City and is occupied by five vacant buildings that were previously used for automotive repair and painting, storage, and restaurant use. A blight study has been provided by the developer that demonstrates the area is blighted and is in need of redevelopment. The Redevelopment Plan proposes to demolish the buildings located at 535 and 527 W. Walnut St. and construct a three-story residential and commercial mixed-use development. The new building will feature approximately 11,350 sq ft of retail, office, and banquet facility space on the first floor. The upper floors will feature 28 market-rate residential apartments, which will include a mix of studio, one-, two-, and three-bedroom units. Off-street parking for approximately 28 automobiles will be provided along the north side of the building. The buildings located at 521 W. McDaniel St. and 507 W. Walnut St. will not be demolished, but rather rehabilitated and restored to a shell state. Once completed, Springfield Brewing Company will use the 521 W. Walnut St. building for production expansion and event space. The 507 W. Walnut St. building will function as a distillery. The Redevelopment Plan for the Brewery District Lofts Redevelopment Area is in conformance with the *Springfield-Greene County Comprehensive Plan*. Mr. Schaefer stated he was available for questions.

Mr. Coltrin opened the public hearing.

Ms. Lindsey Bragg, Husch, Blackwell, 901 S. Louis Street, commented she is representing the developers and is available for questions.

Mr. Coltrin closed the public hearing.

Mr. Lawhon **motioned** that the Brewery District Lofts Redevelopment Plan is in conformance with the Springfield-Greene County Comprehensive Plan and be forwarded to City Council for consideration. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Coltrin, McClelland, Ray, Lawhon, White, Young and Hansen. Nays: None. Abstain: None. Absent: Edwards and Baird.

11. 634 Bear Boulevard Redevelopment Plan
(626-634 East Bear Boulevard)

Miller Commerce, LLC

Mr. Matt Schaefer, Senior City Planner stated that Miller Commerce, LLC has submitted a redevelopment plan pursuant to Sections 99.300-99.715, RSMo, the Land Clearance for Redevelopment Authority Law, for a redevelopment project generally located at the southwest corner of East Bear Boulevard and South Holland Avenue. Chapter 99 tax abatement is an economic development incentive used to encourage redevelopment within blighted areas through partial real property tax abatement. Within Council-approved redevelopment areas, the Land Clearance for Redevelopment Authority may authorize partial real property tax abatement for projects that conform to an approved redevelopment plan. Real Property tax abatement is based on 100% of the assessed value of qualified new construction or rehabilitation for 10 years. The Redevelopment Area consists of two parcels of land (0.74 acres), which are currently occupied by two single-story multi-family residential structures that were constructed in the early to mid-1960s. The Plan proposes to demolish the existing structures within the Redevelopment Area and construct a new four story multi-family residential development that will house approximately 90 residents. The new development will contain a mixture of studio, one bedroom, two-bedroom, and four-bedroom units. It will also include an on-site property management/maintenance office, a social gathering area, and off-street parking per the requirements of the R-HD, High-Density Multi-Family Residential district. The Redevelopment Area is part of a larger area that City Council declared to be blighted in 1965 (Resolution No. 4513) and later reaffirmed in 1972 (Resolution No. 5495). The blight designation has not been rescinded, and it continues to remain in effect. The developer was therefore not required to submit a blight study. The proposed Redevelopment Plan for "The Q" Student Housing Redevelopment Area is in conformance with the *Springfield-Greene County Comprehensive Plan*. Staff recommends approval.

Mr. Hansen asked about parking for the proposed development.

Mr. Schaefer stated the applicant would be required to provide sufficient parking as required by the Zoning Ordinance. The plan is not addressing the parking issue at this point because it will be addressed at development review stage, when the developer does actually submit plans for the project.

Mr. Hosmer stated this is part of the University Combining District and staff is proposing changes to allow micro-efficiency apartments with one parking space.

Mr. Hansen asked if these would have micro-efficiency apartments.

Mr. Hosmer stated it is his understanding this is what would happen; student housing to provide bicycle parking for students who are not driving.

Mr. Hansen asked Mr. Schaefer if the whole MSU Campus remains a blighted area.

Mr. Schaefer stated that in 1965, an urban renewal project was under consideration and the City ended up blighting that entire area that encompasses the Campus and surrounding areas. Following that blight designation, an urban renewal plan was drafted and it was adopted, but the urban renewal plan itself, the boundaries did not encompass the entire Missouri State Campus. It actually encompassed more or less the western third of that area and the blight was reaffirmed at that point in 1972. There was a blight designation and then the area was reaffirmed thereafter when the plan was actually adopted. The area does remain blighted as there hasn't any action taken to declare the area not blighted. Mr. Schaefer stated City Council terminated the urban renewal plan however and left the blighted.

Mr. Hansen asked the reason for that.

Mr. Schaefer stated there was a lot of federal funding that went into those projects back in the 1960's and 1970's and there are areas along the periphery of Missouri State Campus that could benefit from redevelopment. By leaving the blight designation in, it would make redevelopment easier to accomplish.

Mr. Hansen asked if it would be more difficult to divide the blighted area and leave the actual blight and take MSU off.

Ms. Yendes stated it would be difficult to do new studies to show what part was blighted and what wasn't and it's simpler to leave the blight in place, remove the plan, and then if someone wants to take advantage of the blight designation they need to develop a plan for their property which is what this applicant has done. It would be reviewed on a case by case basis because we have not done a plan for what is actually left that has not been developed as part of the campus.

Mr. Hosmer noted that in 1965 there was a housing subdivision in that area.

Mr. McClelland asked if the bulk plane would not apply here because you are looking at a four story building next to a two story house.

Mr. Schaefer stated that the development, when it goes through the review process will have to comply with all other applicable codes and ordinances of the city. If the zoning does not permit it, then it is not permitted. The redevelopment plan does not necessarily stipulate any addition rights or modify any land use regulations, but provides an incentive.

Mr. Young asked for an explanation of the memorandum that was given to the Commission and the word substantially in the last sentence. From a design view, what does that mean, and who clarifies this.

Mr. Schaefer commented that the Redevelopment Plan for "The Q" Student Housing Redevelopment Area was considered by the LCRA on Tuesday, October 1, 2013. The Board of Commissions, by a unanimous vote, voted in favor of the plan, however they did notice one irregularity in the plan they wanted to address and that was with the last section of the plan, Section VI, which is the Procedure for Changes or Modification of Plan. The amendments to Section VI remove a provision that requires the LCRA to obtain

consent from the developer or its successors in interest, prior to making any amendment or modifications to the Plan.

Ms. Yendes stated the term “substantially” is used a lot on whether or not ARC can approve a change, something in a PD if it is substantially different, it has to go to Council and each issue would have to be reviewed. If it is something minor like a site plan, the LCRA can look at that and say that’s fine and it comes to Commission for review. If they are taking uses out, we would not consider that substantial change because it reduces what the applicant gets to do and get their tax abatement. Now if they want to add what they are going to do on the property, that’s a substantial difference and we have made people amend their plans to add uses, because they are not really in the plan anymore. You authorize tax abatement as a City for certain types of activities to take place on that property which aren’t be blighted or add to the area, so that would be a substantial change, adding something new on that property that’s not been approved before as part of their plan. We have the Directors of Public Works, Planning and Development, and Building Development Services and they look at what’s substantially different all the time and we go to the LCRA and get their opinion as well. It is a case by case basis.

Mr. Coltrin opened the public hearing.

Ms. Lindsey Bragg, Husch, Blackwell, 901 S. Louis Street, commented she is representing the developer and will clarify the intended use of the units and the parking; they do intend to use the micro-efficiency units’ strategy and said she has the breakdown of how many micro-units and will go up to four (4) bedroom units in this particular building. The number of parking spaces is in line with what the regulations require, but they are looking at fifty-four (54) parking spaces and they do intend to apply for a variance to reduce the number of parking spaces to one for the micro-units which are going to be less than four-hundred (400) square feet. They also intend to apply for a twenty (20) percent bicycle reduction on the parking space, which is relatively new, which provides that if you provide sufficient bicycle space, then you are allowed twenty (20) percent less of your required parking.

Mr. Hansen asked the number of units and the number of bedrooms.

Ms. Bragg said what the plan is right now is seventeen (17) of the micro-one bedroom units which will be less than four hundred (400) square feet, five (5) micro-two bedrooms units, ten shared units that they put two living areas in and then four (4), three (3) bedroom units and four (4) bedroom units and four (4) micro-four bedroom units. It is a mixed breakdown. Ms. Bragg explained the breakdown and the square footage. Ms. Bragg said they are designed to be more loft style units and designed for students and cost effective for student budgets and foreign students used to having much smaller living areas.

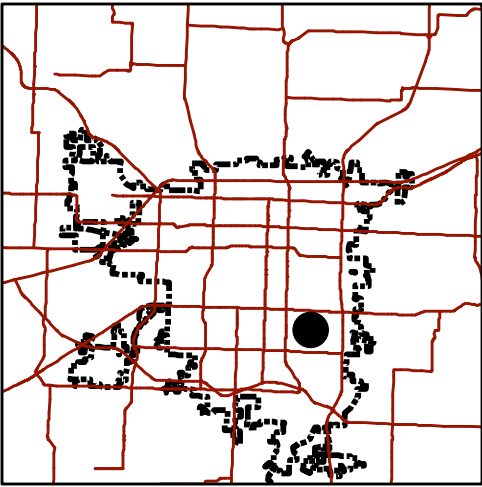
Mr. Coltrin closed the public hearing.

Mr. McClelland **motioned** that the 634 Bear Boulevard Redevelopment Plan including item six (6) Amendment, is in conformance with the Springfield-Greene County Comprehensive Plan and be forwarded to City Council for consideration. Ms. White **seconded** the motion. The motion **carried** as follows: Ayes: Coltrin, McClelland, Ray, Lawhon, White, Young and Hansen. Nays: None. Abstain: None. Absent: Edwards and Baird.

There being no further business, the meeting was adjourned at approximately 8:05 p.m.

A handwritten signature in dark ink, appearing to read 'Bob Hosmer', followed by a long horizontal flourish.

Bob Hosmer, AICP
Principal Planner



Zoning & Subdivision Report

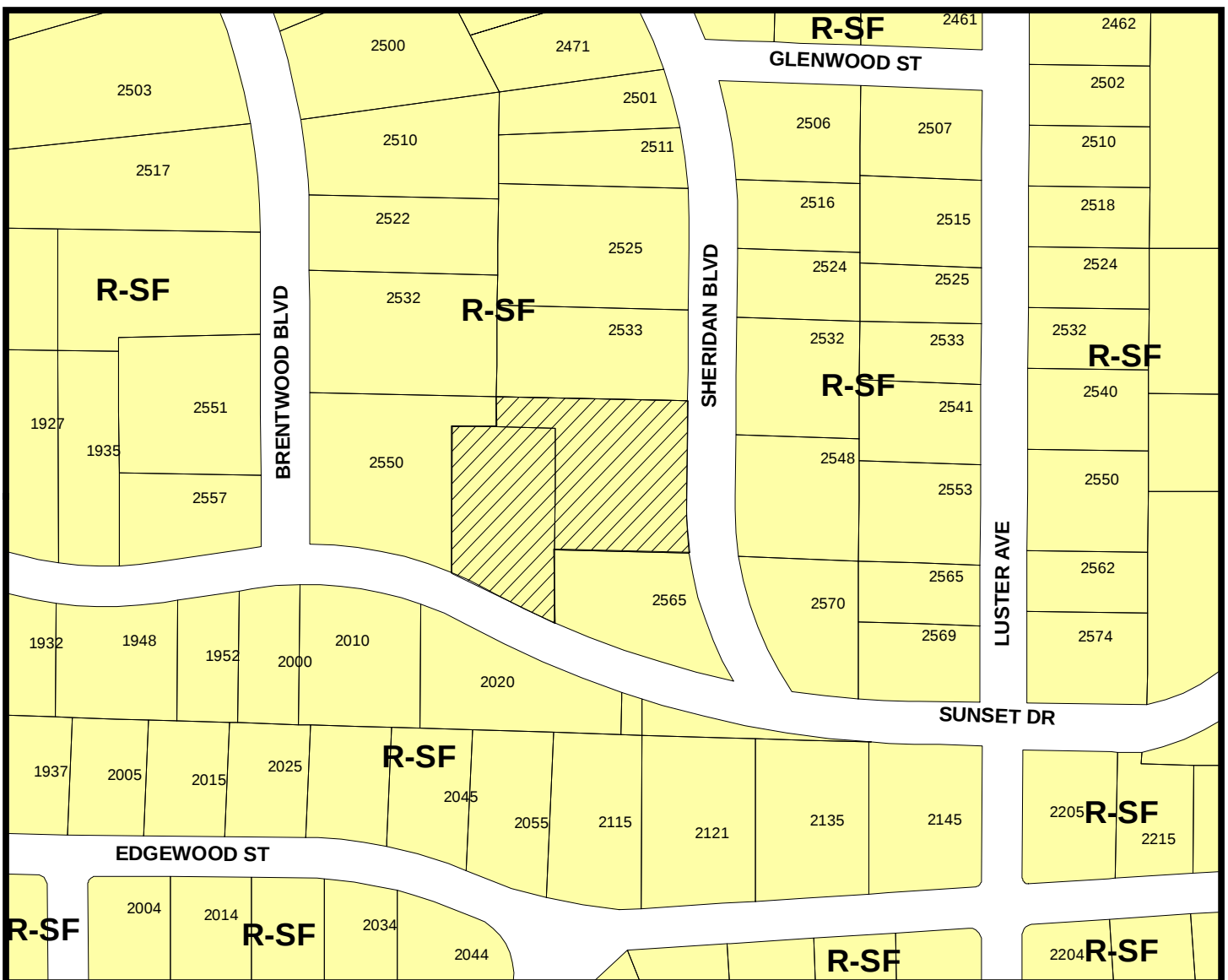
Planning & Development - 417/864-1031
840 Boonville - Springfield, Missouri 65802

Subdivision Variance 345

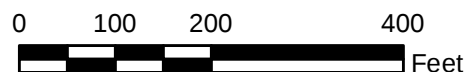
Location: 2027 E. Sunset Dr.

Current Zoning: R-SF, Single-Family Residential

LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

ZONING & SUBDIVISION REPORT

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

SUBDIVISION VARIANCE NUMBER 345

DATE: October 10, 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 along the frontage of Sheridan Avenue.

BACKGROUND:

LOCATION: 2027 E. Sunset Street
APPLICANT: Blanca Roper
TRACT SIZE: Approximately 1.4 acres
EXISTING USE: Single-family residence
PROPOSED USE: Two single-family residences

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 Roper Subdivision, Administrative Re-plat - Residential

ATTACHMENT A
BACKGROUND REPORT
SUBDIVISION VARIANCE NUMBER 345

APPLICANT'S PROPOSAL:

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

TRAFFIC ENGINEERING COMMENTS:

No traffic issues with the variance. The length of sidewalk along Sheridan Avenue pertaining to the variance request is 188 linear feet at a cost of \$15 per linear foot. The total cost of the fee in lieu of is \$2,820.

CITY UTILITIES COMMENTS:

No objection to variance.

STORMWATER COMMENTS:

No storm water issues with variance.

CLEAN WATER SERVICES COMMENTS:

No impact on public sewer.

STAFF COMMENTS:

1. The applicant is requesting a subdivision variance to pay a fee-in-lieu of constructing sidewalks along the frontage of Sheridan Avenue. The required sidewalk would not connect to any adjacent sidewalks or pedestrian facilities. The cost of constructing the sidewalk along Sheridan is a challenge for the proposed subdivision because there are no curbs for stormwater. The new sidewalk would have to traverse existing ditches which will make the re-plat cost prohibitive. 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 variance will be followed by the recording of an administrative re-plat that will subdivide the property into two (2) lots. The *Subdivision Regulations* require sidewalk on one (1) side of all local streets in residential zoning districts where the design density is five (5) dwelling units or less per net acre.

ATTACHMENT B
APPROVAL CRITERIA
SUBDIVISION VARIANCE NUMBER 345

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:

Building sidewalks at this location would be cost prohibitive since there are unimproved streets that have existing ditches and there are no adjacent existing sidewalks in the immediate area. Future street improvements may cause the sidewalk to be re built in the future.

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

Applicant's Response:

Building sidewalks at this location would be cost prohibitive since there are unimproved streets that have existing ditches and there are no adjacent existing sidewalks in the immediate area. Future street improvements may cause the sidewalk to be re built in the future.

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:

Sheridan has no sidewalks at present date and would not be a detriment to the public.

ADMINISTRATIVE REPLAT
OF LOTS 2, 3, 5 AND 6 BLOCK R AND LOT 19 BLOCK Q
OF THE SECOND AMENDED PLAT OF BRENTWOOD TERRACE
CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI

RECORDER'S SPACE



UTILITY NOTE: THIS STATE REFLECTS ABOVE AROUND INDICATIONS OF UTILITIES AND INFORMATION AVAILABLE FROM UTILITY COMPANIES. THE SELLER MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN ON THIS STATE CORRESPOND TO THE ACTUAL UTILITIES. THE BUYER SHOULD OBTAIN THE UTILITY LOCATION INFORMATION THROUGH THE LOCAL GOVERNMENT THAT THE ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SELLER HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

SUBROGATION CONTRACTS

KNOW ALL MEN BY THESE PRESENTS,

THAT I, JEROME LAMBERT, to HERETOFORE CERTIFY THAT THIS POLICY WAS PREPARED UNDER A SUBROGATION FROM AN ORIGINAL POLICY OF THE NEW YORK LIFE INSURANCE COMPANY, NEW YORK, AND THAT THE FURTHER CANCELLATION OF THIS POLICY ON SET IS SUBJECT TO THE CANCELLATION OF THE ORIGINAL POLICY. AND THAT THE CANCELLATION OF THE ORIGINAL POLICY SHALL BE THE CANCELLATION OF THIS POLICY. AND THAT THE CANCELLATION OF THIS POLICY SHALL BE THE CANCELLATION OF THE ORIGINAL POLICY. AND THAT THE CANCELLATION OF THE ORIGINAL POLICY SHALL BE THE CANCELLATION OF THIS POLICY.

WITNESSETH MY HAND AND SEAL OF OFFICE, AT NEW YORK, THIS 14TH DAY OF NOVEMBER, 1900.

JEROME LAMBERT, Secy. of Co.

NEW YORK LIFE INSURANCE CO., INC.

[illegible]

27 SUNSET STREET
INGFIELD, MISSOURI

[illegible]

DRAWING INFO.	
FIELD BY:	KP
DRAWN BY:	BAC
CHECK BY:	KLL
DATE:	7-01-2013
FIELD BOOK:	560
JOB NUMBER:	30084-13

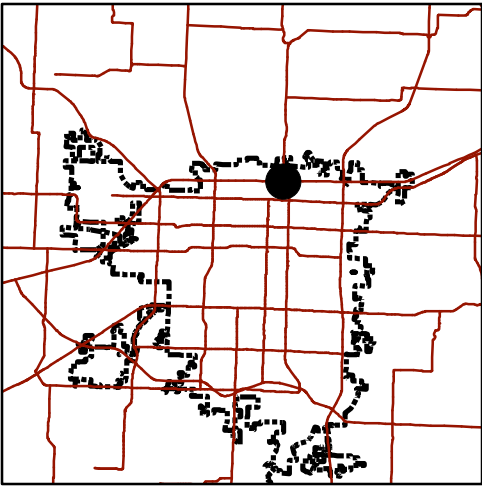


ANDERSON
ENGINEERING, INC.

ENGINEERS | SURVEYORS | LABORATORIES | DRILLING

2045 W. WOODLAND # SPRINGFIELD, MISSOURI 65807 PHONE (417) 866-2741

COA # 000062



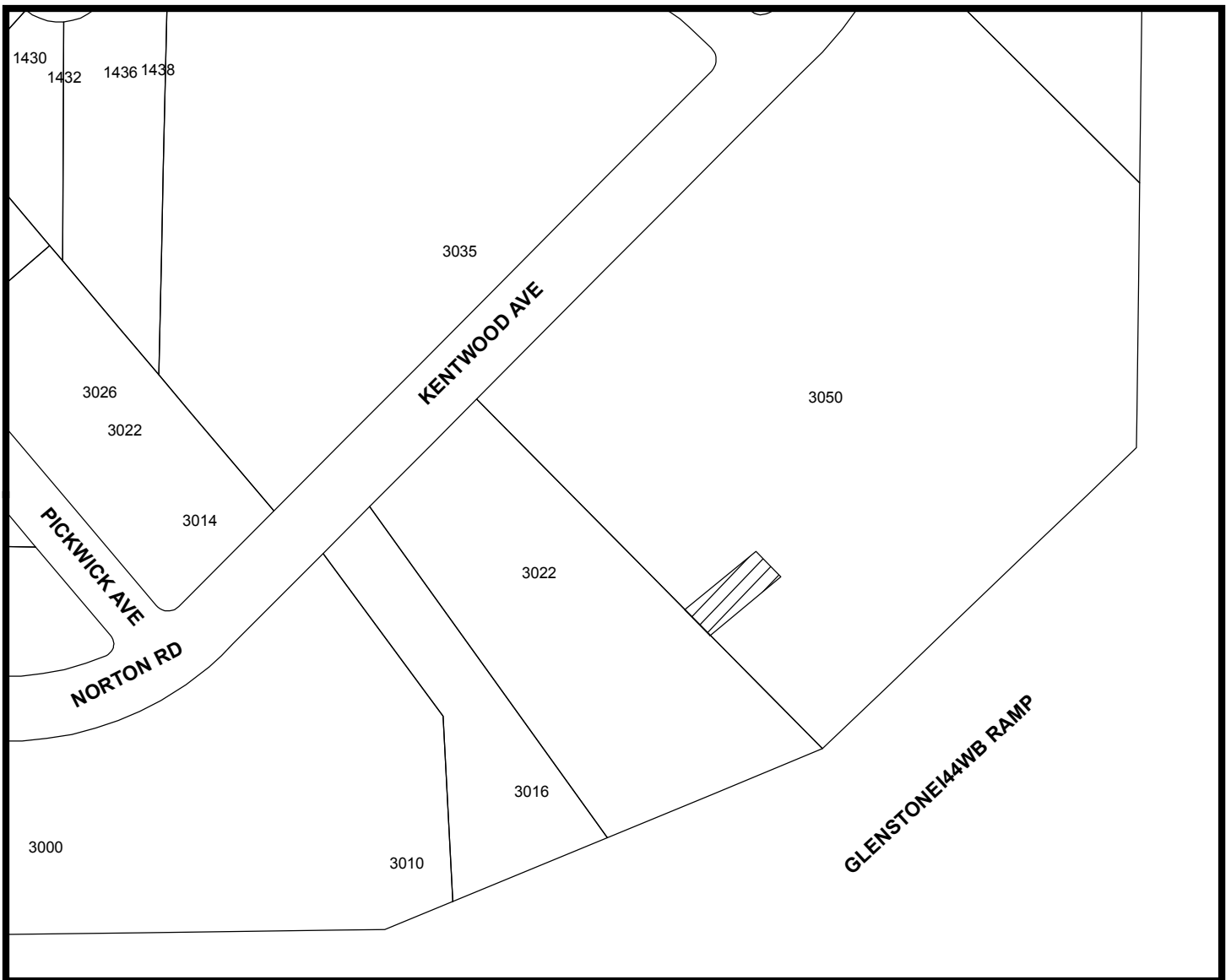
Zoning & Subdivision Report

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

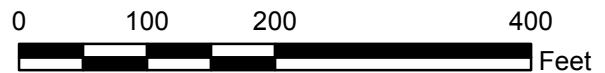
Relinquish Easement 796

Location: 3050 N. Kentwood Ave.

LOCATION SKETCH



- Area of Proposal



1 inch = 150 feet

Zoning & Subdivision Report

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

REQUEST TO RELINQUISH EASEMENT NUMBER 796

DATE: October 22, 2013
PURPOSE: To relinquish a sanitary sewer easement
LOCATION: 3050 N. Kentwood Avenue
APPLICANT: Glen44 Investments, LLC

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. 796
BACKGROUND REPORT

APPLICANT'S PROPOSAL:

The applicant is requesting to relinquish the sanitary sewer easement to facilitate the development of the property. The sewer easement has been abandoned and does not serve any property.

CLEAN WATER SERVICES COMMENTS:

No issues to relinquishing the easement. Easement being relinquished was for a sewer main that has been abandoned.

STAFF COMMENTS:

1. The Planning and Zoning Commission has the authority to relinquish easements if the relinquishment does not affect public utilities.
2. The relinquishment of the easement will facilitate future development of the site. The sewer easement has been abandoned and does not serve any property.
3. No one has objected to this request to date.

ATTACHMENT B
RELINQUISH EASEMENT NO. 796
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 drainage 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. The sewer easement has been abandoned and does not serve any property.

STAFF RESPONSE:

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

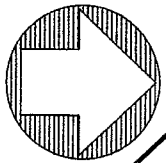
RELINQUISH EASEMENT NO. 796
EXHIBIT 1

LEGAL DESCRIPTION OF SANITARY SEWER EASEMENT TO BE RELINQUISHED

A part of an existing sanitary sewer easement as described in book 1391 page 671, Greene County Records Office, lying on over and across a part of Lots 10 and 11 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 Northwesterly right of way of Interstate 44 as it now exists; thence North 43°34'14" West, along the Westerly line of Lot 11, a distance of 185.15 feet to the POINT OF BEGINNING; thence continuing North 43°34'14" West along said Westerly Lot line, a distance of 10.07 feet; thence North 53°20'16" East, a distance of 94.46 feet, thence South 42°25'50" East, a distance of 10.05 feet, thence South 53°20'16" West, a distance of 94.25 feet, to the Westerly Lot line of Lot 11 and the POINT OF BEGINNING, containing 944 square feet or 0.02 acres, more or less.

The intent of this description being to vacate the portion of a sanitary sewer easement described in book 1391 page 671 lying across all of Lot 11 and part of Lot 10 of said Grandview Plaza subdivision.



SCALE: 1"=40'

LOT 11

GRANDVIEW PLAZA

LOT 9

LOT 12

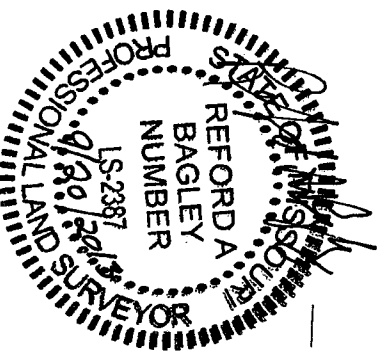
LOT 10

Sewer Easement
Book 1391
Page 671

Glen44 Inv LLC
Book 2011
Page 031236-11

Westerly Line of
Kilmarney Heights

Southern Most
Corner of
Kilmarney Heights

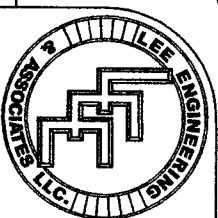


NOTE:
THIS DRAWING HAS BEEN PREPARED ONLY AS AN EXHIBIT TO ILLUSTRATE
NEW EASEMENTS TO BE DEDICATED BY RECORDED INSTRUMENTS AND IS
NOT TO BE CONSTRUED TO REPRESENT A PROPERTY BOUNDARY SURVEY.

DATE: 9/20/2013

EASEMENT RELINQUISHMENT
FOR GRANDVIEW PLAZA

PROJECT NO.:
144



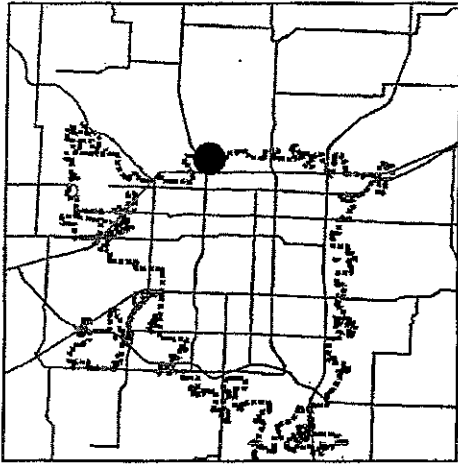
LEE Engineering & Associates, L.L.C.
2101 W. Chesterfield Blvd, Suite C202
Springfield, Missouri 65807

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

dlee@leeengineering.biz

"Engineering with Integrity"

Missouri State Certificate of Authority
Engineering #2005015504
Land Surveying #2009028050



Zoning & Subdivision Report

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

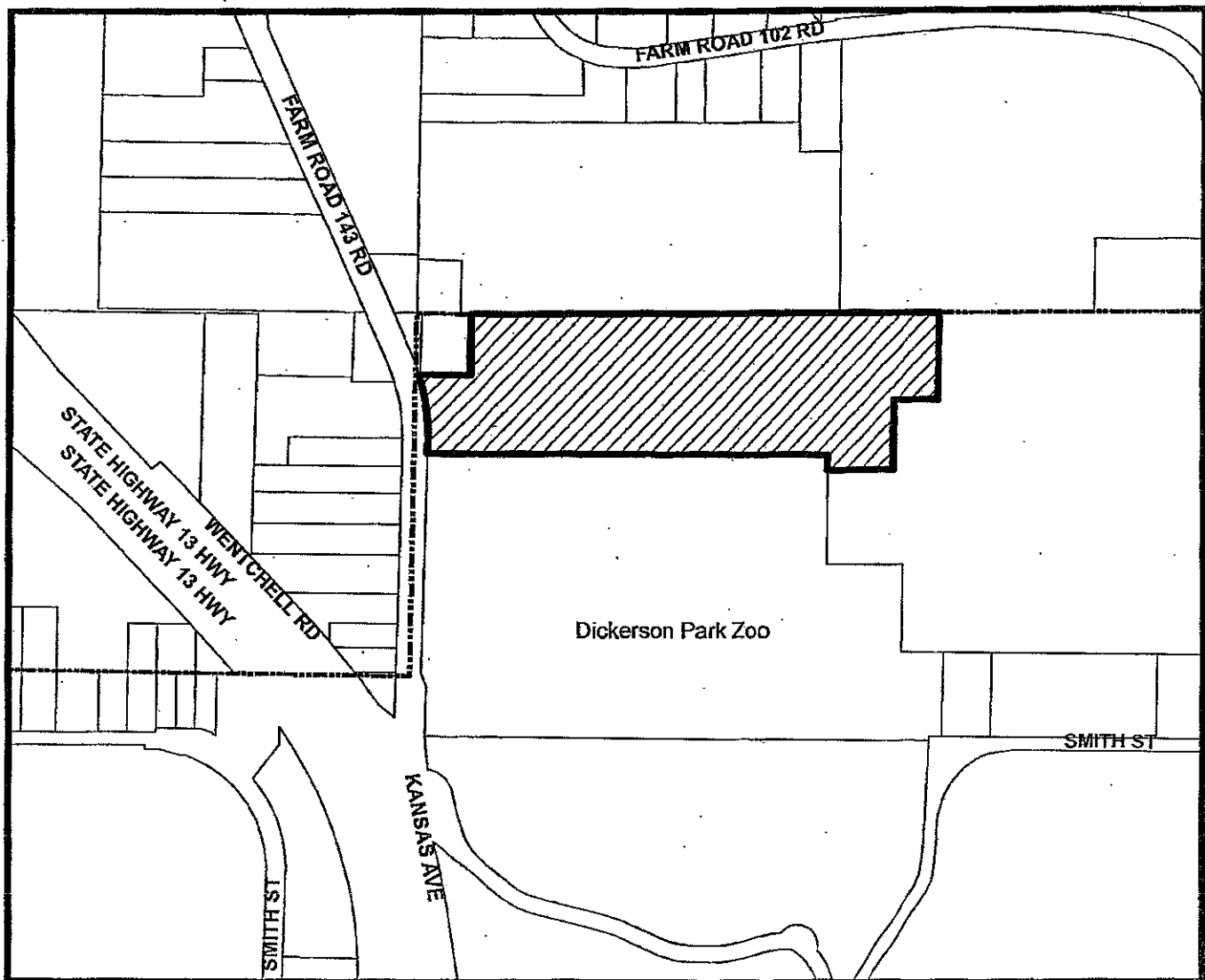
Acquire Property 500

Location: Farm Road 143

Current Zoning: R-SF

Proposed Zoning: Zoo Expansion future GI zoning

LOCATION SKETCH



- Area of Proposal

0 100 200 400

Feet

1 inch = 500 feet

Zoning & Subdivision Report

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

REQUEST TO ACQUIRE NUMBER 500

DATE: October 9, 2013

PURPOSE: To approve the acquisition of property by the Springfield-Greene County Parks Board for Dickerson Park Zoo

BACKGROUND:

LOCATION: 3326 North Farm Road 143

APPLICANT: Springfield-Greene County Parks Board

TRACT SIZE: Approximately 16.00 acres

EXISTING USES: Residential and undeveloped land

RECOMMENDATION:

Staff recommends that this request be **approved**.

FINDINGS:

1. The request is consistent with the Planning and Zoning Commission's land acquisition policy (Attachment B).

STAFF CONTACT PERSON:

Bob Hosmer, AICP
Principal Planner

ATTACHMENT A
REQUEST TO ACQUIRE NUMBER 500

APPLICANT'S PROPOSAL:

The Springfield-Greene County Parks Board has acquired the property at 3326 North Farm Road 143 for the long-range plan for the Dickerson Park Zoo at this location.

PLANNING AND ZONING COMMISSION REVIEW:

The *Springfield City Charter* requires the Planning and Zoning Commission to review all proposals to acquire real property by the City for public use. Commission's function in this matter is to determine whether the proposal is generally consistent with the *Comprehensive Plan*.

COMPREHENSIVE PLAN:

The subject property is zoned R-SF, Single-Family Residential District. The proposed use is generally consistent with the *Comprehensive Plan*.

STAFF COMMENTS:

1. The Springfield-Greene County Parks Board has acquired the subject property for future expansion of the Dickerson Park Zoo. The Planning and Zoning Commission must review this Request to Acquire to determine whether the proposal is consistent with the *Comprehensive Plan*.
2. The following language from Article XI, Section 11.7.3, of the City Charter sets forth the Planning and Zoning Commission's function regarding the Acquisition of property and the process for appeal of such decision:

"In reviewing and approving all such proposals, the function of the planning and zoning commission shall be to determine whether they are generally consistent with the master plan of the city. No such proposals shall be constructed or authorized until the location, extent and character thereof has been submitted and approved by the planning and zoning commission.

In case of disapproval, the commission shall communicate its reasons to the city council, and the city council, by vote of not less than two-thirds of its entire membership, may overrule the disapproval and, upon the overruling, the city council or the appropriate board or officer may proceed, except that if the proposal is by an agency other than an agency of the city and the authorization or financing does not fall within the province of the city council, then the submission to the planning commission shall be by the agency having jurisdiction, and the planning commission's disapproval may be overruled by that agency by a vote of not less than two-thirds of its entire membership."

In the case of this proposed property acquisition, appeal of the decision of the Planning and Zoning Commission would be to the Springfield City Council and Greene County through the Springfield-Greene County Parks Board.

ATTACHMENT B
REQUEST TO ACQUIRE NUMBER 500
LAND ACQUISITION POLICY

The Planning and Zoning Commission has adopted a policy statement for land acquisitions by public bodies. The individual sections of the policy statement are followed by the applicant's response to that section.

1. All land acquisitions shall be consistent with the adopted Plans and Policies of the City of Springfield.

RESPONSE:

The purpose of acquiring the property is to provide an area for the eventual future expansion of Dickerson Park Zoo as indicated by the Dickerson Park Zoo Master plan. The proposed use is generally consistent with the City of Springfield's adopted plans and policies, including the Springfield Area Land Use Plan dated January 29, 2001 contained within the Growth Management and Comprehensive Land Use Plan. And the parcel is located within Area 7 of the City-Initiated Annexation Study as indicated in Figure 18-6 of the Vision 20/20 document.

2. Proposals for land acquisition and public uses shall consider the effect of the proposed use on the surrounding land uses and shall include measures to mitigate any adverse effects of the proposed use on the surrounding uses.

RESPONSE:

Undeveloped wooded sites abuts the parcel to the north and east. There are 10 residential and 1 commercial properties along the west side of N FR 143, 3 residential properties on the east side of N FR 143, and a residential property to the east of the parcel within 500 feet of the property line of the parcel. The design of future development for the expansion of Dickerson Park Zoo will take into consideration adjacent land uses to mitigate adverse effects, if any.

3. If no immediate use is intended for the land proposed for acquisition and the negotiated contract does not include the previous owner removing the structure, existing sound structures should be retained unless such retention is not economically feasible. The current use should be continued, the structure should be used in a manner consistent with adopted Plans until such time as the land will be cleared for the use for which it was acquired, or the structure should be moved to a suitable location.

RESPONSE:

The date of expanding Dickerson Park Zoo is unknown. The intent of the Park Board is to maintain the grounds and structures to current conditions and as typical within Dickerson Park Zoo until development occurs.

4. At a minimum, the acquiring agency should either attempt to preserve architecturally or historically significant structures in place, or make the structures available to the previous owner or public for moving, or solicit bids from individuals and firms interested in salvaging those items which have architectural significance. Disposition of property when conducted by a City agency shall be made pursuant to City ordinances including the City Purchasing Manual.

RESPONSE:

Three structures exist on the site – a house containing approximately 1550 SF, a detached garage, and a small barn with sheet metal siding and roofing. Each structure is devoid of any apparent historical interest. The current property owner has no interest whatsoever in removing existing structures from the site.

5. To the extent possible, the acquiring agency shall make all structures to be removed, regardless of historical or architectural significance, available to the previous owner or public for moving and reuse at another location. Disposition of property when conducted by a City agency shall be made pursuant to City ordinances including the City Purchasing Manual.

RESPONSE:

It is the intent of the Park Board to publicly bid the salvaging of materials and demolition of structures prior to future zoo development, due either to the construction type or condition of each structure. The barn is of typical pole-barn construction detail; the detached garage is in disrepair. Additions to the house have occurred since initial construction. Because of these reasons, it is the opinion of the Park Board that moving the structures off site isn't an economically viable option.

Oct 31st

September 24, 2013

Mr. Bob Hosmer
Principal Planner, City of Springfield
Planning and Development
840 Boonville Ave.
Springfield, MO 65801

RE: Property purchase / Change of use
3326 N Farm Road 143
Parcel Number 881302210007

Dear Bob,

The Springfield-Greene County Park Board is purchasing the above-referenced parcel consisting of approximately 16 acres which abuts the north end of Dickerson Park Zoo. Although the closing date of the purchase has not been set as of this date, the purchase of the property is imminent.

The following are responses to the Planning and Zoning Commission's Policy Statements:

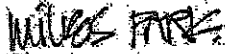
1. The purpose of acquiring the property is to provide an area for the eventual future expansion of Dickerson Park Zoo as indicated by the Dickerson Park Zoo Masterplan. The proposed use is generally consistent with the City of Springfield's adopted plans and policies, including the Springfield Area Land Use Plan dated January 29, 2001 contained within the Growth Management and Comprehensive Land Use Plan. And the parcel is located within Area 7 of the City-Initiated Annexation Study as indicated in Figure 18-6 of the Vision 20/20 document.
2. Undeveloped wooded sites abut the parcel to the north and east. There are 10 residential and 1 commercial properties along the west side of N FR 143, 3 residential properties on the east side of N FR 143, and a residential property to the east of the parcel within 500 feet of the property line of the parcel. The design of future development for the expansion of Dickerson Park Zoo will take into consideration adjacent land uses to mitigate adverse effects, if any.
3. The date of expanding Dickerson Park Zoo is unknown. The intent of the Park Board is to maintain the grounds and structures to current conditions and as typical within Dickerson Park Zoo until development occurs.
4. Three structures exist on the site -- a house containing approximately 1550 SF, a detached garage, and a small barn with sheet metal siding and roofing. Each structure is devoid of any apparent historical interest. The current property owner has no interest whatsoever in removing existing structures from the site.

5. It is the intent of the Park Board to publicly bid the salvaging of materials and demolition of structures prior to future zoo development, due either to the construction type or condition of each structure. The barn is of typical pole-barn construction detail; the detached garage is in disrepair. Additions to the house have occurred since initial construction. Because of these reasons, it is the opinion of the Park Board that moving the structures off site isn't an economically viable option.

The property is currently zoned R-SF. In addition to a change of use request, the Park Board will make application through the zoning classification change procedure to have the property rezoned from R-SF to G1 per your recommendation.

Thank you for your assistance in this matter. Please feel free to call me at 864-1326 or email if you have any questions.

Sincerely,



Miles Park

Assistant Director

Springfield-Greene County Park Board

C: Bob Belote

Lana Woolsey

Jeff Mitchell

Attachments:

GIS data base Property Map - Parcel ID 881302210007

Dickerson Park Zoo Masterplan

S9 Adm'n. Bldg. Entrance
 S13 Dentist's, Stone Bldg.
 S14 Education Bldg. Entrance

NEW INVESTMENT OPPORTUNITIES IN REAL ESTATE

\$1 New Hospital

\$2 Infrastructure Improvements

\$3 Botanical Improvements

\$4 Potential Property Acquisition

\$5 for Future Expansion

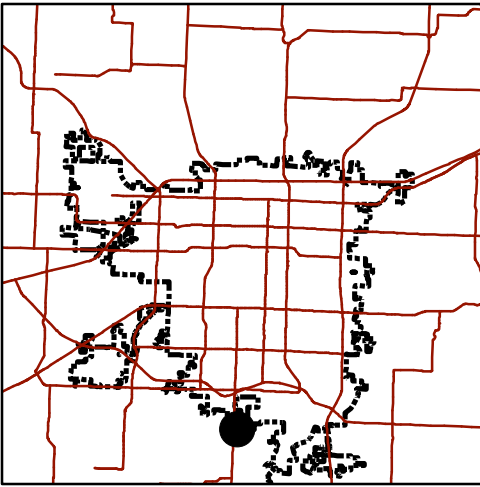
Additional A Limited Holding

and Forwarding Facility

Site Plan - Long Range Projects



ZOO
MASTER PLAN



Zoning & Subdivision Report

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

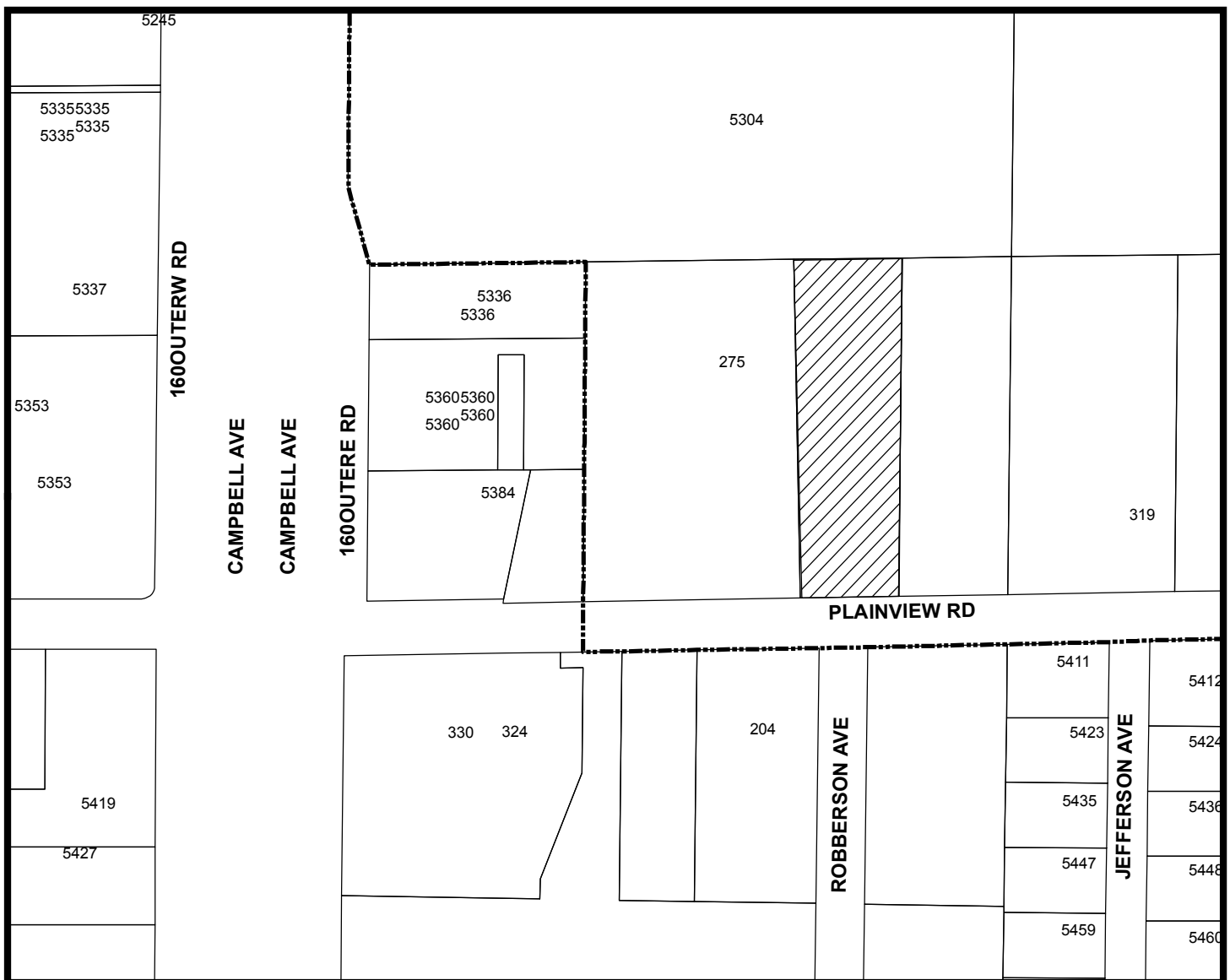
Request to Acquire 501

Location: 215 W. Plainview Rd.

Current Zoning: Greene County R-1, Suburban Residence District

Proposed Use: Future expansion of existing substation

LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

Zoning & Subdivision Report

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

REQUEST TO ACQUIRE NUMBER 501

DATE: October 22, 2013

PURPOSE: To approve the acquisition of property by City Utilities for the future expansion of the Plainview Substation.

BACKGROUND:

LOCATION: 215 W. Plainview Rd.

APPLICANT: City Utilities of Springfield

TRACT SIZE: 1.22 Acres

EXISTING USE: Private residence

PROPOSED USE: Future expansion of Plainview Substation Facility

RECOMMENDATION:

Staff recommends that this request be **approved**.

FINDINGS:

1. The request is consistent with the Planning and Zoning Commission's land acquisition policy (Attachment B).

STAFF CONTACT PERSON:

Michael G. Sparlin
Assistant Planner

ATTACHMENT A
REQUEST TO ACQUIRE NUMBER 501

APPLICANT’S PROPOSAL:

City Utilities requests to acquire proposed property with the intent to be used as future expansion of the Plainview Substation. The existing substation is located to the west on the proposed property.

PLANNING AND ZONING COMMISSION REVIEW:

The *Springfield City Charter* requires the Planning and Zoning Commission to review all proposals to acquire real property by the City for public use. Commission’s function in this matter is to determine whether the proposal is generally consistent with the *Comprehensive Plan*.

COMPREHENSIVE PLAN:

The subject property is zoned Greene County R-1, Suburban Residence District. The proposed use is generally consistent with the *Comprehensive Plan*.

STAFF COMMENTS:

1. City Utilities requests to acquire proposed property with the intent to be used as future expansion of the Plainview Substation. The existing substation is located to the west on the proposed property. The Planning and Zoning Commission must review this Request to Acquire to determine whether the proposal is consistent with the *Comprehensive Plan*. City Utilities incorporate buffer areas around the perimeter of the property, utilizing green space and plantings where appropriate.
2. The following language from Article XI, Section 11.7.3, of the City Charter sets forth the Planning and Zoning Commission’s function regarding the Acquisition of property and the process for appeal of such decision:

“In reviewing and approving all such proposals, the function of the planning and zoning commission shall be to determine whether they are generally consistent with the master plan of the city. No such proposals shall be constructed or authorized until the location, extent and character thereof has been submitted and approved by the planning and zoning commission.

In case of disapproval, the commission shall communicate its reasons to the city council, and the city council, by vote of not less than two-thirds of its entire membership, may overrule the disapproval and, upon the overruling, the city council or the appropriate board or officer may proceed, except that if the proposal is by an agency other than an agency of the city and the authorization or financing does not fall within the province of the city council, then the submission

to the planning commission shall be by the agency having jurisdiction, and the planning commission's disapproval may be overruled by that agency by a vote of not less than two-thirds of its entire membership.”

ATTACHMENT B
REQUEST TO ACQUIRE NUMBER 501
LAND ACQUISITION POLICY

The Planning and Zoning Commission has adopted a policy statement for land acquisitions by public bodies. The individual sections of the policy statement are followed by the applicant's response to that section.

1. All land acquisitions shall be consistent with the adopted Plans and Policies of the City of Springfield.

RESPONSE:

It is our understanding that the acquisition of the subject property is "generally consistent with the Master Plan of the City." The property is currently zoned R-1, Greene County Suburban Residence District.

2. Proposals for land acquisition and public uses shall consider the effect of the proposed use on the surrounding land uses and shall include measures to mitigate any adverse effects of the proposed use on the surrounding uses.

RESPONSE:

City Utilities will remain consistent in its efforts to incorporate buffer areas around the perimeter of the property, utilizing green space and plantings where appropriate.

3. If no immediate use is intended for the land proposed for acquisition and the negotiated contract does not include the previous owner removing the structure, existing sound structures should be retained unless such retention is not economically feasible. The current use should be continued, the structure should be used in a manner consistent with adopted Plans until such time as the land will be cleared for the use for which it was acquired, or the structure should be moved to a suitable location.

RESPONSE:

It is our intent that subject property be used for the future development expansion of the Plainview Substation facility. As with all structures purchase by City Utilities, it is our intent to comply with Planning and Zoning Policy Statement, Items 4 and 5, whenever disposition of structures is applicable.

4. At a minimum, the acquiring agency should either attempt to preserve architecturally or historically significant structures in place, or make the structures available to the previous owner or public for moving, or solicit bids from individuals and firms interested in salvaging those items which have architectural significance. Disposition of property when conducted

by a City agency shall be made pursuant to City ordinances including the City Purchasing Manual.

RESPONSE:

See paragraph 3 above.

5. To the extent possible, the acquiring agency shall make all structures to be removed, regardless of historical or architectural significance, available to the previous owner or public for moving and reuse at another location. Disposition of property when conducted by a City agency shall be made pursuant to City ordinances including the City Purchasing Manual.

RESPONSE:

See paragraph 3 above.

REQUEST TO ACQUIRE 501
EXHIBIT 1

Legal Description of property:

BEGINNING AT A POINT 30 RODS EAST OF THE SOUTHWEST CORNER, SOUTH HALF (S 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 24, TOWNSHIP 28 NORTH, RANGE 22 WEST; THENCE NORTH 26 2/3 RODS; THENCE EAST 31 RODS AND 13 1/2 FEET; THENCE SOUTH 26 2/3 RODS; THENCE WEST 31 RODS AND 13 1/2 FEET TO THE PLACE OF BEGINNING, EXCEPT ROADWAY ON THE SOUTH SIDE THEREOF AND EXCEPT THE TRACTS HERETOFORE DEEDED TO JAMES FAYE BLAKEY IN BOOK 812, PAGE 468 AND BOOK 864 PAGE 577. RECORDER'S OFFICE GREENE COUNTY, MISSOURI.

ALSO LESS AND EXCEPT:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTH HALF (S 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 24, TOWNSHIP 28 NORTH, RANGE 22 WEST; THENCE EAST ALONG THE SOUTH LINE OF THE SAID SOUTH HALF (S 1/2) OF THE NORTHWEST QUARTER (NW 1/4), A DISTANCE OF 494.75 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING EAST ALONG THE SAID SOUTH LINE OF THE SOUTH HALF (S 1/2) OF THE NORTHWEST QUARTER (NW 1/4), A DISTANCE OF 269.06 FEET; THENCE NORTH ON AN INTERIOR ANGLE OF 90°35'12" TO THE RIGHT FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 440.72 FEET; THENCE WEST ON AN INTERIOR ANGLE OF 89°59'52" FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 255.56 FEET; THENCE SOUTH ON AN INTERIOR ANGLE OF 91°44'36" FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 443.67 FEET TO THE POINT OF BEGINNING IN GREENE COUNTY, MISSOURI, CONTAINING 2.65 ACRES; EXCEPT THAT PART USED FOR ROADS AND ANY EASEMENTS OF RECORD.

EXPLANATION TO COUNCIL BILL NO: 2013-_____

FILED: _____

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To accept the dedication of the public streets and easements as shown on the Preliminary Plat of **BREWERY DISTRICT LOFTS** generally located at the 500 block West Walnut and McDaniel Streets. (Staff recommends that City Council accept the public streets and easements.)

BACKGROUND INFORMATION:

- A. See the legal description set forth on the Preliminary Plat of **BREWERY DISTRICT LOFTS** dated October 21, 2013, the original of which is on file in the Department of Planning and Development, a reduced version of which is included for general reference in Exhibit A.
- B. The Planning and Zoning Commission held a public hearing on October 31, 2013 and _____ the preliminary plat by a vote of __ to __, subject to the following conditions:
 - 1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
 - a. Show sanitary sewer minimum finish floor elevations for proposed buildings on the final plat.
 - 2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
 - 3. Issues with the existing buildings and the new interior lot lines will need to be addressed with Building Development Services before the final plat can be approved.
 - 4. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
 - 5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush and overhanging tree limbs.

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

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

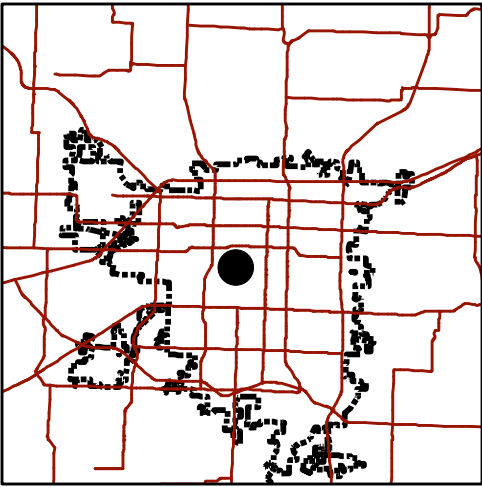
Section No. 206 of the Subdivision Regulations requires that a final plat be submitted within two years of City Council's acceptance of the public streets and easements.

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

Submitted by:

Bob Hosmer, AICP, Principal Planner

Greg Burris, City Manager



Zoning & Subdivision Report

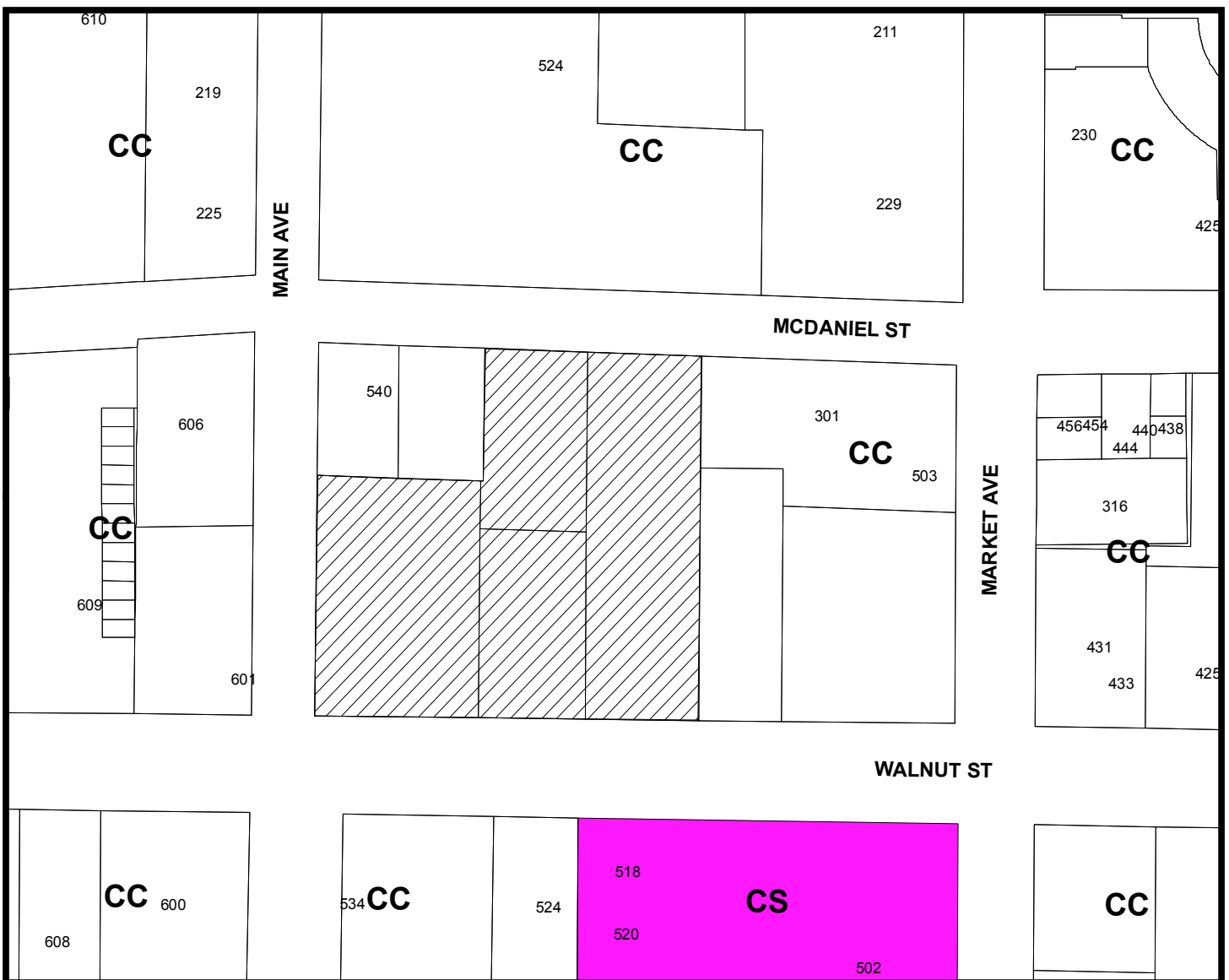
Planning & Development - 417/864-1031
840 Boonville - Springfield, Missouri 65802

Preliminary Plat - Brewery District Lofts

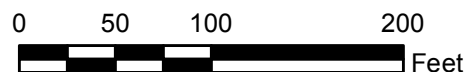
Location: 500 block W. Walnut and McDaniel Sts.

Current Zoning: CC, Center City District

LOCATION SKETCH



- Area of Proposal



1 inch = 100 feet

Zoning & Subdivision Report

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

PRELIMINARY PLAT– BREWERY DISTRICT LOFTS

DATE: October 22, 2013

PURPOSE: To approve a preliminary plat to subdivide approximately one acre into a three (3) lot subdivision

BACKGROUND:

LOCATION: 500 block W. Walnut and McDaniel Streets

APPLICANTS: Emmlott, LLC and Shirley K. Bryant Trust

TRACT SIZE: Approximately one (1) acre

EXISTING USE: Vacant commercial buildings

PROPOSED USE: Center City uses

RECOMMENDATION:

The request be **approved**.

FINDINGS:

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

CONDITIONS:

1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
 - a. Show sanitary sewer minimum finish floor elevations for proposed buildings on the final plat.

2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
3. Issues with the existing buildings and the new interior lot lines will need to be addressed with Building Development Services before the final plat can be approved.
4. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
5. If it is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.
6. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush and overhanging tree limbs.
7. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

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

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner

ATTACHMENT A
BACKGROUND REPORT
PRELIMINARY PLAT – BREWERY DISTRICT LOFTS

APPLICANT’S PROPOSAL:

The applicant proposes to subdivide approximately one acre into a three (3) lot subdivision.

AT&T COMMENTS:

No objections to plans. Builder/developer will need to contact AT&T Engineering prior to construction to make arrangements for new service or to provide facilities to any new construction at this location.

BUILDING DEVELOPMENT SERVICES COMMENTS:

The issues with the existing buildings and the new interior lot lines will need to be addressed before the final plat can be approved. Lots 2 and 3 need to provide supporting documentation of fire resistance rating of exterior walls, opening sizes, and protected/unprotected openings to evaluate compliance with the building code. Need to indicate use group of structure for evaluation. Need to indicate how egress system will work without crossing interior lot line. Need to show number and location of required exits and interior egress travel distances to exits. The exit discharge from the building must lead to the public way.

CITY UTILITIES COMMENTS:

No objection to approval of plat. CU will cooperate with the developer on converting the electric line on Walnut from overhead to underground.

FIRE DEPARTMENT COMMENTS:

No comments.

TRAFFIC DIVISION COMMENTS:

All issues have been addressed.

STORMWATER COMMENTS:

There are no storm water issues with the preliminary plat. However, please note that at the time of development the property will be subject to the following conditions:

1. Current detention and water quality requirements must be met for all lots within the subdivision. Structures and impervious surface onsite may be credited as existing impervious surface if in place since 1983 and currently in good condition. Existing gravel surfaces meeting the above definition are only eligible for 50% credit.

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

3. Connect private drainage facilities to public drainage system whenever possible, which will require a public improvement plan or excavation permit.

CLEAN WATER SERVICES COMMENTS:

Public sewer is available to each lot. Need to show sanitary sewer minimum finish floor elevation for proposed buildings on the final plat.

STAFF COMMENTS:

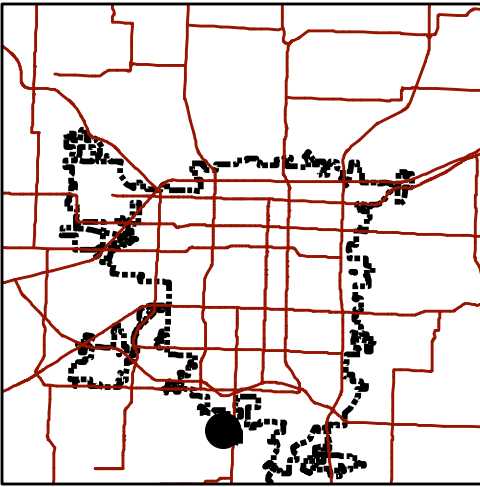
1. The applicant is proposing a three (3) lot subdivision that will facilitate the redevelopment of this area and rectify an illegal lot split of Lots 1 and 2.
2. If Planning and Zoning Commission approves the preliminary, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.

[illegible][illegible]

PRELIMINARY	SHEET
FOR	1 of 1
5999	PLOT SCALE
SPRING	1"=20'
	DATE
	10-2-13
	REV.
	DATE
	10-21-13

[illegible]

RY PLAT	COMM. NO. 13-185	The seal of the International Brotherhood of Electrical Workers (IBEW) is circular, featuring a gear and a lightning bolt, with the text "IBEW" and "ELECTRICAL WORKERS" around the perimeter.	The logo for Hood-Rich, Inc. consists of the letters "H" and "R" in a stylized, bold, serif font, with a horizontal bar connecting them.	HOOD-RICH, INC. 801 SOUTH GLENSTONE SPRINGFIELD, MISSOURI 65802 (417)-862-4483
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Zoning & Subdivision Report

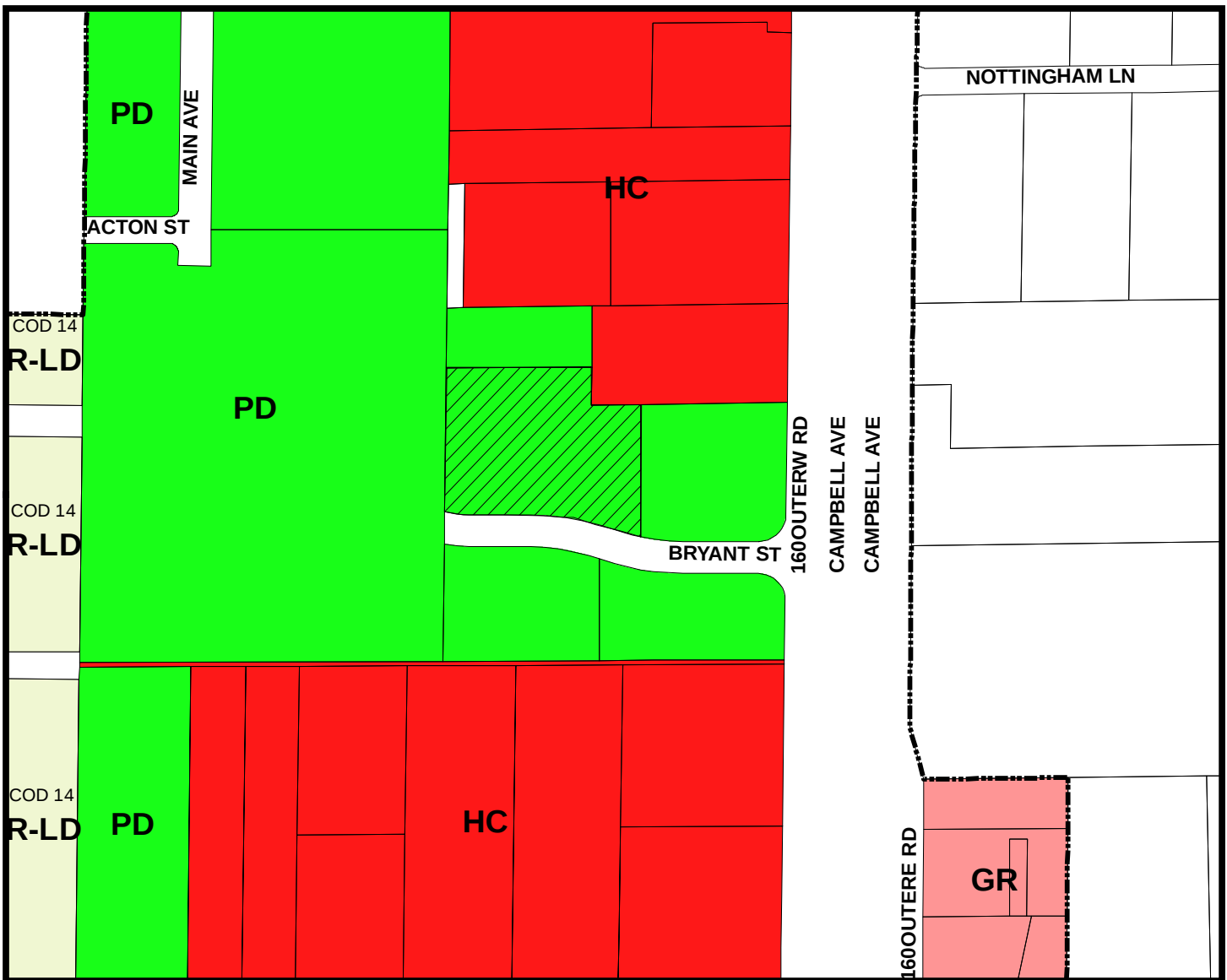
Planning & Development - 417/864-1031
840 Boonville - Springfield, Missouri 65802

Planned Development 271 Amended Final Development Plan - Cambridge Motorsports

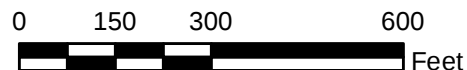
Location: 431 W. Bryant St.

Current Zoning: PD 271 Amended

LOCATION SKETCH



- Area of Proposal



1 inch = 300 feet

Zoning & Subdivision Report

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

FINAL DEVELOPMENT PLAN - PLANNED DEVELOPMENT 271 AMENDED (CAMBRIDGE MOTORSPORTS)

DATE: October 10, 2013

PURPOSE: To review and approve the final development plan for a new car dealership as required by the planned development

BACKGROUND:

LOCATION: 431 W. Bryant Street

APPLICANT: Cambridge Marketing Group, Inc.

RECOMMENDATION:

The request be **approved**.

FINDINGS FOR STAFF RECOMMENDATION:

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

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner

ATTACHMENTS:

Attachment A, Background Report

EXHIBITS:

Exhibit 1, PD 271 Amended, District Requirements

Exhibit 2, PD 271 Amended, Site Plan

Exhibit 3, Proposed Final Development Plan for Cambridge Motorsports (4 pages)

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

HISTORY:

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

STAFF COMMENTS:

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

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

A. APPLICATION

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

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

B. INTENT

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

C. DEFINITIONS

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

D. USES PERMITTED

The following uses shall be permitted in Area A:

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

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

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

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

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

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

The following uses shall be permitted in Area B:

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

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

The following uses shall be permitted in Area C:

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

E. USE LIMITATIONS

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

2. INTENSITY OF DEVELOPMENT

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

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

3. BULK, AREA AND HEIGHT REQUIREMENTS

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

H. DESIGN REQUIREMENTS

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

I. OPEN SPACE, LANDSCAPING & SCREENING

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

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

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

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

J. EXTERIOR LIGHTING

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

K. ACCESS TO PUBLIC THOROUGHFARES

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

L. OFF-STREET PARKING

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

M. SIGNS

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

N. REQUIRED IMPROVEMENTS

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

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

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

O. MAINTENANCE OF COMMON AREAS AND FACILITIES

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

P. PHASING

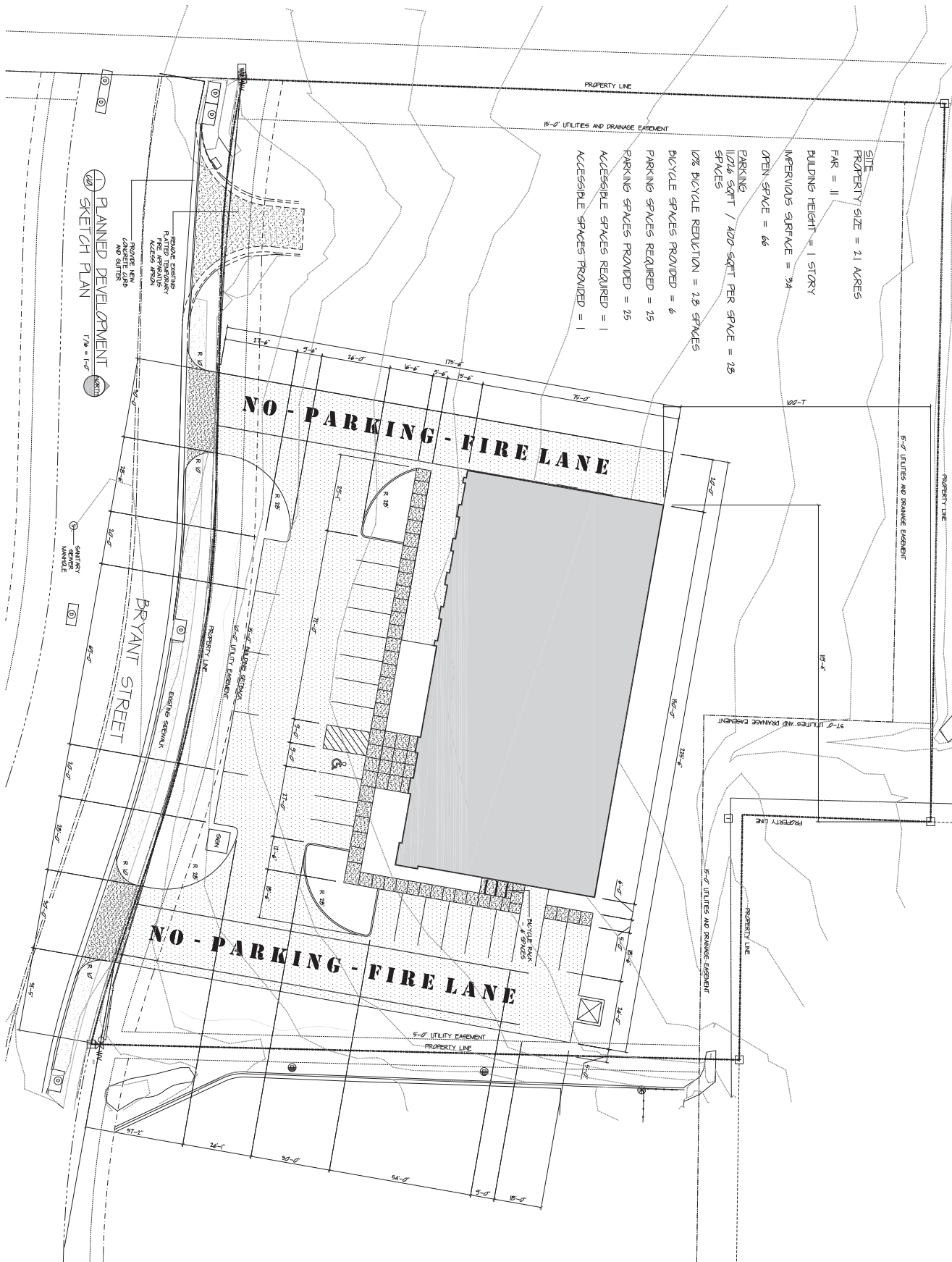
Development may be phased provided that all public improvements directly related to each phase are completed at the time of its development and that improvements serving the District as a whole and the adjoining area are completed in a sequence assuring full utility of the District as a whole and all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

Q. FINAL DEVELOPMENT PLAN

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

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

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





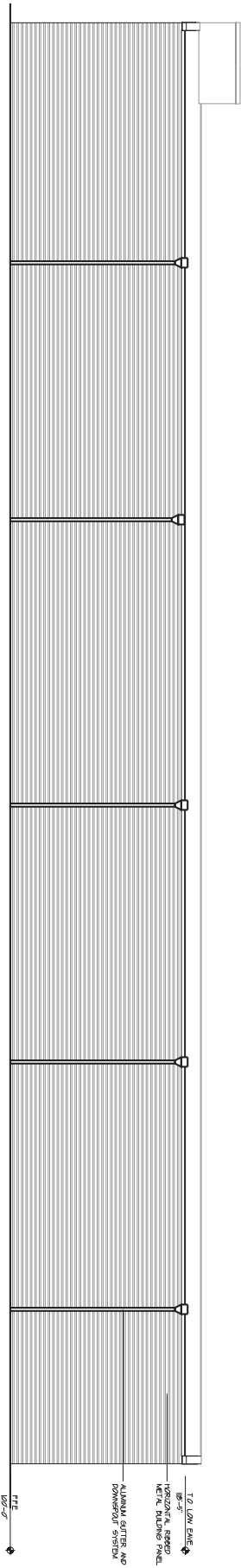
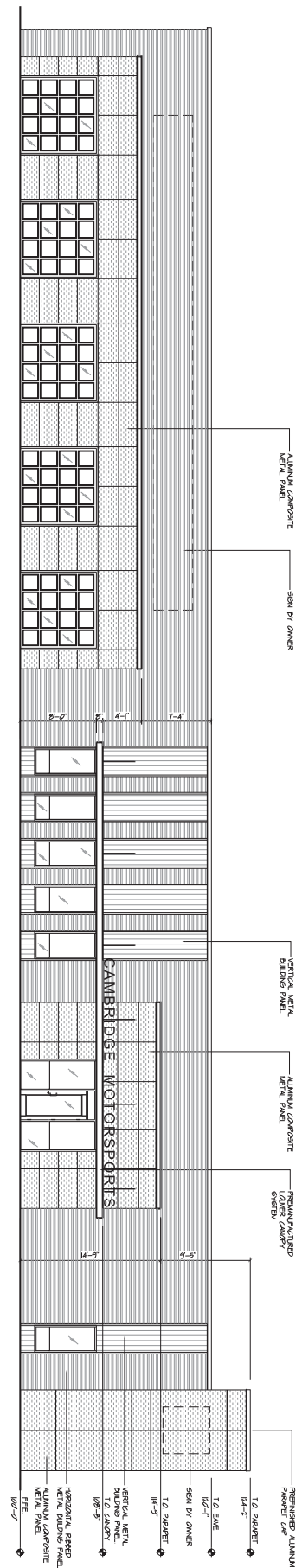
architects

Drawings and Specifications as Instruments of service and shall remain the property of the Architect. They are not to be used on other projects or otherwise in this project except by agreement in writing and with appropriate compensation to the Architect. Contractor is responsible for conforming and correcting dimensions of job when the Architect's job not

SPRINGFIELD, MO

RELEASE ON
08-16-
JEP NO
28712

LANDSCAPE PLAN





EXPLANATION TO COUNCIL BILL NO: 2013-_____

FILED:

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 0.75 acres of property generally located at 626 and 634 East Bear Boulevard from an R-HD, High Density Multi-Family Residential District and UN, University Combining Overlay District to a GI, Government and Institutional District; and establishing Conditional Overlay District No. 65.

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-21-2013/CONDITIONAL OVERLAY DISTRICT NO. 65

The applicant is proposing to rezone the property from an R-HD, High Density Multi-Family Residential District and UN, University Combining Overlay District to a GI, Government and Institutional Use District with Conditional Overlay District #65. This will allow for the subject property to be redeveloped for multi-family development with an increased density. The accompanying Conditional Overlay District will require that at least eighty (80) percent of the normally required off-street parking and bicycle parking for this use be provided as off-street parking is not required within the GI District.

RECOMMENDATIONS:

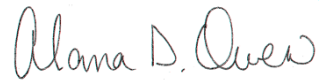
The Planning and Zoning Commission held a public hearing on October 31, 2013, and recommended _____, by a vote of _____ to _____, of the proposed zoning on the tract of land described on the attached sheet (see the attached Record of Proceedings).

The Planning and Development staff recommends the application be **approved** (see the attached Zoning and Subdivision Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. Approval of this request will provide for increased density with a more diverse mix of units within the development while still requiring sufficient parking.
2. The subject property is within walking and bicycling distance of the MSU campus, the downtown area and bus stops. In addition there is a good sidewalk system and marked bike routes in the area. The reduction in space dedicated to parking allows more destinations to be built closer together and with a more active walking environment which further encourages walking and other modes of transportation such as transit and bicycling and reduces congestion on the roadways.

Submitted by:



Alana D. Owen, AICP, Senior Planner

Approved by:

Bob Hosmer, AICP, Principal Planner

Greg Burris, City Manager

EXHIBITS:

Exhibit A, Record of Proceedings

Exhibit B, Legal Description

Exhibit C, Conditional Overlay Provisions

Exhibit D, Zoning and Subdivisions Staff Report

ATTACHMENTS:

Attachment 1, Background Report

Attachment 2, Neighborhood Meeting Summary

Attachment 3, Parking comparison

EXHIBIT A
RECORD OF PROCEEDINGS
ZONING CASE Z-21-2013 & CONDITIONAL OVERLAY DISTRICT NO. 65

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

EXHIBIT B
LEGAL DESCRIPTION
ZONING CASE Z-21-2013 & CONDITIONAL OVERLAY DISTRICT NO. 65

All of Lots forty-six (46) and forty-seven (47) in Southern Addition, in the City of Springfield, Greene County, Missouri.

EXHIBIT C
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-21-2013 & CONDITIONAL OVERLAY DISTRICT NO. 65

The requirements of *Section 4-2100* of the *Springfield Zoning Ordinance* shall be as modified herein for development within this district.

1. Parking shall be provided as follows:

Micro-efficiency units = one (1) parking space per dwelling unit

One (1) bedroom units = one-and-one-half (1.5) parking spaces per dwelling unit

Two (2) or more bedroom units = two (2) parking spaces per dwelling unit

Up to twenty (20) percent of the required automobile parking may be substituted with bicycle parking at the rate of two (2) bicycle spaces for each required automobile space.

2. A traffic study may be required if the property is developed with uses permitted in the GI, Government and Institutional Use District other than multi-family uses.

Zoning & Subdivision Report

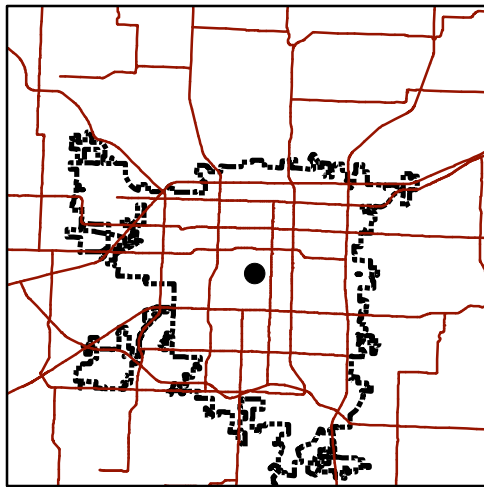
Planning & Development - 417/864-1031
840 Boonville - Springfield, Missouri 65802

Zoning Case Z-21-2013 with Conditional Overlay District #65

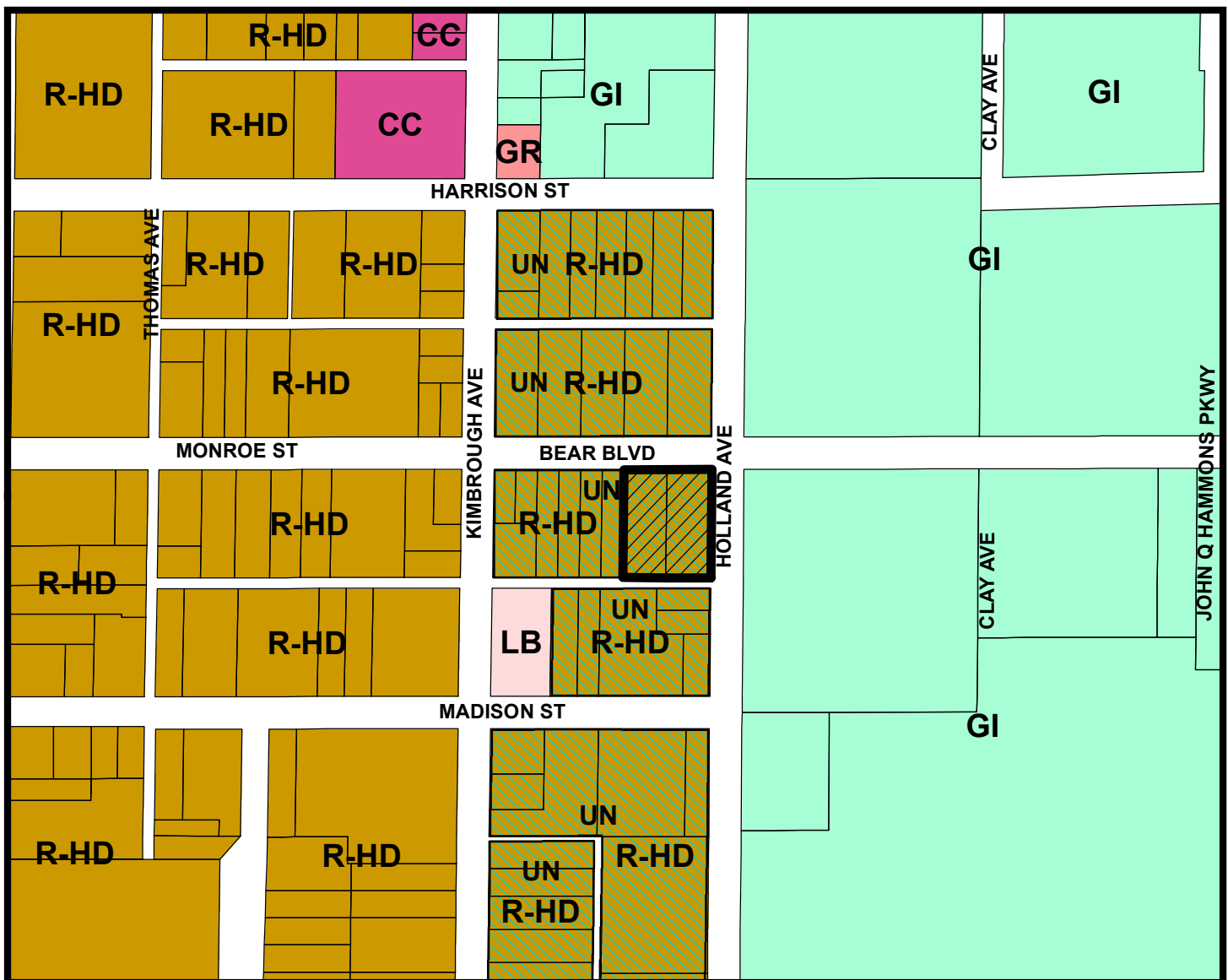
Location: 626 and 634 East Bear Boulevard

Current Zoning: R-HD, High Density Multi-Family Residential
with UN, University Combining Overlay District

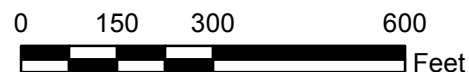
Proposed Zoning: GI, Government and Institutional Use District



LOCATION SKETCH



- Area of Proposal



1 inch = 300 feet

ATTACHMENT 1
BACKGROUND REPORT
ZONING CASE Z-21-2013 & CONDITIONAL OVERLAY DISTRICT NO. 65

DATE: October 22, 2013

LOCATION: 626 and 634 East Bear Boulevard

APPLICANT: E&E Financial Inc and Tan Brothers LLC

TRACT SIZE: Approximately 0.75 acres

EXISTING USE: Multi-family Residential

PROPOSED USE: Uses permitted in the GI, Government and Institutional Use District

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	R-HD and UN Overlay	Multi-family
East	GI	MSU campus
South	R-HD and UN Overlay	Multi-family
West	R-HD and UN Overlay	Multi-family

BUILDING DEVELOPMENT SERVICES COMMENTS:

Building Development Services does not have any issues with the proposed rezoning.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

The conditional overlay needs to contain language that if the use changes to anything other than multi-family in the future, a traffic study may be required.

STORMWATER COMMENTS:

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

- a. Any increase in impervious area from 1983 aerial photo information will require the development to meet current detention and water quality requirements. Impervious surfaces in place prior to 1983 and currently in good condition can be credited as existing impervious surface. Existing gravel surfaces meeting the above definition are only eligible for 50% credit.
 - b. Payment in lieu of construction of detention facilities may be approved on a case by case basis, depending on downstream and other conditions. A Buyout Application must be submitted for full consideration. Cost of downstream improvements may be credited towards the payment in lieu of constructing detention.
 - c. The proposed percent of impervious surfacing must not exceed the maximum impervious surfacing allowed for site by zoning, platting, and/or previous stormwater reports. If site is located within a Planned Development District, stormwater requirements in PD language must be met.
2. Concentrated points of discharge from these improvements will be required to drain into a certified natural surface-water channel, public right-of-way, or a drainage easement.
 3. Drainage patterns for any runoff currently flowing across the site must not be blocked or altered by any future construction.

CLEAN WATER SERVICES COMMENTS:

Clean Water Services does not object to the proposed rezoning. Public sewer is currently available.

CITY UTILITIES:

City Utilities has no objection to the proposed rezoning.

ADJACENT PROPERTY OWNER COMMENTS:

Seventeen (17) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request. No one has objected to date.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on October 3, 2013. A summary of the meeting is attached (Attachment 2).

STAFF COMMENTS:

1. This is a request to rezone the subject property from an R-HD, High Density Multi-family Residential District and a UN, University Combining District to a GI, Government and Institutional Use District with a Conditional Overlay District. This request is intended to allow the property to be redeveloped for multi-family with reduced off-street parking than would normally be required. The accompanying Conditional Overlay District would require the developer to provide at least eighty (80) percent of the normally required off-street parking requirements and bicycle parking to serve the development. The GI district does not require the provision of off-street parking.
2. The subject property is located at the southwest corner of Holland and Bear Boulevard, directly west of the Missouri State University (MSU) campus. The main focus of the proposed development is to provide student housing. The applicant proposes to provide a total of forty (40) units with a mix of 4 bedroom, 3 bedroom, 2 bedroom, 1 bedroom and micro-efficiency units for a total of 77 beds. Based on the current requirements of the *Zoning Ordinance*, sixty-nine (69) off-street parking spaces would be required to serve the proposed development. The required parking could be reduced by up to ten (10) percent if additional bicycle parking spaces are provided. The intent of this proposal is to reflect the same off-street parking requirements as recently proposed for the micro-efficiency multi-family units and the UN, University Combining Overlay District whereby micro-efficiency units would only be required to provide one (1) off-street parking space and the overall parking required for the site could be reduced by twenty (20) percent with the provision of additional bicycle parking that was recently tabled by City Council. Under this proposal, approximately fifty (50) spaces would be provided. As a comparison, the existing zoning would accommodate the development of up to twenty-three (23) 4 bedroom units for a total of 92 beds on the subject property and only require the provision of 46 off-street parking spaces. Approval of this request will provide for increased density with a more diverse mix of units within the development while still requiring sufficient parking. Attachment 3 provides a comparison of the off-street parking requirements for this project.
3. The subject property is within walking and bicycling distance of the MSU campus, the downtown area and bus stops. Many of the residents of the proposed development would be students or perhaps employees or faculty of the University and can walk, bicycle or take the campus shuttle to their destination more easily than driving. Dining, entertainment and some shopping available downtown can be accessed more easily by walking or bicycling than by automobile. There is a good sidewalk system and marked bike routes in the area. An increasing number of students, particularly international students, do not own cars and live near the MSU campus. The reduction in space dedicated to parking allows more destinations to be built closer together and with a more active walking environment which further encourages walking and other modes

of transportation such as transit and bicycling and reduces congestion on the roadways. The more these alternative modes of transportation are provided for and used the more they appear safe, convenient and popular for others and the demand for parking continues to decrease.

FINDINGS FOR STAFF RECOMMENDATION:

1. Approval of this request will provide for increased density with a more diverse mix of units within the development while still requiring sufficient parking.
2. The subject property is within walking and bicycling distance of the MSU campus, the downtown area and bus stops. In addition there is a good sidewalk system and marked bike routes in the area. The reduction in space dedicated to parking allows more destinations to be built closer together and with a more active walking environment which further encourages walking and other modes of transportation such as transit and bicycling and reduces congestion on the roadways.

RECOMMENDATION:

Staff recommends **approval** of this request with the requirements of Conditional Overlay District No. 65.

STAFF CONTACT PERSON:

Alana D. Owen, AICP
Senior Planner
864-1831

ATTACHMENT 2
NEIGHBORHOOD MEETING SUMMARY
ZONING CASE Z-21-2013 & CONDITIONAL OVERLAY DISTRICT NO. 65

EXHIBIT 2

NEIGHBORHOOD MEETING SUMMARY

1. Request to change zoning from:
RHD to GI
(existing zoning district) (proposed zoning district)
And any additional explanation that is available:
2. Meeting Date & Time: October 3, 2013 5:30 pm - 7:00 pm
3. Meeting Location: 433 W. Walnut, Springfield Mo
4. Number of invitations that were sent: 83
5. How was the mailing list generated: City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 7
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all of the issues to be resolved to the neighborhood's satisfaction, however, the developer must explain why the issues cannot be resolved.)
See Attachment
8. List or attach the written comments and how you plan to address any issues:



springfield st. louis
433 west walnut 225 south meramec suite 400
springfield, mo 65806 clayton, mo 63105
o 417.865.2065 o 417.865.2065
f 417.865.8313 f 417.865.8313
www.batesarchitects.com

October 3, 2013

Re: Project Number 2880 – Rezoning of 634 E Bear BLVD

SIGN IN SHEET

NAME	ADDRESS
Rinda Johnson	634 E Monroe #9
Ryan Clencats	610 E Monroe
For Christian Campus House	
Brent Haselhurst (620 E Monroe)	433 E Grand
Don Haselhurst	433 E Grand
Fred Tranter	634 E Monroe
Adam Harshman	606-622 Bear Blvd

**SPRINGFIELD**

433 W. Walnut St.
Springfield, MO 65806
o: 417.865.2065
f: 417.865.8313

ST. LOUIS

225 S. Meramec, Suite 400
Clayton, MO 63105
o: 314.863.2065
f: 314.863.8313

October 4, 2013

Project Name: Student Housing
Project Number : PLN2013-00303

Verbal comments and resolutions

Why is the city allowing a private developer GI rezone?

The developer has a long and well cultivated relationship with the city do to his ongoing achievements in rehabilitating and developing different parts of Springfield. The current property seeking rezone is part of a University Overlay district and is in an area in desperate need revitalization. With the close proximity to Missouri State, and GI allowing the construction of multi-family housing, the city recommended and is in full support of the rezone to push the development forward but has also administered a conditional overlay wanting at least 80% the normal required parking when the property is used for residential purposes.

Where will the additional cars park if the lot is full?

The developer is currently investigating the idea of micro-units; smaller, efficient units that encourage simplicity in and outside the living space. The idea behind this development will be geared towards the users utilizing public and alternative transportation. The development will provide twice as many bike racks to encourage tenants without automobiles to live in the development. The GI zoning doesn't require any parking, but the city is still requesting the developer to provide at least 80% what would typically be required in a residential development. The developer has also statistically had a high number of foreign exchange students who typically don't have or need the use of an automobile. And given the close proximity to MSU, the hopes is that the tenants choose to walk instead of wanting/needing an automobile.

Is there bufferyard or fencing requirements between GI And residential districts?

The city zoning ordinance requires a 15'-0" landscape bufferyard between GI and RHD districts.

Verbal comments from neighborhood meeting on 10-3-2013
October 4, 2012
PAGE 1

What's the timeline for the development and construction of the property in regards to the current residents who reside in the existing apartments?

The very last city council meeting will be held at the end of December. If it's approved at that time, we will go into a schematic and design development plan looking at the constraints and guidelines that the new zoning requires and reevaluate the site and our design. We informed the neighbors that the earliest we thought they'd need to be moved out for the development of the property would be sometime in the Spring of 2014. But, we insured them that the new property owner would speak with them prior to any construction to discuss how and when they'd need to vacate the buildings.

Verbal comments from neighborhood meeting on 10-3-2013
October 4, 2012
PAGE 2

Attachment 3 Comparison of Off-Street Parking Requirements

				Reflects amendments regarding parking changes for micro-efficiency apartments and UN, University Combining Overlay District pending at City Council	
	Existing Parking Requirements (R-HD zoning)	Existing Parking Requirements (R-HD zoning) with 10% reduction for additional bicycle parking	Proposed Zoning (GI) Parking Requirements	Applicant's Proposed Parking Requirements (including micro-efficiency parking ratio and 20% reduction for additional bicycle parking)	Parking Requirements for possible development under existing R-HD zoning with existing parking requirements per Zoning Ordinance
General Parking Requirement	*Efficiency and one bedroom units – 1.5 spaces per dwelling unit * Dwelling units with 2 or more bedrooms – 2 spaces per dwelling unit	* Up to ten (10) percent of required automobile parking may be substituted with bicycle parking at a rate of two (2) bicycle spaces for each required automobile space	No off-street parking is required within the GI district	* Micro-efficiency units – 1 parking space required per dwelling unit * 1 bdrm units – 1.5 spaces per dwelling unit * Dwelling units with 2 or more bedrooms – 2 spaces per dwelling unit * Up to twenty (20) percent of required automobile parking may be substituted at a rate of two (2) bicycle spaces for each required automobile space	*Efficiency and one bedroom units – 1.5 spaces per dwelling unit * Dwelling units with 2 or more bedrooms – 2 spaces per dwelling unit
Parking Requirement for proposed project	* 4 bd: $6 \times 2 = 12$ parking spaces * 3 bd: $8 \times 2 = 16$ parking spaces * 2 bd: $3 \times 2 = 6$ parking spaces * 1 bd: $10 \times 1.5 = 15$ parking spaces * Efficiency: $13 \times 1.5 = 20$ parking spaces 77 beds 69 parking spaces required	69 spaces required $69 \times .10$ (10 percent) = 6.9 $69 - 6.9 = 62.1$ 62 parking spaces required with the addition of 14 additional bicycle parking spaces	No off-street parking would be required for this project under the GI zoning without the requirement added as part of the proposed Conditional Overlay District	* 4 bd: $6 \times 2 = 12$ parking spaces * 3 bd: $8 \times 2 = 16$ parking spaces * 2 bd: $3 \times 2 = 6$ parking spaces * 1 bd: $10 \times 1.5 = 15$ parking spaces * Efficiency: $13 \times 1 = 13$ parking spaces 62 spaces required $62 \times .20$ (20 percent) = 12.4 $62 - 12.4 = 49.6$ 50 parking spaces required with the addition of 24 bicycle parking spaces and one (1) parking space required for each micro-efficiency unit	*4 bd: $23 \times 2 = 46$ 92 beds 46 parking spaces required $46 \times .10$ (ten percent) = 4.6 $46 - 4.6 = 41.4$ 41 parking spaces required with ten 10% reduction with the provision of additional bicycle parking

PLANNING AND ZONING DEPARTMENT
INTEROFFICE MEMORANDUM

DATE: November 25, 2013

TO: Members of the Planning and Zoning Commission

FROM: Alana D. Owen, AICP
Senior Planner

SUBJECT: Planned Development District No. 344

Planned Development District No. 344 is a request to rezone property a 934 East Webster Street from an R-SF, Single Family Residential District to a Planned Development District.

The applicant has requested to table this request to the February 6, 2014 Planning and Zoning Commission meeting.

Please contact me at (417)864-1831 if you have any questions or need any additional information.

EXPLANATION TO COUNCIL BILL NO. 2013-_____

FILED:

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To adopt an ordinance to approve an automotive service garage at 1543 West Republic within a GR, General Retail District (Staff recommends approval subject to conditions).

CONDITIONAL USE PERMIT NUMBER 406

BACKGROUND INFORMATION:

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

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

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

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on October 31, 2013, and recommended , by a vote of to , of the proposed conditional use permit on the tract of land described on the attached sheet and if approved, the requirements for conditional use permit "Attachment 2" shall govern and control the use and development of the land in Use Permit No. 406 in a manner consistent with "Attachment 4" site plan.

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

Submitted by:



Alana D. Owen, AICP, Senior Planner

Approved by:

Bob Hosmer, AICP
Principal Planner

Greg Burris, City Manager

EXHIBITS:

Exhibit A, Record of Proceedings

Exhibit B, Legal Description

Exhibit C, Zoning and Subdivision Staff Report

ATTACHMENTS:

Attachment 1, Background Report

Attachment 2, Requirements for Conditional Use Permit No. 406

Attachment 3, Standards for Conditional Use Permit

Attachment 4, Site Plan

Attachment 5, Applicant's response to Standards

Attachment 6, Neighborhood Meeting Summary

EXHIBIT A
RECORD OF PROCEEDINGS
CONDITIONAL USE PERMIT NUMBER 406

EXHIBIT B
LEGAL DESCRIPTION
CONDITIONAL USE PERMIT NUMBER 406

A portion of the Southwest quarter (SW $\frac{1}{4}$) of section eleven (11), twenty-eight (28), range twenty-two (22), described in book 2003 at page 77726-03, all being in Springfield, Greene County, Missouri, being more described as follows:

Commencing at the Southwest corner of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of said section eleven (11); thence North 02D28'20" East along the West line thereof, a distance of 110.31 feet, Thence South 87D31'40" East a distance of 17.50 feet to the point of beginning, said point being on the East right-of-way line of Kansas Avenue; thence North 01D40'15" East along said East right-of-way line a distance of 558.65 feet to the South right-of-way line of James River Freeway (Missouri State Route 60; thence Southeasterly along said right-of-way line of James River Freeway the following four (4) courses; (1) South 47D13'10" East a distance of 68.85 feet; (2) South 50D52'55" East a distance of 300.00 feet; (3) South 54D01'05" East a distance of 365.76 feet; (4) South 50D46'49" East a distance of 221.00 feet to the North right-of-way line of Missouri State Highway "M", (Republic Road); thence Westerly along said Northerly right-of-way line the following three (3) courses; (1) North 88D48'03" West a distance of 318.81 feet; (2) South 82D40'05" West a distance of 148.14 feet; (3) North 89D08'49" West a distance of 264.27 feet; thence North 43D44'50" West a distance of 56.19 feet to said point of beginning, all in the City of Springfield, Greene County, Missouri.

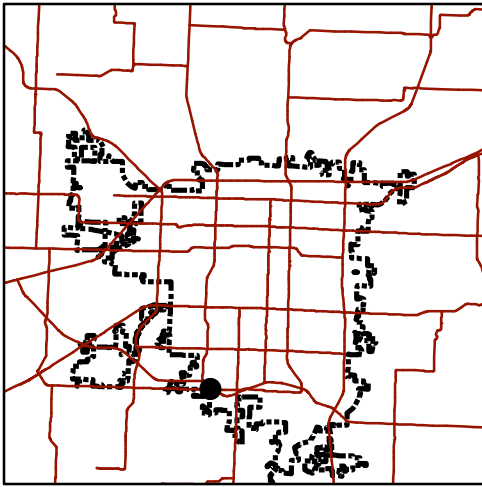
Zoning & Subdivision Report

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

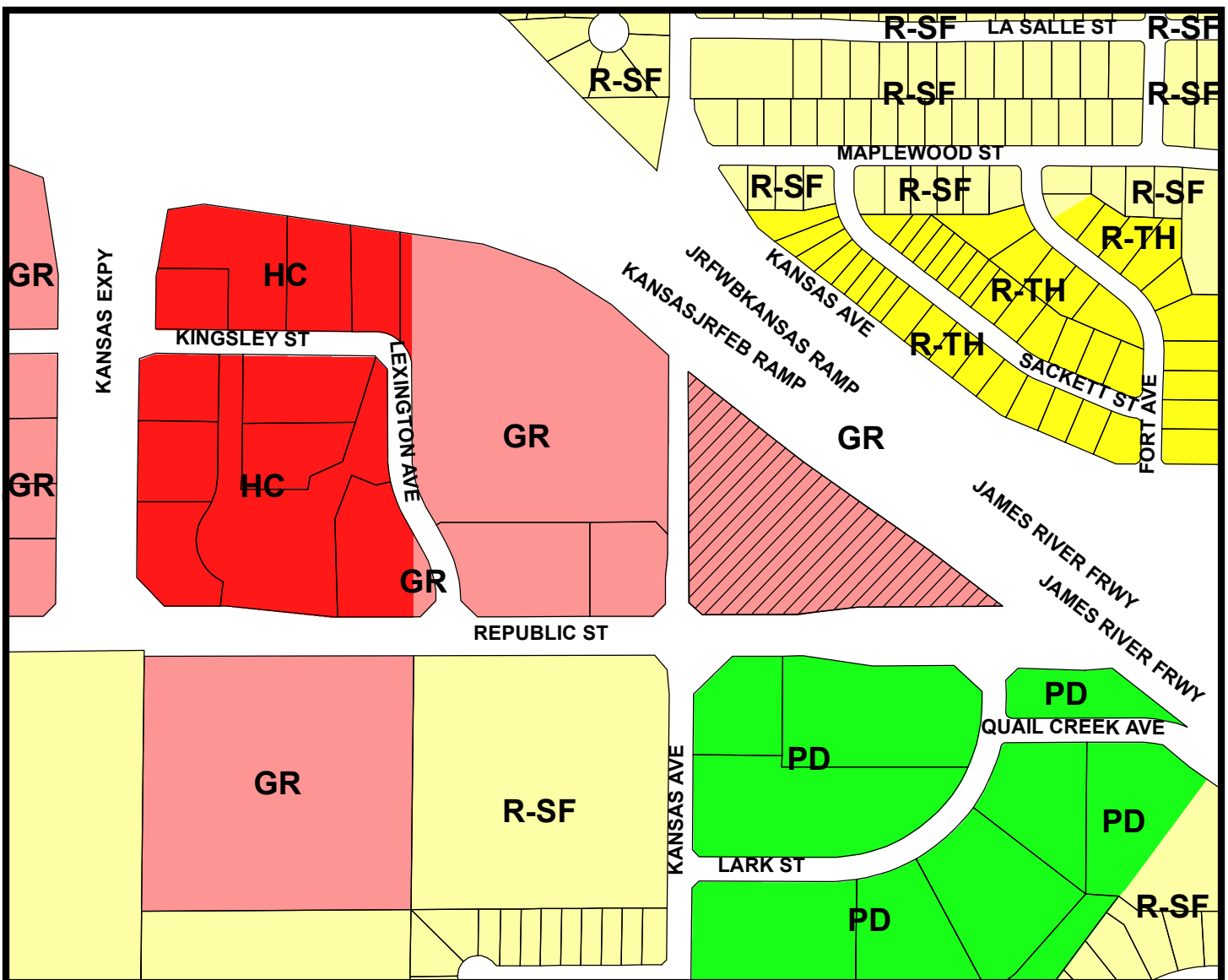
Conditional Use Permit #406

Location: 1543 West Republic

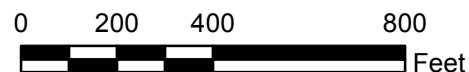
Current Zoning: GR, General Retail District



LOCATION SKETCH



- Area of Proposal



1 inch = 400 feet

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

CONDITIONAL USE PERMIT 406

DATE: October 21, 2013

PURPOSE: To approve a Conditional Use Permit to allow an automobile service garage within a GR, General Retail District.

BACKGROUND:

LOCATION: 1543 West Republic

APPLICANT: 1545 W Republic Rd LLC

TRACT SIZE: Approximately 2.44 acres

EXISTING USE: Undeveloped property

PROPOSED USE: Tire sales and service

RECOMMENDATION:

Staff recommends the request be **approved**.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed use is compatible with the existing non-residential uses in the area and is an appropriate use at this location.
2. This application meets the approval standards for a Conditional Use Permit and is in conformance with the Comprehensive Plan.

CONDITIONS:

The regulations and standards on Attachment 3 shall govern and control the use and development of the land in Use Permit Number 406 in a manner consistent with Attachment 4, except as modified by Attachment 2, and except any changes made by the Planning and Zoning Commission.

FINDINGS TO RECOMMEND DENIAL:

None

STAFF CONTACT PERSON:

Alana D. Owen, AICP
Senior Planner

ATTACHMENT 1
BACKGROUND REPORT
CONDITIONAL USE PERMIT 406

APPLICANT'S PROPOSAL:

The applicant is requesting approval of a conditional use permit for an automobile service garage within a GR, General Retail District.

SURROUNDING LAND USES:

Direction	Zoning	Land Use
North	R-TH	James River Freeway and residential
South	PD 88	Retail shopping center and restaurants
East	R-TH	James River Freeway and residential
West	GR	Commercial vehicle training center and retail

ZONING ORDINANCE REQUIREMENTS:

1. The conditional use permit procedure is designed to provide the Planning and Zoning Commission and the City Council with an opportunity for discretionary review of requests to establish or construct uses or structures which may be necessary or desirable in a zoning district, but which may also have the potential for a deleterious impact upon the health, safety and welfare of the public. In granting a conditional use, the Planning and Zoning Commission may recommend, and the City Council may impose such conditions, safeguards and restrictions upon the premises benefited by the conditional use as may be necessary to comply with the standards set out in the Zoning Ordinance to avoid, or minimize, or mitigate any potentially adverse or injurious effect of such conditional uses upon other property in the neighborhood. The general standards for conditional use permits are listed in Attachment 3.
2. No conditional use permit shall be valid for a period longer than eighteen months from the date City Council grants the conditional use permit, unless within this eighteen months:
 - a. A building permit is obtained and the erection or alteration of a structure is started; or
 - b. An occupancy permit is obtained and the conditional use is begun.

STORMWATER COMMENTS:

No Stormwater issues with the requested Conditional Use Permit.

SANITARY SERVICE COMMENTS:

No objections to the requested Conditional Use Permit however the tract is not adequately served by public sewer. No new connections will be allowed without extending sewer.

TRAFFIC ENGINEERING COMMENTS:

No objection to the use permit. The driveway on Republic needs to line up with the existing driveway to the south.

CITY UTILITIES:

No objection to approval of the requested Conditional Use Permit. Water and gas main extensions will be required to serve the property. All extensions and services will be in accordance with CU's Extension Policy.

ADJACENT PROPERTY OWNER COMMENTS:

1. Six (6) property owners are within 185 feet of the subject property and were notified of this request.
2. The applicant held a neighborhood meeting on October 7, 2013 in conformance with City Council's policy. A summary of the meeting is attached.

STAFF COMMENTS:

1. The applicant is requesting approval of a Conditional Use Permit to allow an automotive service garage, specifically tire service and repair, within a GR, General Retail District. The site is part of a larger tract of land that is developed with a commercial vehicle training center to the west. Staff recommends approval of this application for the following reasons:
 - a. The subject property is surrounded by James River Freeway to the north and east and other non-residential development to the south and west. The proposed use is compatible with the existing non-residential development already existing nearby.
 - b. The subject property is located along Republic Road which is classified as a primary arterial roadway, which is an appropriate location for the proposed use. Access to the site is provided from Republic Road and Kansas Court to the west. The proposed driveway on Republic is required to line up with the existing driveway to the south.

2. Staff has reviewed the applicant's request for a Conditional Use Permit and has determined that it satisfies the standards for Conditional Use Permits outlined in Section 3-3310 of the Zoning Ordinance.

ATTACHMENT 2
REQUIREMENTS FOR CONDITIONAL USE PERMIT 406

1. An automotive service garage is permitted on the subject property as shown on Attachment 4.
2. The driveway on Republic shall line up with the existing driveway to the south.
3. Sanitary sewer shall be extended to the site.

ATTACHMENT 3
STANDARDS FOR CONDITIONAL USE PERMITS
CONDITIONAL USE PERMIT 406

An application for a conditional use permit shall be granted only if evidence is presented which establishes the following: (see attached Attachment 5 for the applicant's response)

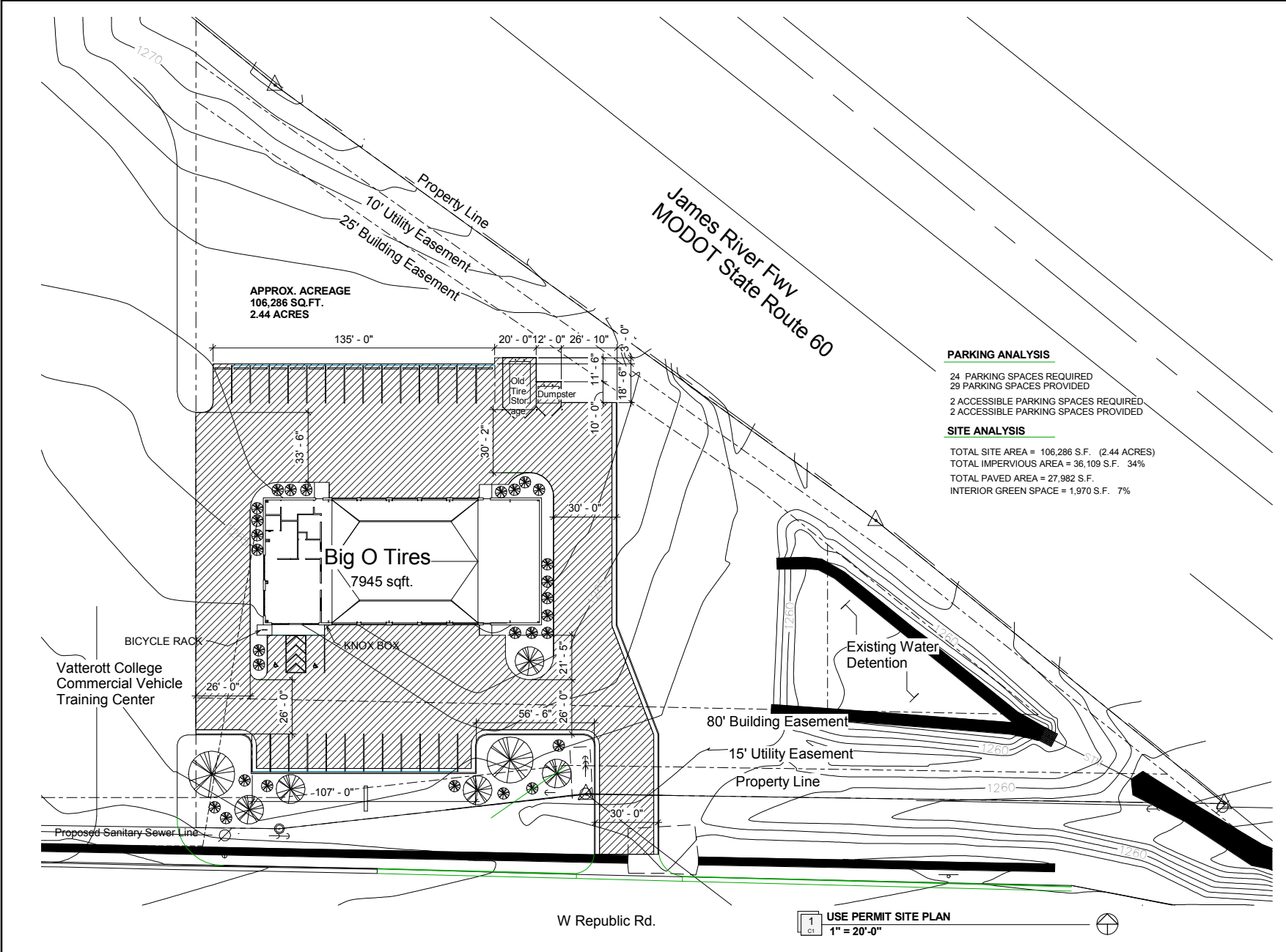
1. The proposed conditional use will be consistent with the adopted policies in the Springfield Comprehensive Plan;
2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;
3. The proposed conditional use will adequately provide for safety from fire hazards, and have effective measures of fire control;
4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage;
5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district;
6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent possible such lights will be visible from any residential district, measures to shield or direct such lights so as to eliminate or mitigate such glare as proposed;
7. The location, lighting and type of signs and the relationship of signs to traffic control is appropriate for the site;
8. Such signs will not have an adverse effect on any adjacent properties;
9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use;
10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment

of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking utility facilities, and other matters affecting the public health, safety and general welfare.

11. The proposed conditional use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of buildings, structures, walls and fences on the site; and
 - b. The nature and extent of landscaping and screening on the site;
12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site;
13. The proposed conditional use will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance;
14. The proposed conditional use otherwise complies with all applicable regulations of the Article, including lot size requirements, bulk regulations, use limitations and performance standards;
15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public;
16. Off-street parking and loading areas will be provided in accordance with the standards set out in 5-1500, 5-1600 and 6-1300 of this Article, and such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect.
17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed

vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel.

19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way;
20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield, and;
21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.



PARKING ANALYSIS

24 PARKING SPACES REQUIRED
29 PARKING SPACES PROVIDED

2 ACCESSIBLE PARKING SPACES REQUIRED
2 ACCESSIBLE PARKING SPACES PROVIDED

SITE ANALYSIS

TOTAL SITE AREA = 106,286 S.F. (2.44 ACRES)
TOTAL IMPERVIOUS AREA = 36,109 S.F. 34%
TOTAL PAVED AREA = 27,982 S.F.
INTERIOR GREEN SPACE = 1,970 S.F. 7%

REVISIONS	
NO.	DATE

bates & associates
architects

www.batesandassociates.com
433 West Walnut Street
Springfield, Missouri 65807

These drawings were prepared by Bates & Associates, Inc. for the project described herein. They are not to be used for any other project without the written consent of Bates & Associates, Inc. The drawings are the property of Bates & Associates, Inc. and shall remain confidential. No part of these drawings shall be reproduced or transmitted in any form or by any means electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without permission in writing from Bates & Associates, Inc.

New Building For:
Big O Tires

1643 WEST REPUBLIC ROAD, SPRINGFIELD, MISSOURI 65807

Job Number: Project Number:
Revision Date: Issue Date:
Drawn By: Author:

C1

USE PERMIT PLAN

Created by utilizing BIM technology with
Autodesk Revit

ATTACHMENT 5
CONDITONAL USE PERMIT NO. 406

Conditional Use Comments

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

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

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

- B. The proposed conditional use of this site will not impair or adversely affect the adjacent sites across Republic Road as there will be a buffer yard along North side of near South property line Republic Road..
- C. There are no potentially adverse effects that may be associated with the proposed conditional use, and the site plan by Architect has shown to avoid, minimize such effects.
- D. In addition to the above comments the designer is going to adhere to the City of Springfield, Missouri Zoning Ordinance Section 3-3310 standards.



Meeting Minutes

Date: 10-07-13

Project: Big O Tires – Conditional Use Neighborhood Meeting

Attendees: Jarod Michel & Curtis Jared

Meeting Overview:

Neighborhood Meeting to discuss our rezoning request for a conditional use permit to allow for a tire shop to be located at 1545 W Republic Rd Springfield, MO .

Meeting Minutes:

1. Meeting began at 4:00pm on 10/7/13. Jarod Michel and Curtis Jared were both in attendance to answer any questions from the neighborhood. The only person that showed up to the meeting was Mitch Drury and no questions were asked regarding the project. We kept the meeting open until 6:30pm and there were no other attendees from the neighborhood.

Please notify us of any points of discussion that have been omitted inadvertently or recorded incorrectly in these minutes. If we do not hear from you within seven days, these minutes will be assumed to be correct.

Submitted by: Jarod Michel

Bates & Associates Architects



10/7/13

BIG O TIRE - CONDITIONAL USE PERMIT - PUBLIC MEETING

ATTENDEES

JAROD MUEHL
Curtis Javed
Mitch Drury

EXPLANATION TO COUNCIL BILL NO: 2013-_____

FILED: _____

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To accept the dedication of the public streets and easements as shown on the Preliminary Plat of **ENERGY PLACE SUBDIVISION** generally located at 3809 East Energy Place. (Staff recommends that City Council accept the public streets and easements.)

BACKGROUND INFORMATION:

- A. See the legal description set forth on the Preliminary Plat of **ENERGY PLACE SUBDIVISION** dated October 16, 2013, the original of which is on file in the Department of Planning and Development, a reduced version of which is included for general reference in Exhibit A.
- B. The Planning and Zoning Commission held a public hearing on October 31, 2013 and **approved** the preliminary plat by a vote of ___ to ___, subject to the following conditions:
 - 1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
 - a. A water main extension will be required to serve Lot 2.
 - b. Show minimum finish floor elevations for sanitary sewer on the final plat.
 - 2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
 - 3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
 - 4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and

hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Code.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush and overhanging tree limbs.
6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

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

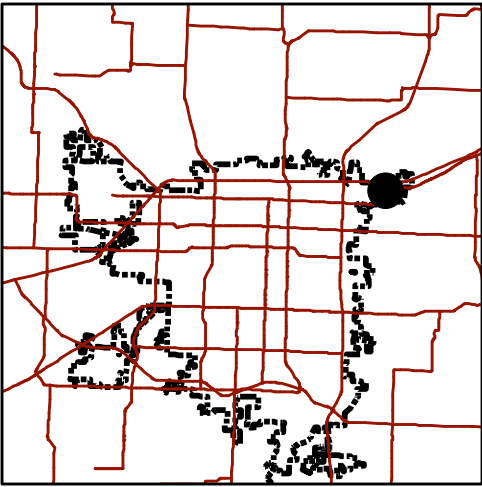
Section No. 206 of the Subdivision Regulations requires that a final plat be submitted within two years of City Council's acceptance of the public streets and easements.

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

Submitted by:

Bob Hosmer, AICP, Principal Planner

Greg Burris, City Manager



Zoning & Subdivision Report

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

Preliminary Plat - Energy Place Subdivision

Location: 3809 E. Energy Place

Current Zoning: HM, Heavy Manufacturing District

LOCATION SKETCH



- Area of Proposal



1 inch = 400 feet

Zoning & Subdivision Report

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

PRELIMINARY PLAT – ENERGY PLACE SUBDIVISION

DATE: October 22, 2013

PURPOSE: To approve a preliminary plat to subdivide 11.5 acres into a two (2) lot subdivision, including a subdivision variance for a fee in lieu of constructing sidewalks

BACKGROUND:

LOCATION: 3809 E. Energy Place.

APPLICANT: JKAA, LLC

TRACT SIZE: Approximately 11.5 Acres

EXISTING USE: Asphalt and striping business

PROPOSED USE: Additional manufacturing uses

RECOMMENDATION:

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

FINDINGS:

1. The applicant's proposal, with the conditions listed below and approval of the subdivision variance, is consistent with the City's Subdivision Regulations.

CONDITIONS:

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

- a. A water main extension will be required to serve Lot 2.
 - b. Show minimum finish floor elevations for sanitary sewer on the final plat.
2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Code.
5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush and overhanging tree limbs.
6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

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

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

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner

ATTACHMENT A
BACKGROUND REPORT
PRELIMINARY PLAT – ENERGY PLACE SUBDIVISION

APPLICANT’S PROPOSAL:

The applicant is proposing to subdivide approximately 11.5 acres into a two (2) lot manufacturing subdivision.

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES COMMENTS:

A water main extension will be required to serve Lot 2. The preliminary design is complete and plans have been sent to the design professional.

FIRE DEPARTMENT COMMENTS:

No comments.

TRAFFIC DIVISION COMMENTS:

Traffic supports the fee-in-lieu of constructing sidewalk. The length of sidewalk pertaining to the variance request is 860 linear feet along Energy Place and is 530 linear feet along Le Compte at a cost of \$15 per linear foot. The total cost of the fee in lieu of is \$20,850.

AT&T COMMENTS:

Comments have been addressed.

STORMWATER COMMENTS:

There are no storm water issues with the preliminary plat. However, please note that at the time of development the property will be subject to the following conditions:

1. Current detention and water quality requirements must be met for all lots within the subdivision. Structures and impervious surface onsite may be credited as existing impervious surface if in place since 1983 and currently in good condition. Existing gravel surfaces meeting the above definition are only eligible for 50% credit.
2. A payment in lieu of construction of detention facilities may be approved on a case by case basis, depending on downstream and other conditions. Cost of downstream improvements may be credited towards payment in lieu of constructing detention.
3. Connect private drainage facilities to public drainage system whenever possible, which will

require a public improvement plan or excavation permit.

CLEAN WATER SERVICES COMMENTS:

Public sewer is available to both lots. Plat is approvable however need to show minimum finish floor elevation for sanitary sewer on final plat.

STAFF COMMENTS:

1. The applicant is proposing a two (2) lot manufacturing subdivision that will create an additional developable lot in Partnership Industrial Center.
2. Planning and Zoning Commission is given authority to review whether the subdivision variance for a fee-in-lieu of constructing sidewalks can be granted. The applicant is requesting a subdivision variance to pay a fee-in-lieu of constructing sidewalks along Le Compte Road and Energy Place (approximately 1,390 linear feet). The sidewalk fees will go to a fund that will be used for future sidewalk projects benefiting elementary schools in the area. Staff supports the requested variance (Attachment B).
3. If Planning and Zoning Commission approves the preliminary, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.

ATTACHMENT B
APPROVAL CRITERIA
PRELIMINARY PLAT – ENERGY PLACE SUBDIVISION

The applicant is requesting a subdivision variance from Section 410(6)(b) of the Subdivision Regulations which allows a payment to be made in lieu of constructing sidewalk along Le Compte Road and Energy Place. Staff supports the request for a fee-in-lieu of constructing sidewalk because there are no sidewalks that exist on adjoining properties or in the neighboring area.

Section 106 of the Subdivision Regulations states in part:

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

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

APPLICANT’S RESPONSE:

In 1992 when this subdivision was plated, Special Ordinance #22238 was passed relating to the platting of this subdivision in that Ordinance, the requirement for sidewalks in this subdivision was waived by the City. This property is a legal tract within that subdivision and as such no sidewalk was required relating to this lot. The Subdivision Regulations will not allow us to subdivide this lot without providing the sidewalks which is why we are asking that a variance be granted which confirms that Special Ordinance #22238 does apply to the subdivision of this lot.

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

APPLICANT’S RESPONSE:

We bought this tract and all the entitlements tied to it. The waiving of the sidewalks is an entitlement which should not be taken away.

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

APPLICANT’S RESPONSE:

There are no sidewalks in the area, this is an industrial area with no pedestrian traffic and providing sidewalks would benefit no one while not providing them would not adversely affect anyone.

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

EXPLANATION TO COUNCIL BILL NO: 2013-_____

FILED:

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To amend *Section 4-2900, WC, West College Street District*, specifically *Section 4-2902, WC-1, Mixed-Use Sub-area*, of the *Springfield Zoning Ordinance* to clarify uses and add a new use. (Staff recommends approval).

BACKGROUND INFORMATION:

ZONING ORDINANCE TEXT AMENDMENT – WC-1, WEST COLLEGE STREET DISTRICT MIXED-USE SUB-AREA

On September 9, 2013, City Council adopted three ordinances (General Ordinance Nos. 6077 and 6078 and Special Ordinance No. 26306) that modified the zoning regulations, as well as approved a redevelopment plan and certain financial incentives to encourage and facilitate redevelopment along the section of West College Street between South Grant Avenue and South Kansas Expressway.

General Ordinance No. 6077 established the WC, West College Street Zoning District, and General Ordinance No. 6078 rezoned approximately 20.57 acres of land on West College Street to a WC, West College Street District and IC, Industrial Commercial District. Within the WC District, three sub-areas were created including the WC-1, Mixed-Use Sub-area, WC-2, Live/Work Sub-area and WC-3, Residential Sub-area. The three sub-areas established are intended to encourage an eclectic mix of businesses, artist studios, architecture and residents consistent with the adopted *College Street Corridor Plan*.

Subsequent to the adoption of the WC District, staff has determined that some “clean-up” is needed within the District, specifically within the WC-1, Mixed-Use Sub-area, to clarify the intent of the ordinance. Staff is also recommending that an additional use be included within the District. The following is a summary of the recommended changes:

1. “Automobile Service Garages, including body and fender repair and paint shops if a legally conforming use at the time of the passage of this ordinance provided a Conditional Use Permit is obtained for any expansion of the structure for said use.”

This change is to clarify that a Conditional Use Permit is required only when there is an expansion of the structure involved with this use and not just an expansion of the business within the existing structure.

2. “Any new structure within this District shall adhere to the following: Facades that face streets or connecting pedestrian frontage that are greater than twenty-five (25) feet in length shall be subdivided and proportioned using at least one or more of the following features: windows, entrances, arcades, arbors, awnings (over windows or doors), changes in color or materials, distributed along the façade at least once every twenty-five (25) feet. Site plan elevations of buildings shall be approved by the Administrative Review Committee.”

This proposed change is to clarify that the design requirements are only applicable on new structures and existing structures are not required to meet this requirement.

3. “Any establishment which provides supplies and/or services such as janitorial services, sign shops, packaging or shipping service, locksmith or printing, lithographing, engraving, photocopying, blueprinting, publishing and binding establishments provided there is no outdoor storage of equipment, materials or commercial vehicles.”

Staff believes this would accommodate small scale uses and that would be appropriate and would not adversely impact the surrounding property. This use would accommodate many uses that would be similar to and compatible with other uses that are permitted within the WC-1 Sub-area and would help to facilitate the productive use of existing buildings within the area that were designed for these types of uses.

RECOMMENDATIONS:

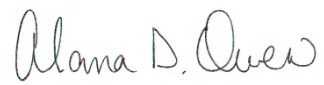
The Planning and Zoning Commission held a public hearing on October 31, 2013, and recommended , by a vote of to , of the proposed changes to the Zoning Ordinance described in Attachment A.

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed changes are needed to clarify the intent of the existing uses within the WC-1, Mixed-Use Sub-area and provide additional opportunities for redevelopment within this area.

Submitted by:



Alana D. Owen, AICP, Senior Planner

Approved by:

Bob Hosmer, AICP, Principal Planner

Greg Burris, City Manager

ATTACHMENT A
WC-1, WEST COLLEGE STREET DISTRICT MIXED-USE SUB-AREA

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

4-2902. **WC-1, Mixed-Use Sub-area**

A. Permitted Uses.

1. Office Use Group (this use group would include Medical and Dental clinics)
2. Retail Sales Use Group (this use group would include pet stores)
3. Personal Services Use Group (this use group would include pet grooming)
4. Eating and Drinking Establishments Use Group
5. Automobile Service Garages, including body and fender repair and paint shops if a legally conforming use at the time of the passage of this ordinance provided a Conditional Use Permit is obtained for any expansion of the structure for said use.
6. Churches and other places of worship, including parish houses and Sunday Schools, but excluding overnight shelters.
7. Commercial Gardens and/or Farmers Market
8. Bed and Breakfast
9. Colleges, Universities and Business Colleges
10. Funeral Homes and Mortuaries, excluding crematoriums
11. Educational, cultural, public or nonprofit institutions such as museums, art galleries and libraries
12. Community centers, nonprofit
13. Upholstery Shops
14. Glass and Mirror Sales

- 39
40 15. Single-family-detached dwellings
41
42 16. Single-family-semi-detached dwellings, such as patio-court homes
43 and twin houses
44
45 17. Duplexes
46
47 18. Townhouses
48
49 19. Multi-family dwellings
50
51 20. Any establishment which provides supplies and/or services such as
52 janitorial services, sign shops, packaging or shipping service,
53 locksmith or printing, lithographing, engraving, photocopying,
54 blueprinting, publishing and binding establishments provided there
55 is no outdoor storage of equipment, materials or commercial
56 vehicles

57
58 **B. Use Limitations.**
59

- 60 A. All activities and permitted uses except for the following shall be
61 conducted entirely within a completely enclosed building.
62
63 a. Occasional outdoor sales on private property
64 b. Off-street parking and loading facilities
65 c. Outdoor eating and drinking facilities
66
67 B. All uses shall operate in accordance with the noise standards
68 contained in *Section 6-1500, Noise Standards*.
69
70 C. No use shall emit an odor that creates a nuisance as determined by
71 *Chapter 2A, Article X, Springfield City Code*.
72

73 **C. Bulk Regulations.**
74

- 75 1. Maximum structure height:
76
77 a. Two and one-half (2 ½) stories or thirty-five (35) feet above the
78 finished street grade.
79 b. Maximum of four (4) stories, or fifty-five (55) feet above the
80 finished street grade with the approval of a Conditional Use

81 Permit in accordance with *Section 3-3300, Conditional Use*
82 *Permits.*

83
84 2. Maximum density for residential uses shall not exceed twenty-nine
85 (29) dwelling units per acre.

86
87 3. Yard requirements

88 a. Front yard: None

89 b. Side yard: None

90 c. Rear yard: None

91
92
93 4. Maximum building coverage (including accessory buildings):
94 Ninety (90) percent

95
96 **D. Open Space Requirements.**

97
98 1. Minimum open space: Not less than ten (10) percent of the gross
99 site area shall be devoted to open space unless modified in
100 accordance with *Subsection 6-1215*. Open space shall not include
101 areas covered by buildings, structures, parking, loading and other
102 paved areas and internal streets or areas containing plants for
103 display or sale. Open space shall contain living ground cover and
104 other landscaping materials.

105
106 2. Maximum impervious surface: The combined area occupied by all
107 main and accessory buildings or structures, parking, loading and
108 other paved areas and any other surfaces which reduce and
109 prevent absorption of stormwater shall not exceed ninety (90)
110 percent of the total area unless modified in accordance with
111 *Subsection 6-1215*.

112
113 **E. Design Requirements.**

114
115 1. A site plan meeting the requirements of *Section 3-3000, Site Plan*
116 *Review*, shall be submitted and approved.

117
118 2. A landscape plan meeting the requirements of *6-1300, Off-Street*
119 *Parking and Loading Area Designs Standards*, shall be submitted
120 and approved.

- 122 3. Refuse storage areas shall be screened from view in accordance
123 with *Section 6-1000, Screening and Fencing*.
124
125 4. Mechanical and electrical equipment, including air conditioning
126 units shall be screened from view in accordance with *Section 6-*
127 *1000, Screening and Fencing*.
128
129 5. Lighting shall be designed to reflect away from any adjacent
130 residential area and in accordance with *Section 6-1400, Lighting*
131 *Standards*.
132
133 6. Accessory buildings and structures shall meet the requirements of
134 *Section 5-1000, Accessory Structures and Uses*. (G.O. 5425,
135 11/15/04)
136
137 7. The maximum length of the frontage of any building along College
138 Street shall not exceed one-hundred (100) linear feet. The length
139 of a building may exceed one-hundred (100) feet with the approval
140 of a Conditional Use Permit if it can be shown the design of the
141 building incorporates the scale and other features consistent with
142 the intent of this District and the College Street Corridor Plan.
143
144 8. Any new structure within this District shall adhere to the following:
145 Facades that face streets or connecting pedestrian frontage that
146 are greater than twenty-five (25) feet in length shall be subdivided
147 and proportioned using at least one or more of the following
148 features: windows, entrances, arcades, arbors, awnings (over
149 windows or doors), changes in color or materials, distributed along
150 the façade at least once every twenty-five (25) feet. Site plan
151 elevations of buildings shall be approved by the Administrative
152 Review Committee.

153
154 **F. Bufferyard Requirement.**

155
156 None.

157
158 **G. Parking Requirements.**

159
160 There shall be at least one (1) off-street parking space for each
161 dwelling unit.
162
163

EXPLANATION TO COUNCIL BILL NO: 2013-_____

FILED: _____

ORIGINATING DEPARTMENT: Public Works and Planning and Development

PURPOSE: To amend *Sections 4-1000 through 4-2000 and 4-3000 through 4-4400, District Regulations*, and add a new *Section 5-3100, Sidewalks/Pedestrian Walkways*, in the *Springfield Zoning Ordinance*; and amend *Sections 303, 403 and 410* of the City's *Subdivision Regulations* to address sidewalk, traffic studies, floor area ratio and right-of-way dedication requirements. (Plans and Policies Committee and staff recommend approval)

BACKGROUND INFORMATION:

ZONING ORDINANCE AND SUBDIVISION REGULATION TEXT AMENDMENTS – SIDEWALK, TRAFFIC STUDIES, FLOOR AREA RATIO AND RIGHT-OF-WAY AMENDMENTS

In response to comments from the development community, staff reviewed the Zoning Ordinance and Subdivision Regulations and determined that changes were needed to streamline the process on sidewalks, traffic studies, floor area ratio and right-of-way dedication. A development review group composed of three city staff, two professional engineers, two architects and two developer representatives met four times during the last year and discussed development issues. The members of the development review group included Brian Kubik – Buxton-Kubik-Dodd Creative, Brent Stevens – H-Design, Neil Brady – Anderson Engineering, Jay Wynn – CJW, Jamie Sivils – Morelock-Ross and Jeff Childs – Sperry Van Ness, Dawne Gardner – City of Springfield Public Works, Daniel Neal – City of Springfield Planning and Development and Paula Brookshire – City of Springfield Public Works.

The development community as well as staff identified the following concerns regarding current development regulations for sidewalks, traffic studies, floor area ratios and right-of-way:

Sidewalks –

- Currently, sidewalks can only be required at zoning/subdivision
- Public Improvement Plans are required for sidewalks
- Request to pay fee in lieu of construction of sidewalk must go to Planning and Zoning Commission

Traffic Studies –

- Currently, traffic studies can be required at zoning when intensity is increased above 1,000 trips per day or for a Planned Development District.
- Studies are based on highest most intense use permitted in the zoning district, not the actual use
- Traffic studies may be costly and can take additional time especially before a developer knows what the actual use will be

Floor Area Ratio & Building Coverage –

- Currently, the FAR and building coverage requirements are covered with other bulk, area and height requirements. The bulk plane, height, bufferyards, open space and off-street parking requirements dictate the size and height of buildings and cover the FAR and building coverage requirements. The FAR and building coverage duplicate these other requirements and do not provide any additional protections to the public.

Right-of-Way –

- Subdivision Regulations require the dedication of a set amount of right of way at subdivision. There is no set amount of right-of-way required at zoning.
- One size does not fit all
- If less is acceptable based on need, a subdivision variance must be submitted to Planning & Zoning.

The development review group studied these concerns and offered possible changes. Staff has prepared proposed amendments to the development regulations to address these issues. The proposed amendments are:

- A. Change the timing when sidewalks would have to be constructed and develop a new sidewalk section in the Zoning Ordinance;
- B. Offer an option for traffic studies to be completed when the developer knows the exact use for the property;
- C. Allow flexibility in right-of-way requirements for corridors that are fully developed or are not on the City's five-year plan for infrastructure improvements; and
- D. Remove Floor Area Ratio (FAR) and Building Coverage requirements from all zoning districts in the Zoning Ordinance.

City Council initiated amendments (Res. 10047) to the Zoning Ordinance and Subdivision Regulations regarding the process of requiring sidewalks, traffic studies, floor area ratio, and right-of-way during development at their meeting on June 3, 2013.

City Council's Plans and Policies Committee reviewed and approved the proposed amendments at its meeting on October 17, 2013.

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

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on October 31, 2013, and recommended _____, by a vote of __ to __, of the proposed changes to the Zoning Ordinance and Subdivision Regulations described in Attachment A.

Public Works and Planning and Development staff recommend **approval** of the proposed amendments on Attachment A.

FINDINGS FOR STAFF RECOMMENDATION:

1. The changes offer flexibility and options that streamline the development review process.

Submitted by:

Bob Hosmer, AICP, Principal Planner

Greg Burris, City Manager

ATTACHMENT A
SIDEWALK, TRAFFIC STUDIES, FAR AND ROW AMENDMENTS

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

Section 4-1000. R-SF - Single-Family Residential District.

4-1006. Bulk and Open Space Requirements. (G.O. 5425, 11/15/04)

A. Maximum structure height:

1. When side yards are less than fifteen (15) feet in width: Thirty-five (35) feet or two-and-one-half (2-1/2) stories above the finished grade.
2. When side yards are fifteen (15) feet in width or greater: Forty-five (45) feet or three (3) stories above the finished grade.

B. Minimum yard requirements (additional bufferyard may be required by *Subsection 4-1009*: (G.O. 5928, 4/18/11)

1. Front yard:
 - a. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by *Section 5-1300*.
 - b. Fifteen (15) feet along a street classified as a local street or as required by *Section 5-1300* (Garages shall be set back a minimum of twenty (20) feet).
 - c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with *Section 3-3300, Conditional Use Permits*, or with an approved preliminary plat in accordance with the City's Subdivision Regulations. (G.O. 6032, 01/28/13)
2. Side yard: Five (5) feet or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.
3. Rear yard: Ten (10) percent of the lot depth, but may not be less than ten (10) feet nor shall more than twenty (20) feet be required.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by *Subsection 1-1317.B.* and *Subsection 1-1317.D.*

Street Classification	Required Setback from Right-of-Way Center Line
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback

Primary Arterial	50 feet plus the required yard setback
Secondary Arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/Industrial Local	30 feet plus the required yard setback
Residential Local	25 feet plus the required yard setback
Highway Access Road	20 feet plus the required yard setback
Residential Connector	20 feet plus the required yard setback
Downtown Streets	Required yard setback from right-of-way line

(G.O. 5425, 11/15/04) (G.O. 5652, 02/12/07) (G.O. 5665, 04/09/07)
(G.O. 5928, 4/18/11)

~~C. Maximum building coverage (including accessory buildings): Forty (40) percent.~~

~~D.C.~~ Minimum open space: Not less than thirty (30) percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with *Subsection 6-1215*. Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

~~E.D.~~ Maximum Impervious Area: The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of storm water shall not exceed seventy (70) percent of the total lot area unless modified in accordance with *Subsection 6-1215*.

Section 4-1100. R-TH - Residential Townhouse District.

4-1106. Bulk and Open Space Requirements.

A. Maximum structure height:

1. When side yards are less than fifteen (15) feet in width: Thirty-five (35) feet or two-and-one-half (2-1/2) stories above the finished grade.
2. When side yards are fifteen (15) feet in width or greater: Forty-five (45) feet or three (3) stories above the finished grade.

B. Minimum yard requirements (additional bufferyard may be required by *Subsection 4-1109*): (G.O. 5928, 4/18/11) (G.O. 6032, 01/28/13)

1. Front yard:

- a. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by *Section 5-1300*.

- b. Fifteen (15) feet along a street classified as a local street or as required by *Section 5-1300* (Garages shall be set back a minimum of twenty (20) feet).
 - c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with *Section 3-3300, Conditional Use Permits*, or with an approved preliminary plat in accordance with the City's *Subdivision Regulations*. (G.O. 6032, 01/28/13)
2. Side yards: (G.O. 5345, 01/26/04)
- a. Townhouses: Six (6) feet or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*, provided that no side yard is required for a townhouse or attached single-family dwelling when a common wall is located on the lot line.
 - b. All other uses: Five (5) feet.
3. Rear yard: Ten (10) percent of the lot depth but may not be less than ten (10) feet nor will more than twenty (20) feet be required.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by *Subsection 1-1317.B* and *Subsection 1-1317.D*.

Street Classification	Required Setback from Right-of-Way Center Line
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary Arterial	50 feet plus the required yard setback
Secondary Arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/Industrial Local	30 feet plus the required yard setback
Residential Local	25 feet plus the required yard setback
Highway Access Road	20 feet plus the required yard setback
Residential Connector	20 feet plus the required yard setback
Downtown Streets	Required yard setback from right-of-way line
(G.O. 5425, 11/15/04) (G.O. 5652, 02/12/07) (G.O. 5665, 04/09/07) (G.O. 5928, 4/18/11)	

~~C. Maximum building coverage (including accessory buildings): Fifty (50) percent.~~

DC. Minimum Open Space: Not less than twenty (20) percent of the total lot area shall be devoted to open space including required yards and bufferyards unless

modified in accordance with *Subsection 6-1215*. Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

- ED. Maximum Impervious Area: The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of storm water shall not exceed eighty (80) percent of the total lot area unless modified in accordance with *Subsection 6-1215*.

Section 4-1200. R-LD - Low-Density Multi-Family Residential District.

4-1206. Bulk and Open Space Requirements. (G.O. 5425, 11/15/04) (G.O. 5868, 4/5/10)

- A. Maximum structure height.
1. When side yards are less than fifteen (15) feet in width: Thirty-five (35) feet or two-and-one-half (2-1/2) stories above the finished grade.
 2. When side yards are fifteen (15) feet in width or greater: Forty-five (45) feet or three (3) stories above the finished grade.
 3. No portion of a multi-family dwelling shall be higher than allowed by a forty-five (45) degree bulk plane where the property adjoins an R-SF District. Any multi-family dwelling for which a building permit has been issued prior to July 1, 2009 that does not conform to the forty-five (45) degree bulk plane shall be considered conforming with regard to the forty-five (45) degree bulk plane. (G.O. 5815, 04/06/09)

~~B. Maximum floor area ratio: 0.8.~~

CB. Minimum yard requirements (additional bufferyard may be required by *Subsection 4-1209*): (G.O. 5928, 4/18/11)

1. Front yard:
 - a. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by *Section 5-1300*.
 - b. Fifteen (15) feet along a street classified as a local street or as required by *Section 5-1300* (Garages shall be set back a minimum of twenty (20) feet).
 - c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with *Section 3-3300, conditional Use Permit*, or with an approved preliminary plat in accordance with the City's *Subdivision Regulations*. (G.O. 6032, 01/28/13)

2. Side yards: Six (6) feet or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*, provided that no side yard is required for any building that has a common wall on a lot line.
3. Rear yard: Ten (10) percent of the lot depth but may not be less than ten (10) feet nor will more than twenty (20) feet be required.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by *Subsection 1-1317.B.* and *Subsection 1-1317.D.*

Street Classification	Required Setback from Right-of-Way Center Line
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary Arterial	50 feet plus the required yard setback
Secondary Arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/Industrial Local	30 feet plus the required yard setback
Residential Local	25 feet plus the required yard setback
Highway Access Road	20 feet plus the required yard setback
Residential Connector	20 feet plus the required yard setback
Downtown Streets	Required yard setback from right-of-way line
(G.O. 5425, 11/15/04) (G.O. 5652, 02/12/07) (G.O. 5665, 04/09/07) (G.O. 5928, 4/18/11)	

~~D. Maximum building coverage (including accessory buildings): Forty (40) percent.~~

EC. Minimum open space: Not less than twenty (20) percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with *Subsection 6-1215*. Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

FD. Maximum impervious area: The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of storm water shall not exceed eighty (80) percent of the total lot area unless modified in accordance with *Subsection 6-1215*.

Section 4-1300. R-MD - Medium-Density Multi-Family Residential District.

4-1306. Bulk and Open Space Requirements. (G.O. 5868, 4/5/10)

A. Maximum structure height.

1. Thirty-five (35) feet plus one (1) additional foot for each additional two (2) feet of setback provided on each side of the structure up to seventy-five (75) feet. Above seventy-five (75) feet, no additional setback is required.
2. No portion of a multi-family dwelling shall be higher than allowed by a forty-five (45) degree bulk plane where the property adjoins an R-SF District. Any multi-family dwelling for which a building permit has been issued prior to July 1, 2009 that does not conform to the forty-five (45) degree bulk plane shall be considered conforming with regard to the forty-five (45) degree bulk plane. (G.O. 5815, 04/06/09)

~~B. Maximum floor area ratio: 1.2~~

~~B.~~ Minimum yard requirements (additional bufferyard may be required by *Subsection 4-1309*): (G.O. 5928, 4/18/11)

1. Front yard:
 - a. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by *Section 5-1300*.
 - b. Fifteen (15) feet along a street classified as a local street or as required by *Section 5-1300* (Garages shall be set back a minimum of twenty (20) feet).
 - c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with *Section 3-3300, Conditional Use Permits*, or with an approved preliminary plat in accordance with the City's *Subdivision Regulations*. (G.O. 6032, 01/28/13)
2. Side yards: Six (6) feet or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*, provided that no side yard is required for any building that has a common wall on a lot line.
3. Rear yard: Ten (10) percent of the lot depth but may not be less than ten (10) feet nor will more than twenty (20) feet be required.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by *Subsection 1-1317.B.* and *Subsection 1-1317.D.*

Street Classification	Required Setback from Right-of-Way Center Line
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary Arterial	50 feet plus the required yard setback
Secondary Arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/Industrial Local	30 feet plus the required yard setback
Residential Local	25 feet plus the required yard setback
Highway Access Road	20 feet plus the required yard setback
Residential Connector	20 feet plus the required yard setback
Downtown Streets	Required yard setback from right-of-way line
(G.O. 5425, 11/15/04) (G.O. 5652, 02/12/07) (G.O. 5665, 04/09/07) (G.O. 5928, 4/18/11)	

~~D. Maximum building coverage (including accessory buildings): Forty (40) percent.~~

EC. Minimum open space: Not less than twenty (20) percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with *Subsection 6-1215*. Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

FD. Maximum impervious area: The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of storm water shall not exceed eighty (80) percent of the total lot area unless modified in accordance with *Subsection 6-1215*.

Section 4-1400. R-HD - High-Density Multi-Family Residential District.

4-1406. Bulk and Open Space Requirements. (G.O. 5868, 4/5/10)

A. Maximum structure height. (G.O. 5425, 11/15/04) (G.O. 5815, 4/6/09)

1. None, except no structure shall exceed thirty-five (35) feet plus one (1) additional foot for each one (1) foot of setback provided on each side of the structure when the property adjoins an R-TH or R-MHC District.
2. No portion of a multi-family dwelling shall be higher than allowed by a forty-five (45) degree bulk plane where the property adjoins an R-SF District. Any multi-family dwelling for which a building permit has been issued prior to July 1, 2009 that does not conform to the forty-five

(45) degree bulk plane shall be considered conforming with regard to the forty-five (45) degree bulk plane.

~~B. Maximum floor area ratio:~~

- ~~1. 2.0, when maximum building coverage exceeds twenty five (25) percent of the lot area.~~
- ~~2. 3.0, when maximum building coverage does not exceed twenty five (25) percent of the lot area.~~

CB. Minimum yard requirements (additional bufferyard may be required by *Subsection 4-1409*): (G.O. 5928, 4/18/11)

1. Front yard:
 - a. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by *Section 5-1300*.
 - b. Fifteen (15) feet along a street classified as a local street or as required by *Section 5-1300* (Garages shall be set back a minimum of twenty (20) feet).
 - c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with *Section 3-3300, Conditional Use Permits*, or with an approved preliminary plat in accordance with the City's *Subdivision Regulations*. (G.O. 6032, 01/28/13)
2. Side yard: Six (6) feet or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*, provided that no side yard is required for any building that has a common wall on a lot line.
3. Rear yard: Ten (10) percent of the lot depth but may not be less than ten (10) feet nor will more than twenty (20) feet be required.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by *Subsection 1-1317.B* and *Subsection 1-1317.D*.

Street Classification	Required Setback from Right-of-Way Center Line
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary Arterial	50 feet plus the required yard setback
Secondary Arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback

Commercial/Industrial Local	30 feet plus the required yard setback
Residential Local	25 feet plus the required yard setback
Highway Access Road	20 feet plus the required yard setback
Residential Connector	20 feet plus the required yard setback
Downtown Streets	Required yard setback from right-of-way line

(G.O. 5425, 11/15/04) (G.O. 5652, 02/12/07) (5665, 04/09/07)
(G.O. 5928, 4/18/11)

- ~~D. Maximum building coverage (including accessory buildings): Fifty (50) percent.~~
- EC. Minimum open space: Not less than twenty (20) percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with *Subsection 6-1215*. Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.
- FD. Maximum impervious area: The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of storm water shall not exceed eighty (80) percent of the total lot area unless modified in accordance with *Subsection 6-1215*.

Section 4-1500. R-MHC - Manufactured Home Community District.

4-1508. Bulk and Open Space Regulations on Individual Lots. (G.O. 5425, 11/15/04)

- A. Maximum structure height:
1. When side yards do not exceed fifteen (15) feet in width: Thirty-five (35) feet or two and one-half (2-1/2) stories above the finished grade.
 2. When side yards exceed fifteen (15) feet in width: Three (3) stories above the finished grade.
- B. Minimum yard requirements (additional bufferyard may be required by *Subsection 4-1513*): (G.O. 5928, 4/18/11)
1. Front yard:
 - a. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by *Section 5-1300*.
 - b. Fifteen (15) feet along a street classified as a local street or as required by *Section 5-1300* (Garages shall be set back a minimum of twenty (20) feet).

- c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with *Section 3-3300, Conditional Use Permits*, or with an approved preliminary plat in accordance with the City's *Subdivision Regulations*. (G.O. 6032, 01/28/13)
2. Side yards: Five (5) feet, or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.
3. Rear yard: Ten (10) percent of the lot depth, but may not be less than ten (10) feet nor shall more than twenty (20) feet be required.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by *Subsection 1-1317.B* and *Subsection 1-1317.D*.

Street Classification	Required Setback from Right-of-Way Center Line
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary Arterial	50 feet plus the required yard setback
Secondary Arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/Industrial Local	30 feet plus the required yard setback
Residential Local	25 feet plus the required yard setback
Highway Access Road	20 feet plus the required yard setback
Residential Connector	20 feet plus the required yard setback
Downtown Streets	Required yard setback from right-of-way line
(G.O. 5425, 11/15/04) (G.O. 5652, 02/12/07) (G.O. 04/09/07) (G.O. 5928, 4/18/11)	

~~C. Maximum building coverage (including accessory buildings): Forty (40) percent.~~

DC. Minimum open space: Not less than thirty (30) percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with *Subsection 6-1215*. Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

ED. Maximum Impervious Area: The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of storm water shall not exceed seventy (70) percent of the total lot area unless modified in accordance with *Subsection 6-1215*.

Section 4-2000. O - Office Districts.

4-2005. **Bulk and Intensity of Use Restrictions.** (G.O. 5425, 11/15/04)

A. Maximum structure height:

1. Principal buildings and parking garages:
 - a. O-1: Thirty-five (35) feet, except that all structures shall remain below a forty-five (45) degree bulk plane as measured from the boundary of any R-SF or R-TH district. (G.O. 5952, 10/03/11)
 - b. O-2: None.

B. ~~Maximum floor area ratio:~~

1. ~~O 1: 0.4.~~
2. ~~O 2: 1.5.~~

CB. Minimum yard requirements (additional bufferyard may be required by *Subsection 4-2008*):

1. Front yard: (G.O. 5861, 2/8/10)
 - a. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.
 - b. Fifteen (15) feet along a street classified as a local street or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.
 - c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with *Section 3-3300, Conditional Use Permits*, or an approved preliminary plat in accordance with the City's *Subdivision Regulations*. (G.O. 5858, 2/8/10)
2. Side yard: Ten (10) feet on each side of a lot or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*, provided that no side yard is required for any building that has a common wall on a lot line.
3. Rear yard: Twenty (20) percent of the lot depth, but may not be less than ten (10) feet nor more than twenty-five (25) feet be required.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by *Subsection 1-1317.B. and Subsection 1-1317.D.* (G.O. 5425, 11/15/04)

Street Classification	Required Setback from Right-of-Way Center Line
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary Arterial	50 feet plus the required yard setback
Secondary Arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/Industrial Local	30 feet plus the required yard setback
Residential Local	25 feet plus the required yard setback
Highway Access Road	20 feet plus the required yard setback
Downtown Streets	Required yard setback from right-of-way line

(G.O. 5425, 11/15/04) (G.O. 5652, 02/12/07), (G.O. 5665, 04/09/07)
(G.O. 5928, 4/18/11)

~~D. Maximum building coverage (including accessory buildings):~~

~~1. O-1: Forty (40) percent.~~

~~2. O-2: Sixty (60) percent.~~

Section 4-2100. GI - Government and Institutional Use District.

4-2105. Bulk and Intensity of Use Restrictions.

A. Maximum structure height: None, except that all structures shall remain below a thirty (30) degree bulk plane as measured from the boundary of any R-SF or R-TH district. (G.O. 5952, 10/03/11)

~~B. Maximum floor area ratio:~~

~~1. 1.0:~~

~~2. 5.0 with approved conditional use permit in accordance with Section 3-3300, Conditional Use Permits. (G.O. 5773, 08/11/08)~~

CB. Yard requirements: None, except as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*, and the bufferyard requirements in *Subsection 4-2108*, and, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by *Subsection 1-1317.B.* and *Subsection 1-1317.D.*

Street Classification	Required Setback from Right-of-Way Center Line
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Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary Arterial	50 feet plus the required yard setback
Secondary Arterial	35 feet plus the required yard setback
Major Collector	30 feet plus the required yard setback
Commercial/Industrial Local	30 feet plus the required yard setback
Residential Local	25 feet plus the required yard setback
Highway Access Road	20 feet plus the required yard setback
Downtown Streets	Required yard setback from right-of-way line

(G.O. 5425, 11/15/04) (G.O. 5665, 04/09/07) (G.O. 5928, 4/18/11)

~~D. Maximum building coverage (including accessory buildings):~~

~~1. Eighty (80) percent.~~

~~2. Ninety (90) percent with an approved conditional use permit in accordance with Section 3-3300, Conditional Use Permits. (G.O. 5829, 07/13/09)~~

Section 4-3000. LB - Limited Business District.

4-3005. **Bulk and Intensity of Use Restrictions.** (G.O. 5425, 11/15/04)

A. Maximum structure height:

1. Principal building: Twenty-five (25) feet.
2. Except that all structures shall remain below a thirty (30) degree bulk plane as measured from the boundary of any R-SF or R-TH district. (G.O. 5952, 10/03/11)

~~B. Maximum floor area ratio: 0.35.~~

~~C.B.~~ Minimum yard requirements (additional bufferyard may be required by Subsection 4-3008):

- a. Front yard: (G.O. 5861, 2/8/10)
 - a. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.
 - b. Fifteen (15) feet along a street classified as a local street or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.

- c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with *Section 3-3300, Conditional Use Permits*, or an approved preliminary plat in accordance with the City's *Subdivision Regulations*.
2. Side yard: None, except as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.
3. Rear yard: Twenty (20) percent of the lot depth or ten (10) feet whichever is greater. No more than twenty-five (25) feet shall be required.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by *Subsection 1-1317.B* and *Subsection 1-1317.D*.

Street Classification	Required Setback from Right-of-Way Center Line
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary Arterial	50 feet plus the required yard setback
Secondary Arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/Industrial Local	30 feet plus the required yard setback
Residential Local	25 feet plus the required yard setback
Highway Access Road	20 feet plus the required yard setback
Downtown Streets	Required yard setback from right-of-way line

(G.O. 5425, 11/15/04) (G.O. 5665, 04/09/07) (G.O. 5928, 4/18/11)

~~D. Maximum building coverage (including accessory buildings): Thirty five (35) percent.~~

Section 4-3100. GR - General Retail District.

4-3105. Bulk and Intensity of Use.

- A. Maximum structure height: None, except that all structures shall remain below a thirty (30) degree bulk plane as measured from the boundary of any R-SF or R-TH district. (G.O. 5952, 10/03/11)

~~B. Maximum floor area ratio: (G.O. 5773, 08/11/08)~~

~~1. 0.4.~~

~~2. 1.0 with approved conditional use permit in accordance with Section 3-3300, Conditional Use Permits.~~

~~C.B. Minimum yard requirements (additional bufferyard may be required by Subsection 4-3108): (G.O. 5861, 02/08/10)~~

1. Front yard:

- a. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.
- b. Fifteen (15) feet along a street classified as a local street or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.
- c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with *Section 3-3300, Conditional Use Permits*, or an approved preliminary plat in accordance with the City's *Subdivision Regulations*.

2. Side and rear yards: None, except as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*, and the bufferyard requirements in *Subsection 4-3108*.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by *Subsection 1-1317.B* and *Subsection 1-1317.D*.

Street Classification	Required Setback from Right-of-Way Center Line
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary Arterial	50 feet plus the required yard setback
Secondary Arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/Industrial Local	30 feet plus the required yard setback
Residential Local	25 feet plus the required yard setback
Highway Access Road	20 feet plus the required yard setback
Downtown Streets	Required yard setback from right-of-way line

~~D. Maximum building coverage (including accessory buildings): Fifty (50) percent.~~

Section 4-3200. HC - Highway Commercial District.

4-3205. Bulk and Intensity of Use Restrictions.

A. Maximum structure height: None, except that all structures shall remain below a thirty (30) degree bulk plane as measured from the boundaries of R-SF or R-TH districts. (G.O. 5952, 10/03/11)

~~B. Maximum floor area ratio: (G.O. 5773, 8/11/08)~~

~~1. 0.4.~~

~~2. 1.0 with approved conditional use permit in accordance with Section 3-3300, Conditional Use Permits.~~

CB. Minimum yard requirements (additional bufferyard may be required by Subsection 4-3208): (G.O. 5861, 2/8/10)

1. Front yard:

- a. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.
- b. Fifteen (15) feet along a street classified as a local street or as required by *Section 5-1300 Supplemental Open Space and Yard Regulations*.
- c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with *Section 3-3300, Conditional Use Permits*, or an approved preliminary plat in accordance with the City's Subdivision Regulations.

2. Side yard: None, except as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*, and the bufferyard requirements in *Subsection 4-3208*.

3. Rear yard: None, except as required by the bufferyard requirements in *Subsection 4-3208*.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by *Subsection 1-1317.B* and *Subsection 1-1317.D*.

Street Classification	Required Setback from Right-of-Way Center Line
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary Arterial	50 feet plus the required yard setback
Secondary Arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/Industrial Local	30 feet plus the required yard setback
Residential Local	25 feet plus the required yard setback
Highway Access Road	20 feet plus the required yard setback
Downtown Streets	Required yard setback from right-of-way line

(G.O. 5425, 11/15/04) (G.O. 5665, 04/09/07) (G.O. 5928, 4/18/11)

~~D. Maximum building coverage (including accessory buildings): Sixty (60) percent.~~

Section 4-3300. CS - Commercial Service District.

4-3305. Bulk and Intensity of Use Regulations.

A. Maximum structure height: None, except that all structures shall remain below a thirty (30) degree bulk plane as measured from the boundaries of R-SF or R-TH districts. (G.O. 5952, 10/03/11)

~~B. Maximum floor area ratio: (G.O. 5773, 8/11/08)~~

~~1. 0.4.~~

~~2. 1.0 with approved conditional use permit in accordance with Section 3-3300, Conditional Use Permits.~~

CB. Minimum yard requirements:

1. Front yard: None.
2. Side yard: None, except as required by the bufferyard requirements in *Subsection 4-3308*.
3. Rear yard: None, except as required by the bufferyard requirements in *Subsection 4-3308*.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by *Subsection 1-1317.B* and *Subsection 1-1317.D*.

Street Classification	Required Setback from Right-of-Way Center Line
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary Arterial	50 feet plus the required yard setback
Secondary Arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/Industrial Local	30 feet plus the required yard setback
Residential Local	25 feet plus the required yard setback
Highway Access Road	20 feet plus the required yard setback
Downtown Streets	Required yard setback from right-of-way line
(G.O. 5425, 11/15/04) (G.O. 5665, 04/09/07) (G.O. 5928, 4/18/11)	

~~D. Maximum building coverage (including accessory buildings): Eighty-five (85) percent.~~

Section 4-3400. CC - Center City District.

4-3405. Bulk Regulations.

A. Maximum structure height: None.

~~B. Maximum floor area ratio: 10.0.~~

~~C.~~ B. Yard requirements (Additional bufferyard may be required by *Subsection 4-3408*):

1. Front yard: None.

2. Side yard: None.

3. Rear yard: None.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by *Subsection 1-1317.B* and *Subsection 1-1317.D*.

Street Classification	Required Setback from Right-of-Way Center Line
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback

Division IV - District Regulations

Primary Arterial	50 feet plus the required yard setback
Secondary Arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/Industrial Local	30 feet plus the required yard setback
Residential Local	25 feet plus the required yard setback
Highway Access Road	20 feet plus the required yard setback
Downtown Streets	Required yard setback from right-of-way line

(G.O. 5425, 11/15/04) (G.O. 5665, 04/09/07) (G.O. 5928, 4/18/11)

~~D. Maximum lot coverage: One hundred (100) percent.~~

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

4-3505. Bulk Regulations.

A. Maximum structure height: Three (3) stories unless a conditional use permit for more stories is approved.

~~B. Maximum floor area ratio (FAR): 3.0 unless a conditional use permit for a greater FAR is approved.~~

CB. Yard requirements (Additional bufferyard may be required by *Subsection 4-3408*):

1. Front yard: None.

2. Side yard: None.

3. Rear yard: None.

~~D. Maximum lot coverage: One hundred (100) percent.~~

Section 4-4000. RI - Restricted Industrial District.

4-4005. Bulk Regulations.

A. Maximum height: Forty (40) feet.

~~B. Maximum floor area ratio: 0.4.~~

CB. Minimum yard requirements (additional bufferyard may be required by *Subsection 4-4008*):

1. Front yard: (G.O. 5861, 02/08/10)
 - a. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.
 - b. Fifteen (15) feet along a street classified as a local street or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.
 - c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with *Section 3-3300, Conditional Use Permits*, or an approved preliminary plat in accordance with the City's *Subdivision Regulations*.
2. Side yard: Ten (10) feet or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.
3. Rear yard: Ten (10) feet.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by *Subsection 1-1317.B* and *Subsection 1-1317.D*.

Street Classification	Required Setback from Right-of-Way Center Line
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary Arterial	50 feet plus the required yard setback
Secondary Arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/Industrial Local	30 feet plus the required yard setback
Residential Local	25 feet plus the required yard setback
Highway Access Road	20 feet plus the required yard setback
Downtown Streets	Required yard setback from right-of-way line

(G.O. 5425, 11/15/04) (G.O. 5665, 04/09/07) (G.O. 5928, 4/18/11)

~~D. Maximum lot coverage: Forty (40) percent.~~

Section 4-4100. LI - Light Industrial District.

4-4105.

Bulk Regulations.

A. Maximum structure height: Fifty (50) feet.

~~B. Maximum floor area ratio: 0.50.~~

~~C.B.~~ Minimum yard requirements (additional bufferyard may be required by *Subsection 4-4108*).

1. Front yard: (G.O. 5861, 02/08/10)
 - a. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.
 - b. Fifteen (15) feet along a street classified as a local street or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.
 - c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with *Section 3-3300, Conditional Use Permit*, or an approved preliminary plat in accordance with the City's *Subdivision Regulations*.
2. Side yards: Ten (10) feet or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.
3. Rear yards: Ten (10) feet.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by *Subsection 1-1317.B* and *Subsection 1-1317.D*.

Street Classification	Required Setback from Right-of-Way Center Line
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary Arterial	50 feet plus the required yard setback
Secondary Arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/Industrial Local	30 feet plus the required yard setback
Residential Local	25 feet plus the required yard setback
Highway Access Road	20 feet plus the required yard setback

Residential Connector

25 feet plus the required yard setback

Downtown Streets

Required yard setback from right-of-way line

(G.O. 5425, 11/15/04) (G.O. 5585, 07/24/06) (G.O. 5652, 02/12/07)
(G.O. 5928, 4/18/11)

D. ~~Maximum lot coverage: Fifty (50) percent.~~

Section 4-4200. GM - General Manufacturing District.

4-4205. Bulk Regulations.

A. Maximum height: None.

B. ~~Maximum floor area ratio: (G.O. 5773, 08/11/08)~~

1. ~~0.8.~~

2. ~~1.5 with approved conditional use permit in accordance with Section 3-3300, Conditional Use Permits.~~

CB. Minimum yard requirements (additional bufferyard may be required by Subsection 4-4208): (G.O. 5861, 02/08/10)

1. Front yard:

a. Offices, as a principal use, athletic clubs, fitness centers, indoor sports facilities and recording, television and radio studios:

1. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.

2. Fifteen (15) feet along a street classified as a local street or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.

3. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with *Section 3-3300, Conditional Use Permits*, or an approved preliminary plat in accordance with the City's *Subdivision Regulations*.

b. All other uses: None

2. Side yard:

- a. Offices, as a principal use, athletic clubs, fitness centers, indoor sports facilities, and recording, television and radio studios: Ten (10) feet or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.
 - b. All other uses: None
3. Rear yard:
- a. Offices, as a principal use, athletic clubs, fitness centers, indoor sports facilities, and recording, television, and radio studios: Ten (10) feet.
 - b. All other uses: None

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by *Subsection 1-1317.B* and *Subsection 1-1317.D*

Street Classification	Required Setback from Right-of-Way Center Line
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary Arterial	50 feet plus the required yard setback
Secondary Arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/Industrial Local	30 feet plus the required yard setback
Residential Local	25 feet plus the required yard setback
Highway Access Road	20 feet plus the required yard setback
Downtown Streets	Required yard setback from right-of-way line
(G.O. 5425, 11/15/04) (G.O. 5665, 04/09/07) (G.O. 5928, 4/18/11)	

~~D. Maximum building coverage: None.~~

Section 4-4300. HM - Heavy Manufacturing District.

4-4305. Bulk Regulations.

A. Maximum height: None.

~~B. Maximum floor area ratio: (G.O. 5773, 08/11/08)~~

~~1. 0.8.~~

~~2. 3.0 with approved conditional use permit in accordance with Section 3-3300, Conditional Use Permits.~~

CB. Minimum yard requirements (additional bufferyard may be required by Subsection 4-4308.

1. Front yard: (G.O. 5861, 02/08/10)
 - a. Offices, as a principal use, athletic clubs, fitness centers, indoor sports facilities and recording, television and radio studios:
 1. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.
 2. Fifteen (15) feet along a street classified as a local street or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.
 3. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with *Section 3-3300, Conditional Use Permits*, or an approved preliminary plat in accordance with the City's *Subdivision Regulations*.
 - b. All other uses: None
2. Side yard:
 - a. Offices, as a principal use, athletic clubs, fitness centers, indoor sports facilities and recording, television and radio studios: Ten (10) feet or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.
 - b. All other uses: None
3. Rear yard:
 - a. Offices, as a principal use, athletic clubs, fitness centers, indoor sports facilities, and recording, television, and radio studios: Ten (10) feet.
 - b. All other uses: None

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by *Subsection 1-1317.B and Subsection 1-1317.D*. (G.O. 5425, 11/15/04)

Street Classification	Required Setback from Right-of-Way Center Line
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary Arterial	50 feet plus the required yard setback
Secondary Arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/Industrial Local	30 feet plus the required yard setback
Residential Local	25 feet plus the required yard setback
Highway Access Road	20 feet plus the required yard setback
Downtown Streets	Required yard setback from right-of-way line
(G.O. 5665, 04/09/07) (G.O. 5928, 4/18/11)	

~~D. Maximum building coverage: None.~~

Section 4-4400. IC - Industrial Commercial District. (G.O. 4329, 04/05/93)

4-4405. Bulk Regulations.

A. Maximum structure height: Fifty (50) feet.

~~B. Maximum floor area ratio: (G.O. 4519, 6/12/95) (G.O. 5773, 8/11/08)~~

~~1. 0.4.~~

~~1.5 with approved conditional use permit in accordance with Section 3-3300, Conditional Use Permits.~~

~~C.~~ Minimum yard requirements (additional bufferyard may be required by Subsection 4-4408. (G.O. 5861, 02/08/10)

1. Front yard:

a. Twenty-five (25) feet along a street classified as a collector or higher classification street or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.

b. Fifteen (15) feet along a street classified as a local street or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.

c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in

accordance with *Section 3-3300, Conditional Use Permits*, or an approved preliminary plat in accordance with the City's *Subdivision Regulations*.

2. Side yards: Ten (10) feet or as required by *Section 5-1300, Supplemental Open Space and Yard Regulations*.
3. Rear yards: Ten (10) feet.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by *Subsection 1-1317.B* and *Subsection 1-1317.D*.

Street Classification	Required Setback from Right-of-Way Center Line
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary Arterial	50 feet plus the required yard setback
Secondary Arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/Industrial Local	30 feet plus the required yard setback
Residential Local	25 feet plus the required yard setback
Highway Access Road	20 feet plus the required yard setback
Downtown Streets	Required yard setback from right-of-way line

(G.O. 5425, 11/15/04) (G.O. 5665, 04/09/07) (G.O. 5928, 4/18/11)

~~D. Maximum lot coverage: Fifty (50) percent.~~

Section 5-3100. Sidewalks/Pedestrian Walkways

5-3101. Purpose. The purpose of these requirements is to ensure continuity in the existing sidewalk system and compliance with the following goals:

- A. Promoting the safety of pedestrian access, movement and protection for the physically able, physically challenged, children and seniors within the community;
- B. Promoting that minimum ADA guidelines being met for all sidewalk or pathway installations, existing and proposed;
- C. Promoting attractive and well-constructed sidewalks or pathways that correspond to the character, aesthetic qualities, natural, environmental and historical features of developing or existing neighborhood;
- D. Connecting to existing and projected sidewalks or pathways whenever the opportunity arises to insure an interconnected pedestrian system;
- E. Insuring that all development actively implements the building of sidewalks for new construction, reconstruction or rehabilitation.

5-3102. **Pedestrian Access Required.** Pedestrian walkways shall be required in accordance with the current adopted Building Codes of the City of Springfield for accessible routes between passenger loading zones, public streets and sidewalks and accessible building entrance served."

5-3103. **General Requirements.** The following general requirements shall apply for the construction of sidewalks within the City of Springfield:

A. RESIDENTIAL DEVELOPMENT

1. Sidewalks shall be constructed along public street frontage of all new primary building construction sites.
2. Public Improvement Plans are not required for sidewalk construction that does not require other infrastructure improvements. Sidewalk plans may be included in building or plot plans submitted to Building Development Services for approval by Public Works.
3. Public Improvement Plans are required for sidewalk construction if it is part of a project that includes other infrastructure improvements and must be submitted to Public Works for approval.
4. Sidewalks will be required at the time of platting or subdivision if new streets are involved. If no new streets are involved, sidewalks will be required at development.
5. Developers may escrow funds for sidewalk construction if more than one lot is being platted. Construction shall be completed within three (3) years or the City will retain escrowed funds and construct sidewalks as required.

B. COMMERCIAL DEVELOPMENT

1. Sidewalks shall be constructed along public street frontage of all new construction and any redevelopment of a site with existing uses or structures involving site work including but not limited to parking lot changes or additions or landscaping that require a building permit.
2. Public Improvement Plans are not required for sidewalk construction that does not require other in public frastructure improvements. Sidewalk plans can be included in building plans submitted to Building Development Services for approval by Public Works.
3. Public Improvement Plans are required for sidewalk construction if it is part of a project that includes other infrastructure improvements and must be submitted to Public Works for approval.
4. Sidewalk required at subdivision may be escrowed to receive plat approval and constructed at development. However, if development does not occur within three (3) years of the final plat, the city will retain the escrowed funds and construct sidewalks as required by this Article when a public infrastructure project is undertaken that may include such work.
5. Sidewalk may be constructed at the time of development or issuance of a building permit for a lot. A Right-of-Way Permit under the City Code will be required and may be applied for prior to construction.
6. An occupancy permit will not be granted until sidewalk as required is constructed and accepted by the City of Springfield unless funds have been escrowed in a

form and amount approved by the Director of Public Works and the City Attorney.

5-3104. **Sidewalk Placement.** When sidewalks are required to be constructed, they shall be located as determined by the Director of Public Works. Sidewalks are required as follows:

A. In Residential Zoning Districts and Planned Development Districts permitting residential uses:

1. On one (1) side of a street:
 - a. classified as local where the design density is five (5) dwelling units or less per net acre; or
 - b. all cul-de-sacs in R-SF and R-TH Districts fronted by six (6) or less dwelling units regardless of the design density of the subdivision
2. On two (2) sides of a street:
 - a. classified as local where the design density is more than five (5) dwelling units per net acre except on cul-de-sacs in R-SF and R-TH districts fronted by six (6) dwelling units or less; or
 - b. classified as collector or arterial; or
 - c. classified as local and is not defined in 5-3104(I)(A).

B. In Non-Residential Zoning Districts, except CC and GI, COM-1, COM-2 and within Planned Development Districts permitting non-residential uses:

1. On one (1) side of a street
 - a. classified as local
 - b. classified as collector within RI, LI, GM and HM Zoning Districts
2. On two (2) sides of a street
 - a. classified as a collector except within RI, LI, GM and HM Zoning Districts
 - b. classified as an arterial

C. In CC, COM-1, COM-2, and GI Zoning Districts and within Planned Development Districts permitting nonresidential uses found within the CC and GI Zoning Districts:

1. On two (2) sides of a street for all street classifications.

5-3105. **Cul-de-sac.** Where a sidewalk is required only on one side of a cul-de-sac street, the sidewalk shall either be extended until it intersects with the bulb of the cul-de-sac, with a wheel chair ramp constructed to the street, or extended until it intersects with the first driveway within the bulb of the cul-de-sac.

5-3106. **Sidewalks on Freeways.** A sidewalk is not required on that portion of a public or private street whose right of way directly abuts a State of Missouri controlled or MoDOT route classified as a freeway by the Major Thoroughfare Plan unless specifically required by a State agency or MoDOT.

5-3107. **Assurance of Completion and Maintenance of Improvements.** Whenever any

sidewalk is required to be constructed in a subdivision and the sidewalk has not been completed at the time of recording of the final plat for the subdivision, the subdivider shall submit to the City, in cash or cashier's check, security or escrow as alloed by City Code or approved by the City Attorney's Office for the cost of construction of such sidewalks in an amount estimated by the Director of Public Works as necessary to complete such work. The City shall construct the sidewalks at such time as deemed reasonable and appropriate. Provided, however, that the Director of Public Works may authorize any subdivider to construct sidewalks, and upon acceptance of the sidewalks, the City will return the funds deposited by the subdivider in accordance with Section 31-4.3 of the Springfield City Code.

5-3108. Optional Fee in Lieu of Construction.

- A. If the property owner feels a hardship exists that hinders the construction of sidewalk, the property owner may submit a request to pay a fee in lieu of construction of sidewalks together with such information and studies as the Administrative Review Committee (ARC) may deem necessary to consider the request. Upon filing a complete application, this request will be reviewed and approved or denied by the ARC) based on the following criteria:
1. No sidewalks exist on adjoining properties or in the neighboring area; or
 2. The City plans to construct public improvements in the area which would result in damage or destruction of the proposed sidewalk; or
 3. The cost to construct the proposed sidewalk would be at least twenty-five (25%) percent greater than the average cost of sidewalk construction; or
 4. The street is edged by a shoulder and ditch rather than a curb and gutter.

If the ARC denies the request, the property owner may then appeal to the Planning and Zoning Commission within ten (10) days of the decision. The Commission shall review the denial only on a claim that the denial was arbitrary and capricious and a submission of sufficient facts and evidence to establish that the ARC has acted in such fashion. If the Commission finds by an affirmative vote of five that the ARC did act in an arbitrary and capricious fashion, a fee in lieu shall be allowed.

- B. The fee shall be calculated as a fixed amount per linear foot as approved by City Council.
- C. The fee shall be held by the City of Springfield Finance Department in an account to be used for sidewalk construction only.

5-3109. Use of Fees Paid in Lieu of Sidewalk Construction. At a time to be determined by the City Manager and/or Director of Public Works, collected fees in lieu of shall be used to construct sidewalk in the same City Council Zone as the property from where the fee was collected if it is not used to construct sidewalk adjacent to said property.

5-3110. Design Standards. Design standards shall comply with the most current version of the City of Springfield Department of Public Works Design Standards and Standard Drawing Details on file in the Office of the City Clerk and all current Federal, State and Local regulations in regards to accessibility.

Chapter 36
Land Development Code Article II
SUBDIVISION REGULATIONS

303. Improvements.

(5) **Completion of Improvements.** Sidewalk improvements shall be in compliance with Subsection 5-3107 of the Springfield Zoning Ordinance. ~~Notwithstanding any other provisions of this Article, whenever any sidewalk is required to be constructed in a subdivision, and the sidewalk has not been completed at the time of recording the final plat for the subdivision, the subdivider shall submit to the City, the cost of construction of such sidewalks in an amount estimated by the Director of Public Works as necessary to complete such work, in cash or a cashier's check. The City shall construct the sidewalks at such time as deemed reasonable and appropriate, but in no event later than three (3) years after recording of the final plat. Provided, however, that the Director of Public Works may authorize any subdivider to construct sidewalks, and upon acceptance of the sidewalks, the City will return the funds deposited by the subdivider in accordance with this section and Section 31-4.3 of the Springfield City Code. (G.O. 3735)~~

(7) **Fee in Lieu Of Construction.** Fee in Lieu of Construction of Sidewalk shall be in compliance with Subsection 5-3108 of the Springfield Zoning Ordinance. ~~Notwithstanding other provisions of this Article, a variance from sidewalk requirements may be granted, conditioned upon payment of a fee in lieu of construction. Such fees shall be equal to the City's average cost of publicly bid sidewalk construction, as determined by the Director of Public Works, and shall be paid in cash or cashier's check. Said payment figure shall be determined annually by the Director of Public Works and shall be based on the average cost of all public sidewalks bid and constructed in the previous three years. After collection, fees shall be used to construct sidewalks in the same elementary school district where the platted subdivision is located and shall be included in the next approved capital improvements program as funded items. In no event shall payment of the fee in lieu of construction of a sidewalk be waived by the Planning and Zoning Commission.~~

~~In addition to the normal conditions for variance approval of Section 106, the Planning and Zoning Commission may also favorably consider the request if:~~

- ~~1. The street is edged by a shoulder and ditch rather than a curb and gutter.~~
- ~~2. No sidewalks exist on adjoining properties or in the neighboring area.~~
- ~~3. The City plans to construct public improvements in the area which would result in damage or destruction of the proposed sidewalk.~~
- ~~4. The cost to construct the proposed sidewalk would be at least twenty-five (25%) percent greater than the average cost of sidewalk construction. (G. O. 5234, 11/18/2002)~~

403. Streets.

- (9) **Right-of-way Widths.** The Maximum Right-of-way widths required at the time of platting shall be as follows: ~~Right-of-way widths shall not be less than as follows:~~

<u>Street Type</u>	<u>Right-of-Way Width</u>
Expressway	130 feet
Arterial-Primary	100 feet
Arterial-Secondary	70 feet
Collector	60 feet
Collector-Local	50 feet
Local-Commercial/Industrial	60 feet
Local - Residential	50 feet
Marginal Access	40 feet
Residential Connector	40 feet (G.O. 5652, 2/12/07)
Downtown Streets	Additional right-of-way not required (G.O. 5665, 4/9/07)

Should the ARC determine that Right-of-way width at time of platting or development may be reduced because less right of way than set out above will meet the needs for transportation, access, utilities, and future planning, it shall determine the amount the width may be reduced and include such on the preliminary plat to be approved by the Commission or a certificate to be filed in the Greene County Recorder's Office. If the subdivider disagrees with the Right-of-way width set by the ARC, the subdivider may file an objection with the preliminary plat to be reviewed by the Commission, or to the certificate prior to filing, and the Commission shall determine if the criteria for the reduction of the Right-of-way width exists and what reduction in Right-of-way, if any may be allowed, to the width to be dedicated. A reduction in the Right-of-way width shall be deemed approved by the City Council upon its approval of the streets and easements set out on the preliminary plat. Additional right-of-way over what is required above shall not be required except where the Director of Public Works determines the need for more and City Council approves that decision. (G.O. 5665, 4/9/07)

410. Improvements.

- (6) **Sidewalks.** Sidewalks shall be in compliance with Section 5-3100 of the Springfield Zoning Ordinance and must be constructed in conformance with the most current City of Springfield Public Works Design Standards, Standard Drawing Details on file in the Office of the City Clerk and all current Federal, State and Local regulations in regards to accessibility. Sidewalks are required as follows: (G.O.5234, 11/18/2002)

- (a) ~~In residential zoning districts, and within planned development districts permitting uses from residential zoning districts, four (4) foot wide sidewalks are required on all public and private streets within, or adjacent to, a proposed subdivision. Sidewalks are normally placed one (1) foot inside the right-of-way line and located as follows:~~
- ~~(1) On one (1) side of all local streets where the design density is five (5) dwelling units or less per net acre, on residential connector streets regardless of the density and on all cul-de-sacs in R-SF and R-TH Districts fronted by six (6) or less single family detached, single family semi-detached or duplex dwelling units regardless of the design density of the subdivision.~~
 - ~~(2) On both sides of all local streets where the design density is more than five (5) dwelling units per net acre except on cul-de-sacs in R-SF and R-TH Districts fronted by six (6) or less single family detached, single family semi-detached or duplex dwelling units or less.~~
 - ~~(3) On both sides of all collector and arterial streets and on both sides of all local streets for all other uses.~~
- (b) ~~In nonresidential zoning districts, except CC and GI zoning districts, and within planned development districts permitting nonresidential uses, four (4) foot wide sidewalks are required on all public and private streets within, or adjacent to, a proposed subdivision. Sidewalks are normally placed one (1) foot inside the right-of-way line and located as follows:~~
- ~~(1) On one (1) side of all local streets.~~
 - ~~(2) On both sides of all collector and arterial streets, except on collector streets within RI, LI, GM and HM zoning districts.~~
 - ~~(3) On one (1) side of collector streets within RI, LI, GM and HM zoning districts.~~
- (c) ~~In CC and GI zoning districts, and within planned development districts permitting nonresidential uses found within the CC and GI zoning districts and which are meant to resemble the intent of those two zoning districts, four (4) foot wide sidewalks are required on all public and private streets within, or adjacent to, a proposed subdivision. Sidewalks of up to ten (10) feet in width may be required where:~~
- ~~(1) Existing sidewalks on adjoining properties or in the near vicinity exceed four foot (4') widths and it is appropriate to match the existing widths; or~~

- ~~(2) The expected intensity of development, volume of pedestrian traffic or location of buildings directly adjacent to the right-of-way make wider sidewalks appropriate.~~
- ~~(d) Planning and Zoning Commission may designate on which side of a street the sidewalk will be constructed when a sidewalk is required on a single side.~~
- ~~(e) When planned development districts allow a mixture of residential and nonresidential uses, the Planning and Zoning Commission shall designate when sidewalks are required on both sides of the streets.~~
- ~~(f) Sidewalks shall normally be placed one (1) foot inside the street right-of-way line and shall be separated from the street curb by a strip of pervious area. The placement of sidewalks adjacent to street curbs is discouraged except in CC or GI zoning districts where existing sidewalks on adjoining properties or in the near vicinity are adjacent to street curbs and it is appropriate to match the existing placement.~~
- ~~(g) Where a sidewalk is required only on one side of a cul-de-sac street, the sidewalk shall either be extended until it intersects with the bulb of the cul-de-sac, with a wheel chair ramp constructed to the street, or extended until it intersects with the first driveway within the bulb of the cul-de-sac.~~
- ~~(h) In lieu of sidewalks located adjacent to streets, Planning and Zoning Commission may approve sidewalks located in other areas within a proposed subdivision if considered as part of an overall development plan which integrates the internal site circulation with the public circulation system. Any alternative sidewalk system will:
 - ~~(1) Be open to the public at all times; and~~
 - ~~(2) Be located within easements acceptable to the City of Springfield when not located on right-of-way; and~~
 - ~~(3) Be approved as part of a preliminary plat with a subdivision variance without the need to pay a fee in lieu if it can be demonstrated by the developer how the internal sidewalks will be a complete pedestrian system by providing the same or better pedestrian accessibility and connections to every lot within the proposed subdivision as sidewalks required by this section provided on right-of-way and which internal sidewalks reconnect to the existing or required public sidewalk system on adjoining property or right-of-way; and~~
 - ~~(4) Meet all Public Works and ADA accessibility standards for public sidewalks and which shall be a minimum of four (4) feet in width~~~~

~~unencumbered or unobstructed by gates, vehicles or other obstructions; and~~

- ~~(5) Be maintained by the property owner if the internal sidewalks are located on a single tract of land or by a duly approved property owners association if the internal sidewalks are located on two or more tracts of land; and~~
 - ~~(6) Connect to a public sidewalk system which either exists or is provided by the subdivider and which will provide the same access to pedestrians from outside the property being subdivided.~~
- ~~(i) A sidewalk is not required on that portion of a public or private street whose right of way directly abuts State Highway right of way and the State right of way is classified as a freeway by the Major Thoroughfare Plan.~~