

1. Meeting Agenda (PDF)

Documents: [02-20-2014 AGENDA \(PDF\).PDF](#)

2. Initiate Beekeeping Amendments (PDF)

Documents: [INITIATE BEEKEEPING AMENDMENTS \(PDF\).PDF](#)

3. Conditional Use Permit 407 (PDF)

Documents: [CONDITIONAL USE PERMIT 407 \(PDF\).PDF](#)

4. Sunshine Crossing (PDF)

Documents: [SUNSHINE CROSSING \(PDF\).PDF](#)

5. Bufferyard And Open Space Amendments (PDF)

Documents: [BUFFERYARD AND OPEN SPACE AMENDMENTS \(PDF\).PDF](#)

6. Initiate Changes Of Procedure For Planning And Zoning Commission (PDF)

Documents: [INITIATE CHANGES OF PROCEDURE FOR PLANNING AND ZONING COMMISSION \(PDF\).PDF](#)

# Planning & Zoning Commission Agenda

February 20, 2014 - 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

### 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. Initiate Beekeeping Amendments<br>(City-Wide) | City of Springfield |
|--------------------------------------------------|---------------------|

#### V. Public Hearings:

- |                                                                      |                            |
|----------------------------------------------------------------------|----------------------------|
| 2. Conditional Use Permit 407<br>(1108 East Walnut Street)           | B & S Investments, LLC     |
| 3. Sunshine Crossing<br>(3200 – 3300 block West Sunshine Street s/s) | Tillman Redevelopment, LLC |
| 4. Bufferyard and Open Space Amendments<br>(City-Wide)               | City of Springfield        |

#### VI. Any other matters under commission jurisdiction

- |                                                                                     |                     |
|-------------------------------------------------------------------------------------|---------------------|
| 5. Initiate Changes of Procedure for<br>Planning & Zoning Commission<br>(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 you name and address. All meetings are televised live and tape recorded. Please limit your remarks to five (5) minutes unless Commission allows a longer time. In accordance with ADA guidelines, if you need special accommodations when attending any City meeting, please notify the city Clerk's Office at 417-864-1443 at least three (3) days prior to the scheduled meeting.

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

DATE: February 10, 2014

TO: Planning and Zoning Commission

FROM: Ralph Rognstad Jr.   
Director

SUBJECT: Initiate an Amendment to the Zoning Ordinance to Consider Modifying  
Beekeeping Requirements

---

Staff has had requests to modify the requirements for beekeeping so that it can occur on properties of less than 20 acres. Staff has done some research of urban beekeeping ordinances adopted by other communities. The Health Department and Building Development Services are supportive of consideration of this proposed change.

Staff requests that Commission initiate amendments to the Zoning Ordinance to consider modifying the beekeeping requirements.

N:\SHARE\ZONING\REPORTS\Zoning Ord Amend\Bee Keeping Amendments 20140210.doc

**CITY OF SPRINGFIELD**  
**DEPARTMENT OF PLANNING AND DEVELOPMENT**  
**MEMORANDUM**

**TO:** Mayor & Members of City Council

**FROM:** Ralph Rognstad Jr.   
Director

**DATE:** February 4, 2014

**Re:** Council Bill 2014-017 (Conditional Use Permit No. 407, 1108 East Walnut Street)

---

This conditional use permit application is for a restaurant. At the City Council public hearing on January 27, 2014, the applicant's representative expressed concerns about the condition requiring the alley to be widened to 20 feet from the subject property east to National Avenue. The representative stated the condition is estimated to cost about \$26,000, which is about a quarter of the project funds and prohibitive for the project. The applicant is willing to pave directly adjacent to the subject property and the lot to the east which is currently in common ownership with the subject property. Council requested that staff review the need for the condition.

The Fire Department does not need the alley to be widened. The project meets the adopted fire code without the widening of the alley. A fire would be fought with the trucks positioned on Walnut Street.

The condition is being recommended by staff because access to Walnut Street is only available via a single-lane drive that is shared with the adjoining property. The existing alley is also essentially one lane wide because it is not paved the entire 20-foot width. If the alley were paved to the entire width, two cars should be able to narrowly pass in the alley. Staff wants to ensure there is at least minimal two-way access to the property. This requirement is consistent with previous applications elsewhere in the City where alleys are used for property access.

When staff reviews an application, the worst-case traffic generation at maximum development intensity is used. While the restaurant, as proposed, will not have a lot of customer traffic, the business plan could be changed to generate more customer traffic, and the City would not have the ability to require any additional alley improvements at that time. This issue can be addressed by modifying the recommended condition to address the proposed and potential intensity of development. Staff recommends changing the condition to only require, at this time, expanding the pavement width to the 20 feet for the alley adjacent to the subject property and the immediately adjoining property to the east, and expanding the width of the remainder of the alley to National Avenue when the occupancy of the subject property is expanded beyond 15 persons. The traffic generation should be minimal if the occupancy remains at 15 persons or less and can be accommodated with the remainder of the alley left at its current width. The alley needs to be expanded adjacent to the two properties because as additional development occurs along the alley the traffic will increase. Twenty feet of pavement will be needed to accommodate that traffic. As development continues to occur in a piecemeal manner, the expansion of the alley may only occur adjacent to individual properties when a rezoning or conditional use permit is necessary.

Staff has prepared a substitute bill with the recommended condition that will be on the next Council agenda. The substitute bill will require a public hearing that can be held on second reading. The public

hearing and second reading will be on February 24, 2014. Council should remand the application back to the Planning and Zoning Commission for a recommendation. Amendments to zoning applications are required to be remanded back to Commission. Council has more discretion with conditional use permits. If the application is remanded, the public hearing and second reading at City Council will not be delayed. The Planning and Zoning Commission review will be on February 20, and staff will provide a memo to Council regarding Commissions recommendation on February 21

Let me know if you have additional questions or concerns.

c: Greg Burris  
Collin Quigley  
Brenda Cirtin  
Dan Wichmer  
Phil Broyles  
Martin Gugel  
Bob Hosmer  
Nancy Yendes

N:\ADMIN\City Council\Correspondence\cc\_Bill 2014-017 CUP 407 20140204.docx

**EXPLANATION TO SUBSTITUTE NO. 1 COUNCIL BILL NO: 2014-\_\_\_\_\_**

FILED: \_\_\_\_\_

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To adopt an ordinance to approve a restaurant at 1108 East Walnut Street within the Walnut Street Urban Conservation District No. 1 West, Area A (Staff recommends approval).

BACKGROUND INFORMATION:

CONDITIONAL USE PERMIT NO. 407

The applicant is requesting approval of a Conditional Use Permit to allow a restaurant at 1108 East Walnut Street within the Walnut Street Urban Conservation District No. 1 West, Area A. This will facilitate reuse of the existing structure for a restaurant/bakery business that will also cater which is permitted with other restaurants.

During the public hearing before Council, the applicant expressed concerns over the impact of being required to pave the alley to National Avenue given the limited restaurant seating actually planned. Staff reviewed this concern and determined that limited intensity through occupancy could be used to require paving the alley to the end of the two properties through which access may be taken, and then require paving to National if the intensity increases to warrant that requirement at a later date. The condition added would require paving when the restaurant use exceeds fifteen (15) total occupancy for all persons within the building. This number will trigger the requirement for a new Certificate of Occupancy. At that time the Use Permit and zoning would be reviewed and the requirement noted by staff. Attachment 2 containing the conditions of the Use Permit has been revised to reflect this change. Passage of the substitute bill will remove the condition of paving the alley all the way to a street until occupancy permitted reaches fifteen (15), but will require paving the alley along the two lots through which access is taken.

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

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

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

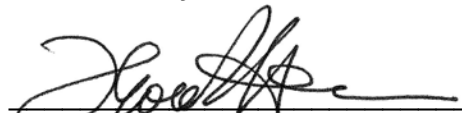
FINDINGS FOR STAFF RECOMMENDATION:

1. This application meets the approval standards for a Conditional Use Permit and is in conformance with the Comprehensive Plan.
2. The proposed use permit is consistent with surrounding non-residential uses along East Walnut Street.

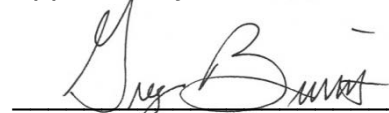
The Planning and Zoning Commission held a public hearing on January 9, 2014, and recommended approval, by a vote of 8 to 0, of the proposed conditional use permit on the tract of land described on the attached sheet and if approved, the requirements for conditional use permit "Attachment 2" shall govern and control the use and development of the land in Use Permit No. 407 in a manner consistent with "Attachment 4" (site plan).

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

Submitted by:

  
Bob Hosmer, AICP, Principal Planner

Approved by:

  
Greg Burris, City Manager

EXHIBITS:

Exhibit A, Record of Proceeding  
Exhibit B, Legal Description  
Exhibit C, Zoning and Subdivision Staff Report

ATTACHMENTS:

Attachment 1, Background Report  
Attachment 2, Requirements for Conditional Use Permit  
Attachment 3, Standards & Responses for Conditional Use Permit  
Attachment 4, Site Plan  
Attachment 5, Summary of Public Meeting and Sign-in Sheet

**EXHIBIT A  
RECORD OF PROCEEDING  
CONDITIONAL USE PERMIT NO. 407**

**GENERAL INFORMATION:** Conditional Use Permit 407

This is a request to approve a Conditional Use Permit to allow a restaurant at 1108 East Walnut Street within the Walnut Street Urban Conservation District No. 1 West, Area A.

**COMMISSION HEARING:** January 9, 2014

Mr. Hosmer stated the applicant is requesting approval of a Conditional Use Permit to allow a restaurant at 1108 East Walnut Street within the Walnut Street Urban Conservation District No. 1 West, Area A. This will facilitate reuse of the existing structure for a restaurant/bakery business that will also cater which is permitted with other restaurants. The applicant will be required to widen the public alley between the rear driveway and National Avenue to accommodate two-way vehicle traffic on the site, making improvements along the alleyway to their property. A cross access agreement and parking agreement must be executed across the properties at 1108 and 1112 to allow the existing access and off-street parking spaces to be shared. The site plan shows some shared parking arrangements in this location and that would be required as far as these conditions. Staff has reviewed the applicants request for the Conditional Use Permit and has determined that it satisfies the standards as required by Code. Mr. Hosmer noted he handed out some changes per the applicant, Attachment 2, asking to remove item six (6) which would have required an access agreement off the driveway and having the driveway labeled as an entrance only or exit only. Since this property is not a part of this Conditional Use Permit, staff did not think it was appropriate to have that put on the property to have to have an access agreement to the adjacent property, so it was removed and the site plan shows that change. Staff recommends approval.

Mr. Hansen asked if the driveway access from Walnut will be up to the owners. The alley improvements need to be brought up to twenty (20) feet asking if it was possible to do that. There are major utility poles in the alley and asked if they would have to be moved.

Mr. Hosmer stated that is up the owners; the City would not require that as a condition and yes the twenty (20) feet is correct. Referring to the overhead display, Mr. Hosmer pointed out the twenty (20) foot right-of-way and proposed pavement improvements along the route to the Hardees's property. They would not have to move the utility poles, but would pave around them.

Ms. Gardner stated that is normal practice for an alley. They are an exception to the normal street width and realize they have been around for a long time and there are utility poles in place so we work with developers to go around utility pole.

Mr. Edwards opened the public hearing.

Mr. Chris Ball, 444 S. Campbell, stated he is representing the applicant. The house will be occupied as a commercial bakery on the main floor and a residence on the second floor, the bakery being the Conditional Use Permit. It is not strictly a catering business; it is a current established business in the City that is relocating. An agreement has been reached regarding the drive and the parking with the adjacent property

owner who is also the seller and they can work out the other drive independently. There are minor obstructions in the alley, which is already paved, but they will be filling it out as best they can all the way to National.

Mr. Baird asked if that was left up to the owner or the City to inspect the fill after it is done and say it is good.

Mr. Ball stated it will be surveyed and the construction documents will be based on that survey and then that will be submitted with the permit drawing so the City will have a chance to review it both in traffic and planning and make certain it meets the expectations as best as they can. They will fill it out to the full twenty (20) foot easement wherever they can.

Mr. Edwards closed the public hearing.

Mr. Baird asked staff if it is standard practice to have a developer widen a street beyond their property boundary.

Ms. Gardner said it is if they are using that for their primary circulation, it is standard practice to widen beyond their property.

#### **COMMISSION ACTION:**

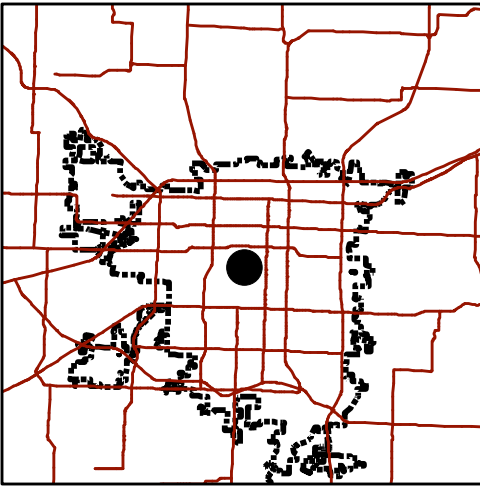
Mr. Lawhon motioned to **approve** Conditional Use Permit 407 without condition six (6) on Attachment 2. Mr. McClelland **seconded** the motion. The motion **carried** as follows: Ayes: Edwards, Coltrin, McClelland, Hansen, Ray, Baird, Lawhon, and White. Nays: None. Abstain: None. Absent: Young.



Bob Hosmer, AICP  
Principal Planner

EXHIBIT B  
LEGAL DESCRIPTION  
CONDITIONAL USE PERMIT NO. 407

All of Lot 8 in A. E. Smith's Addition, to the City of Springfield, Greene County, Missouri.



# Zoning & Subdivision Report

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

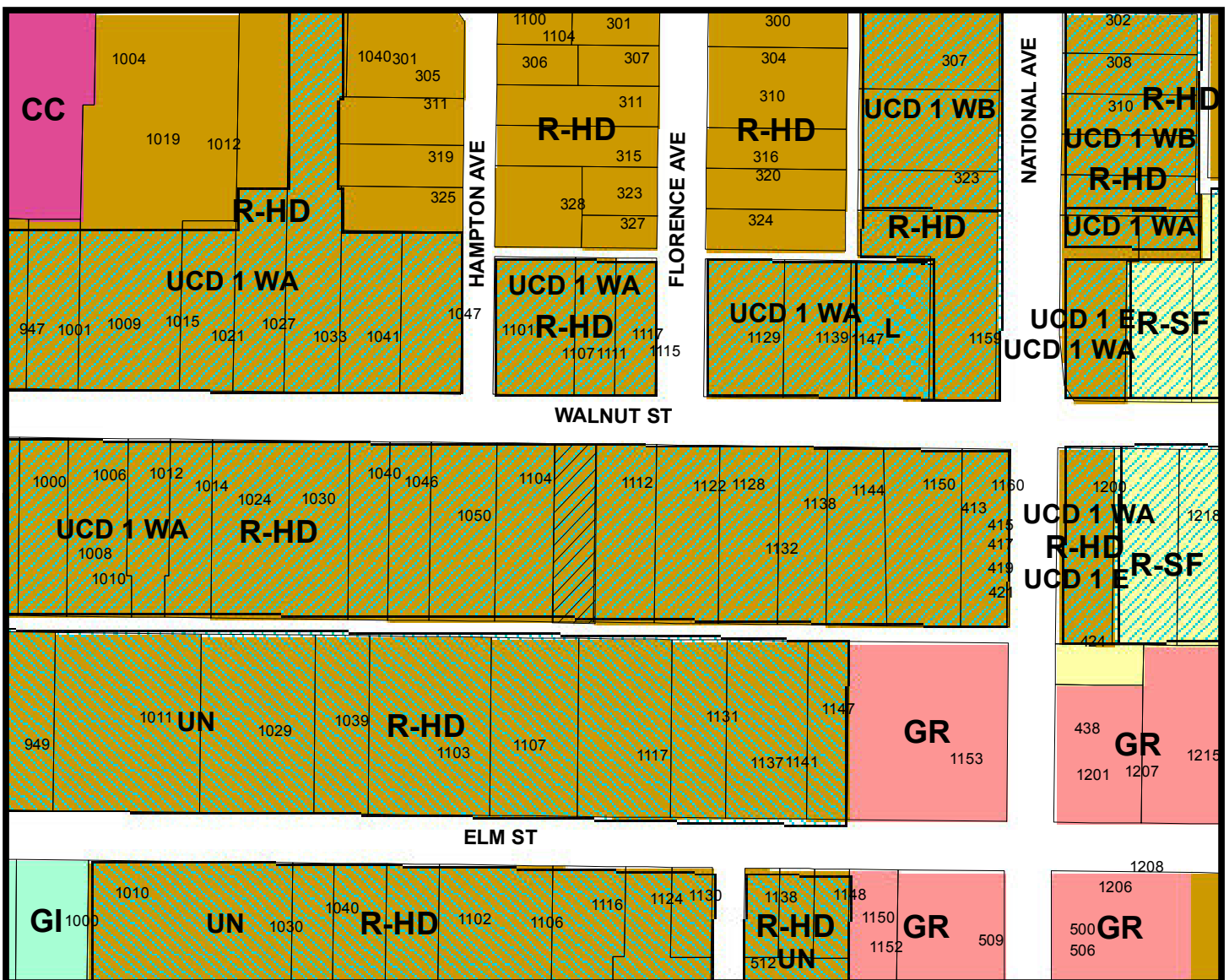
## Use Permit 407

Location: 1108 E. Walnut Street

Current Zoning: R-HD and Walnut Street-West UCD #1

Proposed Use: Restaurant

### LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

ATTACHMENT 1  
BACKGROUND REPORT  
CONDITIONAL USE PERMIT NO. 407

DATE: December 31, 2013

LOCATION: 1108 E. Walnut Street

APPLICANT: B&S Investments, LLC

TRACT SIZE: Approximately 0.25 acre

EXISTING USE: Vacant office building

PROPOSED USE: Restaurant/Bakery/Catering

SURROUNDING LAND USES:

| AREA  | ZONING       | LAND USE                    |
|-------|--------------|-----------------------------|
| North | R-HD/UCD #1W | Residential and studio uses |
| East  | R-HD/UCD #1W | Law Offices                 |
| South | R-HD/UN      | Fraternity/Sorority house   |
| West  | R-HD/UCD #1W | Residential Uses            |

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.

**BUILDING DEVELOPMENT SERVICES COMMENTS:**

No issues.

**FIRE DEPARTMENT COMMENTS:**

No comments.

**TRAFFIC COMMENTS:**

All issues have been addressed.

**STORMWATER COMMENTS:**

No stormwater issues with Use Permit since there is no proposed increase in impervious area.

**CLEAN WATER SERVICES COMMENTS:**

No impact on public sewer.

**CITY UTILITIES COMMENTS:**

CU has no objection to approval of the conditional use permit.

**NEIGHBORHOOD MEETING COMMENTS:**

The applicant held a neighborhood meeting on December 18, 2013, at Jack Ball Architects offices at 5 p.m. One hundred fifteen (115) property owners, residents and neighborhood association members were notified. A summary of the meeting is included on Attachment 5.

**ADJACENT PROPERTY OWNER COMMENTS:**

Fifteen (15) property owners are located within one hundred eighty-five (185) feet of the subject property and were notified by mail of this request. No one has objected to this request to date.

**STAFF COMMENTS:**

1. The applicant is requesting approval of a Conditional Use Permit to allow a restaurant within the Walnut Street Urban Conservation District No. 1 West, Area A. This will facilitate reuse of the existing structure for a restaurant/bakery business that will also cater which is permitted with other restaurants.

2. The applicant will be required to widen the public alley between the rear driveway and National Avenue to accommodate two-way vehicular traffic to the site. A cross access and parking agreement must be executed across the properties at 1108 and 1112 East Walnut Street to allow the existing accesses and off-street parking spaces to be shared.
3. Staff has reviewed the applicant's request for a Conditional Use Permit and has determined that it satisfies the standards for Conditional Use Permits outlined in Section 3-3310 of the Zoning Ordinance if all conditions in Attachment 2 are followed.

#### FINDINGS FOR STAFF RECOMMENDATION:

1. This application meets the approval standards for a Conditional Use Permit and is in conformance with the Comprehensive Plan.
2. The proposed use permit is consistent with surrounding non-residential uses along East Walnut Street.

#### CONDITIONS:

The Requirements for Conditional Use Permit No. 407 on Attachment 2 shall govern and control the use and development of the land in Use Permit No. 407 in a manner consistent with Attachment 4, except as modified by Attachment 2, and except any changes made by the Planning and Zoning Commission.

#### RECOMMENDATION:

Staff recommends **approval** of this request.

#### STAFF CONTACT PERSON:

Daniel Neal  
Senior Planner  
864-1036

ATTACHMENT 2  
REQUIREMENTS FOR CONDITIONAL USE PERMIT NO. 407

1. A restaurant is permitted on the subject property as shown on Attachment 4 (site plan).
2. All conditions of the Walnut Street Urban Conservation District No. 1 West, Area A, General Ordinance No. 5870, passed by City Council on April 5, 2010 shall be met. Outdoor dining is not permitted with the proposed use permit.
3. Any exterior modifications, site plan changes and signage plans must be approved by the Springfield Landmarks Board.
4. A cross access and parking agreement must be executed between the properties at 1108 and 1112 East Walnut Street as approved by the City Attorney's Office.
5. The alley shall be brought up to a consistent twenty (20) feet width of pavement along the two lots through which access is taken.
6. If the restaurant use exceeds fifteen (15) total occupancy for all persons within the building, the alley shall be brought up to a consistent twenty (20) feet width of pavement from the alley entrance into the property east to National Avenue.

ATTACHMENT 3  
STANDARDS FOR CONDITIONAL USE PERMITS & RESPONSES  
CONDITIONAL USE PERMIT NO. 407

An application for a conditional use permit shall be granted only if evidence is presented which establishes the following:

1. The proposed conditional use will be consistent with the adopted policies in the *Springfield Comprehensive Plan*; [A restaurant is a permitted Conditional Use within this zoning category, and it consistent with the SCP.](#)
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; [This is primarily a pick-up cake bakery with limited on site customers.](#)
3. The proposed conditional use will adequately provide for safety from fire hazards, and have effective measures of fire control; [no concerns.](#)
4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage; [The project is not an increase in impervious surface.](#)
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; [no – normal daily bakery operations.](#)
6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights so as to eliminate or mitigate such glare are proposed; [no increase in vehicular or stationary lighting..](#)
7. The location, lighting and type of signs and the relationship of signs to traffic control is appropriate for the site; [no change to signage or lighting, and it is similar to all adjacent properties.](#)
8. Such signs will not have an adverse effect on any adjacent properties; [no change](#)
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; [The alley will be widened as per sketch plan review comments.](#)
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; [no.](#)
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: [no change.](#)
  - a. The location, nature and height of buildings, structures, walls and fences on the site; and [no change.](#)
  - b. The nature and extent of landscaping and screening on the site. [No change.](#)
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; [no](#)

13. The proposed conditional use will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance; **no**
14. The proposed conditional use otherwise complies with all applicable regulations of this Article, including lot size requirements, bulk regulations, use limitations and performance standards; **yes**
15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public; **yes**
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; **yes**
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; **yes**
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; **no**
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; **no**
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; **yes**
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. **yes**



1108 EAST WALNUT STREET  
GREENE COUNTY, MISSOURI

## BUILDING - ZONING INFORMATION

## 1. ZONING:

- a. CURRENT ZONING: R-HD  
b. URBAN CONSERVATION DISTRICT NO. 1

## 2. CONDITIONAL USE BEING REQUESTED:

- ### 8. RESTAURANT-CATERING

### 3. SITE AREA:

- a. 11,539.25 SQ. FT. OR 0.26 ACRES

#### 4. BUILDING AREAS:

- BASEMENT: 826 SQ. FT.
- FIRST FLOOR PLAN: 1,435 SQ. FT.
- SECOND FLOOR PLAN: 1,815 SQ. FT.
- COMBINED AREA: 4,076 SQ. FT.

## QUALITY CONTROL

| PHASE | CHK'D BY | DATE  |
|-------|----------|-------|
| 15%   | _____    | _____ |
| 30%   | _____    | _____ |
| 60%   | _____    | _____ |
| 90%   | _____    | _____ |

CONDITIONAL USE PERMIT  
FOR  
AMY MCGEHEE  
ON BEHALF OF  
B&S INVESTMENTS, LLC

1108 EAST WALNUT ST.  
SPRINGFIELD, MO 65806



444, S. CAMPBELL AVE  
SPRINGFIELD, MO 65806  
P: 417.866.1904 F: 417.866.3695

C. of A. serial no. A-2005007041-E

SEAL  
STATE OF MISSISSIPPI  
JACKSON  
REGISTERED ARCHITECT  
NUMBER  
A-1720  
J. CHRISTOPHER BALL  
LICENSE NO. 007720  
7/1/11

## REVISIONS

☐ ORIGINAL PRINTS  
☒ REVISIONS 1/9/14

COPYRIGHT 2014

[illegible]

EXHIBIT 2: NEIGHBORHOOD MEETING SUMMARY

---

1. Request change to zoning from: Conditional Use Permit to \_\_\_\_\_  
(existing zoning) (proposed zoning)
2. Meeting Date & Time: Thursday December 19, 2013 from 4:00 to 5:00 pm
3. Meeting Location: Jack Ball Architects, 444 S Campbell Ave
4. Number of invitations that were sent: Approx. 120
5. How was the mailing list generated: By the City of Springfield Planning Dept.
6. Number of neighbors in attendance (attach a sign-in sheet): none
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.)

There were no attendees therefore no comments - one individual called and stated she owned property near 1108 East Walnut - that she was in favor of the idea and that she would speak on behalf of the project at the hearings if needed.

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

n/a

**EXPLANATION TO COUNCIL BILL NO: 2014-\_\_\_\_\_**

FILED: \_\_\_\_\_

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To accept the dedication of the public streets and easements as shown on the Preliminary Plat of **SUNSHINE CROSSING** generally located on the south side of the 3200-3300 blocks West Sunshine Street. (Staff recommends that City Council accept the public streets and easements.)

**BACKGROUND INFORMATION:**

- A. See the legal description set forth on the Preliminary Plat of **SUNSHINE CROSSING** dated January 23, 2014, 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 February 20, 2014 and \_\_\_\_\_ the preliminary plat by a vote of \_\_\_ to \_\_, subject to the following conditions:
  - 1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
    - a. Public sewer will need to be extended to each proposed lot. Submit public improvement plans for review and approval. Show minimum finish floor elevations on both the plans and plat. The public improvements will have to be either constructed or escrowed before the final plat is approved.
  - 2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
    - a. Access to Moore Road is prohibited per General Ordinance No. 4995 until it is widened to three lanes from Sunshine Street to south of the southernmost driveway on Moore Road in accordance with standards acceptable to the Director of Public Works. Public Improvement Plans for the improvements to Moore Road, including sidewalk, will be required to be submitted to the City for review and approval and improvements constructed or escrowed prior to the approval of the final plat.

- b. Sidewalks are required along Sunshine Street. All work, material, equipment on state r/w will require a MoDOT permit.
  - c. Add a note on final plat giving the book and page of the existing utility easement on Moore that will become right-of-way due to dedication.
- 3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
- 4. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush and overhanging tree limbs.
- 5. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

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.

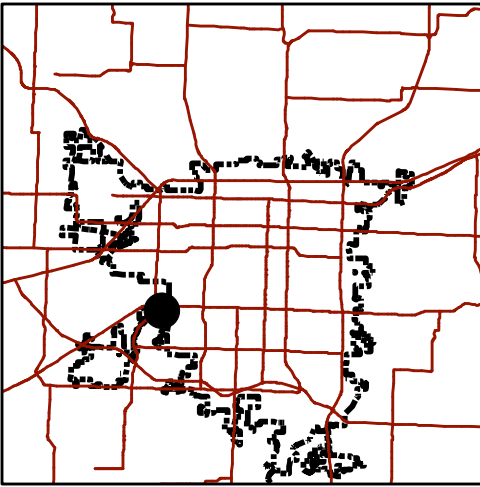
Submitted by:

---

Bob Hosmer, AICP, Principal Planner

---

Greg Burris, City Manager



# Zoning & Subdivision Report

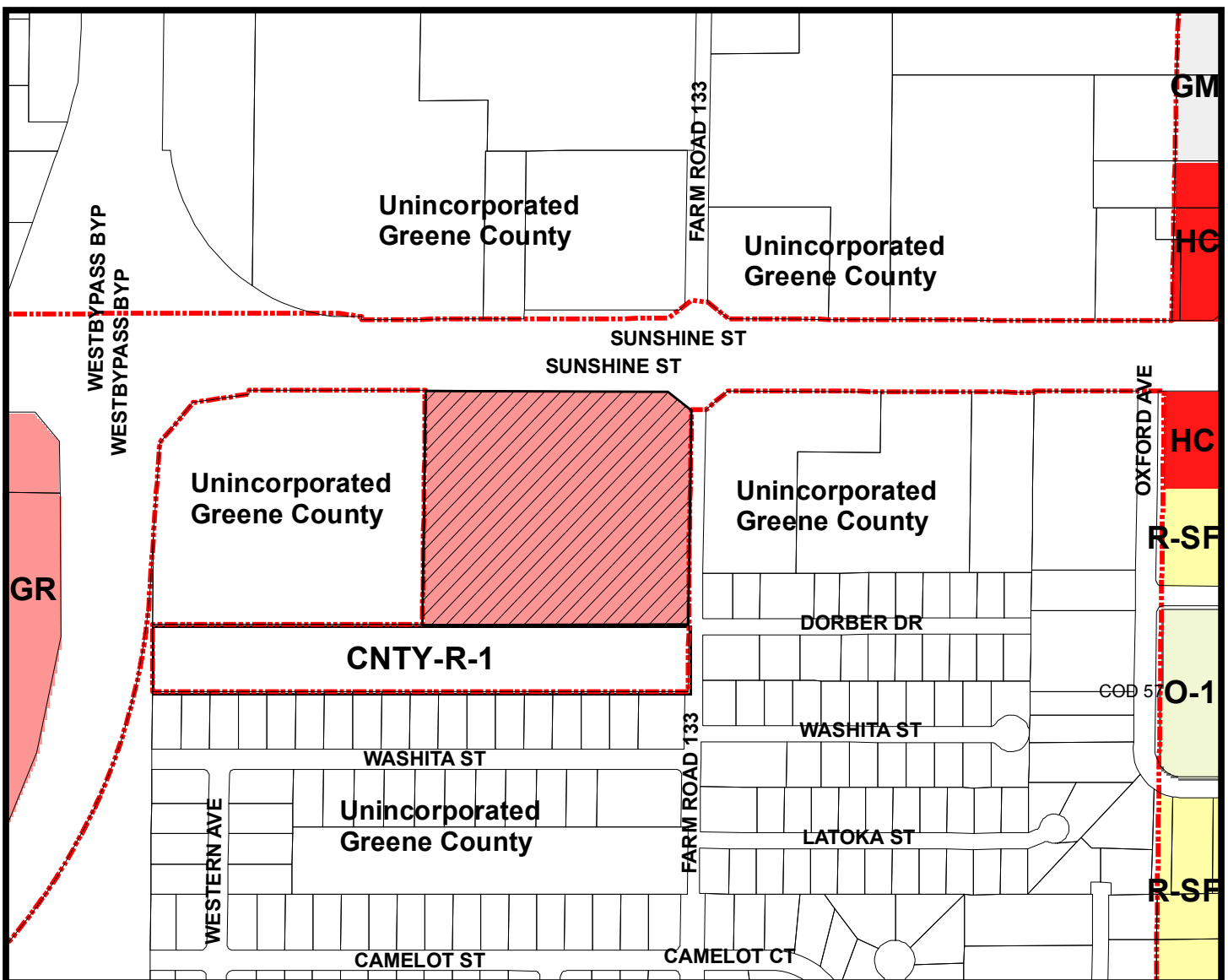
Planning & Development - 417/864-1031  
840 Boonville - Springfield, Missouri 65802

## **Preliminary Plat - Sunshine Crossing**

Location: 3200-3300 blocks s/s W. Sunshine St.

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 65802

## **PRELIMINARY PLAT– SUNSHINE CROSSING**

DATE: February 11, 2014

PURPOSE: To approve a preliminary plat to subdivide 8.7 acres into a five (5) lot subdivision with common area and two (2) subdivision variances.

### **BACKGROUND:**

LOCATION: 3200-3300 blocks s/s W. Sunshine St.

APPLICANT: Sunshine Crossing, LLC

TRACT SIZE: Approximately 8.7 acres

EXISTING USE: Undeveloped/vacant land

PROPOSED USE: General Retail Uses

### **RECOMMENDATION:**

The request be **approved**.

### **FINDINGS:**

1. The applicant's proposal, with the conditions listed below and approval of the subdivision variances, 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. Public sewer will need to be extended to each proposed lot. Submit public improvement plans for review and approval. Show minimum finish floor elevations on both the plans and plat. The public improvements will have to be either constructed or escrowed before the final plat is approved.

2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
  - a. Access to Moore Road is prohibited per General Ordinance No. 4995 until it is widened to three lanes from Sunshine Street to south of the southernmost driveway on Moore Road in accordance with standards acceptable to the Director of Public Works. Public Improvement Plans for the improvements to Moore Road, including sidewalk, will be required to be submitted to the City for review and approval and improvements constructed or escrowed prior to the approval of the final plat.
  - b. Sidewalks are required along Sunshine Street. All work, material, equipment on state r/w will require a MoDOT permit.
  - c. Add a note on final plat giving the book and page of the existing utility easement on Moore that will become right-of-way due to dedication.
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 Ordinance.
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.

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:**

Daniel Neal  
Senior Planner

ATTACHMENT 1  
BACKGROUND REPORT  
PRELIMINARY PLAT – SUNSHINE CROSSING

APPLICANT’S PROPOSAL:

The applicant proposes to subdivide approximately 8.7 acres into a five (5) lot commercial subdivision with common area. The applicant is also requesting two (2) subdivision variances. One for a lot without full frontage on a public street and the other for access to a street (Sunshine) classified as an expressway.

AT&T COMMENTS:

Please add utility easements as shown in change marks.

BUILDING DEVELOPMENT SERVICES COMMENTS:

No additional comments.

CITY UTILITIES COMMENTS:

All utilities are available. Please, add a plat note on final plat noting the book and page of the existing utility easement on Moore that will become right-of-way due to dedication. CU will utilize the proposed utility easements and will work with the developer if anything additional is needed due to development. CU doesn’t see the necessity of the 10 foot easement along the south property line. There is a slight chance a private or public road/access drive could be built along the south property line to provide access to the next property south.

FIRE DEPARTMENT COMMENTS:

No comments.

GREENE COUNTY HIGHWAY DEPARTMENT COMMENTS:

Greene County Highway Department recommends the City of Springfield annex Farm Road 133 (Moore Rd.) from Sunshine Street, south to Seminole Street.

TRAFFIC DIVISION COMMENTS:

The City has agreed to annex Moore Road. Public Improvement Plans for the improvements to Moore Road, including sidewalk, will be required to be submitted to the city for review and approval and improvements constructed or escrowed prior to the approval of the final plat.

MODOT COMMENTS:

Sidewalks are required along Sunshine Street. All work, material, equipment on state r/w will require a MoDOT permit.

#### STORMWATER COMMENTS:

All stormwater comments have been addressed on 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:

1. Sewer will need to be extended to each proposed lot. Submit public improvement plans for review and approval. Show minimum finish floor elevations on both the plans and plat. The public improvements will have to be either constructed or escrowed before the final plat could be approved.
2. There is a trunkline connection fee for this property of \$0.033 per square foot which would need to be paid when the engineering and inspection fees are paid for all public improvements. According to the proposed plat, the subdivision is approximately 8.7 acres and the trunkline fee for that much area would be approx. \$12,506, depending upon actual area.
3. There is also a proposed sewer district to the east which will require the dedication of a public sewer easement across this subdivision. Coordinate location and depth of last manhole with Great River Engineering.

#### STAFF COMMENTS:

1. The applicant is proposing to subdivide approximately 8.7 acres into a five (5) lot commercial subdivision with common area named "SUNSHINE CROSSING". The property is currently zoned GR, General Retail District.
2. When the property was annexed and rezoned in 2000, access to Moore Road was prohibited per General Ordinance 4995 until it was widened to three lanes from Sunshine Street to south of the southernmost driveway on Moore Road in accordance with standards acceptable to the Director of Public Works. The applicant is also requesting two (2) subdivision variances. One for a lot without full frontage on a public street and the other for access to a street (Sunshine) classified as an expressway. (see ATTACHMENTS 2 and 3)

MoDOT is also requiring sidewalks along Sunshine Street.

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 2  
SUBDIVISION VARIANCE APPROVAL CRITERIA  
PRELIMINARY PLAT – SUNSHINE CROSSING

The applicant is requesting a subdivision variance from Section 407(2) of the Subdivision Regulations which requires all lots to abut by their full frontage on a publicly dedicated street. Lot 4 is proposed to have a flag-shaped configuration. Staff supports the request because Lot 4 will have safe public access onto Moore Road that will meet City standards despite the odd configuration.

Section 106 of the Subdivision Regulations states in part:

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

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

APPLICANT'S RESPONSE:

The property is 652 feet east-west, which exceeds the desirable depth of most commercial users. The proposed Lot 4 (3.79 acres) would permit a large lot user who does not need full road frontage a second tier position to develop. Lot 5 of the proposed plat is a 1 acre tract which would have full frontage on Farm Road 133 (Moore Road).

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

APPLICANT'S RESPONSE:

The proposed lot configuration provides a feasibly useable development plan and meets the needs of potential users who have expressed a desire to build in this part of the city. It is consistent with other commercial properties in the area.

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

APPLICANT'S RESPONSE:

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

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

ATTACHMENT 3  
SUBDIVISION VARIANCE APPROVAL CRITERIA  
PRELIMINARY PLAT – SUNSHINE CROSSING

The applicant is requesting a subdivision variance from Section 411(5) of the Subdivision Regulations which restricts driveway access onto expressways. While this is a MoDOT route and MoDOT must also approve the accesses, staff supports the request because the proposed right in and out accesses will improve the existing driveway situation on Sunshine Street.

Section 106 of the Subdivision Regulations states in part:

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

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

APPLICANT’S RESPONSE:

Three of the proposed lots will front on Sunshine which is classified as an Expressway. The property has two permitted MoDOT entrances which we plan to relocate to the lot lines. These entrances will be right in-right out accesses to Sunshine. To deny access to Sunshine would take away the right to the existing drives previously granted and used, and devalue the property.

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

APPLICANT’S RESPONSE:

The proposed drive configuration provides a feasibly useable development plan and meets the needs of potential users who have expressed a desire to build in this part of the city. It is consistent with other commercial properties in the area.

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

APPLICANT’S RESPONSE:

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

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. 2014-\_\_\_\_\_**

FILED: \_\_\_\_\_

ORIGINATING DEPARTMENT: Planning and Development

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

BACKGROUND: In July of 2013, City staff proposed several Zoning Ordinance amendments to the Chamber of Commerce's Development Issues Input Group (DIIG). The amendments that staff proposed were based primarily on development issues that had occurred in the recent past and in response to a proposed major goal in the Field Guide 2030. Following several months of discussions with DIIG, the Planning and Zoning Commission initiated these amendments on February 6, 2014. The specific amendments involved the following.

- A. Reduce or eliminate bufferyard requirements between some non-residential zoning districts.
- B. Allow alternatives for perimeter landscaping and address impacts of right-of-way dedication.
- C. Allow a reduction in the required open space for alternative green building practices.

The specific amendments are show in Attachment A.

REMARKS:

- A. Bufferyard requirements. The reduction in some of the bufferyard widths is to encourage more compact development, which the City has been promoting to reduce driving distances and encourage alternative transportation modes. Some bufferyard is being maintained primarily to soften the transition between districts that allow outdoor storage and uses and those districts that do not. Staff is also proposing to expand the districts where the bufferyard can be waived where a cross-access easement is provided between properties and the landscaping is increased in the perimeter landscape strip between the parking lot and the street. The cross-access easement also reduces driving distances and encourages alternative transportation modes. The bufferyard waiver currently requires that the plantings be located elsewhere on the property. Staff is proposing that six (6) additional

evergreen shrubs per 100 linear feet of street frontage be planted in the perimeter landscape strip between the parking lot and the street to provide a better separation and definition between the parking area and the street/sidewalk transportation area. These plantings would be in addition to the currently required perimeter landscape strip plantings. The bufferyard would be waived at the time of development by the Director of Building Development Services rather than having to be approved by the Administrative Review Committee (ARC), as currently required.

Bufferyard A, required in the R-TH District between R-TH and R-SF, will also be eliminated because staff has no means to require its installation due to lack of a site plan requirement for duplexes.

- B. Alternatives for perimeter landscaping and impacts of right-of-way dedication. The proposed amendments will allow for flexibility in the width and location of the required perimeter landscape area. Shallow and odd-shaped lots can make it difficult to arrange the parking in front of the building while still providing a 10-foot landscape strip. This allows the width to be varied while requiring the landscaping to be located within the first 30 feet of the property. Attachment B illustrates how the perimeter landscaping could be modified in compliance with the proposed amendment.

The proposed new paragraph C addresses perimeter and interior landscaping lost due to public improvement projects. If property containing perimeter or interior landscaping is acquired for a street widening or another public improvement, the property will not become nonconforming. Additional development can occur on the site if the required open space and landscaping is not further reduced. If the property is totally redeveloped, it will have to comply with the normal requirements. Some members of DIIG requested that the exemption continue when a property totally redeveloped, but staff does not support that request because it would be difficult to track the exemptions, and the properties should comply with the Zoning Ordinance at some point.

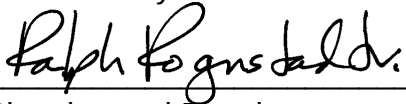
- C. Reduction in the required open space for alternative green building practices. To encourage sustainable green building practices, this amendment would allow pervious pavement systems and green roofs to substitute for required open space because both allow for absorption or detention of rain water and provide other environmental benefits similar to traditional landscaping. Encouraging sustainable green building practices is a major goal in the Natural Environment chapter of the recently adopted Field Guide 2030. A pervious pavement system can include grass pavers, pervious concrete, or other pervious material. The pervious material must be underlain with a filtration bed, and there must be a proposed maintenance program to ensure the pervious pavement system continues to function as designed. The

requirements for pervious pavement systems will be included in the Public Works Design Standards. Pervious pavement systems and green roofs could be substituted for up to 25 percent of the required open space area.

The Administrative Review Committee will also be permitted to approve substitution of other sustainable green building practices for open space using the same standards as pervious pavement systems and green roofs. When a new practice is identified, there will be a public comment period regarding the proposed substitution standard, and after the ARC approves, the substitution standard will be placed on file with the City's other design standards.

Staff recommends approval.

Submitted by:



Planning and Development

Approved by:

City Manager

Attachment A  
Proposed Amendments to Landscaping and Bufferyard Requirements

**A. Proposed Modifications to Bufferyard Requirements**

The current bufferyard requirements between different zoning districts are shown in Table A. The bufferyard requirements that are proposed to be changed are underlined. Table B shows the proposed changes. The maximum bufferyard required between non-residential districts would be a Bufferyard C.

Table A. Current Bufferyard Requirements

| Zoning District<br>of Proposed Development | Table of Bufferyard Requirements |      |       |      |      |      |          |          |          |          |                |                |          |    |     |    |    |    |    |    |
|--------------------------------------------|----------------------------------|------|-------|------|------|------|----------|----------|----------|----------|----------------|----------------|----------|----|-----|----|----|----|----|----|
|                                            | Adjacent Zoning District         |      |       |      |      |      |          |          |          |          |                |                |          |    |     |    |    |    |    |    |
|                                            | R-SF                             | R-TH | R-MHC | R-LD | R-MD | R-HD | O-1      | O-2      | GI       | LB       | GR             | HC             | CS       | CC | COM | RI | LI | GM | HM | IC |
| R-SF                                       | (D)                              | (C)  | (C)   | (C)  | (B)  | (B)  | *        | *        | *        | *        | *              | *              | *        | *  | *   | *  | *  | *  | *  | *  |
| R-TH                                       | <u>A</u> (D)                     | (C)  | (C)   | (C)  | (B)  | (B)  | *        | *        | *        | *        | *              | *              | *        | *  | *   | *  | *  | *  | *  | *  |
| R-MHC <sup>1</sup>                         | B                                | (C)  | (C)   | (C)  | (B)  | (B)  | *        | *        | *        | *        | *              | *              | *        | *  | *   | *  | *  | *  | *  | *  |
| R-LD                                       | B                                | B    | (C)   | (C)  | (B)  | (B)  | *        | *        | *        | *        | *              | *              | *        | *  | *   | *  | *  | *  | *  | *  |
| R-MD                                       | C                                | B    | B     | B    | (B)  | (B)  | *        | *        | *        | *        | *              | *              | *        | *  | *   | *  | *  | *  | *  | *  |
| R-HD                                       | D                                | C    | C     | B    | B    | (B)  | *        | *        | *        | *        | *              | *              | *        | *  | *   | *  | *  | *  | *  | *  |
| O-1                                        | C                                | B    | B     | B    | B    | B    | *        | *        | *        | *        | *              | *              | *        | *  | *   | *  | *  | *  | *  | *  |
| O-2                                        | D                                | D    | C     | C    | B    | B    | <u>B</u> | *        | *        | *        | *              | *              | *        | *  | *   | *  | *  | *  | *  | *  |
| GI                                         | D                                | D    | C     | C    | B    | B    | <u>B</u> | *        | *        | *        | *              | *              | *        | *  | *   | *  | *  | *  | *  | *  |
| LB                                         | D                                | C    | C     | B    | B    | B    | *        | *        | *        | *        | *              | *              | *        | *  | *   | *  | *  | *  | *  | *  |
| GR                                         | F                                | E    | E     | C    | C    | C    | <u>C</u> | <u>B</u> | <u>B</u> | <u>B</u> | *              | *              | *        | *  | *   | *  | *  | *  | *  | *  |
| HC                                         | F                                | E    | E     | C    | C    | C    | <u>C</u> | <u>B</u> | <u>B</u> | <u>C</u> | B <sup>2</sup> | *              | *        | *  | *   | *  | *  | *  | *  | *  |
| CS                                         | G                                | F    | F     | D    | D    | D    | <u>D</u> | <u>C</u> | <u>C</u> | <u>D</u> | B <sup>2</sup> | B <sup>2</sup> | *        | *  | *   | *  | *  | *  | *  | *  |
| CC                                         | J                                | J    | J     | J    | J    | *    | *        | *        | *        | *        | *              | *              | *        | *  | *   | *  | *  | *  | *  | *  |
| COM                                        | J                                | J    | J     | J    | J    | *    | *        | *        | *        | *        | *              | *              | *        | *  | *   | *  | *  | *  | *  | *  |
| RI                                         | F                                | E    | E     | C    | C    | C    | <u>C</u> | <u>B</u> | <u>B</u> | <u>B</u> | *              | *              | *        | *  | *   | *  | *  | *  | *  | *  |
| LI                                         | G                                | F    | F     | D    | D    | D    | <u>D</u> | C        | C        | <u>D</u> | B              | B              | *        | *  | *   | *  | *  | *  | *  | *  |
| GM                                         | H                                | H    | H     | H    | H    | G    | <u>G</u> | <u>G</u> | C        | <u>D</u> | B              | B              | *        | *  | *   | *  | *  | *  | *  | *  |
| HM                                         | I                                | I    | I     | I    | I    | H    | <u>G</u> | <u>G</u> | C        | <u>D</u> | B              | B              | <u>B</u> | *  | *   | *  | *  | *  | *  | *  |
| IC                                         | G                                | F    | F     | D    | D    | D    | <u>D</u> | C        | C        | <u>D</u> | B              | B              | *        | *  | *   | *  | *  | *  | *  | *  |

( ) Bufferyard required when permitted nonresidential use locates adjacent to residential use or vacant land except park property and community gardens.

\* No bufferyard required.

<sup>1</sup> For mobilehome subdivisions, bufferyard requirements of the R-TH District shall apply.

<sup>2</sup> Bufferyard can be waived by Administrative Review Committee between uses in different districts where a joint access agreement is proposed. Required plantings must be provided on other areas of the affected property.

**Table B. Proposed Bufferyard Requirements**

| Zoning District<br>of Proposed Development | Table of Bufferyard Requirements |      |       |      |      |      |                      |                      |                      |                      |                |                |                      |    |     |    |    |    |    |    |
|--------------------------------------------|----------------------------------|------|-------|------|------|------|----------------------|----------------------|----------------------|----------------------|----------------|----------------|----------------------|----|-----|----|----|----|----|----|
|                                            | Adjacent Zoning District         |      |       |      |      |      |                      |                      |                      |                      |                |                |                      |    |     |    |    |    |    |    |
|                                            | R-SF                             | R-TH | R-MHC | R-LD | R-MD | R-HD | O-1                  | O-2                  | GI                   | LB                   | GR             | HC             | CS                   | CC | COM | RI | LI | GM | HM | IC |
| R-SF                                       | (D)                              | (C)  | (C)   | (C)  | (B)  | (B)  | *                    | *                    | *                    | *                    | *              | *              | *                    | *  | *   | *  | *  | *  | *  | *  |
| R-TH                                       | (D)                              | (C)  | (C)   | (C)  | (B)  | (B)  | *                    | *                    | *                    | *                    | *              | *              | *                    | *  | *   | *  | *  | *  | *  | *  |
| R-MHC <sup>1</sup>                         | B                                | (C)  | (C)   | (C)  | (B)  | (B)  | *                    | *                    | *                    | *                    | *              | *              | *                    | *  | *   | *  | *  | *  | *  | *  |
| R-LD                                       | B                                | B    | (C)   | (C)  | (B)  | (B)  | *                    | *                    | *                    | *                    | *              | *              | *                    | *  | *   | *  | *  | *  | *  | *  |
| R-MD                                       | C                                | B    | B     | B    | (B)  | (B)  | *                    | *                    | *                    | *                    | *              | *              | *                    | *  | *   | *  | *  | *  | *  | *  |
| R-HD                                       | D                                | C    | C     | B    | B    | (B)  | *                    | *                    | *                    | *                    | *              | *              | *                    | *  | *   | *  | *  | *  | *  | *  |
| O-1                                        | C                                | B    | B     | B    | B    | B    | *                    | *                    | *                    | *                    | *              | *              | *                    | *  | *   | *  | *  | *  | *  | *  |
| O-2                                        | D                                | D    | C     | C    | B    | B    | <u>B<sup>2</sup></u> | *                    | *                    | *                    | *              | *              | *                    | *  | *   | *  | *  | *  | *  | *  |
| GI                                         | D                                | D    | C     | C    | B    | B    | <u>B<sup>2</sup></u> | *                    | *                    | *                    | *              | *              | *                    | *  | *   | *  | *  | *  | *  | *  |
| LB                                         | D                                | C    | C     | B    | B    | B    | *                    | *                    | *                    | *                    | *              | *              | *                    | *  | *   | *  | *  | *  | *  | *  |
| GR                                         | F                                | E    | E     | C    | C    | C    | <u>B<sup>2</sup></u> | <u>B<sup>2</sup></u> | <u>B<sup>2</sup></u> | <u>B<sup>2</sup></u> | *              | *              | *                    | *  | *   | *  | *  | *  | *  | *  |
| HC                                         | F                                | E    | E     | C    | C    | C    | <u>B<sup>2</sup></u> | <u>B<sup>2</sup></u> | <u>B<sup>2</sup></u> | <u>B<sup>2</sup></u> | B <sup>2</sup> | *              | *                    | *  | *   | *  | *  | *  | *  | *  |
| CS                                         | G                                | F    | F     | D    | D    | D    | <u>B<sup>2</sup></u> | <u>B<sup>2</sup></u> | <u>B<sup>2</sup></u> | <u>B<sup>2</sup></u> | B <sup>2</sup> | B <sup>2</sup> | *                    | *  | *   | *  | *  | *  | *  | *  |
| CC                                         | J                                | J    | J     | J    | J    | *    | *                    | *                    | *                    | *                    | *              | *              | *                    | *  | *   | *  | *  | *  | *  | *  |
| COM                                        | J                                | J    | J     | J    | J    | *    | *                    | *                    | *                    | *                    | *              | *              | *                    | *  | *   | *  | *  | *  | *  | *  |
| RI                                         | F                                | E    | E     | C    | C    | C    | <u>C<sup>2</sup></u> | B <sup>2</sup>       | B <sup>2</sup>       | <u>B<sup>2</sup></u> | *              | *              | *                    | *  | *   | *  | *  | *  | *  | *  |
| LI                                         | G                                | F    | F     | D    | D    | D    | <u>C</u>             | C                    | C                    | <u>C</u>             | B              | B              | *                    | *  | *   | *  | *  | *  | *  | *  |
| GM                                         | H                                | H    | H     | H    | H    | G    | <u>C</u>             | <u>C</u>             | C                    | <u>C</u>             | B              | B              | *                    | *  | *   | *  | *  | *  | *  | *  |
| HM                                         | I                                | I    | I     | I    | I    | H    | <u>C</u>             | <u>C</u>             | C                    | <u>C</u>             | B              | B              | <u>B<sup>2</sup></u> | *  | *   | *  | *  | *  | *  | *  |
| IC                                         | G                                | F    | F     | D    | D    | D    | <u>C</u>             | C                    | C                    | <u>C</u>             | B              | B              | *                    | *  | *   | *  | *  | *  | *  | *  |

( ) Bufferyard required when permitted nonresidential use locates adjacent to residential use or vacant land except park property and community gardens.

\* No bufferyard required.

<sup>1</sup> For mobilehome subdivisions, bufferyard requirements of the R-TH District shall apply.

<sup>2</sup> Bufferyard shall be waived between abutting properties in different districts if a joint access agreement between the properties is established and six (6) additional evergreen shrubs per 100 linear feet of street frontage are planted in the perimeter landscape strip. The waiver shall be approved by the Director of Building Development Services.

## **B. Proposed Alternatives for Perimeter Landscaping**

New text is underlined, and text to be removed is struck through.

6-1209. **Minimum Requirements for Off-Street Parking and Vehicular Use Areas.** The interior and perimeter of parking lots and vehicular use areas, for uses requiring site plans, shall be landscaped in accordance with the following criteria. Areas used for parking or vehicular storage which are under, on, or within buildings are exempt from these standards. These standards shall only apply to parking lots and vehicular use areas constructed after the effective date of this Article.

A. **Interior Landscaping.** In all districts except the CC, Center City District, sites containing parking and vehicular use areas totaling thirty (30) or more parking spaces or the gross area is twelve thousand (12,000) or more square feet shall provide interior landscaping. In the CC District, interior landscaping shall be required if the site contains fifty (50) or more parking spaces or the gross area is twenty thousand (20,000) or more square feet. A minimum of five (5) percent of the parking or vehicular use area shall be devoted to living landscaping which includes grass, ground cover, plants, shrubs, and trees. Gross parking area shall be determined by calculating the total area used for parking, including circulation aisles. The following additional criteria shall apply to the interior of parking and vehicular use areas:

1. A landscaped area must abut paved areas on at least three (3) sides or more than seventy-five (75) percent of the landscaped area perimeter to qualify as an interior landscape area.
2. Interior landscape areas shall be protected from vehicular encroachment or overhang through appropriate wheel stops or curbs.
3. There shall be a minimum of two (2) understory trees or one (1) canopy tree planted for each thirty (30) parking spaces or twelve-thousand (12,000) square feet of parking or vehicular use area, or fraction thereof.
4. Interior areas of parking and vehicular use areas shall contain planting islands located so as to best relieve the expanse of paving. Interior planting areas shall be a minimum of one-hundred (100) square feet for each understory tree and two-hundred (200) square feet for each canopy tree dimensioned in such a way as to provide a suitable area for planting.

B. **Perimeter Landscaping.**

1. Perimeter landscaping shall be provided where a parking lot or vehicular use area is within fifty (50) feet of a public right-of-way and there is not an intervening building. Perimeter landscaping areas shall be protected from vehicular encroachment or overhang through appropriate wheel stops or curbs.

2. ~~In All districts except CC, Center City District,~~ The perimeter landscape treatment shall consist of the following. The location of the perimeter landscaping shall be based on the existing street right-of-way or the street right-of-way standard for the street functional classification, whichever is greater.
- a. A landscape area located within thirty (30) feet of the adjacent street right-of-way containing at least ten (10) square feet of open space for each one (1) foot of street frontage. The landscape area shall be arranged to create a strip at least five (5) feet wide directly adjacent to the street right-of-way and to accommodate the required plantings. Preference shall be given to massing landscape areas at access drives to the site. The perimeter landscape area shall not be counted towards the required interior landscaping area for the parking or vehicular use area.
  - b. The plantings within the perimeter landscape area shall consist of at least one (1) canopy tree, one (1) understory, ornamental, or evergreen tree and four (4) shrubs per hundred (100) linear feet of street frontage.
  - c. The landscape area located directly adjacent to the street right-of-way may be reduced to less than five (5) feet in width but not less than two (2) feet in width when at least twelve (12) square feet of open space for each one (1) foot of street frontage is provide. At least seventy-five (75) percent of the required landscape area shall be located within thirty (30) feet of the adjacent street right-of-way. The remaining twenty-five (25) percent of the required open space shall be provided elsewhere on the site. In addition to the landscaping required above, four (4) shrubs shall be planted on the site with preference given to locations within or adjacent to the parking area.

~~perimeter landscape areas shall contain one (1) canopy tree, one (1) understory, ornamental, or evergreen tree and four (4) shrubs per hundred (100) linear feet. Where utility lines, easements, the width of the landscape area or other conditions not under the control of the developer would not allow canopy trees, each required canopy tree may be replaced by two (2) understory, ornamental or evergreen trees. Where a perimeter landscape area is less than fifty (50) linear feet only one (1) canopy tree or two (2) understory, ornamental, or evergreen trees are required in addition to four (4) shrubs. Required trees and shrubs may be clustered to allow for the most effective use of landscaping. The remaining area shall be landscaped with grass or other ground cover.~~

- a. ~~Whenever an off-street parking or vehicular use area abuts a public right-of-way, a perimeter landscape area at least ten (10) feet in width shall be maintained between the abutting right-of-way and the off-street parking or vehicular use area.~~

bd. Necessary accessways from the public right-of-way shall be permitted through all such landscaping. All accessways shall comply with *Chapter 31, Article III, Springfield City Code*.

3. ~~In the CC, Center City District,~~ The perimeter of parking lots and vehicular use areas shall be designed and constructed to create an edge along street rights-of-way that minimize the disruption of the urban environment created by the wide expanse of parking lots and vehicular use areas. The perimeter treatment shall be consistent with any adopted streetscape plans for adjacent rights-of-way and with the materials and colors of the existing streetscape and surrounding structures. The perimeter treatment shall consist of one of the following:
- a. A perimeter landscape area located adjacent to the street right-of-way, at least six (6) feet in width, and containing one (1) understory tree and ten (10) shrubs per fifty (50) linear feet of street frontage; or
  - b. A perimeter landscape area located adjacent to the street right-of-way, at least three (3) feet in width, and containing ten (10) shrubs plus one (1) understory tree in the sidewalk on the public right-of-way per fifty (50) linear feet of street frontage; or
  - c. A decorative wall or fence at least thirty (30) inches high located adjacent to the street right-of-way, plus one (1) understory tree in the sidewalk on the public right-of-way per fifty (50) linear feet of street frontage.

Alternatives b and c are only permitted if the sidewalk is at least ten (10) feet wide to accommodate the planting of trees or the curb along the street is modified to extend out into the street to create suitable areas for planting trees and maintain adequate pedestrian circulation. Tree openings in the sidewalk should be a minimum of five (5) by five (5) and contain an accessible tree grate or surfacing around the tree sufficient to allow pedestrian circulation while protecting the tree and the opening. Examples include cast iron tree grates, dry-laid brick or pavers and seat walls. Alternative b may be permitted by the City Traffic Engineer for sidewalks less than ten (10) feet in width if the trees are planted partially in the three-foot perimeter landscape area so that the accessible tree grates or surfacing do not create unacceptable impediments to pedestrian circulation.

Solid decorative walls or fences 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.

C. **Reduction in Interior and Perimeter Landscaping Due to Public Improvement Projects.**

On existing developed properties where a public improvement project has resulted in the elimination of required interior landscaping, perimeter landscaping or open space due to the acquisition of street right-of-way, the property shall not be considered nonconforming with regard to the interior landscaping, perimeter landscaping or open space requirements. If additional development is proposed on the property, the interior landscaping, perimeter landscaping and open space shall not be further reduced. If the buildings on the property are removed and the property is proposed to be redeveloped, the interior landscaping, perimeter landscaping and open space requirements shall be met.

## C. Proposed Alternatives for Required Open Space

### 6-1208. Minimum Open Space Requirements.

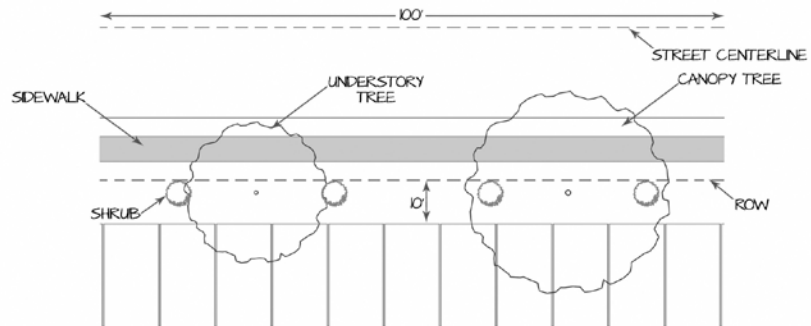
- A. **In General.** All property shall comply with the minimum open space requirements of the district in which the property is located, except as exempted by *Subsection 6-1215*. The open space requirement includes, and is not in addition to, the areas of the property containing bufferyards and interior and perimeter landscaping for parking and vehicular use areas. The district open space requirements are not the maximum open space that may be required. In rare instances, extensive bufferyards may be required that could result in open space that exceeds the minimum district open space requirement. Also, properties in all districts, except lots in the Center City District which are two (2) acres or less, are required to provide interior and perimeter landscaping for parking and vehicular use areas even if there is no minimum open space required.
- B. **Substitutions for Required Open Space.** Up to twenty-five (25) percent of the required open space area may be substituted by the following. The substitution shall be on a one (1) square foot for one (1) square foot basis.
1. Green roof.
  2. Pervious pavement system.

The Administrative Review Committee may approve other alternatives that achieve the same result as the alternatives listed above. These other alternatives shall only be approved after a proposed alternative is posted on the City's web site and the public is allowed thirty (30) days to comment.

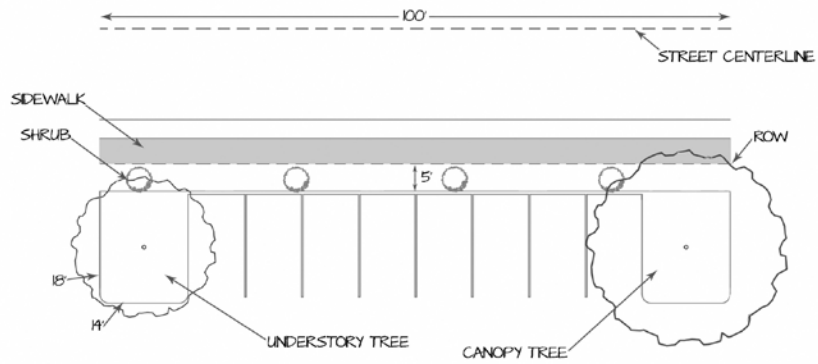
Attachment B

Perimeter Landscaping Alternatives

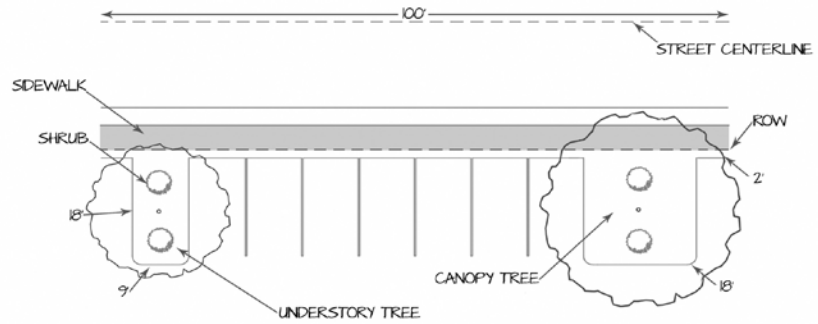
ALTERNATIVE A



ALTERNATIVE B



ALTERNATIVE C



At least 75 percent of landscape area shall be located adjacent to the street, remaining 25 percent located elsewhere on site. Four additional shrubs required.



**PLANNING AND DEVELOPMENT DEPARTMENT  
DEVELOPMENT REVIEW OFFICE  
MEMORANDUM**

DATE: February 11, 2014

TO: Planning and Zoning Commission

FROM: Bob Hosmer, AICP Principal Planner

SUBJECT: Changes to the Rules of Procedure for the Planning and Zoning Commission

---

Staff is proposing to modify the Rules of Procedure for the Planning and Zoning Commission to allow for the rescheduling of public meetings due to cancelations because of inclement weather or of an emergency situation (see attached changes).

Staff requests that Commission review the amendments to the Rules of Procedure for the Planning and Zoning Commission on February 20, 2014 and take action at the March 6, 2014 meeting as required by Rules and Procedures.

This amendment requires at least 5 affirmative votes in order to pass.

Proposed Rule on Inclement Weather and other Emergencies: Underlined is new language

## 2.2 (a) Special and Rescheduled Meetings

(a) Special meetings shall be called at the request of the Chairman, or at the request of five members of the Commission. Notice of special meetings shall be given by the Executive Secretary to the members of the Commission at least forty-eight (48) hours prior to such meeting and shall state the purpose and the time of the meeting.

(b) Regularly scheduled or special meetings shall be automatically rescheduled to the following Thursday, unless such Thursday is a scheduled City holiday and then for the Thursday after such holiday, for the same time and location as previously noted on an agenda, advertisement or other notice of public hearing when:

(1) there exists within the City of Springfield a state of emergency declared by the Mayor, the Director of the Springfield-Greene County Emergency Management Office, the Governor or the President, or their respective designees; or

(2) weather or other condition threatens safe travel to and from the meeting for the public, staff and commission members as determined solely at the discretion of the City Manager, the Director of the Springfield-Greene County Emergency Management Office, the Chair, or the Executive Secretary to the Commission, or their respective designees; or

(3) the location of the meeting is not considered habitable or safe to remain within the structure at the discretion of the City Manager, the Director of the Springfield-Greene County Emergency Management Office, the Fire Chief, the Directors of Public Works, Building Development Services, or Health, the Chair, or the Executive Secretary to the Commission, or their respective designees.

Should a meeting be automatically rescheduled under this Rule, the continuation of such shall be posted on at least two locations, at least one of which shall be the main entrance, at the address where the meeting was to be held unless posting itself poses as danger to staff to go to the location. If such danger exists, then posting notice at the two closest locations available to the public as determined by the Executive Secretary to the Commission, or his designee, shall be deemed sufficient notice. In addition, upon such rescheduling, all public hearings and other proceedings requiring public notices shall be deemed to be continued and extended to such rescheduled date and time without need for new notices or advertisements with the exception of Chapter 610, RSMo. In the event the conditions leading to the rescheduling have not been alleviated by the rescheduled date and time, such hearings and proceedings shall be noticed and re-advertised in the same manner as previously done under the Land Development Code of the City of Springfield or other law or rule.