



Springfield Planning and Zoning Commission

City Council Chambers

Date: July 31, 2014
Time: 6:30 p.m.

Members: Matt Edwards (Chairman), Tom Baird IV (Vice-Chairman), Jim Hansen, Jason Ray, Phil Young, Shelby Lawhon, Gabrielle White, Melissa Cox, David Shuler

I. 1. ROLL CALL

II. 2. APPROVAL OF MINUTES

1. July 17, 2014

Documents: [07-17-2014 MINUTES.PDF](#)

III. 3. COMMUNICATIONS

1. Zoning Case Z-15-2014 Update

IV. 4. CONSENT ITEMS

(All items may be approved with a single motion without a public hearing, unless removed from the consent agenda)

V. 11. PUBLIC HEARINGS

1. Z-16-2014

211 East Water Street, Clan MacQuarrie, LLC

Documents: [Z-16-2014.PDF](#)

2. Conditional Use Permit 413

1571 East Cherokee Street, Steve Aton

Documents: [UP413.PDF](#)

3. Cellular & Wireless Facilities Amendments

City-Wide

Documents: [CELLULARWIRELESSAMD.PDF](#)

VI. 13. OTHER MATTERS

VII. 19. ADJOURN

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. **Please fill out a Speaker Card. 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: July 17, 2014

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 present: Tom Baird (Vice-Chair), Jason Ray, Jim Hansen, Gabrielle White, Phil Young, and David Shuler. Staff in attendance: Ralph Rognstad, Director, Planning & Development, Bob Hosmer, Principal Planner; Marianne Banks, Assistant City Attorney, Ron Colson, Public Works, Dawne Gardner, Public Works, Sandy Goddard, Administrative Assistant. Absent: Edwards and Cox.

ROLL CALL:

APPROVAL OF MINUTES: The minutes of July 3, 2014, were approved unanimously.

COMMUNICATIONS:

IV. UNFINISHED BUSINESS:

1. Planned Development 323 Amended
(1530 East Erie Street)

TLC Properties

Mr. Hosmer noted this item was tabled at the July 3, 2014 meeting. It is a request to rezone approximately 18.61 acres of property generally located at 1530 East Erie Street from Planned Development District No. 323 to Planned Development District No. 323 Amended for the purpose of increasing the maximum density dwelling units. The applicant would like to add an additional thirty-three (33) units for a total of three hundred-sixty-four (364) units. The applicant had originally requested to increase the maximum height within the development from three stories to four stories however the applicant has now requested to retain the maximum three story height limitations as originally proposed in the original PD. The one-hundred fifty (150) foot building setback and ten (10) foot parking lot setback will remain. After further review of the bufferyard along the south property line it was discovered the existing bufferyard is only ten (10) feet wide even though the bufferyard requirement within the existing planned development is a minimum fifteen (15) foot width. Staff is unsure how the bufferyard was permitted at the reduced width, however a research of past documents shows it has been this way since the drive and parking area were constructed. As part of this application, the existing ten (10) foot wide bufferyard and plantings along the south property line adjacent to the drive and parking area will remain, however a fifteen (15) foot wide bufferyard with additional plantings will be provided along the south property line at the southeast and southwest portions of the property as shown on the site plan. In addition, the requirement for a seven (7) foot high opaque masonry wall or wooden fence along the southern boundary will remain. There will be no access to Welwood as part of this plan. Mr. Hosmer noted there is a revised stormwater report which will be presented by Rodney Colson. This proposal will be going to City Council on August 4, 2014. On the posted sign for this case, there was a different date because it was tabled.

Mr. Colson reviewed the stormwater findings, stating he did some research on drainage plans and calculations for the Abby as well as the drainage system on Delaware and Walnut Lawn. Mr. Colson said he believes the existing Regional Detention Pond is working properly because it is filling up like it's supposed to. The fix on the grass swale will prevent from backing up in the parking lot on the Abbey and overflowing the curb and draining onto the adjacent property. Mr. Colson also reviewed pictures he had taken of the Abbey southwest parking area. Mr. Colson stated there was a lot of debris in the corner that prevented the drainage from getting into the water quality basin, getting into the new 36-inch pipe that drains to the regional detention pond. The big flows are going to the regional detention pond like they are supposed to. There is already a 30-inch pipe that drains their whole drainage system on the south side. They have added another 36-inch pipe to help the drainage get to the regional detention basin. As part of the new development, there is an existing drainage inlet and a 15-inch pipe stubbed out across the driveway for a future inlet to be installed. Mr. Colson said what he would ask the developer to connect to the inlet to a pipe that was stubbed out under the driveway and put in a gutter system on the building and tie it into that inlet and drainage system on the Abbey side so we do not have excess drainage water going out onto Delaware. They have offered to put in a supplemental basin to help make sure there will not be a backup of flow in the 18-inch pipe that drains along the parking lot and connects to the 30-inch pipe. In order for the Abbey Apartment Complex to construct an additional building in the southeast corner of the site, the City is requiring additional onsite supplemental detention in this area to prevent a backup of stormwater in the south parking lot. An engineering analysis will need to be completed by a Professional Engineer to determine the size requirement for the onsite supplemental detention basin and to ensure that the existing pipe/swale system can handle the addition runoff.

Mr. Hansen asked if the 36-inch pipe connected to the 30-inch pipe.

Mr. Colson stated there is a 30-inch pipe and a 36-inch pipe that comes to a junction box and then there is a 36-inch pipe that goes over to the regional detention basin. The 30-inch pipe wasn't working and they added another 36-inch pipe that is a smooth walled HDPE pipe.

Mr. Hansen asked about the timing of the peak flow, if it was affected by the added pipe.

Mr. Colson said the timing was for the drainage problems that were on Delaware and then going through Prairie Creek.

Mr. Hansen asked what storm event it is designed for.

Mr. Colson stated that he was told that it should handle a 100-year storm event.

Mr. Colson asked if the water ever got high enough in the area where the debris was back up to it got into adjacent properties to the south.

Mr. Colson stated he believes it has in the past. There is a hump between the curb and the property line; they have a big gravel landscape bed that is another foot or more from the curb so the water does have to get pretty high before it goes into the adjacent residential properties. If the debris is removed and they put in the channel like they are doing, that there will not be that build up of water.

Mr. Hansen asked where the regional detention basin drain to.

Mr. Colson stated the Fremont drainage system and then goes south.

Mr. Baird opened the public hearing.

Mr. Tyler Peck, H-Design Group, 5051 S. National Avenue, Springfield, stated he is speaking for the owner. Mr. Peck recapped the change from the proposed four-story to a three-story structure and the reduction to thirty-three (33) units. To reiterate, there would be no balconies on the building; on south side of the building there are very few windows. They are not adding any new parking for this new structure. Mr. Peck stated the owner has agreed to upgrade the swale to concrete at the City's request.

Mr. Baird asked if they were adding square footage to the building footprint.

Mr. Peck said yes; they are adding a few units on the north side while still meeting all the setback requirements.

Mr. Ray West, 3311 Southlyn Place, Springfield, spoke in opposition to the proposal. Mr. West questioned the runoff intensity and his concerns regarding the cul-de-sac area inlet. The inlet structure is not able to carry and get into the pipe system all the water that comes down the cul-de-sac, adding there was discussion of a possible change of the grate to something more appropriate to catch the water. Mr. West expressed concern about the pipes being flat sloped; if the 18-inch pipe is flat sloped it may not have the capacity to get the water from the inlets on down to the west. Mr. West expressed concern about the cul-de-sac at the end of Southlyn Place there is some road damage, concrete paving that appears to be increasing in depth in terms of the road settling. There is a sewer lamphole right at the property line and water runs across the top of it. He believes the stormwater that is coming down there is going in and around the sewer pipe. There is new cracking in the road, maybe three or four inches and it's getting worse. Mr. West stated that some of this could be the result of using eighty (80) percent runoff factor; that may be low. That may be the City standard, but when you look at situations when you have as much impervious material, rooftops, parking lots, and if you get into a rain situation where you have ground saturation, the ground is not able to soak up very much water and so the runoff factor is probably going to be higher than that, may ninety (90) percent or higher. The development shouldn't create an issue with the adjoining property owners. Mr. West commented on the plantings that could be put up to block the view from the apartments and people looking out their balconies into the back yards of the residential area commenting that they need to take care of some issues that are out there.

Mr. Hansen asked about the curb inlet on the cul-de-sac and where the water comes from.

Mr. West said it is not being picked up at the curb inlets, the new ones that were put in on Delaware.

Ms. Janet Wall, 1615 E. Walnut Lawn, Springfield, spoke in opposition to the proposal, stating that she is one of the people who met with Mr. Colson and Mr. West a week ago this past Wednesday. She said that Mr. Colson was going to suggest to the Abbey that they close the six (6) to eight (8) inch gap between the fence and the ground that runs south of the Abbey. Mr. Colson was going to suggest that on Prairie Creek that they run a scope through that small drain to make certain it's not clogged and draining properly, and thirdly a new grate as has already been mentioned. Ms. Wall said that Mr. Colson said that Erin Kemper said that this was an infallible system and he could not comprehend the story that the neighborhoods told him about the river of water four (4) to six (6) feet deep that ran even after the improvements from Prairie Creek over the curb, down through the yards and houses, through Walnut Lawn to go south another ten

(10) to fifteen (15) feet into the yard. In 2000 it went even further south to Hanover. It was difficult for him to comprehend that without pictures. This only happens when there is a large amount of rain in a short amount of time. Mr. Kemper was told the story about a car that had driven into the flooding waters after the improvements. Ms. Wall showed pictures but noted it doesn't show the curbs around Prairie Creek is only two (2) to three (3) inches high at most. It does not show that there is an eight (8) foot section where there is no curb at all which is allowing a lot of water to escape down the hill into the back yards into the drains. Ms. Wall shared comments from neighbors. Ms. Wall expressed concern about the bufferyard issue, and in actuality, there are some parts of the bufferyard that are only five (5) feet. How much more compromise of enduring of negative and damaging consequences should the neighborhood south of the Abbey take. The approval of PD 323 Amended will allow the tenants of the Abbey to steal the asset of privacy from everyone they look down upon, encouraging Commission to table the request until all issues can be resolved.

Mr. Leon Earwood, 3315 S. Welwood, commented for Jim and Crystal Dean who were present at the last meeting but unable to come tonight, stated they have water under his mother's house after the last addition to the Abbey and never before. His question is with the new proposed addition, if there is increase in damage to the house from water, what his recourse might be. Mr. Earwood commented the pictures show the result from the one inch rain in a three (3) hour period of time and the water back up would have been worse if there had been a one inch rain in an hour or a three (3) inch rain in three (3) hours. The pictures were self explanatory. Mr. Earwood expressed concerns about the water drainage asking if they make these changes to the east side, will the problem be shifted from the east side to the west side. He expressed concerns about privacy, decrease in property values, the garbage dumpster being moved, increase in traffic, lights shining through the fence at night, rental homes which do not increase the value of the neighborhood. What assurances does the neighborhood have that Welwood Street will not be opened to through traffic in the future.

Ms. Kathleen Trantham, 9707 East Farm Road 44, Marshfield, owner of 3307 South Welwood commented it is not fair to the homeowners. She is concerned about the possibility of a through street on Welwood adding she doesn't want to be an entrance to an apartment complex. Ms. Trantham expressed concern about the water drainage issue asking that the drainage issue be resolved before construction and if the issue is addressed, then bring this up again, adding it is their homes that are flooding and their home values that are going down. There are no advantages to the residents, but lots of advantages for the Abbey.

Mr. Hansen asked if there has always been a water problem with her home.

Ms. Trantham said there are no current problems with the house that she is aware of. Her son lives in the house.

Mr. Hosmer noted that there is no access allowed on Welwood Street, it is prohibited by the Planned Development language. Also, the dumpster is on the site plan so they wouldn't be able to change that.

Mr. Baird asked if the old dumpster location was on the site plan or is the new dumpster location on the site plan.

Mr. Hosmer stated both; it will be part of the site plan and part of the approval process.

Mr. Sam Coryell, 1531 E. Bradford Parkway, Springfield, commented that opening Welwood is the last

thing he would do, commenting he didn't want to put in the entrance off Delaware because he liked having one entrance. Mr. Coryell stated that they went to work to correct the issues that Mr. Colson found. He has been more aggressive with his staff in seeing if there are any issues on the back property line. Mr. Coryell stated they will put the swale in and it should divert the water to where it needs to be. Rentals become part of the neighborhood when it ages; there are people who turn their houses into rentals for various reasons. There will be no balconies on this new building; north, south, east, or west.

Ms. Carol Coryell, 1631 E. Bradford Parkway, Springfield noted they want to be good neighbors. If any of the neighbors should see any of the residents of the Abbey with binoculars out on the existing balconies looking into their area to let them know and better yet, take a picture because they don't want that and would address it with the resident.

Mr. Baird closed the public hearing.

Mr. Hansen questioned Mr. Colson about the drainage and where it goes.

Mr. Colson stated there is an existing 15-inch pipe that was stubbed out across the driveway and Mr. Colson proposed that they put an inlet in, to tie in the existing system to capture any extra impervious area so it won't drain onto Delaware, rather it will go into an 18-inch pipe (showing on the display the way the lines run). They want to add supplemental detention and water quality that the 15-inch pipe will drain into and will come out of the detention basin and go through the 18-inch pipe, showing on the display where it comes out. Anything that that can't handle will go down the parking lot through the extra gutter that was added and through the new swale they are building and it should drain very well into the detention basin that's on the southwest corner.

Mr. Hansen commented that the southeast corner has an 18-inch pipe but it doesn't have a basin right now.

Mr. Colson said yes.

Mr. Hansen asked what the 18-inch pipe is for then.

Mr. Colson stated they have inlets that are along...

Mr. Hansen asked if there is enough elevation there, to make a basin that would drain into that 18-inch pipe.

Mr. Colson said yes.

Mr. Hansen asked if the applicant were to gutter the building and direct that into the new basin, that would in effect neutralize the new impervious area.

Mr. Colson said he believes it will. The applicant still has to provide calculations and plans, but that is what it would do.

Mr. Hansen asked if adding that would prevent runoff onto Delaware that goes into the cul-de-sac and causes the problem.

Mr. Colson commented that is correct, adding he spoke with Public Works about changing out the grate on the end of that inlet to put in a new higher flow grate, putting in a new grate that can handle more water.

Mr. Baird commented this is a good example of a developer trying to be good neighbors and good stewards of the community. The neighbors have brought up some very good concerns and over the last several weeks we have seen the developer listen to those concerns by moving a trash dumpster and beginning construction to helpfully alleviate some of the water issues. Mr. Baird stated he planned on supporting the proposal.

Mr. Lawhon noted that he is encouraged that a developer listened to the residents and is willing to make the changes they have. The water issues that were mentioned were what had occurred in the past and really didn't address how this might make this issue worse. Mr. Lawhon stated he too would support the proposal.

Mr. Lawhon motioned to approve Planned Development 323 Amended. Mr. Young seconded the motion. The motion carried as follows: Ayes: Baird, Hansen, Ray, Young, Lawhon, White and Shuler. Nays: None. Abstain: None. Absent: Edwards and Cox.

Mr. Baird noted that the case would go forward to City Council on August 4, 2014, and there will be a public hearing at that point in time as well and everyone is welcome to give their opinion to Council as well.

V. PUBLIC HEARINGS:

2. Planned Development 308, Final Development Plan (3800 E. Cherry Street)

Hickory Investors, LLC

Mr. Hosmer noted that the next two issues are items that the Planning and Zoning Commission do not normally see, but these are final development plans that are submitted to the Administrative Review Committee (ARC) for an administrative review and approval, however these two cases the ARC could not administratively approve. This is to review the final development plan that the Administrative Review Committee cannot approve because single-family residential is not listed as a permitted use in Planned Development 308. Planning and Zoning Commission must determine whether Planned Development 308 permits single-family uses. If Commission believes that it does, then staff recommends approval because the layout and design substantially conforms to the multi-family condominium development. The western-most drive that has been constructed as a fire access will not create traffic issues if it is opened as a permanent access to the development. Conditions for approval are as follows: Signage will be placed at both private drive entrances off Cherry Street indicating that public maintenance ends. There will be no named street and addresses will be from Cherry Street with building letters or numbers similar to the existing buildings. The applicant is proposing a revised FDP with 35 new single-family condominium units. Planned Development 308 currently permits multi-family residential uses and residential condominiums. The applicant believes that the single-family residential uses are permitted, even though single-family residential uses are not listed as a permitted use, because they will be residential condominiums (see attached letter). The ARC determined that the residential condominium is not a use, but rather a subdivision or ownership of property. The ARC does not know why residential condominiums are listed under permitted uses. Staff believes the proposed Final Development Plan merits approval. Additionally, if Commission approves this request this will not set precedence for future decisions because other planned developments may or may not list residential condominiums as a permitted use.

The existing private driveway system is not constructed to City street standards. The Public Works Traffic Division is concerned that in the future residents of the development will expect the City to take over the operations and maintenance of this private driveway system. This is already a possible request with the multi-family condominiums. Staff believes that by requiring signage at the drive entrances stating that public maintenance ends, future residents will continually be on notice that this is a private driveway system. This final development plan does not constitute a subdivision of land and a new preliminary plat for the new condominium plat will need to be submitted. Staff is recommending approval.

Mr. Hansen asked for an explanation when you say that this will not set a precedence for the future.

Mr. Hosmer said this will only affect this development and the City will not implement this type of decision across the board on other cases. This will be on a case by case basis.

Ms. Banks stated that Planned Developments are unique; they are a separate zoning classification in and above themselves for each property that is zoned that way. That is why it does not set a precedence. If this were a general zoning classification then it would.

Mr. Hansen noted he is skeptical. It would seem that it would set precedence whether legally or not.

Mr. Rognstad stated they would have to come back through the same process, if it was say PD 309 and they say they have the same language and we think you should treat it the same. We would not approve it administratively; it would have to come back to Commission. Commission would make that determination.

Mr. Baird opened the public hearing.

Mr. Derek Lee, 2101 W. Chesterfield Blvd, Springfield, commented he is representing the owners. Mr. Lee said he would gladly welcome Commission to apply this to everybody from here on because the language allows them to put in single units. Mr. Lee referred to the letter he wrote to the City of Springfield with a uses section and it says residential condominiums and the definition of a condominium in there. If this was applied to everyone fairly would be a positive or anyone with a PD. The language speaks for itself that he has placed in the letter. Residential means people live there and condominiums is a defined use as a building or buildings. This is not a big stretch that they are asking that they be allowed to put a residential condominium when it's in the uses section. If you look around, no one is opposing this. This is a good development. What they had before was quads; four units and we had a higher density. The reason no one is opposed to this is because we are going to put in a less dense development. Previously, they could have put in sixty-eight (68) more units than what is there and instead they are going to put in thirty-five (35) more units so they are close to cutting the density of this in half. There will be less impervious area. They don't have stormwater problems. Mr. Lee stated this is a good thing. What staff has said is that this one residential condominium would be better if it was single family. This plan is to build four (4) or five (5) houses at a time and condo those and sell them and they want to get started and don't want to wait three (3) or four (4) months to go through the process to change the language in the PD and spend the extra money.

Mr. Hansen stated Commission has to consider this on the merits and not on their emergency.

Mr. Lee said that if Commission votes no, they can go through the process in two months and vote on it

again and go to City Council; no one will oppose it then. Mr. Lee stated he wanted Commission to know why there are here tonight and why they don't want to go through the process that the City Staff laid out. Residential Condominium definition says a building or buildings is an approved use.

Mr. Hansen asked Mr. Lee to describe the project.

Mr. Lee described the project which is to build out speculative houses and sell them as condo units. They want to put one unit under a roof so that it's more like a single family residential development even though they are condo units. Mr. Lee reviewed what a condo unit is.

Mr. Hansen asked how a condo is different from a single family residence.

Mr. Lee stated they would prefer to have these rezoned single family residential, if that is what you are asking. But it was zoned already and this infrastructure was placed in with it being condo units. In order for them to do that, they would have to bring the streets up to city standards and this is something they have been back and forth with the City of Springfield for several months trying to figure out the best way to allow typical two thousand (2000) square foot houses to go on this development. In the use section they said residential condominiums; everything else staff feels comfortable with but that.

Mr. Shuler stated he is guessing the market for the quads hasn't been what the developer hoped it would be adding condo fees are based upon how many units there are asking if they have met with the people who own in the quads as to how this will affect what they pay for condo dues.

Mr. Lee said the people in the units were contacted and they are in favor of this. Their only issue is whether residential condominium means something.

Mr. Bryan Wade, 901 St. Louis Street, Springfield, stated he is representing the owner of the property. The amenities are already built there and the existing roads are in place. Mr. Wade reviewed the original PD drawings that created this issue. The proposal was that they would have four (4) unit condominiums in the entire development, so there would be a higher density with the original proposal. It doesn't specifically say single family residential in the Planned Development so we have a concern if whether you can go from four (4) something's to one (1) something and even though we are reducing the density, we believe this development conforms to the general area and it will be built appropriately. In the actual Planned Development document that was approved in 2007 there are multiple definitions for dwelling and it includes dwelling unit, dwelling attached, dwelling detached, dwelling multi-family, dwelling two-family, dwelling semi-detached, for the different kinds of development properties that might be built in this PD. It may not have tied in too well to the actual use section but as Mr. Lee pointed out, the use section defines one of the uses as residential condominiums. There is a maximum that can be built, not a minimum so if you want to build seven (7) something's, you can do that, down to one. That's the unusual circumstance here we are building a one something and as opposed to something more. Mr. Wade reviewed what a substantial conformity is so the question for Commission is whether or not one condominium unit is ok under the Planned Development or that's a deviation from the PD as drawn or as written.

Mr. Wade reviewed the substantial conformity definition in the explanation point by point adding that based on the definition of the City Code this particular proposal does not deviate from the Planned Development. It meets all the criteria in the City Code.

Mr. Baird closed the public hearing.

Mr. Baird referred to exhibit one in the staff report which is requirements and standards applicable to Planned Development District No. 308, specifically dwelling detached.

Mr. Hosmer stated that staff agrees that it is in the definition that that would be defined as a single family residential unit, however, if you go to page 15-24, item number one through seven (7) where the use is permitted, it does not have single family residential and that is why the Administrative Review Committee did not feel comfortable with approving that because residential condominiums is an ownership and not a use. The Residential Condominium is a subdivision of property and ownership.

Mr. Baird asked if it is a mistake that dwelling detached is in there if the one above it, dwelling attached is a one family dwelling and the one below is dwelling detached, should that have been eliminated from this.

Mr. Hosmer stated that the applicants put these Planned Developments together on their own and we take a look at them, but they neglected to put single family residential as a permitted use. There are different uses categories in the districts that they are not applying for such as R-TH. Staff does agree that if it's substantially compliant with the site plan that Planning and Zoning Commission has the authority...Mr. Hosmer pointed out on page two of the staff report, the Zoning Ordinance, in Item E that Planning and Zoning Commission can rule upon. Mr. Hosmer stated staff is comfortable with however Commission wanted to rule on this and going forward.

Mr. Hansen noted he doesn't see any reason not to approve this.

Mr. Rognstad stated it is a question of the language of the ordinance and that we don't agree as to exactly what it says and we are bringing it to Commission to be the referee. Mr. Lee reviewed what the process would be if Commission did not approve this tonight and they would go through the amendment process and we would recommend approval of the change to it.

Ms. Banks stated the Administrative Review Committee which is the Director's of Building Development Services and Planning and Public Works; they are only granted certain authority and it really has to match exactly what was presented to Commission before for the Final Development Plan. If they had questions about it they couldn't approve it and that's the reason this is here. This is a question related to the language.

Mr. Hansen motioned to approve Planned Development 308, Final Development Plan recognizing there is a substantial conformity between such plans and further Final Development Plan. Mr. Lawhon seconded the motion. The motion carried as follows: Ayes: Baird, Hansen, Ray, Young, Lawhon, White and Shuler. Nays: None. Abstain: None. Absent: Edwards and Cox.

3. Planned Development 329, Final Development Plan
(2208 W. Chesterfield Boulevard)

Chesterfield Lofts, LLC

Mr. Hosmer noted this is a request to approve the revised final development plan with a covered parking garage that the Administrative Review Committee cannot approve due to its lack of conformity to the approved planned development but which merits approval despite this lack of conformity. Planned Development 329 does not allow commercial off-street parking as a permitted use or accessory use. The

revised final development plan lacks substantial conformity to the Planned Development Ordinance approved by City Council but merits approval notwithstanding such lack of conformity. The applicant has proposed to subdivide a lot for a covered parking garage use for the Chesterfield Lofts. The planned development language does not allow for commercial off-street parking lots or structures as a permitted use or as an accessory use. The Administrative Review Committee (ARC) determined that a commercial off-street parking garage could not be approved administratively. The intent of the planned development was to allow commercial off-street parking structures and uses as an accessory use since this is what is occurring with all the commercial uses in the Chesterfield planned development. If Commission believes that commercial off-street parking is permitted by the Planned Development ordinance, then staff believes the proposed Final Development Plan merits approval. All other requirements of Planned Development 329 Amended have been met with the revised final development plan. Staff recommends approval.

Mr. Baird opened the public hearing.

Mr. Derek Lee, 2101 W. Chesterfield Blvd, Springfield stated they want to put garages in. They go with an already approved Final Development Plan to put retail on the bottom and with residential on the top. Because this is a development that's mostly built out, there were many voting members as part of all this. The vote went 137 for, zero against. Mr. Lee stated he is asking to amend the Final Development Plan to put the garages in.

Mr. Baird closed the public hearing.

Mr. Lawhon motioned to approve Planned Development 329, Final Development Plan that it is in substantial conformity. Mr. Ray seconded the motion. The motion carried as follows: Ayes: Baird, Hansen, Ray, Young, Lawhon, White and Shuler. Nays: None. Abstain: None. Absent: Edwards and Cox

4. Subdivision Variance 348
(200 block Chesterfield Blvd)

Chesterfield Square Property Owner's Assoc.

Mr. Hosmer noted the applicant is requesting a variance from Section 407(2) of the Subdivision Regulations, which requires all lots to abut by their full frontage on a publicly dedicated street. The applicant is proposing a non-residential administrative re-plat to subdivide a portion of the Common Area of Chesterfield Square Phase III. The purpose is to create one additional commercial lot along Overland Avenue which is on a 50 foot utility, sanitary sewer, and private access easement frontage. The proposed administrative re-plat will allow an additional commercial lot to be created. The property will only be allowed as an accessory use for the purpose of providing an off-street parking facility for the Chesterfield Loft Apartments. Overland Avenue is not dedicated as a public street. This easement is providing access for a number of existing lots that only have their frontage from the James River Freeway but have their access to a public street through Overland Avenue. Staff is supportive of this request for a lot without full frontage, because it allows all lots involved in the re-plat to retain adequate access and open space.

Mr. Baird opened the public hearing.

Mr. Derek Lee, 2101 W. Chesterfield Blvd, Springfield stated they are asking to count Overland the way it has always been counted. It was not dedicated as a public street but there are many other places at Chesterfield Village that use this as their only access. Mr. Lee stated they are putting in a garage that will

not increase traffic.

Mr. Baird closed the public hearing.

Mr. Young motioned to approve Subdivision Variance 348. Mr. Hansen seconded the motion. The motion carried as follows: Ayes: Baird, Hansen, Ray, Young, Lawhon, White and Shuler. Nays: None. Abstain: None. Absent: Edwards and Cox

Mr. Hosmer informed Commission the next meeting is July 31, 2014 and that there will be no meeting in August.

There being no further business, the meeting was adjourned at approximately 8:27 p.m.

A handwritten signature in black ink, appearing to read 'Bob Hosmer', with a long horizontal flourish extending to the right.

Bob Hosmer, AICP
Principal Planner

EXPLANATION TO COUNCIL BILL NO: 2014-_____

FILED:

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 1.30 acres of property generally located at 211 East Water Street from an HM, Heavy Manufacturing District to a CC, Center City District.

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-16-2014

The applicant is requesting to rezone the subject property from an HM, Heavy Manufacturing District to a CC, Center City District. The applicant intends a mixed-use development with businesses, parking and storage.

Supports the following Field Guide 2030 goal(s): Chapter 6, Major Goal 4: Develop the community in a sustainable manner. Objectives 4a and 4b

RECOMMENDATIONS:

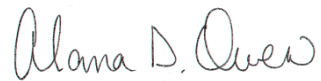
The Planning and Zoning Commission held a public hearing on July 31, 2014 and recommended , by a vote of to , of the proposed zoning on the tract of land described on the attached sheet (see the attached Record of Proceedings).

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The requested CC, Center City zoning is consistent with the existing CC zoning to the west, south and east.
2. The Comprehensive Plan recommends more density and intensity in the greater downtown area similar to the land uses within the Center City District.
3. The proposed zoning will accommodate mixed-use buildings with strong pedestrian orientation at this location which is recommended and encouraged within the greater downtown area.

Submitted by:



Alana D. Owen, AICP, Senior Planner

Recommended by:

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 Subdivisions Staff Report

ATTACHMENTS:

Attachment 1, Background Report

Attachment 2, Neighborhood Meeting Summary

EXHIBIT A
RECORD OF PROCEEDINGS
ZONING CASE Z-16-2014

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

**EXHIBIT B
LEGAL DESCRIPTION
ZONING CASE Z-16-2014**

PART OF BUSINESS CENTER SUBDIVISION, PART OF LOT 73 OF THE ORIGINAL PLAT OF SPRINGFIELD, AND VACATED PEACH ALLEY ADJOINING BUSINESS CENTER SUBDIVISION, ALL IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT CROSS CUT IN CONCRETE AT THE POINT OF INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF BOONVILLE AVENUE AND THE NORTH RIGHT-OF-WAY LINE OF WATER STREET, SAID POINT BEING THE SOUTHWEST CORNER OF BUSINESS CENTER SUBDIVISION ACCORDING TO THE RECORDED PLAT THEREOF; THENCE $N00^{\circ}39'12''W$ ALONG THE EAST RIGHT-OF-WAY LINE OF BOONVILLE AVENUE, 166.51 FEET TO A CROSS CUT IN CONCRETE AT THE NORTHWEST CORNER OF BUSINESS CENTER SUBDIVISION, SAID CORNER BEING ON THE SOUTH RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD; THENCE $S89^{\circ}09'18''E$ ALONG SAID RAILROAD RIGHT-OF-WAY LINE, 345.00 FEET TO A 5/8-INCH IRON PIN (CAPPED "GREAT RIVER 2001011476") AT THE NORTHWEST CORNER OF A PARCEL OF LAND DEEDED TO OLD SPRING REDEVELOPMENT CO., LLC, SAID PARCEL BEING TRACT I AS DESCRIBED IN BOOK 2530, PAGE 763 AT THE GREENE COUNTY RECORDER'S OFFICE; THENCE $S00^{\circ}50'36''W$ ALONG THE WEST LINE OF SAID OLD SPRING REDEVELOPMENT PARCEL, SAID LINE RUNNING ALONG THE WEST FACE OF THE FORMER MCGREGOR HARDWARE COMPANY BUILDING, 161.15 FEET TO A CROSS CUT IN CONCRETE ON THE NORTH RIGHT-OF-WAY LINE OF WATER STREET; THENCE $N89^{\circ}10'40''W$ ALONG THE NORTH RIGHT-OF-WAY LINE OF WATER STREET, 61.19 FEET TO A CROSS CUT IN CONCRETE; THENCE $S00^{\circ}42'52''W$ ALONG SAID RIGHT-OF-WAY LINE, 4.75 FEET TO A CROSS CUT IN CONCRETE; THENCE $N89^{\circ}15'46''W$ ALONG SAID RIGHT-OF-WAY LINE, 165.84 FEET TO A CROSS CUT IN CONCRETE AT THE SOUTHWEST CORNER OF LOT 6 OF BUSINESS CENTER SUBDIVISION; THENCE $N01^{\circ}02'27''E$ ALONG THE WEST LINE OF SAID LOT 6, A DISTANCE OF 90.07 FEET TO THE NORTHWEST CORNER THEREOF; THENCE $N89^{\circ}11'05''W$ ALONG THE SOUTH LINE OF LOT A OF BUSINESS CENTER SUBDIVISION, 112.13 FEET TO THE NORTHWEST CORNER OF LOT 3 OF SAID SUBDIVISION; THENCE $S00^{\circ}43'23''W$ ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 90.22 FEET TO THE SOUTHWEST CORNER THEREOF, SAID CORNER BEING ON THE NORTH RIGHT-OF-WAY LINE OF WATER STREET; THENCE $N89^{\circ}15'46''W$ ALONG SAID RIGHT-OF-WAY LINE, 2.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 46,582 SQUARE FEET (1.07 ACRES)

(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.)

Zoning & Subdivision Report

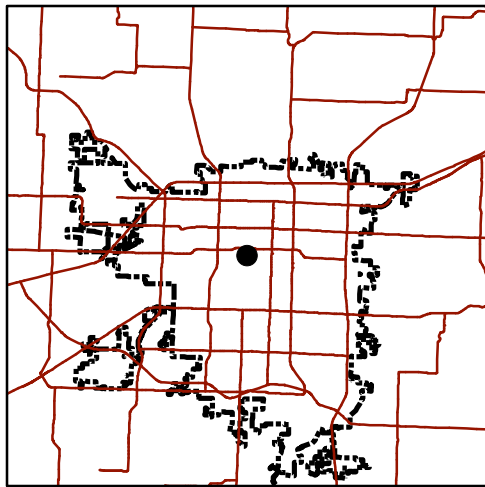
Planning & Development - 417/864-1031
840 Boonville - Springfield, Missouri 65802

Zoning Case Z-16-2014

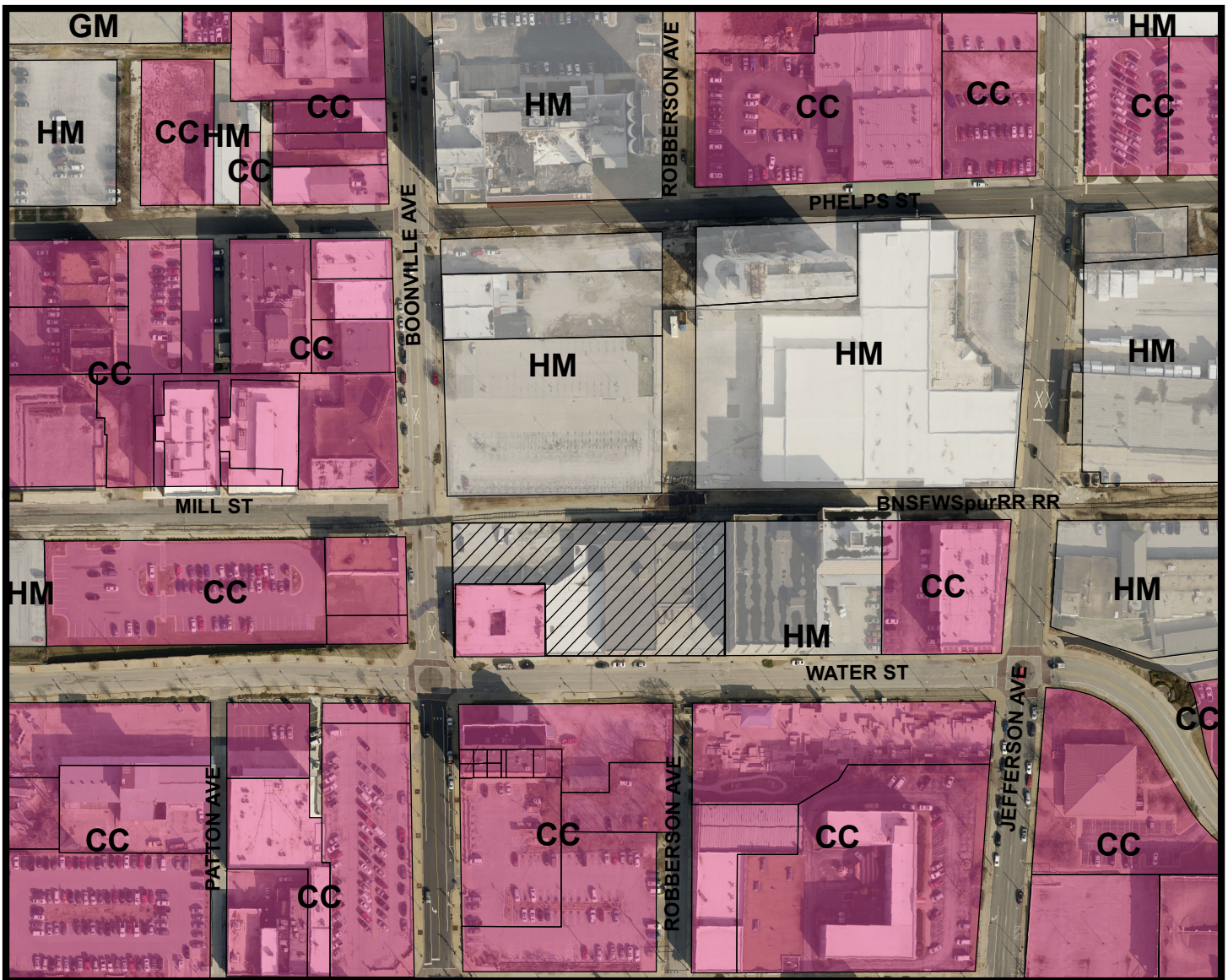
Location: 211 East Water Street

Current Zoning: HM, Heavy Manufacturing District

Proposed Zoning: CC, Center City District



LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

ATTACHMENT 1
BACKGROUND REPORT
ZONING CASE Z-16-2014

DATE: July 22, 2014

LOCATION: 211 East Water Street

APPLICANT: Clan Macquarrie, LLC

TRACT SIZE: Approximately 1.30 acres

EXISTING USE: storage and warehouse uses

PROPOSED USE: Uses permitted in the CC, Center City District

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	HM	Parking lot and commercial uses
East	CC	Commercial/warehouse and multi-family uses
South	CC	Park, parking, commercial and residential uses
West	CC	Commercial uses and parking

BUILDING DEVELOPMENT SERVICES COMMENTS:

Building Development Services does not have any issues with rezoning the subject property to CC, Center City District.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

No objections to rezoning, however, due to the significant amount of traffic that could potentially be generated rezoning from HM to CC, a traffic study will be required at the time of development based on what is being developed.

STORMWATER COMMENTS:

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

- a) No structures will be allowed to be built over the existing 20-foot drainage easement shown on the east side of existing buildings. Please note that the location of the storm sewer pipe in the 20-foot drainage easement does not match the location of the pipe on our GIS system.
- b) Any structures proposed to be built over the existing Right-of-Way Agreement Areas will need to be approved by the City Law Department.

CLEAN WATER SERVICES COMMENTS:

No objections to rezoning however we do need to see the proposed peak and average flow rates. Public sewer currently crosses the tract. No new permanent structures allowed on top of sewer or within sewer easement.

CITY UTILITIES:

No objection. This will not impact City Utilities facilities.

ADJACENT PROPERTY OWNER COMMENTS:

Fourteen (14) 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 July 9, 2014. A summary of the meeting is attached (Attachment 2).

STAFF COMMENTS:

1. The applicant is proposing to rezone the subject property from an HM, Heavy Manufacturing District to a CC, Center City District to allow for mixed uses at this location. The subject property is within the Center City Activity Center as shown in the *Growth Management and Land Use Plan* element of the *Comprehensive Plan*. Activity Centers are identified as areas of significant business and high-density housing. It is intended that additional development be concentrated in and around these activity centers to optimize transportation investments, citizen convenience, investor confidence and a compact growth pattern. Properties within Activity Centers are to be intensively and efficiently used. The subject property would fit within these criteria.
2. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* designates this area within the Greater Downtown land use district. This district, which pertains to the downtown and University Plaza portions of Center City, promotes high-intensity office, retail and housing, preferably in mixed-use

buildings with a strong pedestrian orientation. It suggests that the most appropriate zoning district for this location would be the Center City District.

3. Approval of CC zoning on the subject property would be consistent with the existing CC zoning to the west, south and east. The intent is to combine the subject property with the existing CC zoned property to the west.

FINDINGS FOR STAFF RECOMMENDATION:

1. The requested CC, Center City zoning is consistent with the existing CC zoning to the west, south and east.
2. The Comprehensive Plan recommends more density and intensity in the greater downtown area similar to the land uses within the Center City District.
3. The proposed zoning will accommodate mixed-use buildings with strong pedestrian orientation at this location which is recommended and encouraged within the greater downtown area.

RECOMMENDATION:

Staff recommends **approval** of this request.

CITY COUNCIL:

August 18, 2014

STAFF CONTACT PERSON:

Alana D. Owen, AICP
Senior Planner
864-1831

ATTACHMENT 2
NEIGHBORHOOD MEETING SUMMARY
ZONING CASE Z-16-2014

1. Request change to zoning from: HM (Heavy Manufacturing) to CC (Center City)

(existing zoning)(proposed zoning)
2. Meeting Date & Time: Wednesday, July 9, 2014 4:30 pm to 6:00 pm
3. Meeting Location: 211 East Water Street, Springfield MO 65806
4. Number of invitations that were sent: 85 invitations, from 500' list
5. How was the mailing list generated: Generated by Michael Sparlin, Planning & Development, City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): No attendees - see attached
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.)

No attendees at Neighborhood Meeting.

Phone calls prior to meeting:

1. Mr. Rosenbaum asked for the specific location of the building. It was provided to him and he had no issues with this rezoning change.
2. A woman from National Audio called and asked why the request for rezoning was happening. The explanation provided to her was to allow for a more diverse development of the property.

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



Neighborhood Meeting for Rezoning of 211 East Water Street, Springfield, Missouri

Date: Wednesday, July 9, 2014, 4:30 pm to 6:00 pm

Place: 211 East Water Street, Springfield MO

Name:

Address:

Phone:



June 30, 2014

Neighborhood Meeting for Rezoning of 211 East Water Street, Springfield MO

Date: Wednesday, July 9, 2014

Time: 4:30 pm to 6:00 pm

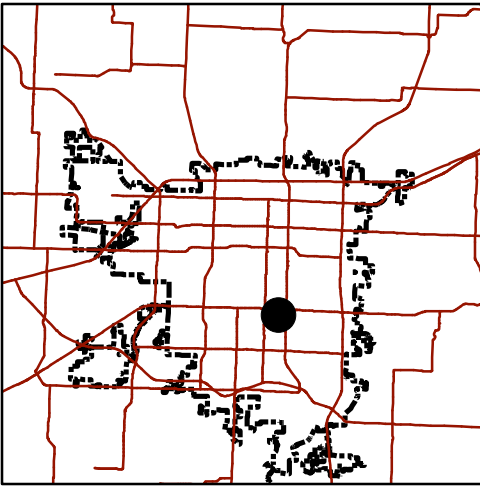
Place: 211 East Water Street, Springfield MO

Applicant: Clan Macquarrie, LLC

Contact: Pat Pierce, Casey Architecture (417) 869-3300

Dear Property Owner,

The City of Springfield Code requires an opportunity for a meeting between the applicant for a rezoning request and the residents of the neighborhood in which the rezoning is located. Casey Architecture will be holding a neighborhood meeting to discuss the request that has been filed with the City of Springfield to rezone a parcel from HM (Heavy Manufacturing) to CC (Center City). The purpose of this meeting is to inform neighboring property owners about the nature of the rezoning and to seek comments. This meeting is not a public hearing.



Zoning & Subdivision Report

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

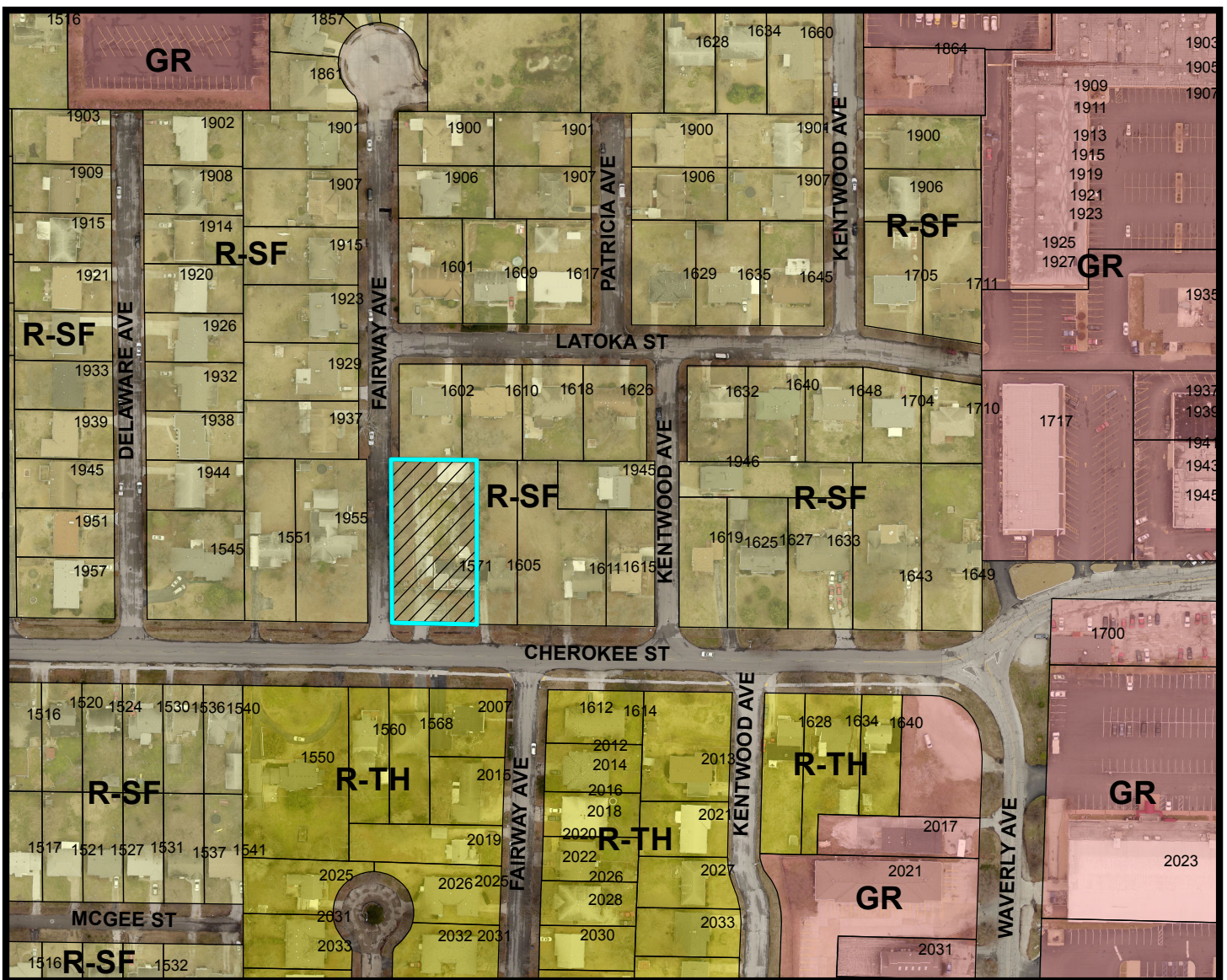
Conditional Use Permit 413

Location: 1571 East Cherokee Street

Current Zoning: R-SF Single Family Residential District

Proposed Zoning: NA

LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

EXPLANATION TO COUNCIL BILL NO: 2014-_____

FILED: _____

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To approve a Conditional Use Permit to allow a professional office, art gallery and art studio use as an adaptive use of a non-residential structure at 1571 East Cherokee Street in an R-SF, Residential Single-Family District (Planning and Zoning Commission and Staff recommends _____).

BACKGROUND INFORMATION:

CONDITIONAL USE PERMIT NO. 413

The applicant is requesting approval of a Conditional Use Permit to allow a law office, art gallery and art studio at 1571 East Cherokee Street within a RS-F, Single-Family Residential District and for a 1,000 square feet addition. This will facilitate the reuse of the existing non-residential structure.

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 will allow for the reuse of an existing non-residential structure.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on July 31, 2014, 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. 413 in a manner consistent with Attachment 4 (site plan).

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

Submitted by:

Approved by:

Bob Hosmer, AICP, Principal Planner

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 for Conditional Use Permit

Attachment 4, Site Plan

Attachment 5, Summary of Public Meeting and Sign-in Sheet

Attachment 6, Applicants Response to Standards

EXHIBIT A
RECORD OF PROCEEDING
CONDITIONAL USE PERMIT NO. 413

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

EXHIBIT B
LEGAL DESCRIPTION
CONDITIONAL USE PERMIT NO. 413

ALL OF LOT ONE (1), UNIT NO. ONE, PLYMOUTH COURT, IN SPRINGFIELD,
GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

ATTACHMENT 1
BACKGROUND REPORT
CONDITIONAL USE PERMIT NO. 413

DATE: July 21, 2014

LOCATION: 1571 East Cherokee Street

APPLICANT: Steve Aton

TRACT SIZE: 0.48 acres

EXISTING USE: Vacant office and construction storage

PROPOSED USE: Law Office, Art Gallery and Art Studio

APPLICANT'S PROPOSAL:

The applicant is requesting approval of a conditional use permit for the adaptive use of the existing non-residential structure for a law office, art gallery and art studio and for a 1,000 square feet addition.

SURROUNDING LAND USES:

Direction	Zoning	Land Use
North	R-SF	Single family homes
South	R-TH	Single family homes
East	R-SF	Single family homes
West	R-SF	Single family homes

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:

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

- a) Drainage patterns for any runoff currently flowing across the site must not be blocked or altered by any future construction. Concentrated points of discharge from these improvements will be required to drain into the public right-of-way. Submit a grading plan showing the proposed building and concrete walkway elevations and site drainage (contours and spot elevations).

SANITARY SERVICE COMMENTS:

No objections to rezoning. Property has access to public sewer and has a service connection. New building can tie onto existing private onsite sewer. If there is an increase in water meter size, there will be an additional sewer impact permit fee.

TRAFFIC DIVISION COMMENTS:

Traffic has no objections to this request.

FIRE COMMENTS:

The driveway from the street to the gate will have to be marked as a fire lane.

ADJACENT PROPERTY OWNER COMMENTS:

1. Twenty-six (26) property owners are within 185 feet of the subject property and were notified of this request.
2. The applicant held two neighborhood meetings on July 7 and July 8, 2014 in conformance with City Council's policy. A summary of the meeting is attached (Attachment 5).

STAFF COMMENTS:

1. The applicant is requesting approval of a Conditional Use Permit to permit the adaptive use of the existing non-residential structure to allow a law office, art gallery and art studio use and for a 1,000 square feet addition.
2. The purpose of the Conditional Use Permit for the adaptive use of non-residential structures is to allow for the use of structures, originally constructed for non-residential uses and currently located in residential districts, for selected non-residential, multiple unit residential and mixed non-residential and residential uses provided the proposed use would not have significant adverse impacts on the surrounding neighborhood. The regulations provide the opportunities to make productive use of non-residential structures that could otherwise be a blight on the neighborhood if left vacant and not maintained. The subject property was originally constructed as a construction office and storage of construction equipment and has fallen into disrepair over the years. The infill of the existing structure as an office and art gallery will improve the property and allow the building to have productive use.
3. A conditional use permit allows for expansions of structures but not to exceed twenty (20) percent of the existing floor area of the structure or one-thousand (1,000) square feet with approval. There was a total of 9,000 square feet of existing structures on the property. This would equate to 1,800 square feet of allowable additional space, however, the applicant is only requesting an addition of 1,000 square feet for the use of an art gallery and art studio.
4. 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. The applicant's proposal involves adaptive use of an existing non-residential structure in an R-SF District.

ATTACHMENT 2
REQUIREMENTS FOR CONDITIONAL USE PERMIT 413

1. The existing building may be reused for a (law office) professional and business office and an art gallery and art studio use.
2. There shall be an additional building constructed according to the attached site plan not to exceed one-thousand (1,000) square feet.
3. The location of the structures and parking shall be in substantial conformance with Attachment 4.
4. Hours during which the establishment is open to the public shall be limited to a daily period extending from 7:00 a.m. to 6:00 p.m.
5. The driveway from the street to the gate will have to be marked as a fire lane.
6. Any signage shall conform to the standards set forth in Section 5-1400 of the Zoning Ordinance.
7. All other standards of the Zoning Ordinance, and other applicable ordinances, shall be adhered to.

ATTACHMENT 3
STANDARDS FOR CONDITIONAL USE PERMITS
CONDITIONAL USE PERMIT 413

An application for a conditional use permit shall be granted only if evidence is presented which establishes the following (see Attachment 6 for 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.

Additional Standards for Adaptive use of a non-residential structure

Approval Standards. All applications for a use permit for the uses listed above shall comply with the following requirements.

1. Hours during which the establishment is open to the public shall be limited to a daily period extending from 7:00 a.m. to 6:00 p.m. unless specifically modified by the conditional use permit. The applicant shall demonstrate that additional hours are necessary and will not have an adverse impact on adjoining properties.
2. Signage shall be limited to one free-standing sign with a maximum sign area of twenty (20) square feet and wall signs with a maximum sign area of ten (10) percent of the facade. Wall signs shall only be located on facades with street frontage. Signs shall not be internally lit or externally illuminated by any means unless specifically modified by the conditional use permit. The applicant shall demonstrate that lighting of signs is necessary and will not have an adverse impact on adjoining properties or those using the public rights-of-way.
3. Expansions not to exceed twenty (20) percent of the existing floor area of the structure or one-thousand (1,000) square feet, whichever is less, may be approved at the time the conditional use permit is granted.
4. The proposed conditional use shall not be operated so as to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed use will dominate the immediate neighborhood, consideration shall be given to:
 - (a) The functional classification of the street on which the site is located;
 - (b) The surrounding residential densities;
 - (c) The location, nature, and height of buildings, structures, walls and fences on site;
 - (d) The amount of parking needed for the proposed use and the amount of parking provided on site; and
 - (e) The nature and extent of landscaping and screening on the site.

d. **Damage or Destruction.** In the event that the principal building or structure on the property is damaged or destroyed, by any means, to the extent of more than seventy-five (75) percent of the replacement cost of the building or structure at the time such damage occurred, such building or structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located and the property shall not continue to be used for the uses permitted by the provisions of this section.

DERINGTON

ARCHITECTS, LLC.

BILL DERINGTON - ARCHITECT - A-4681

145 E. CHEROKEE ST. SUITE 112

SPRINGFIELD, MO. 65804

PH 417.883.1760 F 417.883.7807

MISSOURI CERTIFICATE OF AUTHORITY NO. A-201309640

CONSULTANTS

MECHANICAL ENGINEER:
LATIFF ENGINEERING
P.O. BOX 1800
NIA, MISSOURI
417.643.1889 PHONE

STRUCTURAL ENGINEER:
EDELMAN ENGINEERING
SUITE 100
145 E. CHEROKEE ST.
SPRINGFIELD, MO. 65808
417.882.8850 PHONE

PRELIMINARY
NOT FOR
CONSTRUCTION

NEW ART STUDIO ADDITION FOR
MR. STEPHEN F. ATON
1571 E. CHEROKEE ST.
SPRINGFIELD, GREENE COUNTY, MO

SITE STATISTICS

PREVIOUS
AREA TOTALS

TOTAL LAND AREA = 21,000 sq. ft. (100%)
BUILDING COVERAGE = 8,794 sq. ft. (42%)
PAVED SURFACE = 1,856 sq. ft. (9%)
GREEN SPACE = 10,350 sq. ft. (49%)

NEW
AREA TOTALS

TOTAL LAND AREA = 21,000 sq. ft. (100%)
BUILDING COVERAGE = 2,414 sq. ft. (11%)
PAVED SURFACE = 2,708 sq. ft. (13%)
GREEN SPACE = 16,246 sq. ft. (76%)

APPLICABLE CODES

ALL DESIGN AND CONSTRUCTION SHALL CONFORM TO THE 2012 INTERNATIONAL BUILDING CODE
ALL ELECTRICAL DESIGN AND CONSTRUCTION SHALL CONFORM TO THE 2011 NATIONAL ELECTRIC CODE
ALL MECHANICAL DESIGN AND CONSTRUCTION SHALL CONFORM TO THE 2012 INTERNATIONAL MECHANICAL CODE
ALL PLUMBING DESIGN AND CONSTRUCTION SHALL CONFORM TO THE 2012 INTERNATIONAL PLUMBING CODE
ALL ACCESSIBILITY DESIGN AND CONSTRUCTION SHALL CONFORM TO THE 2009 ICC/ANSI A117.1 ACCESSIBLE AND USABLE BUILDINGS & FACILITIES
ALL LOCAL AMENDMENTS TO THESE AND ANY OTHER PERTINENT CODES SHALL APPLY

CODE REVIEW NOTES

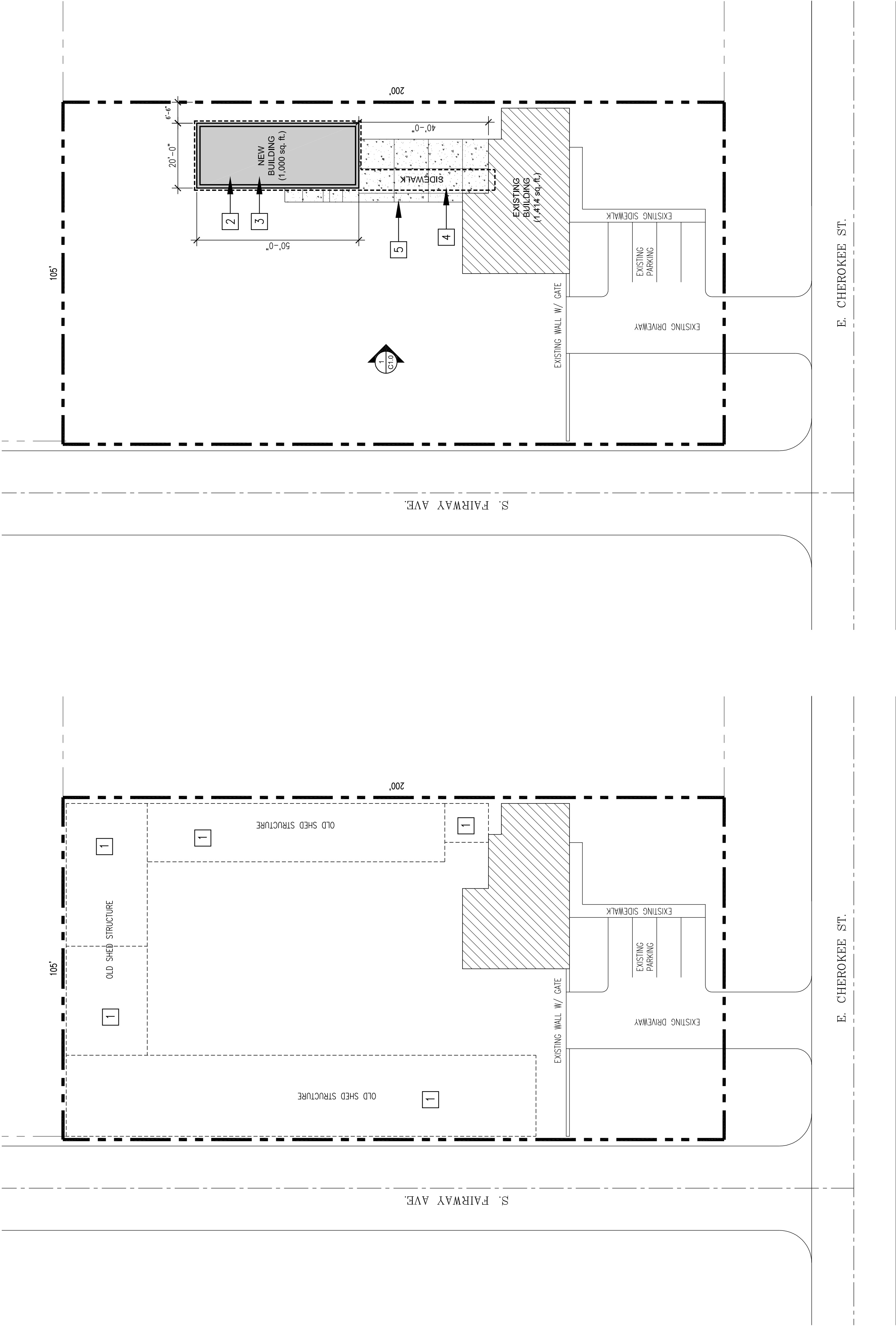
PROPOSED DEVELOPMENT:
THE PROPOSED DEVELOPMENT INCLUDES A NEW BUILDING AS INDICATED ON THE SITE PLAN. THE PROPOSED DEVELOPMENT IS AN ADDITION TO THE EXISTING BUILDING. THE EXISTING BUILDING IS A 1,414 SQ. FT. BUILDING. THE NEW BUILDING IS A 1,000 SQ. FT. BUILDING. THE NEW BUILDING WILL BE CONSTRUCTED VIA A SIDEWALK. NEW CONDITIONS WILL SIGNIFICANTLY INCREASE GREEN SPACE & REDUCE IMPERVIOUS SURFACES.
AREA OF BUILDING: 1,000 SQ. FT.
CONSTRUCTION TYPE: SB
USE GROUP: B

ZONING NOTES

ZONING DESCRIPTION:
R-55 - RESIDENTIAL SINGLE FAMILY ADAPTIVE RE-USE
ZONING:
FRONT YARD SETBACK: 28'-0" + 50'-0" (PRIMARY ARTERIAL)
SIDE YARD SETBACK: NONE
REAR YARD SETBACK: NONE
ALLOWABLE FLOOR AREA RATIO: .40
PROPOSED FLOOR AREA RATIO: .317
PARKINGS:
FOUR (4) EXISTING PARKING SPACES TO REMAIN
IMPERVIOUS SURFACE RATIO:
IMPERVIOUS SURFACES ARE BEING REDUCED:
PREVIOUS IMPERVIOUS SURFACES: 10,650 SQ. FT. (RATIO = .507)
NEW IMPERVIOUS SURFACES: 5,122 SQ. FT. (RATIO = .243)

SITE PLAN GRAPHIC LEGEND

EXISTING BUILDING
NEW BUILDING
PROPERTY LINE
EASEMENT OR SETBACK
EXISTING SANITARY SEWER LINE
EXISTING OVERHEAD ELECTRIC
EXISTING WATER LINE

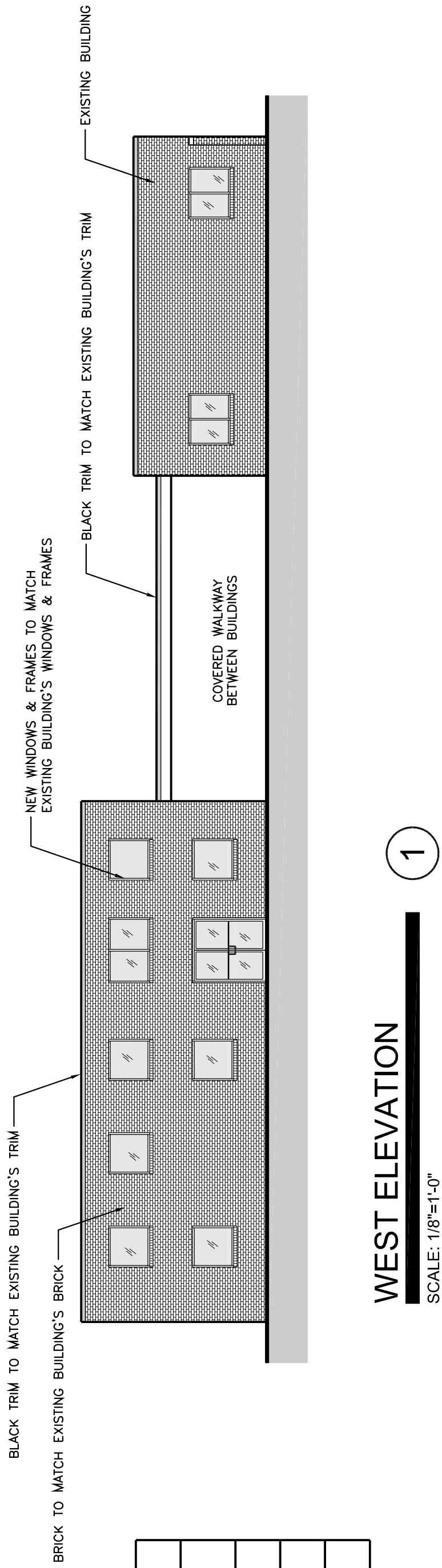


EXISTING
SITE PLAN
SCALE: 1"=20'-0"

PROPOSED
SITE PLAN
SCALE: 1"=20'-0"

SITE PLAN TAG NOTES

1	OLD STORAGE STRUCTURES WERE REMOVED WHERE SHOWN DASHED. TOTAL SQUARE FOOTAGE OF STRUCTURES WAS 7,380 SQ. FT.
2	NEW BUILDING IS A 1,000 SQ. FT. ART STUDIO - WOOD FRAMED STRUCTURE WITH CONCRETE FOUNDATION. CAD IN BRICK - SEE ELEVATIONS FOR FURTHER DETAIL.
3	EXISTING UTILITIES WILL NEED TO BE RE-ROUTED TO SERVE NEW BUILDING LOCATION ON PROPERTY.
4	6'-0" WIDE CANOPY OVER SIDEWALK BETWEEN BUILDINGS
5	NEW CONCRETE SURFACE BETWEEN THE TWO BUILDINGS.



WEST ELEVATION
SCALE: 1/8"=1'-0"

1

ATTACHMENT 5

EXHIBIT 2: NEIGHBORHOOD MEETING SUMMARY

1. Conditional Use Permit for: 1571 E. Cherokee
2. Meeting Date & Time: 4-5pm July 7, 2014
3. Meeting Location: 1571 E. Cherokee
4. Number of invitations that were sent: 165
5. How was the mailing list generated: by the City
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.)

One neighbor was concerned about an entrance off Fairway, the side street. Question re. amount of traffic. We told them there would be no side entrance & very little additional traffic. All complimented improvements made to the present building & site.

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

None received.

Sign in Sheet for Neighborhood Meeting of 1571 E. Cherokee Street

Name

Address

Zelma Larine Taylor 1614 E. Cherokee St. '04
Roye Castro 1612 E. Cherokee St '04 inreliefrox@gmail.com
Rose Doran 1602 E. Latoka Springfield Mo
Larry Schaumburg 1900 S Patricia Springfield, Mo
Claudia Bolen 2239 S. Kentwood Spfld, Mo.
James Kelley 1545 E Cherokee Spfld, Mo.
Scott Phillips 1955 S Fairway Spfld, Mo.

July 7, 2014

EXHIBIT 2: NEIGHBORHOOD MEETING SUMMARY

1. Conditional Use Permit for: 1571 E. Cherokee
2. Meeting Date & Time: 4-5 pm July 8, 2014
3. Meeting Location: 1571 E Cherokee
4. Number of invitations that were sent: 165
5. How was the mailing list generated: by the City
6. Number of neighbors in attendance (attach a sign-in sheet): 0
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.)

None

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

None

July 8

Sign in Sheet for Neighborhood Meeting of 1571 E. Cherokee Street

Name

Address

No attendees

ATTACHMENT 6

Addendum

A. State how the proposed conditional use will comply with the applicable standards in Subsection 3-3310 of the Zoning Ordinance.

1. Consistent with Adopted policies of the Springfield Comprehensive Plan. The adaptive use of a structure as an art studio and gallery will comply with the provisions of subsection 3-3310 as a permitted use as described in III-44, section (b), which permits:

- 6. Museums, art galleries and libraries; and
- 8. Professional and business offices.

2. No adverse affect on the safety of the public, as there are no additional curb cuts requested and traffic patterns will be unaltered.

3. The proposed use will comply with all standards of fire safety and recommendations for fire control.

4. As there will be far less impermeable surface area than with the sheds, the risk of flooding and water damage is lessened.

5. Noise will be consistent with the surrounding area. Only use is as an office and painting studio.

6. No additional lights will create glare and the property will be screened by a honeysuckle covered fence.

7. Lighting and signs will be appropriate to the site and location.

8. Signage will comply with the zoning code and not exceed any size specifications.

9. The street right of way and pavement width are adequate to traffic conditions and virtually no increase in traffic is anticipated. The studio will be occupied by only one person, if any, most of the time.

10. The studio will have no adverse affect on adjacent property, the enjoyment of such property, or the health and welfare of neighboring property owners.

11. The use will not have a height that exceeds its present height, and all other aspects of the property will remain the same. The fencing will be planted with honeysuckle on the west and north sides, which will create a complete barrier that will be aesthetically pleasing.

12. There will be no modification or interference with the natural topography of the site.

13. There are no natural, historic or scenic features that will be damaged or destroyed.

14. The proposed use complies with all applicable regulations of the Article.
15. The location, behind the present structure will, promote the convenience of the public.
16. There will be off-street parking as required. As indicated above, the present parking facility is more than adequate for the proposed use.
17. Adequate access to the property is provided and will have little if any impact on traffic congestion.
18. Vehicular circulation elements will have no adverse effect of any kind.
19. The use will not interfere with easements, roadways or right-of-ways.
20. All fire, health, plumbing and electrical requirements of the city will be met.
21. Roads and services are completely adequate for the site.

Additional information:

The use will be as an art studio and gallery for Meike Aton, a local artist and painter. The primary use of the facility will be as an art studio for Meike to paint. She is exhibiting and selling her art in Florida in the winter, and thus the facility will not be used throughout the year. A majority of the time, she will be the only person in the facility and there will be little if any impact on present parking. As such, the studio will not have regular opening hours, and if someone comes by, it will most likely be by appointment.

Signage and expansion of the floor space will comply with the provisions outlined in the zoning ordinance. The perimeter will be planted in the west and north sides with honeysuckle, which will provide a complete an aesthetically pleasing screen from adjacent properties.

B. State how the proposed conditional use is to be designed, arranged and operated in order to ensure that development and use of neighboring property in accordance with the applicable district regulations will not be prevented or made unlikely, and that the value, use and reasonable enjoyment of such property will not be impaired or adversely affected.

Adjacent properties benefit from removal of metal 12 foot high metal sheds that lined the entire west, north and south sides of the property. Adjacent properties also benefit from the removal of job trailers and heavy equipment and caterpillars that were maintained on the property. The addition will be professional and aesthetically attractive.

C. Identify any potentially adverse effects that may be associated with the proposed conditional use, and the means proposed by the applicant to avoid, minimize or mitigate such effects.

We do not believe there will be negative effects to the project.

EXPLANATION TO COUNCIL BILL NO. 2014-_____

FILED: _____

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To amend the Springfield Zoning Ordinance that would facilitate, for the benefit of the citizens of Springfield, use of existing or proposed street lighting structures or utility poles located in the rights-of-way or City or utility easements for cellular and wireless facility attachments.

BACKGROUND INFORMATION: The tower ordinance was drafted in the 1990s as a part of the City's overall telecommunications strategy to encourage authorized telephone companies to use existing structures such as buildings first and collocation on poles that were constructed for the purpose of wireless technologies. The telecommunication section of the zoning ordinance has not kept up to date with current wireless technology advances and was not written with public utilities in mind as potential attachment providers. The current ordinance focuses on a wireless provider locating on either a tower structure or other type of building structure owned and maintained by a separate entity. There is language in the telecommunication section of the zoning ordinance that relates to utility poles being used as antenna support structure, but the language is unclear. This proposal would allow wireless providers to attach to new or existing City or other Utilities' owned/maintained utility poles that are part of a utility system such as electrical distribution or street light structures in a safe and efficient manner. Any wireless provider that allows or attaches to a pole will still have to obtain authorization or approval to engage in the activity as a condition of using the City's rights-of-way. This will help to improve wireless coverage and capacity and reduce the need for tall multi-carrier towers, while mitigating impacts and maintaining safety for the traveling public on the rights-of-way and on easements.

The amendments will be presented to the Planning and Zoning Commission at a public hearing on July 31, 2014. The Planning and Zoning Commission recommendations and summary of any issues will be provided by a separate memo to the City Council prior to its vote on August 21, 2014.

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

Recommended by

Approved by:



Planning and Development

Greg Burris, City Manager

EXHIBITS:

Exhibit A, Proposed Amendments

Exhibit B, Computer Generated Photo

EXHIBIT A

TEXT AMENDMENT TO PERMIT UTILITY POLES TO BE USED AS ANTENNA SUPPORT STRUCTURES ON THE RIGHTS-OF-WAY AND UTILITY EASEMENTS.

1-1330. Utilities.

- A. **Utility Distribution Facilities.** Utility distribution facilities shall be exempt from the requirements of this Article except as follows:

3. Utility poles utilized for the support of electrical, telephone, cable television or other video services, street lighting, or other similar cables, and located within the rights-of-way or utility easements that serve as support structures for wireless telecommunications facilities. No attachment for wireless communications devices shall be attached on a pole closer than four hundred (400) feet from another pole attachment for wireless communications devices as measured along either side of the easement or rights-of-way. Such utility poles shall be placed in accordance with the following matrix based on the zoning classification in which the utility pole is located.

POLE HEIGHT

Zoning Classification	Easement ⁽¹⁾	ROW
Residential (R-SF, R-TH, R-LD, R-MD, R-HD, WC-2, WC-3 and R-MHC)	50 feet	60 feet
Office/Institutional (O-1, O-2 and GI)	70 feet	80 feet
Commercial (LB, GR, HC, CS, CC, WC-1, COM1 and COM2)	80 feet	90 feet
Industrial (RI, LI, GM, HM, and IC)	90 feet	100 feet
Planned Development (based on use)	Individual Case Basis	Individual Case Basis

(1.) Any easement utilized must adjoin rights-of-way.

4. Any equipment placed on the utility pole must be located at a sufficient height to meet any federal or state requirements or occupy no more than a twenty (20) square foot area on the ground adjacent to the pole and not occupy any sight restrictions for adjacent driveways, access points and rights-of-way.

5. Existing poles exceeding the matrix height criteria shall be considered conforming and may be replaced as needed with another pole of like size.

6. This Section 1-1330 shall not apply to wireless telecommunications facilities used for internal utility operations.

5-2604. **Definitions.** For the purposes of this Article, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The word "may" is directory and discretionary and not mandatory.

Q. **Tower** means a self-supporting lattice, guyed or monopole structure constructed from grade which supports wireless telecommunications facilities. The term "tower" shall not include amateur radio operators' equipment, as licensed by the Federal Communications Commission. The term "tower" does not include utility poles that are owned by a utility provider and are primarily utilized for the support of electrical, telephone, cable television, street lighting or other similar cables, or wireless telecommunications facilities, are located on public rights-of-ways or easements for that purpose and are a part of a system of such utility poles throughout the City of Springfield, Missouri, provided the requirements of Section 1-1330.3 are met.

